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<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
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<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
<i>(i) prejudice the commercial position of the person who supplied it, or</i>	
<i>(ii) confer a commercial advantage on a competitor of the council, or</i>	
<i>(iii) reveal a trade secret</i>	11

Schedule of Outstanding Resolutions

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Endorses the proposed Tweed Natural High Campaign
2.
 - a. Forms an Advisory Committee to formulate such a campaign.
 - b. Appoints Councillor Polglase to be on the Committee
 - c. Requests the nominated Councillor, relevant staff and a representative of the Queensland Alcohol and Drug Foundation to meet to bring back to Council a recommended Advisory Committee membership.

Current Status: The above campaign should coincide with the Tweed Coolangatta Crime Plan launch. The draft plan is now completed and will be presented to Council for consideration in March.

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon (Land No 8154)

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

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

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

Schedule of Outstanding Resolutions

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

5. **Draft Tweed Local Environmental Plan 2000 Amendment - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development**

GT1/LEP/2000/26 Pt1; GT1/DCP/40 Pt1; LEP – 26; DCP

793

Cr Beck

Cr Marshall

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

Current Status: Report to meeting 19 March 2003.

3 APRIL 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Land East of Old Bogangar Road, Cudgen**

GT1/LEP/A113 Pt6; LEP

852

Cr Marshall

Cr Boyd

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

Current Status: Report to meeting 19 March 2003.

Schedule of Outstanding Resolutions

16 OCTOBER 2002

ORDERS OF THE DAY

1. **Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 Coast Road, Cabarita**
LEP; Land Nos. 42329; 45126; 41175; Notice of Motion

393

Cr Beck

Cr Lawrie

RESOLVED that a report to Council on the zoning options for Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 be prepared.

Current Status: To be finalised.

6 NOVEMBER 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

11. **Section 96 Application D97/0286.01 for an amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah**

PF3560/110 Pt2; LN 14978

420

Cr Boyd

Cr Beck

RESOLVED that a report be brought forward indicating the number of:

1. Approved brothels and their location.
2. Illegal brothels and their location, if they can be identified.

Current Status: Being investigated.

Schedule of Outstanding Resolutions

20 NOVEMBER 2002

ITEMS DEFERRED

13. **Development Application 0689/2000DA for a Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Tweed Coast Road, Hastings Point**

DA1180/425 Pt1; Land No 41178

479

Cr Boyd

Cr Marshall

RESOLVED that the Mayor and Director Development Services (and/or his nominee) meet with representatives of the Tweed Coast Sea Rescue, and NSW Fisheries to discuss the position with this Development Application.

Current Status: Meeting being arranged.

4 DECEMBER 2002

ORDERS OF THE DAY

2. **Policy - Incentives for Conservation of Water**

Notice of Motion; Water Management - General

560

Cr Beck

Cr Brinsmead

RESOLVED that as soon as possible Tweed Shire Council develops a policy to give incentives to developments that make provision for the conservation of water.

Current Status: Policy to be prepared.

18 DECEMBER 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Proposed Residential Development and Environmental Rehabilitation of Lot 16, DP 856265, Terranora Road, Terranora**

GT1/LEP/2000 Pt1; LEP; Land No 38026

570

Cr Luff

Cr Marshall

RESOLVED that Council defers the processing of the rezoning for Lot 16 DP 856265, Terranora Road pending finalisation of a Planning Strategy for the Terranora Ridgeline.

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Current Status: Matter deferred pending report early 2003.

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: policy to be prepared.

22 JANUARY 2003

QUESTION TIME

Advertising Structures

Advertising – Signs; Illegal Signage

Cr Luff

Have Council Rangers observed and reported on the legality or otherwise of the advertising structure on the high south of Chinderah just before the turn off to Tweed Valley Way? The structure appears to be a vehicle and supporting a sign advertising Tropical Fruit World.

The General Manager advised that this matter will be referred to the Director Development Services and Director Environment & Community Services for their attention.

Current Status: Written to the landowners and the destination advertised.

Earthworks – Stott Street, Bilambil Heights

DA5765/20 Pt5; Lot 2 DP 537490 Walmsleys Road; Land No 21838

Cr Luff

What, if any, action was taken by Council in regard to the allegation that earthworks by the developer of the retirement facility at Stotts Street, Bilambil Heights were left uncovered and

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unprotected so that they were causing a nuisance to residents because of dust, so that a risk existed that the disturbed earth would be eroded in the event of rain?

The General Manager advised that this matter will be referred to the Director Development Services.

Current Status: Memo to be issued to Councillors.

5 FEBRUARY 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. **Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553, Winders Place Banora Point**

DA5937/740 Pt3; Old Pty

69

Cr Beck

Cr Youngblutt

RESOLVED that Development Application K99/1682 for a six (6) lot subdivision at Lot 2 DP 1014553, Winders Place Banora Point be deferred.

Current Status: Development Application now amended. Report to Council meeting on 19 March 2003.

REPORTS FROM DIRECTOR CORPORATE SERVICES

6. **Enforcement Guidelines for Council**

Ombudsman; ICAC; DW 688862

74

Cr Boyd

Cr Davidson

RESOLVED that the General Manager schedule a Council briefing workshop to explore the practical applications of the guidelines in relation to responding to allegations of unlawful activities, use of discretion, option for action after investigation, strategies for prevention of unlawful activities and the powers available to Council.

Current Status: Workshop to be organised.

Schedule of Outstanding Resolutions

19 FEBRUARY 2003

ORDERS OF THE DAY

5. **Fire Risk to Property**

Bldg Code; Bushfire Protection; Fire Services; Notice of Motion

102

Cr Luff

Cr Boyd

RESOLVED that:-

1. Council requests information from relevant fire fighting bodies and others regarding design of buildings and property management, that minimises the risk of loss of property from fire.
2. A subsequent report to Council includes that and other relevant information and any recommendations that might allow Council to amend or introduce policies that in nominated areas or circumstances, property owners are required to comply with in order to reduce the risk of loss of property by fire.

Current Status: Report being prepared.

3. **Shark Proofing - Jack Evans Boatharbour**

Jack Evans Boatharbour; Notice of Motion

114

Cr Boyd

Cr Brinsmead

RESOLVED that in view of the recent deaths of two people on the Gold Coast as a result of shark attack in canals, Council considers its legal position and explores the desirability of shark proofing a section of Jack Evans Boatharbour.

Current Status: In response to the abovementioned Question, Section 5F of the Civil Liability Amendment (Personal Responsibility) Act 2002 No 92 deals with "obvious risk".

1. An obvious risk to a person who suffers harm is a risk that, in the circumstances, would have been obvious to a reasonable person in the position of that person.
2. Obvious risks include risks that are patent or a matter of common knowledge.
3. A risk of something occurring can be an obvious risk even though it has a low probability of occurring.

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4. A risk can be an obvious risk even if the risk is not prominent, conspicuous or physical observable.

Discussion with Council's Consultant risk manager confirms that Council does not owe a duty of care to persons who swim in man-made waterways and are the subject of a shark attack.

4. Production Demonstration - Airboats Industries Australia Pty Limited
SES; Notice of Motion

115

Cr Boyd

Cr Luff

RESOLVED that Council invites Airboats Industries Australia Pty Limited to demonstrate its product on the Tweed River to our local State Emergency Services representatives and others interested in this revolutionary craft.

Current Status: To be finalised.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

ITEM DEFERRED FROM THE ORDINARY AGENDA

7. **Development Application DA02/1815 for a rural workers dwelling at Lot 1 DP 873622, No. 515 Carool Road, Carool**

DA02/1815 Pt1; Land No. 39879

C26

Cr Beck

Cr Youngblutt

RESOLVED that this item be deferred until Mr McLaughlan and the proponents submit a revised Development Application addressing the issues of statutory prohibitions to the present application.

Current Status: Awaiting for applicant to lodge amendment.

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**8. Development Application DA02/1693 for a subdivision to create 16 residential allotments & a residual lot at Lot 113 DP 1031933, Tweed Coast Road Kingscliff
DA02/1693 Pt1; Land No. 44773**

127

Cr Lawrie

Cr Youngblutt

RESOLVED that:-

1. The parties agree to immediately lodge with the Land and Environment Court (the Court) the following Consent Orders:-
 - 1.1 The applicant will lodge with Tweed Shire Council within 14 days the engineering documentation reasonably required by Council to enable it to make a satisfactory engineering assessment and determination of the development.
 - 1.2 The parties will forthwith enter into further negotiations to be finalised by 28 February 2003 with the aim of resolving 'reasons for refusal' 2, 3, 4, 5 and 7.
2. The Director to prepare a further report for the consideration of Council at its meeting on 5 March 2003, noting Council is not disposed to spend ratepayers' money in the Court regarding the 'reasons for refusal' in 1.2 above.

Current Status: Applicants have been contacted and have indicated that they are preparing reports on the engineering and town planning issues. These reports are likely to be available late Friday 28 February 2003 or Monday 3 March 2003.

They have requested that the negotiations referred to in 1.2 in this resolution take place after their reports have been completed.

**9. Draft Development Control Plan No 9 (Version 2) - West Kingscliff
GT1/DCP/9 Pt 3; GT1/29/2 Pt2; Subj: DCP; Land Development - Kingscliff**

128

Cr Polglase

Cr Luff

RESOLVED that, given the crucially important planning decisions to be made in relation to the Draft Tweed Coast Strategy and draft DCP 9, an urgent workshop be convened involving:-

- Mayor and Councillors
 - Director Development Services, Manager Strategic Planning & Strategic Planner (Bruce Duffield)
 - Director Engineering Services
 - Patrick and Partners: Mike Cullen
 - Gales Holdings: Dr Stephen Segal
 - Diecke Richards: Peter Richards
-

Schedule of Outstanding Resolutions

- JHD Advisors Pty Ltd: retail consultants to Gales Holdings
- Kingscliff Residents and Progress Associations President plus one other
- Tweed Coast business Corporation President plus one other
- Tweed Coast Chamber of Commerce President plus one other
- Veitch Lister – traffic consultants
- Other representatives at the Mayor's discretion – recognising the need for a manageable number.

Current Status: Workshop arranged for Tuesday, 4 March 2003 commencing at 5.00pm.

10a. Draft Tweed Coast Strategy 2002 Discussion Paper

Tweed Coast Strategy

130

Cr Polglase

Cr Brinsmead

RESOLVED that, given the crucially important planning decisions to be made in relation to the Draft Tweed Coast Strategy and draft DCP 9, an urgent workshop be convened involving:-

- Mayor and Councillors
- Director Development Services, Manager Strategic Planning & Strategic Planner (Bruce Duffield)
- Director Engineering Services
- Patrick and Partners: Mike Cullen
- Gales Holdings: Dr Stephen Segal
- Diecke Richards: Peter Richards
- JHD Advisors Pty Ltd: retail consultants to Gales Holdings
- Kingscliff Residents and Progress Associations President plus one other
- Tweed Coast business Corporation President plus one other
- Tweed Coast Chamber of Commerce President plus one other
- Veitch Lister – traffic consultants
- Other representatives at the Mayor's discretion – recognising the need for a manageable number.

Current Status: Workshop arranged for Tuesday, 4 March 2003 commencing at 5.00pm.

Schedule of Outstanding Resolutions

Public Meeting – Public Toilet for Stokers Siding

Public toilet; Village Development Strategy

Cr Marshall

Enquired why is a public meeting still proceeding tomorrow night with the agenda item of the location of the public toilet for Stokers Siding, considering this matter was voted against by Council pending the Village Strategy being completed.

The General Manager responded that he could not make a comment regarding the conduct of the public meeting. However, an opportunity regarding the use of the store (old station) toilet has become available and could be supported with some work by Council, based upon approval by the State Rail Authority for use of their land for an absorption trench.

Current Status: meeting held on Thursday 20 February 2003 at 7.30pm. Approximately 35 people attended. Some preliminary Main Street planning and proposal revised and a draft Plan displayed at the local Post Office for comment. Further meeting to be held in approximately one month.

Cabarita Surf Club

Surf Lifesaving; Land 16142

Cr Davidson

Commented that the Cabarita Surf Club was anxious to proceed with the demolition of the Club and requested that the calling of quotes for demolition be actioned.

The Acting Director Environment and Community Services responded that the request for the calling of quotes for demolition of the Club would be noted for action.

Current Status: Quotations currently being called.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. NRMA Roadzone

Traffic Safety/Road General

20 February – attended opening of the NRMA Roadzone Exhibition (which fosters safe road user behaviour in tomorrow’s drivers before they get behind the wheel of a car) at South Tweed Heads

2. Ministerial Taskforce

Tweed Heads Ministerial Taskforce

25 February – attended Ministerial Taskforce Workshop at THCC

3. Tweed Community Based Heritage Study

Heritage Matters

27 February – meeting of the Tweed Community Based Heritage Study at MCC

4. McKenzie Aged Care Group

Aged Services/Councillors’ Invitations

28 February – official opening Raffles Assisted Aged Care Facility at Tweed Heads South

5. Joey’s Pouch Childcare Centre

Child Minding Daycare/Pre-School

1 March – Annual General Meeting of Joey’s Pouch Childcare Centre Murwillumbah

6. Daily News Golf Day Promotion

Councillors’ Invitations

2 March – played golf in Daily News Promotion “we live here ‘cause we love it” at Murwillumbah Golf Course.

Mayoral Minute

7. Tweed Heads War Widows

Councillors' Invitations

3 March –Tweed Heads War Widows Birthday Celebrations at Twin Towns

8. NSW State Election Campaign

Elections – State & Federal

A letter has been received from Lgov NSW encouraging Councils to raise a number of identified issues with candidates for the March 2003 State Elections and it is recommended that Council determines what issues, if any, should be raised with candidates for the March 2003 State Election.

Lgov NSW letter dated 29 January 2003 forms an attachment to this Minute

INVITATIONS ACCEPTED

- 6 March – Murwillumbah Uniting Church Pre-School AGM
- 7 March –Citizenship Ceremony THCC
- 8 March –Tweed PCYC 10 Anniversary Celebrations T/Heads
- 8 March – Curious Art Chinderah Exhibition
- 9 March – Pottsville Workshop & Sausage Sizzle
- 12 March – UDIA Conference Twin Towns
- 12 March – Twin Towns Friends Association Seniors Week Sth Tweed
- 14 March – Twin Towns Daylight Lodge Meeting Tweed Heads
- 14 March – Murwillumbah TAFE Community Forum
- 15 March – Kingscliff Rotary MUNA (Model United Nations Assembly) Youth Event
- 16 March – Opening Ceremony Senior Citizens Week Murwillumbah
- 18 March – Tweed PCYC AGM T/Heads

Mayoral Minute

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

- Inaugural IULA-ASPAC (International Union of Local Authorities Asia-Pacific) Regional Congress **9-11 April Darling Harbour Sydney**
- 8th Annual National Water Conference **24-26 June Sydney**
- 2003 LGMA National Congress & Expo **25-28 May Adelaide**
- 12th NSW Biennial Noxious Weeds Conference & Expo **1-3 July Taree**
- Australian Institute of Criminology National Conference **18-19 August Brisbane**

Mayoral Minute

ABSENCES FROM SHIRE BY EXECUTIVE, MANAGERS AND COUNCILLORS

EXECUTIVE

Name	From	To	Location	Details
DCS	13 March 2003	13 March 2003	Gold Coast	SouthROC
DCS	14 March 2003	14 March 2003	Ballina	Country Energy Regional Meeting
DES	13 March 2003	13 March 2003	Sydney	Water Meetings Directorate

Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: DA02/1831

REPORT TITLE:

Development Application DA02/1831 for a timber yard, associated offices and shed at Lot 668 DP 755740, No. 65-67 Ourimbah Road Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a development application for the erection of an office and industrial building for the purposes of a truss manufacturing / assembly industry at 65-67 Ourimbah Road, Tweed Heads.

The location of the proposed industry is within an existing industrial zoned area that is in close proximity to a residential housing estate, 'The Grove'.

The application despite a number of addendums has not provided information conclusive to enable a favourable determination of the proposal because of the likely and substantial noise impacts upon the neighbouring residential area. Submissions to this effect were received during the advertising period.

RECOMMENDATION:

That Development Application DA02/1831 for a timber yard, associated offices and shed at Lot 668 DP 755740, No. 65-67 Ourimbah Road, Tweed Heads be refused for the following reasons: -

1. Pursuant to Section 79C(1)(b) the proposed development is considered likely to have a highly detrimental impact upon the adjacent residential precinct because of the forecast acoustic levels combined with the absence of mitigating/ameliorative measures.
2. Pursuant to Section 79C(1)(c) the suitability of the site for the proposed development can only be determined as unsuitable on the information provided to Council in relation to acoustic levels and the likely associated impacts upon the adjacent residential precinct.
3. Pursuant to Section 79C(1)(d) the application has attracted a number of objections relating predominantly to anticipated noise impacts.
4. Pursuant to Section 79C(1)(e) the proposed development has the potential to adversely impact upon the public wellbeing and this impact cannot therefore be considered or construed as being in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Ross Brims Bulk Transport

Owner: Atis Investments Pty Ltd

Location: Lot 668 DP 755740, No. 65-67 Ourimbah Road Tweed Heads

Zoning: 4(a) Industrial

Cost: 150000.00

BACKGROUND

Council is in receipt of a development application for the erection of an office and industrial building for the purposes of a truss manufacturing/assembly industry at 65-67 Ourimbah Road, Tweed Heads.

The location of the proposed industry is within an existing industrial zoned area that is in close proximity to a residential housing estate: 'The Grove'.

HISTORY

31.10.2002 Application lodged with Council

13.11.2002 Application referred to Area Team Meeting, referral to Building Services

13.11.2002 Building Services provided comments/conditions

26.11.2002 Re
quest for further information made pursuant to Section 54(1) of Regulation 2000.
This request included:-

- *The application indicates that assembling of trusses is to occur on-site. However the details of how and where the work will occur is unclear. Identification of the methods of assembly will assist in determining the likely noise pollution levels and associated impacts upon neighbouring businesses and residential area.*
- *The site plan does not appear to correspond with the building plan in that the latter identifies the building as being 15metres in length whilst the site plan illustrates a building footprint that is clearly greater than 15metres. Clarification of this anomaly is required.*
- *If in accordance with the Statement of Effects a shed is to be constructed for assembling purposes, the details of the shed must be provided, that include materials of construction, method of ventilation if installed and method of noise attenuation if required.*
- *In respect of the above two points the site plan must clearly illustrate the location of both the shed and the office building. This plan is required to be at an appropriate scale.*
- *There exist a number of areas within the proposed building, particularly on the first floor, that have not had their uses specified. A fully annotated copy of the plans identifying the purposes of each area is required.*

Reports from Director Development Services

- *The number of car parking spaces provided relative to the business, i.e. number of customers, employees etc, in respect of Development Control Plan No.2 – Site Access and Parking Code requires further consideration.*

In addition it was noted:-

“A preliminary assessment of the proposed activity indicates that the objectives of the Tweed LEP have been fundamentally attained and subject to satisfactorily addressing the issues raised above may be suitable for favourable determination. In this regard, it is in your interest as an applicant to ensure that a satisfactory response is provided within the specified time.”

- 03.12.2002 Advertising of the application initiated for the period 4 to 18 December 2002.
- 06.12.2002 Applicant responded in an unsatisfactory way to Council’s request of 26 November 2002. In relation to noise impacts the applicant stated:-
- “.....Note that the shed is open except for two metres of skirting at eave level. Natural ventilation is provided. **No noise attenuation can be provided in a building of this nature.**”*
- 11.12.2002 Consultation with Council’s Environment and Health Services Unit identified that a part file referral should have been initiated at the Area Team Meeting of 13 November so that noise impacts could be appropriately assessed. A copy was made available for assessment.
- 16.12.2002 Telephone communication with Mr Ross Brims in respect of the progress of the development application.
- 23.12.2002 A letter was forwarded to the applicant advising that the their advices of the 6 December in response to Council’s request was not satisfactory and the Council’s Environment and Health Services Unit was now assessing the noise impacts of the development and that any additional request would be made at the earliest convenience.
- 13.01.2003 A letter was forwarded to the applicant advising of the status of the application, identifying the absence of supporting information as requested and acknowledgment that the applicant had entered into communication with Council’s Environment and Health Services Unit in respect of addressing noise impacts.
- 14.01.2003 Internal Memorandum received from Council’s Environment and Health Services Unit advising that insufficient information exists and that the applicant has been advised to engage the services of a suitably qualified acoustic consultant.
- 29.01.2003 The applicant provided an Acoustic Report prepared by Craig Hill Acoustics.
- 03.02.2003 Consultation with Council’s Environment and Health Services Unit identified that the preliminary assessment of the acoustic report revealed a number of inaccuracies that required further consideration by the applicant.
- 10.02.2003 Council was provided with a revised acoustic report prepared by same.
- 25.02.2003 Council’s Environment and Health Services Unit provided comments on the submitted additional information. It is advised inter alia that the acoustic report is

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not conclusive in its recommendations that satisfactory noise levels can be either attained and or maintained. It is recommend in the first instance that the application be refused.

27.02.2003 Meeting with Mr Ross Brims, Council's Director of Development Services and Manager Development Assessment, Development Assessment Officer Development Services and Acting Director of Environment and Community Services and Development Assessment Officer Environment and Health to discuss possible resolution of noise issues. The meeting concluded with Mr Brims advising that he is no longer in a position to, nor will he, provide any additional supporting information nor engage the services of the acoustic consultant any further. The Director of Development Services advised that on this basis no option exists but recommend refusal of the application.

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 4(a) Industrial. The proposed development is satisfactory with respect to the Tweed LEP Zone objectives.

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

There exist no draft Environmental Planning Instrument of relevance to this proposal.

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

The proposed development is not inconsistent with Council's adopted Development Control Plan No.2 – Parking and Access Code.

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

Satisfactory.

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

The proposed development, in particular the use for the manufacturing of trusses, raises acoustic issues upon the privacy and well-being of the neighbouring residential development. As indicated in the history to this proposal the applicant has provided two acoustic reports, neither of which has been accepted by Council's Environment and Health Services Unit as providing conclusive measures or certainties that an acceptable noise level can be either attained or maintained.

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

Having regard to the noise issues arising in this matter it can only be concluded that the subject site is not suitable for the development as proposed.

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

The development application was advertised from 4 to 18 December 2002, with a hand delivered notification letter delivered to properties within the 'Grove' considered likely to be most effected. Nine submissions were received that included additional signatories and a letter from the owners corporation on behalf of all property owners.

The predominant issue raised in the submission is the impact of noise from general operations and from heavy goods vehicles.

(e) **Public interest**

Having regard to the issues raised in this report it is considered that the noise likely to occur from the proposed development, as demonstrated in the applicant's acoustic report, upon neighbouring residential premises cannot be considered in the public interest. It is considered that the applicants inability to pursue methods of acoustic mitigation, albeit at their expense, is of grave disappointment because of the loss of economic growth and job employment generated by the proposal. This loss whilst providing a positive contribution to the public interest is not of such overarching magnitude to warrant precedence over that of the impact on neighbouring residences.

OPTIONS

1. Refuse Development Application DA02/1831 for the reasons provided.
2. Defer the matter and provide reasons for doing so.

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Refusal of the development application has the potential of impacting upon Council's forward budget estimates should the applicant pursue an appeal through the NSW Land and Environment Court. It is considered that the basis for the refusal is substantial and would not be easily overturned if pursued.

CONCLUSION

This proposal represents a potentially important industrial development with associated economic and employment benefits. However, it is also a proposal that – as it stands – would have clearly unacceptable noise impacts on the adjacent residential area. Hence, it is concluded that determination can only be recommended in terms of refusal.

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/38 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 38 - Subdivision Controls – Public Exhibition - Summary of Submissions

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No 38 was publicly exhibited from 15 January 2003 to 14 February 2003 in accordance with the Environmental Planning and Assessment Act 1979. One submission was received from a member of the general public and submissions were received from the RTA, NSW Fisheries, NSW Agriculture, the NSW Department of Mineral Resources; none of which had objections to the proposed Amendment. Comments were received from the Coastal Council of NSW, NSW National Parks and Wildlife Service, the NSW Department of Mineral Resources, the RTA and NSW Agriculture as part of the Section 62 consultation process. Except for NSW National Parks and Wildlife Service and the one public submission, none of these submissions raised any issues or expressed any objections in relation to the Amendment. Comments from NSW National Parks and Wildlife Service and the public submission are addressed in this report.

It is considered that the proposed LEP Amendment can be forwarded to the Minister for Planning in the form that it was exhibited.

RECOMMENDATION:

That Council forwards the draft Local Environmental Plan 2000, Amendment No 38, to PlanningNSW and requests the Minister for Planning to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

At its ordinary meeting of 6 November 2002 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to prepare LEP Amendment No 38.

An issue had arisen concerning the manner in which “subdivisions” is dealt with in the Tweed LEP, particularly in the 7(f) zone.

Currently ‘subdivision’ is specifically defined by Section 4B of the Environmental Planning and Assessment Act. However, the land use tables in Part 2 of the Tweed LEP do not include any specific reference to the permissibility or otherwise of subdivision in each zone. Rather there is a Shirewide set of controls in Part 4 of the LEP dealing specifically with subdivision. This amendment seeks to ensure legal clarity as to whether Part 2 or Part 4 of the Tweed Local Environmental Plan provides the basis for the permissibility of the subdivision of a parcel of land.

The intent of the Tweed Local Environmental Plan is to provide a comprehensive set of Shire-wide subdivision controls in the one section of the Plan. The options available to Council were as follows:

1. Include, where appropriate, subdivision as a specific item in the land use table for each zone in Part 2 of the Tweed Local Environmental Plan.
2. Clarify Part 4 of the Tweed Local Environmental Plan to the effect that it sets out Shire-wide controls for subdivision.

Option 2 was preferred. To implement that option the following amendment was agreed:

- General statement that Part 4 provides all of the LEP controls for subdivision in the Shire.
- Relevant controls for specific zones.

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant State Government Agencies. Responses were received from the Coastal Council of NSW, NSW National Parks and Wildlife Service, the NSW Department of Mineral Resources, the RTA and NSW Agriculture as part of the Section 62 consultation process. Apart from the NSW National Parks and Wildlife Service, none of these submissions raised any issues or expressed any objections in relation to the Amendment.

Comments from NSW National Parks and Wildlife Service are as follows:

*“The NPWS generally supports the proposed LEP amendments to clarify Part 4 of the Tweed LEP to the effect that it sets out shire wide controls for subdivision. However, the addition of zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) to Part 4 Clause 20 is not supported if the amendment allows for dwelling entitlements within newly created allotments. The primary objectives of the 7(a) zone is **‘to identify, protect and conserve significant wetlands and littoral rainforests’** and **‘to prohibit development which could destroy or damage a wetland or littoral rainforest ecosystem’**.”*

It is further noted that the Tweed Local Government Area is considered to be one of the most diverse bio-geographic areas in NSW in terms of its natural terrain, flora and fauna and only as relatively small portion of the Tweed LGA is within 7(a) zoning. In addition,

Reports from Director Development Services

pursuant to Clause 29(c) of the North Coast Regional Environmental Plan 1988, the draft LEP should 'include significant areas of natural vegetation including, rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones'. Consequently, the inclusion of the 7(a) zone within Part 4 Clause 20 (Subdivision) is not supported should it allow for dwelling entitlements as it would promote further fragmentation and degradation of wetland and littoral rainforest habitat.

Similarly, the inclusion of Part 4 Clause 20B – Subdivision in the 7(f) Environmental Protection (Coastal Lands) zone is not supported if dwelling entitlements are allowed within newly create allotments. It is understood from discussions with your Mr Geoff Herridge that Council proposes to clarify this issue in a proposed LEP amendment. The NPWS should be advised if dwelling entitlements are proposed to be permitted with new subdivisions in the 7(a) and 7(f) zones”.

Comment

The current LEP provisions under Zones 7(a) and 7(f) do not allow for a residential dwelling house to be erected in these zones. The proposed LEP Amendment only allows for a subdivision of an allotment below the minimum lot size (40 ha in 7(a) and 7(f)) if the consent authority is satisfied that the allotment will be used for a purpose, other than for agricultural or residential purposes, for which consent could be granted. This proposed LEP Amendment therefore does not alter the range of permissible uses under zones 7(a) and 7(f) and therefore residential dwelling houses will continue to be prohibited in these zones.

SECTION 69 REQUIREMENTS

The Amendment is within the Coastal Policy area and a Local Environmental Study (LES) is therefore required. PlanningNSW has advised that an LES is not required in this case, however the Plan is not consistent with Section 117 Direction - S26 as this LES is not to be undertaken as required under this Section. Therefore Council's delegation to report to the Minister under Section 69 of the Act cannot be used and under these circumstances Council is required to provide to PlanningNSW a report pursuant to Section 68 of the EP&A Act setting out the consultation process. PlanningNSW will then forward the information provided to it to the Minister to make the Plan.

PUBLIC EXHIBITION

Draft LEP Amendment No 38 was publicly exhibited from 15 January 2003 to 14 February 2003 in accordance with the Environmental Planning and Assessment Act 1979.

One submission was received from the general public.

The submission relates to a parcel of land with an area of 7.68ha. In the submission the owner of the land wishes to be able to subdivide this land into smaller lots and is therefore seeking an amendment to the provisions relating to the subdivision of land in the Shire.

Comment

Rural subdivisions are governed by current provisions within the Tweed LEP. State legislation requires Council to have a Rural Settlement Strategy to manage rural subdivisions and possibly allow for any variations to the current provisions. Council has prepared a draft Strategy which, has

Reports from Director Development Services

been forwarded to PlanningNSW for comment. Council is not in a position, therefore, at this stage to vary the LEP provisions until the Strategy is in force.

CONCLUSION

It is recommended that the Plan be finalised by asking the Minister to make the Plan in the form in which it was exhibited.

Reports from Director Development Services

3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/33 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 33 - Lot 4, DP 872479, Philp Parade, Tweed Heads South - Public Exhibition Submission Comments

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No 33 was publicly exhibited from 15 January 2003 to 14 February 2003 in accordance with the Environmental Planning and Assessment Act 1979. No submissions were received from members of the general public but submissions were received from the NSW Fisheries, NSW Agriculture and the RTA; none of which had objections to the proposed Amendment. Comments were received from the Coastal Council of NSW, National Parks and Wildlife Service, the NSW Department of Mineral Resources, the RTA and NSW Agriculture as part of the Section 62 consultation process. None of these submissions raised any issues or expressed any objections in relation to the Amendment, however the RTA had no objections provided a Traffic Study was undertaken on the proposed development. Comments from the RTA are addressed in this report.

It is considered that the proposed LEP Amendment can be forwarded to the Minister for Planning in the form that it was exhibited.

RECOMMENDATION:

That Council forwards the draft Tweed Local Environmental Plan 2000, Amendment No 33, to PlanningNSW and requests the Minister for Planning to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

At its ordinary meeting of 17 July 2002 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to amend LEP Amendment No 33.

Lot 4, DP872479, Philp Parade, Tweed Heads South, is currently zoned 6(a) Open Space. The primary objectives of the 6(a) Open Space Zone generally relate to publicly owned land or land Council envisages to purchase for public open space purposes. The subject parcel of land is privately owned, freehold, by Raythel Holdings Pty Ltd and is currently being used for the purpose of a caravan park. Given the existing use of the land and the land tenure it is considered that the current zoning is a mapping anomaly.

The land should be zoned to better reflect the tenure and land use of the site. This Amendment therefore proposes to amend Tweed LEP to zone the subject site 6(b) Recreation in which caravan parks are a permissible use.

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant State Government Agencies. Responses were received from the Coastal Council of NSW, National Parks and Wildlife Service, the NSW Department of Mineral Resources, the RTA and NSW Agriculture as part of the Section 62 consultation process. Apart from the RTA, none of these submissions raised any issues or expressed any objections in relation to the Amendment.

Comments from the RTA are as follows:

"..the Roads and Traffic authority (RTA) has no objections to the proposed amendment to the Tweed Local Environmental Plan provided a 'traffic study' is undertaken that justifies proceeding with the proposed development".

Comment

This Amendment proposes to amend Tweed LEP to zone the subject site from 6(a) Open Space to 6(b) Recreation with the site currently being used as a caravan park. There is no requirement to conduct a traffic study as there is no proposal under this Amendment to intensify or change the current use of the land.

SECTION 69 REQUIREMENTS

The Amendment is within the Coastal Policy area and a Local Environmental Study (LES) is therefore required. PlanningNSW has advised that an LES is not required in this case, however the Plan is not consistent with Section 117 Direction - S26 as this LES is not to be undertaken as required under this section. Therefore Council's delegation to report to the Minister under Section 69 of the Act cannot be used and under these circumstances Council is required to provide to PlanningNSW a report pursuant to Section 68 of the EP&A Act setting out the consultation process. PlanningNSW will then forward the information provided to it to the Minister to make the Plan.

PUBLIC EXHIBITION

Draft LEP Amendment No 33 was publicly exhibited from 15 January 2003 to 14 February 2003 in accordance with the Environmental Planning and Assessment Act 1979 (see Figure 1).

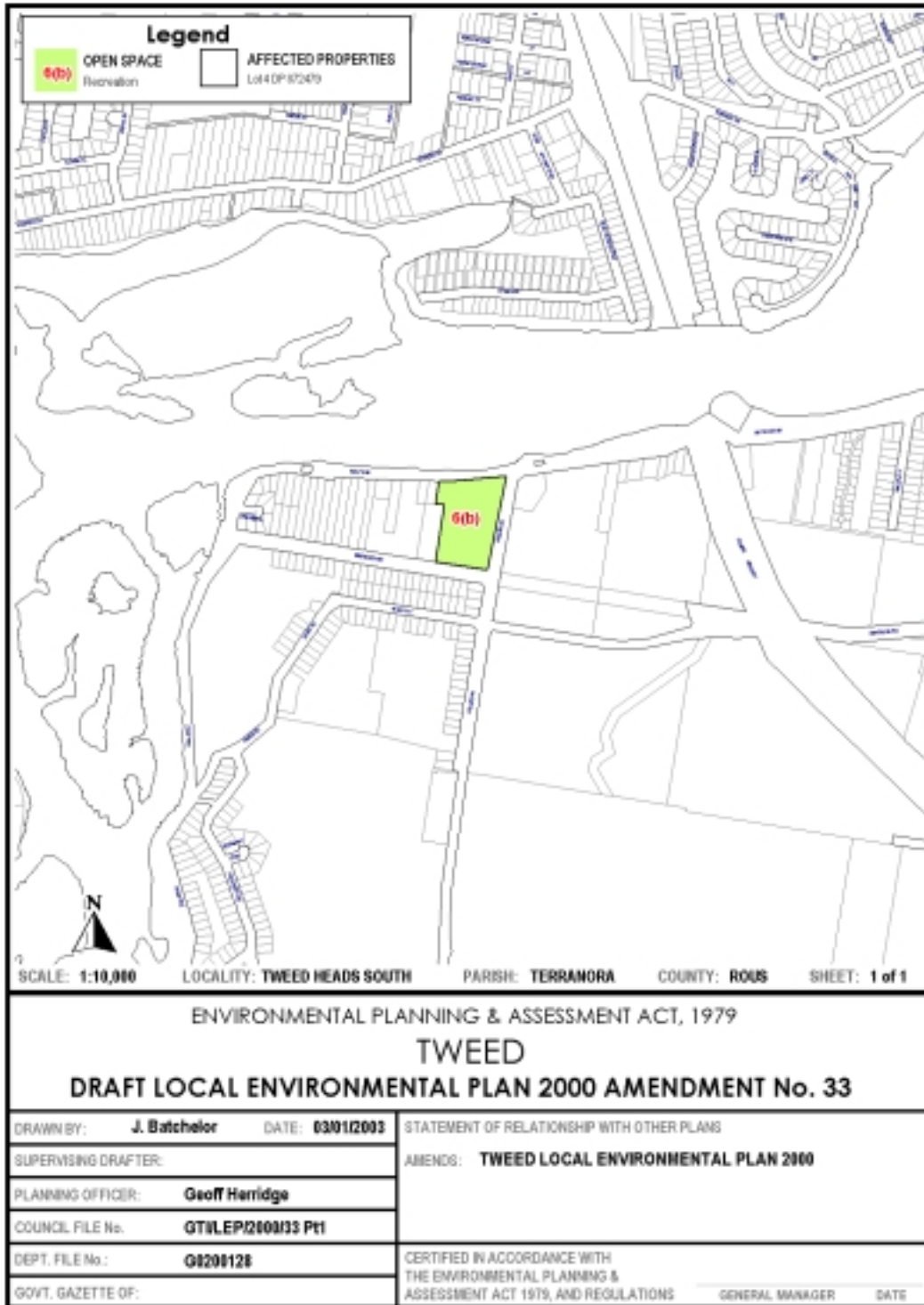
No submissions were received from members of the general public.

Reports from Director Development Services

CONCLUSION

It is recommended that the Plan be finalised by asking the Minister to make the Plan in the form in which it was exhibited.

Reports from Director Development Services



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4. ORIGIN: Development Assessment Unit

FILE REF: GS4/95/5 Pt19

REPORT TITLE:

Flame Tree Park Estate Stage 9 - Dedication of Public Road (Botanical Circuit) Within Existing Drainage Reserve (Western Drainage Scheme) - Lot 236 DP 1015373

SUMMARY OF REPORT:

The Western Drainage Scheme drainage reserve, identified as Lot 236 DP 1015373 (formerly Lot 901 DP 1005242) was vested in Council on 3 September 1999. To facilitate the release and registration of the Stage 9C Final Plan of Subdivision, dedication of part of Lot 236 as public road is required.

The dedication comprises the extension of Botanical Circuit and is required because the Lands Titles Office (Land Property Information) will not register a plan that creates an isolated road.

As Council is the registered owner of Lot 236 DP 1015373, a resolution to execute the plan under the Common Seal of Council is required.

RECOMMENDATION:

That Council: -

1. Consents to the road dedication through the Drainage Reserve identified as Lot 236 DP 1015373; and
2. Executes the Final Plan of Subdivision for Flame Tree Park Estate Stage 9 under the Common Seal of Council.

Reports from Director Development Services

REPORT:

The sketch (attached to this business paper) illustrates the location of the proposed road dedication. As Council is the registered owner of Lot 236 DP 1015373 a resolution to execute the plan under the Common Seal of Council is required.

Reports from Director Development Services

5. **ORIGIN:** Development Assessment Unit

FILE REF: PF3560/110 Pt2; LN 14978

REPORT TITLE:

Section 96 Application D97/0286.01 for an Amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871 No. 31-33 Morton Street, Chinderah

SUMMARY OF REPORT:

An appeal has been lodged with the Land and Environment Court following Council's refusal of the abovementioned Section 96 application. The applicant sought an amendment to Development Consent D97/0286 to enable 24 hour trading of the brothel. The matter was reported to Council on 6 November 2002 whereby Council resolved to refuse the application for the following reason: -

“RESOLVED that a decision on the Section 96 Application No. D97/0286.01 for an amendment to Development Consent D97/0286 for brothel/escort service at Lot 1 DP 619871 No. 31-33 Morton Street, Chinderah be refused as it is inconsistent with DCP No. 31”.

RECOMMENDATION:

That the matter be referred to Council's Solicitors with instructions to defend Council's refusal of Development Consent for the application under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended) for 31-33 Morton Street, Chinderah.

Reports from Director Development Services

REPORT:

Applicant: Jim Glazebrook and Associates

Owner: Dallas Cameron

Location: Lot 1 DP 619871, No. 31 – 33 Morton Street, Chinderah

Zoning: 4(a) Industry

Council granted development consent in 1997 for a brothel and escort agency to operate from premises in the Chinderah Industrial Estate. Condition No. 3 of the Development Consent D97/0286 restricted the operating hours of the premises from 6.00 pm to 6.00 am. The applicant submitted a Section 96 Application to have this condition removed to enable 24 hour trading.

To support the extension of trading hours the applicant submitted:

- Modification necessary to meet demand for services by the brothel and is consistent with usual sex industry practice and the condition is a harsh and unnecessary restraint of trade.
- The brothel is sited within an industrial estate with vacant land to the rear and adjoining development in Morton Street comprising a fish processing operation and a mobile home manufacturer. There is no issue whatsoever in respect to residential amenity.
- Proposal would have no impact on existing activities in relation to noise and traffic generation.
- The brothel has operated to date in accordance with council's requirements

The condition restricting hours of operation was placed on the consent in accordance with Clause 4.4 of DCP No. 31 – Brothel Policy. Under the Brothels Policy Clause 4.4, which limits hours of operation to those between 6 pm and 6 am. It would appear that the restriction has been included in the policy to minimise the potential for land use conflict with neighbours and surrounding landowners/ businesses.

In the assessment of the application it was found that the applicant has not demonstrated that the restriction on the hours of operation is a restraint of trade for brothels operating in Tweed Shire, nor was it placing the brothel at a competitive disadvantage with it's opposition in the Shire. However in terms of brothels operating outside of the shire, provided clientele were mobile, the restriction on hours of operation could be considered to be a restraint on trade and placed the brothel at a disadvantage, but no information had been provided to support this position. Since Council's determination of this application the Land and Environment Court approval on 23 December 2002 of the Brothel at Ourimbah Road, Tweed Heads West placed no restrictions on hours of operation.

In the report on this application it was acknowledged that the operation of the brothel 24 hours per day would not cause a land use conflict with surrounding development, adequate parking was provided on-site, the road network was capable of handling additional traffic generated by the brothel and that the brothel to Council's knowledge had operated to date in accordance with Council's requirements. It was therefore recommended that should Council wish to support the proposal, a review of the Development Control Plan be carried out in relation to hours. Such a review would investigate amending the clause relating to hours to enable the matter to be determined on merit. Suitable provisions would be drafted to enable assessment of the potential for

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a land use conflict with adjoining and surrounding business houses within the neighbourhood operating at similar hours.

Council however resolved to refuse the application on the basis the proposal did not comply with the DCP No. 31 – Brothel Policy.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

Notification has now been received that the applicant has appealed the decision to refuse the application in the Land and Environment Court. A telephone call over is set down for 17 March 2003. Council's file has been referred to Stacks to respond to the call over.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The legal proceedings are a Class 1 matter. Should Council defend this matter it will incur it's own legal costs for these proceedings.

OPTIONS

1. Should Council wish to defend the matter before the Court, it should resolve to refer the matter Council's Solicitors with instructions to defend the appeal. Given the contents of the original report, the possible use of a suitably qualified town planning consultant should be investigated with the Solicitors.
2. Should Council not wish to defend the matter, the matter should be referred to Council's Solicitors to manage any legal matters arising from the appeal.

CONCLUSION

The report presented to Council at it's meeting of November 6, 2002 recommended that the Council resolve to prepare an amendment to DCP No. 31 – Brothels Policy prior to making a determination. Council however refused the Section 96 Application to extend the hours of operation on the basis of non-compliance with the Brothels Policy. This decision should be defended in the Court.

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6. ORIGIN: Development Assessment Unit

FILE REF: DA02/1307; LN 19755

REPORT TITLE:

Development Application DA02/1307 for a 4 lot residential subdivision at Lot 34 DP 31369, Lot 35 DP 31369, No. 4 Kent Street Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a letter from the applicant for this development application seeking a Review of Determination. The request for the Review of determination was received in the required time and accompanied by the necessary fee. No further technical documentation was provided with the application to review the determination.

The applicant was requested to provide further information to support the proposed development. However the information provided to Council was not adequate for Council's Engineers to favourably determine the application. The proposed development was refused by the Development Assessment Panel on 8 January 2003. The proposed development was refused for a number of reasons associated with Engineering issues including essential servicing, stormwater and access to property.

The report considered by the Development Assessment Panel on the 8 January 2003 is contained in this report. It is recommended that the refusal be upheld by Council.

RECOMMENDATION:

That Council reaffirms the determination of Development Application DA02/1307 for a 4 lot residential subdivision at Lot 34 DP 31369, Lot 35 DP 31369 No. 4 Kent Street, Tweed Heads.

Reports from Director Development Services

REPORT:

Applicant: McLauchlan Surveying Pty Ltd

Owner: Mr S Lubberink and Mr WG Hayes

Location: Lot 34 DP 31369, Lot 35 DP 31369, No. 4 Kent Street Tweed Heads

Zoning: 2(a) Low Density Residential

Cost: Not provided

BACKGROUND

This development application is for the subdivision of two (2) existing lots into four (4) lots. Proposed Lots 1 and 2 each have an area of 460m² and access from Kent Street. Proposed Lot 3 has an area of 596m² and proposed Lot 4 has an area of 558m². These lots have access from The Jib.

The development application did not have the necessary detailed information for Council's Engineers to undertake a proper assessment of the proposal. Upon request for further information the applicant submitted a plan which Council's Engineers advised was still inadequate to assess the proposal.

The application was reported to the Development Assessment Panel on 8 January 2003 when it was resolved to refuse the application for the following reasons: -

1. The proposed subdivision is not able to achieve the primary objectives, in relation to providing a residential environment with suitable amenity, of the zone under the Tweed Local Environmental Plan 2000.
2. The proposed subdivision has not demonstrated an ability to meet the essential servicing requirements of the Tweed Local Environmental Plan 2000.
3. The proposed development is not accompanied by adequate engineering information to enable an assessment of the proposal.
4. The proposed subdivision results in allotments that will not provide adequate access to property in accordance with Council's Access to Property Policy.
5. The proposed subdivision will not afford reasonable residential amenity to the future occupants due to the stormwater overland flow path within private open space.
6. The subject land is not suitable for residential subdivision due to the stormwater and uncontrolled fill constraints.
7. The proposed subdivision is not in the public interest.

The applicant has now requested a review of the determination in accordance with Section 82A of the Environmental Planning and Assessment Act, 1979. No additional supporting information has been provided.

Reports from Director Development Services

The key issues in the Section 79C assessment are as follows: -

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

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

Tweed Local Environmental Plan 2000

The proposed subdivision was not considered able to achieve the primary objective of the zone, in relation to providing a residential environment with a suitable amenity. While the proposed subdivision included the creation of allotments that complied with the minimum lot size of 450m², Council's Developments Engineer advised that may not be able to provide a residential environment with amenity.

The proposed subdivision could provide a building platform however, the private open space would be encumbered by an overland flow path thereby limiting the land and its use to future occupants. In this regard the proposal was not considered to be consistent with the primary objective of zone.

Further, Council's Developments Engineer was not furnished with any conceptual details as to how the allotments would be satisfactorily connected to the water or existing sewer system. In the absence of this information Council's Engineers could not support the proposal. The provisions of Clause 15 of the LEP that requires suitable arrangements be made prior to consent being granted was not satisfied. This was reflected in one of the reasons for refusal.

(c) Suitability of the site for the development

Council's Developments Engineer advised that the proposed development was not accompanied by adequate engineering information to enable an assessment of the proposal. Specifically the proposal raised stormwater, fill and access to property constraints.

Stormwater

The proposed subdivision requires the construction of an overland flow path in the rear of small allotments. This overland flow path will consume valuable passive open space given the size of the allotments.

The detail the Engineers had to assess did not adequately address the low point of the overland flow path or lawful points of discharge.

Stability and Fill

The subject land has an area of uncontrolled fill. Consequently pierced foundations would be a requirement in the construction of a dwelling house. Council's Developments Engineer advised that there may be engineering solutions to the problems associated with the subdivision, however the cumulative impacts associated with these issues to the future owner is not in the public interest.

Reports from Director Development Services

Topography and Access

The topography of the site is such that vehicular access will not comply with Council's Policy without modification of the landform. Earthworks would have to be undertaken to achieve a grade of 25% for the driveway long section. This would best be achieved with the construction of a dwelling house however this is an unreasonable expense to impose on a new property owner.

(e) **Public interest**

For the reasons detailed in this report the proposed was considered to not be in the general public interest.

The report to the Development Assessment Panel's meeting of 8 January 2003 is below: -

“DEVELOPMENT APPLICATION DA02/1307 - 4 LOT RESIDENTIAL SUBDIVISION AT LOT 34 DP 31369, LOT 35 DP 31369, NO. 4 KENT STREET TWEED HEADS

DA02/1307

Applicant: McLauchlan Surveying Pty Ltd
Owner: Mr Stephen Lubberink
Location: Lot 34 DP 31369, Lot 35 DP 31369, No. 4 Kent Street Tweed Heads
Zoning: 2(a) Low Density Residential
Est Cost: 0.00

Background

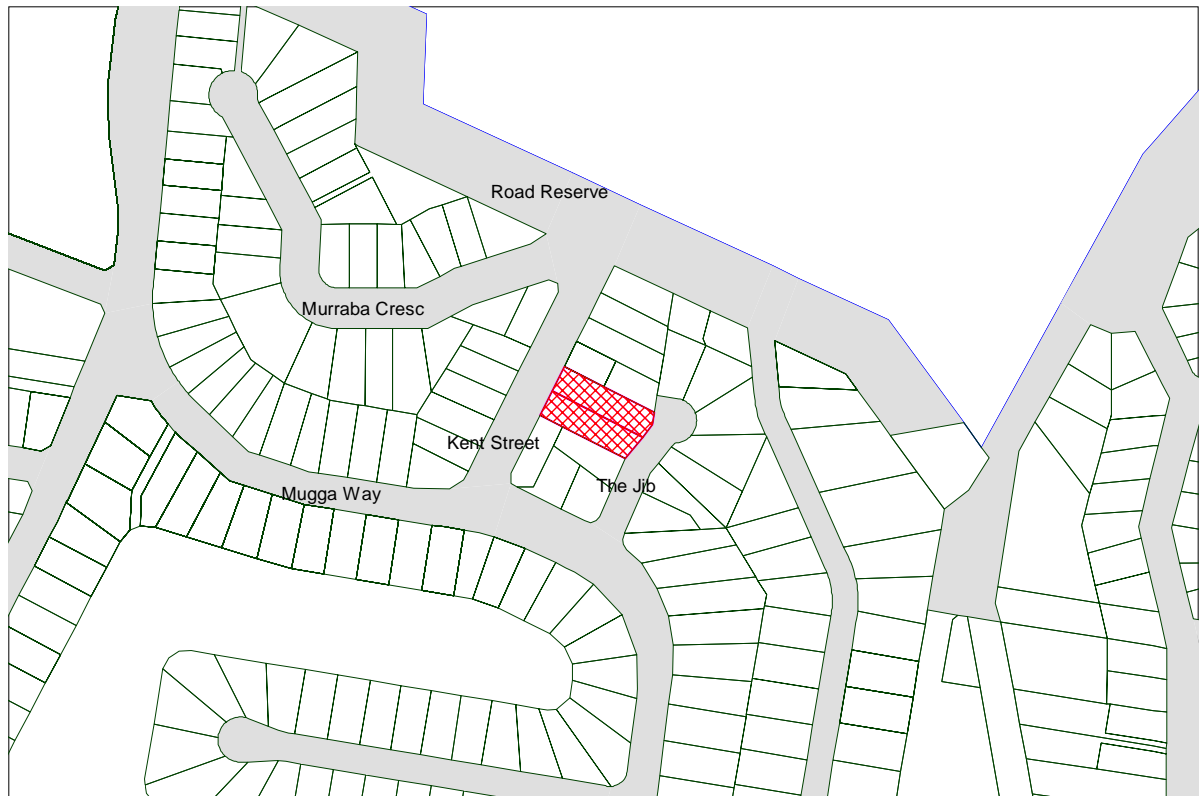
Council is in receipt of an application to subdivide the subject land into four allotments with proposed lots 1 and 2 both being 460m² and accessed from Kent Street. Proposed lot 3 is 596m² and proposed lot 4 is 558m² both of which are accessed from The Jib.

The proposed development was not accompanied by all of the required information for Council's Development Engineers to assess the proposal. Upon request for the further information the response and information provided was not adequate to assess the proposal. The subject land is constrained and with the limited information provided it is not possible to determine whether the proposal is suitable.

As such, it is considered that the proposal should be refused for the reasons provided.

Reports from Director Development Services

Site Diagram



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

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

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

To provide for and maintain a low density residential environment with a predominantly detached housing character and amenity.

Clause 11 of the TLEP requires allotments to be 450m² minimum lot size. The proposed development is for a subdivision that creates four allotments that comply with the minimum lot size however based on the advice received from Council's Developments Engineer may not be able to provide a residential environment with amenity.

It is considered that the proposed development is not consistent with the primary objective of the zone in that the proposed allotments are constrained and may limit the ability to provide a residential environment.

Clause 15 of the LEP requires essential services be available or suitable arrangements made prior to consent being granted. The proposed development does not provide any conceptual details as to how the allotments will be satisfactorily connected to the water or existing sewer system. As such the proposed development can not be supported in the absence of such

Reports from Director Development Services

information and documentation to enable Council's Engineers to assess the proposal.

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

The proposed subdivision does not require further detailed assessment in relation to the draft plans that have been exhibited.

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

Development Control Plan No.16 – Subdivision Manual applies to the proposal to the extent that it is a subdivision. Council's Developments Engineer did not raise any objection to the proposal in relation to the provisions of this DCP.

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

The NSW Coastal Policy 1997 applies to the proposed development. The proposed development is considered to be generally consistent with the strategic actions and principles of this policy document.

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

The proposed subdivision is in an existing urban area that does not support significant vegetation. The proposed subdivision would result in two small allotments being created that would contain the required building envelope however the private open space would be encumbered by an overland flow path. It is considered that this is not a suitable built environment that would result and accordingly the proposed development is not being supported.

The access to property limitations of the site further reduce the suitability of the built environment.

(c) Suitability of the site for the development

Council's Developments Engineer has advised that the following issues of concern are raised by the proposal.

Stormwater

The subdivision requires the construction of an overland flow path in the rear of small allotments. This overland flow path will consume valuable passive open space given the size of the allotments.

The construction of the overland flow path will concentrate stormwater near the field inlet above lot 331. It is unclear from the application whether or not the overland flow concentrates at this low point now. If it does not, a lawful point of discharge from lot 331 would be required.

Topography

The topography from Kent Street is such that vehicular access will not comply with Council's Policy without modification of the landform. To achieve a satisfactory footway profile and a driveway long section grade of 25% earthworks must be carried out.

Reports from Director Development Services

The most practical option is for the earthworks to be carried out when the dwelling houses are constructed however it is considered that this is an unreasonable expense to be imposed on the new property owners. A new property owner could reasonably expect not to incur this expense on a Council approved subdivision.

Stability

Border-tech have identified that long term settlement of the uncontrolled fill of up to 60mm is likely and consequently piered foundations should be incorporated into the dwelling design. The applicant proposes to impose a restriction to user on the title which limits the foundation type. This proposal is not supported because a new property owner could reasonably expect to construct a dwelling without having to incur the costs associated with piered foundations.

Council's Developments Engineer has advised that there may be engineering solutions to the problems associated with the subdivision, however the cumulative impacts associated with these issues to the future owner is not in the public interest.

Council's Environmental Health Surveyor raised some concerns in relation to contamination and required further detail be provided. The further testing results were suitable for residential use. As such, Council's Environmental Health Surveyors have not raised any objection to the proposal.

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

The proposed subdivision was notified for a two week period during which one submission was received. The submission raised the issue of access grades to the proposed allotments from Kent Street, and was concerned that a future builder may need to access the property from The Jib and in such event that submission strongly objects to such occurring.

Due to the limitations of The Jib additional traffic would be undesirable and hazardous.

This submission reinforces the issue raised by Council's Developments Engineer.

(e) Public interest

The proposed subdivision is not considered to be in the general public interest as the allotments created are constrained and would provide limited residential amenity for the future owners with the private open space clear of the building envelope being an overland flow path for stormwater.

The earthworks required to satisfactorily provide vehicular access is onerous and the limitation of building design due to the uncontrolled fill will combine to place unreasonable requirements on future owners.

It is not in the general public interest for a subdivision to be created which will provide limited residential amenity.

Reports from Director Development Services

Conclusion

The proposed subdivision is not accompanied by adequate information to enable Council's Development Engineer to assess the proposal. The constraints of the subject land limit the future residential amenity of the proposed allotments.

RECOMMENDATION:

That Development Application DA02/1307 for a 4 lot residential subdivision at Lot 34 DP 31369, Lot 35 DP 31369, No. 4 Kent Street Tweed Heads be refused for the following reasons:

- 1. The proposed subdivision is not able to achieve the primary objectives, in relation to providing a residential environment with suitable amenity, of the zone under the Tweed Local Environmental Plan 2000.*
- 2. The proposed subdivision has not demonstrated an ability to meet the essential servicing requirements of the Tweed Local Environmental Plan 2000.*
- 3. The proposed development is not accompanied by adequate engineering information to enable an assessment of the proposal.*
- 4. The proposed subdivision results in allotments that will not provide adequate access to property in accordance with Council's Access to Property Policy.*
- 5. The proposed subdivision will not afford reasonable residential amenity to the future occupants due to the stormwater overland flow path within private open space.*
- 6. The subject land is not suitable for residential subdivision due to the stormwater and uncontrolled fill constraints.*
- 7. The proposed subdivision is not in the public interest."*

OPTIONS

1. Confirm the determination for the refusal of the application.
2. Defer determination of this section 82A review until the applicant has provided the required comprehensive engineering details.
3. Uphold the request and approve the proposal subject to appropriate conditions.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has a right of appeal to the land and environment court if dissatisfied with the determination.

CONCLUSION

In conclusion it is considered the refusal of the proposed development should be upheld as the site is heavily constrained and would not provide a suitable residential amenity for future occupants.

Reports from Director Corporate Services

7. ORIGIN: General Manager
FILE REF: Shire Assn of NSW - General; Fire Services

REPORT TITLE:

Shires Association of New South Wales 'A' Division Meeting 2003

SUMMARY OF REPORT:

The Mayor and General Manager attended the Shires Association 'A' Division Meeting at Casino, 17 February 2003.

An important discussion centred about an alternative funding arrangement for Fire Services in NSW comment developed by the Local Government and Shires Association. This draft proposal will be coming forward in the near future for review by Council.

A number of resolutions were carried and these are listed in the report.

RECOMMENDATION:

That Council notes the adoption by the 'A' Division of the Shires Association of the resolutions that will go forward to the Shires Association conference 2003.

Reports from Director Corporate Services

REPORT:

As per Summary and resolutions as follows:

PRISTINE WATERS COUNCIL

Motion 1 – *“That the relevant bodies be lobbied to introduce a container deposit programme in NSW.”*

Motion 3 – *“That State Government and National Parks and Wildlife Service are lobbied to significantly improve hazard reduction programs and introduce fire safety buffer zones around National Parks.”*

Motion 4 – *“That the Shires Association lobby TAFE to operate an Agro Forestry course at TAFE Institutions and that NSW Agriculture be lobbied to locate an Agro Forestry Research Officer at the Grafton Research Centre.”*

Motion 5 – *“That the Shires Association lobby for the improved designs and implementation of re-use water systems.”*

Motion 6 – *“That both Federal and State Government are lobbied to introduce a pilot desalinisation scheme.”*

KEMPSEY SHIRE COUNCIL

Motion 1 – *“That Lgov in conjunction with other State Associations prepare a strong case for the continuing funding of Roads to Recovery by using information collected from Constituent Councils on funding shortfalls on Roads, Bridges and Ancillary Works.”*

Motion 2 – *“That National Parks and Wildlife cease entering into Voluntary Conservation Agreements with property owners until an alternative method of funding those agreements can be implemented.”*

Motion 3 – *“That the Federal Government’s funding contribution toward the Regional Flood Mitigation Programme be restored to the 2:2:1 funding arrangement.”*

Motion 4 – *“That residents be required to show proof that a dwelling is legal prior to public utilities connecting services and the Rural Fire Service be required to report to Council any dwellings found that are not shown on mapping data.”*

TWEED SHIRE COUNCIL

Motion 1 – *“That the requirement for local authorities to produce and distribute hard copies of the Council business papers for circulation to any person requesting a copy to be amended to provide for the following:*

- 1. That Council may distribute and meet the requirements of the legislation by circulating a copy in electronic form.*
- 2. Charge a fee to cover the costs of postage of the business paper to the requesting resident.*
- 3. Minimise the cost of circulating hard copies of the business paper by provided other means of access to the business paper.”*

Reports from Director Corporate Services

Motion 2 – *“That the recently introduced SEPP 71 legislation be immediately withdrawn and the practical implication reviewed by a joint State local government working group for potential reintroduction in a modified form.”*

NORTH COAST WATER

Motion – *“That the Department of Land and Water Conservation be urged to give consideration to the establishment of pilot water desalination plant/plants to determine the practicality of providing for some of the states water supply needs.”*

CLARENCE RIVER COUNTY COUNCIL

Motion 1 – *“That the state Government consider not sitting in Parliament during Shires Conference Week but be available in Sydney for Mayors and General Managers to be able to meet with them.”*

Motion 2 – *“That every second SA Conference be held in the country so regional areas get the economic benefits of that spin off.”*

Reports from Director Corporate Services

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Reports from Director Corporate Services

8. ORIGIN: Director
FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. - Request for Additional Funding

SUMMARY OF REPORT:

The Tweed and Coolangatta Tourism Inc. General Manager at a briefing of Council's Community Access on Wednesday 12 February 2003 outlined a proposal to establish a tourism marketing campaign. Tweed and Coolangatta Tourism Inc. are seeking to increase their grant funding from Council for the Financial Year 2003/04 by an additional amount of \$36,000.00

RECOMMENDATION:

That Council schedules a meeting with the Tweed and Coolangatta Inc. Board as set out in Clause 6.3 of the Performance Agreement to review their performance in regards its obligations under the Agreement and also to consider the additional funding request.

Reports from Director Corporate Services

REPORT:

The Chairman of Tweed and Coolangatta Tourism Inc (TACTIC) has written to the General Manager requesting Council to increase its level of funding support to TACTIC by an additional amount of \$36,000.00.

Council currently supports TACTIC through a three (3) year funding agreement at the level of \$264,852.00 for the current financial year 2002/03.

The funding agreement provides the scope at Clause 6.3 of the Agreement during the month of March 2003 for Council to "meet with representatives of the Board of Directors of TACTIC with a view to determining the funding amount for the period 1 July 2003 to 30 June 2004 ...".

This meeting is yet to be scheduled.

The General Manager of TACTIC, Mr Terry Watson, during Council's Community Access meeting on 12 February 2003 outlined a print and television promotional campaign based on an additional funding component from Council.

The letter confirming this request states:-

Further to our presentation to Councillors on 12th February 2003, we are hereby requesting increased funding for the 2003/2004 financial year of \$36,000

As discussed, the increase is specifically required for a Tweed print and television promotional campaign for Regional New South Wales and South East Queensland and would be used entirely for this purpose

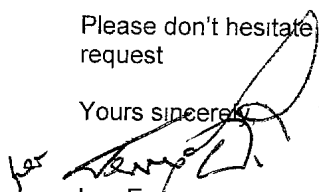
As further discussed during our presentation, we are happy for this funding to be contingent on TACTIC obtaining contributions from the tourism industry of \$60,000 and on TACTIC providing a \$64,000 for the campaign from existing revenue

It is our view that such a campaign would provide a significant spark within our target markets to increase visitation to the Tweed in the short term to the benefit of all levels of Tweed business and community

We would like to take this opportunity to thank Council for their continued support and we look forward to strengthening our relationship over the coming years to ensure maximum value for the ratepayers' dollar

Please don't hesitate to contact us if you require any further information regarding this request

Yours sincerely,



Lee Eye
Chairman

Tweed & Coolangatta Tourism Inc

It is therefore suggested that a meeting be scheduled with TACTIC Board as set out in Clause 6.3 of the Performance Agreement to review TACTIC's performance in regards to its obligations under the Agreement and also to consider the additional funding request.

Reports from Director Corporate Services

9. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Report – January 2003

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly report for January 2003 is provided in accordance with the Agreement criteria.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accordance with a number of specific requirements. The following details are provided for the month of January 2003.

1. VISITOR INFORMATION CENTRE OPERATIONS

Centre Visitors

January					January				
WHRC					Tweed Heads				
	2003	%	2002	Variance		2003	%	2002	Variance
Total Visitors	3,323		2,544	30.62%	Tourism Visitors	1,608		982	63.75%
Type of Enquiry					Type of Enquiry				
Tourism	920	57.50%	668	37.72%	Tourism	637	71.41%	396	60.86%
National Parks	405	25.31%	287	41.11%	National Parks	23	2.58%	31	-25.81%
Street Directions	119	7.44%	109	9.17%	Street Directions	70	7.85%	32	118.75%
Bus Timetables	31	1.94%	11	181.82%	Bus Timetables	83	9.30%	2	4050.00%
Other	125	7.81%	90	38.89%	Other	79	8.86%	65	21.54%
					Mall	0	0.00%	0	#DIV/0!
TOTAL	1,600		1,165	37.34%	TOTAL	892		526	69.58%

Year to Date

	2002/03	2001/02	Variance	2002/03	2001/02	Variance
	WHRC			Tweed Heads		
Sept Qtr	6,885	7,598	-9.38%	1,401	2,524	-44.49%
Dec Qtr	6,976	6,226	12.05%	5,537	2,059	168.92%
Jan Qtr	3,323	2,544	30.62%	1,608	982	63.75%
Jun Qtr	0	0	#DIV/0!	0	0	#DIV/0!
Total	17,184	16,368	4.99%	8,546	5,565	53.57%

Group Bookings

Accommodation is currently being coordinated for:

- Coolangatta / Tweed Heads Veterans Golf Club
- HMS Ganges Association
- Vietnam Veterans Association
- Wedding – Lisa Jones / Guy Boyd

Granada Contract

TACTIC has been working closely with the Granada crew to assist with accommodation bookings, development of a 'crew bible' providing discounts with local businesses. We have also assisted with community liaison with indigenous, business and emergency services groups.

Reports from Director Corporate Services

Reservations System

Tenders have been called for supply of a comprehensive on-line reservations system. It is planned to launch the system at the TACTIC Network night on 30th April 2003.

2. BOARD

Annual General Meeting

The Annual General Meeting was held with the following members being voted in as the Board of Directors:

Chairperson	Lee Eyre	Perfectour Pty Ltd
Vice Chairperson	Barrie Briggs	Gold Coast Airport Ltd
Treasurer	Shane Marshall	Pioneer Plantation
Secretary	Clive Parker	Hillcrest B&B
Director	Mark Manteit	Currumbin Wildlife Sanctuary
Director	Zeta Grealy	Carool Coffee
Director	Wendy Marshall	Tweed Shire Council
Director	Bob Brinsmead	Tweed Shire Council

3. MEMBERS

Total Members

Total of 167 members at 18th February 2003.

New Members

New memberships have been received from:

- Never Never Safaris;
- Outrigger Hotels
- Tweed River Houseboats
- Let's Live Australia
- Tweed River Regional Art Gallery
- Kirra Beach Apartments
- Reciprocal Memberships have been done with:
 - TEDCo
 - Aussie Gateways
 - Tweed Chamber of Commerce

Networking

The next network night will be held on 30th April on the Spirit of the Bay Cruises.

Reports from Director Corporate Services

4. MARKETING

Marketing Action Plan

A Marketing Action Plan has been completed for 2003 and is now being implemented. Work is currently being undertaken on:

- Developing television commercials for The Tweed – due end June
- A comprehensive photographic image bank – due end June
- An extensive video library; - due end June
- A range of stock print advertisements – due end April
- Comprehensive Tweed Touring Map – due mid April

Public Relations

We are currently undertaking a selective tender process to appoint a Public Relations Consultant to work part time on developing Public Relations activity for the Region. Tenders close on Tuesday 25th February with the successful applicant/s commencing in early March.

Media famils have been coordinated for Freedom Air Inflight Magazine and travel writer Nick Squires.

Internet Site

Management of the website has been renegotiated and an action plan for the future development of the website and reservation system has been developed. This includes an audit of current features and required updates to ensure continued upgrade of the site. The site will be seamlessly integrated with the Reservations System.

Tweed & Coolangatta Visitor Guide

The new Tweed and Coolangatta Visitor Guide is now available. TACTIC has purchased 40,000 copies for distribution through VIC's.

Trade Shows

The Tweed will be represented at a number of trade shows again this year as we undertake a co-operative campaign with TACTIC members and Northern Rivers Tourism. In conjunction with these partners TACTIC will be represented at the Brisbane Holiday & Snow Show, ATE, Sydney On Sale, and is looking into other possibilities throughout the year.

Image Library

A review of our Image Library is currently being undertaken as many of our images / slides are now quite outdated. As part of the process we will be undertaking a photo shoot. We are also appealing to members who have current or fresh images that we may have access to and permission for use in our marketing.

Advertising

A media schedule has been developed and funds allocated to reflect the strategically identified markets of SEQ and self-drive. Advertising is being placed with SEQ regional media group

Reports from Director Corporate Services

and the NRMA Open Road magazine. A combined television & print campaign is being developed for the second half of the year subject to raising the required funds.

TACTIC Marketing Committee

The Marketing Committee meets monthly with Mr Phil Villiers, Marketing Manager of Twin Towns Services Club as Chair.

Festivals & Events Liaison Officer

We have been working closely with Lesley Buckley from TSC to identify and source funds to employ a full time Festivals & Events Liaison Officer for the Tweed.

Map

The map has been completed with large prints having been produced for display in the Tweed Mall and World Heritage Rainforest Centre.

The next step in the process of the official Tweed Touring Map is to liaise with Tweed Village residents associations to gain their input for the reverse side. A series of workshop meetings are being planned for March. The map is expected to be available for sale in early 2003.

Tweed Brand

Over the past six months, we have been working with a group of stakeholders to develop the branding for Tweed. Part of this project has involved developing a 'tag line' to go with the Tweed logo. After extensive consultation with the Tweed community, the group has decided on 'The Tweed naturally'. This has been submitted to Tweed Shire Council and endorsement is expected over the coming weeks.

Industry Involvement

Tweed & Coolangatta Tourism are representing the Tweed and the Tourism Industry on the following committees.

- Gateway Implementation Group
- Rainforest Way
- Cross Border Community & Visitor Safety Program

We have also recently convened working groups for:

- developing a primary Tweed Gateway Visitor Information Centre at Chinderah; and
- a working group for all organisations actively involved in marketing the Tweed to gain efficiencies and to make TACTIC resources available to assist marketers.

5. FINANCIAL RESULTS - JANUARY 2003

a Month's Results

- Gross Profit
\$37,417

Reports from Director Corporate Services

- Expenditure
\$31,354
- Profit / Loss
\$3,329
- Budgeted Profit / Loss
(\$1,709)
- Variance from Budget
\$5,038
- **Reasons for Variance**
 - \$10,000 Sundry Income - extra revenue from Granada
 - \$5,113 Human Resources - 3 pay periods in Month
 - (\$1,634) Financial Fees – lower than expected Auditor Fees
 - \$816 over Marketing Spend – picking up spend as required

b. Year to Date Results

- Profit / Loss
\$33,746
- Budgeted Profit / Loss
\$28,347
- Variance from Budget
\$5,399

c. Cash at Bank 12th February 2003

- \$64,420.81 (plus Term Deposit \$101,710.31, Cash in Hand \$550)
-

Reports from Director Corporate Services

10. ORIGIN: Administration Services Unit

FILE REF: Insurance - General

REPORT TITLE:

Insurance Matters - HIH Collapse

SUMMARY OF REPORT:

Information received from Lgov NSW concerning the implications to Local Government of the HIH collapse.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Councillors would be aware to the demise of the HIH Insurance Company, such has had an enormous effect on Local Government as part of the Statewide Insurance cover was underwritten by HIH. Attempts have been made on numerous occasions to have both the State and Federal Governments assist in meeting this liability which is estimated to be in the order of \$25 million for the State of NSW.

A letter from Lgov NSW on behalf of both associations is reproduced for Council's information.

Reports from Director Corporate Services



Our ref: R91/0164-02.dh Out-6777
3 February 2003

Cr Warren Polglase
Mayor of Tweed
Tweed Shire Council
PO Box 816
MURWILLUMBAH 2484

Dear Cr Polglase

Re: HIH Collapse – Assistance to Councils

As you are aware the Associations have been negotiating with both the Commonwealth and State Governments to ensure that Local Government policyholders affected by the HIH collapse receive adequate financial assistance.

Recently we have become aware that the Commonwealth has proposed to the States that its original offer of assistance be constrained by eligibility criteria so restrictive that only 8 of the 50 Local Government cases in New South Wales are likely to qualify for compensation. This would leave NSW Local Government with a liability of approximately \$47 million.

In this regard we have written to the Prime Minister outlining strongly our disappointment that the matter of Commonwealth assistance remains unresolved and that the Commonwealth plans appear to provide little satisfaction to New South Wales Councils and communities with outstanding liabilities

We have also become aware that the NSW Government has written to the Commonwealth proposing that the State would be prepared to assist with claims where the HIH liability exceeds 15% of the Council's ordinary rate revenue and the Council agrees to bear an absorbed loss equivalent to 5% of their ordinary rate revenue. These conditions mean that of the 50 cases confronting Local Government only 12 will receive assistance. This is only 4 more than the Commonwealth's offer which the NSW Treasurer has agreed with us was totally inadequate. Put plainly Councils, ratepayers and local communities will accordingly be required to foot the bill for 38 of 50 cases at a total cost to us of \$25 million.

We have attached a table listing the 50 cases where Councils have outstanding liabilities as a result of the HIH collapse. The data contained in this table has been sourced from Statewide Mutual and provides indicative figures only. We believe that our campaign would benefit considerably if all member Councils were to lobby their local Federal and State Members of Parliament in relation to the Commonwealth seemingly renegeing on its original promise in May 2001 to match State Governments dollar for dollar in rescuing councils who fell victim to the HIH collapse. Furthermore, we ask for your support in lobbying State members to have the State Government reconsider the level of its proposed contribution.

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FILE No.	
SUBJECT No	
DOCUMENT No [] [] [] []	
RECL 1 0 FEB 2003	
DOCUMENT TYPE [] []	
LOCATION CODE [] []	
ED P. PROCESSED	
TWEED SHIRE COUNCIL	
DOCUMENT No [] [] [] []	
REC'D 11 FEB 2003	
EX No [] [] [] []	
ASSIGNED TO <i>Callaghan I</i>	
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Insurance General

GPO Box 7003 Sydney NSW 2001
215-217 Clarence St Sydney NSW 2000
Tel (02) 9242 4000 • Fax (02) 9242 4111
www.lgov.org.au • lgov@lgov.org.au

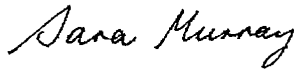
Representing the Local Government Association of NSW and the Shires Association of NSW

Reports from Director Corporate Services

We have attached copies of our letters to both the Prime Minister and the NSW Treasurer to assist you in your lobbying and would be pleased if you would advise us of your local members' responses. David Hale, Executive Projects Officer at Lgov NSW can be contacted by email at david.hale@lgov.org.au in this regard.

We are conscious that this matter must be resolved as soon as possible. Given the opportunity offered by the upcoming State Election to air this matter it would be useful if you could contact your local members and advise in the next three weeks.

Yours sincerely



Cr Dr Sara Murray
President
Local Government Association of NSW



Cr Mike Montgomery
President
Shires Association of NSW

Reports from Director Corporate Services

11. ORIGIN: Director
FILE REF: ICAC - Corruption

REPORT TITLE:

Independent Commission Against Corruption - Meeting Procedures

SUMMARY OF REPORT:

The Independent Commission Against Corruption (ICAC) Commissioner, Irene Moss AO, has responded to concerns raised with her regarding the recommendation that Council appoint an independent chair when handling matters of dissent an issue arising from the Department of Local Governments investigation report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The General Manager has received a response from the Commissioner of the ICAC, Irene Moss AO, in relation to advice provided on a matter arising from recommendations of the Department of Local Government's investigation report.

Her letter states:-

Dear Dr Griffin,

Report into allegations concerning Tweed Shire Council

I refer to your letter of 7 January 2003. You have sought clarification about the Commission's statement that "It would be preferable if the subject of a censure motion does not Chair the meeting considering the censure motion. This should be done by a suitably independent person to avoid any conflicts of interest or apprehension of bias".

We are aware that there is no guidance in the Local Government Meeting Regulations about censure motions. In our opinion, extending the guidance given in the Regulations about motions of dissent to censure motions is not a good idea. Motions of dissent apply only to points of order and not to the broader personal conduct of Councillors outside the meeting. The best option would be, of course, for the Regulations to give some guidance about censure motions.

In the absence of such guidance, Council should ensure it adopts an approach that is consistent with good governance principles and specifically avoids an apprehension of bias. In our view this means ensuring that the affected person be free to speak on the matter and explain their conduct, but not remain in a position where they can direct the meeting proceedings or cast the decisive vote in the motion.

Our suggestion for a "suitably independent person" contemplated that the affected person would stand down for someone who is not so affected, but otherwise authorised to Chair the meeting under the Local Government Act. According to the s.369(1) and (2) of the Act, this would either be the Deputy Mayor (if any) or another Councillor elected by the meeting to preside.

I trust this letter clarifies our position on this matter. I have sent a copy of this letter to the Director General, Department of Local Government.

Yours faithfully



Irene Moss AO
Commissioner

4 February 2003

This advice from ICAC does not appear to be in accordance with the provisions of the Local Government Act 1993, this matter will be further pursued with ICAC and the Department of Local Government.

Section 369 of the Local Government Act 1993 provides that the Mayor on his/her absence the Deputy Mayor shall preside at meetings of Council. There is no provision in this Act or the

Reports from Director Corporate Services

meeting regulation for the Mayor or Deputy Mayor to vacate the chairmanship of a council meeting unless they do so of their own accord.

Upon receipt of the advice from the Department of Local Government Council will be further advised.

Reports from Director Corporate Services

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Reports from Director Engineering Services

12. ORIGIN: Design Unit
FILE REF: GR3/12/9 Pt1

REPORT TITLE:

Proposed Closure and Purchase of Unformed Public Road and Unformed Crown Road - Upper Burringbar Road/Geles Road, Upper Burringbar

SUMMARY OF REPORT:

An application has been received from the registered proprietor of Lot 2 in DP 575651, Mr Dean Gawen, to close and purchase an unformed public road and an unformed Crown road within his property.

The unformed public road lies along the eastern boundary of Mr Gawen's property and forms the western bank of Burringbar Creek, which is topographically steep and heavily vegetated with woody weed species, which include camphor laurel, coral trees and lantana. Mr Gawen is actively regenerating the riverine boundary of his property and wishes to include the public land area in this activity. It is apparent that the location of Geles Road on the eastern side of the Creek was a more practical route for the road.

A timber cottage stands on the northerly end on the road reserve sought to be closed and partly on Geles Road. Mr Gawen has received a letter from Council to the effect that the cottage can remain at Council's' pleasure, but that he should pursue the legalising of the structure by the realignment of Geles Road through an application to close and purchase the affected part of the road reserve. Mr Gawen is seeking to include part of the road reserve of Geles Road in his application.

The unformed Crown Road crosses the northern part of the property and extends only to the western boundary of Mr Gawen's property. Mr Gawen has initiated the closure and purchase of the Crown Road with the Department of Land and Water Conservation and seeks concurrent closure of the Crown Road and public road within his property.

RECOMMENDATION:

That:

1. Council approves:-
 - a. the application to close and purchase unnecessary unformed public road within Lot 2 in DP 575651;
 - b. the application to close and purchase unformed Crown Road within Lot 2 in DP 575651;

Reports from Director Engineering Services

- c. the application to close and purchase part of the road reserve at Geles Road, Upper Burringbar;
2. All necessary documentation be endorsed under the common seal of Tweed Shire Council.

Reports from Director Engineering Services

REPORT:

An application has been received from Mr Dean Gawen, the registered proprietor of Lot 2 in DP 575651 to close and purchase an unformed public road and an unformed Crown road within the property as well as part of the road reserve of Geles Road.

The unformed public road lies along the eastern boundary of Mr Gawen's property and forms the western bank of Burringbar Creek which is topographically steep and heavily vegetated. It is apparent that the location of Geles Road on the eastern side of the Creek was a more practical route for the road.

The subject road is unformed public road and under section 38(2) of the Roads Act, 1993 compensation is payable to the Crown.

A timber cottage stands on the road reserve of Geles Road, and Mr Gawen has received a letter from Council to the effect that the cottage can remain at Council's pleasure, but that he should pursue the legalising of the structure by realignment of Geles Road. Mr Gawen is seeking to include the closure and purchase of part of the road reserve of Geles Road in his application.

The unformed Crown Road crosses the northern part of the property and extends only to the western boundary. Mr Gawen has initiated the closure and purchase of the Crown Road with the Department of Land and Water Conservation.

A copy of part of a plan showing the public road sought to be closed as hatched and the crown road as cross-hatched follows. Please note the location of the cottage on the public road reserve and Geles Road:-

Reports from Director Engineering Services

13. ORIGIN: Design Unit

FILE REF: Sewerage Management - Business Plans; Sewerage Treatment - Kingscliff; Sewerage Treatment - Tweed Heads

REPORT TITLE:

Sewerage Strategy Studies for Kingscliff and Tweed Heads Sewage Treatment Plant Catchments

SUMMARY OF REPORT:

The Design Unit has prepared Sewerage Strategy Studies for the Kingscliff and Tweed Heads Sewage Treatment Plant Catchments. These studies examine the sewerage network that collects and transports sewage to Kingscliff and Tweed Heads Sewage Treatment Plants.

The strategy proposes a works program for infrastructure upgrades to match future development as outlined in the LEP and Tweed Heads 2000+ Strategy.

A copy of the strategy will be provided to Councillors at the meeting.

RECOMMENDATION:

That Council:-

1. Adopts the sewerage strategy for Kingscliff and Tweed Heads Sewage Treatment Plant Catchments
2. Incorporates the associated works programs estimated at \$5,069,000 in future annual budgets
3. Notes the requirement for some \$4.5M of works to be funded directly from development.

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REPORT:

A key role of the Design Unit is to provide strategic forecasts of public infrastructure investment required to accommodate the population growth in the Tweed Shire anticipated by Council's adopted Strategic Plan.

The Unit has recently prepared Sewerage Strategy Studies for the Kingscliff and Tweed Heads Sewage Treatment Plant Catchments.

The aim of these studies is to determine requirements for the upgrade of the existing sewerage systems to provide capacity for future development as outlined in the Tweed Local Environmental Plan and Tweed Heads 2000+ Strategy report.

As an outcome of these studies a works program has been developed to cater for planned developments.

The identified works required over the next 10-15 years for two catchments, excluding routine pump replacement/upgrade are estimated at \$9,353,000.

It should be noted that the above cost estimate excludes the cost of the augmentation/relocation of sewage treatment plants for both catchments.

Following is a breakdown of the above estimate.

KINGSCLIFF STP CATCHMENT \$9,148,000

Developers and land owners would be expected to directly fund \$4,484,000 while Council would fund the balanced \$4,664,000 from loans, reserves and Section 64 contributions.

TWEED HEADS STP CATCHMENT \$405,000

There are no developer contributions involved in these works. All works are considered to be required in the immediate future.

Following are Executive Summaries of each completed strategy.

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Tweed Heads Sewage Treatment Plant Catchment Sewerage Strategy Study

Executive Summary

Introduction

Sewerage was originally provided in Tweed Heads during the 1960's with the treatment plant being located in the west Tweed area. This plant served all of the Tweed Heads area from Point Danger through to Cobaki Creek and the South Tweed area north of Kirkwood Road. As Tweed Heads expanded, an additional plant was located at Banora Point. All of the South Tweed catchment and the Central Tweed Heads / Point Danger catchments have subsequently been diverted to the Banora Point STP. The area of West Tweed Heads, west of Cobaki Creek and Bilambil Heights are also connected to the Banora Point STP

The Tweed Heads Sewage Treatment Plant now serves the area of Tweed Heads west of Razorback and the Boyds Bay Bridge and east of Cobaki Creek. This area has developed over the years through further housing estates and construction of extensive areas of home units and an industrial estate.

This study examined the sewerage system that collects and transports sewage to the existing Tweed Heads Sewage Treatment Plant. Strategies to address under-capacity problems in the existing system were developed.

Methodology and Analysis

A model was developed to calculate flows to each sewage pumping station for two scenarios, as existing in 2002, and a postulated ultimate development that assumed various areas were developed for residential accommodation and that existing areas experienced an increase in density commensurate with its existing zoning and other constraints.

The model developed the number of equivalent tenements within each sewage pumping station catchment for both existing and ultimate scenarios including additional sewage pumping stations as necessary. The existing model gives a total of 2470 equivalent tenements (ET) while the ultimate model projects a total of 3247 ET. These equate to 7904 equivalent people (EP) and 10390 EP respectively. This compares well with the capacity for the existing treatment plant of 12,000 EP.

The flow model was developed in accordance with the Public Works Department (PWD) Manual of Sewer Design model, but assuming 3.2 EP/ET instead of 4 EP/ET. This figure previously has been adopted for planning purposes by Tweed Shire Council, and when compared to the statistic of 2.7 persons per detached dwelling, derived from the 2001 Census, usually provides a conservative over-estimate of flow, allowing for peak holiday loadings. Peak wet weather flow was determined using the PWD guidelines for storm allowance. This model is included as Appendix A. The flow estimate for average dry weather was considerably below the recorded dry weather flow at the treatment plant, suggesting that the older parts of the system have considerably groundwater infiltration problems. Given that the original

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Tweed Heads STP Sewerage Strategy Study

system is over thirty-five years old and that it is located in low lying areas adjacent to water ways, this is to be expected.

This model provided inputs for the checking of capacity of existing gravity sewers, sewage pumping stations and rising mains. Hydraulic capacity of critical gravity sewers was analysed using the Public Works Dept tables incorporated into a spreadsheet (Appendix B). Rising main capacity and total head were calculated using the WaterCad pipe network analysis software with the Hazen-Williams formula. Pump tests were carried out on all pump stations in the catchment. This enabled some calibration of the hydraulic model for the age and condition of the rising mains. The results of this analysis and tests are summarised in a spreadsheet. (Appendix C).

Problem Areas, Future Development Strategies and Proposed Works

The study identified some problems of under-capacity and under-performance in the catchment area, but no major revision to the overall strategy has been found necessary.

Several Sewage Pump Stations were found to be mechanically undersized for the estimated loadings. This was confirmed in most cases by field staff observations. Solutions to these problems proposed involve combinations of upgrading pumps and electrical installations and provision of rising main improvements.

Adjustment to the control philosophy of the variable speed pump station at Meridian Way and the removal of an overflow to the stormwater system at Kiata Place are recommended.

The connection of some proposed industrial land developments is proposed through the provision of discrete sewage pumping stations on each site connected directly to the existing treatment plant.

A preliminary estimate of cost for all works involved was prepared using the September 1999 NSW Reference Rates as a basis. This study recommends works totalling \$405,000 to be funded by Council's normal sources including Section 64 headworks contributions. Most works are considered necessary now and are proposed for construction within the next four years.

Conclusions and Recommendations.

The Tweed Heads Sewage Treatment Plant Catchment Sewerage System is well placed to handle the estimated ultimate load from its catchment area with only relatively minor works necessary. The only new development areas are industrial land close to the treatment plant which can be served by the provision of sewage pump stations by the developers as required.

It is recommended that the program of works shown in Appendix D totalling \$405,000 cost to Council be adopted. It is also recommended that CCTV surveys be conducted throughout the older and canal areas of the catchment to identify maintenance needs to reduce the apparent dry weather infiltration problem.

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Kingscliff Sewerage Strategy Study

Executive Summary

Introduction

The Fingal / Chinderah / Kingscliff / Casuarina area of Tweed Shire has a great potential to increase in population over the next twenty years. A sewerage scheme was implemented for this area in 1969/70 with its treatment plant being located west of Kingscliff on the eastern side of Chinderah Road. Since the initial scheme, additional areas including Fingal, West Kingscliff, Cudgen and recently Casuarina Beach, have been developed and connected to the system. Further areas including Kings Forest, Seaside City and South Kingscliff Gateway, are currently proposed for development. The redevelopment of parts of the existing town for multi-level units also is contributing to the increase in population significantly.

The need for augmentation of the existing treatment plant has been established previously and following various studies culminating with the Egis Consulting report, "Kingscliff Wastewater Augmentation Strategy Review Report" (March 2000), planning work is now proceeding for the interim upgrading of the existing plant and the construction of a new sewage treatment plant on a site approximately 1.2 km west of Chinderah Road. On completion of the new plant, it is anticipated that the old plant will be demolished, with much of the site being available for redevelopment as industrial land.

This study examined the sewerage system that collects and transports sewage to the existing Kingscliff Sewage Treatment Plant. Strategies for the connection of new and current developments to the scheme were reviewed and further developed, along with strategies for transport of sewage to the new site and to address under-capacity problems in the existing system.

Methodology and Analysis

A model was developed to calculate flows to each sewage pumping station for two scenarios, as existing in 2001, and a postulated ultimate development that assumed various areas were developed for residential accommodation and that existing areas experienced an increase in density commensurate with its existing zoning. An alternate model reflects strategies that are recommended for various proposed developments within the catchment and the conveyancing of sewage to the new treatment plant.

Areas assumed to become fully developed include South Kingscliff Gateway (Old NSW Tourism Commission site), "Club of Clubs" site, Seaside City, Casuarina Beach estate, "Kings Forest", areas along Turnock St., land below the existing development at Cudgen and an area of land between Letitia Road and the Tweed River.

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Kingscliff Sewerage Strategy Study

The model developed the number of equivalent tenements within each sewage pumping station catchment for both existing and ultimate scenarios including additional sewage pumping stations as necessary. The existing model gives a total of 4508.5 equivalent tenements (ET) while the ultimate model projects a total of 13661 ET. These equate to 14427 equivalent people (EP) and 43715 EP respectively. This compares well with the adopted capacity for the treatment plant redevelopment of 50,000 EP.

The flow model was developed in accordance with the Public Works Department (PWD) Manual of Sewer Design model, but assuming 3.2 EP/ET instead of 4 EP/ET. This figure previously has been adopted for planning purposes by Tweed Shire Council, and when compared to the statistic of 2.8 persons per detached dwelling, derived from the 1996 Census, provides a conservative over-estimate of flow, allowing for peak holiday loadings. Peak wet weather flow was determined using the PWD guidelines for storm allowance. Appendix A includes two versions of the model, the first based on the existing system while the second is based on the proposed strategy.

This model provided inputs for the checking of capacity of existing gravity sewers, sewage pumping stations and rising mains. Hydraulic capacity of critical gravity sewers was analysed using the Colebrook-White formula in a spreadsheet developed for this purpose (Appendix B). Rising main capacity and total head were calculated using the Colebrook-White formula in a spreadsheet also (Appendix C). In addition, WaterCad pipe network software was used to analyse several interconnected rising main systems.

Problem Areas, Future Development Strategies and Proposed Works

The study identified significant problems of under-capacity and under-performance in Fingal / Chinderah area and in the Kingscliff area.

Persistent overflows in the vicinity of the Walsh St Pump Station were found to be due to significant underperformance in the Avoca St Pump Station. This underperformance was due to the mismatching of pump heads for simultaneous operation of the three pump stations that share the common rising main from Fingal to the sewage treatment plant.

Overloading of the main trunk sewers through Kingscliff to the main pump station at Kingscliff Street was found to be the result of the extensive development of units along the sea front and on Cudgen Headland, as well as the connection of various developments including Kingscliff High School, TAFE College and the adjacent residential development.

Strategies for the development of the South Kingscliff / Casuarina / Kings Forest area were confirmed in this study and a strategy put in place for the development of land adjacent to Turnock St that is currently zoned 2(c). This strategy is part of the overall strategy recommended for the alleviation of overloading in Kingscliff and transportation of sewage to the proposed new sewage treatment plant.

The strategy proposed for the transport of sewage to the new treatment plant was considered. The Egis Consulting report, "Kingscliff Wastewater Augmentation

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Kingscliff Sewerage Strategy Study

Strategy Review Report" (March 2000) Egis report that reviewed the various options for augmentation of the sewage treatment capacity at Kingscliff, assumed that sewage would be transferred to the new site via a balance tank and raw sewage re-pump station on the site of the existing treatment plant. This study has found the need for significant upgrading of the existing transport system. This presents the opportunity to develop two new regional pump stations, which would pump directly to the new treatment plant as well as resolving overloading/under-capacity problems in the existing sewerage system. This option has a lower capital cost, however, it does not have the benefit of balancing inflow to the treatment plant.

A preliminary estimate of cost for all works involved was prepared using the September 1999 NSW Reference Rates as a basis. This study recommends works totalling \$9.15 million of which new developments directly would fund \$4.28 million in development works. Council would fund the balance of \$4.67 million from its normal sources including Section 64 headworks contributions. The timing of some of these works depends upon the progress of the new sewage treatment plant and various developments.

Pump Station Monitoring Strategy

A strategy of pump station performance monitoring and pump testing is recommended. This will enable the need for pump upgrades and major maintenance to be determined more accurately than in the past. Council has embarked upon a program of installing "Multitrode" controls and telemetry in all pump stations to enable effective recording and monitoring of pump operation and flows through the pump stations. Installation is carried out as switchboards are being upgraded and in pump stations where an overflow could have more severe environmental consequences.

Conclusions and Recommendations.

The Kingscliff Sewerage System will be capable of handling anticipated future development within the catchment of the Kingscliff Sewage Treatment Plant if the strategy identified in this study is put in place and the various works involved are constructed.

Timing of some of the works is dependent upon the progress of the associated developments and the commissioning of the proposed new Kingscliff Sewage Treatment Plant, but other works have been identified as required in the near future.

It is recommended that the program of works shown in Appendix E totalling \$4,664,000 cost to Council be adopted.

It is also recommended that the program of installation of Multitrode monitoring and control equipment and telemetry should be continued and a strategy put in place to effectively test and monitor pump station performance. This should include pump station testing after major maintenance on pump sets.

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14. ORIGIN: Water Unit

FILE REF: Water Treatment Plants - Tyalgum - Operation & Maintenance

REPORT TITLE:

Tyalgum Water Supply Augmentation - Investigation Funding

SUMMARY OF REPORT:

Tyalgum is supplied with water pumped from the Tyalgum Creek Weir Pool where it is coarsely filtered to remove gross solids and disinfected with chlorine prior to distribution within the reticulation system.

During extended dry periods, the Tyalgum Creek can dry up resulting in the inability to pump from the weir pool. During these periods, water is required to be carted to the Village by registered water carrier from the Tweed District Water Supply system. Severe algal blooms in the weir pool may also necessitate the requirement to cart water to the Village.

High rainfall events resulting in highly turbid water may also result in the water quality not being suitable for reticulation.

An investigation into improving the water supply for Tyalgum is proposed to determine the possibility of providing a more reliable system in terms of yield and quality.

Funding assistance for the investigations may be available through the Department of Land & Water Conservation's Town and Country Water Backlog Scheme.

RECOMMENDATION:

That Council requests funding from the Minister for Land and Water Conservation for the investigation and concept design for the augmentation of the Tyalgum Water Supply.

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REPORT:

Tyalgum has a population of approximately 250 persons connected to the existing reticulated water reticulation supply that was installed in the late 1960's. Growth rate for Tyalgum is not expected to exceed 1% – 2% p.a. based on historical records.

The reticulation system consists of a pumped water supply from the Tyalgum Creek, a 0.3 ML Storage Reservoir and a network of 100 mm pipework. The Tyalgum Creek supply is drawn from the Tyalgum Weir Pool. Treatment of the water supply includes coarse sand filtration provided by in-river filter beds and disinfection with chlorine. No other treatment of the supply is provided.

The Tyalgum Creek is located in an unprotected catchment area and is used for cattle grazing on cleared areas. In dry periods, the creek stops flowing. This has resulted in the cartage of potable water from the Council's Tweed District Water System that supplies Murwillumbah, Tweed Heads and the coastal communities of the Shire. The current drought has resulted in water being carted to Tyalgum for an extended period of time. The estimated cost of water cartage is expected to be in the order of \$75,000 for the 2002/03 financial year.

The water in the weir pool is subject to algae blooms and high turbidity during high creek flow/rainfall events. During these periods, the water is not suitable for extraction. The catchment is unprotected with parts of the catchment used for grazing cattle. Cattle also have direct access to the creek for drinking.

In order to minimise water cartage and to provide Tyalgum residents with a suitable standard water quality, an overall system investigation is required to be undertaken. Funding assistance for the investigations may be available through the Department of Land & Water Conservation's Town and Country Water Backlog Scheme. The investigations would include:

- Undertaking a yield assessment of Tyalgum Weir
- Identifying community requirements for water quality and quantity standards
- Identifying strategies to improve security of supply to the Village. This will include:
 - Raising of Weir to impound more water
 - Construction of off stream storage
 - Continuation to augment supply with water from Bray Park System
- Assessment of treatment options to meet water quality standards
- Preparation of concept plan for improvement works including:
 - Site Survey
 - Geotechnical
 - Site Layout Plan
 - Hydraulic Profile
 - Cost Estimation
- Preparation of a procurement strategy to deliver project including time frames

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Throughout the investigation phase, community input would be sought with the formation of a community reference group and through workshops and information sheets that would allow community feedback to be obtained.

The estimated cost for undertaking the investigations is \$60,000.

It is recommended that a letter be sent to the Minister of Land and Water Conservation seeking funding assistance for the investigation into improved water supply for Tyalgum.

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15. ORIGIN: Director
FILE REF: DA03/0169 Pt1; LN 31612

REPORT TITLE:

Tweed Heads Arterial Road Network

SUMMARY OF REPORT:

On the 6 February 2003 Council received a Development Application for an off ramp at Tweed Heads South. The application was lodged by Expo Park. The proposal is for a northbound off ramp immediately north of Greenway Drive to enable northbound traffic to access Enterprise Avenue and Greenway Drive directly from the Tweed Heads Bypass. The northern part of the off ramp passes through an unformed road reserve. As such Council's consent is required to enable the application to be lodged in addition to that of the Roads and Traffic Authority.

RECOMMENDATION:

That Council advises the applicant that it will not consent to the lodging of the development application for an off ramp at Tweed Heads South until it has determined its overall position in regard to the preferred network layout.

Reports from Director Engineering Services

REPORT:

As previously advised Council's traffic consultants, Veitch Lister have been engaged to model in detail the Tweed Heads Arterial Network. This engagement was in response to an earlier Council resolution relating to the potential benefits of the construction of Kirkwood Road from Fraser Drive to Minjungbal Drive with and without connecting ramps to the Tweed Heads Bypass. The modelling will particularly take into account the impacts of the delays being experienced at the Minjungbal Drive Machinery Drive intersection. This modelling will be assessed on the basis of the intersection upgrading works planned to commence within the next three months.

On the 6 February 2003 Council received a Development Application for an off ramp at Tweed Heads South. The application was lodged by Expo Park. The proposal is for a northbound off ramp immediately north of Greenway Drive to enable northbound traffic to access Enterprise Avenue and Greenway Drive directly from the Tweed Heads Bypass. The northern part of the off ramp passes through an unformed road reserve. As such Council's consent is required to enable the application to be lodged in addition to that of the Roads and Traffic Authority.

While the proposal may have merit it would be inappropriate to consider it in isolation independent of the other proposals being investigated for the northern network. This is particularly so given the approval of such could impact on Council's opportunity to obtain approval from the Roads and Traffic Authority for construction of the Kirkwood Road ramps.

If Council was to consent to the lodging of this application it could find itself subsequently defending a refusal in the Land and Environment Court.

It would be more prudent for Council to decline the invitation to consent to the lodging of the application until the outcome of the current Veitch Lister engagement is reported to Council. Subsequent to the receipt of the Expo Park application Veitch Lister have been instructed to model and report on the impact of the ramp as proposed by Expo Park. It is considered that the appropriate time to deal with the consent issue is in conjunction with the report to Council of the outcomes of the Veitch Lister consultancy.

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16. ORIGIN: Water Unit

FILE REF: Tweed River Management Plan; Estuary Management; Government Grant - Water

REPORT TITLE:

Tweed River Management Plan Funding Arrangements

SUMMARY OF REPORT:

At the meeting of 22 January 2003 Council was provided with a report detailing the contents of a letter from John Aquilina, Minister for Land and Water Conservation. The crux of this letter was the notification that Tweed Shire Council would no longer receive 100% funding for implementation of the Tweed River Management Plan. In this letter, dated 12/4/2002, it was noted that the DLWC and Council should seek to identify high priority river management projects which would be funded at a 50% level.

The recommendation of this report was that Council note, *“that a report explaining the impact of the change be provided at a subsequent meeting.”* i.e funding arrangements for implementation of the Tweed River Management Plan.

On Wednesday the 19th of February this matter was again raised in Council (item 20a), where it was resolved that Council would write to the Local State Member requesting the status of funding for the current financial year.

The following report provides details of the financial commitments required by Council in order to maintain the productive outputs of the Tweed River Management Program.

RECOMMENDATION:

That Council:-

1. Acknowledges and thanks the Minister for Land & Water Conservation for his offer as outlined in his letter of 13 February 2003.
2. Writes to the Minister again, requesting further consideration to maintain the Program in the spirit of the original agreement, being 100% funding.

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REPORT:

INTRODUCTION.

On Tuesday the 18th of February it was announced by Mr Neville Newell Member for Tweed that there would be an ongoing commitment of funds to assist TSC in implementing the Tweed River Management Plan. It was announced that the State would contribute \$1.5 million over three years at \$500, 000 per year.

While not included in the media release, it was confirmed at this time that the proposed funding arrangement would be delivered on a ratio basis, varying over the three year period as follows:

- 2(State):1(TSC) 1st year
- 2(State):1(TSC) 2nd year
- 1(State):1(TSC) 3rd year

Implicit in this arrangement is that to attract any funds for river management works, Tweed Shire Council must also allocate monies from its own budget.

The object of this report is to:-

1. Detail the total funds which have been accrued through royalty derived treasury payments over the past 10 years,
2. Summarise the expenditure made by the TRC,
3. Identify priority projects identified in both the Upper and Lower Tweed Estuary Management Plans, with an estimation of outcomes which could be achieved given various levels of financial commitment from TSC, and the resultant geared contributions from the State.

1. PREVIOUS FUNDING.

Since first negotiating its agreement with the State Government, TSC has received the following funds for implementation of the Tweed River Management Plan:-

Financial Year	Allocation
93/94	\$350, 000
94/95	\$570, 000
95/96	\$614, 000
96/97	\$1, 000, 000
97/98	\$767, 000
98/99	\$250, 000
99/00	\$500, 000
00/01	\$150, 000
01/02	Nil
02/03	Nil
Total	\$4, 201, 000

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As of the 15th of January 2003, the balance of this total allocation held by Council is \$813, 591. These funds are committed to existing projects.

Following is a summary of the projects undertaken by the Tweed River Committee over the past 10 years. The expenditure on these projects amounts to \$3, 387, 195.

- Terranora studies, plans and works
- Southern Boat Harbour plan of management
- Seagulls reach rock revetment
- Ukerabagh Passage studies, plan and works
- Boating plan and works
- Cobaki wetland management plan
- Stormwater study, quality plan and treatment devices
- Riparian revegetation
- Chinderah foreshore works
- Fingal works and studies
- Bank erosion management guidelines and works
- Estuarine bird surveys
- Estuarine vegetation survey
- Water quality monitoring program
- ASS monitoring
- Project management and administration
- Tony's Island Study
- Recreational fishing study
- Area 5 dredging environmental impact assessment
- Rous River Nutrient Study
- Education general
- Signage and interpretation
- Stormwater Awareness Programs

TSC and the TRC has been very successful in attracting additional government funding, for example NHT and Stormwater Trust funding, often using the monies received from Treasury as seed funding. Because of this, the money invested in river management investigations and works significantly exceeds the total of payments from the State. Should the State funding be retracted, a significant source of seed funding used to secure Federal Government grants will be lost.

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2. CURRENT ALLOCATION

The present allocation of funds in the Tweed River Committee Budget (as of 21/2/03) is as follows:

Project Area	Existing Allocation
Education	\$17, 260
Terranora Broadwater Projects	\$38, 647
Riparian Plans	\$7, 859
Wetland Enhancement	\$135, 176
Stormwater Projects	\$5, 960
Project Coordination	\$60, 000
Ukerabagh Passage	\$19, 807
Fingal Peninsular	\$187, 278
Monitoring	\$34, 636
Water Quality Plan	\$78, 030
Hydrographic Survey	\$11, 967
Riparian Vegetation Rehabilitation	\$36, 990
Stormwater Awareness Campaign	\$6, 708
Bank Stability Projects	\$10, 706
Chinderah Foreshore Enhancement	\$102, 437
Bird Roosting Sites	\$26, 550
Acid Sulfate Soil Projects	\$9, 518
Waterway Recreation Plan	\$4, 206
Foreshore Projects	\$37, 116
Balance of Total Allocation	\$813, 591

3. FUTURE PROJECT FUNDING

The following is an indication of high priority projects, which could be funded over the financial years 2003/2004/2005/2006. These projects have been based on recommendations in the Lower and Upper Tweed River Estuary Management Plans, the Terranora and Cobaki Broadwater Management Plans, the Tweed River Interim Water Quality Management Plan, The Tweed Shire Urban Stormwater Quality Management Plan and the Tweed River Estuary Ecosystem Health Monitoring Program (final draft) Reports. All recommended projects are in accordance with priorities established in regional plans and investigations, for example the Healthy Rivers Commission Inquiry and the Northern Rivers Integrated Catchment Management Plan.

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Implementation of these projects is seen as the minimum necessary work to maintain the momentum of the Tweed River Management Program and continue to achieve meaningful results within the context of the whole catchment. Furthermore, the extent of projects proposed is balanced against practically achievable outputs given the current level of human resources applied to the program.

Projects for the 2003/2004 Financial Year:-

Project Area	Description	Funds Required
Riparian Revegetation	North Tumbulgum completion and maintenance	\$2, 000
	Wooball Creek, restoration of high conservation value flood plain rainforest on Council Land	\$20, 000
	Rous River – management plan/design required to implement innovative bank erosion management technique in severe erosion area	\$5, 000
	Prepare design and management plan for Oxley Cove – enhancement and restoration of forest and saltmarsh areas.	\$5, 000
	Landholders riparian rehabilitation support project – advice and materials.	\$30, 000
Terranora and Cobaki Broadwaters - Sediment and Nutrient Inflow Controls	Targeted projects from management plans to reduce sediment and nutrient inputs to protect seagrass habitat	\$40, 000
Bank Erosion Management (asset protection and water quality improvement)	Ongoing works on high priority sights identified in the Bank Erosion Management Plan	\$40, 000
Stotts Channel Dredging	Investigation complete 2002/2003, works required 2003/2004	\$40, 000
Acid Sulfate Soil	Continued support of research, monitoring and improved farm management practices	\$40, 000
Urban Stormwater Quality Management	Construct a CDS or similar within the drainage channel at Brett Street at the Southern Boat Harbour Installation of a CDS or similar at the inflow to Knox Park Pond	\$60, 000
Monitoring Performance Indicators	Ongoing ecological health monitoring: upper catchment – algae and macroinvertebrates lower estuary – seagrass, mangrove and salt marsh distribution	\$45, 000
Education	Continuation of Waters of the Tweed Series and support of resource centre	\$20, 000
Foreshore Recreation	Walkways, educational signage, sandy beaches (upper estuary man. plan) and associated erosion management and vegetation enhancement	\$30, 000

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Coordination		\$60, 000
Total		\$437, 000

Under the revised funding proposal the Council Contribution required to achieve the above would be \$145, 000.

Projects for the 2004/2005 Financial Year:-

Project	Description	Funds required
Riparian Revegetation	Rous River –implement bank erosion management and revegetation works	\$20, 000
	Oxley Cove – enhancement and restoration of forest and saltmarsh areas.	\$20, 000
	Projects from Riparian prioritisation studies – prepare next 2 priority designs and management plans	\$10, 000
	Landholders riparian rehabilitation support project - advice and materials.	\$30, 000
Terranora and Cobaki Broadwaters Sediment and Nutrient Inflow Controls	Targeted projects from management plans to reduce sediment and nutrient inputs to protect seagrass habitat	\$40, 000
Bank Erosion Management (asset protection and water quality improvement)	Ongoing works on high priority sights identified in the Bank Erosion Management Plan	\$40, 000
Urban Stormwater Quality Management	Install SQIDS and revegetate along Condong Creek Artificial wetland for Bilambil Heights Estate Investigate and act to improve water quality in Florence Street Drain	\$60, 000
Acid Sulfate Soil	Continued support of research, monitoring and improved management of hot spots and priority sites	\$40, 000
Bird Roost Construction	Implement recommendations of summary report into artificial bird roosts	Undetermined
Monitoring	Influent audit – update point sources of pollution to the system	\$45, 000
	Quantify extent of areas where stock access stream and banks	
Education	Continuation of Waters of the Tweed Series and support of resource centre Extend support of rural – riparian issues education	\$20, 000
Foreshore Recreation	Heritage Wharfs – Tumbulgum	\$70, 000

Reports from Director Engineering Services

	Sandy Beaches Construction (pending outcome of waterways authority recreational boating strategy report)	
Coordination		\$60,000
Total		\$455,000

Under the revised funding proposal the Council Contribution required to achieve the above would be \$152,000.

Projects for the 2005/2006 Financial Year:-

Project	Description	Funds required
Riparian Revegetation	Implementation of priority planting projects (x2) in areas identified in previous years design phase.	\$50,000
	Projects from Riparian prioritisation studies – prepare next 2 priority designs and management plans	\$12,000
	Landholders riparian rehabilitation support project - advice and materials.	\$35,000
Terranora and Cobaki Broadwaters Sediment and Nutrient Inflow Controls	Targeted projects from management plans to reduce sediment and nutrient inputs to protect seagrass habitat	\$45,000
Bank Erosion Management (asset protection and water quality improvement)	Ongoing works on high priority sights identified in the Bank Erosion Management Plan	\$45,000
Urban Stormwater Quality Management	Stormwater Quality Improvements Devices for Golden Links Estate and the Grove Estate Bank stabilisation and revegetation in the water street drain in associated with water SQIDS.	\$65,000
Acid Sulfate Soils	Continued support of research, monitoring and improved management of hot spots and priority sites	\$40,000
Monitoring	Rous River Turbidity Source Study	\$45,000
	Agricultural Pollutant Study to identify nutrient sources, magnitudes and entry points to the mid-estuary and upper estuary.	
Education	Continuation of Waters of the Tweed Series and support of resource centre Extend support of rural – riparian issues education	\$20,000
Foreshore Recreation	Heritage Wharfs – Condong Linkages in cycle and pedestrian networks	\$70,000

Reports from Director Engineering Services

Coordination		\$60, 000
Total		\$487, 000

Under the revised funding proposal the Council Contribution required to achieve the above would be \$243, 000.

In summary, the following funding would be required over the next three years:-

Year	Total
2003/2004	\$435,000
2004/2005	\$456,000
2005/2006	\$487,000
Total	\$1,378,000

It would not be practical to rank the above projects at this point in time, as issues affecting their implementation (unrelated to funding) may arise, and will be considered by the TRC over the ensuing three years. If preference is shown to any of the projects described above, it is considered that this should be towards on-ground outcomes rather than planning and investigation, as a very comprehensive suite of recommendations presently exist for management of all significant elements of the Tweed River.

CONCLUSION

There are a number of options for Council:-

1. Continue to seek 100% subsidy but limit it to the government offer of \$1.5M. This will allow all of the projected works to be completed as the total program cost is \$1,378,000, subject to sourcing other agency contributions.
2. Accept the latest offer, in which case Council would need to allocate the following amounts:-

2003/2004	\$145,000
2004/2005	\$152,000
2005/2006	\$243,500

3. Abandon the Program.
4. Reduce the size of the Program.

Given the documented ongoing success of the Program, options 3 and 4 are not considered to be appropriate. This is particularly so given the leverage that this Program provided in obtaining further other agency and federal government (NHT) funding. To date some \$1.6M has been obtained in this way.

Reports from Director Engineering Services

The history of this Program is well known with the Government of the day in 1993 advising of its commitment that the royalties from dredging in the Tweed River would be used for the implementation of the Tweed River Management Plan.

Reports from Director Engineering Services

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Reports from Director Engineering Services

17. ORIGIN: Planning & Infrastructure Unit
FILE REF: Section 94 Plan; Bridges - Cudgen Creek

REPORT TITLE:

Tweed Road Contribution Plan, Kingscliff Bridge Amendment

SUMMARY OF REPORT:

Draft version 4.7 of the Tweed Road Contribution Plan No 4 contains amendments to add a bridge over Cudgen Creek at Kingscliff to the works programme. No changes are proposed to normal sector contributions, however it is proposed to locally levy South Kingscliff developments (Tourism Commission site and SALT) for the cost of the Kingscliff Bridge. It is proposed to publicly exhibit the amended plan in accordance with statutory requirements.

RECOMMENDATION:

That:-

1. Council adopts draft version 4.7 of the Tweed Road Contribution Plan (Contributions Plan No. 4) as a basis for exhibition and community discussion.
2. Draft plan Version 4.7 of the Tweed Roads Contribution Plan be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 4.6.

Reports from Director Engineering Services

REPORT:

1. BACKGROUND

The current version of Tweed Road Contribution Plan No 4 - *Version 4.6* (TRCP) was adopted by Council to include additional works at Leisure Drive and the Machinery Dr/Minjungbal Dr intersection. It was adopted by Council on 22 January 2003.

This version proposes to add the Kingscliff Bridge over Cudgen Creek to the works programme and finance it through a local area levy. There will be no changes to sector contributions outside the local levy area.

2. KINGSCLIFF BRIDGE

In 1995 there was a proposal to make the coast road discontinuous south of Kingscliff with the present Kingscliff bridge serving only the Tourism Commission and Sahben sites with "Kings Beach" and Seaside City to access Old Bogangar Road to the South).

Since the lodgement of the DA for the "Club of Clubs" project, it was agreed that the "Coast Road" should be continuous, but, at a lower "collector road" standard, with width and geometry to inhibit arterial traffic.

The current Kingscliff bridge is now considered to be of insufficient standard to cope with additional future traffic to be generated by the SALT and Tourism Commission sites.

A new bridge is therefore proposed across Cudgen Creek at Kingscliff to serve this additional traffic.

Estimated Cost of bridge and approaches	\$1,255,680
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3. INCLUSION OF ADDITIONAL LOCAL CONTRIBUTION AREA AND LOCAL CONTRIBUTION RATE

The development in South Kingscliff being:-

- lot 490 DP 47021 (Tourism Commission)
- lots 312, 301 & 194 DP 755701 (SALT)

is estimated to generate an additional 8,752 vehicle trips per day.

The existing bridge is adequate for existing development, but, a new improved bridge is needed because of the additional development and vehicle trips to be generated by the South Kingscliff developments.

It is appropriate that the cost of a new bridge be funded by the developments that generate its need.

The TRCP provides for local area contribution schemes for such circumstances, where the cost of a local work is funded from local area contributions.

For financing the Kingscliff bridge, it is proposed a new local contribution area be created comprising

- lot 490 DP 47021 (Tourism Commission)
- lot 312, 301 & 194 DP 755701 (SALT)

Reports from Director Engineering Services

Calculation of contribution local rate:-

Estimated Cost of bridge and approaches \$1,255,680

$$\begin{aligned} \text{Local Trip Contribution} &= \$1,255,680/8,752 \text{ trips} \\ &= \$143 \text{ per trip} \end{aligned}$$

This is equivalent to \$978 per lot

4. IMPACT OF ADDITIONAL WORKS ON TRCP FINANCES

The Kingscliff bridge will add \$1,255,680 to the works programme, however this is planned to be funded entirely from additional local area contributions and will therefore have no net impact on the balance of the TRCP finances.

5. DRAFT VERSION 4.7 AMENDMENTS TO SECTION 94 CONTRIBUTION PLAN NO. 4 - TWEED ROAD CONTRIBUTION PLAN

The following amendments are proposed for draft version 4.7 of the above plan:-

(a) Amend Section 5.1 "Works" by inserting the following paragraph at the end of existing text:-
"Version 4.7 of this plan amends Table 5.1(b) and 5.1(d) "Works Schedule" and Schedule 6 "TRDS Project Costings" by adding additional item 141:-

*141 Bridge over Cudgen Creek, Kingscliff
Total Cost \$1,255,680*

(b) Amend "CONTRIBUTION PLAN No 4 VERSIONS/EDITIONS" by adding:-

"Draft Version 4.7 amends the works programme by the addition a new bridge over Cudgen Creek, Kingscliff."

(c) Amend "Table 2 – TRCP Household Contributions" by inserting the following shaded additional row in sector 7 after "Kings Beach Dev":-

Sector	Locality	Standard Contribution	Local Contribution	Total Contribution
7	Kingscliff South Dev	\$2,394	\$978	\$3,372

(d) Amend "Table 3.1 – Local Area Contributions" by inserting the following shaded additional row after No.4

No.	Locality	Developments	Application
5.	Duranbah/Cabarita	Kingscliff South	Lot 490 DP 47021 & Lots 331, 301 & 194 DP 755701

Reports from Director Engineering Services

- (e) Amend "Table 6.2 – Local Area Trip End Unit Costs" by inserting the following shaded additional row in the "Duranbah/Cabarita" and amending the total row:-

Location	Value of Works _{local}	New Trip Ends	\$Local Trip End _{cost}	Comments
	\$1,255,680	8,752	\$143	Applies to Lot 490 DP 47021 & Lots 331, 301 & 194 DP 755701 only
Total	\$16,988,680			

- (f) Amend "Table 7.3 – TRCP \$Total Trip End_{Cost} and Household Contributions per Sector" by inserting the following shaded additional row in sector 7 after "Kings Beach Development":-

Sector	Locality	\$Standard Trip End cost	\$Local Trip End cost	\$Interest Trip End cost	\$Total Trip End cost	Trip Ends Household	Admin 5%	Household Contribution
7	Kingscliff South Dev	\$292	\$143	\$59	\$494	6.5	1.05	\$3,372

Reports from Director Engineering Services

18. ORIGIN: Water Unit

FILE REF: Coastline Management Plan Steering Committee; Coastline Management Plan

REPORT TITLE:

Tweed Shire Coastline Management Study - Stage 1, Values Assessment

SUMMARY OF REPORT:

The Tweed Coast Committee is currently in the process of reviewing the draft report of the Tweed Shire Coastline Management Study - Stage 1, Values Assessment; an investigation being undertaken by Umwelt Environmental Consultants. This study follows, and adds to the Tweed Coastline Hazard Definition Study, which was completed by WBM in 2001.

Umwelt have produced findings related to coastal erosion rates which differ significantly from original investigations completed by WBM. Umwelt have been asked by Council to clarify their position with regard to this issue. DLWC have advised Council that the original work undertaken on its behalf by WBM is robust and valid.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

INTRODUCTION

The Tweed Coast Committee is currently in the process of reviewing the draft report of the Tweed Shire Coastline Management Study – Stage 1, Values Assessment; an investigation being undertaken by Umwelt Environmental Consultants. This study follows, and adds to the Tweed Coastline Hazard Definition Study, which was completed by WBM in 2001.

A workshop with Councillors to present the outcomes of the Umwelt Values Assessment and the proposed coastal management options generated by it has been scheduled for the 12th of March.

Following receipt of feedback from Councillors, community workshops will also be undertaken to present preliminary coastal management options to the public.

DISCUSSION

Upon receipt of the Draft Values Assessment Report from Umwelt, Tweed Coast Committee members and Council Officers noted that the report contained outcomes inconsistent with the WBM Coastal Hazard Definition Study.

This difference, (included as attachment 1, section 4.2.1 and 4.2.2 of Umwelt's Report) reproduced at the end of this report, was centred on Umwelt's assertion that the method used by WBM to predict coastline recession rates due to storm erosion was flawed. Using an alternative methodology, Umwelt predicted erosion rates significantly greater than those of WBM. This discrepancy is significant in terms of the location of the immediate coastal erosion hazard line in relation to existing and planned development.

Given the highly technical nature of the data collection and interpretation processes involved in the prediction of coastal erosion rates, Council Officers requested a Senior Coastal Management Specialist from DLWC in Newcastle to review the methodologies used in both the WBM and Umwelt Studies. The resultant comments from Mr Phil Watson of DLWC are included as attachment 2 at the end of this report.

In summary, Mr Watson and DLWC have re-endorsed the original data interpretation and erosion prediction methodology applied by WBM, and the Coastal Hazard Definition Report and immediate erosion hazard lines adopted by Council.

Umwelt have subsequently been provided with a copy of the DLWC comments and requested to advise of their position with regard to the content of their draft report, specifically, sections 4.1 and 4.2 as included in attachment 1, at the end of this report.

It is intended that Umwelt will clarify their position prior to or at the workshop of 12 March 2003.

Reports from Director Engineering Services

Attachment 1:-

Tweed Coastline Management Study Stage 1

DRAFT

Coastal Processes and Hazards

The most recent report of the Intergovernmental Panel on Climate Change (IPCC, 2001) indicated that, while temperatures may have risen in the atmosphere ($+0.05^{\circ} \pm 0.10^{\circ}\text{C}$ per decade since 1979), the data show that global average surface temperature has increased by $+0.15^{\circ} \pm 0.05^{\circ}\text{C}$ per decade since 1979. The warming has occurred, primarily, over the tropical and sub-tropical regions. IPCC (2001) advises that there may be a long term trend of rising sea, which has a projected range of sea level change from +0.09 to +0.88 metres between 1990 and 2100. The current mid-range scenario (most likely) IPCC sea level rise projections for 2050 and 2100 are 0.2 to 0.5 metres ($+4 \text{ mm/yr}$ to $+5 \text{ mm/yr}$ respectively). Global meteorological and oceanographic changes, such as the El Nino Southern Oscillation in the eastern southern Pacific Ocean, can cause medium term variations in mean sea level of up to 0.1 metres.

4.2 COASTAL PROCESS HAZARD DEFINITION ON THE TWEED COASTLINE

The coastal process hazards can be delineated by lines on a map defining the zones of land under threat. Typically, these include areas of dune erosion and inundation. Because coastlines, often, are changing with time, the threat of coastal erosion hazard is likely to vary with time. For this reason, the hazard lines are prepared for the current situation and estimates for the future are based on trends derived from a coastline hazard definition study. Such a study, as previously mentioned, has been completed for the Tweed coastline by WBM Oceanics Australia, in 2001. In the following, the delineation of coastal process hazards is summarised from that study.

4.2.1 Beach Erosion

For the storm erosion demand, the *Tweed Coastline Hazard Definition Study* (WBM 2001) adopted either:

- the removal of $200 \text{ m}^3/\text{m}$ of beach sand, measured above mean sea level, for beaches in an accreted state; or
- a lesser amount of $160 \text{ m}^3/\text{m}$ if applied to eroded profiles; or
- the most landward position of any relict escarpment from a previous storm.

The allowance for storm erosion was stated to be commensurate with values adopted generally elsewhere along the far north coast. It was applied generally to the beach profiles, which resulted in the translation of the tops of the 1999/2000 erosion escarpments some 30 to 40 metres landward.

In defining the *Immediate Hazard Line* by this method, the *Tweed Coastline Hazard Definition Study* (WBM 2001) departed from the definition in the *PWD Coastal Erosion Report Tweed Shire* (PWD 1982), which adopted an additional allowance of 30 metres for the maintenance of a suitable vegetative buffer. To ensure coastline stabilisation against aeolian processes, therefore, PWD (1982) established the *Immediate Impact Line* being some 50 metres landward of the top of the relict erosion escarpment existing on each beach at the time. This contrasted significantly with the approach in the *Hazard Definition Study*.

That, the relict erosion escarpment was located landward of the 1999/2000 escarpment position in many areas indicated that the beaches were in a relatively accreted state at the time of the photography, rather than in an eroded state. The reason that the beaches were in an accreted state is likely to lie in the fact that, during the mining operations, which, in some

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Umwelt (Australia) Pty Limited
December 2002

4.4

Reports from Director Engineering Services

areas, persisted into the 1980s, large volumes of sand were reworked and placed in the littoral zone or in a more westward location through the pre mining portion. This had supplied very large amounts of sand, artificially, to the littoral drift system, which responded by building very large incipient foredunes on many of the beaches. The adoption of a discounted value for storm erosion demand of $160 \text{ m}^3/\text{m}$ in the *Hazard Definition Study*, on the basis that the 1999/2000 escarpment indicated that the beaches were in an eroded state, would not appear to be supported by this interpretation.

Further, however, the application of $160 \text{ m}^3/\text{m}$ for storm erosion demand appeared not to be commensurate with the published literature. Based on empirical data, Gordon (1990) suggested a storm erosion demand of $225 \text{ m}^3/\text{m}$ for a 100 year ARI. Nielsen *et al.* (1992) suggested a value for the design storm erosion demand of $250 \text{ m}^3/\text{m}$, which was to be applied to the weighted mean beach sand volume over the period encompassing the available beach survey data (ie. not an accreted profile but to an average profile). The adoption of $250 \text{ m}^3/\text{m}$ in lieu of $160 \text{ m}^3/\text{m}$ would move the Immediate Hazard Zone landward by a further 15 to 20 metres.

4.2.2 Shoreline Recession

For the assessment of long-term shoreline recession, the *Tweed Coastline Hazard Definition Study* (WBM 2001) adopted an empirical approach that was based on interpretation of photogrammetric survey data that extended the pre-existing database of previous studies. This encompassed the years from 1947 to 1977, to the year 2000.

The resulting estimates of shoreline recession were, generally, very much lower than those derived in earlier PWD studies of Wooyong-Cudgera Beach, Bogangar-Casuarina Beach and Chinderah. Regional shoreline recession rates were calculated to be in the order of 0.1 m/year, compared with the earlier estimates that were in the order of 1 m/year. This result was examined in detail in WBM (2001) and was attributed to the following:

- the shorter time base of the earlier studies encompassed the severe cyclones of 1967 and 1974, making the result biased to a period of severe storms and, hence, considerable erosion; and
- the 20+ year extension of the database encompassed a relatively low level of storminess, resulting in lower average recession rates.

It was noted that the beaches had been mined variously throughout the 1960s and 1970s and, hence, an analysis of the movements of erosion escarpments could not be undertaken. It was proffered that the photogrammetric data could best be interpreted in terms of trends in sand volume change.

It was stated that, during mining, sand had been relocated either into or out of the zone covered by the photogrammetric analysis (WBM, 2001). It can be concluded, therefore, that data covering the mining periods could not be interpreted rationally. The sand volume data presented in the *Hazard Definition Study* has been re-assessed based on the volume changes that were indicated on data derived from the beaches either prior to the commencement of mining or following its cessation. That reassessment is summarised in the following.

4.2.2.1 Pottsville to Hastings Point

Gordon *et al.* (1978) indicated that the foredune was mined from 1963 to 1967. The data presented in the *Hazard Definition Study* showed that between 1947 and 1962 the volume data indicated a loss of around $3 \text{ m}^3/\text{m}/\text{year}$. For a dune elevation of around 5 to 6 metres, this would equilibrate to an erosion rate of 0.5 m/year.

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Attachment 2:-

14/02 '03 12:18 FAX 61 2 49605055

ECOSYSTEMS-NEWCASTLE

002



Mr Tom Alletson
Coasts and Waterways Co-ordinator, Water Unit
Tweed Shire Council
PO Box 219
Murwillumbah NSW 2484

**Re: Tweed Shire Coastline Management Study Stage 1
Section 4 Coastal Processes and Hazards**

Dear Sir,

Reference is made to the above-mentioned study provided to DLWC for comment. I have been asked by Mr Richard Hagley (DLWC North Coast Region, Alstonville) to review Section 4 (Coastal Processes and Hazards) of the report and respond to Council direct. I understand that Mr Hagley has forwarded comments to Council on the balance of the report.

It is noted that section 4 of the report provides a general overview of coastal processes and hazards including an appraisal of the hazard definition work undertaken previously in the Tweed Coastline Hazard Definition Study (WBM 2001). The review undertaken by Umwelt (Australia) Pty Ltd suggests that the majority of the hazard interpretation undertaken in WBM (2001) significantly understates the extent of coastline hazards prevalent along the Tweed coast.

It should be recognised that the process of defining long-term recession rates applicable for planning purposes is a relatively difficult exercise for Tweed Shire. Conventional approaches to defining these parameters involve assessment of consistent, long-term recessionary indicators such as the movement of a back beach erosion escarpment. Unfortunately, extensive sand mining activities undertaken throughout the coastal dune reserves of the shire (1950's to 1970's) involved extensive re-profiling and revegetation of the mined dunes, severely limiting the applicability of this approach. The volumetric analytical approach utilised by WBM Oceanics is the preferred methodology in these situations. Extreme care is required with this approach both in terms of the utilisation of earlier photogrammetric data (which may be of lesser accuracy) and in the subjective assessment required to limit the extent of the analysis to the area applicable to coastline processes.

Whilst the data assessment processes would appear both conventional and reasonable under the above-mentioned circumstances, the advised long-term recession rates are somewhat lower than those predicted by earlier studies concluded during the early 1980s. The reasons for this are well documented and qualified in WBM (2001).

DLWC have previously cautioned that whilst the rates have been reasonably assessed, care should be exercised when extrapolating low rates well into the future for planning purposes. WBM (2001) provides a range of delineated hazard zones with varying factors of safety inherently applied. The zones delineated provide an estimate of the extent of land likely to be impacted upon by coastal processes and associated hazards, for various planning horizons.

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Level 3 437 Hunter Street Newcastle NSW 2300 PO Box 2185 Dangar NSW 2309
Telephone (02) 4960 5000 Facsimile (02) 4960 5091
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14/02/03 12:19 FAX 61 2 49605055

ECOSYSTEMS-NEWCASTLE

003


Comments – Tweed Shire Coastline Management Study Stage 1 – Values Assessment

It remains a difficult task to quantify the extent of impacts from natural and unpredictable processes inexorably into the future for planning purposes. This difficulty is accentuated in Tweed Shire by the extent of anthropogenic impacts imposed upon the primary data source (photogrammetric data) used to assess underlying trends. These difficulties were similarly acknowledged in the prior study work undertaken by Public Works (1982). Nonetheless, the advised hazard definition zones (WBM 2001) represent the best estimate at this point in time using conventional and widely adopted techniques. It is imperative that Council are conversant with the inherent limitations involved in coastline hazard definition for planning purposes.

In this respect, DLWC advise Council that in the formulation of long-term management strategies, the hazard definition work should be viewed as an advisory tool only. Further, the implicit limitations of the predictive capabilities of the process should be reflected in the planning and management responses considered. Long-term management strategies considered should be robust enough to accommodate changed or altered regimes of physical coastal processes in the future.

Some of the more specific hazard definition issues raised by Umwelt Pty Ltd have been discussed under separate headings on the following pages. Should you require any further information or clarification of any of the issues raised herein, please contact Phil Watson on (02) 4960-5067 (ph), 0413-278-651 (mobile) or (02) 4960-5055 (fax).

Yours Sincerely

 14/2/03
Phil Watson
Senior Specialist
Coastal Unit

cc. Doug Lord, Manager Coastal Unit
Ecosystems Branch, Natural Resource Products Division
Department of Land and Water Conservation

Richard Hagley, SNRO (Coast & Estuaries)
North Coast Region
Department of Land and Water Conservation

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ECOSYSTEMS-NEWCASTLE

004

Comments – Tweed Shire Coastline Management Study Stage 1 – Values Assessment

Beach Erosion – Section 4.2.1

Umwelt advise correctly that the PWD (1982) approach to short term demand (or beach erosion) incorporated allowance of an additional 30 metre buffer for maintenance of a vegetated frontal dune system. Additional allowances of this nature are no longer contemplated within conventional hazard definition studies to define the extent of short-term demand. The addition of a buffer for maintaining a vegetated dunal system has no bearing on predicting the extent of land likely to be impacted upon as a result of an extreme storm event or series of closely spaced storms. Rather, this additional allowance represented a conservative (though prudent) management philosophy at the time within PWD. Such an allowance, if considered appropriate, could be incorporated into the management strategy for Tweed coastline.

Umwelt further note that the relict erosion escarpment in several areas lay landward of the erosion escarpment evident in the baseline 1999/2000 photography. Umwelt postulate that the relatively accreted state of the beaches in 1999/2000 (even following recent storm erosion) compared to the relict scarp positions is due to sand mining prograding dunes forward into the active littoral zone. This scenario is unlikely due to the following:

- sand mining bund walls and subsequent dune rehabilitation works would have prograded some frontal dunes artificially forward (or seaward) of the natural or underlying active profile (the extent and scale of which is largely unknown). Any progradation would have occurred substantially above mean sea level on the upper tip of the active profile. The scale of littoral processes and extent of storm activity that has occurred throughout the 1980s to present (post sand mining) is likely to have quickly and dramatically realigned any frontal dune systems that were misaligned with the underlying offshore active profile;
- the extent of sand buildup seaward of relict erosion escarpments would not have been sustainable over some 20 years as a result of post sand mining rehabilitation works alone; and
- significant natural dune rebuilding/stabilisation has been evidenced along substantial areas of the north coast following the storm events from the late 1960s through to the mid-1970s. In most areas, frontal dune rebuilding was most evident during the early to mid-1990s, commensurate with natural dune rebuilding mechanisms on high littoral drift coastlines, unrelated to post sand mining rehabilitation techniques.

A technical paper presented at the 15th Australasian Coastal and Ocean Engineering Conference in 2001 by Phil Watson and Doug Lord titled "Coastal Hazard Definition for Planning Purposes using Photogrammetric Data" provides up to date advice on coastline hazard definition and its application within NSW. The paper advises the use of storm demands in the range of 200-250 m³/m run of beach (above MSL) for open coast conditions applied to an accreted (or healthy) beach state. The application of 200 m³/m storm demand applied in WBM (2001) to a fully accreted profile is therefore reasonable.

Further, the most recently available photography at the time of the study was 1999/2000 which was used as the baseline for delineating the respective coastal impact zones. The 1999 photography on the far north coast followed considerable erosion of frontal dunes. Under these circumstances, a reduction of 40 m³/m to approximate the loss compared to a fully accreted beach profile (200 m³/m) is a similarly reasonable and professional approach for

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005

Comments – Tweed Shire Coastline Management Study Stage 1 – Values Assessment

planning purposes. Where the application of this storm demand fell seaward of a readily discernible relict scarp, the relict scarp position was adopted (in effect increasing the storm demand allowance). The suggestion by Umwelt that the adoption of a storm demand of 160 m³/m is not commensurate with published literature is somewhat misleading and discounted by virtue of the above.

Shoreline Recession – Section 4.2.2

Umwelt acknowledge the difficulty that extensive sand mining and rehabilitation have caused for assessment of photogrammetric data in determining natural beach signatures. These difficulties have been discussed in the covering advice (above).

Umwelt have suggested that to overcome these difficulties, the data presented by WBM (2001) could be analysed rationally only as two temporal data sets separated by the mining activities. By doing so, Umwelt realise significantly higher long-term recession rates than those advised by WBM (2001).

In determining long-term underlying trends, it is advisable to source data over the longest period possible. Irrespective of mining disturbances, there will be significant signatures of shorter term erosion and recovery superimposed on a photogrammetric data record that exceeds 50 years throughout the study area. Although attempting to remove mining disturbance from the equation is admirable, it is not possible to do so with the data record available, without compromising the integrity of the value of the longer term record.

Segregating the available data into pre and post mining periods would result in data availability in blocks spanning from 8 to less than 20 year timeframes. To use these selective periods to establish trends which would be extrapolated to 50 and 100 years into the future would be unwise and contain, in my opinion, unacceptably broad error projections. By examining time periods of less than 20 years for the establishment of underlying long-term trends, there is a significant risk that all or part of the record may be substantially biased by extended cycles of erosion and accretion that are superimposed upon a longer term record. The advantage in using a longer record (such as in this case 50 years) is that these significant shorter term fluctuations can be averaged out to equate more closely to the long-term underlying trend.

An example of the dangers of isolating smaller data sets to determine underlying long-term trends of shoreline movement is evident in the Umwelt assessment of the pre-mining period. The extent of data availability for this period is in most cases limited to no more than a decade, utilising aerial photography of limited quality for photogrammetric interpretation. For this period, there exists only one, in some circumstances two available data sets for any embayment considered. In the case of the Wooyung to Hastings Point compartment, only the 1947 data set is not subject to mining disturbance. It follows that no underlying trend can be determined from a solitary data set, though Umwelt advise (Table 4.1) an equivalent pre-mining recession rate of 0.5 m/year.

Although the aerial photography for the post mining periods are of excellent quality for photogrammetric interpretations, the limited data sets available and short time base not only lead to biasing of results (as discussed above) but do not form a sound premise for

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ECOSYSTEMS-NEWCASTLE

006

Comments – Tweed Shire Coastline Management Study Stage 1 – Values Assessment

extrapolating results over timeframes into the future that may be tenfold the length of the data record used to establish them.

Whilst mining disturbances represent analytical difficulties for the establishment of underlying long-term trends of shoreline movement, the volumetric assessment philosophy used in WBM (2001) over the 50 year photogrammetric data record is the recommended approach for these circumstances.

[END COMMENTS]

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19. ORIGIN: Director

FILE REF: Water - Capital Works - General

REPORT TITLE:

Capital Works Delivery

SUMMARY OF REPORT:

An extensive review of Council's pre-construction and construction capital works resource capability has been completed. Council currently is achieving an annual capital works expenditure of some \$13M in the areas of water supply, sewerage and transport.

To ensure that all growth related capital works are in place in a timely manner and major asset replacement programs are completed as necessary Council needs to gear up its construction activity to an annual expenditure of \$25 to \$30M, a 100% increase on the level of expenditure achieved over recent years.

This report provides details of actions under way to achieve the above objective. The outcome will be:-

- An increase of \$10 to \$15M p.a. in the amount of work undertaken by contract.
- An increased investment of \$700,000p.a. in pre-construction related consultancies.
- A modest increase in Council's day labour organisation by the addition of two construction gangs (8 employees)
- Expansion of Council's in-house professional technical capability in the areas of Project Management (\$150,000p.a.), Construction Management (\$300,000p.a.) and Survey, Investigation and Design (\$250,000p.a.).

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

Council's key infrastructure areas are water supply, sewerage and transport. The timely delivery of capital works projects in these areas over a long period of time is a matter of record and a significant factor in the organisation's high standing across the wider community. A key management imperative is to ensure the continuing delivery of major capital works across the shire.

Council currently holds some \$88M in water supply, sewerage and transport reserves. Council's annual capital works income stream in this area is \$20M. This does not include interest on investments (currently some \$6M per year), grants, subsidies, waterways, flood mitigation and public facilities.

In the areas of water supply, sewerage and transport Council has been achieving an annual capital works expenditure of some \$13M.

These areas have been significantly underspent in recent years. There are a number of potential reasons for the under expenditure including:-

1. The budgets have been unnecessarily over ambitious.
2. The pre-construction activities associated with many projects (survey, investigation, design, development approval) have been under estimated.
3. Government agency involvement (as both funding body and regulator) is more intense, demanding and time consuming.
4. Technologies (particularly STW process) have become much more complex requiring more up front resource.
5. Some works are developer dependent.
6. Development approval for some works has not been obtained.

A detailed review of Council's existing pre-construction resource capability was undertaken. The results are summarised below:-

Reports from Director Engineering Services

Legend						
<i>SID</i>	<i>Survey Investigation and Design</i>		<i>CM</i>	<i>Construction Management</i>		
<i>PM</i>	<i>Project Management</i>					
Current Expenditures	Current Actual PM Cost	Current Actual SID Cost	Current Actual CM Cost			
	W&S Design Eng	\$10,000	\$40,000			
	Draftsman x 5		\$250,000			
	Manager Design	\$10,000	\$40,000			
	Environmental Scientist		\$90,000			
	Survey		\$180,000			
	W&S Ops Eng	\$50,000				
	W&S Hdwks Eng	\$50,000				
	Manager Water	\$10,000				
	Contracts Engineer	\$5,000			\$70,000	
	Tech Officer Contracts				\$60,000	
	Foreman Contracts				\$40,000	
	Admin Supervisor				\$40,000	
	Construction Engineer	\$5,000			\$60,000	
	Works Overseer				\$50,000	
	Assistant Works Eng				\$40,000	
	Manager Works	\$20,000				
	Director Eng Services	\$10,000				
	Design Engineer	\$10,000	\$40,000			
	Total	\$180,000	\$640,000	\$360,000		
	Consultants		\$500,000			
	Typical Industry Figures	1%	9%	4%		
	Predicted Capital Works Capability based on Current Staffing levels	\$16,000,000	\$12,600,000	\$9,000,000 *		
	Historical Average Capital Works Expenditure last 3 Years			\$13,100,000		

* \$3.75M - Transport

* \$5.25M - Water Supply and Sewerage

This analysis concluded that the following capability was currently available:-

- Project management \$16M
- Survey Investigation and Design \$12.6M
(includes \$0.5M consultancies)
- Construction Management \$9M

It was also concluded that Councils day labour organisation has a construction capability of around \$13M per annum.

Reports from Director Engineering Services

RESOURCE REQUIREMENT

Table 1 at the end of this report details the Water and Sewerage Capital Works Program for 2003/2007.

The resource requirement to service the projected Capital Works Budget is detailed below:-

Estimated and Required Expenditures	Estimated Annual Capital Works Budget (Water & Sewer)	Estimated Annual Capital Works Budget (Transport)	Estimated Annual Capital Works Budget (Total)	Required PM Cost at 1%	Required SID Cost at 9%	Required CM Cost at 4%
2003	16.5	7	23.5	.24	2.2	1
2004	23.8	7	30.8	.31	2.8	1.24
2005	23.5	7	30.5	.31	2.8	1.24
2006	26.5	7	33.5	.34	3.1	1.4
2007	25.9	7	32.9	.33	3.0	1.3
Resource Requirement (say)	23.5	7	30.5	.31	2.8	1.3
Existing Resource				.16	.54	.36
DPWS Component (Say)					.1	.2
Resource Shortfall				.15	2.16	.74

RESOURCE REQUIREMENT – CONSTRUCTION

The Water Supply and Sewerage Capital Works Programs were assessed by project category to determine the appropriate procurement method (contract or day labour).

Council needs to be expending some \$25 - \$30M per annum on capital works to meet program objectives, a 100% increase on current expenditure levels.

There are obvious shortfalls in project management, survey investigation and design, construction management and construction capability to achieve this level of expenditure. The following actions are in the process of being put in place to address the resource shortfall:-

- In-house project management resource will be increased by \$150,000p.a.
- In-house Survey Investigation and Design resource will be increased by \$250,000p.a.
- There will be an increased investment in Survey Investigation and Design consultancies to \$1M p.a. (up from an average investment of \$350,000 p.a. over the last 4 years).
- Construction Management will be increased by \$300,000 p.a.
- There will be an increased investment in works undertaken by contract by \$10 to \$15M p.a.
- There will be an increase in Council's day labour capability by the addition of 2 construction gangs (this will increase day labour construction capability from \$13M to \$18M).

The initiatives as outlined above are a positive response to meet essential capital works required to service growth and asset replacement requirements. When fully implemented the outcome will result in jobs for local people as a result of the modest increase in the day labour organisation and in-house trainees, a significant increase in the amount of contract work undertaken by Council, a

Reports from Director Engineering Services

three fold increase in the amount of consultancy work issued by Council and the expansion of our in-house professional technical capability.

Immediate recruitment will include:-

- 1 Project Engineer
- 1 Contracts Engineer
- Trainee positions in the areas of Contract Administration, Drafting and Surveying
- 1 Administrative Support person
- 1 Environmental Scientist
- 1 Graduate water Supply & Sewerage Design Engineer
- 1 day labour Reservoir Construction Gang.

Within a 6 to 12 month time frame when the increased pre-construction resource has delivered and developed projects to construction commencement stage the further recruitment of a Project Engineer, Construction Overseer, Contracts Foreman and additional dedicated Pipe Laying Construction Gang will occur.

Reports from Director Engineering Services

TABLE 1

Water and Sewage Capital Works Program 2003/07 – By Category

Project	Description	Target Completion Date	2003	2004	2005	2006	2007
Water Total			\$ 7,600,000	\$ 12,165,000	\$ 13,505,000	\$ 14,120,000	\$ 5,900,000
Sewerage Total			\$ 10,900,000	\$ 9,905,000	\$ 6,650,000	\$ 10,900,000	\$ 16,170,000
Works by Contract			\$ 9,485,000	\$ 12,132,500	\$ 14,590,000	\$ 18,710,000	\$ 16,500,000
Total Water and Sewerage Capital Works			\$ 18,500,000	\$ 22,073,000	\$ 20,555,000	\$ 25,020,000	\$ 22,070,000
WATER SUPPLY CAPITAL WORKS							
DAMS & WEIRS							
Bray Park Weir Refurbishment		Dec-03	\$ 900,000				
Additional Storage Tyalgum Water Supply		Jun-03	\$ 100,000				
FUTURE WORKS							
Spillway upgrade Clarrie Hall Dam		Dec-06	\$ 2,600,000				\$ 2,600,000
Misc							
WATER TREATMENT PLANTS							
BRAY PARK WATER TREATMENT PLANT							
Bray Park WTP Chemical Spill Containment	Various civil works to improve Chemical Spill containment	Dec-02	\$ 20,000				
Fluoride Facility Upgrade	Upgrade to meet OH&S requirements	Jun-03	\$ 100,000				
Bray Park WTP Noise Reduction (Backwash)	Determine if required as part of Augmentation strategy	Jun-03	\$ 80,000				
Powder Activated Carbon Upgrade	Upgrade to increase capacity & improve efficiency of dosing facility	Jun-03	\$ 200,000				
Additional Online Monitoring Equipment		Jun-03	\$ 40,000				
TYALGUM WATER TREATMENT PLANT							
Tyalgum WTP Liquid Sodium Hypochlorite Dosing Facilities		Dec-02	\$ 20,000				
FUTURE WORKS							
Major Augmentation Bray Park Water Treatment Plant	Augmentation to 75 Mld, plus process improvements	Dec-05			\$ 7,500,000	\$ 7,500,000	

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Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03								
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005	2006	2007
WATER PUMPING STATIONS								
WPS No. 3 Chinderash Upgrade	OHS & Environmental Upgrade, Pump Replacement & Upgrade	\$700,000	Dec-03					
WPS No. 13 Portsville Upgrade	Replacement of existing pumps	\$40,000	Dec-02	\$ 40,000	\$ 700,000			
WPS No. 15A, Portsville	Replacement of Existing Pump Station	\$400,000	Dec-03		\$ 400,000			
WPS No. 14 Kingscliff Reservoir Upgrade	Upgrade of existing Booster pump station	\$20,000	Dec-02	\$ 20,000				
WPS No. 20 Rayles Lane Booster Upgrade	Upgrade of existing Booster pump station	\$15,000	Dec-02	\$ 15,000				
FUTURE WORKS								
WPS 1 & 1A River Intake Upgrade	Mech and Elec upgrade for 3rd pump	\$250,000	Jun-04		\$ 250,000			
WPS No. 2 Bray Park WTP	Replacement of existing Pump Station Upgrade or New Pump Station / note No. 25 is an alternative to No. 9 upgrade and No. 24	\$4,500,000	Dec-04		\$ 2,000,000	\$ 2,500,000		
WPS No. 9 North Tumbulgum Reservoir	New booster pump station	\$600,000	Dec-05			\$ 600,000		
WPS No. 24 Tumbulgum	New booster pump station / note No. 25 is an alternative to No. 9 upgrade and No. 24	\$350,000	Jun-04		\$ 350,000			
		\$500,000	Dec-05				\$ 500,000	

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03						
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005
SERVICE RESERVOIRS						
Pottsville West Reservoir 5ML No 1	New reservoir at Councils Quarry on Pottsville Moolool Rd	\$1,000,000	Jun-03	\$ 1,000,000		
Hospital Hill No. 3 Additional 13ML	New reservoir in place of existing no.1 adjacent to existing No.2 (8ML)	\$1,500,000	Dec-03	\$ 500,000	\$ 1,000,000	
FUTURE WORKS						
Pottsville West Reservoir 5ML No 2	No.2 reservoir at Councils Quarry on Pottsville Moolool Rd	\$1,000,000	Dec-03		\$ 1,000,000	
Stott St Reservoir No 1 5ML	New reservoir on new site at the end of Stott St off Piggabeen Rd	\$1,000,000	Jul-04		\$ 1,000,000	
Duranbah No. 2 Additional 5ML	Adjacent to existing 5 ML reservoir	\$1,000,000	Dec-04		\$ 1,000,000	
Koala Beach No. 2 Additional 5 ML	New reservoir at higher level than existing No.1 on new site	\$1,000,000	Dec-05			\$ 1,000,000
Merana St No 2 Additional 5ML	New reservoir on new site at Terranora Country Club	\$1,000,000	Jun-06			\$ 1,000,000
Duranbah No. 3 Additional 5ML	Adjacent to existing 5 ML reservoir	\$1,000,000	Dec-06			\$ 1,000,000
MAJOR DISTRIBUTION MAINS						
Trunk main Duplication Coast Rd						
Tamarind Ave to Cudgera Creek	3.8 km duplication of 450mm dia	\$850,000	Dec-02	\$ 850,000		
Trunk main Duplication Coast Rd Koala Beach to WPS 13(Pottsville)	1.45 km duplication 450mm dia	\$350,000	Jun-03	\$ 350,000		
Trunk Main New WPS 13 to Seabreeze	1.1 km new 375 mm dia	\$200,000	Jun-03	\$ 200,000		
Trunk Main Replacement and Augmentation Bartletts Lane to Turnbullum	1.3 km replacement 1066mm dia	\$1,500,000	Jun-03	\$ 1,500,000		
Trunk Main Replacement and Augmentation McLeod St to Johnson Creek	1.1 km replacement 1066mm dia	\$1,200,000	Jun-03	\$ 1,200,000		

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03						
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005
FUTURE WORKS						
Trunk Main Duplication - Hospital Hill Res to Tumbulung Rd	0.61 km duplication of 900mm dia	\$700,000	Dec-03	\$	\$ 700,000	
Trunk Main Duplication Leisure Drive	0.85 km duplication of 250mm Dia	\$135,000	Dec-03	\$	\$ 135,000	
Trunk Main New Seabreeze to West Pottsville Reservoir	3.0 km new 375 mm dia	\$660,000	Dec-03	\$	\$ 660,000	
Trunk Main Upgrade and Replacement Casarina to Tamarind Ave	1.5 km upgrade of 250 with 450 mm dia	\$360,000	Dec-03	\$	\$ 360,000	
Trunk Main New West Pottsville to Kellehers Rd	1.4 km new 375 mm dia	\$320,000	Dec-03	\$	\$ 360,000	
Trunk Main Duplication Dry Dock Road to Razor Back Reservoir	2.1 km duplication of 300 with 450 mm dia	\$600,000	Jun-04	\$	\$ 600,000	
Services Bridge Crossing with trunk main over Cudgera Creek	Duplication of Bridge crossing	\$450,000	Jun-04	\$	\$ 450,000	
Trunk Main duplication WPS No.3 to Kingscliff Reservoir	4.0 km duplication of 300 with 300 mm dia	\$760,000	Jun-05	\$	\$ 760,000	
Trunk Main Duplication Kennedy Drive Underpass to Boyds Bay Bridge	1.5 km duplication of 225 with 300 mm dia	\$400,000	Jun-05	\$	\$ 400,000	
Trunk Main Duplication Coast Road to Reservoir to Kings Forest	3.0 km duplication of 600 with 600 mm dia	\$1,200,000	Dec-05		\$ 1,200,000	
Trunk Main Duplication Coast Road to New Koala Beach Reservoir	2.0 km duplication of 200 with 300 mm dia	\$400,000	Dec-05		\$ 400,000	
Trunk Main Upgrade Overall Drive Distribution Main Tenners Rd from Mahers Lane to Royals Lane & Reservoir to Fraser Drive	3 km upgrade from 100 to 150mm dia	\$400,000	Jun-06		\$ 400,000	
Trunk Main Duplication Kennedy Drive Underpass west to Piggabeen Rd	1.9 km duplication from 300 to 450 mm dia	\$1,000,000	Dec-06		\$ 1,000,000	
MAINS NEW RETIC						
Kingscliff Connections for Pressure Zone in conjunction with WPS 14 upgrade	0.5 km of new 100mm dia	\$85,000	Dec-02	\$ 65,000		
FUTURE WORKS						
Minjungbal Drive Tweed Heads South	0.3 km of new 150 mm dia development dependent	\$45,000	Dec-04		\$ 45,000	
MAINS REPLACEMENT RETIC						
Numbah Road Boat Harbour Bridge Wallumbin St	replace as part of bridge construction	\$15,000	Jun-03			
Tumbulung Road		\$50,000	Jun-03			
North Arm Road		\$55,000	Jun-03			
Blyth St Wallumbin to James St		\$200,000	Jun-03			
Woolshed Rd Wallumbin to James St		\$60,000	Jun-03			

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Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03								
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005	2006	2007
Scenic Drive Tweed Heads West		\$15,000	Jun-03					
Bocabel Avenue and Old Ferry Road	in conjunction with trunk main	\$50,000	Jun-03					
The Paraper		\$35,000	Jun-03					
Cambridge St Kingscliff		\$20,000	Jun-03					
Kent St to Razorback Reservoir		\$35,000	Jun-03					
Colonial Drive Condong	in conjunction with trunk main	\$30,000	Jun-03					
McLeod St Condong		\$90,000	Jun-03					
Quarry Rd		\$30,000	Jun-03					
Lundberg Dr		\$45,000	Jun-03					
Byangum Rd		\$50,000	Jun-03					
Tyalgum Rd		\$30,000	Jun-03					
Total		\$800,000		\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000
Mains replacement in conjunction with Roads Program	various sites	\$500,000	Jun-03	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
Water Total				\$ 7,600,000	\$ 12,165,000	\$ 13,505,000	\$ 14,120,000	\$ 5,900,000

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03								
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005	2006	2007
SEWERAGE CAPITAL WORKS								
VILLAGE SEWERAGE SCHEMES								
Uki Sewerage Scheme	Includes STP, Reticulation and Transport components	\$3,600,000	Jun-03	\$ 3,600,000				
FUTURE WORKS								
Burringbar Sewerage Scheme		\$4,600,000	Jun-07					\$ 4,600,000
SEWERAGE TREATMENT PLANTS								
Kingscliff STP Interim Works	Temporary upgrade until new plant constructed	\$900,000	Jun-03	\$ 900,000				
Banora Point STP UV Upgrade	Replace existing UV with High Dose system	\$920,000	Jun-03	\$ 920,000				
Banora Point STP Odour control	Upgrade to existing odour control works	\$100,000	Jun-03	\$ 100,000				
Dry Dock Rd Tweed Heads South	Repair of Banora Point STP effluent outfall line	\$50,000	Jun-03	\$ 50,000				
Hastings Pt STP Augmentation	Augmentation to 18000 EP	\$2,300,000	Dec-03	\$ 1,000,000	\$ 1,300,000			
Hastings Pt STP Effluent Rising Main	Upgrade of Existing main to dune disposal system	\$300,000	Dec-03	\$ 300,000				
Tweed Heads STP Odour Control	Upgrade to existing odour control works	\$200,000	Jun-03	\$ 200,000				
Tweed Heads Grit Removal	Replace existing grit removal system	\$30,000	Jun-03	\$ 30,000				
FUTURE WORKS								
Murwillumbah STP Tertiary Treatment Plant	TTE plant for Condong Mill Co-generation plant	\$3,600,000	Jun-04	\$ 3,600,000				
Kingscliff STP New Works	25000 EP STAGE 1	\$13,000,000	Jun-06		\$ 4,000,000	\$ 9,000,000		
Tweed Heads STP Upgrade	Enhanced Treatment (no upgrade to capacity)	\$2,800,000	Jun-07					\$ 2,800,000
Banora Point STP Augmentation	Enhanced Treatment to 62500 EP	\$6,000,000	Jun-07					\$ 6,000,000

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03						
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005
SEWER PUMPING STATIONS						
SPS ELECTRICAL UPGRADES						
SPS 1023a	North Arm Rd					
SPS 2030	Carrara Drive					
SPS 2046	Cobaki Broadwater Vill					
SPS 3008	Europa St					
SPS 3011	Cox Drive					
SPS 3015	Bosun Boulevard					
SPS 4005	Kingseiff St Mech & Elec Upgrade					
SPS 4011	Chinderah Industrial Estate					
SPS 5001	Towners Ave					
SPS 5005	Creek St					
SPS 5008	Rajungra Street					
SPS 5010	Phillip St					
	Sub Total	\$400,000	Jul-03	\$ 400,000	\$ 400,000	\$ 400,000
SPS MECHANICAL UPGRADES						
SPS 1023a	North Arm Rd					
SPS 2018	Gollan Drive					
SPS 2030	Carramar Dr Mech & Elec Upgrade					
SPS 2046	Cobaki Broadwater Vill					
SPS 3008	Europa St					
SPS 3011	Cox Drive					
SPS 3015	Bosun Boulevard					
SPS 3018	Enterprise Ave					
SPS 4005	Kingseiff St					
SPS 5001	Towners Ave					
SPS 5004	Tamarind Ave					
SPS 5010	Phillip St					
	Sub Total	\$500,000	Jul-03	\$ 500,000	\$ 500,000	\$ 500,000
SPS CONSTRUCTION						
SPS 1002	River Street upgrade					
SPS 1013	Hall Dr upgrade					
SPS 2005A	Syphon P. S. upgrade					
SPS 2037	Broadwater Esp Bundling					
SPS 2003A	Beryl St New					
SPS 2018	Gollan Drive					
	Sub Total	\$200,000	Dec-03	\$ 200,000		
		\$200,000	Dec-02	\$ 200,000		
		\$30,000	Dec-02	\$ 30,000		
		\$20,000	Dec-02	\$ 20,000		
		\$300,000	Jul-03	\$ 300,000		
		\$100,000	Jul-03	\$ 100,000		
	Sub Total	\$500,000	Jul-03	\$ 500,000	\$ 500,000	\$ 500,000

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03									
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005	2006	2007	
FUTURE WORKS									
SPS 2017 Frances St		\$200,000	Dec-04			\$ 200,000			
SPS 2018A Gollan Dr Replacement		\$600,000	Jul-06			\$ 600,000			
SPS 2048A New Pigatween Rd	contribution	\$200,000	Jul-06				\$ 200,000		
SPS 3032 New Sullivans Regional	contribution	\$160,000	Jul-07					\$ 160,000	
SPS 3037 New Terrara Regional	contribution	\$160,000	Jul-07					\$ 160,000	
SPS 4023 New Kings Forest Regional	contribution	\$500,000	Jul-07						
SPS 4026 COAST ROAD CASUARINA		\$150,000	Jul-07					\$ 150,000	
BEACH SUB REGIONAL									
SPS 4030 New South Kingscliff Northern Regional	contribution	\$120,000	Jul-07					\$ 120,000	
SPS 5008 New Rajungra St Regional		\$460,000	Jul-07					\$ 460,000	
SEWER RISING MAINS									
SRM 1002 River Street Upgrade		\$90,000	Jul-03	\$ 90,000					
SRM 1004 Hattigan St Replacement		\$50,000	Jul-03	\$ 50,000					
SRM 1005 Buchanan St Redirection		\$80,000	Dec-02	\$ 80,000					
SRM 1015 Pacific Hwy Modification		\$20,000	Dec-02	\$ 20,000					
SRM 1023 North Arm Rd New		\$150,000	Jul-03	\$ 150,000					
SRM 2005 Meriden Way Replacement		\$70,000	Jul-03	\$ 70,000					
SRM 3008 Eunga St Replacement		\$150,000	Dec-02	\$ 150,000					
SRM 2030 Carramar Dr Relocation		\$40,000	Jul-03	\$ 40,000					
SRM 3001 Pacific Highway Relocation		\$400,000	Jul-03	\$ 400,000					
SRM 3004 Martinelli Ave Replacement		\$500,000	Jul-03	\$ 500,000					
SRM 3006 Darlington Dr Upgrade		\$85,000	Jul-03	\$ 85,000					
SRM 3011 Cox Drive East of Tweed Heads Bypass Replacement		\$180,000	Dec-02	\$ 180,000					
SRM 3020 Darlington Dr Ext to Amaroo		\$135,000	Jul-03	\$ 135,000					
SRM 3030 Leisure Drive West Ext to SPS 3028 Enterprise Ave		\$200,000	Jul-03	\$ 200,000					
SRM 4015 fmgal Rd South Relocation		\$10,000	Jul-03	\$ 10,000					
SRM 5008 Rajungra Street Replacement Shop to Bridge		\$70,000	Dec-02	\$ 70,000					
SRM 5012 SRM Moubatten Relocation & Upgrade		\$85,000	Dec-02	\$ 85,000					

Reports from Director Engineering Services

Water and Sewage Capital Works Program 2002/03							2003	2004	2005	2006	2007
Project	Description	Project Estimate	Target Completion Date	2003	2004	2005	2006	2007			
FUTURE WORKS											
SRM 5014 Overall Dr New		\$315,000	Dec-03	\$	\$ 315,000						
SRM 2018A Gollan Dr		\$2,283,000	Jul-04	\$	2,283,000						
SRM 3015 Bosum Boulevard Relocation	Relocation of Section 34.0m of 150mm Easement & property acquisition is required	\$150,000	Jul-04	\$	150,000						
SRM 3027 Shallow Bay Drive Extension to SPS 3028 Enterprise Ave		\$250,000	Dec-04		\$ 250,000						
SRM 4002 Avoca St Ext to Rutile St		\$100,000	Dec-03	\$	100,000						
SRM 5008 Rainjua - Creek St New	250 mm dia. z.6 km long	\$500,000	Jul-05		\$ 500,000						
SRM 5009 Coaster Caravan Park		\$40,000	Dec-03	\$	40,000		\$ 400,000	\$ 400,000			
Misc											
GRAVITY SEWERS											
Trunk to SPS 2033 Boyd St	Gravity Sewer Upgrade	\$80,000	Jul-03	\$ 80,000							
Trunk to SPS 3001 P Hwy	Gravity Sewer Upgrade	\$60,000	Jul-03	\$ 60,000							
Trunk to SPS 3006 Darlington Dr	Gravity Sewer Upgrade	\$135,000	Jul-03	\$ 135,000							
Trunk to SPS 3009 Sunshine Av	Gravity Sewer Upgrade	\$0	Jul-03								
Trunk to SPS 3020 Ammarco	Gravity Sewer Upgrade	\$65,000	Jul-03	\$ 65,000							
Trunk to SPS 2003 Beryl St	Gravity Sewer Upgrade	\$65,000	Jul-03	\$ 65,000							
Trunk to 2020 Jacaranda Av	Gravity Sewer Upgrade	\$0	Jul-03								
O'Connor Drive Retic Extension	Gravity Sewer Upgrade	\$20,000	Dec-03	\$	20,000						
FUTURE WORKS											
Reline Retic Andrew Avenue		\$100,000	Jul-04	\$	100,000						
Reline Retic Balmoral Avenue		\$100,000	Jul-04	\$	100,000						
Gravity sewer Reline Annual Program		\$500,000	Jul-04	\$	500,000		\$ 400,000	\$ 400,000			
Misc							\$ 400,000	\$ 400,000			
Sewerage Total				\$ 10,900,000	\$ 9,900,000	\$ 6,850,000	\$ 10,900,000	\$ 16,170,000			
Total Water and Sewerage Capital Works				\$ 19,500,000	\$ 22,073,000	\$ 20,355,000	\$ 25,020,000	\$ 22,070,000			

Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Markets - General

REPORT TITLE:

Calls for Expressions of Interest to Operate Markets - Kingscliff, Pottsville, Knox Park, Murwillumbah and Recreation Reserve - Tweed Heads

SUMMARY OF REPORT:

The current approvals to conduct the markets at Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville expire on 30 June 2003.

In 2000, when the existing approvals were due to expire, Council called for expressions of interest from the community to determine the most suitable operator.

Given the impending expiry date it is appropriate that expressions of interest now be sought, should Council wish for the market operation to continue.

A report will also be put to the Reserves Trust on this matter.

RECOMMENDATION:

That Council, subject to the endorsement by the Reserves Trust to calls for expressions of interest from any person or group who wishes to be considered as a candidate to operate the Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville markets from 1 July 2003 for a period of three years.

Reports from Director Environment & Community Services

REPORT:

A report on this matter will be put to the Reserves Trust regarding this matter.

The current approvals to conduct the markets at Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville expire on 30 June 2003.

In 2000, when the existing approvals were due to expire, Council called for expressions of interest from the community to determine the most suitable operator.

Given the impending expiry date of June 2003 it is appropriate that expressions of interest now be called should Council wish for the market operation to continue.

Traditionally, approvals have been granted for a 3 year period.

The following options in relation to renewal of market approvals have been identified:

ISSUE NO FURTHER APPROVAL FOR ANY MARKETS

Officers Comment

The markets are an attraction to visitors and residents and provide income sources to the numerous stall holders involved. Whilst occasional objections are received from the retail sector the markets are considered to have an overall positive outcome and are worthy of continuation.

COUNCIL TO OPERATE AND ADMINISTER THE MARKETS

Officers Comment

It is most likely that additional staffing resources would be necessary to achieve internal management of markets. It is unclear if income would totally fund this staffing. This is not necessarily a function which Council is seeking to perform and it can be performed adequately by the private or community sector.

CALL FOR EXPRESSIONS OF INTEREST TO OPERATE THE MARKETS

Officers Comment

The existing market operators have performed satisfactorily in the past. However, by opening up market management to competition, improvements in operation may be achieved as well as increased income to Council through competitive submissions. It is also possible that 'worthy' community organizations could successfully operate the markets, leading to income for those organisations.

APPROVE THE EXISTING OPERATORS WITH A NEW APPROVAL

Officers Comment

It is likely that the existing market managers of the Kingscliff, Pottsville, Knox Park Murwillumbah and Tweed Heads Recreation Ground Markets will seek to have their existing approvals to operate the Markets extended.

However, it is appropriate that Council seek, through public expressions of interest, the most appropriate person or group to manage the Markets, rather than simply continuing to renew

Reports from Director Environment & Community Services

approvals with the existing managers. It may well be that following this process the existing managers are the successful applicants.

This type of competitive process may result in improvements in terms of payments to Council for use of the respective areas for markets, and also achieving the best possible management practices are in place.

The existing managers pay to Council 15% of total income from stall fees and several make donations to charitable groups as well. In calling for expressions of interest a successful applicant may be willing to pay to Council a higher percentage or make an additional regular donation to a charitable group such as the local surf club. A charitable group may actually seek to manage the markets, receiving the resulting income.

The criteria on which expressions of interest are likely to be assessed are:

- Suitable experience in market operations or management of like activity
- Demonstrated business operation skills
- Willingness to comply with Council policies
- Financial return to Council
- Possible benefits to community based organisations
- Ability to establish and maintain an accountable record system for stall fees received
- Submissions which provide details of proposed improvements to Market operation

CONCLUSION

It is appropriate that Council call for expressions of interest to operate the markets prior to making a determination about approvals, rather than simply renewing with the existing managers. This will permit the most advantageous submission and resulting improvements to be identified. The outcome of this process will be reported to Council for determination.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

21. ORIGIN: Director

FILE REF: Aboriginal Matters; Elections - 2003

REPORT TITLE:

Aboriginal Mentoring Program

SUMMARY OF REPORT:

Council is advised that the Department of Local Government has set in place a Aboriginal Mentoring Program to encourage aboriginal community members to give a greater insight into Local Government and to encourage more aboriginal people to run for office through a mentoring relationship with current Councillors. Mr Russell Logan has applied to Council to participate in this Program. He is Chairperson of the Tweed Byron Local Aboriginal Land Council and a member of Council's Aboriginal Advisory Group.

RECOMMENDATION:

That Council approves Mr Russell Logan's application to participate in the Aboriginal Mentoring Program and implements the Aboriginal Mentoring Program as per the Memorandum of Understanding which forms an attachment to this Business Paper.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the Department of Local Government has set in place a Aboriginal Mentoring Program to encourage aboriginal community members to give a greater insight into Local Government and to encourage more aboriginal people to run for office through a mentoring relationship with current Councillors.

This program followed the Royal Commission into Aboriginal Deaths in Custody, The Mainly Urban Report, the National Commitment Report and the Inquiry into Dedicated Seats in the NSW Parliament, have identified that there is an under-representation of Aboriginal people in local government. In New South Wales, at the 1999 elections, 1,573 councillors representing 152 local councils were elected. Of these, 26 were Aboriginal. Not all councils held elections due to amalgamation proposals. This is a substantial increase on the 12 Aboriginal people elected at the 1995 elections and means that their representation as councillors is similar to their representation in the total NSW population, that is, 1.7%. However, there are considerable differences between councils in terms of the size of their Aboriginal populations. Aboriginal people are still under-represented as councillors in a number of councils.

The reasons for this under-representation may include insufficient knowledge:

- about local government in the Aboriginal community
- of local government's involvement in the provision of services
- of a councillor's role
- of the election process
- about the community's role in the election process and operation of local government
- of the commitment needed to run for office and to complete duties, once elected.

The Department of Local Government established the Aboriginal Mentoring Program to enable Aboriginal community members to gain a greater insight into local government, and to encourage more Aboriginal people to run for office through a mentoring relationship with current councillors. Participants, therefore, should be seriously considering standing for election. However, if as a result of participating in the Program, they decide not to stand for election this should be considered an acceptable outcome. If participants decide to stand for election, participation in the Program does not guarantee the mentee a position on council at the next elections.

The Program also aims to educate the Aboriginal community on the local government process and the importance of Aboriginal input into local government. Participants, therefore, should be willing to participate in community education forums such as at schools, sporting groups and community meetings.

More than 20 councils have participated in the Program. These councils are:

Albury	Grafton	Port Stephens	Moree Plains
Armidale	Kempsey	Randwick	Glen Innes
Cessnock	Kyogle	Richmond River	Marrickville
Cobar	Leichhardt	Severn	Gosford

Reports from Director Environment & Community Services

Coonamble

Lismore

Shoalhaven

Tumut

Eurobodalla

Maclean

Participants should have the support of their Aboriginal community. If participants are in paid employment, they should also have the support of their employer. Participation in the Program involves a significant time commitment which can include attendance at council and committee meetings; discussions with the mentor, other councillors and council staff; attendance at relevant conferences; and attendance at site inspections and other council activities and events.

It is suggested that the mentoring relationship be of at least six months duration. If the relationship is completed before the lead up to an election, it is suggested that a strategy be implemented so that if the participant decides to stand for election, they are provided with support/assistance for their election campaign.

Participants do not receive the elected councillor's allowance or any other remuneration for their participation in the Program.

Participating councils will be required to fund their own Program. A survey of six councils participating in the Program found that the average cost for each participant was \$2,214 for rural/regional councils and \$1,666 for urban councils. This does not include the cost of advertising for participants. The main cost was attendance at conferences.

Attached is a copy of the Memorandum of Understanding that was developed outlining the responsibilities of the council, the mentor and the mentee.

Council has been approached by Mr Russell Logan, Chairperson of the Tweed Byron Local Aboriginal Land Council and members of Council's own Aboriginal Advisory Committee to take part in this program. His application has also been supported by the Coodjimburra Aboriginal Education Consultative Group.

Councillor Boyd has indicated a willingness to act as the mentor for this program.

Accordingly it is recommended that Council resolve to accept Mr Logan under the Mentor Program as per the terms of the Memorandum of Understanding.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

22. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming

REPORT TITLE:

Naming of the Area Adjacent to Rouse River Bridge, Chillingham "The Jack Connolly and Johnny Brims Park"

SUMMARY OF REPORT:

At its meeting held 18 December 2002, Council resolved to call for comments regarding the naming of the area adjacent to Rouse River Bridge, Chillingham "The Jack Connolly and Johnny Brims Park".

At the close of comment, no submissions were received.

RECOMMENDATION:

That Council names the area adjacent to the Rouse River Bridge, Chillingham "The Jack Connolly and Johnny Brims Park" and erects appropriate signage.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 18 December 2002, Council resolved to call for comments regarding the naming of the area adjacent to Rouse River Bridge, Chillingham "The Jack Connolly and Johnny Brims Park".

At the close of comment, no submissions were received.

Consequently, it is recommended Council name the area adjacent to Rouse River Bridge, Chillingham "The Jack Connolly and Johnny Brims Park" and erect appropriate signage.

Reports from Director Environment & Community Services

23. ORIGIN: Recreation Services Unit
FILE REF: Environment Trust Grants

REPORT TITLE:

Environmental Trust Grant

SUMMARY OF REPORT:

Council has been successful in its application for an Environmental Trust Grant for the "restoration of high conservation coastal vegetation - Tweed Coast". The grant is for \$89,430.00 over three years.

RECOMMENDATION:

That Council:

1. Accepts the \$89,430.00 funding from the Environmental Trust for the Restoration of High Conservation Coastal Vegetation – Tweed Coast program and votes the expenditure accordingly.
2. Extends the contract with Bushland Restoration and Rehabilitation to include the implementation of this program.

Reports from Director Environment & Community Services

REPORT:

Council has been successful in its application for an Environmental Trust grant for the “restoration of high conservation coastal vegetation – Tweed Coast”. The grant is for \$89,430.00 over three years.

BACKGROUND

In 2001, Council was successful in receiving funding through the Natural Heritage Trust toward a “Tweed Coast Bitou Bush Control Strategy – Planning and Implementation Program”. This project included support from the NSW National Parks and Wildlife Service, Far North Coast Weeds, the Department of Land and Water Conservation, the Tweed Byron Aboriginal Land Council and the Tweed Dune Care Groups.

In 2002, Council called for expressions of interest from suitably qualified and experienced contractors to produce and implement the strategy, fulfil the reporting and monitoring requirements and explore funding opportunities to continue the project. ‘Bushland Restoration and Rehabilitation’ were the successful applicants.

The Natural Heritage Trust project funding finalises in May. As per their contract requirements, ‘Bushland Restoration and Rehabilitation’ coordinated the successful application through the Environmental Trust to continue the project for another three years.

Bushland Restoration and Rehabilitation has proven to be extremely competent in completing the first stage of this program and have achieved excellent results. With consideration to their background with this project and the quality of service provided to date, it is recommended the contract for services with Bushland Restoration and Rehabilitation be extended to implement the Environmental Trust program.

Reports from Director Environment & Community Services

24. ORIGIN: Director

FILE REF: Fire Services; Bush Fire Brigades

REPORT TITLE:

Local Government's Role in the Provision of Fire Services in NSW

SUMMARY OF REPORT:

The above Discussion Paper from Lgov NSW is submitted for consideration. As a response was requested by 1 March 2003 Lgov have been advised that the General Manager and Mayor support the approach contained within the paper.

RECOMMENDATION:

That Council confirms the support of the General Manager and Mayor for the approach taken by Lgov in this Discussion Paper entitled "Local Government Role in the Provision of Fire Services in NSW".

Reports from Director Environment & Community Services

REPORT:

The President of the Local Government Association of NSW and the President of the Shires Association of NSW have provided all Councils with a discussion paper entitled the "Local Government Role in the Provision of Fire Services in NSW" a copy of which appears as an attachment to the business paper.

The attached Discussion Paper has been prepared to develop policy on Local Government's position in relation to the New South Wales Fire Brigades and the New South Wales Rural Fire Service.

It is anticipated that the conclusions of the Discussion Paper will be adopted, subject to the Presidents reviewing council responses received by 1 March 2003. Based on this, the Presidents will make representations to the Government and major parties as part of the State Election campaign.

The Discussion Paper:

- examines the current role of Local Government in the provision of fire services in NSW, and compares funding processes in other States and New Zealand;
- recommends a valuation based State Government levy to fund both fire services in NSW, and this would replace funding contributions levied on Local Government, State Government and Insurance policies;
- recommends that the levy would be clearly shown as a separately identifiable State tax on council Rate Notices, and would be payable by all property owners, including schools, churches & other non rateable owners. The Government would pay the levy on all land owned by its agencies (such as National Parks and Wildlife Service, State Forests etc) and councils would pay the levy on public lands owned or managed;
- provides that Councils recover a fee for service of between 4 and 5 % for collecting and handling these monies;
- provides that the levy would be augmented by a flat fee on all motor vehicles, collected by the RTA through the vehicle registration process;
- removes Local Government completely from funding the provision of fire services in NSW. However, it will not preclude a council from making voluntary contributions as a local Council may feel appropriate.

As was previously advised by memo the General Manager and the Mayor support the approach of Lgov and as the discussion paper requested a response by 1 March 2003 this advice of support has been forwarded.

This report therefore is to allow Council to confirm its support and also to allow any further comments that Council may resolve to be incorporated in such response.

Reports from Director Environment & Community Services

25. ORIGIN: Environment & Health Services Unit

FILE REF: Garbage - Transfer Station; Garbage - Depot - Tyalgum

REPORT TITLE:

Disposal Fees - Tyalgum Waste Depot/Transfer Station

SUMMARY OF REPORT:

Council at its meeting 4 December 2002 resolved in part to change the existing operations at Tyalgum Garbage Depot to a supervised transfer station. This decision caused considerable concerns in the local community and Council's Waste Management Coordinator has attended two meetings of the Tyalgum Progress Association to discuss and resolve these concerns. Correspondence has now been received from the Progress Association requesting a five (5) year freeze on disposal fees.

As this would provide one section of the community with a fee advantage over the remainder it is considered that such a request be declined.

RECOMMENDATION:

That Council declines the request from the Tyalgum Progress Association for a five (5) year freeze on waste disposal fees at Tyalgum Waste Depot.

Reports from Director Environment & Community Services

REPORT:

Council at its meeting 4 December 2002 resolved that Council:

- “1. *Changes the existing operations at Tyalgum Garbage Depot to a supervised transfer station operating the same hours as the existing depot.*
2. *Calls for submissions for the design and construction of the transfer station.*”

Following this decision there was considerable public feeling from the Tyalgum area that the decision was the first step in a process to close the Waste Depot. Cr Beck as a part of this process approached the General Manager and requested a moratorium until the issue was resolved.

Council's Waste Management Coordinator has attended two meetings of the Tyalgum Progress Association to discuss matters of concern with residents of both Tyalgum and Chillingham.

Correspondence has now been received from the Tyalgum Progress Association mainly concerning operational issues for the proposed transfer stations but also includes a request for a freeze on dumping charges for the users of the transfer station for a period of five (5) years as a gesture of good faith to the residents.

While the request is unusual, if granted, it could go a long way to ease the residents concerns towards the proposed changes. If approved a five year period may be considered too long and a three year period may be more appropriate. A freeze in disposal fees for three years will have only a marginal effect on income from the facility because of the small number of residents who use the facility.

On the other hand, to grant such a request would be to provide one section of the community with a fee advantage over the remainder of the community albeit for only a small amount.

Accordingly, in the interest of equity it is considered that such request be declined.

Reports from Director Environment & Community Services

Tyalgum Literary Institute and Tyalgum Progress Association Inc

Attention Ian Percy
cc Lyane Beck

GARBAGE - TRANSFER STATION

Tyalgum Hall
Cudragan Street
TYALGUM NSW 2484

TWEED SHIRE COUNCIL
FILE No. **GARBAGE - Dept** - 1 PO Box 71
DOCUMENT No. [] [] [] [] [] [] Tyalgum
Tyalgum 2484
12 2 03

REC'D 14 FEB 2003

BOX No. [] [] [] []

ASSIGNED TO: **Percy, I**

HARD COPY IMAGE

The General Manager,
Tweed Shire Council,
Mr John Griffin,
Dear Sir,

The Waste Management Co ordinators, Mr Ian Percy, last evening, conferred with the Tyalgum Literary Institute & Progress Association & members of Chillingham Community Association on the proposed transfer station for Tyalgum. The following matters were agreed on by Ian & the residents

The same type of rubbish currently acceptable will continue to be acceptable

If, as suspected two skips will not hold a weekends rubbish, the contractors will deliver a replacement skip early on Sunday morning.

The area will be covered by a roof to shelter patrons & garbage. This roof will be at a height of three metres to allow truck access

Maintenance costs will be equivalent to the present situation

A green waste area is essential

We would submit that there should be a freeze on dumping charges to the community for a period of

SUPPORTING THE TYALGUM COMMUNITY

Reports from Director Environment & Community Services

at least five years

We support the idea of a bbq & picnic area but would like to clarify the position of this facility

Ian has agreed to return, possibly at our next meeting with a more developed plan. He has again agreed that no work will go ahead before liaison with our two organisations

We thank you for your attention to this matter

Yours faithfully
(Mrs) Betty Hamill

Hon. Sec.

P.S. the agreed colour was environmental green.

Reports from Director Environment & Community Services

26. ORIGIN: Environment & Health Services Unit

FILE REF: Cultural Development - Funding

REPORT TITLE:

Fifth City of the Arts

SUMMARY OF REPORT:

Council is advised that the Premier and Minister for the Arts, the Hon. Bob Carr MP, has designated Tweed Shire as the State's *Fifth City of the Arts* from 1 July 2003 to 20 June 2005. The Premier has also approved funding of \$150,000 per annum for the two years to Tweed Shire Council to manage the program.

RECOMMENDATION:

That Council:-

1. Accepts the grant and votes the funds accordingly; and
2. Completes all necessary documentation under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the Premier and Minister for the Arts, the Hon. Bob Carr MP, has recently nominated Tweed Shire as the State's Fifth City of the Arts from 1 July 2003 to 20 June 2005. The Premier has also approved funding of \$150,000 per annum for the two years to Tweed Shire Council to manage the program. Please see attached copy of Tweed Shire Council's Fifth City of the Arts program proposals.

With regard to the grant of \$300,000 the following conditions will need to be accepted by Tweed Shire Council.

1. The purpose of the grant is for assistance towards the Fifth City of the Arts program.
2. The Government's assistance is to be acknowledged in all promotional material.
3. The approval of the director General of the Ministry for the Arts is to be sought in the event of changes to the purpose or program activities and/or the budget for which the grant was approved.
4. The Ministry's grant will need to be acquitted by the provision of an artistic and financial report.

The following reports are to be submitted to the Ministry by 31 December 2005

- (a) Artistic report
- (b) Financial report
- (c) Statistical report

Tweed Shire Council will endeavour to manage the Fifth City of the Arts program within the vision, objectives and methods outlined in our proposal. This includes:

VISION

The Tweed as a vibrant and respected creative arts precinct that provides pleasure and recreation for our community, sustains and encourages local artists, and promotes our artistic wonders to the world.

OUR OBJECTIVES

To inspire creative identity, Sense of Place and quality of life.

OUR METHOD

- Utilise the skills of professional artists and industry workers to implement new arts projects that creatively express and document our local identity
- Reinforce alliances already forged with neighbouring local government areas, regional and national arts/cultural organisations
- Develop a strategic campaign for marketing and program development
- Develop a creative, accessible and equitable Arts program that advocates active, broad based community participation in the arts and community cultural development

Reports from Director Environment & Community Services

- Engage the services of relevant professionals for a nationally significant program dedicated to Place Making
- Provide a City of the Arts Small Grants Fund to seed and develop arts employment activities
- Develop working partnerships with TAFE, Griffith University, Southern Cross University and employment service providers
- Implement mentorship and training opportunities in line with the City of the Arts Program
- Provide a two-year series of Workshop/Residencies, comprising advisory/information seminars and art form specific residencies.

RECOMMENDATION

That Council accepts the grant and votes the funds accordingly.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

27. ORIGIN: Building Services Unit

FILE REF: DA02/1525 Pt1; LN 3404

REPORT TITLE:

Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West

SUMMARY OF REPORT:

A report relating to this matter was considered by Council at its meeting held on 5 February 2003.

This previous report contained a typographical error advising that Professional costs awarded by the Court to Council were \$75.00

Professional costs awarded by the Court were in fact \$750.00, and not \$75.00 as previously reported.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

The following report was submitted to Council's meeting held on 5 February 2003.

“RESOLUTION:

*16. Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West
DA02/1525 Pt1; Pty: 3010.500*

86

Cr Lawrie

Cr Marshall

RESOLVED that this report be received and noted.

16. ORIGIN: Building Services Unit

FILE REF: DA02/1525 Pt1; Pty: 3010.500

REPORT TITLE:

Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West

SUMMARY OF REPORT:

Council has previously resolved to pursue illegal building work by commencing legal action against the property owner for the breach of the Environmental Planning and Assessment Act and issuing a Notice of Intention to issue a Demolition Order. This report identifies progress to date and the outcome of the Court action.

RECOMMENDATION:

That this report be received and noted.

REPORT:

Council will recall considering a report at its meeting of the 7 August 2002 relating to the erection, without Council approval, of a lower floor dwelling addition at Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West.

It was resolved that Council:-

- “1. Institutes legal proceedings against the landowner, Mr Stephen & Mrs Jean Boyle, under the provisions of Section 125 of the Environmental Planning and Assessment Act for carrying out the work without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West.*
- 2. Issues a Notice of Intention to serve an Order 2(a) in the table pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr Stephen & Mrs Jean Boyle ordering the demolition of the lower floor addition erected without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West within sixty days of the date of issue of the Order and advises the owner that representations (as to the order proposed and/or the time for compliance proposed) may be made to Council by or at Council's Community Access Meeting on 11 September 2002 or in writing prior to 11 September 2002.”*

Legal proceedings were commenced in regard to Item 1 above and Council's Solicitors, Stacks have now confirmed that legal proceedings have been finalised at the

Reports from Director Environment & Community Services

Murwillumbah Local Court on the 13 December 2002 where Mr Boyle entered a plea of guilty.

The Magistrate, whilst finding the offence proved, elected to deal with the matter under Section 10 of the Criminal Procedure and Sentencing Act without recording a conviction.

However the defendant was ordered to pay the sum of \$59.00 Court costs together with \$75.00 in professional costs.

Council's legal costs incurred in relation to this matter total \$980.80.

Following representations to Council relating to Item 2 above, a further report was submitted to and considered by Council on the 20 November 2002 when it was resolved:

“That Council not serve an Order pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr Steven Boyle to demolish the dwelling addition erected without Council approval at Lot 84 DP32024 No 62 Lalina Avenue, Tweed Heads West and further now proceeds with the processing and determination of the Development Application for the completion of the dwelling additions subject to standard conditions.”

The processing and determination of the Development Application have now been completed.”

A typographical error has since been identified relating to the information previously given to Council relating to the costs awarded by the Court as a result of the Court proceedings.

The report of 5 February 2003 stated that (inter alia) Professionals costs of \$75.00 were awarded. This information was incorrect and should have stated that Professional costs of \$750.00 were awarded.

The Defendants have since paid the Court costs and professional costs awarded to Council totalling \$809.00.

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Minutes of the Local Traffic Committee Meeting held Thursday 13 February 2003

Traffic Committee

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

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

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Sandra Zietlow Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 12 December 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

9. Tweed Valley Way

R5495 Pt7

The following was discussed at the meeting held 12 December 2002 (item 9) and is reproduced as follows:-

“Late item tabled by the Police Representative regarding the turning into BlackWatch. The Police Representative requested that signage be installed prohibiting turning right into BlackWatch.”

Reports from Committees/Working Groups

The Committee noted that the crossover in the median at BlackWatch should be physically closed to prevent right hand turns from Tweed Valley Way, however this access also services cane service roads. The item should be deferred until the next meeting to allow members to inspect on site."

The issue was discussed and the effect of the reduced traffic volume and the reduction in the speed limit was considered. The Committee noted by closing the access into BlackWatch, vehicles would then be forced to make U Turns at the Cudgen Road intersection which is a known blackspot therefore the existing situation should remain and the situation be monitored.

For Council's information.

5. B-Double Route Kennedy & Minjungbal Drives, Tweed Heads R2830 Pt5; R3454 Pt1; Traffic – Weight of Vehicles

This was discussed at the meeting held on the 14 December 2002 and is reproduced as follows:-

"This route was gazetted by the RTA because these roads were the Pacific Highway until the Bypass was completed.

It is inappropriate for 25m B-doubles to use Kennedy Drive and as 25m B-doubles cannot physically turn into Machinery Drive it is virtually pointless having the route gazetted.

The Chairman requested that the RTA rescind the 25m B-double routes currently on Kennedy Drive and Minjungbal Drive as side roads are inaccessible and as such gives B-Double operators expectations that cannot physically be met.

The Committee decided that the 25m B-Double use of Kennedy Drive and Minjungbal Drive should be rescinded.

RECOMMENDATION:

That Council request the Roads and Traffic Authority to rescind the currently gazetted 25m B-Double route on Kennedy Drive between the Motorway and Terranora Terrace and from Terranora Terrace along Minjungbal Drive to the Motorway interchange at South Tweed."

A further request has been received and representations will be made to the Local Traffic Committee at today's meeting.

Mr & Mrs Abood from Aboods Crane Trucks – 30 Enterprise Avenue Tweed Heads South addressed the committee to discussed their reasons to retain the B-double route for Minjungbal Drive and Kennedy Drive.

The Chairman outlined that there was no "B" Double route authorised for Greenway Drive and Enterprise Drive. The "B" Double route is authorised to Tierney Place only.

The Chairman also advised that there is no current consent with Council for this business. He also stated that the intersection of Machinery Drive on Minjungbal Drive is extremely

Reports from Committees/Working Groups

congested and Council is in the process of upgrading this intersection and does not see approval been given for use of "B" Doubles in the near future given the design can not cater for then.

Mr Abood enquired about where would be the closest and safest place to disassemble the trailers. The Police Representative suggested that the trailer will need to be dropped off on the Highway before they access their property in Enterprise Avenue, as trailers cannot be disassembled on local roads. Mrs Abood said it would be very dangerous to take the trailer off the trucks on the Pacific Highway. The Police representative suggested they do it near the airport where there is a bit more area.

The Chairman advised Mr & Mrs Abood that the impact on Machinery Drive/Minjungbal Drive would be too great to allow B Doubles to use this route. It is not physically possible to make the lanes any larger for B Double's to remain within the dedicated two lanes.

The Chairman advised that any application be made to the General Manager, Tweed Shire Council asking for the extension of the B Double route from Tierney Place to Enterprise Avenue. Council's Road Safety Officer suggested that an application form can be obtained from the RTA's web site.

The Committee agreed to delay rescinding of the B Double route until an application from Mr Abood to extend the existing route to Enterprise Avenue is received and assessed.

For Council's information.

9. Mooball – Pottsville Road, Pottsville

R1470 Pt2; DW 689417

The following was discussed at the meeting held on 15 August 2002 (item 9) and is reproduced as follows:-

"Request received for B-Double access from the freeway at the Cudgera Creek Road interchange to the Shackell Transport Depot located on the Mooball – Pottsville Road (total distance 2.5km).

The Committee did not support the request given the current sub-standard alignment of Cudgera Creek Road and the current problems discussed in item 7 above. The road is planned to be upgraded in the near future and once completed it is envisaged that the application would then be deemed acceptable. Until that time the owner should be advised that B-Doubles laden or unladen are not permitted to utilise this section of road and that Police will be enforcing all aspects of road user breaches on this stretch of road.

For Council's information."

Mr Shackell has requested a B-Double inspection. The Committee needs to set a date that members can be present.

That Committee members meet on-site at Cudgera Creek 8am on 13th March 2003 to inspect the site for the use of B Doubles.

For Council's Information.

Reports from Committees/Working Groups

18. Woodlands Drive, Banora Point

R5975 Pt1; DW720467; 720468

This item (item 18) is brought forward from the meeting held 18 April 2002 and is reproduced below:-

“Late item. The Police Department has received a complaint regarding excessive speed of vehicles along Woodlands Drive.

The Committee requested that traffic counts be undertaken at this location.

To be brought forward to the next Local Traffic Committee meeting.”

From meeting held on 20 June 2002 (item 18):-

“The Chairman advised that a count had been performed east of Turnberry Street. The 85th percentile speed showed 58kph. 40% of the traffic is travelling between 50 – 60kp. The Police Representative advised that this area has been included for enforcement in the current Police Action Plan.

For Council’s information.”

Report and petition received from Woodlands Drive residents stating that they are having problems with speeding traffic in Woodlands Drive.

That Council set up a warning radar which will be followed up with Police enforcement.

For Council’s Information.

GENERAL BUSINESS:

Part A

1. Marine Parade, Kingscliff

R3340 Pt5; DW711316

Request received for the installation of two “No Parking” signs for the Australian Volunteer Coast Guard Association as they are experiencing difficulty in gaining access to the training centre as follows:-

Sign 1 to be placed at the crest coming up from the boat shed near the large tree stating:
“Only authorised coast guard vehicles past this point. No standing at any time”.

Sign 2 to be placed on the front wall near the roller doors stating:- *“These doors are in use 24 hours a day and must not be blocked at any time – Rescue Vehicle Access”.*

Reports from Committees/Working Groups

The Chairman suggested that two “No Stopping” signs be placed near the roller doors. The Traffic & Transport Engineer will liaise with the Australian Volunteer Coast Guard Association in reference to placement of the signs.

RECOMMENDATION:

That two “No Stopping” signs be placed either side of the roller doors of the Australian Volunteer Coast Guard in Rotary Park Kingscliff, subject to confirmation on site with Coast Guard officers.

2. Eveleigh Lane, Murwillumbah

R1951 Pt1; DW713564

Request received for Local Traffic Committee advice with the use of Eveleigh Lane as a one way street.

The site has been inspected and displays all the normal characteristics of a laneway with low traffic volumes and does not appear to be used as a short cut. The Committee does not support any changes to the current situation.

For Council’s Information.

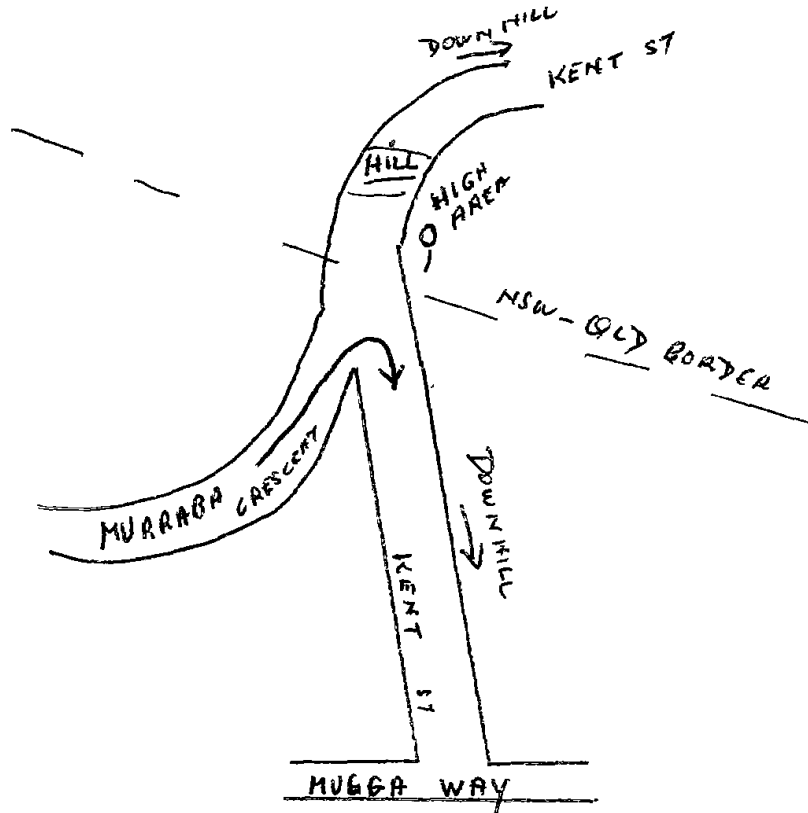
3. Murraba Crescent (junction with Kent Street), Tweed Heads

R3630; DW711854

Request received for the installation of a mirror at the junction of Murraba Crescent and Kent Street. It is reported that vehicles proceeding out of Murraba Crescent and making a right hand turn down Kent Street cannot see vehicles coming over the hill in Kent Street.

The following diagram has been supplied to Council by nearby residents:-

Reports from Committees/Working Groups



The Committee acknowledged a sight distance problem at the intersection which was due to a lack of subdivision standards when the roads were constructed. A convex mirror would need to be located near the crest of the hill, which would not be of any benefit. Speed survey counts have been undertaken recently and showed speeds are within speed tolerance levels.

For Council's Information

4. Murwillumbah Street, Murwillumbah (Pedestrian Crossings)

R3640 Pt4

A newspaper article by Senior Constable G T McCrae regarding issues at pedestrian crossings will be raised for discussion. Clarification is sought from the Police Representative as to exactly what the problems are and at which crossings and data is also sought from the Police Representative regarding the number of offence notices issued given the concerns expressed by Senior Constable G T McCrae.

The Committee decided that sight distance be determined and if deficient, zig zag lines be installed and Council's Recreation Services Division ensure maintenance on landscaping takes place.

For Council's information.

Reports from Committees/Working Groups

5. Greenway Drive (Doyle Drive), Tweed Heads South

R2315 Pt1

A complaint has been received about parents parking on the cycleway / walkway on both sides of Greenway Drive each side of Doyle Drive in the afternoons.

The Chairman advised that both Greenway Drive and Doyle Drive have roll top kerbs and drivers go over this kerb when turning, parking etc., which is quite dangerous for cyclists and pedestrians using this cycleway.

Council's Road Safety Officer will contact the School and request that it advises parents to park legally within the parking lane as parking on the concrete cycleways is unacceptable and will be enforced and the matter be further considered after this action.

For Council's Information

6. Clothiers Creek Road, Condong

R1160 Pt6

A dangerous situation exists on Clothiers Creek Road at the intersection of Tweed Valley Way. Two gravel driveways approximately 10 to 20 metres from the intersection lead to an area that is being used to sell vehicles. Due to the closeness of the driveways to the intersection drivers are forced to break hard to avoid cars that have stopped suddenly to turn into these driveways. Now that the Tweed Valley Way is a Council road it is requested that these driveways be blocked off as they do not comply with Council's standards.

The Chairman advised that drivers turning into Tweed Valley Way are slowing down to view the Vehicles for sale adjacent to the road which is a causing a traffic hazard.

That the two unformed driveways on Clothiers Creek Road at the intersection of Tweed Valley Road be physically closed by council.

For Council's Information.

7. Pottsville Mooball Road

R4420 Pt3

Request received to replace the 100kph speed zone with de-restrict signage given that much of the road is unsuitable for 100kph.

That this item be deferred pending a Speed Zoning Assessment.

For Council's information.

Reports from Committees/Working Groups

8. Ducat Street, Tweed Heads

R1690 Pt2

Problems have been reported with the on-road cycleway and vehicle conflicts coming out of exiting side roads. "Give Way" signs and some "Stop" signs may be required to comply with Aust Roads standards.

That two broken lines be linemarked in accordance with Austroads Standards Australia on the cross streets of Ducat Street and "Giveaway" signs be installed at all intersections at Ducat Street.

For Council's information.

9. Boyds Bay Bridge, Pacific Highway

R4031; DW717512

Request received regarding cyclists use of Boyds Bay Bridge and the intersection of Boyd Street has been received as follows:-

1. Signage to alert motorists to the presence of cyclist at two locations – Kennedy Drive and from Kennedy Drive accessing Boyds Bay Bridge southbound.
2. Access to Boyd Street for northbound cyclists.

Signage directed at motorists is not necessary as this situation is not different from any other crossing point for cyclists and the Committee would like to encourage cyclists to dismount and cross when it is only safe to do so.

RECOMMENDATION:

That "Road Ahead" signs be installed for cyclists on Terranora Terrace for the crossing points of Kennedy Drive.

10. Holden Street, Tweed Heads South

DW716533; R2540

Request received for assistance with speeding vehicles entering and leaving the Billabong Holiday Park. It is reported that the park had a speed hump just before the exit but when the entrance was resurfaced the hump was not replaced.

That the Caravan Park owners be requested to reinstate the park speed hump to the entrance of the Billabong Holiday Park. A footpath will be considered in the future Works Program.

For Council's Information.

Reports from Committees/Working Groups

11. Cudgen Road, Cudgen

DW718893; R1460 Pt 4

Request received for Local Traffic Committee advice in relation to the driveway access to the fruit stall on Cudgen Road. It is reported that a collision recently occurred just outside 611 Cudgen Road.

Given that the site distance has been determined to be inadequate for the speed zone on the road and the lack of sealed shoulders, the Committee considers that the fruit stall should close and the matter referred to the Manager Development Control.

For Council's Information.

12. Eucalyptus Drive, Banora Point

R1917 Pt1

Request received from M B Neish for Local Traffic Committee advice in relation to parking at Centaur Public School in Eucalyptus Street, Banora Point.

That the Committee replies to Mr Neish that the fence is being constructed by the owner of the property (Department of Education) on the boundary. Council regularly endeavours to ensure the Department of Education provides adequate parking. However, Council has no control of State Government bodies and cannot enforce the same conditions placed on private schools. The Committee suggest to Mr Neish that he refers his complaints to the Department of Education, Regional Office in Murwillumbah. Police Representative gave an undertaking that Police would be tasked in relation to the on going parking problems that they are aware of. That the issue of enforcement by Rangers be referred to the Manager, Environment & Community Services.

For Council's Information.

13. Ozone Street, Kingscliff

R4010 Pt1

Request received from Sgt Wayne Talbot – Tweed Heads Police for the Local Traffic Committee advice in relation to a bush on the south western corner of the Ozone & Kingscliff Streets roundabout.

That this be referred to Council's Recreation Services Unit for the pruning or cutting down of the bush on the south western corner the Ozone Street & Kingscliff Street Roundabout

For Council's Information.

Reports from Committees/Working Groups

14. Acacia Street

R0010 Pt1

Request received from Engineering Services for the installation of a 40kph school zone on Acacia Street adjacent to the Christian College.

RECOMMENDATION:

That a 40kph school zone be installed at Acacia Street adjacent to the Christian College.

Part B

1. Enterprise Avenue, Tweed Heads South

LN 31600; DA02/2071; R1915 Pt1; DW715750

Request received for Local Traffic Committee assessment in accordance with the provisions of State Environmental Planning Policy No. 11 (SEPP11) – Traffic Generating Developments as follows:-

“areas used exclusively for parking or any other development, in each case having ancillary accommodation for 50 or more motor vehicles, or the enlargement or extension of a parking area where the enlargement or extension accommodates 50 or more motor vehicles”.

The call centre, storage building and bulky goods retailing proposes 72 onsite parking spaces.

Local Traffic Committee comments are sought on:-

- Access to the site
- The impact that the proposed centre will have on the road network
- The proposed provisions for service vehicles

The Committee discussed the application and no issues were raised that may impact on the development other than ensuring the driveway accesses are suitable for semi trailer access.

For Council's Information.

2. Turnock Street, Kingscliff

LN 40110DA02/2092 Pt2

Request received for Local Traffic Committee comment on the proposed Neighbourhood Shopping Centre at Kingscliff.

The Committee discussed the application and advised that a median be installed adjacent to the Petrol Station and a right turn lane from Elrond Drive into the site are provided necessary. The Committee also viewed the Traffic Analysis for the area. The Taxi Rank is considered

Reports from Committees/Working Groups

more suitable adjacent to the entrance as opposed to its current location as pedestrians have to cross roadways and are exposed to the elements.

For Council's Information.

3. 153 Wharf Street, Tweed Heads

LN 22676; DA03/0023 Pt1

Request received for Local Traffic Committee comment on DA03/0023 (vehicle showrooms, hardstand area and repair station). The vehicle showroom, hardstand area and repair station proposes in excess of 50 on-site parking spaces and is referred to the Local Traffic committee for comment on:-

- Access to the site
- The impact that the proposed centre will have on the road network
- The proposed provisions for delivery/service vehicles

The issues that the Committee requires to be further addressed are as follows:-

1. Right turns from Boyd Street into the development will impact on traffic flow in Boyd Street and the impact on on-street carparking.
2. The spacing between the two main driveways should be increased to provide greater on-site queuing for vehicles being serviced and to avoid queuing onto Boyd Street.
3. The turning paths and storage area for car transporters need to be provided.
4. No stopping signs are to be provided on the full frontage to Terranora Terrance and Wharf Street.
5. The proposed driveway to Boyd Street for the display area is to be deleted, as it is too close to the traffic signals.
6. A Parking Impact Assessment on the surrounding areas is required given the likelihood of the removal of significant amounts of on-street carparking to accommodate the access driveways.

For Council's information.

4. Eucalyptus Drive, Banora Point

R1917 Pt1 DW xxx

Request received for Local Traffic Committee comment regarding DA conditions in relation to parking for new Banora Point High School.

The Committee discussed the request.

Reports from Committees/Working Groups

The RTA representative advised that the design of the fence is very important issue as it needs to not obscure pedestrians. The nose in angle parking adjacent to the Primary School was considered acceptable due to minimal pedestrian movements behind vehicles.

For Council's information.

NEXT MEETING:

The next meeting of the Local Traffic Committee is scheduled for Thursday 13 March 2003.

The meeting closed at 1.50pm

Director's Comments:

NIL

[document3]

DIRECTOR'S RECOMMENDATIONS:

1. Marine Parade, Kingscliff

R3340 Pt5; DW711316

Committee Recommendation:

That two "No Stopping" signs be placed either side of the roller doors of the Australian Volunteer Coast Guard in Rotary Park Kingscliff, subject to confirmation on site with Coast Guard officers.

Director's Recommendation: That the Committee's recommendation be endorsed.

9. Boyds Bay Bridge, Pacific Highway

R4031 Pt16; DW717512

Committee Recommendation:

That "Road Ahead" signs be installed for cyclists on Terranora Terrace for the crossing points of Kennedy Drive.

Director's Recommendation: That the Committee's recommendation be endorsed.

14. Acacia Street

R0010 Pt1

Committee Recommendation:

That a 40kph school zone be installed at Acacia Street adjacent to the Christian College.

Director's Recommendation: That the Committee's recommendation be endorsed.

Reports from Committees/Working Groups

2. Minutes of the Public Transport Working Group Committee Meeting held Friday 14 February 2003

GT1/41 Pt4

VENUE:

Board Room, Tweed Heads Civic Centre

TIME:

10.00am

PRESENT:

Committee Members: David Bishara, Cr Wendy Marshall

Informal: Robin Spragg (TSC).

APOLOGIES:

Don Stubbs

MINUTES OF PREVIOUS MEETING:

Moved: David Bishara

Seconded: Cr Marshall

RESOLVED that the Public Transport Working Group Committee meeting held Thursday 12 December 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Policy Document Review

GT1/41 Pt4

1(a) Sustainable Local Transport Plan

The Plan has not yet been considered by Council. After being circulated to Directors it was considered further discussion of management, policy and financial implications was required.

RECOMMENDATION:

That the Committee requests the Director, Development Services to bring forward his recommendations at his earliest convenience.

1(b) NSW Government Transport Levy to fund Infrastructure

As no further information had surfaced on this Levy, it was decided to contact the Local Member's Office for clarification.

1(c) Responsibility for Bus Stop Locations

Following Council's Resolution adopted 22 January:

Reports from Committees/Working Groups

“that Council identifies a process whereby bus stop locations are identified in built-up areas, and clarifies the role of operators”.

It was decided to further liaise with operators and community organisations, with feedback through the Tweed Link, and discuss the issue with Council’s Traffic Engineer at the next meeting.

It was commented that Gold Coast City Council accepts total responsibility for location of stops in its area. At present, Surfside has defined ‘hail and ride’ areas in Tweed where no infrastructure is provided.

2. Studies and Submissions

No items were listed in the Agenda, but there was comment about the apparent lack of community facilities in the proposed Salt development. It was agreed to ask the Director, Development Services to provide an update on this issue.

3(a) Surfside Buslines Timetable Review

Surfside has surveyed all trips in Tweed, and is introducing interim amendments to timetables to resolve existing problems with late-running services, and to introduce some late evening demand response services.

The demand responsive services are a significant innovation, with benefits particularly for young people returning from evening events, on routes 601/2/3/4. They will be advertised shortly, and could be promoted through Tweed Link.

For the longer term, Surfside is introducing a software system for timetabling, and it will take 6 months to implement the full changes. Change will occur in such places as Vintage Lakes/Flame Tree Park (linkage has been delayed until road is built) and Seabreeze Estate, Pottsville (start of housing).

3(b) Proposed Railway Strategy for Northern Rivers

Following Council’s Resolution of 18 December 2002 to support NOROC action towards a Strategy, a campaign has developed within the Region to initiate a local rail service, and proposals are being put to local politicians and Transport NSW.

3(c) CPTIGS 2003 Grant Submission

Submissions were called for in December, closing February 10. A program of upgrades to bus and taxi interchanges has been submitted at short notice. 11 sites are included, seeking \$176,000. Surfside has been consulted, and is in general agreement, raising a number of points for attention. It was queried why facilities for private taxi operations were included – they are included within the Guidelines for submissions.

Reports from Committees/Working Groups

GENERAL BUSINESS:

Items 4, 5 and 6 were not able to be dealt with.

7. Parsons 'Shopperbus' Proposals

Proposals are being worked out to promote existing Murwillumbah-Cabarita/Pottsville services. Implications for service contract areas need to be considered. Final proposals will be reported.

8. Transport Access Guide - April Regional Forum

Information should be circulated to Councillors when details are available.

9. Sunnyside Timetable Sign Proposal

A quote has been obtained for an internal sign in the foyer of Sunnyside, to avoid vandalism to previous signs. It was agreed to spend limited funds, but there was not a quorum at the meeting.

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held on Friday, 21 March 2003 at the Tweed Heads Civic Centre (to be confirmed).

The meeting closed at 11.30am.

Director's Comments:

Noted

[document3]

DIRECTOR'S RECOMMENDATIONS:

1. Policy Document Review

GT1/41 Pt4

Committee Recommendation:

That the Committee requests the Director, Development Services to bring forward his recommendations at his earliest convenience.

Director's Recommendation: <i>That the Committee's recommendation be endorsed.</i>

Reports from Committees/Working Groups

3. Minutes of the Sports Advisory Committee Meeting held Tuesday 18 February 2003

Sports Advisory Committee

VENUE:

Cabarita Beach Sports Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Warren Polglase, Cr George Davidson, Mr Merve Edwards, Ms Leanne Sharp, Mr Peter Moschogianis, Mr Ray Jarrett, Mr Stewart Brawley

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Ms Glennys Kenny, Ms Linda Threlfo and Mr Hubert Ehemann

CONFIRMATION OF MINUTES:

Moved: Peter Moschogianis

Seconded: Merve Edwards

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 21 January 2003 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. South Tweed Sports Facilities (STSF)

Dave Burns Field; Ron Wilkinson Field

Commencement of the STSF renovations and refurbishment are pending the announcement of the NSW Sport & Recreation Regional Grants.

2. Casuarina Sports Fields

Casuarina Sports Field

Rugby Union will be utilising the northern Casuarina Sports Fields and Hockey are hopeful to utilise the southern Casuarina Sports Field. The dry conditions have retarded the establishment of a healthy sward.

Reports from Committees/Working Groups

3. Sports Ground Licences

S Brawley raised the issue of sports pre-season training on grounds outside their licence period. Where clubs notify Council and there are no conflicts with the 'on-season' users, Council issue a licence for this period for training purposes only.

CORRESPONDENCE:

4. Sports Clubs Registration Signs

Council has received correspondence from a resident in Pottsville Beach concerned about the numerous signs throughout Pottsville pertaining to sporting clubs 'sign-on's'. Concerns raised were that the signs are not removed after the registration date. General discussion.

Moved: P Moschogianis

Seconded: W Polglase

RESOLVED that an article appear in the Tweed Link regarding the issue and Council to write to sporting clubs requesting removal immediately after registration date.

5. Piggabeen Sports Complex

Piggabeen Sports Complex

Seagulls Old Boys & Supporters Club (SOB&SC) write advising that they propose to erect a roof structure over the concrete seating at Piggabeen Sports Complex. The club is considering funding options and they seek views from Council regarding the proposal. S Brawley will liaise with SOB&SC.

GENERAL BUSINESS:

6. NSW Sport & Recreation Capital Assistance Grants 02/03

The following grants have been announced:

\$15 000 Burringbar Public Reserve Trust (Tom O'Connor lighting improvements)

\$10 000 Tweed District Netball Association (Arkinstall Park netball courts)

\$6 000 Tweed Coast Raiders Junior Rugby League (Les Burger Field – veranda)

\$5 000 Uki Sporting Horse Association (improvements to amenities)

\$5 000 Cudgen Leagues Bowling Club (floodlighting)

\$5 022 Terranora Lakes Cricket Club (Bilambil Sporting Complex – sightscreens)

Reports from Committees/Working Groups

\$2 848 Tweed Heads Soccer Club (Arkinstall Park – safety fence)

7. Council Toilet Facilities

W Polglase questioned who is responsible for the cleaning of sporting toilet facilities, as many are in a poor state. S Brawley advised that it is the responsibility of the sporting clubs where the toilets are not open for public use. General discussion. Sporting facility change-rooms should remain the responsibility of the sporting clubs. Council should have a policy on cleanliness standards for all Shire toilets, as this is often what tourists remember from their visit to the Tweed.

Moved: P Moschogianis

Second: W Polglase

RECOMMENDATION:

That Council consider increasing the 2003/2004 budget to maintain public and sporting facility toilets to a satisfactory standard across the Shire.

8. South Tweed Sporting Facilities - Tree clearing

Tree – Removal/Lopping; Dave Burns Field; Ron Wilkinson Field

R Jarrett enquired when the trees at the end of the cricket nets between Dave Burns & Ron Wilkinson Fields will be removed to prevent balls from going into the thick vegetation and drain. S Brawley advised that a Development Application was submitted to Council for the removal of the trees. A quote has been obtained for the removal of the trees and improvements to the drain. Council is in the process of finalising funding for the project.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 18 March at the Buchanan Depot, Murwillumbah.

The meeting closed at 5.40pm

Director's Comments:

<i>Nil</i>

[document2]

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

7. Council Toilet Facilities

Sports Advisory Committee

Committee Recommendation:

That Council consider increasing the 2003/2004 budget to maintain public and sporting facility toilets to a satisfactory standard across the Shire.

Director's Recommendation:

That the Committees Recommendation be endorsed.

Reports from Committees/Working Groups

4. Minutes of the Tweed River Committee Meeting held Wednesday 12 February 2003

Tweed River Committee

VENUE:

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

TIME:

9.30am.

PRESENT:

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); Ms R James (Caldera Environment Centre); T Rabbidge (Department of Land and Water Conservation); B Loring ((NSW Fisheries); L Tarvey (National Parks and Wildlife Service); D Gray (Ecoroc); N Newell (State Member for Tweed); D Oxenham, M. Tunks, G Judge, J Lofthouse and T. Alletson (Tweed Shire Council).

INFORMAL

Alf Ness (Tweed River Advisory Committee & NSW Cane Growers' Association).

APOLOGIES:

R Quirk, R Hagley

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: Cr Marshall

RESOLVED that the Minutes of Meeting held Sunday 22 December 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Nil

AGENDA ITEMS:

1. Policy Review - Dredging the Tweed River

Tweed River Management Plan

Discussion of this issue opened with Cr Marshall informing the committee that a rescission motion had been brought against Cr Brinsmead's original motion (Policy Review – Dredging the Tweed River) in view of the following:

That all points raised in Cr Brinsmead's notice of motion are already dealt with by the TRC, that the specific issues themselves have previously been considered in detail by the TRC, and that committees and management plans already exist with the specific purpose of managing the issue of dredging.

Cr Boyd made the point that peoples expectations have been raised due to the press coverage that this issue has recently received, and that a workshop should be held that examines all aspects of the issue.

Reports from Committees/Working Groups

Cr James spoke against holding a workshop, noting that the current issue is restricted to dredging for navigation purposes, that the scale of the navigation problem is relatively minor, and that this issue has been dealt with adequately in management plans. He recommended that those advocating dredging should be supplied with existing findings and agreed policy.

Dugald Gray observed that there has been little consultation with the sand extraction sector regarding the dredging issue, and that Action Sands have lots of data that could be used in the evaluation of the environmental impact of dredging.

Alf Ness supplied a list of places within the Lower Estuary where his vessel, which draws 4'6", touches the shoals.

Cr James spoke against holding a workshop arguing that the process would not reduce uninformed critics or reduce poorly informed propositions.

Cr Marshall spoke in favour of a workshop on dredging, noting that it would be useful to increase the awareness and understanding of all issues by all parties.

Dugald Gray observed that a workshop provides the opportunity to explore new technology and innovation.

Moved: Cr Boyd

Seconded: Cr Marshall

RESOLVED that David Oxenham arrange a TRC workshop on dredging which would be attended by invited experts and interested members of the community where all relevant issues relating to dredging policy can be discussed.

2. Budget Allocations

Tweed River Management Plan

Cr Marshall noted that the Committee needs to be prepared to approach Council for additional funding to permit continuation of all programs should funding from the State Government be discontinued.

The budget reallocation as detailed in Jane Lofthouse's report was ratified.

Moved: Cr Boyd

Seconded: Cr Marshall

RESOLVED that the budget reallocation as tabled by Jane Lofthouse be accepted by the Committee.

Moved: Cr Marshall

Seconded: Cr Boyd

RESOLVED that should royalties from the State Government not be reinstated that Council be requested to allocate funding in the 2003/2004 budget to assist in grant applications for 50/50 funding from the State Government.

Reports from Committees/Working Groups

3. State Water Management Outcomes Plan

Tweed River Management Plan

A copy of the plan was tabled and discussed with regard to water sharing and environmental flows particularly with regard to extraction from Clarrie Hall Dam. Tim Rabbidge was asked to invite Rob Learmont to address the Committee at the June meeting.

4. Ecowise Environmental Monitoring Proposal

Waterways - Monitoring

Tom Alletson and Jane Lofthouse presented a brief overview of the proposed Waterway Health Monitoring Program prepared by Ecowise Environmental and observed that it is a valuable method of determining the ecological integrity and resilience of the upper catchment.

The Committee requested that a report and recommendation be brought forward to the next meeting regarding the proposal. A copy of the report is to be provided to Cr James, Mark Tunks and Graham Judge.

Given the importance of waterway health in the upper catchment to the Shires drinking water supply, it was suggested that a contribution from the water fund would be appropriate to finance the study.

5. Creation of a Tweed River Committee Sister Organisation in the USA

Tweed River Committee

Item held over until the next meeting given Robert Quirks absence.

6. Tweed River Festival

Tweed River Festival

There was a discussion of the minutes of the Tweed River Festival Sub-committee minutes of the 10/12/02 and 23/1/03. These minutes were ratified.

Cr James noted the significant Council commitment required to organise the festival, particularly with regard to staff time. It was determined that the Committee should formally agree that the Tweed River Festival would be held again in 2003.

Moved: Cr Marshall

Seconded: Bob Loring

RESOLVED that the TRC supports the Tweed River Festival 2003.

It was determined that the Committee should formally request Council to approve the commitment of the \$10,000 for festival coordination.

Reports from Committees/Working Groups

Moved: Cr Marshall

Seconded: Bob Loring

RESOLVED that Council be requested to allocate \$10,000 to the coordination of the Tweed River Festival 2003.

7. Tweed River Ski Club

Development - Illegal

Cr Marshall tabled photos of the facility being operated by the Tweed River Ski Club without Council approval behind Liquor Land adjacent to the Pacific Highway, and called for comment from the Committee regarding the matter.

The Committee agreed it was a matter for Council's planning compliance unit and DLWC to investigate the matter and take action.

RECOMMENDATION:

That the Committee requests Council to look into the location of the apparent illegal structures, ramps and signage at the rear of Liquor Land on the Pacific Highway as a matter of urgency.

CORRESPONDENCE IN:

1. Quote for a Summary Report on Estuarine Bird Monitoring – Sandpiper Ecological Surveys

Waterways - Monitoring

Moved: Cr Boyd

Seconded: Lance Tarvey

RESOLVED that the Committee approve the quote from Sandpiper Ecological Surveys to prepare a summary Estuarine Bird Monitoring Report for the sum of \$2,050.00.

2. Letter from the Tweed River Advisory Committee to the DLWC requesting dredging of the Terranora and Cobaki Broadwaters

Dredging

It was determined that the Terranora and Cobaki Broadwater Management Plans should be reviewed with reference to this issue, and that a report would be presented to the next committee meeting. Furthermore, it was agreed that a response in writing would be sent to both the DLWC and The Tweed River Advisory Committee advising them of the committee's intended action.

Moved: Cr Marshall

Seconded: Cr Boyd

Reports from Committees/Working Groups

RESOLVED that the Terranora and Broadwater Management Plans should be reviewed with respect to dredging and a report presented to the Committee, DLWC and the Tweed River Advisory Committee detailing its recommendations on dredging in these areas.

3. Letter from the NSW Government (John Aquilina) advising discontinuation of the 100% State funding of the Lower Tweed River Management Plan
Tweed River Management Plan

Cr Marshall expressed her disappointment with the coverage that issue has received in the press and noted that negotiations with the minister have been ongoing, and that the indications for continued funding are favourable.

Dugald Gray noted that Actions Sands have been extracting sand from the river for the past 12 months and that royalties have continued to be paid to the Government. He noted that in contradiction to what is stated in the Ministers letter, there has not been a recent reduction in royalties.

It was agreed that an urgent representation needed to be made regarding this issue to the Government so that Council would be informed regarding the probable outcome of the funding arrangements prior to the development of its own budgets for the forthcoming financial year.

Cr James raised the issue of Sand Extraction Area No. 5 and the matter of the Investigation Licence postponement was discussed. Tim Rabbidge was requested to report on the status of the licence postponement from DLWC's perspective.

David Oxenham noted that he had received a letter from Allan Dyson, manager of the Tweed Sand Bypassing Facility, who has asked if he can address the TRC on the subject of Tweed River bathymetry changes.

An invitation will be issued to Allan Dyson to address the committee at the next meeting.

Alf Ness noted that the deeper areas of the river are getting deeper and the shallow areas, shallower.

CORRESPONDENCE OUT:

•1. Fish Unlimited

Tweed River Management Plan

A copy of the letter of support for the Fish Unlimited project application being made by Wetland Care Australia was tabled. The letter offered Council Support for the amount of up to \$150, 000 for works focusing on Fingal Wetland and up to \$130, 000 for works within other wetlands of the Tweed Estuary. The committee endorsed the letter.

Reports from Committees/Working Groups

•2 North Coast Rivers Inquiry

Tweed River Committee

Jane Lofthouse presented the comments prepared on behalf of the TRC. These comments were endorsed with the addition of a paragraph acknowledging the efforts and advances made by cane farmers in the Tweed Region.

GENERAL BUSINESS:

1. Boat Moored near Markwells Jetty and Commercial Use of Crown Land

Boating

Cr Marshall raised the issue of a boat being illegally moored on piles near Markwells Jetty in the Tweed River. Bob Loring reported that Richard Dunning (DLWC) would be investigating the matter shortly.

Bob Loring also reported that there is ongoing commercial activity occurring in the crown land reserve adjacent to the Tweed River opposite Melaleuca Station.

RECOMMENDATION:

That a suitable letter be sent to the District Manager of Lands NSW outlining the issues of concern to this committee, that being, unlicensed or illegal moorings in the vicinity of the Southern Boat Harbour, structures used by the Tweed Heads Ski Club and the commercial activity on Crown Land adjacent to the Tweed River opposite Melaleuca Station.

2. Acid Sulphate Soil Priority Areas

Pollution – Acid Sulfate Soils

Mark Tunks gave a report on the serious ASS problems currently being experienced in the catchment of Blacks Drain, a tributary stream of Condong Creek. It was noted that the acid discharge from Blacks Drain is having a serious impact on the Tweed River. Mark suggested that Blacks Drain be nominated as a 'Hot Spot' under the Acid Sulphate Soil Program in Section 4.0 of the Integrated Catchment Management Plan for the Northern Rivers Catchment.

Moved: Cr Marshall

Seconded: Cr Boyd

RESOLVED that the Committee endorse the nomination of Blacks Drain as a Specific Problem Site under the Integrated Catchment Plan for the Northern River Catchment.

Carried

Reports from Committees/Working Groups

3. Minor Fish Kill – Kynnumboon

Acid Sulfate Soils

Mark Tunks noted that a minor fish kill occurred within a drain at Kynnumboon as a result of acid runoff from recent rain. It was also noted that fish kills had occurred in Bartletts and Johnsons Creeks.

Bob Loring noted that the Tweed River has been green recently, and that it was confirmed that this is due to acid discharge following the recent rain.

4. Lavender Creek

Lavender Creek

Cr Boyd commented on Mathers property which backs onto Lavender Creek and requested consideration be given to armouring the adjacent creek bank which had historically been affected by earthworks.

NEXT MEETING:

The next meeting of the Committee is to be held on 9 April 2003 at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 12.58pm

Director's Comments:

<i>NIL</i>

[trcminx]

Reports from Committees/Working Groups

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

- 5. Minutes of the Regional Companion Animal Committee Meeting held 13 February 2003.**
 - 6. Minutes of the Tweed Shire Council Occupational Health & Safety Committee held on 18 February 2003.**
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Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Rescission - Cr Marshall, Cr James and Cr Boyd

Dredging - Cudgen Creek

Dredging; Cudgen Creek; Area 5: Tweed River; Rescission Motion

That Council resolution at Minute No 55 in relation to Item 2 Orders of the Day of the Meeting held 22 January 2003 being:-

".... that Council:

- 1. Requests the Director-General of the Department of Land and Water Conservation, Director of Fisheries NSW and the Chief Executive of the Waterways Authority, to provide staff to form a committee in conjunction with the Tweed Shire Council to examine the opportunities/limitations of dredging the Tweed River and Terranora Broadwater to increase navigability and usage opportunities. That this joint State Government/Council committee also look at dredging the mouth of the Cudgen Creek as a matter of urgency in respect to safety and strong community support.*
- 2. That Council seeks the support of the State Member, Mr Neville Newell, to facilitate the committee formation."*

be rescinded."

2. Notice of Motion - Cr Marshall

Leasing of Crown Land - Chillingham Tyalgum Pre-school Committee

Notice of Motion; Preschool –Tyalgum; Crown Land

That the General Manager be requested, as a matter of urgency to bring forward a report on the possible leasing of Crown land on the corner of Carriboi Terrace and Hobwee Street, Tyalgum for the Chillingham Tyalgum Pre-school Committee for the construction of anew pre-school building (refer letter attached to this Business Paper)

3. Notice of Motion - Cr Boyd

Kings Forest

Corruption; Kings Forest Dev; LEP – Kings Forest; GT1/LEP/2000/20 Pt6; Notice of Motion

That all Councillors and staff be encouraged to supply the General Manager with any information that may come into their possession which may assist in the prosecution of the

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person or persons responsible for the alleged fraud involving Kings forest and the fraudulent use of Council documents.
