

Items for Consideration of Council

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Items for Consideration of Council

CONFIDENTIAL

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| <i>(i) prejudice the commercial position of the person who supplied it, or</i> | |
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| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed:</i> | |
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| <i>(ii) confer a commercial advantage on a competitor of the council, or</i> | |
| <i>(iii) reveal a trade secret</i> | 25 |

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Schedule of Outstanding Resolutions

18 DECEMBER 2002

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

28a. Surf Life Saving Services - Casuarina Beach

Surf Life Saving; Casuarina Development

604

Cr Youngblutt

Cr Davidson

RESOLVED that

3. The Director Development Services and Director Environment & Community Services in the long term considers and develops a policy in regard to the responsibility and obligations where a private developer proposes to pay for the provision of surf lifesaving services. This policy should also consider any necessary conditions of consent for future developments.

Current Status: Awaiting strategy report from NSW Surf Life Saving Association.

18 JUNE 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

9. Draft Development Control Plan No 16 - Subdivision Manual

GT1/DCP/16 Pt2; Subdivision Policy; Development Control Plan - DCP

511

Cr Boyd

Cr Youngblutt

RESOLVED that Council holds a workshop and inspections of sites in relation to Development Control Plan No. 16.

Current Status: Workshop to be organised.

Schedule of Outstanding Resolutions

16 JULY 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

13. **Amendment to Development Control Plan 39 - Energy Smart Homes**
DCP; Energy Efficient Housing; GT1/DCP/39 Pt1

619

Cr Boyd

Cr Marshall

RESOLVED that Council defers consideration and adoption of Development Control Plan No 39, Amendment No 1, for a period of three (3) months.

Current Status: Workshop scheduled for 24 September 2003 and a report to be prepared for October meeting.

QUESTION TIME

Brothels

Land & Environment Court; Brothels

Cr Luff

What dollar amount has been spent to date on Council defending matters in the Land and Environment Court in relation to applications for brothels?

The Acting Director Development Services advised that a report would be brought forward on the issue.

Current Status: Report to Council meeting October 2003

9 SEPTEMBER 2003

REPORTS FROM DIRECTOR ENGINEERING SERVICES

14. **Maintenance Limits - Glengarrie Road**
R2230; Glengarrie Road; Roads - Maintenance Program

758

Cr Boyd

Cr Carroll

RESOLVED that this item be deferred to allow the resident to address Community Access.

Current Status: Report to be prepared for Meeting on 15 October 2003.

Schedule of Outstanding Resolutions

REPORTS FROM COMMITTEES/WORKING GROUPS

2. **Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 17 July 2003**

Disability Access Committee

Business Arising:

8. **Regional Access Meeting**

Disability Access Committee; LN 19297; No. 27 Ewing Street

769

Cr Boyd

Cr Carroll

RESOLVED that Council requests a report be brought forward on conducting an "access" survey.

Current Status: Report to be prepared.

8. **Travel Funding for Committee Members**

Disability Access Committee; Budget

772

Cr Boyd

Cr Carroll

RESOLVED that a report be brought forward to Council in the impacts of the allocation of a proportion of funds from the Disability Access Budget.

Current Status: Report to be prepared.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Riversymposium

Riversymposium

4 September – Riversymposium Conference in Brisbane

2. Garden Competition

Garden Competition

5 September – judging for Mayor’s Trophy in Annual Shire Garden Competition

3. Northern Rivers Area Health

Hospitals General

5 September – Murwillumbah Health Student Placement Program at Murwillumbah Hospital, Guest Speaker, Ms Cherie Burton MP

4. Tweed Coast Outriggers

Councillors’ Invitations

6 September – co-hosted Show Biz Night for Tweed Coast Outriggers at Cudgen Surf Club

5. Shire’s Association

Shires Association

8 September with GM and Reg Norvill attended Joint Sub-Regional GM’s & Mayors’ Meeting at Ballina

6. Meals On Wheels

Meals On Wheels

8 September – attended Murwillumbah Meals on Wheels AGM

Mayoral Minute

7. Tweed Chamber of Commerce

Chamber of Commerce

9 September – attended Breakfast Meeting of Tweed Chamber of Commerce at Tweed Heads

8. Education Week

Education - General

9 September – attended Education Week Celebrations at Murwillumbah High School

9. Tweed Futures

Tweed Futures

9 September – launch of Tweed Futures promotion at Lindisfarne School

10. TEDC

TEDC

12 September – TEDC Board Meeting (postponed from 29 August)

11. Tweed Coast Radio

Councillors' Invitations

12 September – Official Opening of Tweed Coast Radio Centre Twin Towns

12. Twin Towns & District Garden Club

Councillors' Invitations

13 September – Twin Towns Flower Show at Tweed Civic Centre

13. Tweed Day Surgery

Councillors' Invitations

13 September – officiate at Open Eye Day at Tweed Day Surgery Tweed Heads.

14. Tweed Border Hockey Association

Sport & Recreation - General

13 September – Official Opening & Naming Ceremony of “Ken (KB) Baldwin Stand” at Barrie Smith Hockey Centre Murwillumbah

Mayoral Minute

15. Australian Winter Swimming Championships

Sport & Recreation - General

14 September – opening of 28th Fuji film Australian Winter Swimming Championships at Club Banora hosted by Tweed Heads Aquaducks

16. Tweed Media & Marketing Club

Councillors' Invitations

16 September – Tweed Media & Marketing Club Luncheon at Kingscliff

17. Tweed Shire Garden Competition

Garden Competition

16 September – Garden Competition Presentation Evening at Murwillumbah

18. Citizenship Ceremony

Citizenship Ceremony

17 September – Citizenship Ceremony (National Citizenship Day) at Tweed Heads

INVITATIONS ACCEPTED:

- 18 September – NOROC meeting at Casino
 - 19 September - FLOT Club Lunch at Coolangatta
 - 20/21 September – Speed On Tweed
 - 22 September – U18 Qld Women's State Hockey Championships at Murwillumbah
 - 23 September- NOROC Meeting at Grafton
 - 25 September – Lindisfarne Year 12 Graduation Formal – Surfers Paradise
 - 26 September – TEDC Board Meeting Murwillumbah
 - 26 September – Murwillumbah High Year 12 Graduation Ceremony – Murwillumbah
 - 27 September – Tweed Soccer Grand Finals at Tumbulgum
-

Mayoral Minute

INFORMATION ON CONFERENCES TO BE HELD – Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require any further details:

- **4-7 November** 2003 NSW Coastal Conference “Surging Ahead” at Port Macquarie
 - **28-31 October** 2003 NSW Divisional Conference of Planning Institute of Australia at Thredbo.
-

ABSENCES FROM SHIRE BY EXECUTIVE, MANAGERS AND COUNCILLORS

| Name | Period | Location | Details |
|------|--|----------|---|
| DDS | 23 September 2003 | Penrith | Regulation Review Seminar |
| DDS | 18 September 2003 to 19 September 2003 | Sydney | Planning Institute of Australia/Ministerial Taskforce |

Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/51 Pt1; LEP/2000/51; LN 34265

REPORT TITLE:

Reclassification of Lot 3, DP 842350, 104 Rosewood Avenue, Bogangar from Community Land to Operational Land

SUMMARY OF REPORT:

At its meeting of Wednesday, 20 August 2003 Council resolved to reclassify Lot 3, DP 842350, Rosewood Avenue, Bogangar from Community Land to Operational Land.

The purpose of this report is to ensure the correct legislative administrative procedures are observed and that Council's resolution is consistent with the Environmental Planning and Assessment Act 1979 and Local Government Act 1993 provisions.

RECOMMENDATION:

That Council:

1. Advises the Director-General of the Department of Infrastructure, Planning and Natural Resources that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Section 28 of the Local Government Act 1993, it intends to prepare a draft Local Environmental Plan Amendment to reclassify Lot 3, DP 842350, 104 Rosewood Avenue, Bogangar from Community Land to Operational Land;
2. Exhibits the draft Local Environmental Plan in accordance with the Department's "LEPs and Council Land – Guidelines for Council's using delegated powers to prepare LEPs including Land that is or was previously owned or controlled by Council".
3. Requests the Director-General of the Department of Infrastructure, Planning and Natural Resources to waive the requirement for a Local Environmental Study given the minor nature of this subject Local Environmental Plan amendment.

Reports from Director Development Services

REPORT:

At its Ordinary meeting of Wednesday, 20 August 2003 Council resolved the following in relation to Lot 3, DP 842350, Rosewood Avenue, Bogangar:

- “1. *The further development of a concept for a multi-level car park on the southern lot, particularly addressing issues of visual amenity and legal access to the Tweed Coast Road.*
2. *The commencement of a process to reclassify the northern lot to operational land.*
3. *Seeking professional advice on the highest and best use for the northern lot as an integral part of the Cabarita Beach Bogangar Development Control Plan process”.*

The purpose of this report is to ensure the correct legislative administrative procedures are observed and that Council’s resolution is consistent with the Environmental Planning and Assessment Act 1979 and Local Government Act 1993 provisions.

Reports from Director Development Services

2. ORIGIN: Development Assessment Unit

FILE REF: DA03/0667 Pt1; LN 19637

REPORT TITLE:

Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a development application for a self-storage facility on a Residential 2(a) parcel of land. The development is currently prohibited under Tweed Local Environmental Plan 2000. In accordance with Section 72J of the Environmental Planning and Assessment Act, 1979 the Applicant is seeking an amendment to *Tweed Local Environmental Plan 2000* to facilitate the development by inclusion of the nominated land-use into Schedule 3 i.e. a site-specific permissible use.

The matter was reported to Council's ordinary meeting of 18 June 2003 raising concern that the development, as then proposed, had the potential to adversely impact upon neighbouring residences and would be generally uncharacteristic and visually obtrusive three-storey development in the locality. It was recommended that the proposed self-storage facility should be no greater than single-storey in height. The Council resolution of 18 June read:

“RESOLVED that this item be deferred to allow the applicant to discuss the development application with Council planners.”

Subsequent to consultation between the Applicant and Council's Development Assessment Unit on 26 June 2003 amended plans have now been submitted. The amendments reflect the negotiation at the meeting but still raises issues about functionality, impact on neighbouring properties and having a high wall on the boundary with the local park.

RECOMMENDATION:

That Council: -

1. Supports the proposed development in its amended form and resolves to prepare a draft Tweed Local Environmental Plan 2000, to include Lot 6 DP 10297, Kennedy Drive, Tweed Heads into Schedule 3 to enable development for the purposes of a self-storage facility.
2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act, 1979 informs PlanningNSW of Council's intention to prepare a draft Local Environmental Plan.
3. Advises the Director General of PlanningNSW that in Council's opinion a Local Environmental Study is not considered required in this instance.
4. Advises the applicant that in initiating the draft Local Environmental Plan amendment, support is not, at this stage, given to the development application plans.

Reports from Director Development Services

REPORT:

Applicant: Whale Auto Wash Pty Ltd

Owner: Dabav Pty Ltd

Location: Lot 6 DP 10297, No. 111 Kennedy Drive Tweed Heads

Zoning: 2(a) Low Density Residential

Cost: \$1,200,000.00

BACKGROUND

Council is in receipt of a development application made in accordance with Division 4B of the *Environmental Planning and Assessment Act, 1979* comprising a proposed and presently prohibited development and a facilitating *Tweed Local Environmental Plan 2000* amendment.

The matter was reported to Council's ordinary meeting of 18 June 2003 raising concern that the development, as then proposed, had the potential to adversely impact upon neighbouring residences and would have adversely contributed to the locality through the provision of a generally uncharacteristic and visually obtrusive three-storey development. It was recommended that the proposed self-storage facility should be no greater than single-storey in height. The Council resolution of 18 June read:

“RESOLVED that this item be deferred to allow the applicant to discuss the development application with Council planners.”

Subsequent to consultation between the Applicant and Council's Development Assessment Unit on 26 June 2003 amended plans have now been submitted. The amendments reflect the negotiation at the meeting

This report relates to the development as amended.

The subject land is known as Lot 6 DP 10297 Kennedy Drive, Tweed Heads West. The site has an area of approximately 4255m² and has a frontage to Kennedy Drive of approximately 38m. The front (southern) portion of the site contains an approved 24-hour carwash facility. The rear portion, which is proposed to support the new development, is presently vacant.

The land adjoins a public reserve on the western and northern (rear) boundaries, which serves a passive public recreation function. A service station (fronting Kennedy Drive and Ducat Street) adjoins the south-south eastern (front) portion whilst the predominant portion of the eastern boundary adjoins residential dwellings, including dual occupancy, which front Ducat Street. The site is located between the Tweed Bypass off-ramp and Ducat Street. The Tweed Heads CBD is approximately three (3) kilometres to the northeast by road.

The proposed development comprises the erection of a predominantly two-storey self-storage facility with a three-storey component comprising a managers residence. The development consists of the following principle elements:-

1. Filling of the land to Tweed Council's adopted design flood level of RL 2.65m AHD from the current ranging natural site level of 1-2m AHD;

Reports from Director Development Services

2. The construction of a part two and three-storey storage building comprising:-
 - 107 storage units, office / reception and W.C. area on the ground floor,
 - 244 storage units on the first floor,
 - a manager's residence on the second floor,
3. The provision of five (5) designated car parking spaces;
4. A building constructed of pre-cast concrete tilt up wall panels on the boundary elevations with colourbond walls and roller doors forming the remainder. The roof is proposed as colourbond roof sheeting;
5. Erection of the development in two-stages, and
6. Modification of the existing traffic island on the Kennedy Drive entrance to accommodate large rigid vehicles. Access to the complex would be via the existing carwash, which benefits from a shared right of carriageway over the neighbouring service station off Kennedy Drive.

The total floor area of the proposed facility, including undercover driveway and unloading areas, is 3959.8m².

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

PLANNING CONTROLS

The land is zoned 2(a) Low Density Residential under the Tweed LEP 2000. Storage units are a prohibited land-use in the zone. The Statement of Environmental Effects submits that appropriate planning justification for an amendment to the Tweed LEP exists, to enable the proposed development to be carried out on the land. Accordingly the Applicant has made provision in the development application, pursuant to Section 72J of Division 4B of the *Environmental Planning and Assessment Act, 1979* for the re-zoning (Schedule 3 amendment) and paid the \$2,200 processing fee in addition to the general application fees.

LEP AMENDMENT

To enable the erection of a self-storage facility over the subject land Council can amend the Tweed LEP by either:

1. Amend the land-use zoning from Residential 2(a) to another zoning, i.e. Industrial 4(a), or
2. Include the subject land in Schedule 3 (Development of Specific Sites) of the Tweed LEP, facilitating an exemption from the Residential 2(a) zoning table for the specifically nominated land-use.

Option 1 is not a preferred option because it would permit a far broader application of the land and could provide for undesirable land-use intensification. Option 2, which is sought by the Applicant, would limit development beyond the zoning provisions to that specifically nominated, and which is the preferred option.

The Applicant provides the following justification for the proposed rezoning:

- *The subject site already contains a commercial development (ie. car wash facility) and its development for residential purposes is limited by access and amenity constraints (ie. traffic and aircraft noise). The development of the land for a commercial enterprise (which does not rely on a town centre, industrial or road frontage site) represents an economic use of available land.*
- *Development issues have been assessed in Section 5.0 of this Statement. An analysis of these issues indicate that the site is suitable for the proposed use.*
- *The zoning of the land would remain 2(a) Low Density Residential which would prohibit other, perhaps less compatible, commercial developments on the site.*
- *The proposed amendment would be consistent with existing policies, the North Coast REP 1988 and the Tweed Shire 2000+ Strategic Plan.*”

The site is unique by its circumstance in that by virtue of its proximity to the Pacific Highway it is not, despite its Residential 2(a) land-use zoning, suitable for residential development. In addition, the lands suitability for development generally, is constrained by potential impacts upon adjoining

Reports from Director Development Services

residences and its ingress / egress off a busy intersection. In this regard, the proposed land-use per-se appears to be a reasonable design response to the further development of the land.

Unlike the initial development design the amended design is considered not to be an over-development of the land. Critical to the development of the land is the impacts upon the locality in terms of visual amenity and traffic impact, and more specifically the impact upon neighbouring residential development. In this regard, it is contended that the redesigned development proposal will not be as visually prominent from the local road network and will fundamentally retain the existing character and amenity of the area.

In light of the above and having regard to the Residential 2(a) zoning of the land, the proposed development, as amended, is considered justified.

NORTH COAST REGIONAL ENVIRONMENTAL PLAN

The proposal is consistent with both the plan preparation and development control provisions of the NCREP 1988. The relevant clauses are discussed below:

Clause 15 - Development control - wetlands or fishery habitats

The site is not adjacent to a waterway. However, consideration needs to be given to the quality of water leaving the site and its impact on waterways. Management measures during both the construction and operational phase of the development are proposed to ensure that the proposal complies with the provisions of the Tweed Urban Stormwater Quality Management Plan. This is to be assessed by Council's Infrastructure Engineer.

Clause 32A - Plan preparation - coastal lands

This clause applies to land to which the NSW Coastal Policy applies. It requires that a draft LEP shall include provisions which are consistent with the Coastal Policy and it also contains requirements in respect of development in coastal protection zones and on dunes, beaches and headlands.

The proposal and any future Tweed LEP amendment will be consistent with the provisions of this clause.

Clause 32B - Development control - coastal lands

This clause applies to land covered by the NSW Coastal Policy 1997 and the North Coast Design Guidelines.

The North Coast Design Guidelines contains general principles concerning the location of development, particularly in relation to development on headlands and ridges, foreshores, wetlands, rainforests, inland waterways and hilly country. The proposal is consistent with the locational criteria in this document. The remainder of the document primarily concerns itself with residential and tourist development, which is not applicable to this proposal.

Reports from Director Development Services

Clause 39 - Plan preparation - retail, commercial or business activities

This clause requires that a draft LEP for the establishment of significant retail, commercial or business development is to meet certain locational criteria. The proposal does not constitute "significant" commercial development, and therefore this clause does not apply.

Clause 45A - Plan preparation - flood liable land

The proposal does not seek to 'rezone' the land in a colloquial sense but rather amend the prohibited development schedule through a specific land-use inclusion in Schedule 3 of the Tweed LEP. Under the current zoning and Council policies the land would have to be filled to 2.65m AHD to enable residential development. The proposal seeks to comply with the requirement notwithstanding that it is not a necessary requirement when carrying out commercial development. Therefore, in terms of flooding considerations, the proposal does not result in the intensification of development per se, i.e. the amount of proposed land filling is the same as that which would ordinarily have to occur.

The proposal is consistent with the provision of this clause.

Clause 47 - Plan preparation and development control - principles for commercial and industrial development

The clause requires that before preparing a draft LEP relating to commercial or industrial development, the Council should take into account a number of principles. These principles relate to the maintenance of strong multi-functional town centres, incorporation of flexible provisions in the LEP to enable the development of light service industry near the CBD, and the adequate supply of industrial zoned land.

The proposed rezoning is a facilitating amendment only that seeks to permit the orderly and economic development of a heavily constrained residential allotment. The nature of the proposed development is not considered likely to have a detrimental impact upon existing industrial/commercial or town centre areas nor will act as a catalyst for further development. In this regard, the proposal is consistent with these principles. It is noted that the development, as amended, will satisfactorily maintain existing local amenity.

NSW COASTAL POLICY 1997

The subject land is affected by the NSW Coastal Policy. The Policy is essentially a strategic management document that sets out *directions to be taken by local and state government in the planning and management of the coast .. (it) is underpinned by a number of principles which are designed to guide decision making and to clarify the basic philosophy of the goals.*

The Policy is required to be given effect, where necessary, through specific planning instruments. This application does not raise any inconsistencies in respect of those provisions.

Reports from Director Development Services

STATE ENVIRONMENTAL PLANNING POLICY No.71 – COASTAL PROTECTION

The site is within the coastal zone and therefore the provisions of the Policy apply. When preparing a draft local environmental plan and determining a development application, the Council as consent authority must take into consideration the matters outlined in Part 2 of the Policy. With respect to those matters of relevance the Applicant provides:

- “• *the site is well removed from natural waterways,*
- *the proposal does not generate the need to provide any new public access to, or along, the foreshore,*
- *the development would not be visible from the foreshore,*
- *the site is not affected by coastal processes,*
- *the development would not adversely impact on flora and fauna, and*
- *there are no known heritage items on, or within close proximity of, the site.”*

With respect to the matters in Part 4 of the Policy, it is commented that:

- *The proposal would not affect the right of access of the public to or along the foreshore.*
- *Effluent would be disposed of by a reticulated system.*
- *The development would not discharge untreated stormwater to the sea or creek.*

It is contended that the proposal is consistent with the aims of the Policy, this view is concurred with.

LAND CONTAMINATION

The Applicant has advised, based upon investigation of a series of historical aerial and topographical maps, that the site is not contaminated. Whilst a preliminary investigation of Council's files supports this view, Council's Environment and Health Services Unit is yet to carryout full investigation and interpretation of submitted documentation.

ACID SULFATE SOILS

The land is identified as Class 3 on Council's Acid Sulfate Soil Planning Map. There are no works proposed beyond 1 metre below the natural ground surface. Therefore, in accordance with the provisions of this clause, further investigation for the presence of acid sulfate soils is not required. However, the engineering investigation of the site indicates that field investigation for the occurrence of acid sulfate soils is warranted. Accordingly, the Applicant has provided an Acid Sulfate Soil Management Plan for assessment.

Reports from Director Development Services

DESIGNATED ROADS

Kennedy Drive is a designated road and the proposed development seeks to utilise the existing car wash access to this road. Clause 22 of the Tweed LEP provides that Council may grant development consent if it is satisfied of certain matters relating to traffic safety and efficiency, traffic noise and scenic quality. Council's Traffic Engineer has assessed the existing traffic capacity as satisfactory. Ingress and egress appears on preliminary assessment to be satisfactory but remains subject to full assessment.

DEVELOPMENT IMPACTS – NOISE: AMENITY: OVERSHADOWING

The self-storage facility is proposed to operate seven days a week, 24hrs a day. The application is accompanied by an acoustic report and it is advised by the applicant that additional supporting information is being prepared. The impact of the proposal upon the neighbouring residences is to be assessed by Council's Environment and Health Service Unit. Preliminary assessment of the proposal indicates noise impacts are likely to be minimal. Overshadowing of neighbouring properties and Council's open space land will occur and is subject to full assessment. During the meeting of 26 June 2003 the Applicant was advised that some minor landscaping may be required on Council's reserve to assist in minimising the loss of amenity resulting from the development being constructed on the boundary, should it be required. The Applicant indicated a willingness to comply in this regard.

CONCLUSION

Having regard to matters raised in this report the erection of the proposed facility is considered to be reasonable in the circumstances of the case. As Tweed LEP 2000 does not have provision to enable the approval of the facility it is necessary that the subject land be included in Schedule 3 of the LEP in order for the proposal to proceed.

In addition to the above Council is requested to seek the dispensation of the Director General of Planning NSW for the necessity to prepare a Local Environmental Study having regard to the circumstances of this case and in light of the existing environmental characteristics of the subject land and its locality.

On balance the proposed facilitating LEP amendment and dispensation of a Local Environmental Study is considered satisfactory.

OPTIONS

Having regard to the issues raised in this report it is considered that the most appropriate response to the proposal is contained in the options provided below.

1. (i). Council support the proposed development in its amended form and resolve to prepare a draft Tweed Local Environmental Plan 2000, to include Lot 6 DP 10297, Kennedy Drive, Tweed Heads into Schedule 3 to enable development for the purposes of a self-storage facility, and

Reports from Director Development Services

- (ii) Pursuant to Section 54(4) of the Environmental Planning and Assessment Act, 1979 inform PlanningNSW of Council's intention to prepare a draft Local Environmental Plan, and
 - (iii) Advise the Director General of PlanningNSW that in Council's opinion a Local Environmental Study is not considered required, in this instance, or
2. Resolve not to support the proposed rezoning to facilitate a self-storage facility over Lot 6 DP 10297, Kennedy Drive, Tweed Heads.
-

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA03/0922 Pt1; LN 22470

REPORT TITLE:

Development Application DA03/0922 for a 228 Berth Marina, Construction of Carpark, Installation of a 35000 Litre Capacity Fuel Tank & Underground Piping to Connect the Fuel Tank to Previously Approved Re-fuelling Jetty within Tweed River at Lot 121 DP 755701, No. 50 Chinderah Bay Drive, Chinderah

SUMMARY OF REPORT:

The purpose of this report is to advise Council of the concerns regarding the proposed marina. The Minister for Infrastructure Planning and Natural Resources is the consent authority for the development. The matters identified in the report should be referred to PlanningNSW for information and for consideration when assessing the application. It is concluded that the Development Application should not be supported by Council.

RECOMMENDATION:

That: -

1. The Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW be advised that on the basis of the information available to Council the marina proposal should not be supported.
2. Council delegates to the General Manager to forward a submission to the Minister for Infrastructure Planning and Natural Resources and the Director-General of PlanningNSW based on the section of this report headed "Draft Submission on Key Issues and additional information to be forwarded to the Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW", and that they be requested to give serious consideration to the matters raised in assessing the application.

Reports from Director Development Services

REPORT:

Applicant: Geographe Point Pty Ltd

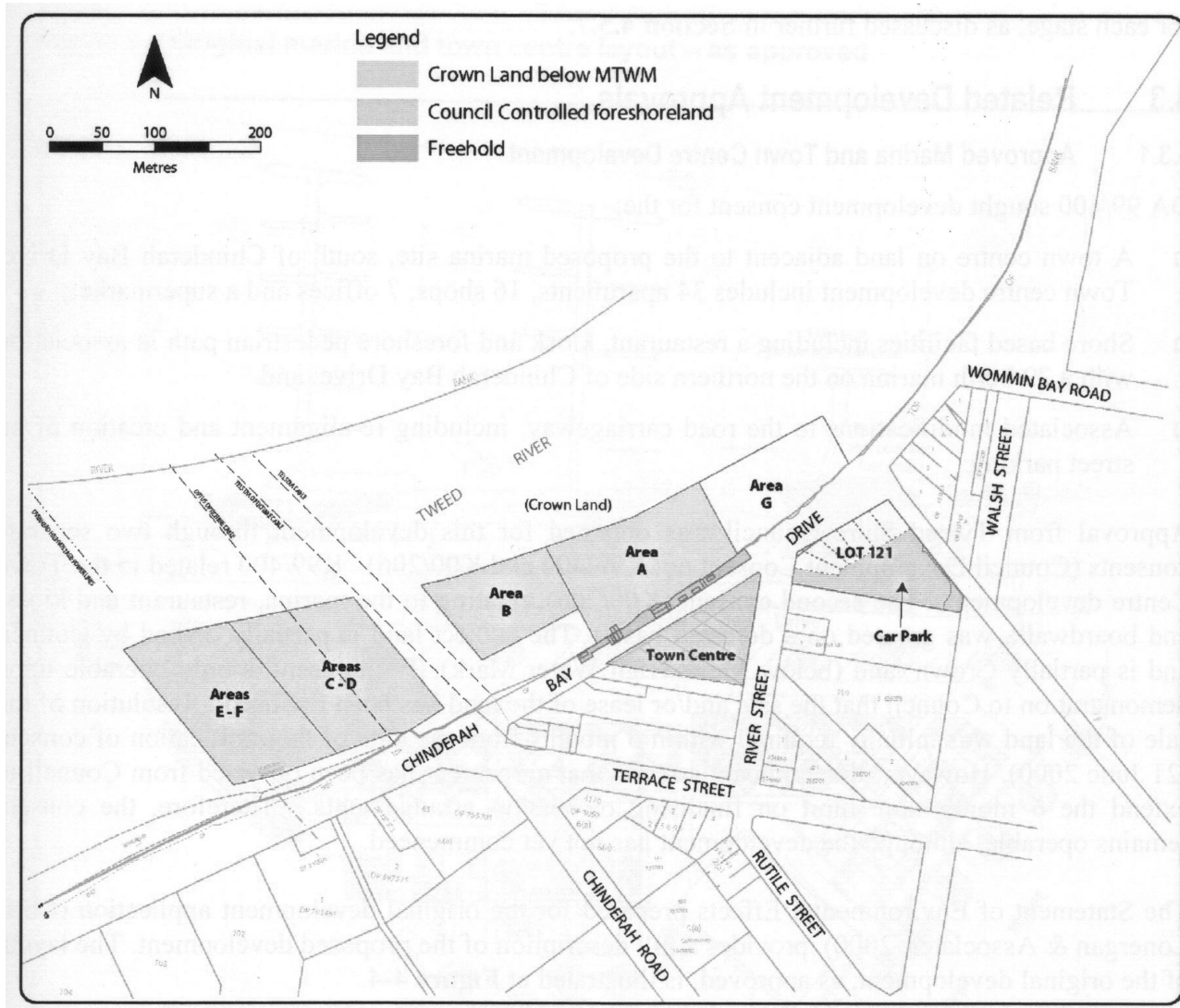
Owner: Rivercolt Pty Ltd and Geographe Point Pty Ltd

Location: Lot 121 DP 755701, No. 50 Chinderah Bay Drive Chinderah

Zoning: 2(a) Low Density Residential, 6(a) Open Space and unzoned land

Cost: \$3,080,000

SITE DIAGRAM



Reports from Director Development Services

BACKGROUND

The purpose of this report is to advise Council of matters to be raised with PlanningNSW and the key areas of concern regarding the proposal.

Related applications

There are currently two other development applications lodged with Council that are related to the marina proposal. The applications are as follows-

DA03/777 for an eight lot subdivision and road closure at Chinderah Bay Drive, Chinderah.

STATUS

The purpose of this application is to facilitate the previously approved 29 berth marina (DA K00/206) and commercial/tourist facility (DA K99/400) on Chinderah Bay Drive opposite the marina. Council is currently awaiting information from the applicant regarding wording of the accompanying section 88B instrument.

The consent for the 29 berth marina includes shore based facilities for a kiosk, administration office, toilets and picnic shelters. The consent for the commercial/tourist facility includes a supermarket, shops, offices, a restaurant, carparking and tourist accommodation units located on the upper levels.

DA03/1038 for a seven lot subdivision, carpark and fuel tank at Lot 121 DP 755701, No.50 Chinderah Bay Drive, Chinderah. It should be noted that the applicant has verbally advised that the carpark and fuel tank component will be deleted from the proposal as they are proposed as part of the marina application. At the time of writing written notification had not been received.

Minimal assessment of this application has taken place as SEPP-71 Coastal Protection requires a master plan to be prepared prior to consideration of the development application. The master plan is currently under consideration by PlanningNSW.

Current marina proposal

Whilst the application has been lodged for a 228 berth marina it is considered that the proposal is for a 257 berth marina. The applicants are discounting the approved 29 berths however the current proposal reconfigures these berths in the submitted plans. If the application were to be approved it would also be approving the reconfiguration of the approved berths. A section 96 application has not been lodged to modify the 29 berth marina approval. This matter has been raised with PlanningNSW and they are seeking advice from their legal department.

The current proposal is for a 257 berth marina, 130 space carpark, above ground fuel tank, subsurface fuel line and on street carparking. The proposal is designated development and is accompanied by an Environmental Impact Statement (EIS).

A site plan showing the layout of the marina is attached.

The consent authority for the application is the Minister for Infrastructure and Planning as the application is listed as significant coastal development under the provisions of SEPP-71 and is therefore classified as state significant development.

Whilst Council is not the consent authority for the application Council is an approval authority. The application is an integrated application as the proposal includes works within the road reserve which

Reports from Director Development Services

require an approval under section 138 of the Roads Act. Additional information has been requested prior to further consideration of the roadworks and related issues. At the time of writing a response had not been received.

The application is required to be considered by the Local Traffic Committee and is scheduled for the September meeting.

Draft Submission on Key issues and additional information to be forwarded to the Minister for Infrastructure, Planning and Natural Resources and the Director-General of PlanningNSW (as shown in italics).

Key Issues

Scale of Marina

The Lower Tweed Boating Strategy (January 1997) identified the need for a marina with full facilities in the Lower Tweed River and that 200 wet berths and 100 dry berths are required. The proposal is for 258 wet berths, no dry berths and is relying on the previous 29 berth approval for the land based facilities.

It is considered that inadequate justification has been provided for the size of the marina in this location. It should be noted that PlanningNSW consider this to be a key issue and are discussing this issue with the applicant.

The proponent has identified the need for additional marina berths in the Tweed which accords with the Lower Tweed Boating study. A comparison with the ratio of marina berths available on the Gold Coast has been used for justification of the proposal. The wet berth ratio on the Gold Coast is one berth for every 212 persons. The ratio in the Tweed including the proposal is 1 for every 261 persons. Using total population numbers in the ratio can give an indication of berthing availability however using the number of boat owners compared to marina berths would also be a useful analysis.

The proponent argues that there is a low vacancy rate on the Gold Coast which indicates a regional demand.

The proponent states that the proposal would not be economically viable if the marina was reduced in size.

Whilst it is agreed that additional marina facilities are required in the area it is considered that the size of the proposal is too large for this particular location.

A marina facility of this size should be accompanied by a variety of ancillary services including boat maintenance, servicing, repairs etc. The proposal does not include any of these facilities due to the limited suitable area available for such activities. It should also be noted that the proposed marina and the approved commercial/tourist development on the opposite side of Chinderah Bay Drive are independent and there is no guarantee that they will be developed simultaneously.

It is considered that a marina facility of a smaller scale linked to a land based commercial/retail/tourist centre with ancillary marina facilities would be more appropriate in this location.

Reports from Director Development Services

River intrusion

Whilst a clear plan has not been provided it is estimated that the marina lease area at its furthest point extends 200 metres into the River. The River at this point is approximately 370 metres wide. The length of the marina extends for approximately 500 metres along Chinderah Bay Drive.

It is considered that the area of the river that the marina is proposing to use is excessive and it will affect other users of the River including recreational and commercial users. The size of the marina also creates an unacceptable visual impact. The scenic quality of this locality is high and the extent of the proposal is likely to reduce the scenic quality of this locality.

Access to the River will and foreshore will be restricted due to the excessive length of the marina.

It is considered that that the marina should be reduced in size to minimise the impact on the use of the river and to improve the visual appearance of the development in a scenic location.

Car Parking

The proposal includes a 130 space carpark at No. 50 Chinderah Bay Drive and 12 short term parking bays on Chinderah Bay Drive adjacent to the marina. The carpark site is zoned residential and adjoins an existing residential area. The issues relating to the adjoining dwelling are discussed below. The proposed carpark is relatively remote from a large portion of the marina with patrons required to walk up to 500m from the berthing entrances to the carpark. It is likely that cars will park along Chinderah Bay Road rather than in the designated carpark. It has been discussed with the proponent to consider reducing the size of the carpark and constructing carparking along Chinderah Bay Drive particularly adjacent to the southern part of the marina. If this was proposed the application would be required to be amended and re-exhibited.

Issues that would arise from additional on street carparking include further alienation of the foreshore from general use, safety and access to existing properties.

It should be noted that there has not been any commitments made in this regard from Council Officers and it was raised due to the impact of the proposed carpark and the likelihood of on street parking occurring due to the distance between the carpark and the marina.

The suitability of Chinderah Bay Drive being used for on street parking depends upon road design issues and may only be ascertained when the additional information that has been requested has been assessed.

In relation to the 7 lot subdivision it should be noted that the subject land is zoned 2(a) Low Density Residential and in accordance with DCP5 – Development of Flood Liable Land, Clause 4.3 does allow with consent subdivision to existing roads only with a minimum seventeen (17) metre frontage. Filling to the appropriate level of the centre line of the adjacent road is also permitted for drainage purposes only. Notwithstanding this there are still significant merit issues that need to be resolved in relation to this application and these include impacts on flora and fauna and amenity of future residents if the car parking and fuel tank are approved on the lot.

Amenity of adjoining dwelling

The proposed carpark adjoins a dwelling which is likely to be significantly impacted upon by the carpark and the proposed fuel tank. The carpark entrance is adjacent to the dwelling. It is

Reports from Director Development Services

considered that the activities generated by the 130 space carpark including traffic movements, noise, truck manoeuvring, fuel deliveries, lights are discordant with the adjoining dwelling.

Inadequate measures have been proposed to mitigate the impact of the carpark and the fuel tank on the adjoining dwelling.

Proposed Residential Subdivision

This proposed subdivision also raises the issue of the bet uses of river foreshore land if there is to be a major marina development with all of the related tourist and economic spin-offs. A plan is needed for Chinderah to respond to this potential.

Bank Stabilisation

Council's Waterways and Coast Coordinator has advised the following regarding erosion and bank stabilisation-

Issues relating to the Tweed River Estuary Bank Management Plan, November 1998.

Site 52 in the plan is Chinderah Foreshore. This has been afforded a Very High Priority (only site in Tweed Estuary to be given this priority).

The EIS refers several times to this site and the need for urgent works to be undertaken. The RTA and Tweed River Committee (TRC) jointly funded the most urgent section of works required to ensure safety of the road asset. Full revetment of the section of bank from Wommin Bay Road to commencement of the foreshore park downstream was completed in 2001 at a cost of about \$600,000.

The Tweed River Committee has works currently programmed further downstream to address erosion of the foreshore park adjacent to the boat ramp. This is estimated to cost in the order of \$250,000.

It has always been the intention of the Tweed River Committee and Council (and verbally agreed to with the original marina proponents), that the section of riverbank adjacent to the marina development would be stabilised as part of the development.

The type of erosion along the proposed marina foreshore is generally fretting of the intertidal riverbank caused by tidal action, wind and boat waves. This requires relatively minor revetment and supplementary measures such as reestablishment of riparian vegetation.

The revetment and/or other stabilisation works should extend downstream to the start of revetment completed by RTA and TRC and as far upstream past the end finger wharf as is deemed necessary by Council and DIPNR.

If the application is to be approved a condition should be imposed that requires bank protection and foreshore stabilisation works be carried out in accordance with the Tweed Estuary Bank Management Plan.

Acid Sulfate Soil

The EIS acknowledges that the site is ASS class 1 and highly likely to disturb ASS. The EIS states that soil testing and a management plan will be undertaken when works commence. This is contrary to the Tweed Local Environmental Plan which requires assessment of soils and preparation of a management plan prior to granting consent.

Reports from Director Development Services

Water quality/ Vessel Maintenance

Part 5.3.3 of the EIS notes that 'no boat lifting facilities, maintenance yards, workshops or dry storage would be provided'. However, Part 4.2 of the EIS states that the previous approval included 'boat hull cleaning and inspection services'.

The previous consent K00/206 for the marina was issued on the basis of advice from the applicant that there would be no form of maintenance on vessels (including blasting, sanding, grinding, high pressure cleaning or painting). Should this have been proposed then an EPA license was required for the facility. As a consequence the following specific conditions were recommended to be applied:

- No external painting, anti-fouling, re-fitting or sanding of vessels shall be conducted at the marina.*
- No motor repairs, oil changes or refuelling, other than fuel dispensing at the designated refuelling jetty, shall be conducted at the marina.*
- Vessels shall not be lifted from the water or lowered into the water (slipway or hoist) at the marina.*

Multiple references are made to anti-fouling products and their 'potential negative impacts on water quality'. Appendix E specifically notes that existing Cu levels in Tweed River waters exceed ANZECC recommended levels for marine systems. Append. E Part 4.1 also notes the possible introduction of Cu at the rate of 0.91 ug/L from the marina development. It suggests that water quality will be monitored on a long term basis.

This approach is not supported. Current Cu levels exceed ANZECC recommendations. The marina has the potential to introduce additional Cu which 'could potentially be a risk to aquatic ecosystems'. It is suggested that hull cleaning and the application of anti-fouling product not be permissible at the facility, which is consistent with the original approval. This should be put to the applicant.

If the applicant wishes to pursue approval for such activities a water quality monitoring program should be undertaken now to demonstrate that current Cu levels support such activities. Also, specific details are required of the proposed hull cleaning activities and measures proposed to prevent impacts on the Tweed River.

The Interim Water Quality Values and Objectives adopted in October 2000 by Council as outlined in the Tweed River and Catchment Interim Water Quality Management Plan should be used – not EPA guidelines.

The mitigation measures are considered insufficient to address vessel discharges.

- There are not sufficient pump-out facilities for all boats.*
- Of particular concern is "live-aboard" boats - these need to have access to sewage pump-out facilities without motoring to another site (or very tight controls to ensure they do utilise facilities provided).*

Reports from Director Development Services

- *A swipe card system on the sewage pump out facility is desirable so a record can be kept of those boats using (or not using) facility and frequency of use.*

In summary it is considered that the proposed marina is too large for this location and it's size will generate unacceptable impacts on the Tweed River and the adjacent foreshore areas. If Council was the consent authority for the application the matters identified in this report would be raised with the proponent.

Additional Information Required

Whilst Council is not the consent authority it is considered appropriate that Council request PlanningNSW to require additional information to enable a thorough assessment of the application. It is likely that PlanningNSW will request Council to provide draft conditions if the application is to be approved. Additional information is required to enable formulation of conditions when requested by PlanningNSW.

The following is a summary of the additional information that should be requested-

Water Quality

The matters raised in the above section regarding water quality and vessel maintenance should be raised with PlanningNSW.

Fauna

Impact on seabird and migratory wader birds from increased boating activity in the lower estuary. Potential impact and mitigation measures on endangered species of wader birds have not been addressed sufficiently. It should be noted that PlanningNSW have requested additional information regarding threatened species.

Bank stability

Details on how the proponent intends to address bank stability.

Heritage Style Public Wharf

It was a resolution of the Tweed River Committee at its 23 October 2002 meeting that the proponents of the Chinderah Marina be asked to consider incorporating a Heritage-style Public Wharf within the proposed marina development to provide a river link with the Heritage Wharf constructed at Murwillumbah and the proposed Heritage Wharf at Tumbulgum.

The proponents should be asked if they would consider heritage style public wharf as part of the marina.

Foreshore access/walkways

Details regarding foreshore access should be provided including accurate plans.

Foreshore Landscaping

Plans are required to demonstrate retention and enhancement of existing vegetation.

Dredging

An overlay illustrating the location of the current dredging licence on the proposed marina is required.

Reports from Director Development Services

Sea Grass

Plans identifying the location of sea grass should be provided and details of any management required.

Waste storage Areas

Details of an identified and screened area for bulk bins or wheelie bins.

Access to public toilets

Details demonstrating the access to public toilets.

Fuel/sewer structures

Details of the proposed construction of the fuel and sewer structures in relation to flood levels and management details to prevent damage to infrastructure during floods.

Management of Hazardous materials

Details regarding management of hazardous material during floods.

Noise

A range of issues regarding hours of operation and the criteria used for the noise report is to be requested.

Public access

Details regarding public access to areas of the marina are to be clarified.

Carpark operation

Details regarding how the carpark is to be operated should be supplied ie. Public access or just boat owners?

Flood management

Details regarding management during flood events should be provided particularly regarding debris.

Staging/infrastructure provision

Additional details regarding staging in relation to the carpark and other infrastructure should be provided.

Roads/access

Council has already requested additional information regarding roadworks and access.

In conclusion Council considers that the issues discussed above warrant serious consideration by the Minister and Planning NSW. Council emphasises that the marina is too large for this location and a variety of issues require further information and assessment.

Contamination

As part of the site was previously a service station, a contamination report should be obtained to determine if there are any adverse impacts upon the site.

Reports from Director Development Services

Submissions

At the time of writing twenty-seven submissions had been received by PlanningNSW with four in support and twenty-three objecting to the proposal.

PlanningNSW is the consent authority accordingly Council is not required to assess the submissions. The issues raised in the submissions range from environmental concerns relating to the impact on the Tweed River to access to the foreshore and the River.

The main points raised in the submissions are summarised below-

- Size of the marina
- Area of river to be taken up by the marina
- Water quality
- River access
- Flooding issues
- Erosion/bank stability

Included in the submissions are objections from various groups from within the area. The groups are listed below with a summary of the points raised-

Kingscliff Ratepayers and Progress Association

- Over development
- Blocking of the River passage
- Water quality-sewerage, oil etc.
- Noise and lights disturbing residents
- Flooding-effect on emergency services
- Proposal will prevent smaller marinas therefore reducing competition

Chinderah Districts Residents Association

- Loss of access to the River and foreshore
- Traffic

NSW Cane Growers' Association Tweed River Branch

- Marina structure will catch debris which will divert water to the northern banks at Oxley Cove and cause higher flood levels upstream.
- Higher water levels will affect cane land back to Murwillumbah.
- Blocking of river flows is unacceptable.
- Development should be located in a backwater

Tweed Heads Environment Group

- Various issues relating to water quality and River health

Reports from Director Development Services

Tweed District Residents & Ratepayers Association

- Water quality issues
- Reduced river access
- Support for original 29 berth marina

Banora Point Residents Association

- Loss of a large part of the River to the general public

Many of the matters raised in the submissions are generally agreed with and it is considered that the areas of concern are linked to the size of the marina. Some of the submissions indicated that a smaller facility would be acceptable.

PlanningNSW is required to have regard for the issues raised in the submissions.

OPTIONS

1. Council could confine its assessment to the official function related to the Section 138 application. However, it is considered that a response to PlanningNSW regarding all matters associated with the proposal is appropriate given the issues associated with the marina.
2. Provide PlanningNSW with Council's concerns and suggestions for additional information to enable a thorough assessment of the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

There are no legal implications regarding this matter.

It should be noted that Council receives a \$250 fee to process the Section 138 terms and conditions. Council does not receive any other fees for assessment of the application.

CONCLUSION

It is considered that the proposal is too large for this location. The information supplied with the application does not cover the relevant issues in enough detail, however, on the basis of this information the application should not be supported. PlanningNSW should also be advised of the concerns raised in this report.

Reports from Director Development Services

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Reports from Director Development Services

4. ORIGIN: Development Assessment Unit

FILE REF: DA4917/235 Pt12; LN 44101

REPORT TITLE:

Council Seal for the Transfer of Land under Development Consent 0651/2001DA for the Establishment of a Residential Subdivision (111 Lots - Stage 3) at Lot 903 DP 1017345 Cudgera Avenue, Pottsville

SUMMARY OF REPORT:

In accordance with the Condition 51 of the development consent issued for Stage 3 of the Koala Beach Estate, the applicant seeks Council endorsement to transfer Lot 367, Sewerage Pumping Station to Council in fee simple.

RECOMMENDATION:

That :

1. The requirement to transfer in fee simple Lot 367 in DP 1052082 in Stage 3 of the Koala Beach Estate to Tweed Shire Council be endorsed and executed under the Common Seal of Council.
2. Council classifies Lot 367 in DP 1052082 as "operational" land.

Reports from Director Development Services

REPORT:

BACKGROUND

In supporting the development application for the construction of an 111 lot subdivision being Stage 3 of the Koala Beach Estate the developer was required to construct a Sewerage Pumping Station (SPS) to service the proposed subdivision including future stages. Condition 51 of the development consent required the developer to transfer to Council in fee simple the site of the SPS. Condition 51 being:-

- “51 i. The site of the sewerage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.*
- ii. An accurate plan of the sewerage pumping station shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.”*

Part (ii) of the condition had previously been addressed by the applicant in accordance with the condition of consent.

The construction of the sewerage pumping station is now complete and application for Subdivision Certificate approved by Council Officers on 24 April 2003.

PROPOSAL

The applicant seeks execution of the transfer documents under Common Seal of Council and return to allow registration.

A copy of the transfer document and registered plan of subdivision is provided below.. The original documentation will be available at the Council meeting.

It is also recommended that Lot 367 in DP 1052082 be classified as "operational" land.

Reports from Director Development Services

Form: 01T
 Release: 2.1
 www.lpi.nsw.gov.au

TRANSFER


New South Wales
 Real Property Act 1900

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PRIVACY NOTE: this information is legally required and will become part of the public record

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| (C) TRANSFEROR | Eastlink Projects Pty Ltd ACN 070 548 257 | | | | | | | |
| (D) CONSIDERATION | The transferor acknowledges receipt of the consideration of \$ 0.00 and as regards | | | | | | | |
| (E) ESTATE | the land specified above transfers to the transferee an estate in fee simple | | | | | | | |
| (F) SHARE TRANSFERRED | | | | | | | | |
| (G) | Encumbrances (if applicable): | | | | | | | |
| (H) TRANSFEREE | Tweed Shire Council | | | | | | | |
| (I) | TENANCY: | | | | | | | |
| (J) DATE | | | | | | | | |

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness: 
 Name of witness: LESLEY DAWN GOULD
 Address of witness: A JUSTICE OF THE PEACE
 24 KOOKABURRA CT
 SORRENTO QLD

Certified correct for the purposes of the Real Property Act 1900 by the transferor.

Signature of transferor: 
 Attorney's name: Bradley James Scale
 Signing on behalf of Eastlink Projects Pty Ltd
 Power of Attorney Book: 4316
 No: 277

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness:
 Name of witness:
 Address of witness:

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

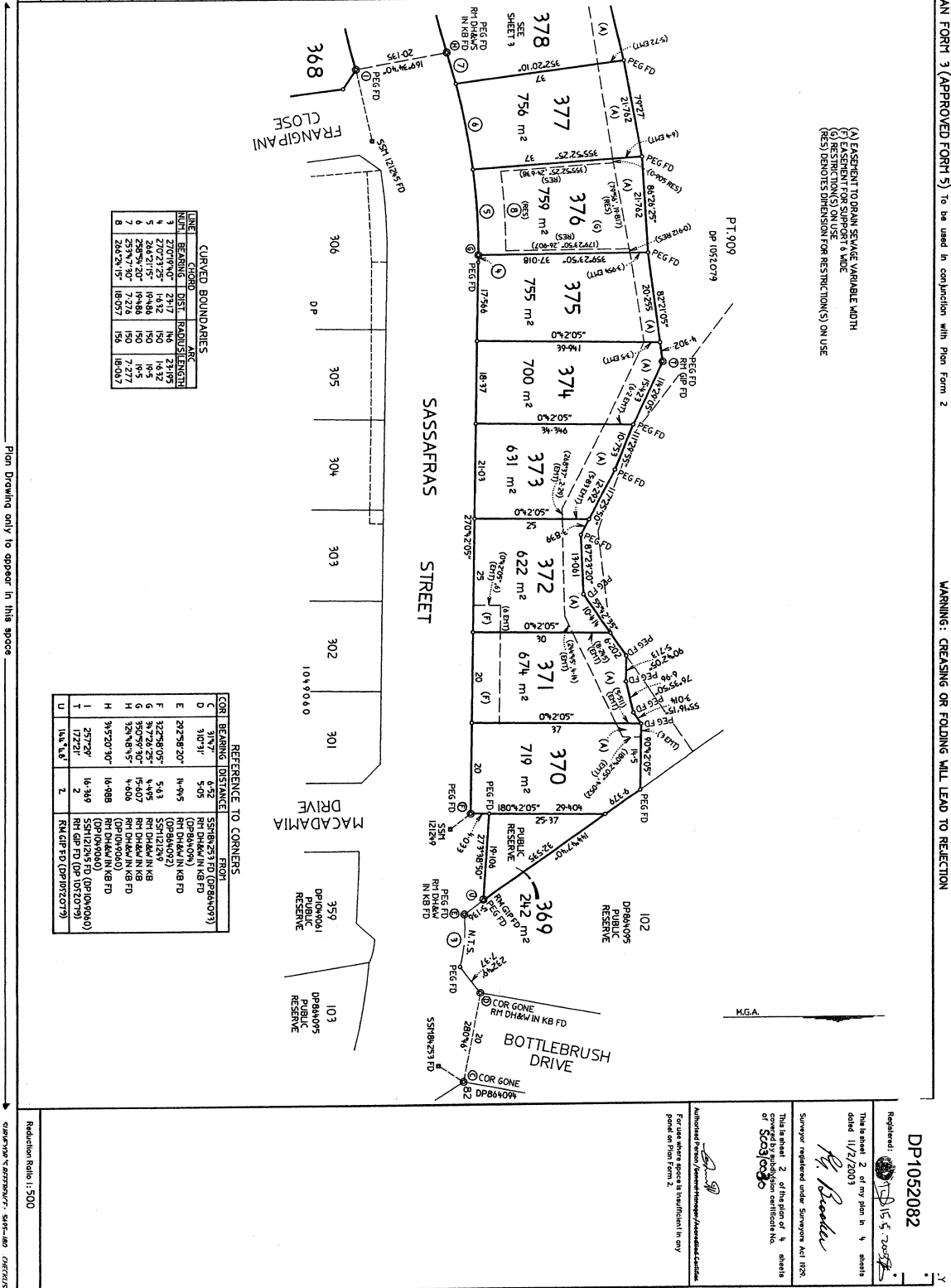
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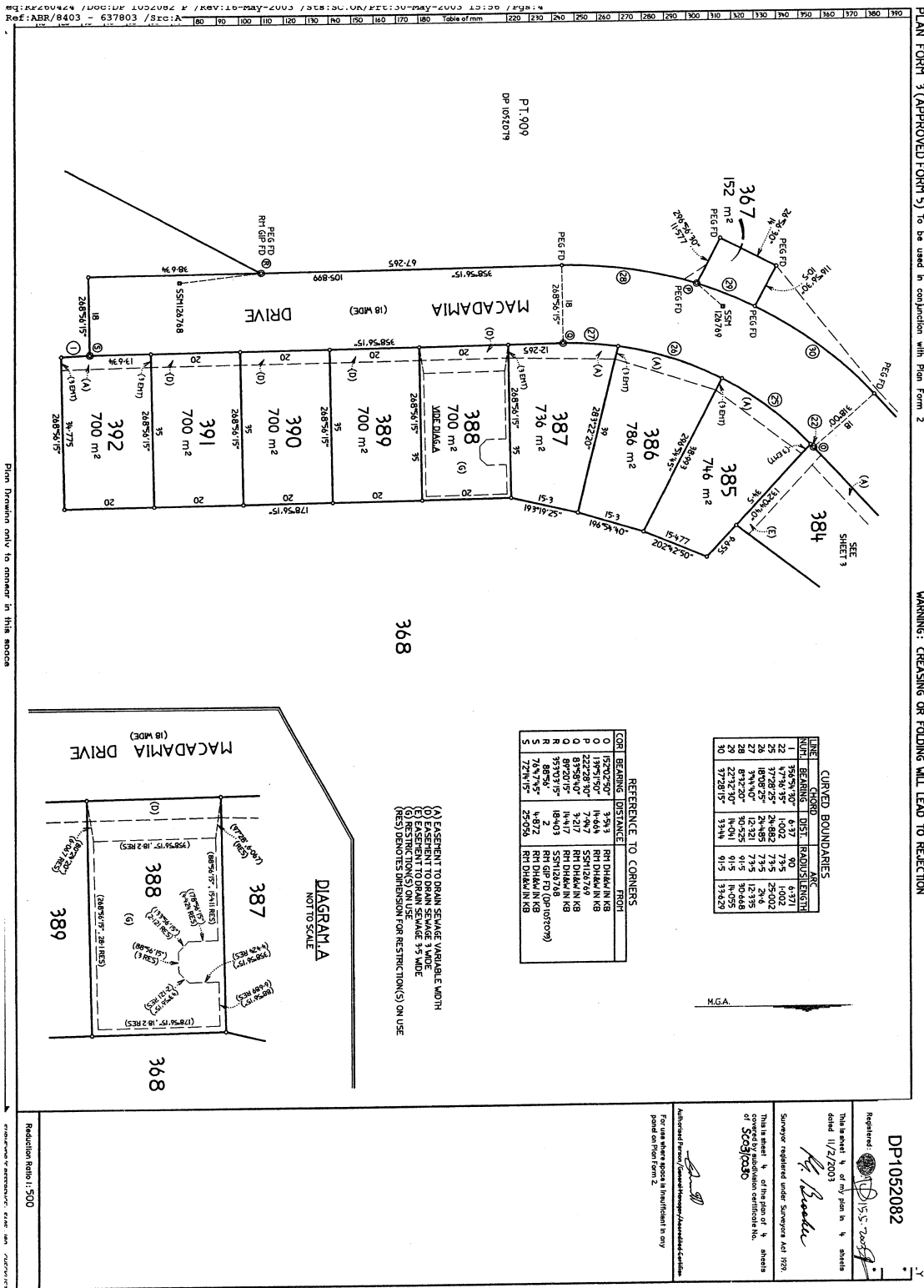
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Reports from Director Development Services

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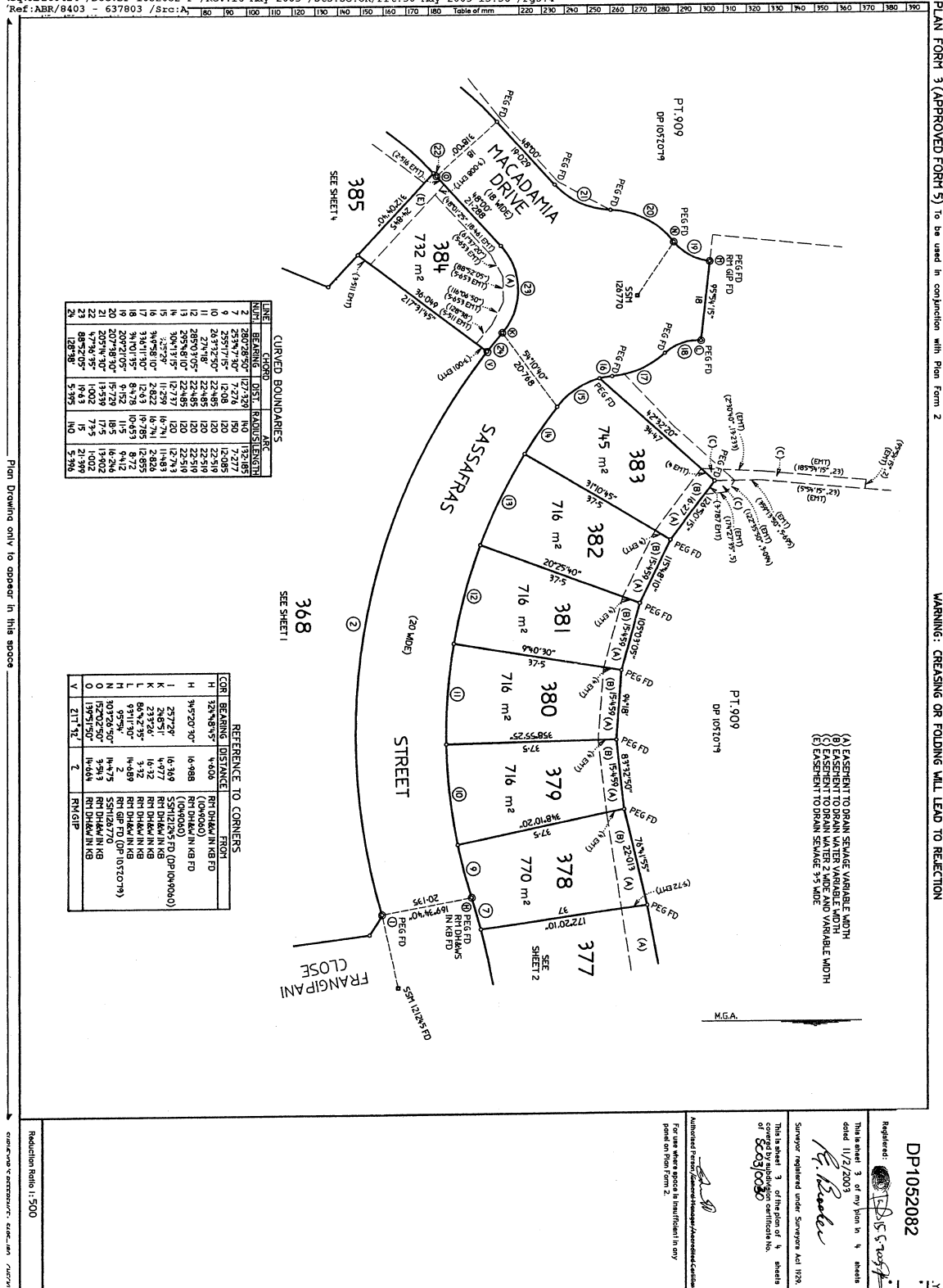


Reports from Director Development Services



Reports from Director Development Services

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PLAN FORM 3 (APPROVED FORM 5) to be used in conjunction with Plan Form 2
 WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
 (A) EASEMENT TO GRASS SQUARE VARIABLE WIDTH
 (B) EASEMENT TO DRAIN WATER VARIABLE WIDTH
 (C) EASEMENT TO DRAIN WATER 2 WIDE AND VARIABLE WIDTH
 (D) EASEMENT TO DRAIN SEWAGE 3.5 WIDE
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Reports from Director Development Services

5. ORIGIN: Development Assessment Unit

FILE REF: DA02/0447 Pt1; LN 40488

REPORT TITLE:

S82A Review for Development Application DA02/0447.01 for a Two Lot Residential Subdivision at Lot 2 DP 872747, Terranora Road, Terranora

SUMMARY OF REPORT:

Council is in receipt of a S82A Review requesting Council to review its determination of the S96 Application DA02/0447.01.

The S96 Application related to a two lot residential subdivision and specifically requested an amendment to condition 12 (relating to headwork charges) and the deletion of condition 7 (relating to a right of carriage way). The S96 application was determined by granting the requested amendment to condition 12 relating to headworks charges, as it was determined that the applicants argument for a dispensation was appropriate, however, the applicants request to remove condition 7 was denied based on the requirements contained with DCP 16 – Subdivision Manual.

This S82A Review requests that Council review its determination of the S96 Application by subsequently deleting condition number 7. It is recommended that the development proposal should comply with the provisions of DCP 16 – Subdivision Manual and hence condition 7 should be retained.

Consequently the determination of the S96 Application should be upheld and the S82A Review should be refused.

RECOMMENDATION:

That the determination of the S96 Application be upheld and the S82A Review of Development Application DA02/0447.01 for a two lot residential subdivision at Lot 2 DP 872747, Terranora Road, Terranora be refused for the following reason:

1. Deletion of condition 7 would be contrary to Development Control Plan No. 16 – Subdivision Manual.

Reports from Director Development Services

REPORT:

Applicant: McLauchlan Surveying Pty Ltd
Owner: Mr ID Fraser and Mrs JD Fraser
Location: Lot 2 DP 872747, Terranora Road, Terranora
Zoning: Rural Living 1(c)
Cost: Nil

BACKGROUND

Lot 2 was originally created by subdivision in 1997 as stage one of development consent S92/18 (amended 8 October 1997). Stage 1 of the proposed 11-lot subdivision created 3 lots, therefore creating Lot 2 DP 872747.

Council originally received DA02/0447 in March 2002. It sought consent for a two-lot residential subdivision of Lot 2 DP 872747. The subject site had a total lot size of 8100m² and was capable of accommodating two separate residential dwellings, with the proposed lots sizes being 4000m² and 4100m². However a condition of consent was required to ensure sewer was connected prior to the release of the linen plan.

The original application was determined under delegated authority subject to thirty-eight conditions of consent, including conditions of consent for headworks charges, and a condition of consent ensuring adequate right of carriage ways were provided.

In March 2003 the applicant sought consent to undertake an amendment to Development Consent DA02/0447 to amend condition 12 relating to headwork charges and delete condition 7 relating to a right of carriage way. The S96 application was determined by granting the requested amendment to condition 12 relating to headworks charges, as it was determined that the applicants argument for a dispensation was appropriate, however, the applicants request to remove condition 7 was denied.

Condition 7 originally read as follows:

7. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. *Extension of the existing right of carriageway width from 4.5 metres to a width of 5.5 metres for the full length of the right of carriageway (i.e. to the end of lot 2 DP872747). Structural Engineering Details are required to be submitted for the widening of the existing right of carriageway.*

[PCC0180]

During the assessment of the S96 Application it was determined necessary to amend condition 7 to better reflect the current driveway width of 3.6m not 4.5m therefore an amended condition 7 was imposed which reads as follows:

7. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Extension of the existing right of carriageway width from 3.6 metres to a width of 4.5 metres for the full length of the right of carriageway with passing bays as required by the Director Development Services (i.e. to the end of lot 2 DP872747). Structural Engineering Details are required to be submitted for the widening of the existing right of carriageway.

Reports from Director Development Services

This S82A Review now requests that Council review its determination with respect to condition 7.

SITE DIAGRAM



Reports from Director Development Services

ASSESSMENT HAVING REGARD TO SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The S96 Application was accompanied with the following justification for the proposed amendment to condition 7

“a) Widening of existing driveway within right of carriage way

The reciprocal access was formed per approved plans prepared by Martin Findlater and Associates for work within GS4/92/18. The design width was adhered to, and required parking bays constructed.

To make the current subdivision comply in respect to the number of users, the cadastral design and associated Sec. 88B Instrument with the plans for stage 2 of the GS4/92/18 approval, specifically removed any right of usage of the subject right of carriage way originally intended to benefit lot 4 in the now registered DP 1047760. This effectively retains the situation in regard to the access as previously approved.”

Whilst the proposed modification was considered to be substantially the same development as that approved for the purposes of S96, the deletion of condition 7 was not consistent with the provisions contained within DCP 16 – Subdivision Manual.

Council’s Development Engineer provided the following comments in terms of the appropriateness of the proposed deletion of condition 7:

“Following a review of my preceding advice dated 6th May 2003 for S96 application DA02/0447.01; it is recommended that condition 7 regarding widening of the existing driveway within the right of carriageway remain the same.

My previous advice on the right of carriageway is as follows;

No variations to condition 7. The number of lots is still 6 lots utilising the right of carriageway. This is not in accordance with DCP 16, which is based on a maximum of 5 lots. The requirement was relaxed at the original DA stage for the 2 lot subdivision, requested by the applicant.

The S96 application makes reference to Lot 4 not utilising the right of carriageway, in the registered 88B instrument. Lots 5, 6, 9, 10 and proposed lots 1 & 2 (2 lot subdivision of lot 2 DP872747) still equates to 6 lots. Therefore it is recommended that this condition remain the same.

Subdivision Manual DCP 16 – Section 14.3.5, specifies the following for Driveways & Access Urban & Rural Residential

| | |
|-----------------------------------|---|
| <i>3 – 5 benefited properties</i> | <i>150mm concrete pavement, 4.5 metres wide with controlled drainage and provision of passing bays.</i> |
|-----------------------------------|---|

Therefore within the provisions of DCP 16, it is recommended that no changes occur to Condition 7.”

Therefore, in accordance with the determination of the S96, it is not considered appropriate to delete condition 7.

Reports from Director Development Services

Subsequently the determination of the S96 Application should be upheld and the S82A Review should be refused, as the deletion of condition 7 would be contrary to Development Control Plan No. 16 – Subdivision Manual.

OPTIONS

1. Uphold the determination of the S96 Application and subsequently refuse the S82A Review;
2. Approve the S82A Review and subsequently amend DA02/0447.01 by deleting condition 7.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with the decision they have a right of appeal to the Land & Environment Court.

CONCLUSION

A review of the S96 Application has been undertaken by both Council' Development Engineer and Council's Development Assessment Officer. The applicant has failed to provide any additional justification for varying from the numerical criteria contained within DCP 16. To ensure that the integrity of the provisions contained within DCP 16 – Subdivision Manual are upheld, condition 7 should be retained on the consent.

Reports from Director Development Services

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Reports from Director Development Services

6. ORIGIN: Development Assessment Unit

FILE REF: DA02/1408 Pt1; LN 2157

REPORT TITLE:

Review of Determination on Development Application DA02/1408 for Alterations & Additions to an Existing Housing Development at Lot 16 DP 21680, No. 21 Moss Street, Kingscliff

SUMMARY OF REPORT:

Council refused the subject development application at its meeting of 18th December 2002. Following the refusal the applicant sought remedy in the NSW Land and Environment Court. In considering whether to defend the Appeal Council resolved on 2nd July 2003 that the item be deferred to allow negotiations between Council and the applicants.

The result of the negotiations were reported to Council on 20th August 2003 with Council resolving:

That the applicant be requested to lodge with Council a Review of Determination Application in relation to the refusal notice dated 20th December 2002 for Development Application DA02/1408 for alterations and additions to an existing housing development at Lot 16 DP 21680, No.21 Moss Street Kingscliff and that such application be accompanied by plans as presented to Council in the meeting of 25th July 2003.

The applicant has submitted with Council the request for a Review of Determination. This report has been prepared reviewing the reasons for refusal and provides Council with conditions in the event that Council resolves to determine the application by way of approval.

RECOMMENDATION:

That :-

1. The applicant be requested to vary the plans lodged with review of determination under section 82A of the Environmental Planning and Assessment Act 1979 to exclude the roof deck.
2. Following the receipt of the amended plans excluding the roof deck a further report be provided to Council for its determination but in the event that the applicant does not do this within 21 days, Council continues to defend the appeal in the Land and Environment Court.

Reports from Director Development Services

REPORT:

Applicant: Mr N Pahoff and Mrs S Pahoff
Owner: The Owners Strata Plan 31991
Location: Lot 16 DP 21680, No. 21 Moss Street Kingscliff
Zoning: 2(b) Medium Density residential
Cost: \$197,000.00

BACKGROUND

Council considered an assessment report on 18th December 2002 for the proposed alterations and additions to an existing multi dwelling housing development that is accessed off Hungerford Lane Kingscliff. The proposal was for additional floor area for unit No.3, alterations and additions to the complex foyer and entry to the unit below.

The alterations and additions relied on the use of State Environmental Planning Policy No.1 – Development Standards in relation to the height limitation over the site. Council determined to refuse the application on 18th December 2002 for the following reasons for refusal:

1. The proposed development is not in accordance with the objectives of the zone under the Tweed Local Environmental Plan 2000 as the proposal does not achieve good urban design outcome.
2. The proposed development and its use of State Environmental Planning Policy No.1 – Development Standards is not considered appropriate and it has not been satisfactorily demonstrated that the two (2) storey height limit is unreasonable and unnecessary in this particular case.
3. The proposed development is not in accordance with the objectives for the precinct under Development Control Plan No. 43 – Kingscliff in that it does not respect the slope of the land.
4. The proposed development is not in accordance with the building ‘Types’ for the site as provided under Development Control Plan No. 43 – Kingscliff in that it does not step down the site and therefore maintaining a two storey height.
5. The bulk and scale of the proposed development is inappropriate for the locality.
6. The proposed development will set an undesirable precedent and is not in the public interest.

The applicant has submitted an application for a review under 82A of the Environmental Planning and Assessment Act 1979. The plans submitted with the review of determination include changes these being:

- New Driveway from Hungerford Lane providing access to a new double garage providing a further two car parking spaces on site.
- External improvements to the building including the rendering of the brickwork and replacement of anodised hand rails with glass balustrades.

Reports from Director Development Services

- Lowering of the proposed new roof over the proposed extension to reduce visibility from Hungerford Lane.
- Pathway between the new garage and the new entry to enable disabled access.
- Lower unit balconies have been extended by 1200mm.

ASSESSMENT HAVING REGARD TO SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed modified plans are considered to be an improvement on the external appearance of the development. The changes do not extend to the deletion of the proposed roof deck and as such it is considered that the changes do not adequately address the reasons for refusal as the bulk and scale of the proposed development is still considered to be inappropriate for the locality.

OPTIONS

1. Uphold the refusal of the proposed development and defend the Appeal lodged in the NSW Land and Environment Court.
2. Resolve to use the Assumed Concurrence of the Director-General of the Department of Infrastructure Planning and Natural Resources to approve the proposed development in accordance with plans lodged at Council on 2/9/2003 accompanying the Section 82A review in accordance with the conditions contained in this report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

While Council has resolved that the applicant lodge this Section 82A review under the Environmental Planning and Assessment Act 1979, the Class 1 Appeal has not been vacated and as such depending on Council's consideration of this report the matter may still be adjudicated by the court.

CONCLUSION

The plans lodged with Council for the review under Section 82A of the Environmental Planning and Assessment Act 1979 were in accordance with those provided to Council in the meeting of 25th July 2003. Comments in relation to these plans were detailed in a report to Council dated 20th August 2003, that concluded that the applicant should be requested to remove the roof deck and lodge the review of determination application.

However Council's resolution was for the plans including the roof deck to be lodged with an application for review of the determination. As stated in the report to Council dated 20th August 2003 it was concluded that the applicant should be asked to remove the roof deck. As the plans still contain the roof deck it is concluded that the proposal should not be supported.

In the event that Council is of the view that the proposed plans should be approved the following schedule of conditions is provided.

CONDITIONS FOR THE PROPOSED DEVELOPMENT

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans SK07b, SK08a, SK09b and SK10 dated July 2003 prepared by Craig Hope, except where varied by these conditions.

Reports from Director Development Services

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of ***owner-builder work*** in Section 29 of that Act,

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

Reports from Director Development Services

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

PRIOR TO COMMENCEMENT OF WORK

5. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
6. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

DURING CONSTRUCTION

7. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
8. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
9. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
10. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. completion of work
11. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
12. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

Reports from Director Development Services

13. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
14. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
15. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
16. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
17. Area below the spa is to be graded, drained and ventilated.
18. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
19. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number

Reports from Director Development Services

- Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
20. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
 21. The floor separating the Unit 3 additions from the existing Units 1 and 2 shall have a minimum RFL of 90/90/90 in accordance with Specification C1.1 of the Building Code of Australia.
 22. A smoke detection and alarm system complying with Part E2.2a of the Building Code of Australia Volume 1 is to be installed to each sole occupancy unit.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

23. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
24. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

Reports from Director Development Services

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Reports from Corporate Services

7. **ORIGIN:** Director

FILE REF: Budget

REPORT TITLE:

Budget Review 30 June 2003 - Carry Over Works

SUMMARY OF REPORT:

The 2002/2003 Annual Financial Statements are currently being prepared and are due to be audited in September 2003. This report has identified programs/works that were not completed in 2002/03 and therefore need to be carried over into the 2003/04 Financial Year and approved by Council.

RECOMMENDATION:

That the:

1. Quarterly Budget Review as at 30 June 2003 be adopted.
2. Expenditure as detailed before be “voted” by Council in the 2003/04 Budget year.

Reports from Corporate Services

REPORT:

BUDGET REVIEW 30 JUNE 2003

The following Financial Statement is submitted in accordance with the Local Government Act 1993, Financial Management Regulations. It shows details of works projects not completed in 2002/03 and that these need to be carried over to the 2003/04 budget year for completion. These carryover works are required to be approved by Council. The works/projects were originally approved to be operated in 2002/03.

PROJECTS

| Corporate Services | \$ |
|---|----------------------------|
| Village Program | 68,037.00 |
| HR support | 9,300.00 |
| Minute Manager Software Implementation | 45,000.00 |
| Asset Management Software Implementation | 80,000.00 |
| IT Leasing (due 03/04) | 30,000.00 |
| GIS – Support & Software | 100,000.00 |
| Storage - State Records Act | 40,000.00 |
| Records Disposal Over 18 Months - State Records Act | 110,000.00 |
| Civic liaison | 30,000.00 |
| QCS - Community Survey | 70,000.00 |
| Risk Management - Signage | 50,000.00 |
| Risk Management - Support | 30,000.00 |
| Members Equipment - Councillors | 13,300.00 |
| | <u>\$675,637.00</u> |

| Environment and Community Services | \$ |
|--|------------------|
| Public Halls | 13,700.00 |
| Historical signage | 15,000.00 |
| Cabarita SLSC - demolition | 11,252.00 |
| Cultural Development Fund (City of the Arts) | 13,198.00 |
| Anti Drug Campaign | 45,300.00 |
| Building - Legal | 15,000.00 |
| Building - Salaries {not committed} | 54,000.00 |
| Building - Additional income {not committed} | 61,000.00 |
| Building - Backflow "Pipe" | |
| Building - Licence / Inspectors | 20,000.00 |
| Septic Tank Enhancement | 2,600.00 |
| Krekelberg Environment Park (3223) | 7,000.00 |
| Pottsville Environment Park (3106) | 30,000.00 |
| Casuarina Park - Maintenance | 24,774.00 |
| Bilambil - Balance of maintenance | 8,073.00 |
| South Tweed Heads - Sports fields | 50,000.00 |
| Fingal Boardwalk (3003) | 20,709.00 |
| Stokers Siding Toilets | 20,000.00 |
| Art Gallery - Operations | <u>16,050.00</u> |

Reports from Corporate Services

| | |
|---|----------------------------------|
| | <u>\$ 427,656.00</u> |
| Engineering Services | \$ |
| Queen Street fence (A3692) | 200,000.00 |
| North Arm Road (A5608) | 190,000.00 |
| Tourist signage | 30,000.00 |
| Pedestrian facilities (plus grant 9.5K) | 9,500.00 |
| Canal Maintenance (A5760) | 25,983.00 |
| Boyd's Bay Jetty removal | 39,167.00 |
| Plant Purchases | 784,000.00 |
| Foreshore | 6,102.00 |
| TOTAL | <u>\$1,284,752.00</u> |
| Development Services | \$ |
| | 206,000.00 |
| | <u>\$ 206,000.00</u> |
| TOTAL | <u>\$2,594,045.00</u> |

Water & Sewerage Funds also have works carried over and will be subject to a separate report to Council.

The voting of expenditure by Council approving these “carry over” works will allow the early commencement of the projects.

Council’s 2002/03 Financial Statements will be audited in September 2003 and will be presented to Council in October 2003. These Statements will provide a comprehensive financial overview of the 2002/03 financial year in accordance with Australian Accounting Standard AAS27 “Financial Reporting by Local Government”.

Reports from Corporate Services

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993

SCHEDULE 1 - FORMS

FORM 1

Summary of Estimates of Income and Expenditure for the Year ended 30 June 2003

Revised as at 30 June 2003

| Function | Original | | Revised | | Net Cost | |
|--------------------------------------|-------------|--------|-------------|--------|----------|---------|
| | Expenditure | Income | Expenditure | Income | Original | Revised |
| Administration | 12176 | 1107 | 11413 | 1141 | 11,069 | 10272 |
| Public Order & Safety | 1291 | 824 | 1398 | 824 | 467 | 574 |
| Health | 573 | 82 | 558 | 82 | 491 | 476 |
| Community Services & Education | 616 | 211 | 651 | 211 | 405 | 440 |
| Housing & Community Amenities | 11372 | 12911 | 11492 | 13556 | (1,539) | (2064) |
| Water Supplies | 7707 | 4473 | 7707 | 4473 | 3,234 | 3234 |
| Sewerage Services | 9782 | 19114 | 9821 | 19199 | (9,332) | (9378) |
| Recreation & Culture | 6594 | 3957 | 6511 | 3966 | 2,637 | 2545 |
| Mining, Manufacturing & Construction | 1319 | 1599 | 1184 | 2059 | (280) | (875) |
| Transport & Communication | 14527 | 11337 | 14095 | 11217 | 3,190 | 2878 |
| Economic Affairs | 3947 | 3956 | 3908 | 4042 | (9) | (134) |
| General Purpose Revenues | | 27487 | 0 | 27672 | (27,487) | (27672) |
| | 69904 | 87058 | 68738 | 88442 | (17154) | (19704) |

Add Expenses not involving flow of funds

Depreciation

Increase in employees leave

Entitlements

Sub-total

| Original | Revised | Original | Revised |
|----------|----------|----------|----------|
| (18,183) | (18,183) | | |
| | | | |
| (18,183) | (18,183) | (35,337) | (37,887) |

Add non-operating funds employed

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

Sub-total

| | | | |
|---------|---------|----------|----------|
| (1,174) | (1,174) | | |
| (4,706) | (4,706) | | |
| | | | |
| (5,880) | (5,880) | (41,217) | (43,767) |

Subtract funds deployed for non-operating purposes

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

Estimated Budget Result - Surplus

| | | | |
|--------|--------|--------|--------|
| 63,115 | 62,716 | | |
| | 0 | | |
| | 0 | | |
| 3,965 | 3,965 | | |
| 67,080 | 66,681 | 25,863 | 22,914 |

Reports from Corporate Services

Reconciliation with Program Budget:

| | | |
|--|----------|----------|
| Add Transfers to Reserves | 8,583 | 9,205 |
| Add Transfers from Reserves | (37,591) | (37,792) |
| Subtract Interest on restricted funds not used in budget | 3,145 | 3,145 |
| Add/(Deduct) net increase/(decrease) in externally restricted assets (contributions) | - | - |
| Program Budget Deficit/(Surplus) | - | (2,528) |

Comprising:

| | | |
|---------------|---|---------|
| General Fund | - | (2,528) |
| Water Fund | - | - |
| Sewerage Fund | - | - |
| | - | (2,528) |

**STATUTORY STATEMENT - LOCAL GOVERNMENT FINANCIAL REGULATIONS
(SECTIONS 6 & 7) BY "RESPONSIBLE ACCOUNTING OFFICER"**

The responsible accounting officer of a council must:-

- (b) *If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*
- 9.(1) *Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure (including the sub-estimates) set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*

STATUTORY STATEMENT

I consider that the financial position of Council is satisfactory "having regard to the original estimate of income and expenditure".



R. R Norvill FCPA
"Responsible Accounting Officer"
 Manager Financial & Information Services
 Tweed Shire Council

Reports from Corporate Services

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Reports from Corporate Services

8. ORIGIN: Administration Services Unit
FILE REF: Council - Committees of Council

REPORT TITLE:

Council Committees

SUMMARY OF REPORT:

Council committees are usually determined at the second meeting in September of each year as well as the election of the Mayor. Due to there being no Mayoral Election until March 2004 it is recommended that the membership of Council committees continue until the next Local Government Ordinary Election of Councillors on 27 March 2004.

RECOMMENDATION:

That the current membership of Council committees continues until the next Local Government Ordinary Election of Councillors on 27 March 2004.

Reports from Corporate Services

REPORT:

Council was advised by Local Government Circular 03/16 dated 16 July 2003 that Mayors and Deputy Mayors who hold office immediately before 13 September 2003 shall continue to hold office until the Mayor's successor is declared to be elected following the Local Government Ordinary Election of Councillors to be held on 27 March 2004.

It is the usual practice to elect membership to the various Council committees following the Mayoral Election. As the Mayoral Election is not being held, it is recommended that the current membership of Council committees remain as is until the next ordinary Local Government Ordinary Election of Councillors on 27 March 2004

Reports from Corporate Services

9. ORIGIN: Administration Services Unit

FILE REF: Aboriginal Matters; Councillors - Conferences

REPORT TITLE:

16th Annual NSW Local Government Aboriginal Network Conference

SUMMARY OF REPORT:

Mr Russell Logan, who is currently participating in the Aboriginal Mentoring Program, has indicated his desire to attend the 16th Annual NSW Local Government Aboriginal Network Conference.

RECOMMENDATION:

That Council grants permission for Mr Russell Logan to attend the 16th Annual NSW Local Government Aboriginal Network Conference with all expenses to be borne by Council.

Reports from Corporate Services

REPORT:

Advice has been received through the Local Government Weekly Circular 33/03 that the 16th Annual NSW Local Government Aboriginal Network Conference being jointly organised by Wollongong City Council, Shellharbour City Council and Kiama Municipal Council is to be held on 22 to 24 October 2003.

The aim of the conference is to provide an existing and interesting forum for enhancing the profile of Aboriginal communities, their skills and culture and discussion on current issues such as employment strategies, enterprise and cultural development.

This conference is an important event recognising the significance and raising the aware of Aboriginal culture and heritage. It is also important to bring together three local government areas to work together in partnership to highlight a united commitment to local Aboriginal and Torres Strait Island communities in reconciliation.

Registration fees have been kept as low as possible at \$270.00 for early bird Registration until 1 October, after which time it will increase to \$290.00.

Conference venues are:

- Wednesday 22 October - informal welcome, BBQ at Sea Spray Restaurant, Shellharbour
- Thursday 23 and Friday 24 October - conference proceedings at Novotel Northbeach
- Thursday 23 October - conference dinner, Grand Ballroom, Novotel Northbeach.

FINANCIAL IMPLICATIONS:

| | |
|----------------------------|------------------|
| Registration fee: | \$270.00 |
| Airfares: | Approx. \$400.00 |
| Accommodation, meals, etc. | \$400.00 |
| Total Cost: | \$1070.00 |

SOURCE OF FUNDS:

Funds are available within the Councillors Expense budget for this Conference.

Reports from Corporate Services

10. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 31 August 2003

SUMMARY OF REPORT:

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

RECOMMENDATION:

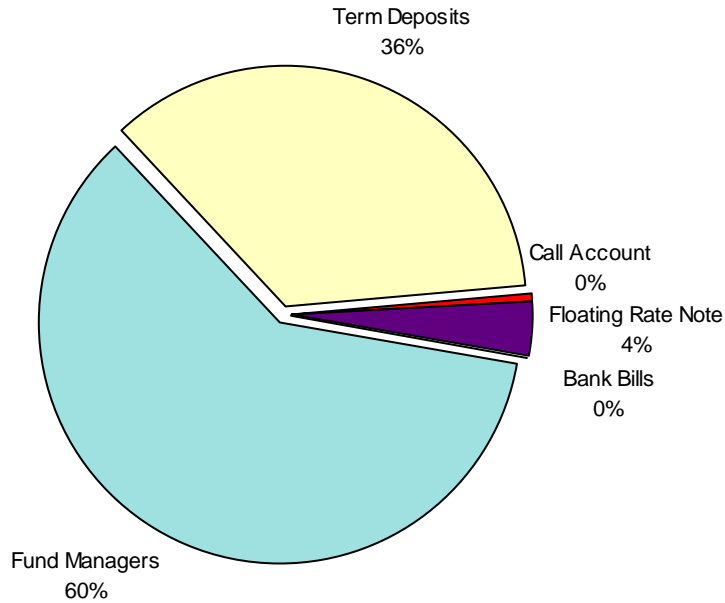
That this report be received and noted.

Reports from Corporate Services

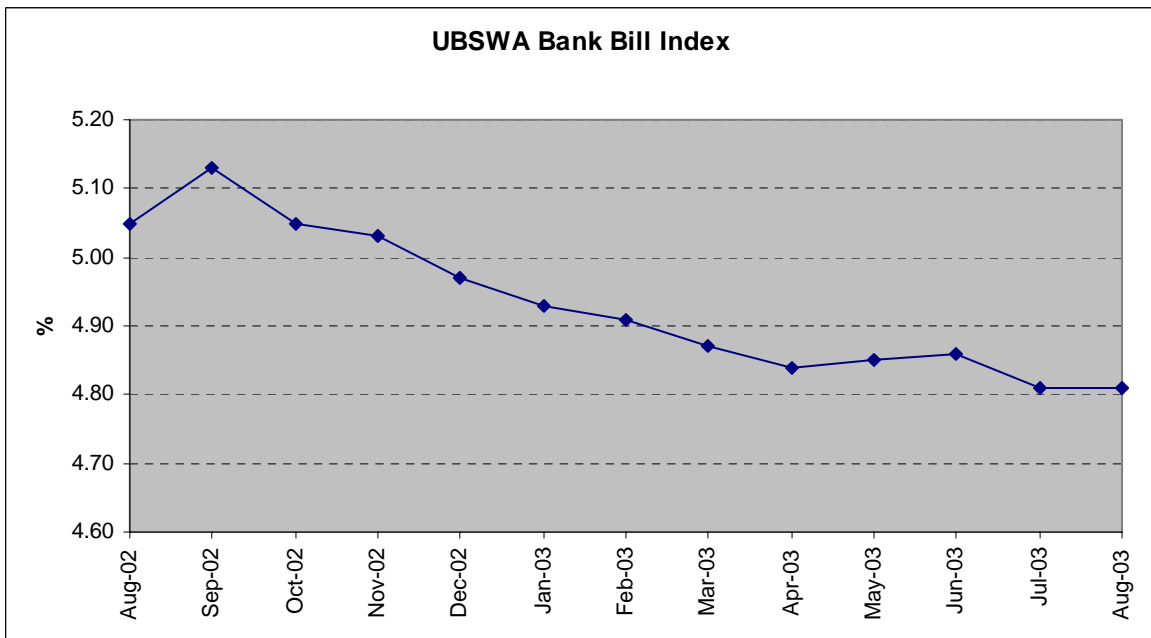
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

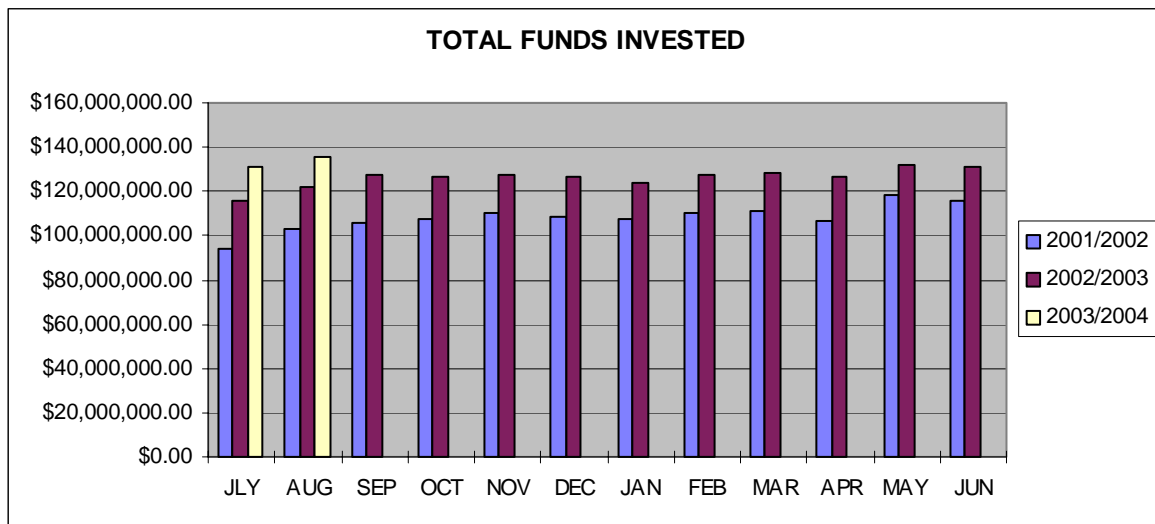


Reports from Corporate Services

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

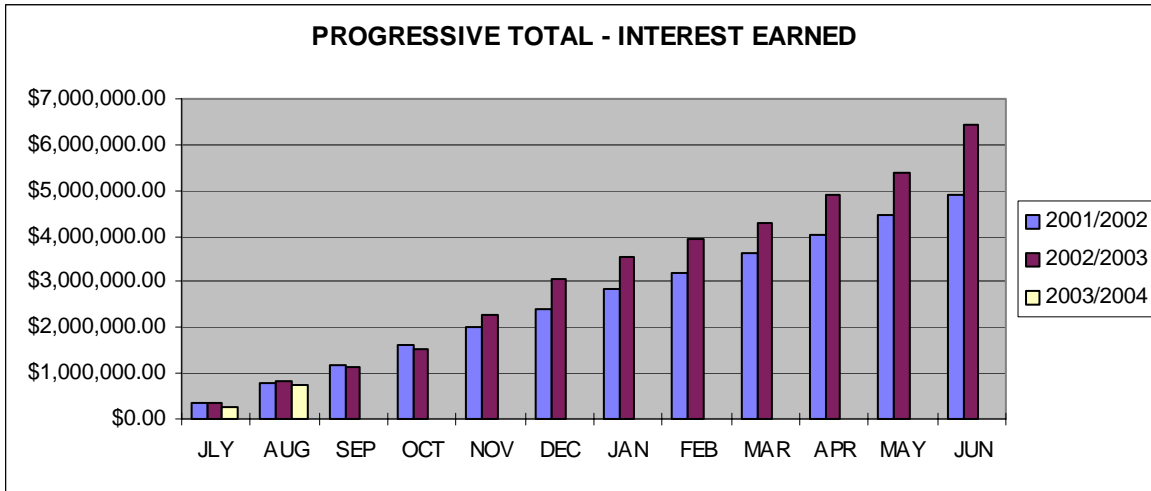
| Fund | 30 Days | 90 Days | 1 Year |
|-----------------------|---------|---------|--------|
| | % | % | % |
| ANZ Cash Plus | 5.23 | 5.54 | 5.26 |
| Alliance Cap Cash | 4.88 | 4.81 | 4.89 |
| Deutsche Cash Plus | 5.24 | 5.67 | 5.31 |
| Macquarie Diversified | 5.35 | 5.40 | 5.22 |
| UBS Credit Enh. | 5.67 | 5.96 | 5.75 |

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Corporate Services

5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

In its statement on Monetary Policy last month, the Reserve Bank of Australia (RBA) noted that an easing in interest rates was only likely if the world economy failed to pick up or if the Australian dollar continued its sharp rise.

Over the month these potential risks diminished but the strength of the housing sector still remains. The fear is that the longer the housing boom continues the greater potential down side once the cycle ends.

After weighing up all of these risks, the RBA decided to maintain official interest rates at 4.75%.

7. INVESTMENT SUMMARY AS AT 31 AUGUST 2003

GENERAL FUND

| | |
|---------------|-----------------------------|
| BANKS | 29,906,450.00 |
| FUND MANAGERS | 18,730,162.67 |
| CALL | 526,348.82 |
| | <u>49,162,961.49</u> |

WATER FUND

| | |
|---------------|-----------------------------|
| BANKS | 7,500,000.00 |
| FUND MANAGERS | 36,801,287.40 |
| | <u>44,301,287.40</u> |

SEWERAGE FUND

| | |
|---------------------------|-----------------------------|
| BANKS | 11,000,000.00 |
| FUND MANAGERS | 26,274,973.78 |
| LOCAL GOVT. FIN. SERVICES | 5,000,000.00 |
| | <u>42,274,973.78</u> |

Reports from Corporate Services

TOTAL INVESTMENTS **135,739,222.67**

It should be noted that the General Funds investments of \$49.1 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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



R R Norvill FCPA
Responsible Accounting Officer
Manager Financial & Information Services

Reports from Corporate Services

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Reports from Director Engineering Services

11. ORIGIN: Works Unit

FILE REF: Scenic Dr; Piggabeen Rd; McAllisters Rd; Elrond Dr; Leisure Dr; Bogangar Dr; Chinderah Rd; Kirkwood Rd; Fraser Dr; Falcon Way; Enterprise Ave, Terranora Rd; Winders Pl; Bilambil Rd; Greenway Dr; Tweed Heads Bypass; Kennedy Dr; Darlington Dr; Old Bogangar Rd; Old Pacific Hwy; Lakes Drive

REPORT TITLE:

Tweed Road Development Strategy - 2003 Revision

SUMMARY OF REPORT:

The Tweed Road Development Strategy was completed in 1997. Since then several changes have been made to the proposed network. To fully assess the impact of these changes the traffic model used in 1997 has been updated to include the 2001 census data and modified distributor road network. The outcomes are discussed in the following report which reaches these conclusions:-

- (i) If constructed now, Kirkwood Road (with north facing ramps and connection to Enterprise Avenue) would carry in excess of 7,000 vehicles per day.
- (ii) In the absence of ramps to access the Tweed Heads Bypass, Kirkwood Road, if constructed now would carry about 2,000 vehicles per day.
- (iii) Kirkwood Road, with access to the Tweed Heads Bypass and a connection road from Kirkwood Road to Enterprise Avenue appears to be a sound solution in that it reduces traffic flows on Machinery Drive at Minjungbal Drive and Greenway Drive as well as Boyds Bay Bridge and Kennedy Drive.
- (iv) The proposed Sexton Hill deviation will need to incorporate a full interchange at Terranora Road. The current Roads & Traffic Authority proposal is to delete Terranora Road access to the Highway.
- (v) Fraser Drive needs to be upgraded to 4 lanes for most of its length between Leisure Drive and Kirkwood Road.
- (vi) Without the Kirkwood Road ramps alternative access to the Pacific Highway will need to be provided by widening Boyds Bay Bridge and Kennedy Drive to the Pacific Highway interchange. Boyds Bay Bridge will ultimately carry in excess of 44,000 vehicles per day in the absence of additional South Tweed access to the Highway.
- (vii) Regardless of the Kirkwood Road ramps, the Pacific Highway north of and including Sexton Hill will need to be upgraded to 6 lanes.

Reports from Director Engineering Services

- (viii) The commitment by the Minister for Roads to set up a Committee to investigate the Kirkwood Road issues should now be pursued.
- (ix) The modelling also shows that the impact of Area E is only marginal on Leisure Drive and Machinery Drive in the ultimate development scenario.
- (x) The traffic model will continue to be reviewed as proposed changes to the network are implemented to ensure consistency with demographic changes. Other options will be brought forward as identified over time with and including the input of interest groups.
- (xi) Subsequent to the adoption of this report it is proposed to bring forward a detailed Works Program, cash flow and funding proposal for the proposed projects.
- (xii) Some \$5M worth of works are currently under way or imminent in the South Tweed / Banora Point precinct.

RECOMMENDATION:

That:-

1. (a) Detailed design work and preparation of a development application be commenced for Kirkwood Road between Fraser Drive and Falcon Way. The design is to allow for the future construction of north facing ramps to the Pacific Highway and the extension of Enterprise Avenue.
(b) When detailed design and development consent is obtained Council determine the construction timeframe given that a final decision regarding the north facing highway ramps will be likely in that time frame.
2. Council formally advise the Roads & Traffic Authority that it objects to the Sexton Hill Deviation in regard to the Terranora Road intersection being restricted and that a full interchange at Terranora Road is required by Council and should be included in any Roads & Traffic Authority design work.
3. The proposed Winders Place link road to Greenway Drive not be proceeded with.
4. Council advises the Roads & Traffic Authority that it does not object to an off ramp from the Pacific Highway (northbound) into Enterprise Avenue being constructed by a private developer, subject to it not compromising the Kirkwood Road ramps.
5. A report be prepared for Council to amend the Tweed Road Contribution Plan Works Program, based on the preceding recommendations and the modelling results.
6. The final Veitch Lister report be made available to interested parties.

Reports from Director Engineering Services

REPORT:

INTRODUCTION

In 1989 Council realised that development growth that had occurred and which was proposed under the Local Environmental Plan would place significant pressure on the Shire's road network, especially in the northern sector from Kingscliff to the border.

The increasing development approved and planned generates additional traffic creating higher traffic volumes on the distributor road network.

It was these issues that resulted in Council developing and planning a long term road network that would adequately cater for the foreseeable growth of the Shire. The initial document was titled '*Lower Tweed Transportation Study*' and was adopted by Council in 1990, some 13 years ago, nominating the road network required to cater for the Shire's growth. The road network proposed has not changed significantly since its inception with the exception of Lakes Drive Bridge.

In 1997 the above study was reviewed and expanded to take in the Lower Tweed Transportation Study and the remainder of the Shire. Again, the future distributor road network was confirmed and amendments made as necessary.

This report also addresses the Council resolution of 20 November 2002 *"that Council brings forward a report canvassing all foreseeable issues involved in constructing an overpass over the Tweed Bypass to connect the two portions of Kirkwood Road Tweed Heads South."*

LOWER TWEED TRANSPORTATION STUDY

The initial study involved detailed traffic data being collected in 1989 and 1990 and specialist transportation consultants engaged to assist develop a long term road strategy for the Shire's northern sector.

This document was completed in August 1990 and was adopted by Tweed Shire Council on the 5 September 1990.

The study was undertaken under the guidance of a Steering Committee that included the Gold Coast City Council, NSW Roads and Traffic Authority, Qld Main Roads and Tweed Shire Council.

The project aim was to identify a functional road hierarchy for the study area and plan a staged distributor road network that would cater for the future growth based on land zonings and demographics for the Shire at the time.

Results of the project were the identification of road networks for 1996, 2001 and 2006. Some of the roads included Leisure Drive, Lakes Drive Bridge, Kirkwood Road, motorway ramps and Old Bogangar Road / Chinderah Road upgrading around several others.

The time frame for construction of these projects was and is dependent on the rate and location of development.

TWEED ROAD DEVELOPMENT STRATEGY

In 1997 the Lower Tweed Transportation Study was revised and expanded to include the entire Shire. This work involved updating the demographic data from the most recent census data at the time. Traffic volumes were also updated and it was noted that the 1990 computer modelling was reasonably accurate in its 1996 predicted traffic volumes.

Reports from Director Engineering Services

The modelling produced the following key recommendations:-

West Tweed Heads

Due to extensive development predicted for this area a distributor road system needed to be created which links developing residential areas to attractors such as shops, beaches and employment. Critical roads in this area are:

- Cobaki Parkway
- Scenic Drive extension
- McAllisters Road extension
- Piggabeen Road diversion

South Tweed Heads / Banora Point

With functional deficiencies on Kennedy Drive the need for an alternative distributor link between West Tweed Heads and South Tweed Heads was identified. The extension of Kirkwood Road, west of the Old Pacific Highway to Lakes Drive, incorporating a new bridge across Terranora Creek, was the recommended route for the new distributor road, including north facing ramps from Kirkwood Road to the Pacific Highway. Leisure Drive was also planned as a distributor road.

To provide access to the planned "Area E", the Broadwater Parkway was proposed, which links Fraser Drive to Bilambil Road.

Chinderah / Kingscliff / Cudgen

Chinderah Road - Old Bogangar Road replaced the Coast Road and local roads through Kingscliff as the distributor link between Chinderah, Cabarita and Pottsville.

To accommodate the growth around Kingscliff, an upgraded road network was recommended. Elrond Drive was proposed, with links between Kingscliff Street and Chinderah Road.

Murwillumbah

To mitigate a functional deficiency adjacent to the Murwillumbah High School on Riverview Street, a bypass, diverting traffic around the southern side of the school, connecting into Brisbane Street was recommended.

Pottsville

To improve traffic circulation around Pottsville and to remove traffic from the commercial area the following network upgrades have been recommended for Pottsville.

- Pottsville Bypass - north of Coronation Avenue
- Mooball Creek Bridge linking Overall Drive to the Coast Road
- Koala Beach / Seabreeze Estate Link Road

The network issues discussed above form the major upgrading recommended in the Tweed Road Development Strategy. Also included in the strategy are a number of rural road and intersection improvements. Overall, the works schedule includes 136 projects. The cost and source of funds for these works are summarised in the following table:-

Reports from Director Engineering Services

Distributor Road Network Costs (1997)

| Road Network | | Source of Funds | |
|---------------|-----------|-----------------|----------|
| Capital Works | Cost | Development | Council |
| Rural | \$17.57m | \$1.32m | \$16.25m |
| Urban | \$102.16m | \$95.51m | \$6.65m |
| TOTAL | \$119.73m | \$96.83m | \$22.90m |

The estimated cost in 1997 of works identified in the document was \$120M of which \$97M is proposed to be collected from development projects through the associated Roads Contribution Plan.

ROAD NETWORK PLANNING PHILOSOPHY LEVEL OF SERVICE

The way in which a road operates is conventionally described as a ratio of the actual traffic volumes to the roads capacity. This ratio is described as the 'Level of Service' (LOS). The LOS of a road will then by its nature vary over its length as volumes change and over time as volumes grow or new roads open that change travel patterns.

The LOS used is defined as follows with a description of what driving conditions can be expected for each LOS.

Label 2.3 - Level of Service Criteria

| Level of Service | Volume / Capacity Ratio |
|------------------|-------------------------|
| A | <0.5 |
| B | 0.5 - 0.7 |
| C | 0.7 - 0.85 |
| D | 0.85 - 1.0 |
| E | 1.0 - 1.15 |
| F | >1.15 |

Austrroads Guide to Traffic Engineering Practice Part 2 describes each of the levels of service as follows:

- **Level of Service A** is a condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.
- **Level of Service B** is in the zone of stable flow and drivers still have reasonable freedom to select their desired speed to manoeuvre within the traffic stream, although the general level of comfort and convenience is a little less than with level of Service A.

Reports from Director Engineering Services

- **Level of Service C** is also in the zone of stable flow, but most drivers are restricted to some extent in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience declines noticeably at this level.
- **Level of Service D** is close to the limit of stable flow and is approaching unstable flow. All drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is poor, and small increases in traffic flow will generally cause operational problems.
- **Level of Service E** occurs when traffic volumes are at or close to capacity, and there is virtually no freedom to select desired speeds or to manoeuvre within the traffic stream. Flow in unstable and minor disturbances within the traffic stream will cause break-down.
- **Level of Service F** is in the zone of forced flow. With it, the amount of traffic approaching the point under consideration exceeds that which can pass it. Flow break-down occurs, and queuing and delays result.

The capacity of a section of road depends on several variables such as lane widths, geometry intersections and roadside development.

ADOPTION OF DESIGN STANDARDS

As with most infrastructure, long term planning criteria need to be determined that will determine the final outcome and ultimate operating standards for the road network. To provide a LOS 'A' is economically unviable and unaffordable to the community (In the same way stormwater pipes will not provide for 1:100 year floods but are provided for 1:2 year storms).

This means that an appropriate Level of Service needs to be adopted for a road network that is affordable and that caters for the volumes of traffic using that network. By its nature traffic has peaks which will operate at higher levels of congestion than at times outside those peaks. This means that for a few hours a day a road may operate at LOS 'D' but for the remainder will operate between LOS 'A' and 'C'. This means that significant investments are under utilised for the majority of time. Clearly it is impracticable to provide a LOS 'A' in the peak hour on an arterial road in a commercial and retail area.

Traffic on a road network increases with every new house built and commercial development, generally. This traffic is absorbed onto the existing road network by consuming 'spare capacity' which means over a time roads operating LOS increases through the range from 'A' or 'B' to 'C' or 'D' or higher. At LOS 'A' and 'D' spare capacity is available but once LOS 'E' and 'F' are reached extra capacity is desirably added or alternative routes developed. Sometimes, however, if a 2 lane road is over capacity marginally, say 10%, the cost of adding 2 more lanes may not be economically viable, so high costs are incurred to have a widened road operating at LOS 'A' or 'B'.

The aim of the road network planning to date has been to balance the LOS on the distributor roads to the boundary between LOS 'C' and 'D' which means the actual traffic is 85% of the roads capacity, which still provides acceptable traffic conditions but with some congestion. It must be noted that such conditions will only apply for the peak hour periods then drop back to a lower LOS.

When this level is reached road network upgrades are required that provide more capacity or new roads built that take some loading of an existing road.

Reports from Director Engineering Services

ROAD PROJECTS COMPLETED

The following projects from the Lower Tweed Transportation Study and the Tweed Road Development Strategy have been completed since 1990:-

- (1) Turnock Street, Kingscliff
- (2) Leisure Drive Banora Point
- (3) The Tweed Coast Road (formerly Old Bogangar Road)
- (4) Elrond Drive
- (5) Coast Road traffic management and intersection upgrading
- (6) Black Rocks Bridge
- (7) Kirkwood Road Minjungbal Drive to Falcon Way
- (8) Kennedy Drive and Ducat Street intersection
- (9) Piggabeen Road from Anconia Avenue to Gollan Drive

2003 REVIEW OF THE DISTRIBUTOR ROAD NETWORK

Any forward planning document needs to be dynamic in nature as changes may be necessary over the life of the document. Such changes result from environmental constraints, zoning changes and political issues. A plan of the existing proposed distributor road network is attached to this report.

Since the last review of the Tweed Road Development Strategy in 1997 several events have occurred that affect the original road network modelling. These changes dictate that the distributor road network needs to be computer re-modelled so that the effects of the re-distribution of traffic can be assessed. This is a specialist area of expertise and requires the appointment of transportation modelling experts.

EXTERNAL CONSULTANTS

Veitch Lister Consulting was engaged to undertake the review which involved utilising advanced computer modelling software. Veitch Lister Consulting is an Australian company with offices in Brisbane and Melbourne. They have been engaged to undertake extensive traffic modelling for Gold Coast City Council, Brisbane City Council, Cairns City Council, and Queensland Main Roads in relation to the Tugun Bypass and are highly regarded.

ROAD NETWORK CHANGES SINCE 1997

The following projects have changed since 1997 and the original 1990 Distributor Road Network Plans.

LAKES DRIVE BRIDGE

This project was subject to a Development Application being lodged but formally withdrawn after a public campaign to have it deleted. The impact of this decision on the road network has been fully investigated in the review. Currently the deletion of this link in the road network has resulted in a 'cap' on development west of Cobaki Bridge (on Kennedy Drive) to keep traffic volumes on Kennedy Drive within the capacity of the road.

Reports from Director Engineering Services

KIRKWOOD ROAD - NORTHBOUND ON RAMP AND SOUTHBOUND OFF RAMP

The Road & Traffic Authority's formal decision to refuse these ramps has also had an impact on the distributor roads in Banora Point and the viability of the Kirkwood Road extension. This is a critical aspect of the review and discussed in detail later in the report. This issue has been discussed previously by Council, when considering the Leisure Drive Banora Point upgrade. Negotiations are still continuing with the Roads & Traffic Authority over the motorway ramps issue.

The history of negotiations with the Roads & Traffic Authority over the ramps to date is as follows:-

Kirkwood Road / Highway Access Issues - History

| | |
|------------------|---|
| 30 June 2000 | Council wrote to RTA requesting agreement to partial interchange at Pacific Highway and Kirkwood Road with traffic modelling details to demonstrate need and explaining benefits to Council and RTA. |
| 11 August 2000 | RTA respond rejecting Council proposal because of RTA principle of local traffic being kept off highways and 'weaving' manoeuvres at exits. |
| 29 August 2000 | Council staff and RTA officers met in Grafton to pursue Kirkwood Road interchange and discuss RTA alternative of Council constructing a Council bridge over Terranora inlet parallel to the Pacific Highway bridge. |
| 12 December 2000 | Council wrote to RTA with information requested by RTA, demonstrating RTA proposal would restrict future widening of Highway across Terranora Inlet and reiterating benefits to Council and RTA of Kirkwood Road partial interchange and offering to contribute from S94 Plan for traffic generated by local trips and proposing an alternative to upgrade Leisure Drive to carry Area E traffic. |
| 14 February 2001 | Council wrote to RTA requesting urgent response to letter of 12 December 2001. |
| 20 April 2001 | RTA respond again refusing Kirkwood Road connection to Highway preferring separate Council bridge parallel to Highway bridge and RTA's advice that they may object to Area E rezoning if Council used Leisure Drive to cater for Area E traffic. |
| 6 June 2001 | Council considered a report on lack of progress and RTA advice in RTA letter of 20 April 2001 regarding potential objection to Area E rezoning. Subsequently Council resolved the following:- <i>"That Council seeks support from the State Member and others to assist to resolve with the RTA, access ramps onto the Tweed Heads Bypass to allow Council to proceed to its rezoning of Terranora E."</i> |
| 28 June 2001 | Council and RTA officers met in Grafton to again raise Council's concern regarding a second Council bridge over Terranora Creek and associated network inefficiencies. |
| 27 July 2001 | Council wrote to the RTA providing additional information requested by the RTA at the 28 June meeting. |
| 12 October 2001 | Subsequently to Council's resolution on 6 June 2001, a meeting was held attended by Councillors, Council staff, Mr Newell, MP, Mr Collins RTA, and Terranora Landholders regarding the distributor road network access to the Pacific Highway at Tweed Heads South where it was agreed a delegation representing the groups at the meeting would meet with Mr Collins. |
| 1 November 2001 | RTA again discussing Kirkwood Road interchange and advising Kennedy Drive northbound off-ramp could be relocated to Kirkwood Road if Council constructs second bridge over Terranora Creek linking Kennedy Drive to Kirkwood Road. |
| 13 May 2003 | Mr Carl Scully said he understood issues and would instruct RTA to set up a Committee to pursue the issues. |

Reports from Director Engineering Services

Other inputs that have been revised are the intensity of land uses in the Machinery Drive area and adjustments to other development areas in terms of density.

2003 TWEED ROAD DEVELOPMENT STRATEGY REVIEW - NETWORK CHANGES

Whilst the review covers the road network for the whole Shire, the critical road network changes are in the Banora Point / South Tweed area.

The computer modelling involved the updating of all demographic data based on the 2001 census and modifying the model parameters accordingly. The ultimate road network was also modified by deleting the Lakes Drive Bridge, removing the Kirkwood Road motorway ramps (to reflect RTA position at present) adding the Sexton Hill Deviation and the Chinderah to Yelgun Motorway and the Tugun Bypass.

Once this was completed the model was run for the base year 2001, 2011 and ultimate development scenarios.

WORKS IN PROGRESS

Some \$5M of works are currently in hand in the South Tweed / Banora Point precinct as detailed below.

1. Machinery Drive/ Minjungbal Drive

Contract Value of \$1.4M awarded to Hopedale Services Pty Ltd commenced 25 August 2003. 16 week contract period (due for completion 15 December 2003). Work includes modification to signalised intersection, additional left turn lane in Machinery Drive, lengthening of left turn lanes in Minjungbal Drive, alterations to utilities and improvements to drainage system.

2. Fraser Drive

Contract value of \$2.1M awarded to Moggill Constructions Pty Ltd. Commences 22 September 2003. 26 week contract period (due for completion 22 March 2004). Work includes traffic signals at Leisure Drive / Fraser Drive, widening of Fraser Drive to 4 lanes between Leisure and Vintage Lakes Drive including widening of Vintage Lakes Drive roundabout to 2 circulation lanes.

3. Leisure Drive (Fraser Drive to Eucalyptus Drive)

Tenders closed 13 August 2003. Report to Council on 1 October 2003. Estimated Cost \$0.6M. Construction proposed to commence 13 October 2003. 12-week construction period (due for completion 5 February 2004). Work includes widening Leisure Drive to 4 lanes between Fraser Drive and Eucalyptus Drive, installation of traffic signals on Fraser Drive / Eucalyptus Drive and construction of parking bays fronting High School and Primary School on behalf of Department of Education.

4. Darlington Drive (from Leisure Drive to Pacific Highway)

Estimated cost \$ 0.6 M. Work to be constructed by day labour and programmed to commence October 2003. 8-week construction period. Work includes widening of Darlington Drive to 4 lanes, central median, kerb and gutter and associated drainage works.

5. Leisure Drive / Winders Place Intersection

Survey and traffic modelling completed. Signal design of Winders Place intersection and new intersection at Club Banora underway. Tenders to be called early 2004.

Reports from Director Engineering Services

NETWORK OPTIONS

The model can be adjusted to model different scenarios. Scenarios chosen for Banora Point and South Tweed were as follows:-

| Land Use | Run | Base Network | Kirkwood Road | Kirkwood Rd + Ramps | Sexton Hill Deviation | New Bridge to Kennedy | Enterprise Avenue with Off | Enterprise Avenue | Winders Place Link | Dry Dock Road 40kph | Model Run Option |
|----------------------|-----|--------------|---------------|---------------------|-----------------------|-----------------------|----------------------------|-------------------|--------------------|---------------------|------------------|
| 2001 | 1 | X | | | | | | | | | |
| | 2 | X | X | | | | | | | | |
| | 3 | X | X | | | | | | | | |
| | | | | | | | | | | | |
| Ultimate | 11 | X | X | | X | | | | | | |
| W/O Area E | 12 | X | X | X | X | | | | | | |
| | | | | | | | | | | | |
| Ultimate with Area E | 4 | X | X | | X | | | | | | |
| | 5 | X | X | X | X | | | | | | |
| | 6 | X | X | | X | X | | | | | |
| | 7 | X | X | | X | | X | | | | |
| | 8 | X | X | | X | | | | X | | |
| | 9 | X | X | | X | | | | | X | |

Table 1

The options were developed with the aim of establishing ultimate development road network scenarios that provide an adequate level of service. The 2011 scenarios then in effect become a staging (or timing) exercise. The ultimate scenario was also run including the Winders Place Link Road and an off-ramp from the Pacific Highway into Enterprise Avenue.

Reports from Director Engineering Services

KEY MODEL RESULTS

The Ultimate Network Scenario

It is important to explain that this scenario is expected to occur sometime after 2020. It is based on all the zoned land and expected rezonings along with all infill development and redevelopment of some areas like Tweed Heads and Machinery Drive being completed. The projected Shire population at this time is predicted to be in the vicinity of 140,000 people.

The Table titled "*Table 2: Model Results - Traffic Volumes (vpd)*" at the end of this report shows the traffic volumes on different road network links for different model scenarios in Table 1.

Kirkwood Road

The traffic model shows that if Kirkwood Road was connected between Fraser Drive and Minjungbal Drive without any connections to the Pacific Highway, it may carry 510 vehicles per hour at Fraser Drive and 649 vehicles per hour at Minjungbal Drive in the evening peak hour. This equates to about 3,974 vehicles per day ultimately.

Consequently, the volumes on Machinery Drive and Dry Dock Road are reduced by about 2,000 vehicles per day each but Leisure Drive is relatively unchanged.

The volumes on Kirkwood Drive can be increased by making Dry Dock Road less attractive which will reduce its LOS from 'E' to 'C'. This can be achieved by introducing a 40kph speed zone and traffic calming on Dry Dock Road.

In the base network year, which was 2001, Kirkwood Road would have been carrying 2,000 vehicles per day. If ramps to the Highway were permitted this would increase to 7,222 vehicles per day, reducing volumes on Leisure Drive by 1,540 vehicles per day to 16,856 vehicles per day and Dry Dock Road to 4,636 vehicles per day from 7,755 vehicles per day. The importance of the ramps is clearly demonstrated here.

Modelling also showed that by extending Enterprise Avenue from Greenway Drive to Kirkwood Road will transfer traffic from Greenway / Machinery Drive to Kirkwood Road provided ramps to the Motorway or bridge to Kennedy Drive is constructed. This increases the traffic on Kirkwood Road to 10,850 and reduces volumes on Machinery Drive from 15,169 vehicles per day to 11,386 vehicles per day and on Leisure Drive from 17,236 vehicles per day to 16,297 vehicles per day.

Without this connection traffic originating in the area bounded by Fraser Drive / Terranora Road and Minjungbal Drive do not use Kirkwood Road as it is not perceived as a quicker, faster route. It is therefore considered that there may be a benefit in constructing the missing section of Kirkwood Road, investigate limited access to Sullivan Street and Oxley Street (possible rat run problem) and Enterprise Avenue and restrict the capacity of Dry Dock Road to maximise the use of Kirkwood Road and at the same time continue to pursue a satisfactory solution to the ramps issue with the Roads & Traffic Authority.

Leisure Drive / Darlington Drive

Leisure Drive and Darlington Drive with the approved upgrading works about to commence will operate at a LOS 'B' at the ultimate development scenario. This is a classic example of when 2 lanes become over saturated and extra capacity added, the LOS drops from 'F' to 'B' due to the capacity added.

Reports from Director Engineering Services

Greenway Drive / Machinery Drive

The results indicate the peak flow LOS for both ends of these roads is 'F' and are therefore over capacity at ultimate development (2021+).

In 2011 it is predicted that these roads will operate at LOS 'D'.

The connection of Enterprise Avenue to Kirkwood Road reduces the volumes on Machinery and Greenway Drives by providing greater connectivity.

By widening Greenway Drive from Doyle Avenue to Leisure Drive and Leisure Drive to Advocate Place the LOS could be improved dramatically in a similar way to the approved widening on Leisure Drive.

Fraser Drive

The modelling confirms that Fraser Drive needs to be widened to four lanes between Leisure Drive and Kirkwood road Regardless of whether Kirkwood Road is constructed or not for the ultimate development scenario. However if Kirkwood Road is not constructed Dry Dock Road will be subject to poor traffic conditions.

Fraser Drive at two lanes only will have a LOS 'F' but with four lanes LOS 'C' can be attained at ultimate development.

It is considered that with this section of Fraser Drive widened to four lanes it will operate satisfactorily under the ultimate development scenario, provided Kirkwood Road is constructed, with or without the ramps to the Highway.

Sexton Hill Deviation (Pacific Highway)

The proposed Sexton Hill deviation has a significant adverse impact on the Darlington Drive Highway interchange. This is because the current unrestricted intersection with Terranora Road is replaced with one that diverts northbound traffic in Terranora Road to the Darlington Drive underpass where it joins the traffic from Leisure Drive, increasing congestion.

This may have been acceptable if ramps from the Highway to Kirkwood Road were constructed, as demonstrated by the modelling for the ultimate scenarios, and if the Highway on ramp and approaches from Darlington Drive roundabout is widened to 2 lanes.

It is clear from the modelling that Tweed Shire Council needs to advise the Roads and Traffic Authority of these results and it is considered that a full interchange at Terranora Road is acceptable to Council. This position could be reviewed if the Kirkwood Road highway ramps eventually proceed.

Boyds Bay Bridge / Kennedy Drive

The ultimate scenario shows that Kennedy Drive and Boyds Bay Bridge will be over capacity without Kirkwood Road ramps or an alternative bridge and road between Kennedy Drive and Kirkwood Road.

If negotiations with the Roads & Traffic Authority fail over the Kirkwood Road ramps the cost of widening Boyds Bay Bridge and Kennedy Drive to the Pacific Highway interchange will need to be assessed and if feasible incorporated into the Tweed Road Contribution Plan.

Reports from Director Engineering Services

Winders Place Link Road

Council resolved to investigate the provision of a link road from the eastern end to Greenway Drive. The modelling shows that this would create a rat run for traffic wishing to avoid the Doyle Drive and Leisure Drive intersections. Winders Place was designed as a local street with direct residential frontage and access as opposed to Leisure Drive which has always been designated a limited access distributor road. The proposed link connection creates a rat run adding 2,410 vehicles per day to Winders Place and reducing traffic on Leisure Drive by the same amount. To construct the link road for 2,400 vehicles per day is not economically viable and would be detrimental to the amenity of Winders Place having virtually no impact on Leisure Drive or Greenway Drive.

Enterprise Avenue Motorway Off Ramp

This is a proposal put forward by a landowner in the Greenway Drive precinct. The modelling shows that localised benefits can be achieved and that some traffic is diverted away from the Minjungbal Drive and Machinery Drive intersection heading onto the commercial area of Machinery Drive / Greenway Drive.

The proposed off ramp combined with the extension of Enterprise Avenue to Kirkwood Road does provide improved connectivity and should be supported provided there is no impact on Council obtaining ramps at Kirkwood Road. The ultimate scenario including Enterprise Avenue off ramp and connection to Kirkwood Road with either north facing ramps or a new bridge to Kennedy Drive does have a significant beneficial impact on the distributor road network.

Pacific Highway

The modelling shows that the Highway from Sexton Hill to Kennedy Drive will be operating at LOS 'E' or 'F' depending on the ultimate road network. South of Sexton Hill and north of Kennedy Drive the LOS is 'D'. The LOS shows that the Highway will need to be upgraded to provide three lanes in each direction. The ultimate scenario with Kirkwood Road ramps actually reduces the LOS to 'E' for the Highway between Kirkwood Road and Sextons Hill indicating that local traffic accessing the Highway shifts from Sexton Hill (Darlington Drive) to Kirkwood Road. This could in fact delay the timing of the required Roads & Traffic Authority upgrade for this section of the Highway. The impact on the Terranora Creek Bridge is not adversely impacted upon by the Kirkwood Road ramps as it is operating at LOS 'F' with or without the ramps. The ramps do however impact north of Kennedy Drive by increasing this section of Highway from LOS 'D' to LOS 'E'.

Reports from Director Engineering Services

Table 2 - Model Results - Traffic Volumes (Vehicles per Day)

| RUN NO. | 1 | 2 | 3 | 12 | 13 | 10 | 4 | 5 | 6 | 7 | 8 | 9 |
|--------------------------------|--------------|------------------------------|---------------------------------------|--|--|-----------------------|--|--|--|---------------------------------|------------------------|----------------------------|
| | Base Network | Base Network & Kirkwood Road | Base Network with Kirkwood Rd + Ramps | Base Network with Kirkwood Rd Sxton Hill - No Area E | Base Network, Kirkwood Rd + Sxton Hill - No Area E | Ultimate Base Network | Ult Base Network with Kirkwood Rd + Sxton Hill | Base Net with Kirkwood Rd + Sxton Hill Dev + Ramps | 4 + New Bridge + Enterprse Avenue Off Ramp | 4 + Enterprse Avenue + Off Ramp | 4 + Winders Place Link | 4 + Dry Dock Road at 40kph |
| Year | 2001 | 2001 | 2001 | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate |
| Leisure Dr at Shops | 13,805 | 13,622 | 11,789 | 2,0821 | 16,290 | 22,471 | 21,723 | 17,236 | 16,297 | 20,517 | 21,678 | 22,933 |
| Leisure Dr at Fraser | 4,599 | 4,318 | 5,296 | 7,732 | 8,425 | 8,410 | 7,775 | 7,790 | 6,615 | 7,178 | - | 7,790 |
| Darlington Dr | 17,009 | 16,865 | 15,315 | 25,329 | 21,070 | 25,457 | 26,885 | 21,835 | 21,472 | 25,933 | - | 28,200 |
| Fraser Dr Sth Leisure | 4,318 | 4,432 | 6,737 | 5,958 | 8,428 | 8,837 | 9,196 | 13,077 | 11,217 | 9,167 | - | 8,241 |
| Fraser Dr Nth at Leisure | 6,466 | 6,398 | 10,250 | 9,711 | 14,543 | 11,962 | 12,127 | 18,247 | 14,895 | 10,490 | - | 10,767 |
| Fraser Dr Sth at Kirkwood | 5,419 | 5,668 | 9,658 | 9,599 | 14,803 | 10,966 | 11,898 | 18,149 | 15,677 | 12,137 | - | 9,755 |
| Greenway Dr | 6,895 | 6,706 | 6,380 | 8,639 | 8,164 | 10,117 | 9,553 | 9,207 | 8,566 | 8,671 | 8,130 | 9,830 |
| Machinery Dr | 12,163 | 12,011 | 11,901 | 14,580 | 14,761 | 15,133 | 14,860 | 15,169 | 11,386 | 14,313 | 14,865 | 15,316 |
| Kirkwood Rd east of Fraser | - | 1,038 | 8,092 | 1,868 | 11,729 | - | 2,375 | 13,715 | 10,850 | 3,062 | - | 5,729 |
| west of Minjungbal | 866 | 2,059 | 7,221 | 3,464 | 10,276 | 1,453 | 3,901 | 10,035 | 4,228 | 3,317 | - | 7,256 |
| Terranora Rd west of Fraser | 6,123 | 6,113 | 6,196 | 8,113 | 8,210 | 7,549 | 7,033 | 6,669 | 6,784 | 7,004 | - | 7,020 |
| east of Fraser | 2,322 | 2,271 | 1,014 | 2,344 | 1,660 | 3,496 | 2,737 | 2,045 | 2,512 | 2,728 | - | 2,881 |
| At SH10 | 6,955 | 6,906 | 5,360 | 8,334 | 7,532 | 10,390 | 9,771 | 7,241 | 8,766 | 9,752 | - | 9,985 |
| Minjungbal Dr sth of Machinery | 25,649 | 25,861 | 23,625 | 29,736 | 31,226 | 26,279 | 33,929 | 31,924 | 32,372 | 33,267 | - | 35,074 |
| Minjungbal Dr nth of Machinery | 18,464 | 18,571 | 18,000 | 26,360 | 28,239 | 30,000 | 26,961 | 28,791 | 26,008 | 26,517 | - | 28,818 |
| Minjungbal Dr sth of Dry Dock | 22,300 | 22,329 | 19,134 | 31,021 | 26,937 | 31,226 | 32,133 | 27,871 | 28,986 | 32,162 | - | 34,055 |
| Boydys Bay Bridge | 30,278 | 30,180 | 23,777 | 41,943 | 33,333 | 43,891 | 44,610 | 35,551 | 37,517 | 44,695 | - | 43,232 |

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Reports from Director Engineering Services

| Year | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | 2001 | Ultimate | Ultimate | Ultimate | Ultimate | Ultimate |
|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|----------|----------|----------|----------|
| Kennedy Dr east of Ducat | 13,393 | 13,306 | 9,131 | 19,610 | 15,029 | 19,478 | 19,664 | 15,072 | 14,662 | 19,640 | 23,164 | 23,266 | 19,126 | 19,640 | 23,164 | 23,178 | 19,126 |
| west of Barrett | 19,120 | 19,199 | 19,182 | 23,244 | 23,427 | 23,162 | 23,170 | 23,400 | 23,266 | 23,164 | 23,164 | 23,266 | 23,178 | 23,164 | 23,164 | 23,178 | 23,178 |
| Dry Dock Rd | 7,992 | 7,755 | 4,636 | 10,646 | 6,535 | 12,944 | 12,208 | 7,892 | 7,971 | 12,575 | 12,575 | 7,971 | 6,905 | 12,575 | 12,575 | 6,905 | 6,905 |
| Enterprise Ave - Ramp | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,758 | 1,758 | - | - |
| Enterprise Ave at Kirkwood | - | - | - | - | - | - | - | - | - | - | - | - | - | 9,905 | 1,393 | - | - |
| Winders Place Link | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2,410 |

Note: Figures are vehicles per day

Reports from Director Engineering Services

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Reports from Director Environment & Community Services

12. ORIGIN: Environment & Health Services Unit

FILE REF: City of the Fifth Arts

REPORT TITLE:

Tweed Shire City of the Arts - Donation from Griffith University & Tweed Valley Arts Council

SUMMARY OF REPORT:

Council is advised that both Griffith University and the Tweed Valley Arts Council have undertaken to donate funds to the Tweed Shire City of the Arts Homegrown Filmworks Project. Over the next two years Griffith University will provide \$6,000.00 towards the project's production budget as well as provide production personnel and equipment. Tweed Valley Arts Council wish to donate \$1,700.00 towards the cost of a Project Manager

RECOMMENDATION:

That Council accepts the funds in the amount of \$1,700.00 from Griffith University and the Tweed Valley Arts Council and votes the expenditure to the Tweed Shire City of the Arts 2003 - 2005 Homegrown Filmworks Project.

Reports from Director Environment & Community Services

REPORT:

In line with *Tweed Shire City of the Arts 2003 – 2005*, Council is advised that both Griffith University School of Arts and Tweed Valley Arts Council have undertaken to donate funds to the *Tweed Shire City of the Arts Homegrown Filmworks Project*.

The Homegrown Filmworks Project will be a signature item in the two-year cultural program of activities and aims to nurture the creative talents of local and emerging scriptwriters and filmmakers. Over the next two-years the project will finance and produce a number of short films.

GRIFFITH UNIVERSITY

Dr. Pat Wise, Head of School, Arts Faculty, Griffith University has advised Council that the University would like to donate both cash and resource contribution to the Homegrown Filmworks Project.

Over the next two years Griffith University will provide \$6,000 towards the production budget as well as, on a negotiable basis, provide production personnel and equipment.

TWEED VALLEY ARTS COUNCIL

Greg Manson, President of the Tweed Valley Arts Council (TVAC) has written to Council advising that the Arts Council is no longer able to continue due to the latest increase in Public Liability Insurance. The organisation is currently in the process of winding up and the Committee agreed at its last meeting to donate any monies left to the Tweed Shire City of the Arts Homegrown Filmworks Project.

The Committee voted that approximately \$1,700 will be donated to the project and that the contribution should be used to fund a project manager.

Reports from Director Environment & Community Services

13. ORIGIN: Environment & Health Services Unit

FILE REF: Genetically Modified Food; Pure Food Act

REPORT TITLE:

Advice of Issue of Licence to Bayer for Genetically Modified Canola

SUMMARY OF REPORT:

Council at its meeting in May considered a report concerning the proposed release of genetically modified canola by Bayer and resolved:

“That the Gene Technology Regulator be advised by this Council that, on the basis of current evidence that there are no guarantees that genetically modified plants do not have adverse impacts on human health and safety and the environment, Council strongly opposes the use of any materials of this kind in our Shire.”

The Gene Technology Regulator was advised and has now advised that the license was issued.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

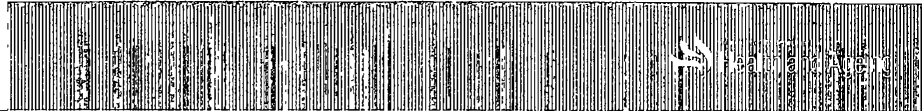
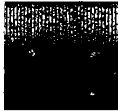
REPORT:

Council at its meeting in May considered a report concerning the proposed release of genetically modified canola by Bayer and resolved:

“that the Gene Technology Regulator be advised by this Council that, on the basis of current evidence that there are no guarantees that genetically modified plants do not have adverse impacts on human health and safety and the environment, Council strongly opposes the use of any materials of this kind in our Shire.”

The Gene Technology Regulator was advised and has now advised that the license was issued and the full text of the reply is set out below.

Reports from Director Environment & Community Services



Office of the Gene Technology Regulator
THERAPEUTIC GOODS ADMINISTRATION
PO Box 100 Woden ACT 2606 Tel 1800 181 030 Fax 02 6271 4202

File No 2002/040689-91
Ref DIR 021/2002

| | |
|---------------------|---------------------------|
| TWEED SHIRE COUNCIL | |
| FILE NO | GENETICALLY MODIFIED FOOD |
| DOCUMENT NO | |
| RECD | 12 AUG 2003 |
| ASSIGNED TO | EDWARDS 6 |
| WARD COPY | |

Mr/s G. J. Edwards
Manager Environmental & Health Services
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Dear Mr/s Edwards

NOTIFICATION OF DECISION ON LICENCE APPLICATION DIR 021/2002 FROM BAYER CROPSCIENCE PTY LTD - Commercial Release of Genetically Modified InVigor® Canola

I am writing to thank you for your submission on the risk assessment and risk management plan (RARMP) prepared in relation to the above application and to advise you that a licence was issued on 25 July 2003.

The licence authorises the commercial release of genetically modified (GM) InVigor® hybrid canola in all canola growing areas in Australia. The comprehensive evaluation conducted on the application concluded that this canola is as safe for humans and the environment as conventional canola.

This approval will not result in an immediate large scale release. As you may be aware, some State and Territory Governments have imposed restrictions on the commercial release of GM crops to allow time for concerns regarding possible marketability and agricultural trade impacts and segregation protocols to be resolved. Bayer CropScience has indicated it will continue to work with farmers, industry groups and State and Territory Governments to achieve a staged and orderly commercial roll out of InVigor canola.

I enclose the Executive Summary of the finalised RARMP. The full plan and licence conditions are available on-line (at www.ogtr.gov.au) or on request from my Office. Thank you for your Council's input into this process.

Licence conditions

The licence is subject to two types of conditions:

- statutory conditions set out in sections 63, 64 and 65 of the *Gene Technology Act 2000* (the Act); and
- specific conditions described in the RARMP, relating to matters set out in Section 62 (Part 3 of the licence).

Reports from Director Environment & Community Services

As the risks to human health and safety and the environment posed by the commercial release are no greater than those posed by conventional (non-GM) canola, I have issued a licence with minimal oversight conditions.

Section 65 of the Act requires that all licence holders report any unintended effects or new information pertaining to risks as soon as they become aware of any such information. Bayer will be required to provide an annual report that includes information on quantities of seed sold and grown, and information from surveys, details of which are to be finalised between the OGTR and the licence holder.

In addition to these safeguards, and because this is the first licence issued for the commercial release of GM canola in Australia, I intend to report on the implementation of the InVigor® canola release after three years of commercial plantings. As part of this process I will call for public input on the proposed report which I consider to be part of the responsible oversight of the progress of this and other licences for genetically modified crops.

Response to comments on the application and the risk assessment and risk management plan

The consultation processes undertaken on the RARMP, in accordance with Section 52 of the Act, included public notification via media advertisements, the OGTR website, direct mail or email to interested parties who have registered on the OGTR mailing list. All State and Territory governments, the Gene Technology Technical Advisory Committee (GTTAC), prescribed Australian Government agencies, the Environment Minister, and relevant local councils were also consulted.

As required by Section 56 of the Act, all comments relevant to the protection of human health and safety and/or the environment were considered carefully and weighed against the body of current scientific information in reaching the conclusions set out in the RARMP and in making the decision to issue the licence.

Although all issues relating to risks to human health and safety and environment were covered in the consultation version of the RARMP, recognising the complexity of some of the issues, considerable sections of the finalised plan have been reviewed and expanded to further explain the evaluation process and the basis of the conclusions reached. The main areas where this has occurred are as follows:

| Issue | Enhanced explanation in RARMP |
|--|--|
| Clarification of the conclusions of the weediness appendix | Environmental safety - Weediness: Appendix 4 Section 3 |
| Further consideration of the seedbank of GM canola due to harvest loss and post harvest management conditions | Environmental safety - Weediness: Appendix 4 Section 2.1 and 2.2 |
| Clarification of the responsibilities of the APVMA and the Gene Technology Regulator with respect to herbicide resistance management | Regulation of herbicides: Chapter 1 Section 2.2.2; Appendix 6 Sections 1 and 2 |
| Explanation of the APVMA's process for registering of glufosinate ammonium for use on InVigor® canola | Regulation of herbicides: Chapter 1 Section 2.2.2; Appendix 6 Sections 1 and 2 |

Reports from Director Environment & Community Services

| Issue | Enhanced explanation in RARMP |
|--|--|
| Further consideration of hybrid vigour in terms of weediness of the GM canola and in terms of gene transfer | Environmental safety - Gene transfer Appendix 4 Sections 2.2 and 3; Appendix 5 Section 1.2.3 |
| Expanded explanation of the likelihood and impact of introgression into related Brassicaceous weeds | Environmental safety - Gene transfer Appendix 5 Sections 2.2.2, 3, 2.3, 2.3.2 and 2.3.3 |
| Further consideration of the risks associated with gene transfer to <i>Brassica rapa</i> , including the incorporation of recent research findings | Environmental safety - Gene transfer Appendix 5 Sections 2.2.2, 2.3 and 2.3.2 |
| Further consideration of the risks associated with gene transfer to <i>Raphanus raphanistrum</i> , including the incorporation of recent research findings | Environmental safety - Gene transfer Appendix 5 Sections 2.2.3, 2.3 and 2.3.2 |
| Additional clarification of the exclusion of economic issues, such as impacts on marketability and/or agricultural trade, from assessment process | Regulatory scope Appendices 4 and 5 |

Please note that issues such as food labelling, the safety of insecticides and herbicides, marketability and trade implications do NOT fall within the scope of the evaluations conducted under the Act as these are the responsibility of other agencies and authorities.

Further information about food safety assessments and food labelling is available from Food Standards Australia New Zealand (<http://www.foodstandards.gov.au>). Information about the use and safety of insecticides and herbicides is available from Australian Pesticides and Veterinary Medicines Authority (<http://www.apvma.gov.au>).

Issues such as marketability and trade implications posed by the commercialisation of GM crops in Australia are being actively considered by the Australian, State and Territory Governments (both individually and through forums such as the Primary Industries Ministerial Council) and by the agricultural industry.

Should you have any queries, please do not hesitate to contact the primary evaluator, Dr Peter Thygesen, on 02 6271 4232 or by email to peter.thygesen@health.gov.au. I look forward to receiving your comments on future applications and risk assessments.

Yours sincerely



(Dr) Sue D Meek
Gene Technology Regulator

6 August 2003

Attachment

Executive Summary of the risk assessment and risk management plan

Reports from Director Environment & Community Services



Office of the Gene Technology Regulator

Risk Assessment and Risk Management Plan

DIR 021/2002

Commercial release of genetically modified (InVigor® hybrid) canola

EXECUTIVE SUMMARY

Introduction

The *Gene Technology Act 2000* (the Act) and the *Gene Technology Regulations 2001* (the Regulations) set out requirements which the Gene Technology Regulator (the Regulator) must follow when considering an application for a licence to intentionally release a genetically modified organism (GMO) into the environment.

For a licence to be issued, the Regulator must be satisfied that the release will not pose any risks to human health and safety or the environment that can not be managed. To this end, Section 51 of the Act requires the Regulator to prepare a risk assessment and risk management plan (RARMP) for each licence application, in consultation with a wide range of expert groups and key stakeholders, including the public.

The Regulator has taken into account all matters relevant to the protection of human health and safety and the environment that were raised during the consultation process in finalising the RARMP for application number DIR 021/2002. Information on the submissions received and how they were taken into account is contained in Chapter 2 and Appendix 10.

Licence decision

On 25 July 2003 the Regulator issued a licence to Bayer CropScience Pty Ltd (Bayer) approving the commercial release of genetically modified (GM) InVigor® hybrid canola, including lines T45, Topas19/2, MS1, RF1, RF2, RF3 and MS8.

The application

Bayer applied for a licence (application number DIR 021/2002) for the commercial release of seven (7) similar GM 'lines'¹ of canola: T45, Topas19/2, MS1, RF1, RF2, RF3 and MS8. Lines MS1, MS8, RF1, RF2 and RF3, and hybrids derived from MS x RF crosses, are covered by the registered trade name InVigor® canola.

¹ The term 'line' has been used throughout this risk assessment. 'Line' is used to denote canola with a specific genetic modification derived from a single transformation event.

Reports from Director Environment & Community Services

Hybrid seed from the lines RF3 and MS8 would be marketed as InVigor® in Australia. Although Bayer does not intend to commercialise the other five lines in Australia at this time, the applicant sought approval for all seven GM canola lines to achieve consistency with existing overseas regulatory approvals.

Table 1 summarises the modifications that are present in the seven Bayer GM canola lines proposed for release.

Table 1: Genetic modifications in the seven GM canola lines

| Line | Glufosinate ammonium tolerance | Hybrid breeding system (InVigor®) | Antibiotic resistance |
|-------------|--------------------------------|-----------------------------------|-----------------------|
| T45 | <i>Pat</i> | – | – |
| Topas 19/2 | <i>Pat</i> | – | <i>nptII</i> |
| MS1 | <i>Bar</i> | <i>barnase</i> | <i>nptII</i> |
| RF1 and RF2 | <i>Bar</i> | <i>barstar</i> | <i>nptII</i> |
| MS8 | <i>Bar</i> | <i>barnase</i> | – |
| RF3 | <i>Bar</i> | <i>barstar</i> | – |

The GM canola from the proposed release would be used as oil in human food, or in animal feed, in the same way as conventional (non-GM) canola.

All seven lines are approved for growing and human consumption in the USA and Canada, and oil derived from all seven canola lines has been approved for use in human food in Australia. (ANZFA 2001a).

The hybrid canola seed which Bayer seeks to commercialise in Australia as InVigor® canola is produced with a novel hybrid generation system. This system is based on two genetically modified ‘parent’ lines of canola: a male sterile (MS) line that contains a male sterility gene (*barnase*), and a fertility restorer (RF) line containing a fertility restorer gene (*barstar*).

The development of the pollen-producing parts of canola flowers (anthers) is suppressed in MS plants. Crossing an MS line with an RF line overrides the suppression and makes the progeny fertile. The progeny are expected to have enhanced agronomic performance, otherwise known as ‘hybrid vigour’ (see Appendix 1 for more information).

Naturally occurring male sterile plants are routinely used in conventional (non-GM) breeding systems as a means to control breeding and produce more vigorous plant offspring.

All seven GM canola lines include a gene that confers tolerance to the herbicide glufosinate ammonium. The herbicide tolerance serves as a dominant marker for the introduced traits during breeding and hybrid seed production. It also enables glufosinate ammonium to be used for the control of weeds in the GM canola crop.

The Australian Pesticides and Veterinary Medicines Authority (APVMA), formerly known as the National Registration Authority (NRA), has granted Bayer registration of glufosinate ammonium for use on InVigor® canola under the trade name Liberty®. The APVMA has registered Liberty® for use only InVigor® canola crops, not for weed control in other crops. Glufosinate ammonium is not registered for use in any other broad-acre cropping in Australia. However, glufosinate ammonium is also registered as Basta® for weed control in horticultural crops and Finale® for weed control in non-crop agricultural areas, commercial and industrial areas and rights-of-way. Appendix 4 contains further details.

Four of the GM canola lines contain a gene that provides a ‘marker’ for antibiotic resistance in plants. This gene is used to identify and select modified plants during the development stage. Bayer does not intend to commercialise any of these lines.

Reports from Director Environment & Community Services

Under the former voluntary system overseen by the Genetic Manipulation Advisory Committee (GMAC), Bayer (formerly AgrEvo, Aventis CropScience) conducted 14 field trials (PR62, PR63 and extensions) with all seven GM canola lines in Queensland, New South Wales, Victoria, Tasmania, South Australia and Western Australia. In addition, the Regulator issued a licence on 30 July 2002 to Bayer (DIR010/2002) to conduct a limited and controlled release of the same GM canola lines at 30 trial sites, totalling 106 hectares, in New South Wales, Victoria and South Australia for the summer and winter growing seasons in the three years from 2002-03. There have been no reports of adverse effects on human health or the environment resulting from any of these releases.

Some detailed technical information on precise gene constructs and molecular characterisation data included in Bayer's original application and subsequent material supplied in response to OGTR requests has been declared 'Confidential Commercial Information'. In accordance with section 184 of the Act this technical information is not available to the general public. However the information was available to the expert groups which are required to be consulted on the preparation of the RARMP.

The evaluation process

Licence application DIR 021/2002 from Bayer has been evaluated, and a risk assessment and risk management plan (RARMP) prepared, in accordance with the Act and the Regulations, using a Risk Analysis Framework. This framework was developed by the Regulator in consultation with the public and key local, State, Territory and Commonwealth government stakeholders and the Gene Technology Technical Advisory Committee, and is available at www.ogtr.gov.au/pdf/public/raffinal.pdf.

Details of the process that the Regulator must follow, including the prescribed consultation process on the application, and the matters that must be considered in preparing a RARMP, are set out in Appendix 9. The complete, finalised RARMP can be obtained from the OGTR or from the OGTR's web site at www.ogtr.gov.au.

The risk assessment considered information contained in the application (including information required by the Act and the Regulations on the GMO, the parent organism, the proposed dealings and potential impacts on human health and safety and the environment), submissions received during consultation and current scientific knowledge.

As mentioned above, the use of Liberty[®] herbicide (a formulation of glufosinate ammonium) has been registered by the APVMA for use on InVigor[®] canola crops in Australia. As part of the assessment of this use, the APVMA considered potential human health and environmental effects, for example arising through occupational exposure or residues. The APVMA also considered a number of issues that are outside the scope of the Gene Technology Regulator's assessment, such as the efficacy of the herbicide and herbicide resistance management.

Through the risk assessment process, potential hazards to human health and safety or the environment that may be posed by the commercial release of the Bayer canola were identified. These were evaluated on the basis of the likelihood of each hazard occurring and the likely impact of the hazard, were it to be realised. These hazards were considered and evaluated previously for limited and controlled trials with the same GM canola under licence application DIR 010/2001. They were reassessed for this release to determine whether the proposed commercial scale, and the removal of specific licence conditions for containment measures to limit the movement of the GMOs and the introduced genes, posed any additional risks. The identified potential hazards relate to:

Reports from Director Environment & Community Services

- **toxicity and allergenicity for humans:** could the GM canola lines be more toxic or allergenic than non-GM canola as a result of the novel gene products or because of unintended effects?
- **toxicity and allergenicity for other organisms:** could the GM canola lines be harmful to other organisms including mammals (other than humans), livestock, wildlife, other insects and microorganisms as a result of the novel gene products or because of unintended effects?
- **weediness:** could the genetic modifications be harmful to the environment by increasing the potential for the GM canola lines to establish as problem weeds?
- **transfer of introduced genes to other organisms:** could there be adverse consequences from possible transfer of the new genes in the GM canola lines to non-GM canola crops, closely related *Brassica* weeds, other brassicaceous weeds, or to other organisms?
- **herbicide resistance:** could weeds develop resistance to herbicide if the InVigor[®]-Liberty[®] crop-herbicide combination is used inappropriately?

Considerations outside the scope of the assessment

There has been considerable speculation in the media and other forums, as well as in some submissions, about the possible impact of the uptake of GM canola on non-GM farmers and upon international export markets.

Feedback from extensive stakeholder consultation during the development of the *Gene Technology Act 2000* made it clear that the community wanted the regulatory system to focus exclusively on the protection of human health and safety and the environment. This is to prevent the possibility of economic considerations such as cost-benefit analyses, market access and agricultural trade implications compromising the regulatory system's focus upon the scientific evaluation of risks and the protection of human health and safety and the environment. As a result, economic and cost-benefit considerations were expressly excluded from the scope of the assessments conducted under the Act.

Therefore, this RARMP does not draw any conclusions about the possible costs or benefits of the Bayer canola to individual farmers, or on market impacts for the agricultural industry.

However, there are a number of industry and government initiatives (independent of this assessment) which do focus on economic and marketability considerations in relation to the adoption of GM canola by the Australian agriculture industry. These include:

- indicative principles of the Commonwealth, State and Territory governments' Plant Industries Committee (circulated as *Guidelines for Industry Stewardship Programs and Crop Management Plans for the Management of Genetically Modified Crops in Australian Farming Systems*)
- the (industry-based) Gene Technology Grains Committee's *Canola Industry Stewardship Protocols for Coexistence of Production Systems and Supply Chains*. The Gene Technology Grains Committee protocols are available from <http://www.avcare.org.au>.
- the Productivity Commission report *Modelling Possible Impacts of GM Crops on Australian Trade* available at <http://www.pc.gov.au/research/staffres/gmcrops/index.html>

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- the Australian Bureau of Agricultural & Resource Economics (ABARE) report *Australian Grains Industry 2003-GM Canola. What are its economics under Australian conditions ?* available from <http://www.abareonlineshop.com/product.asp?prodid=12526>

Bayer also submitted a draft version of the *InVigor® Canola Crop Management Plan* as part of its application. All of the above documents were analysed in detail for any information of relevance to the assessment. They are summarised in Appendix 7.

Conclusions of the risk assessment

The Regulator considers that the risks to human health and safety, or to the Australian environment, from the commercial release of any of Bayer's seven GM canola lines are no greater than those posed by non-GM canola ie they are as safe as conventional canola. The assessment of each identified potential hazard is summarised under a separate heading below.

Toxicity or allergenicity to humans and other organisms

The GM canola lines are very unlikely to prove more toxic or allergenic to humans or other organisms than conventional canola. Therefore the risks are considered negligible and it is not considered necessary to impose any management conditions in relation to potential toxicity or allergenicity. As noted above, FSANZ has previously approved the use in food of oil from the seven GM canola lines, concluding that products from these GM canolas are as safe as are those from non-GM canola.

Weediness

The risk of the genetic modifications making this GM canola more invasive or persistent than conventional canola in Australia is negligible.

The growth characteristics and agronomic performance of the seven GM canola lines are within the range of conventional canola. The hybrid vigour displayed in InVigor® canola hybrids is not a function of the genetic modification, results from the breeding of the two genetically distinct parents. The growth characteristics and agronomic performance of InVigor® canola hybrids are within the range of conventional canola hybrids.

The introduced genes do not confer a selective advantage in the absence of the herbicide glufosinate ammonium. Glufosinate ammonium is not registered for use in any broad-acre agriculture except on Bayer's GM InVigor® canola. It is used in viticulture and horticulture but is rarely used in non-agricultural areas.

Therefore it is not considered necessary to impose any conditions to manage the risk of weediness.

Transfer of introduced genes to other organisms

The introduced genes do not confer any selective advantage in the absence of the herbicide glufosinate ammonium. The hybrid vigour displayed in InVigor® canola hybrids is not a

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function of the genetic modification that can be transferred as a single trait, but is a result of the breeding of the two genetically distinct parents.

The likelihood of some gene transfer from the GM canola to other cultivated canola is high but diminishes rapidly away from close proximity to the crop, hence the overall frequency of out-crossing will be low. If gene transfer to other canola did occur, as explained above, no competitive environmental advantage is conferred. It remains susceptible to the control measures currently used on conventional (non-GM) canola and can be managed in the same way. Therefore, transfer of introduced genes to other canola crops poses negligible risk and does not require the imposition of specific management conditions.

The likelihood of some transfer of the introduced genes to the closely related weedy *Brassica* species *B. rapa* and *B. juncea* is high, though less than for conventional (non-GM) canola. And, due to the lower incidence of these species and the reduced 'fitness' of any progeny eg. vigour, fertility etc, the overall frequency and persistence will be considerably lower. If gene transfer to *B. rapa* or *B. juncea* did occur, it would not confer a selective advantage in the absence of the herbicide glufosinate ammonium. Gene transfer to *B. rapa* poses a very low risk while the risk posed by gene transfer to *B. juncea* would be negligible. Outcrossing to *B. oleracea* would be unlikely and the risks posed by this would be negligible. Gene transfer to any of these three species would not require any specific management conditions under the *Gene Technology Act 2000*.

The likelihood of transfer of the introduced genes from the GM canola to the less closely related brassicaceous weed species *Raphanus raphanistrum*, *Hirschfeldia incana* and *Sinapis arvensis* is very low, because of genome incompatibility and the severely reduced fitness of any progeny. The overall frequency of outcrossing will be very low. Although these species are weeds of both agricultural and disturbed habitats, they are not considered invasive weeds of undisturbed environments. Even if the glufosinate ammonium tolerance trait was transferred to these species it would not pose any additional risks for the control of these weeds (glufosinate ammonium is known to be ineffective for the control of *R. raphanistrum*). Therefore it is concluded that gene transfer to *R. raphanistrum*, *H. incana* and *S. arvensis* poses a very low risk, and no additional management practices would be needed to control any transgenic hybrids, if they occur, and management strategies would be the same as for other brassicaceous weeds.

The likelihood of gene transfer to any other brassicaceous species is considered negligible. Even if gene transfer to these species did occur, it would not pose any additional risks for the control of these weeds.

The likelihood of transfer of the introduced genes to other organisms is negligible, but even if such transfer did occur it would be unlikely to pose any hazard to human health and safety or to the environment.

Herbicide resistance

There is a potential for development of herbicide-resistant weeds if the InVigor[®] crop-Liberty[®] herbicide combination is used inappropriately. The APVMA has noted that the resistance management plan as contained in Bayer's *InVigor[®] Canola Crop Management Plan* is an essential part of managing herbicide resistance and will be effective in managing the development of resistance to glufosinate ammonium. The APVMA requires that the plan be available to all users of Liberty[®] herbicide. The APVMA has regulatory responsibility and oversight for agricultural chemical use and have stipulated a number of conditions on the use

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of Liberty[®] herbicide on InVigor[®] canola crops. Therefore no herbicide resistance management conditions are required under the *Gene Technology Act 2000*.

Industry stewardship proposals

The Bayer *InVigor[®] Canola Crop Management Plan*, and industry guidelines developed to assist all participants in the agricultural supply chain achieve coexistence between different production systems e.g. GM/non-GM, GM/organic, were considered in detail in the course of evaluating the application.

The industry stewardship proposals focus on good agricultural and handling practices. The stated aims of the proposals are to:

- enable separation of GM and non-GM crops to the extent required by markets;
- maximise the effective life of the technology; and
- contribute to agricultural sustainability.

The evaluation of this material concluded that there was no information that added to, or impacted on, the risks posed to human health and safety or the environment by the activities proposed in the application. The risk assessment process evaluated risks that might occur in the *absence* of any supply chain management controls or product stewardship measures.

InVigor[®] hybrid canola will be supplied through accredited resellers from 2004. Growers will be required to sign a grower agreement and will be trained to follow the Crop Management Plan (CMP). The stated aims of the CMP are to ensure awareness of the industry protocols for coexistence of GM and other canola and knowledge of the regulatory conditions placed on the seed and herbicide.

Although it is considered there are no risks from Bayer GM canola that require management to protect human health and safety or the environment, governments and the agricultural industry are still assessing the impact of the commercial release of GM canola on trade and marketability.

The risk management plan (key licence conditions)

The Regulator considers that the proposed release does not pose risks to the health and safety of people or the environment in Australia that require management through specific licence conditions (refer to Conclusion of the Risk Assessment, above). Accordingly, the licence the Regulator has issued in respect of the Bayer application DIR 021/2002 contains only minimal oversight conditions. The key licence conditions are outlined below.

Toxicity or allergenicity to humans and other organisms

Based on the risk assessment, no management conditions have been imposed in relation to toxicity or allergenicity.

Weediness

Based on the risk assessment no management conditions have been imposed in relation to weediness.

Transfer of introduced genes to other organisms

Based on the risk assessment no management conditions have been imposed in relation to the transfer of introduced genes to other organisms.

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The licence includes a condition that requires the applicant to provide the Regulator with a testing methodology that is able to reliably detect the presence of each of the GMOs or their genetic material.

Herbicide resistance

No conditions have been imposed in relation to the management of herbicide resistance, as this is the responsibility of the APVMA. The licence holder's obligation to comply with any conditions imposed by the APVMA is noted in the licence.

Reporting conditions

Bayer sought regulatory approval for seven GM canola lines, although it has indicated that only lines RF3 and MS8 will be commercialised in Australia as InVigor® canola. The licence includes a condition that Bayer report to the Regulator the amount of each GM canola line sold commercially or otherwise grown in each growing season for each State and Territory.

As part of the ongoing commitment to making information publicly available, the Regulator intends to report on the implementation of the InVigor® canola release after three years of commercial plantings. The Regulator has indicated that she will call for public input to the proposed report as part of the responsible oversight of the progress of this and other licences for genetically modified crops.

General conditions

Any licence issued by the Regulator contains a number of general conditions, which are also relevant to risk management. These include, an obligation to inform the Regulator if the applicant becomes aware of any additional information about risks to human health or safety or to the environment.

The licence holder is also obliged to comply with all other relevant Commonwealth, State and Territory legislation.

Monitoring and enforcement of compliance by the OGTR

As well as the legislative capacity to enforce compliance with licence conditions, the Regulator has additional options for risk management. The Regulator can direct a licence holder to take any steps the Regulator deems necessary to protect the health and safety of people or the environment.

In this regard, the reporting requirements imposed by the licence conditions will enable the Regulator to monitor and review the progress of all commercial releases of GM crops in Australia.

Further information

Detailed information on the evaluation of the application, including the licence conditions, is available in the risk assessment and risk management plan document for this application, which can be obtained from the website of the Office of the Gene Technology Regulator (www.ogtr.gov.au), or by calling 1800 181 030 (please quote application number DIR 021/2002).

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Reports from Committees/Working Groups

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

- 1. Minutes of the Public Transport Working Group Committee Meeting held Thursday 28 August 2003**
 - 2. Minutes of the Communication Committee Meeting held Thursday 28 August 2003**
 - 3. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 21 August 2003**
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Orders of the Day

1. Notice of Motion - Cr Polglase

Cudgen Creek

Estuary Management; Cudgen Creek

That a report be prepared in regard to Cudgen Creek addressing the issue of siltation/navigation in conjunction with the upcoming review of the Estuary Management Plan.

2. Notice of Motion - Cr Boyd

Uki Development Control Plan

Strategic Planning Program; Notice of Motion

That:

1. Council prepares a draft development control plan for the village of Uki that:
 - a) Limit one detach dwelling to each legally established lot zoned 2 (D) village;
 - b) Limit height of any detached dwelling to seven (7) metres to eaves of the building;
 - c) Contains other provisions that are directed at maintaining the defined character; and
 - d) Extensively involves the residents of Uki.

Such a Development Control Plan to be interim pending the completion of a comprehensive Development Control Plan when it has priority in the strategic planning work program.

2. Council considers the allocation of \$20,00 in the September 2003 budget review for the preparation of a comprehensive Development Control Plan for Uki.
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Orders of the Day

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