



Tweed Shire Council

BUSINESS PAPER AGENDA

Date

Dear Minute Book

NOTICE IS GIVEN that a Meeting of Council will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on Wednesday 17 November 2004, commencing at **3.00pm**.

Submitted,

A handwritten signature in black ink, appearing to read 'J Griffin'.

Dr J Griffin
General Manager

AGENDA

1. Prayer
2. Confirmation of Minutes
3. Apologies
4. Disclosure of Interest
5. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
6. Schedule of Outstanding Resolutions
7. Mayoral Minute
8. Items Deferred
9. Reports through General Manager
 - Reports from Director Planning & Environment
 - Reports from Executive Manager-Office of the General Manager
 - Reports from Director Engineering and Operations
 - Reports from Director Environment & Community
10. Reports from Sub-Committees/Working Groups
11. Delegates Reports
12. Outstanding Inspections
13. Items of Information and Interest
14. Orders of the Day
15. Workshops
16. Question Time
17. Confidential Matters - (exclude Press and Public)

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
	SCHEDULE OF OUTSTANDING RESOLUTIONS	5
	Schedule of Outstanding Resolutions	5
	MAYORAL MINUTE	13
	Mayoral Minute	13
	ITEMS DEFERRED	17
	[ID] [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point	17
	[ID] [EO] Draft Tweed Estuary Boating Plan of Management	29
	REPORTS THROUGH THE GENERAL MANAGER	39
	REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT	39
1	[PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point	41
2	[PE] Draft DCP No. 9 – West Kingscliff (Amendment 3) as Requested within DA04/1331 for a Supermarket Based Shopping Centre Comprising 5850m2 of Gross Floor Area & 243 On Site Parking Spaces at Lot 12 DP871753 & Lot 13 DP871753 Turnock Street, Kingscliff	45
3	[PE] Draft Tweed Local Environmental Plan 2000, Amendment No 51 - Reclassification of Land at Rosewood Avenue, Bogangar, to Operational Land	53
4	[PE] Proposed Rezoning - Seabreeze Estate, Pottsville	59
5	[PE] Tweed Shire Social Plan 2005-2009 - Adoption Following Exhibition	65
	REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER	71
6	[OGM] Regional Co-ordination Agreement - Southern Regional Organisation of Councils	71
7	[OGM] Rural Villages Development (RVD) Program 2004-2005	73

8	[OGM] Monthly Investment Report for Period Ending 31 October 2004	77
9	[OGM] Council Vehicle Accident Reports (1 April 2004 to 30 September 2004	85
REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS		87
10	[EO] Classification of Land	87
11	[EO] Table of Council Land Classified as Operational	91
REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY		93
12	[EC] Annual Agreement for Surf Life Saving Services	93
13	[EC] Naming of Area Location and Council's Community Facility on Woodlands Drive, Banora Point	101
14	[EC] Request for "In Kind" Support/Waive Fee	105
15	[EC] Entomological Control Report for period August to October 2004	109
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS		113
1	[SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday, 21 October 2004	113
ORDERS OF THE DAY		121
1	[NOM] Cabarita Surf Life Saving Club	121
REPORTS THROUGH GENERAL MANAGER IN COMMITTEE		123
REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE		123
1	[EO] EC2004-117 Supply of Manual Traffic Control Teams for Council Works	123
2	[EO] Condong Cogeneration Facility Water Supply Agreement	123
3	[EO] Naming of Right of Carriageway (ROC) at Bilambil Heights	124
4	[EO] Land Acquisition for Road Purposes - Lot 21 in DP 858801 - Kirkwood Road, Tweed Heads	124
REPORTS FROM DIRECTOR ENVIRONMENT AND COMMUNITY IN COMMITTEE		124
5	Agenda Master - 17 November 2004	124

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

21 [ES] Proposed Water Reservoirs Adjacent to Koala Beach Estate

202

Councillor H James

Councillor B M Luff

RESOLVED that Council investigates the further option of constructing the proposed Reservoir at a location on the Mooball-Pottsville Road.

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

8 [DS] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

432

Councillor M R Boyd

Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Meeting to be arranged.

4 August 2004

2 [NOM] Section 149 Certificates

NOTICE OF MOTION:

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be prepared on "puting in place" a procedure for the processing of URGENT applications for S149 Certificates to be made available to the applicant within, say, two (2) hours of lodgement of the application and appropriate fee, in lieu of the current forty-eight (48) hours.

Current Status: Meeting held. Data cleansing to be completed.

3 [NOM] Grey Water Reuse

NOTICE OF MOTION:

1

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be brought forward about the feasibility/possible incentive(s) for encouraging ratepayers to collect and divert household grey water for garden use in lieu of entering the sewerage system.

Current Status: Report being prepared.

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

This report is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 123 RESOLUTION:

That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.

Current Status: Workshop held 25 August 2004 - report now awaiting further decision on DCP.

1 SEPTEMBER 2004

ORDERS OF THE DAY

1 [NOM] Street Lighting of Footpaths

2 RESOLUTION:

Cr D M Holdom

Cr B J Carroll

RESOLVED that Council officers draft a report on "night lighting" of the main (council) coastal footpaths to afford more security to residents/visitors who wish to walk the footpath/s of an evening/night (time switch operated to go off at 11pm) lighting more so where each footpath moves through each village main street/beach area.

Current Status: Report being prepared.

15 September 2004

2 [NOM] Public Toilet at Tumbulgum

NOTICE OF MOTION:

**Cr G J Lawrie
Cr L F Beck**

RESOLVED that a report be prepared as to the feasibility of making available the funds for the construction of bollards on the riverfront at that village, and for the completion of a footpath on the residential side of Riverside Drive.

Current Status: Report to be prepared.

6 October 2004

7 [PE] Northern Rivers Farmland Protection Project

**Cr R D Brinsmead
Cr J F Murray**

RESOLVED that a report be prepared as to how the implementation of the Farmland Protection Project will affect the Tweed Shire.

Current Status: Report being prepared.

4 [NOM] Entry Statements to the Tweed

NOTICE OF MOTION:

**Cr J F Murray
Cr G B Bell**

RESOLVED that Tweed Shire Council officers prepare a report on improving the Entry Statements to the Tweed.

Current Status: Report being prepared.

5 [NOM] Kingscliff Walk of Fame

NOTICE OF MOTION:

Cr J F Murray

Cr G J Lawrie

RESOLVED that Tweed Shire Council officers prepare a report on how best the "Kingscliff Walk of Fame" can proceed.

Current Status: Report being prepared.

10 [EO] Chinderah Bay Drive - Sale of Land

REASON FOR CONFIDENTIALITY:

This report is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the council, or*
 - (iii) reveal a trade secret*

That this item be deferred to allow Council Officers to report to Council on the current status of the contract.

Current Status: Information being collated.

20 October 2004

2 [PE] Development Application DA03/1578 for a Shopping Centre at Lot 123 DP 1049552 Botanical Circuit, Banora Point

Cr L F Beck

Cr J F Murray

RESOLVED that this matter be deferred pending an amended report and a further application.

Current Status: Meeting held - awaiting response from applicants.

ORDERS OF THE DAY

1 [NOM] Traffic Study - 2(b) Zoning, Flagstaff Hill

Cr M R Boyd
Cr B J Carroll

RESOLVED that a comprehensive traffic study be undertaken to ascertain what impact can or will occur on those streets affected by Council's 2(b) zoning in the Flagstaff Hill area, should Council receive a number of Development Applications similar to that approved for No 40 Charles Street, Tweed Heads.

Current Status: Study to be completed.

QUESTION TIME

6 [QT] Cabarita Surf Life Saving Club

Cr M R Boyd

Asked apart from the condition that it must use the \$500,000 of Section 94 funds on the construction of its clubhouse, what other conditions can Council legally apply to the transfer of these funds to the Cabarita Surf Life Saving Club.

The General Manager responded that a report would be brought forward on this matter.

Current Status: Report pending.

3 November 2004

3 [PE] Development Application DA04/0917 for a Two Storey Dwelling and Building Line Variation at Lot 4 DP 1054265 No. 48 Kintyre Crescent Banora Point

Cr G J Lawrie
Cr J F Murray

RESOLVED that Development Application DA04/0917 for a two storey dwelling and building line variation at Lot 4 DP 1054265, No. 48 Kintyre Crescent Banora Point be deferred to enable to applicant to consider the following points, these being-

- Lowering the building further into the site by a metre to achieve balanced cut and fill, removing the need to import fill from an external source, and

reducing the height of the front retaining wall and the loads this may put on the existing rock wall;

- Lowering the eastern portion of the dwelling house to natural ground level as opposed to artificially raising this part of the house on fill and piers;
- Lowering the ceiling height of the ground floor by at least half a metre and the lowering the ceiling height of the top floor by a least a further metre.
- Providing additional relieve in terms of articulation and windows to the southern elevation.

Current Status: Reporting pending

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Banora & Tweed Reclaimed Water Management

4 November – attended Banora & Tweed Reclaimed Water Management Strategy Options Evaluation Workshop at Tweed Civic Centre

2. Bilambil Tennis Club

5 November – Bilambil Tennis Spectacular at Tweed Bowls Club

3. Murwillumbah Show

6 November – Opening of Murwillumbah Show

4. St Joseph's College

7 November – Opening & Solemn Blessing of Stage 7 St. Joseph's College and Stage 3 St. James Primary School by Ian Causley

5. 2004 Share Christmas Gift Appeal

8 November – Cr. Beck attended launch of the 2004 Share Christmas Gift Appeal at Murwillumbah on my behalf

6. Citizenship Ceremony

9 November – conducted Citizenship Ceremony at Tweed Heads (8 conferees)

7. Remembrance Day

11 November – laid wreath at War Memorial Civic Park Murwillumbah

8. NOROC

12 November – AGM and Ordinary Meeting of NOROC at Ballina

9. TEDC

12 November – TEDC AGM and Christmas Party at Greenhills

10. Greenhills Lodge

13 November – 25 Anniversary celebrations at Greenhills Lodge Murwillumbah

11. Southern Cross University

13 November – SCU Lismore 10 Birthday Reception & Concert

12. Tweed River Festival

15 November – Presentation prize School Poster Competition at Murwillumbah

13. Cabarita Residents Association

16 November – Meeting with GM & DECS and representatives of Cabarita Residents Association

14. Sports Advisory Committee

16 November – Meeting of Sports Advisory Committee at Tweed Heads

INVITATIONS ACCEPTED:

- 18 November – Official opening of Local Govt. Human Resources Conference at Twin Towns
 - 18 November – Official naming of Skinner Lowes Wharf at Murwillumbah
 - 18 November – Family Centre Community Projects Management AGM at South Tweed
 - 19 November – Mt St Patrick College Year 12 Formal at Murwillumbah
 - 21 November – Tweed River Festival Jack Evans Boat Harbour
 - 23 November – Tweed Reclaimed Water Management Strategy Options Evaluation Workshop
 - 26 November – TEDC Board Meeting (Gold Coast Airport)
-

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

- Local Government Assoc of Queensland – Australasian Local Government Technology & Innovation Expo **1-3 December 2004** Gold Coast
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ITEMS DEFERRED

[ID] [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

ITEM DEFERRED FROM MEETING HELD:

3 November 2004

*Cr H James
Cr M R Boyd*

RESOLVED that this matter be deferred in order that:-

- a. Council can seek advice from Country Energy confirming that no trees need to be removed or lopped to supply power above ground as proposed.
- b. Telstra can be asked to consider under ground supply of power in order to reduce environmental impact and the risk of interruption to the service at times of bush fire.

THIS REPORT IS THE SUBJECT OF A FURTHER REPORT OF ITEM 1 OF THIS AGENDA

ORIGIN:

Development Assessment

FILE NO: DA04/1100

SUMMARY OF REPORT:

Council is in receipt of a development application for the construction of a telecommunications facility at the Bogangar Council Reservoir, Round Mountain Road, Hastings Point. The applicant has submitted that the telecommunications equipment is necessary to provide depth of coverage into the residential areas of Bogangar, Cabarita Beach, Hastings Point, and the surrounding rural areas, as there are no existing telecom/facilities located in the subject area.

The subject land is zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. Development for the purposes of

telecommunications infrastructure is prohibited in this zone, however, the applicant has argued that all suitably elevated land in the Bogangar area is also zoned for Environmental Protection or as a National Park or Nature Reserve. Subsequently, to provide a service to the community the applicant has requested that Council amend Schedule 3 of the Tweed LEP to enable telecommunication to occur on the subject allotment.

Due to the nature and sensitivity of the land particular attention will need to be given to the ecological values of the site. The diversity of flora species recorded during the ecologist's field survey was high, however, it is considered that the ecological integrity of the site may be maintained and managed through the adoption of the recommendations by the ecologist in addition to any recommendations by Council's Environmental Scientist. Based on initial investigations it does not seem necessary to require a Local Environmental Study to be undertaken as the site may be managed through appropriate conditions of consent.

In accordance with 72J of the Environmental Planning and Assessment Act 1979 this application seeks an Amendment to the Tweed LEP 2000 in addition to an approval for the structure through the Development Application process. Council is requested to resolve to prepare the draft plan only with a subsequent report to be prepared after the required consultations with the general public and government departments.

RECOMMENDATION:

That: -

1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.
2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.
3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.

REPORT:

Applicant: Telstra Corporation
Owner: Tweed Shire Council
Location: Lot 24 DP 1058759 Round Mountain Road, Hastings Point
Zoning: 7(l) Environmental Protection (Habitat)
Cost: \$150,000.00

BACKGROUND:

Council is in receipt of a development application for the construction of a telecommunications facility at the Bogangar Council Reservoir, Round Mountain Road, Hastings Point. The proposed facility and associated works will consist of:

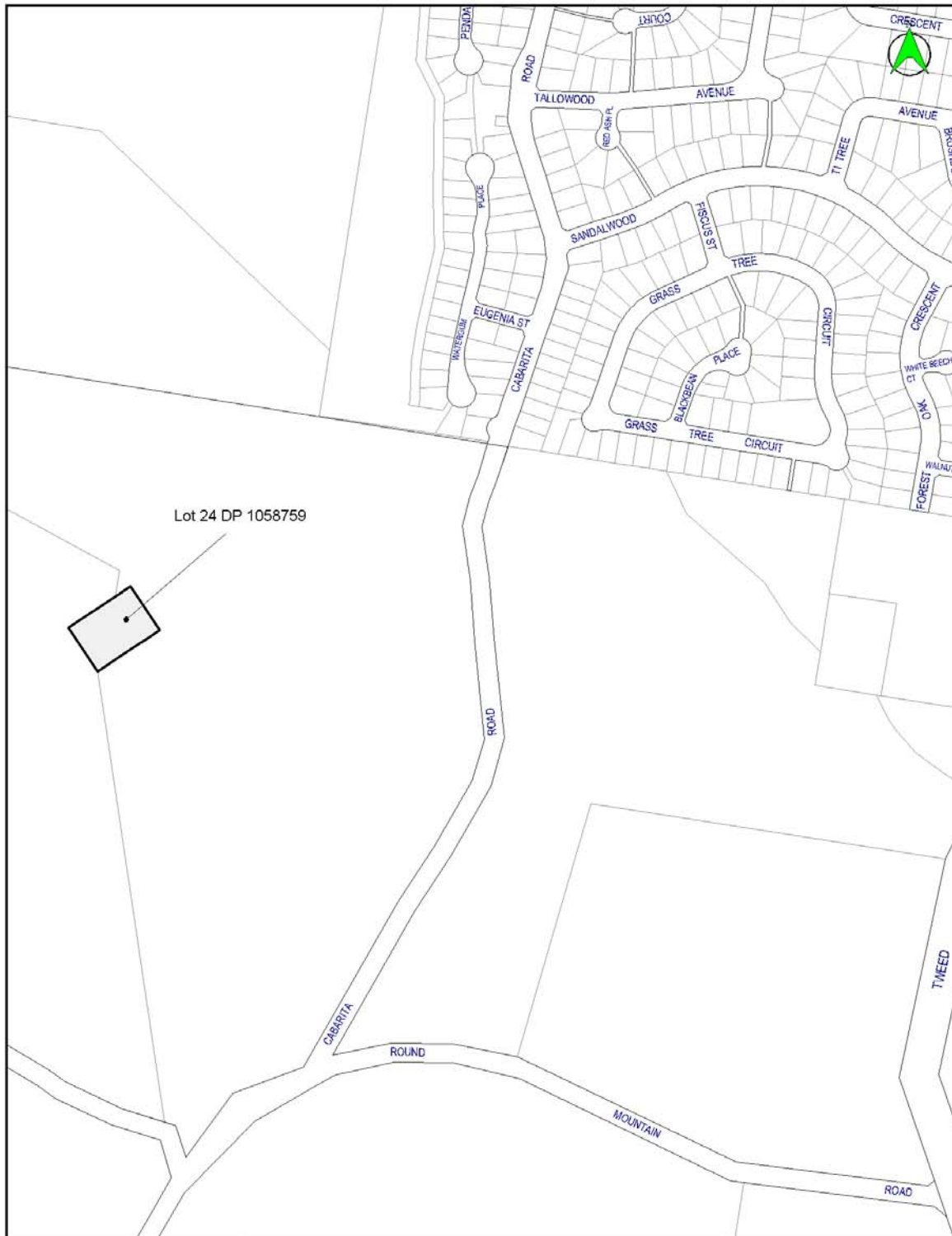
- A new compound with a total site area of 60m² having dimensions of 10m long, and 6m wide. Around the compound will be a 2.4m tall security fence and 3m wide security gates. The compound will be finished with crushed rock over geo-textile membrane with a timber border;
- A 30m high concrete monopole (mast), painted "Drab Olive" (which has capacity to accommodate additional telecommunications equipment and cater for the future telecommunications needs of the Bogangar area);
- Telstra equipment including 4 panel antennae, 600mm diameter microwave link dish at the top of the proposed mast and a 450mm wide cable tray on the outside of the pole;
- A small equipment cabin (7.3m²) located in the compound at the base of the mast (3m high), which will be painted "Mist Green";
- Construct a new access track from the reservoir to the compound area;
- Regrading of a small portion of the reservoir embankment to ensure the new access track to the compound is entirely within Council owned land (this will necessitate the removal of three mature trees and some ground cover);
- Construct a gate to restrict access to the compound; and
- Extend the existing overhead power supply and construct a new power pole with an adjoining underground power line adjacent to the proposed access track to the reservoir.


The subject site is accessed by an existing gravel road, which comes off Round Mountain Road, Hastings Point. Tweed Shire Council owns the site and has consented to the lodgement of the application, however, Council is in the process of entering into a lease agreement with Telstra for the area in question. The site is elevated to approximately at RL 45m and is located within a nominated bushfire hazard area.

The site is currently zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. Development for the purposes of telecommunications infrastructure is prohibited in zone, however, the applicant has provided that all suitably elevated land in the Bogangar area is also zoned for

Environmental Protection or as a National Park or Nature Reserve. Subsequently, to provide a service to the community the applicant has requested that Council amend Schedule 3 of the Tweed LEP to enable telecommunication to occur on the subject allotment.

SITE DIAGRAM:



<p>© TWEED SHIRE COUNCIL 2004 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 24 DP 1058759 Round Mountain Road, Hastings Point</p>	 <p>TWEED TWEED SHIRE COUNCIL</p>	<p>STRATEGIC PLANNING UNIT Site Plan Scale: 1:5,000 Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...V4P Site Plan.Wor</p>		<p>Author: C.Davis</p>	<p>Date: 22/Oct/2004</p>

PLANNING CONSIDERATIONS

Tweed Local Environmental Plan 2000

The subject land is zoned 7(l) Environmental Protection (Habitat) under the Tweed Local Environmental Plan. The proposed use of the site for a new mobile phone base station is defined as telecommunications infrastructure under Tweed Local Environmental Plan 2000. Telecommunications Infrastructure is defined as:

“A “facility” “telecommunications transmission tower” or “tower” as defined in the Telecommunications Code of Practice 1997 of the Commonwealth but does not include a “low impact facility” as also defined in the code”.

Telecommunications Infrastructure is prohibited in the 7(l) zone subsequently this application seeks to amend Schedule 3 of the Tweed Local Environmental Plan 2000 to enable Telecommunications Infrastructure on the subject site.

Tweed 2000 + Strategic Plan

This plan includes, among its Policies and Actions, principals of Ecologically Sustainable Development. ESD should occur in conjunction with identified significant areas that are to be protected by Environmental Protection Zones which will not be altered or removed without the proponent undertaking a detailed analysis to determine whether there would be any net adverse environmental effects resulting from such action (Policy and Action Numbers 1, 3 and 5 particularly). Council’s Senior Environmental Scientist has reviewed the application having specific regard to the potential environmental effect and has concluded that:

“Overall, it is considered that the flora and fauna study conducted by Landmark Ecological Services is generally sufficient for the nature and scale of the proposed development (pending some recommendations) and that a Local Environmental Study is not required in this instance. The recommendations contained in the Landmark report should as far as practicable, form part of the consent conditions for the development”

Pending appropriate conditions on any consent to be issued the proposal is consistent with the above provisions and the Plan generally.

North Coast Regional Environmental Plan 1988

The subject land is zoned 7(l) Environmental Protection (Habitat) which aims at protecting areas, which have particular habitat significance. The subject site has been identified as such, however, preliminary assessments indicate that the scale of the proposed works to enable utility services are minor and will have limited impact on the significance of the area given the extent of the availability of habitat for flora and fauna.

Despite this preliminary conclusion the following provisions of the North Coast Regional Environmental Plan 1988 are considered to be applicable.

Clause 29 – Plan Preparation Natural Areas and Water Catchments provides that a draft local environmental plan should not alter or remove existing environmental protection zonings or controls within them without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action. It further provides that consent for clearing of natural vegetation is required within the environmental protection zones. The subject Development Application seeks consent for the removal of natural vegetation and has been supported by a Flora and Fauna Report prepared by Landmark Ecological Services. Preliminary investigations indicate that the scale of the proposed works are minor and will have negligible impact on the overall area given the extent of the remaining habitat areas. It is therefore submitted that the proposal is consistent with the provision of the clause.

Clause 45 – Environment Hazards is applicable as the site is a nominated Bushfire Hazard zone. The proposed works do not incorporate a dwelling and therefore the provisions in Clause 45(3) are not specifically relevant. Notwithstanding this the application will be referred to the Local Rural Fire Service for comment as part of the consultation process.

Clause 58 – Utility Services relates to the services for urban purposes it is therefore not specifically applicable to this application.

NSW Coastal Policy

The site lies outside the coastal zone as defined by the NSW Coastal policy, therefore Council is not required to prepare or consider a Local Environmental Study as Section 117 Direction No. S26 does not apply.

State Environmental Planning Policies

SEPP 14 – Coastal Wetlands

The subject site is located within 100m of the mapped SEPP 14 land, however the site itself is not nominated itself and therefore the plan is not considered applicable to this application.

SEPP 44 – Koala Habitat Protection

The applicants Flora and Fauna Report detailed that no Koala food trees were recorded within the study area although Koalas are known to occur throughout the Round Mountain/Bogangar area and are considered likely to traverse the site and/or rest in eucalypt trees in the vicinity. As there was no evidence of Koala use, and no Koala food trees within the site, the applicant's ecologist considered it not appropriate to undertake a SEPP 44 assessment. This conclusion is concurred with at this stage.

There are no other State Environmental Planning Policies that are considered relevant to the proposal.

Section 117 Directions

Section 117 Direction No. G12 Environmental Protection Zones is applicable to the proposal, however, as the development application is to simply amend Schedule 3 of the Tweed LEP 2000 to enable consent to be issued for telecommunications infrastructure the draft plan is not intended to alter or remove the existing protection zoning. The Direction goes on to state that these zonings may only be altered or increased where justified by an Environmental Study. The applicant has provided justifications as to why an Environmental Study in this instance is not considered necessary, these reasons are listed below under the heading of Local Environmental Study. Having regard to the circumstances of the case Council's Senior Environmental Scientist has provided that overall the submitted flora and fauna study is generally sufficient for the nature and scale of the proposed development and that a Local Environmental Study is not required in this instance. Based on this advice the provisions of this application are considered to be consistent with the direction.

LEP Amendment

To effect the required LEP Amendment, Council can either:

1. Amend the 7(l) Environmental Protection (Habitat) zone to make telecommunications infrastructure permissible in the zone;
2. Rezone the subject land to another zone in which telecommunication infrastructure is permissible such as the 7(d) Environmental Protection (Scenic Escarpment) zone; or
3. Include the subject land in Schedule 3 (Development of Specific Sites) of Tweed Local Environmental Plan 2000 (as requested).

As the submission is unique to the particular proposal, it is not considered desirable to amend the Tweed LEP 2000 by removing telecommunications infrastructure from the prohibited list in the 7(l) zone. Consideration of the standards contained in the LEP would open debate in areas beyond the subject of this application

Re-zoning the land is not considered appropriate or necessary as the precinct surrounding the site is zoned 7(l), and there is substantial habitat in the area to support the existing zoning.

The third and final option is to amend Schedule 3 of the Tweed LEP 2000 in accordance with Clause 53 Development of Specific Sites of the Tweed LEP 2000. This Clause allows Council to permit development for certain additional purposes on land specifically nominated, subject to development consent, this is considered the most appropriate approach as the land is suitably zoned given the extensive habitat in the area, however, it is also considered appropriate to undertake a merit assessment of the proposal for telecommunications infrastructure given the sites elevation, the lack of an appropriate alternative site, the limited amount of habitat removal, and the appropriateness of the existing access track for the proposed development.

Availability of Services

The application for telecommunications infrastructure also seeks consent for certain works enabling the telecommunications equipment to be connected to mains power. No other services are considered necessary for the proposed development

It is considered that the applicant will be able to satisfy the requirements of Clause 15 of the Tweed LEP 2000 in relation to the proposal.

Car Parking & Access

Access to the property is gained from an existing gravel road from Round Mountain Road and by an existing access track part of which is to be re-aligned to be wholly within the subject site (owned by Tweed Shire Council). To accommodate this part of the existing embankment around the reservoir would need to be partially graded for the re-alignment. Council's Development Engineer will be reviewing this element of the proposal, however, preliminary investigations indicate that this access will be acceptable as there are no car parking or access issues which would present the proposal proceeding.

Local Environmental Study

Clause 57 of the Environmental Planning & Assessment Act 1979 requires Council to prepare an environmental study of the land to which the draft local environmental plan is intended to apply. The applicant has requested that the Director General of the Department of Infrastructure, Planning and Natural resources should dispense with the requirement for a Local Environmental Study in the circumstances of this case for the following reasons;

1. *The site is small in scale. The proposal is for a telecommunications mast and equipment cabin taking up a total land area of 60m². The equipment cabin is 2.85m x 2.55m in size and includes only electrical equipment;*
2. *The likely impact of the specific project on the site has been extensively addressed in the Statement of Environmental Effects accompanying the DA for the site;*
3. *The proposed development has been designed with particular regard to;*
 - a) *The ecological value of the site. A comprehensive flora and fauna study has been conducted by Landmark Environmental Consultants;*
 - b) *Other possible alternatives for the location of the proposed development have been explored and the subject site selected as the best compromise of radio coverage objectives and environmental considerations;*
 - c) *The site is already heavily disturbed by the reservoir and the access track to the site is largely existing. Access to the base station itself will only be needed a few times per year; and*

- d) *The proposed facility will provide improved mobile phone coverage for Telstra users within the community and therefore will be a positive contribution to the economic development of the area and the quality of life for local residents. The proposal achieves this benefit with only a minor impact on the local environment.*
4. *With respect to relevant S117 Directions, the proposed amendment to the Tweed Local Environmental Plan 2000 does not amend the zoning of the site, but simply permits the use of a telecommunications facility on this specific site. The provisions of the Environmental Protection (Habitat) zoning will still apply to future development on this site should it occur.*

It is considered that this request is reasonable and that Council indicate such in its resolution for the Director General to consider.

OPTIONS:

1. Adopt the recommendation to prepare the draft Plan.
2. Determine not to prepare the draft Plan, and subsequently refuse the Development Application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If Council determines not to resolve the draft Plan the applicant does not have a right to appeal in the Land & Environment Court. However, normal appeal rights would apply to the Development Application if it were to be refused.

POLICY IMPLICATIONS:

Amending Schedule 3 to Tweed LEP would be based on a merit assessment in accordance with the provisions of the Act and would therefore not set a precedent or have any unforeseen policy implications.

CONCLUSION:

The proposed telecommunications infrastructure is considered to be reasonable as the site is capable of supporting the needed infrastructure to service the community.

As the Tweed LEP 2000 does not have the provision to enable the proposal to be approved, the applicant has requested an amendment to Tweed Local Environmental Plan 2000 by amending Schedule 3 of Tweed LEP to allow the required infrastructure on the subject land.

In addition Council is requested to seek the dispensation of the Director General for the need of a Local Environmental Study as would normally be required by Clause 57 of the Environmental Planning & Assessment Act 1979.

Based on the initial assessment of the application the proposal in its current form is supported.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

[ID] [EO] Draft Tweed Estuary Boating Plan of Management

ITEM DEFERRED FROM MEETING HELD:

3 November 2004

Cr L F Beck

Cr R D Brinsmead

***RESOLVED** that this Item be deferred to allow representation by Tweed River Users Group to address the Community Access Meeting.*

ORIGIN:

Water

SUMMARY OF REPORT:

The NSW Maritime Authority has produced a Boating Plan of Management for the Tweed River estuary. The Draft of this Plan was on public exhibition until 8 October 2004. The Tweed River Committee considered the Draft Plan and proposes the following report to be submitted as the Tweed River Committee's and Tweed Shire Council's comments on the Draft Tweed Estuary Boating Plan of Management.

RECOMMENDATION:

That Council submits the attached Report to the NSW Maritime Authority as the Tweed River Committee and Tweed Shire Council submission to the Draft Tweed Estuary Boating Plan of Management. With the specific recommendations of:

1. A 40knot upper speed limit be adopted on the Rous River in line with the rest of the estuary (outside of the 4knot zone for the first 800 metres from the confluence with the Tweed River).
2. That towing activities be removed from the estuary from Murwillumbah Bridge upstream to Bray Park Weir.

REPORT:

The NSW Maritime Authority has produced a Boating Plan of Management for the Tweed River estuary. The Draft of this Plan was on public exhibition until 8 October 2004. The Tweed River Committee considered the Draft Plan and proposes the following report to be submitted as the Tweed River Committee's and Tweed Shire Council's comments on the Draft Tweed Estuary Boating Plan of Management.

A Subcommittee met and looked at the plan in detail. The outcomes of this meeting were distributed to all Committee members for their comment. Where there has been a considerable divergence from the management actions proposed in the original plan, these items are discussed below. On some of these points there were differing views from within the Tweed River Committee and these are listed.

Items in which there was agreement from the Committee are listed in the table below.

The main points of divergence from the proposed management actions in the Draft Plan of Management are the following:

13 Rous River (B004AG)

Management Plan Action

The entire Tweed River was gazetted an 8 knot zone in 1947, the Rous River is the only reach of the river to retain this speed limit. The Plan of Management proposes to remove the current 8 knot speed zone and replace it with a 4 knot speed limit on the area from the Tweed Rous confluence and extending 800 meters upstream (due to habitat values in the lower section of the Rous River and dangerous conditions due to blind bends) and a 40 knot limit for the remainder in line with the recommendation for the rest of the estuary.

Tweed River Committee Proposal

The Subcommittee disagreed with the 40 knot speed limit proposed and proposes a 4 knot speed limit over the entire Rous River given the narrowness of the river and potential impact of boat traffic on the unstable and eroding river banks.

Some members of the Committee were not in agreement with this proposal given the impact on commercial operations such as commercial fishers, Council's laboratory staff taking water samples and regulatory authorities such as NSW Fisheries and Maritime Authority. It was noted that these vessels do need to travel above 4 knots in most cases to enable them to work efficiently and to reduce the time penalty involved with a very low speed limit. An example was given of the time it would take a commercial fishing vessel to get the product off the water if required to travel at 4 knots.

There is the issue of additional displacement from boats travelling at very low speeds with the additional weight of trawl nets. Regulation and enforcement of this speed limit would be difficult.

Other issues include the low number of complaints and incidences recorded for this reach (6 complaints in the period 1998 to 2003). It would appear that most boaters are generally travelling in the Rous River in accordance with the conditions.

There are other major causes of bank erosion within this river reach that have greater impact such as denuded river banks, poor agricultural practices and frequent flood events.

15 Condong Boat Ramp to Murwillumbah Bridge (B004AI)

Management Plan Action

1. The Draft Plan of Management proposes to investigate the feasibility of establishing a private mooring precinct in the bend immediately downstream of the Murwillumbah Bridge.
2. The Draft Plan proposes to retain water-skiing on this reach with the introduction of a noise limit, relocation of all wakeboarding to below Barneys Point Bridge, extension of the "No skiing or aquaplaning before 8.00 am" restriction to urban areas of Murwillumbah and Tumbulgum.

Tweed River Committee Proposal

1. The Committee disagrees with private mooring precinct proposal at this location as this reach is unsuitable for permanent mooring of vessels due to velocities, debris in flood, depth, accessibility, lack of dinghy storage facilities, noise, pollution, live-aboards etc. It was suggested that an alternative overall strategy would be "to investigate suitable sites for provision of private mooring facilities".
2. The Committee suggested that a "No Towing Zone" (no water-skiing) be implemented above Condong Bridge to the Bray Park Weir due to bank stability and resident amenity issues.

There was not total agreement on this proposal with three options mentioned:

1. Retain status quo on water-ski access with implementation of management actions as detailed by NSW Maritime Authority (e.g. noise limit, speed limit, distance off markers and increased enforcement). This view supports the fact that several residents/landholders on the river own boats and wish to ski from their back yards and that the nuisance from ski boats has been exaggerated.
2. Limit water-ski activity to below Murwillumbah Bridge (see detail in next section).
3. No towing zone be gazetted above Condong Bridge to limit impact of water-ski activities on residential properties regarding amenity and bank erosion issues.

16. Murwillumbah Bridge to Bray Park Weir (B004AJ)

Management Plan Action

The Draft Plan proposes to retain the status quo for water-skiing on this reach with skiing and aquaplaning banned upstream of Dunbible Creek. As above it is proposed to introduce a noise limit, relocation of all wakeboarding to below Barneys Point Bridge, extension of the "No skiing or aquaplaning before 8.00 am" restriction to urban areas of Murwillumbah and Tumbulgum.

Tweed River Committee Proposal

The Tweed River Committee suggests that a “No Towing Zone” be implemented above Condong Bridge to the Bray Park Weir due to the bank stability and resident amenity issues.

Above Murwillumbah Bridge there is also a safety issue relating to the gravel shoal on the southern bank extending into the River. This shoal also has the effect of keeping boats from approaching the riverbank behind the properties along River Street.

As mentioned above, an alternative view from the Committee is to remove towing activities from the area above Murwillumbah Bridge.

Directors Comments:

There are a number of issues here, most of which had consensus through the Committee. On the following two issues there was differing opinions:

1. The proposed 4knot speed limit in the Rous River.
2. The banning of water-skiing upstream of Condong Bridge.

On the balance of consideration of the issue, I would recommend that Council adopt a stance of not suggesting a 4knot speed limit in the Rous River due to operational requirements and given that this river is not used extensively for boating.

On the issue of water-skiing, I would recommend that Council suggest that water-skiing activities be banned upstream of Murwillumbah Bridge.

Page	Description	Comment
P11	Lead Agencies Responsible	Department of Lands is the LAR <ul style="list-style-type: none"> • Owner of bed and banks • Routine navigational dredging for commercial fishing fleet • Provision of funding for ... Northern Rivers Catchment Management Authority is LAR for <ul style="list-style-type: none"> • Catchment Management
P12	Lead Agencies Responsible	Tweed Council <ul style="list-style-type: none"> • Small marina management approvals • River siltation? (remove)
P 12	Other admin roles	<ul style="list-style-type: none"> • Public marina – TSC & DIPNR under SEPP 71 • Private marina – TSC & DIPNR • Dredging – Dpt Lands has licensing role & DIPNR has consultative and possible consent role under SEPP 71.
P28	Carrying Capacity	It would be very useful to have the carrying capacity expressed for each reach (management section) of the river

P42	6.1.3 River Health Action Plan	Agree with all actions <i>Comment</i> that TSC may apply for grant funding for pump out facilities
P44	6.2.3 Habitat Protection Action plan	Agree with all actions <i>Add</i> – Monitoring of river health to be continued by TSC with an additional focus on potential impacts from boating activities.
P49	6.3.3 Safety action plan	<ul style="list-style-type: none"> • Agree and congratulate MA on initiative of trial • Agree • Agree and TSC to include fishing grounds within a planning policy • <i>Suggest add</i> – Monitoring to be undertaken to determine if any particular reach of the Tweed River is approaching or at its carrying capacity. • Agree with rest of actions
P52	Riverbanks – strategies	Agree with all strategies
P58	Infrastructure action plan	<ul style="list-style-type: none"> • Agree with inclusion that Council investigate appropriateness and desirability of this site as regional boat launch facility • Agree – TSC to develop management options for parking at T'gum and Kennedy Drive
P58	Safe Navigation	<i>Add action or strategy</i> – MA to provide advice to TSC and TRC on navigational issues in the Tweed River.
P60	Boating management	agree
P67 7.8	B004AA River entrance	<ul style="list-style-type: none"> • Agree – careful positioning of signs required to minimise impact on visual amenity for all signage actions • Agree with all others • <i>Note</i> that sand bank at Kerosene Inlet is important bird roosting site. The Estuarine Bird Monitoring Report (Rohweder, 2003) recommends that this sand bar be designated a “no beaching” zone and explanatory / educational signage be provided.
P76 8.8	B004AB Ukerebagh Isl to Rocky Pt	<ul style="list-style-type: none"> • Agree • Agree – signage or buoys to be placed near to launching areas to minimise visual impact • Remove scattered rock...As a result consider ... (TRC has resolved to divide boat harbour in half for swimmers and boat beaching and have erected signs.) • <i>Change last dot point in line with TRC resolution:</i> Recommend to Tweed Council the installation of bollards where required and planting of shade trees around the boat harbour to discourage the launching of vessels.

		<ul style="list-style-type: none"> • <i>Suggest add</i> – Support and encourage dredging of navigational hazards in main channel by TSC, Department of Lands and DIPNR.
P83 9.6	B004AC Rocky Pt to Barneys Pt	<ul style="list-style-type: none"> • Agree – signage or buoys to be placed near to launching areas to minimise visual impact • Agree • Agree • <i>Suggest add</i> – Support and encourage dredging of navigational hazards in main channel by TSC, Department of Lands and DIPNR. • <i>Note</i> – key on the figure gives incorrect symbols for “seagrass” & “erosion issues”.
P89 10.4	B004AD	Colonial Hacienda Caravan Park Boat Harbour
P91 10.8	B004AD Barneys Pt to Tweed BW	<ul style="list-style-type: none"> • Agree • Chinderah revetment work done, Oxley Cove next on list (will take several years to do due to funding). TRC have resolved to develop a management plan of the Oxley Cove river foreshores including to address bank erosion and revegetation. • Agree • Agree – replace “Colonial” with “Hacienda” • <i>Note for map</i>– erosion prominent on spit of land upstream of entrance to Oxley Cove
P99 11.7	B004AE Tweed BW to Rawson Isl	<ul style="list-style-type: none"> • Agree – change all references to “Little Stotts Island” to “Pelican Island” – although it does not have a formal registered name nor does it appear on maps. • Last dot point <i>change wording</i> – Investigate, in conjunction with Dept of Lands, Council and DIPNR through the Tweed River Committee, the feasibility of dredging an alternative channel in the wider stretch of river north of Pelican Island.

P106 12.7	B004AF Rawson Isl to T'gum	<ul style="list-style-type: none"> • Agree – note that Council may seek funding through WADAMP for construction of sandy beaches. <ul style="list-style-type: none"> o A definition of “wakeboarding” should be included in the final Plan to ensure that this measure is enforceable. • Agree – skiing times should be consistent across the river. <ul style="list-style-type: none"> o <i>Add</i> – point about 75 dB(A) noise limit o <i>Last point suggest</i> – Tweed Council to investigate the desirability and feasibility of relocating the boat ramp to another location in the Tumbulgum area and / or possible creation of a dedicated car and trailer parking area within Tumbulgum village. • Agree
P113 13.8	B004AG Rous River	<ul style="list-style-type: none"> • Disagree with 40 knot limit proposed – see additional notes above. <ul style="list-style-type: none"> o Monitor bank erosion – by whom and how, suggest that Council be encouraged to identify sites and put in place monitoring mechanisms such as aerial photo or GPS points. • Agree with exception of speed limit as above • Agree <ul style="list-style-type: none"> o Last point – <i>add</i> liaise with Council on the need for new facilities
P120 14.8	B004AH T'gum to Condong Boat Ramp	<ul style="list-style-type: none"> • Agree <ul style="list-style-type: none"> o Point 4 <i>suggest</i> – Recommend that Tweed Council investigate the desirability and appropriateness of a regional boating facility at Condong. Suggest the inclusion of ... • Agree
P129 15.9	B004AI Condong Boat Ramp to Mur'bah Bridge	<ul style="list-style-type: none"> • Congratulate MA on trial initiative. • Agree – remove wakeboarding • Agree – 40 Knot speed limit • Disagree with private mooring at this location - this reach is unsuitable for permanent mooring of vessels due to velocities, debris in flood, depth, accessibility, lack of dinghy storage facilities, noise, pollution, live aboards etc. An alternative overall strategy would be would be “to investigate suitable sites for provision of private mooring facilities”. • Disagree – see additional notes above. • <i>Add another point</i> - suggest include “no freestyling” rule be consistently added throughout Plan in urban areas. Therefore add in this section and possibly others “Promote and enforce PWC regulation about no freestyling within 200m of residential areas”

P136 16.7	B004AJ Mur'bah Bridge to weir	<ul style="list-style-type: none"> • Disagree - see additional notes above. • See above re skiing <ul style="list-style-type: none"> o Agree nav lights • Agree plus "No Towing zone" • "No towing zone"
P147 17.9	B004BA Terranora Inlet to Dry Dock	<ul style="list-style-type: none"> • Agree - recommend extension of no power boating from confluence with Tweed River to a point extending from the tip of Ukerbagh Island to point of bank near intersection of Dry Dock Road and Minjungbal Drive (that depicted as "seagrass" area in the B004BA map) • Agree • Agree <ul style="list-style-type: none"> o Reword 2nd point – TSC and NSW MA to review all future applications for additional houseboats. • Agree • Agree • Agree – dredging – <i>replace</i> DIPNR with Dept of Lands • Agree with all except 4 knot restriction for length proposed. <i>Suggest</i> – from Terranora Inlet to red beacon immediately upstream of Boyds Bay Bridge.
P157 18.8	B004BB Dry Dock to Big Isl	<ul style="list-style-type: none"> • Agree • Agree • Agree • Agree – note an application is with WADAMP for consideration for upgrade of Lakes Drive ramp • Agree
P165 19.7	B004BC Terranora BW	<ul style="list-style-type: none"> • Agree • Note – use of consistent terminology - "No Towing" instead of "No skiing or aquaplaning"
P171 20.6	B004BD Cobaki BW	<ul style="list-style-type: none"> • Agree • See comment above
<p>General Comment – minimise impact of signs on visual amenity through coordination and careful placement of signs. Congratulations to the NSW Maritime Authority for production of a well researched and well written document.</p>		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

1 [PE] Request for Amendment to the Tweed Local Environmental Plan 2000 and a Development Application (DA04/1100) for a Proposed Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

ORIGIN:

Development Assessment

FILE NO: DA04/1100 Pt1

SUMMARY OF REPORT:

Council resolved at its meeting of 3 November 2004 to defer the above matter in order that: -

- "a. Council can seek advice from Country Energy confirming that no trees need to be removed or lopped to supply power above ground as proposed.*
- b. Telstra can be asked to consider under ground supply of power in order to reduce environmental impact and the risk of interruption to the service at times of bush fire."*

Following this resolution Council officers advised the applicant of the above resolution and the following response has been received: -

"Telstra needs to do a full survey of the line to get a cost for putting the power underground. This process has been initiated and we will get back to Council as soon as we can. Can I suggest you push for the matter to be adopted at the forthcoming Council meeting anyway, whether to put the power underground or not can be sorted out by a condition in the DA.

In my experience if the power goes above ground the route generally zig zags across the road with some tree pruning/removal around the poles. Country Energy will clear overhanging limbs/remove trees 3 metres each side of the line. Telstra will request the lines are spaced vertically to minimise any clearing required and the poles are located to minimise vegetation damage.

The underground route is technically possible, but comes with cost implications that may make the base station as a whole unviable. The presence of existing pipes etc can have a significant impact on the costs.

Either way the method of power delivery is a detail we can resolve later in the process."

These comments are concurred with and it is considered possible to enable the application to be advertised with the above issue being resolved throughout the assessment of the development application.

RECOMMENDATION:

That: -

1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.
2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.
3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.

REPORT:

As per summary.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

2 [PE] Draft DCP No. 9 – West Kingscliff (Amendment 3) as Requested within DA04/1331 for a Supermarket Based Shopping Centre Comprising 5850m2 of Gross Floor Area & 243 On Site Parking Spaces at Lot 12 DP871753 & Lot 13 DP871753 Turnock Street, Kingscliff

ORIGIN:

Development Assessment

FILE NO: DA04/1331 Pt2

SUMMARY OF REPORT:

Council is in receipt of a Development Application seeking consent to construct a supermarket-based shopping centre, which has been accompanied by a request to amend Development Control Plan No. 9 – West Kingscliff.

The amendment is considered necessary as the map accompanying the current DCP identifies the subject land for low-density housing and drainage purposes. The applicant has requested that DCP No. 9 be amended by deleting reference to low density housing, changing the location of the drain, and nominating the subject site for retail/commercial, open space and conservation purposes (as detailed in **Attachment 1**). The applicant has supported this request with details of a preliminary structure plan for the whole of the Gales Holdings land.

The subject application was lodged with Council on 18 October 2004 and therefore no assessment has been undertaken by Council to date. However, it is considered necessary to advertise the proposed amendments to DCP No. 9 to ensure transparency and enable the public to understand the proposed development in its entirety. Such exhibition does not indicate Council's support of the amendment but rather facilitates an efficient determination.

Therefore, it is recommended that Council resolve to place the proposed amendments to Development Control Plan No. 9 – West Kingscliff (Amendment No. 3) on public exhibition in conjunction with the Development Application for a supermarket based shopping centre.

RECOMMENDATION:

That: -

1. To facilitate the efficient determination of a Development Application (which requires a major amendment to a Development Control Plan) as a matter of policy, Council delegates to the Director of Planning and Environment the authority to place on exhibition (as considered necessary) a proposed

amendment to the relevant Development Control Plan. Such exhibition does not indicate Council's support of the application, as the final determination of both the Amendment and the Development Application will be made by Council following consideration of submissions and Council's own review.

2. In accordance with recommendation 1 Council resolves to place the amendments to Development Control Plan No. 9 – West Kingscliff (Amendment No. 3), proposed by DA04/1331, on public exhibition for 28 days in accordance with the Environment Planning and Assessment Regulation 2000. The exhibition of the draft Development Control Plan No. 9 is to occur in conjunction with the public exhibition of DA04/1331.

REPORT:

Applicant: Gales Holdings Pty Ltd
Owner: Gales Holdings Pty Ltd
Location: Lot 12 DP 871753 & Lot 13 DP 871753, Turnock Street, Kingsclif
Zoning: Residential - 2(c) Urban Expansion
Cost: \$8,700,000

Council is in receipt of a Development Application seeking consent to construct a supermarket-based shopping centre comprising 5850m² of gross floor area and 243 on site car parking spaces at Turnock Street Kingscliff. The application necessitates the relocation of an existing drain, the construction of two new internal private access roads from Turnock Street and the importation of approximately 2-3 metres of fill over the supermarket envelope.

The Development Application has been accompanied by a request to amend Development Control Plan No. 9 – West Kingscliff, which currently identifies the subject land for low-density housing and drainage purposes. The applicant has requested that the DCP be amended by deleting reference to low density housing, changing the location of the drain, and nominating the subject site for retail/commercial, open space and conservation purposes. The applicant has supported this request with details of a preliminary structure plan for the whole of the Gales Holdings land.

The subject application was lodged with Council on 18 October 2004 and therefore no assessment has been undertaken to date. However, it is considered necessary to advertise the proposed amendments to DCP No. 9 in conjunction with the Development Application to enable the public to understand the proposed development.

Tweed Shire Council originally adopted Development Control Plan No. 9 – West Kingscliff in 1993. The DCP nominates preferred land uses and provides development controls to guide future development. Development at West Kingscliff has commenced in accordance with DCP No. 9 through the commencement of Elrond Drive alignment, commencement of trunk drainage network, the incorporation of low density housing areas and the incorporation of special housing in the form of a manufactured home estate.

In 2003 a Draft Development Control Plan No. 9 – Version 2 was presented to Council. Version 2 was an endeavour to build upon the “special place” that Kingscliff is and to ensure high quality development and environmental management for West Kingscliff. It included recommendations and design concepts for a Town Centre adjacent to Turnock Street west of the existing township – about 1500-20,000m² (which compares with Tweed City – 42,000m²).

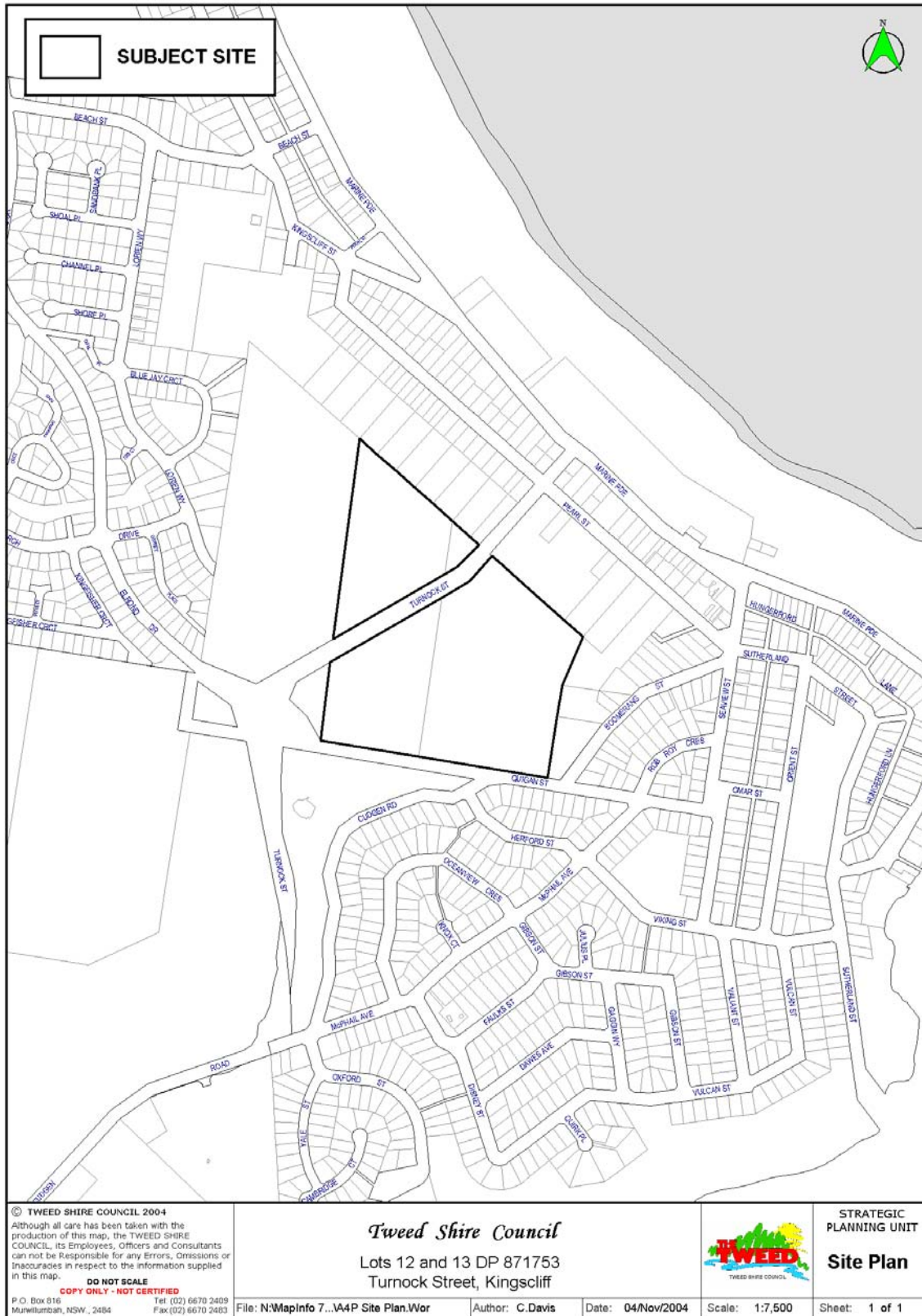
Version 2 of DCP No. 9 has not proceeded, as Council did not support key elements of the plan.

The applicant for the current development application now suggests that the proposed amendments to DCP No. 9 are necessary to accommodate the unprecedented growth and population pressure on the Tweed Coast, Kingscliff, and in particular West Kingscliff.

This is not the only occasion when Council is faced with amending a DCP if it wishes to approve a development application. In the past the development application has been assessed and if Council is of the opinion that the development application can be approved it has then proceeded with an amendment to the relevant DCP. This process is both time consuming and perhaps confusing to the local community.

Consideration has been given to whether this situation can be improved. One option would be to exhibit a draft amendment to the DCP concurrently with the development application. Such an exhibition would be on the strict understanding that it has no support of Council and that a formal Council decision in respect of the amendment will only be made following a review of relevant issues and any submissions received. That decision is likely to be made at the same time as the determination of the development application.

SITE DIAGRAM:



© TWEED SHIRE COUNCIL 2004
 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map.
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
 P.O. Box 816
 Murwillumbah, NSW, 2484
 Tel (02) 6670 2409
 Fax (02) 6670 2483

Tweed Shire Council
 Lots 12 and 13 DP 871753
 Turnock Street, Kingscliff
 File: N:\MapInfo 7...A4P Site Plan.Wor Author: C.Davis Date: 04/Nov/2004

 TWEED SHIRE COUNCIL	STRATEGIC PLANNING UNIT
	Site Plan
Scale: 1:7,500	Sheet: 1 of 1

Proposed Amendments to Development Control Plan No. 9 – West Kingscliff (Amendment No. 3)

The adopted DCP No. 9 identifies the subject site for the following land uses;

- Low density housing;
- Drainage, and
- A collector Road

The applicant for DA04/1331 proposes to amend DCP No.9 by:

- Deleting reference to low density housing;
- Changing the location of the drain; and
- Nominating the site for retail/commercial, open space and conservation purposes in accordance with **Attachment 1**.

The applicant has substantiated this request by providing the following justifications:

- (a) *The application is accompanied by a comprehensive economic impact assessment that concludes that there is a clear, pressing and immediate need for development of additional convenience shopping facilities in Kingscliff;*
- (b) *Residents of Kingscliff and other coastal localities are presently significantly inconvenienced by the need to travel to more distant centres to carry out their regular shopping;*
- (c) *Current supply of supermarket floor space in Kingscliff is 160m² per 1000 population which is only about half of the national average of 305m² per 1,000 per population;*
- (d) *DCP 51 – Tweed Coast Strategy identifies that the existing Kingscliff local centre has the potential to expand along Turnock Street to cater for the needs of an expanding population at West Kingscliff*

OPTIONS:

1. Resolve to exhibit draft DCP No 9 (Amendment No. 3) and the Development application concurrently.
2. Await preliminary assessments before exhibiting draft DCP No. 9 (Amendment No. 3).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should Council determine not to advertise the proposed amendment to Development Control Plan No. 9 – West Kingscliff in conjunction with the Development Application later delays may occur. The applicant has a right to lodge an appeal with the Land and Environment Court if a determination of the development application is not made in accordance with the time provisions in the Act.

POLICY IMPLICATIONS:

If this Development Application were to be approved without the amendment of Development Control Plan No. 9 – West Kingscliff, the integrity of the DCP would be compromised.

CONCLUSION:

Whilst Council has not had an opportunity to undertake an assessment of the proposed amendments to DCP No. 9, it is considered important to advise the public that the proposed Development Application does require an amendment to Development Control Plan No. 9 – West Kingscliff. The combined exhibition will ensure transparency and enable the public to understand the implications involved in determining this application.

It would also be appropriate to have in place adopted procedures in the event that similar situations arise in the future.

UNDER SEPARATE COVER:

1. Map - Proposed Amendment to DCP9
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

**3 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 51 -
Reclassification of Land at Rosewood Avenue, Bogangar, to Operational
Land**

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/51

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No 51, was publicly exhibited between 18 August 2004 and 17 September 2004. A further Public Hearing was held on Thursday, 23 September 2004 at the Cabarita Beach Sports Centre. During the public exhibition two submissions were received and there were five representations made at the Public Hearing.

It is concluded that the public consultation process has not identified any issues indicating the reclassification should not proceed as proposed in the draft LEP.

RECOMMENDATION:

That in accordance with Section 68 of the Environmental Planning & Assessment Act 1979, Draft Tweed Local Environmental Plan, Amendment No 51, be forwarded without amendment to the Director of the Department of Infrastructure, Planning & Natural Resources for a report to the Minister under Section 69 of the Act.

REPORT:

Background

Council, at its meeting of 20 August 2003, considered a report with respect to two (2) parcels of community land under its ownership in Rosewood Avenue and Hastings Road, Bogangar. Both parcels are identified (Tweed LEP 2000) as future car parks and Council was considering its options with respect to the land. Council subsequently resolved as follows:

“That Council proceeds with:

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

Pursuant to point 2. of the above resolution, Council further resolved at its meeting of 17 September 2003 as follows:

“that Council:

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

Following issuance of a Section 65 certificate the draft LEP was notified to surrounding landowners, advertised in the Tweed Link newspaper and publicly exhibited for a period

of 28 days from 18 August 2004 to 17 September 2004. The exhibition process was undertaken in accordance with DIPNR's guidelines for "LEPs and Council Land".

Notice of a public hearing, as required by Section 29 of the Local Government Act 1993, was also given in conjunction with the public notification and exhibition process. The public hearing was held on Thursday 23 September, 2004 in the Cabarita Beach Sports Centre.

Purpose Of Report

The purpose of this report is to facilitate Council's consideration of any submissions arising from public notification/exhibition of the draft LEP and the report of the public hearing. A copy of the draft LEP is attached (Attachment 1).

Notification/Exhibition Of Draft LEP

In response to the notification/exhibition process two (2) submissions were received. The submissions are objections details of which are contained in the following extracts:

"(i) Hansen Development Pty Ltd (Ken Hansen)

I strongly object to Lot 3 DP 842350 (previously lot 180 DP 359164) being reclassified to operational land, that could change its future use from car park, as presently designated.

When we built Hastings Road in 1978/79 the Tweed Shire Council insisted that we provide two car parking areas – one south and one north to cater for the expansion of the commercial areas of Hastings Road and Coast Road.

I was concerned at the size of the requested car park dedication, from me, for the small amount of blocks being developed, but agreed that it was necessary, when it was stated that it was the Shire's intentions to purchase the adjoining blocks on the Coast Road to insure adequate parking would be available at both ends of the commercial areas. Note how the rear boundaries of the allotments adjoin for this purpose.

Plus the dedication of 3m at the rear of each of the developed blocks being half of the intended Right of Way between the dedicated car park areas. We also installed the drainage and paid for our half of the construction costs of the Right of Way, up front, prior to the release of the plan.

When we saw building approvals being granted a few years later on the land that Council was supposed to be purchasing – I inquired, how this could be and was told that "they considered any extra land for car parking was unnecessary as Hansen had provided plenty for the purpose".

Your plan of Lot 3 DP 842350 shows that Council has already eroded the originally dedicated allotment by allowing encroachments from adjoining properties on both the north east and south east corners of the site.

Council identified the need for adequate parking to the north and south of the commercial area 25 years ago. It was with their assurance that they were purchasing the Coast Road land, when these areas were dedicated. Council has already halved the parking area by not proceeding with their side of the bargain to purchase the Coast Road land, and now they propose to reduce it even further and take away the vital northern location.

By removing the northern section it will take away the only safe location for traffic using the Right of Way access/egress Hastings Road from/to the north.

Vehicle movements have greatly increased over the past 25 years, together with Rosewood Avenue now being a vital link to the Motorway, making it even more important to provide increased parking, not decrease it as the northern lots have yet to be developed.

(ii) Cabarita Beach / Bogangar Residents' Association Inc.

We refer you to Council's correspondence dated March 5, 1979 (Reference GL>JD S18F/462) wherein this land was so designated and also to the Draft Development Control Plan of February, 2004 where the Steering Committee recommended that current zonings in Hastings Road be retained for future expansion.

You will be aware that our village has limited parking at the present time and even with the additional multi-storey carpark at the rear of Cabarita Centre, this will not be sufficient to meet our present needs, much less those needs which will be generated with the future development of commercial properties on Hastings Road.

We therefore strongly oppose the change in designation of this land and its subsequent sale".

Both of the foregoing submissions essentially relate to the historical acquisition and dedication of the land for car parking purposes, and the perceived need for public car parking in or near the Cabarita Centre.

While reclassification of the land would permit its sale and/or subsequent development for purposes other than car parking, the reclassification does not itself preclude or alienate its future use as a car park. Any development of the land, whether for car parking or other, say commercial/residential, purposes may require a rezoning and would also require the submission and approval of a development application. Amongst other things, such an application would need to address the zoning of land, viz. Special Uses 5(a), and its designation as a car park. This draft LEP does not pre-empt any considerations in that regard.

The draft LEP was also referred for comment to the following government authorities:

- Department of Infrastructure Planning & Natural Resources (Grafton).
- NSW Agriculture.
- NSW Roads & Traffic Authority.
- NSW Rural Fire Service.
- NSW Department of Environment & Conservation (EPA & NPWS).
- Telstra.

None of the foregoing raised any objection or had any specific requirements for the draft LEP.

The Public Hearing

The public hearing was chaired by Martin Findlater of Martin Findlater & Associates Pty Ltd. It was held on Thursday 23 September, 2004 (commencing 6.30 pm) at the Bogangar Community Centre.

The report of the public hearing was delivered to Council on Thursday 14 October, 2004. A copy of this report is attached (Attachment 2). The report makes the following conclusions and recommendations:

“Conclusion

My conclusions based on the findings of the public hearing are:

1. *Lot 3 DP 842350 can be reclassified to operational without pre-empting a decision on the final use of the land.*
2. *Any sale and future use of Lot 3 DP 842350 should take into consideration it's zoned and dedicated purpose.*
3. *Prior to any sale of the property which may lead to its loss as a carpark Council should undertake a study to determine the parking demands for the northern end of Hastings Road.*
4. *The public should be given the opportunity to comment on any such study carried out as part of conclusion 3.*

Recommendation

I recommend Lot 3 DP 842350 be classified to operational”.

Conclusion

It is concluded that the public consultation process has not identified any issues which indicate that the reclassification should not proceed as proposed in the draft LEP.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

4 [PE] Proposed Rezoning - Seabreeze Estate, Pottsville

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

The Strategic Planning Work Program includes the preparation of a draft Local Environmental Plan Amendment for the Seabreeze Estate, Pottsville, including a possible school site. To date other items on the Program have not allowed for any work to proceed on this item.

Metricon are currently developing the Seabreeze Estate. Metricon are seeking for the land zoned 1(a) to be zoned for urban purposes (13ha), school (6ha) and open space (14ha), as indicated by Figure 1.

The land currently being developed was rezoned in 1995. The LEP Amendment was accompanied with the necessary Environmental Study.

The land is former grazing land, is flat and appears to be devoid of any environmental significance.

Notwithstanding the current lack of an analysis of relevant planning issues, the additional land could be seen as a rounding off of the Seabreeze Estate. Moreover, if the land is suitable for development it would ensure greater use of public infrastructure.

In terms of Council's Residential Development Strategy the then Department of Urban Affairs and Planning have previously raised no objections to the expansion of the Black Rocks Estate; and indications have been given that Seabreeze could be given similar treatment.

RECOMMENDATION:

That:

1. Council informs the Director-General of the Department of Infrastructure, Planning and Natural Resources, of its intention, pursuant to Section 54 of the Environmental Planning and Assessment Act, to prepare a draft Local Environmental Plan for land currently zoned 1(a) Rural at Seabreeze, Pottsville.
2. The proponents be required to fund a Consultant to undertake the necessary work to complete the project.

REPORT:

The Strategic Planning Work Program includes the preparation of a draft Local Environmental Plan Amendment for the Seabreeze Estate, Pottsville, including a possible school site. To date other items on the Program have not allowed for any work to proceed on this item.

Background

Metricon are currently developing the Seabreeze Estate. Metricon are seeking for the land zoned 1(a) to be zoned for urban purposes (13ha), school (6ha) and open space (14ha), as indicated by Figure 1.

	TLEP 2000	Proposed LEP Amendment
Urban Expansion 2(c)	57.9ha	72.5ha
Rural 1(a)	35.4ha	Nil
Environmental Protection	1.5ha	2.2ha
School	Nil	6.0ha
Link Road	Nil	0.4ha
Open Space	Nil	13.7ha
Total	94.8ha	94.8ha

The land currently being developed was rezoned in 1995. The LEP Amendment was accompanied with the necessary Environmental Study.

The land is former grazing land, is flat and appears to be devoid of any environmental significance. A major issue is the fact that the land indicated for rezoning is currently flood liable and the proponents have indicated that:

"The land proposed for rezoning, as with some of the land already zoned for residential development, is flood prone. Filling of an additional 14.6 hectares of flood prone land can still be catered for within the earthworks balance for the site. Preliminary estimates (Cardno & Davies) indicate that about 400,000m³ of fill would be necessary to raise all of the potential residential land to the 1:100 year flood level.

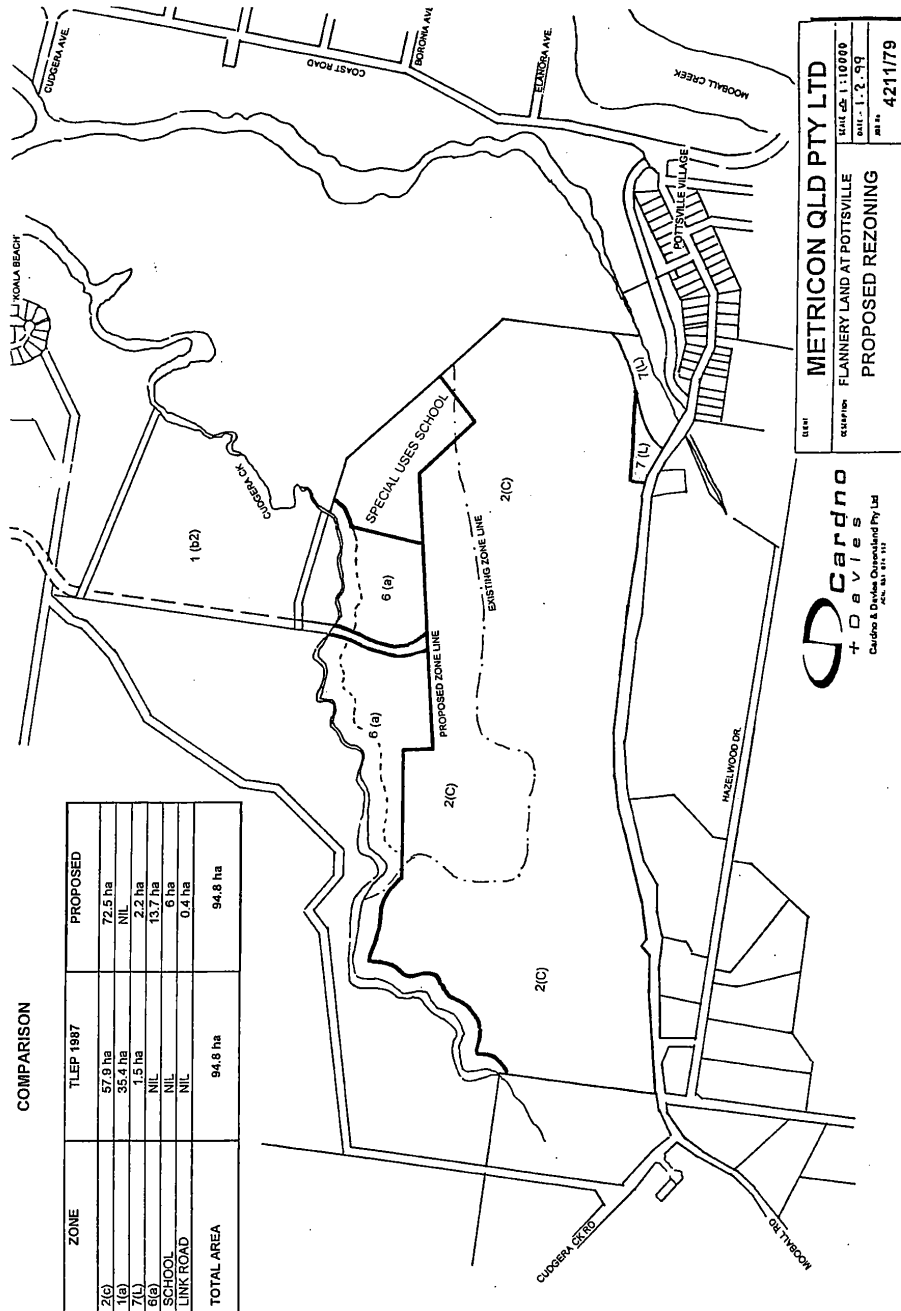
An environmental study was prepared for this land (Ian Pickles Town Planning Pty Ltd, September 1994) in conjunction with the original rezoning process. It found that the (then) proposal to fill about 10 hectares of the land amounted to the infilling of about 1% of the Cudgera Creek floodplain and that, on the basis of previous local flood studies, the loss of that amount of flood storage would have a negligible impact on the floodplain. Subject to appropriate engineering verification, it is likely that the same conclusion would apply in the case of this new proposal".

Notwithstanding the current lack of an analysis of relevant planning issues, the additional land could be seen as a rounding off of the Seabreeze Estate. Moreover, if the land is suitable for development it would ensure greater use of public infrastructure.

In terms of Council's Residential Development Strategy the then Department of Urban Affairs and Planning have previously raised no objections to the expansion of the Black Rocks Estate; and indications have been given that Seabreeze could be given similar treatment.

Indications from the Engineering Services Division are that there are no strategic infrastructure issues. There may be resultant localised infrastructure upgrading which would have to be funded by the proponent.

Figure 1



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

5 [PE] Tweed Shire Social Plan 2005-2009 - Adoption Following Exhibition

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

This report describes the public exhibition of a new Social Plan for Tweed Shire for the period 2005-9, and recommends adoption of the Plan by Council.

Four submissions have been received during the exhibition period, and appropriate amendments have been made to the Plan to accommodate them.

RECOMMENDATION:

That Council:

1. Adopts the exhibited Tweed Shire Social Plan 2005-2009, as amended following its exhibition, for forwarding to the Department of Local Government prior to 31 November 2004.
2. Further considers the Quality of Life Program that will be presented by the Executive Management Team for inclusion in the Management Plan and Budget for 2005, and subsequent years to 2009.

REPORT:

Background: Requirements of the Local Government Department:

Since 1999 the Social Plan has been updated annually. Under the NSW Social Planning Regulations a social plan must be reviewed after 5 years, which falls in 2004. A programme to prepare a new Social Plan was therefore required this year.

The Dept. of Local Government has reviewed its 1998 Social Planning and Reporting Guidelines/Manual, which define the essential components of a Social Plan as:

- A demographic profile of the community,
- A human needs assessment using a participatory process,
- Identification of target groups, and the assessment of the needs of seven mandatory groups,
- Assessment of the effectiveness of the council's previous social/community plan in terms of implementation of recommended actions and community outcomes,
- A list of recommended actions to improve community well being and to enable council to choose priority activities.

The primary purpose of the Social Plan is to provide Council with a list of recommended actions to improve community well being, so that it can choose priority activities to be included in the Management Plan.

Principal Features of the Plan:

Plan Structure

The new Social Plan builds on the earlier social plans, which were organised as four Strategies dealing with:

Community Planning
Community Facilities
Community Services
Community Groups

Each Strategy includes a range of projects and actions for Council consideration, and recommendations for priorities to improve community well being in the Shire. The Strategies are supported by the Needs Assessments (Attachment 1), a demographic summary, and discussion of Council's role in building social capital in the community. There is one addition, a quality of life program to incorporate a package of projects over the five year period.

The Quality of Life Program

Council will develop and execute an enhanced 'Quality of Life Program'. It has highlighted quality of life strategies as its response to the community Needs Assessment. It will incorporate some existing activities and programs, and a range of new activities in the area of community support and cultural activities and events, aimed at community capacity building.

These will be funded through a mixture of grants, S94 contributions and a general rates package of 'Quality of Life' projects. Thus for example, arts and cultural activities with social, economic and urban design objectives, utilising libraries, art gallery, museums and local halls will be promoted and funded in the community; while a new program of community services and facilities for particular disadvantaged groups will be formulated to expand community resources in caring for these groups over the five year period.

The Social Plan Strategies for 2005-2009 will allow for the evolution of this 'Quality of Life Program' as partnerships are formed and resources to implement it are identified and targeted. Most are not yet at the stage of funding commitment. Examples of specific projects include an Older Persons Housing Policy, support for Services for Children with Disabilities, a Neighbour Aid Scheme for frail aged people, and Youth Club initiatives.

Headline Initiatives in the Social Plan include measures to:

- Initiate a Quality of Life Program to maintain service levels for the community,
- Encourage social participation and development of young people,
- Place young adults in permanent employment, especially by promoting locally owned enterprise,
- Increase capacity for care of the frail aged, including respite, appropriate housing arrangements and improved accessibility,
- Develop tertiary education and training resources in the Shire,
- Increase the capacity of human and health services, and coordinate their delivery in the community,
- Promote affordable housing, sustainable active transport and mixed-use local centres in new urban neighbourhoods,
- Establish a long-term funding program for community facilities.

Exhibition of the draft Social Plan:

Council resolved at its meeting on 6 October 2004 that:

"... the Council endorses the draft Social Plan 2005-2009 for public exhibition for a period of 28 days, prior to its final adoption and forwarding to the Department of Local Government in November".

The Plan has been exhibited for 28 days from 12 October at Council's Civic Centres and on Council's website.

Four submissions have been received, as set out below:

- The Public Transport Development Project:
 - supports the Social Plan's viewpoint on transport as a major social issue,
 - encourages Council to develop sustained linkages between plans, strategies and actions to ensure a cohesive and informed planning framework,
 - recommends locality plans include the PTWG and Local Area Land Councils to ensure all sections of the community are adequately represented,
 - recommends a series of actions to increase the effectiveness of the transport-related Strategies in Section Seven of the Social Plan.

- Tweed, Byron & Ballina Community Transport Inc.:
 - comments on the impact of the Social Plan on the availability of transport for people in the Shire, and on Council's community planning role, facilities and services, and its low level of expenditure on high needs groups,
 - details the current constraints on providing adequate community transport, noting that CT is not a substitute for publicly available transport options,
 - concisely describes the target groups serviced by Community Transport within its limited resources, to fill unavoidable gaps in transport availability.

- Pottsville Community Association Inc:
 - supports the intent of the Social Plan, but recommends an accelerated rate of increase in community expenditure per capita,
 - encourages development that creates sustainable employment,
 - encourages infrastructure needs to be put in place in the early stages of developments,
 - supports more appreciation and usage of current assets,
 - supports a truly usable and effective public transport system,
 - supports a subsidy scheme for the cost of joining organised sporting activities.

- Mr Jeff Baldwin:
 - is critical of progress with previous Social Plan projects, the addressing of disability issues and the lack of urgency in increasing community service expenditure per capita.

These submissions, whilst raising a number of issues, do not detract from the inherent message of the draft Social Plan: namely that greater attention needs to be placed on the social and community needs of a rapidly growing community. It is essentially for that reason that the Quality of Life Program has been nominated in the draft Plan. Work is proceeding on preparing such a Program which should be completed in time for consideration as part of the Budget deliberations next year.

The issues concerning transport, employment and disability issues must also be addressed in other venues with the implementation of the priority actions in Tweed 4/24 Strategic Plan.

By this means, an integrated approach to the management of the Tweed can be achieved.

Conclusions:

The proposed draft Social Plan will establish a more effective and integrated process to plan for the future wellbeing, facility requirements and human service needs of the growing Shire community.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council will determine which community projects and actions, and any associated costs, are included in the 2005-2009 Management Plans to implement the Quality of Life Program.

Strategic Planning budget has provided for the cost of a consultant to update the Community Profile.

There will be minor costs associated with holding consultations and forums.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

6 [OGM] Regional Co-ordination Agreement - Southern Regional Organisation of Councils

ORIGIN:

Administration Services

SUMMARY OF REPORT:

A new agreement has been prepared for the Southern Regional Organisation of Councils. Signing of the document is now required.

RECOMMENDATION:

That:

1. Council remains a member of the Southern Regional Organisation of Councils.
2. The Regional Co-ordination Agreement be executed under the Common Seal of Council

REPORT:

In 1992 Council signed an agreement with Beaudesert Shire Council, Gold Coast City Council, Logan City Council, Redland Shire Council and Albert Shire Council. The purpose of the agreement was for the member Councils to co-operate and consult with each other with respect to regional issues so as to further the objective of orderly and co-ordinated development of the region as a whole.

The 1992 agreement was subsequently varied by the various Councils in 1997, since that time Albert Shire Council and the Gold Coast City Council as they then existed, have been abolished and a new Gold Coast City Council has been created to encompass the former areas of those Councils. The new agreement recognises the abolition of the former Councils and their replacement by the Gold Coast City Council.

The agreement is basically the same as the 1992 agreement.

Financial Implications

Member contributions are based upon the proportion of population of each Council area to the budget requirements. However, the contribution paid by Tweed Shire Council is a fixed amount per annum. The contributions paid are as follows:

1992	\$7,470
1993	\$8,670
1994	\$10,000

Termination of Agreement

Council may resign from this organisation at any time effective from 30 June in any year provided notice is given prior to 31 May in that year.

CONCLUSION

Council has been a member of this organisation since 1992. Over this period delegates have provided positive feedback as to its operation, based upon this information it is recommended that Council remain a member of this organisation and the Regional Co-ordination Agreement be executed under the Common Seal of Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial implication as stated above.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

7 [OGM] Rural Villages Development (RVD) Program 2004-2005

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

Applications from community organisations within the Shire for funding under the Rural Village Development (RVD) Program for 2004/2005, have been received by the Program Co-ordinator, Cath Donaldson.

Summations of the funding applications are detailed in this report.

RECOMMENDATION:

That the following applications for funding under the Rural Village Development (RVD) Program for 2004/2005 be approved :-

Uki Village & District Residents Association	\$16,600
Tyalgum District and Community Association	\$ 6,500
Stockers Siding Community Association	\$ 4,020
Chillingham Community Association	\$16,122
Kunghur Hall Committee	\$ 2,500
Mooball Movers Inc	\$15,000
Crabbes Creek	\$ 6,000
Chinderah Community Association	\$15,000
Fingal Community Association	\$15,000

REPORT:

Rural Villages Development Program guidelines and an application process have now been put in place for this year's funding. All rural communities were invited to put in a submission, via an expression of interest in the September Tweed Link.

An allocation of \$100,000 exists in the 2004/2005 Budget for Council's contribution towards projects approved in the Rural Village Development Program.

Ten communities expressed an interest and all submitted an application by the end of October. These were taken to an Assessment Panel meeting on 8 November 2004, and recommendations for approval for funding is outlined below. In respect to Tumbulgum Community Association, it is suggested that their 2004/2005 application be funded from the unspent balance of their 2003/2004 allocation.

Uki

There were 6 projects approved:

1. Buttery (verandah security)
2. Buttery (signage)
3. Sweetnam Park Garden (labelling)
4. Landscaping – Timber Art Trail
5. Handmade in Uki – set up costs
6. Tree Planting Program

Total funding: \$ 16,600

Tyalgum

There were 3 projects approved:

1. Directional sign/sculpture at cnr Kyogle/Tyalgum Road
2. Centenary Monument Sculpture
3. Historic –Centenary Photographic project for exhibition

Total funding: \$ 6,500

Stokers Siding

There were 3 projects approved:

1. Fence between community hall and school residence
2. Village centre landscaping at railway crossing
3. Community Hall improvements

Total funding: \$ 4,020

Chillingham

There were 2 projects approved:

1. Installation for power to creamery shed and security wiring at Community Centre
2. Contribution towards pathway from community centre to school

Total funding: \$16,122

Kunghur

There was 1 project approved:

1. Completion of new driveway

Total funding: \$ 2,500

Mooball and Burringbar

There was 1 project approved:

Mooball

1. Barbeque in new area near toilets

Total funding: \$ 15,000

Crabbes Creek

There was 1 project approved:

1. Timber Bus Shelter project

Total funding \$ 6,000

Chinderah

There was 1 project approved:

1. Barbeque in park near toilets

Total funding \$ 15,000

Fingal

There was project approved:

1. Improvements to facilities at the old Harbour

Total funding \$ 15,000

Total 2004/2005 RVD Approved

\$ 96,742
(funded by Council)

Two applications for disabled improvements to community halls at Tumbulgum and Kunghur were not approved for funding within this allocation, as an alternative source of funding was identified.

The Co-ordinator, Cath Donaldson, is to meet and discuss the projects with relevant Managers, once they have been approved. Project management procedures will be implemented to ensure compliance with regulations such as safe work practice and Occupational Health & Safety issues.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

An allocation of \$100,000 exists in the 2004/2005 Budget for Council's contribution towards projects approved in the Rural Village Development Program.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

8 [OGM] Monthly Investment Report for Period Ending 31 October 2004

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

RECOMMENDATION:

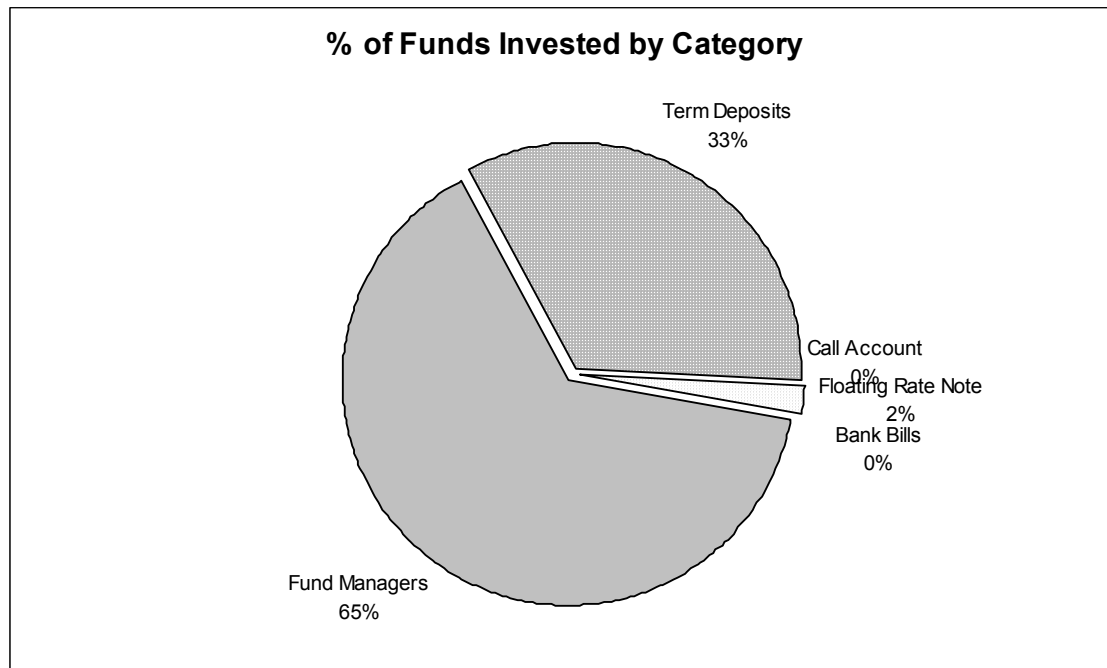
That this report be received and noted.

REPORT:

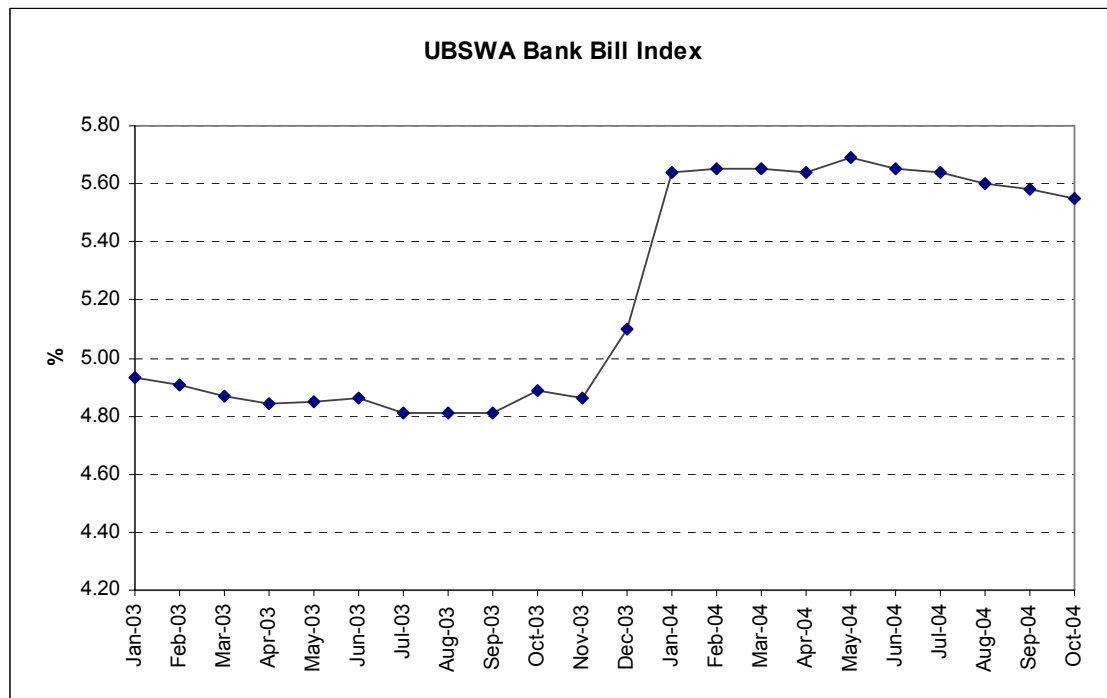
Report for Period Ending 31 October 2004

The "Chief Financial Officer" being the responsible accounting officer must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with the Local Government Act (1993), the Regulations and Council policies.

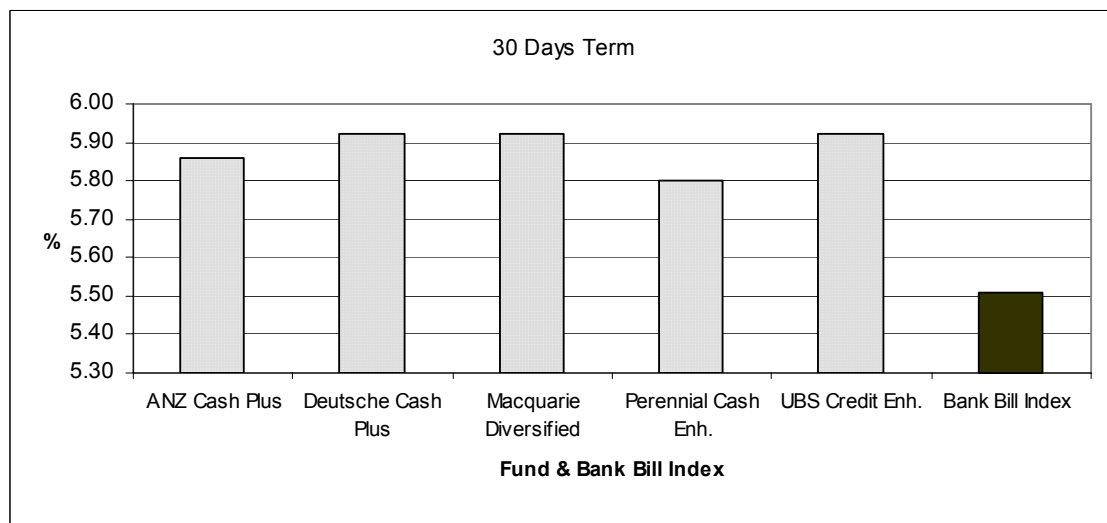
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



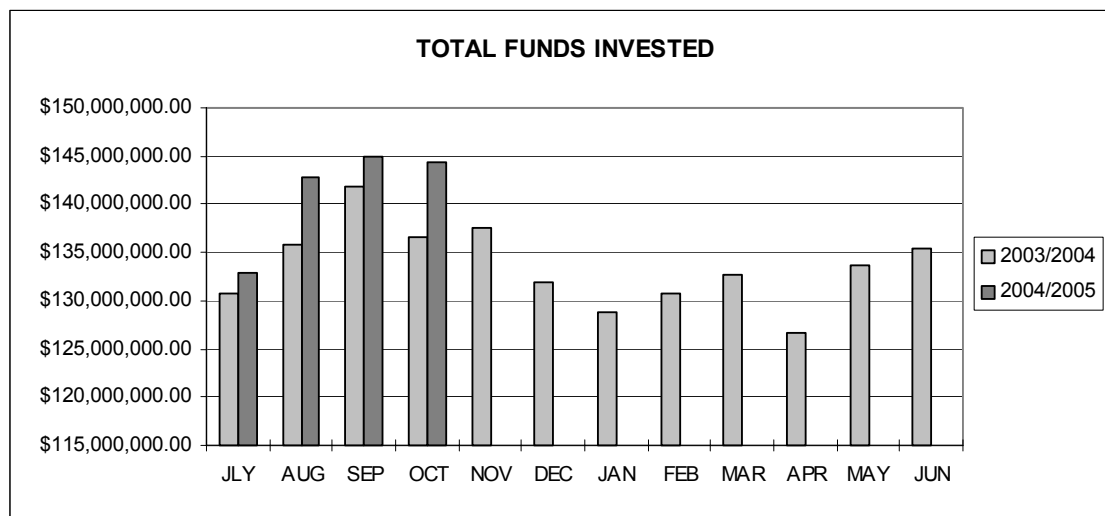
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



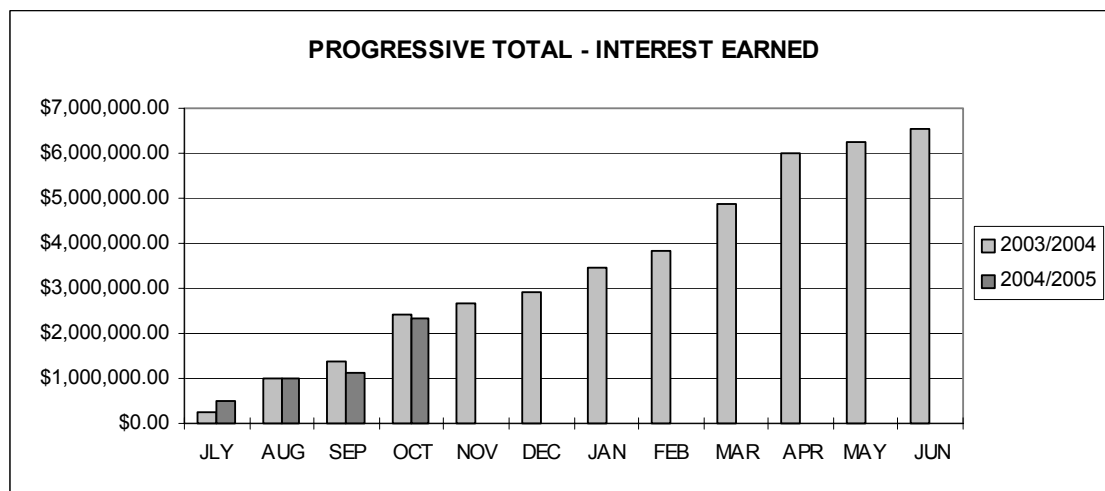
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

Domestic Market

Building approvals data fell 3.8% in the last month. This was the sixth consecutive monthly fall and well below market expectations. Building approvals have now fallen 25% since their peak back in September 2003. This is good news for the economy as the risks associated with the housing bubble starting to dissipate.

Retail sales growth came in at 0.8% for the month, again slightly weaker than expected. Year to date growth now stands at 6.0%.

The annual rate of inflation eased to 2.3% from 2.5% previously. Higher fuel costs and house prices were offset by weaker prices for cars, fresh food and pharmaceuticals. Inflation is now at the lower end of the Reserve Bank's 2-3% target range. With high oil

prices and a stronger Australian dollar, any urgency to raise interest rates has now been removed for the time being.

The NAB Business Survey revealed a sharp rise in business confidence this month and an overall sense that domestic economic conditions remain relatively strong. Domestic financial markets had a mixed month. Australian shares rose 3.1% in October to be up 15.5% from a year ago. Bond yields however fell 12 basis points to finish at 5.35%. The Australian dollar finished higher against the US dollar, rising 3.1%. Oil prices hit new records in October, rising 77% over the past year.

International

The International Monetary Fund (IMF) published its global economic forecasts this month. It expects the global economy to grow by 5.0% in 2004, the fastest rate in three decades. Weaker than expected growth in the US should be offset by stronger than expected activity in the rest of the world. The IMF also warned that higher oil prices would detract from projected world growth in 2005.

The US Federal Reserve is expected to take official interest rates to 2.0% from its current level of 1.75% following its Committee meeting next month.

China caught the markets by surprise this month, raising its one-year interest rates by 0.27% to 5.58% to ensure inflation is kept under control. This was the first rate hike in 9 years. China's reported GDP figures showed annual growth of 9.1% as at the end of the quarter. This represents a marginal contraction from the 9.6% pace set in the March quarter but is still very strong.

7. INVESTMENT SUMMARY AS AT 31 OCTOBER 2004

GENERAL FUND			
	TERM DEPOSITS	28,282,625.00	
	FUND MANAGERS	27,750,614.02	
	FLOATING RATE NOTE	0.00	
	CALL	0.00	56,033,239.02
WATER FUND			
	TERM DEPOSITS	2,200,000.00	
	FUND MANAGERS	41,317,449.92	43,517,449.92
SEWERAGE FUND			
	TERM DEPOSITS	17,800,000.00	
	FUND MANAGERS	23,931,957.32	
	CALL	0.00	
	FLOATING RATE NOTE	3,000,000.00	44,731,957.32
		TOTAL INVESTMENTS	144,282,646.26

It should be noted that the General Funds investments of \$56 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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



Chief Financial Officer (Responsible Accounting Officer)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

9 [OGM] Council Vehicle Accident Reports (1 April 2004 to 30 September 2004)

ORIGIN:

Administration Services

SUMMARY OF REPORT:

Following is a summary relating to accidents in which Council vehicles have sustained damage during the 6 month period from 1 April 2004 to 30 September 2004.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The following summarises accidents involving Council vehicles for the period 1 April 2004 to 30 September 2004.

Twenty-four incidents occurred involving Council vehicles during the period.

Of these there were 5 damaged windscreens, 6 incidents where a council vehicle caused damage to a private vehicle, 8 instances where a council vehicle connected with an object, 3 cases of damage due to unknown causes and 2 incidents where a private vehicle caused damage to a council vehicle.

The total cost of repairs to Council vehicles is \$16,219.52.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Expenditure is allocated against the Plant Number.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

10 [EO] Classification of Land

ORIGIN:

Design

FILE NO: DA02/1422 Pt19

SUMMARY OF REPORT:

Pursuant to conditions of consent in the SALT development at Kingscliff, Lot 469 is proposed to be transferred to Council for a sewerage pumping station.

Proposed Lot 469 is to be transferred to Council following registration of a plan of subdivision of Lot 228 in DP 1069887 at South Kingscliff. It is necessary to classify this Lot as "operational" under the provisions of section 31 of the Local Government Act, 1993.

RECOMMENDATION:

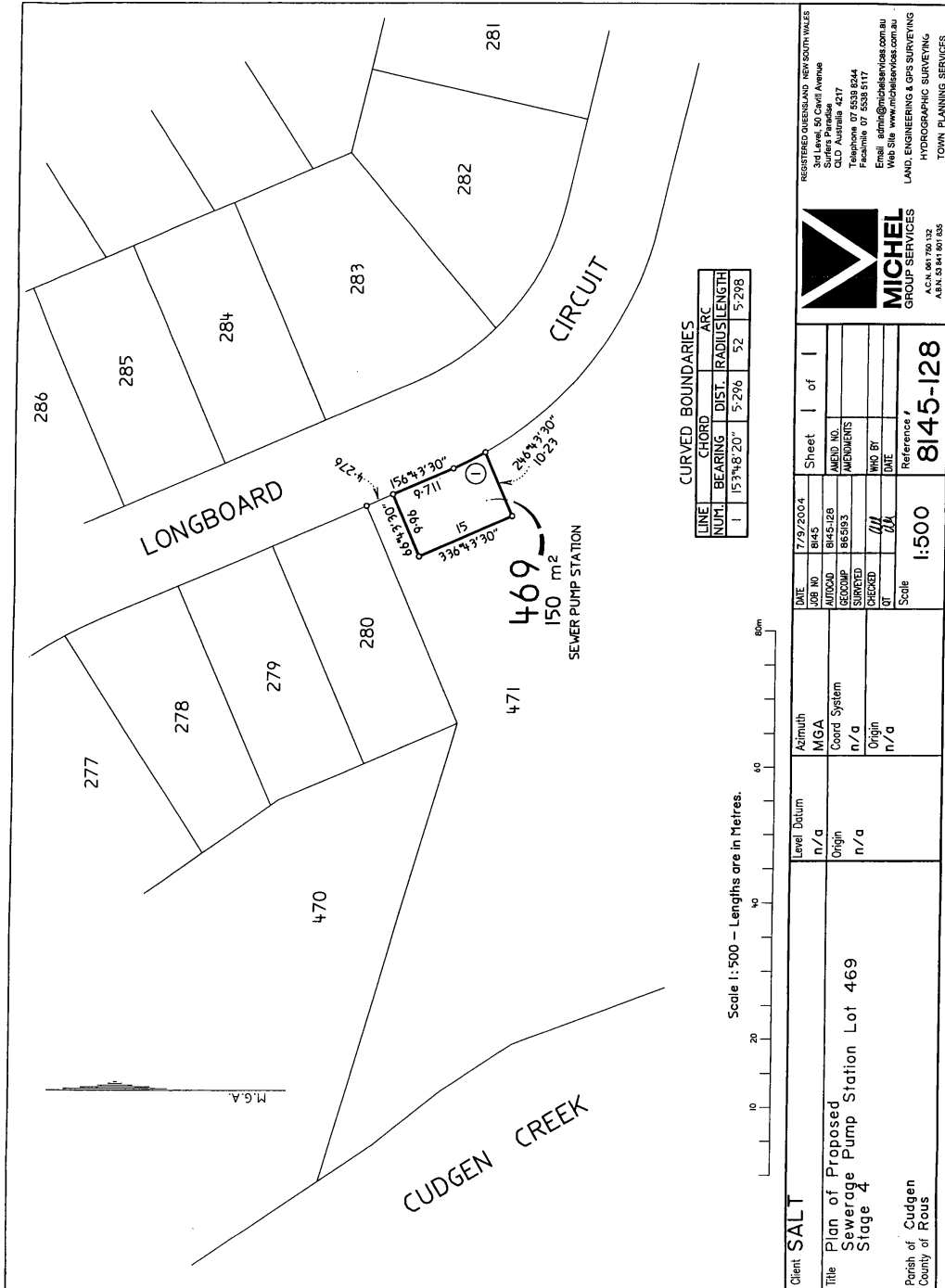
That:-

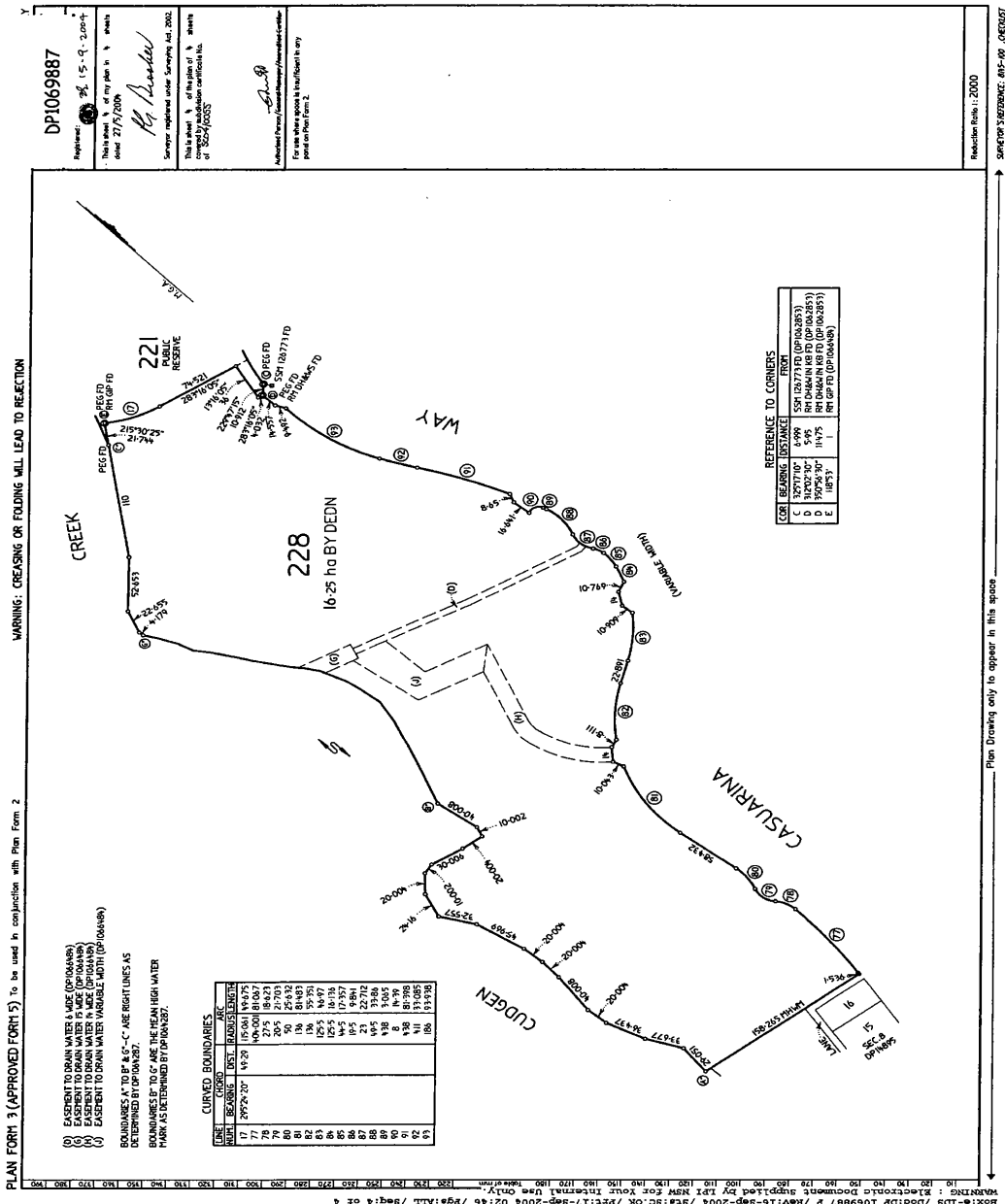
1. The land proposed to be transferred to Council as sewerage pumping station, described as proposed Lot 469 in the plan of subdivision of Lot 228 in DP 1069887 at South Kingscliff be classified as Operational under section 31 of the Local Government Act, 1993.
2. All necessary documentation to be executed under the Common Seal of Council.

REPORT:

As per Summary of Report.

A copy of the plan of subdivision of Lot 228 in DP 1069887 together with a location plan of Lot 469 follows this report:-





<http://gisweb/plans/dp1069887p.tif>

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

11 [EO] Table of Council Land Classified as Operational

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting held on 1 September, 2004, Councillor Dale requested a list of all Council held lands, classified as "Operational", including details of valuations for each parcel and permissible uses.

A table is attached to this report, showing area, location, use and 2002 valuations. This table was derived from Council's financial reports which show all properties owned as at 30 June 2004 and does not disclose all lands subsequently acquired by Council.

Council's Registry of Land (as required under Section 53 (2) of the Local Government Act) is continually being updated and does show all properties. However it is currently being updated to include permissible uses but is not yet completed.

The requirements of the Act do not include land valuations, and as this was requested from Councillor Dale the table from the financial reports provides the requested information.

Land zones and permissible uses can be provided for individual parcels upon enquiry.

RECOMMENDATION:

That the table of Council lands classified as "Operational" be received and noted.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Excerpt from the Financial Asset Land Register.
-

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Annual Agreement for Surf Life Saving Services

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Surf Life Saving Services Pty Ltd (SLSS P/L) has provided to Council a cost for the provision of beach life saving services (one life guard per patrol site) over the 2004/2005 Christmas period, and the 2005 Easter period. The cost of the 'standard service', \$65,919.61 GST exclusive, represents a 5% annual cost increase and is within the budget allocation. This service would be comparable with patrol services provided on Tweed Beaches in past years.

However, SLSS P/L has recommended that changes be implemented for the 2004/2005 season, particularly the provision of two lifeguards per patrol site, which would increase the cost of providing patrol services to \$113,807.80 GST exclusive. It is recommended that this cost be accepted for reasons of community safety, occupational health and safety requirements and risk minimisation.

RECOMMENDATION:

That: -

1. Council accepts the quotation provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services over Christmas 2003/2004 and Easter 2005 at the contract price of \$113,807.80 excluding GST), as outlined in this report without calling tenders as per Section 55(3) of the Local Government Act 1993, for the following reasons:-
 - When Council sought a quotation from Surf Life Saving Services Pty Ltd it was anticipated the contract would be less than \$100,000;
 - Council is not aware of any other organisation geared up to provide the service;
 - There is now not sufficient time to call tenders before the service is required.
2. All necessary documentation be executed under the common seal of Council.
3. Council votes the additional funds.

4. The additional cost be listed for inclusion in the December 2004 quarterly budget review.
5. A full review of the service be undertaken at the end of the 2004-2005 season with a view to determining the service to be funded in the future, the possibility of other providers being attracted to tender and the advantage of letting a long term contract of say 3 years.

REPORT:

1. 'Standard Service' Proposal

Surf Life Saving Services Pty Ltd have provided to Council a cost for the provision of beach life saving services over the 2004/2005 Christmas period, and the 2005 Easter period. The total cost is \$65,919.61, which is within the 2004/2005 budget allocation of \$73,800. **This 'standard service' proposal would be identical to patrol services provided on Tweed beaches in past years, and involves the provision of one lifeguard per patrol site.**

Christmas Patrols

Beach surf life saving services would be provided on Tweed beaches over the Christmas period between Wednesday, 22 December 2004 and Tuesday, 25 January 2005.

Patrols would be provided at the following beaches:

- Cudgen Beach
- Cabarita Beach
- Fingal Beach
- Duranbah Beach
- Hastings Beach
- Pottsville Beach

Easter Patrols

Beach surf life saving services would be provided over the Easter 2005 period between Friday, 25 March 2005 and Monday, 28 March 2005. Patrols will be provided at 'non surf club beaches' as follows:

- Duranbah Beach
- Hastings Beach
- Pottsville Beach

Note that those beaches with surf clubs are patrolled over Easter in any event.

2. Comments/Variations recommended by Surf Life Saving Services Pty Ltd

Surf Life Saving Services Pty Ltd has made recommendations for changes to the 'standard service' in 2004/2005. These changes can be summarised as follows:

- Provision of 2 lifeguards per beach
- Provide patrols for the 4 day Easter weekend and separate two-week school holiday period in 2005, rather than the 4 day Easter weekend.
- Suggesting a three-year contract, rather than an annual contract.

The following detailed comments have been made by SLSS P/L:

“Ideally SLSS is looking at implementing the industry standard of two lifeguards on all beaches – however we are able to tailor a service to meet community needs & budget requirements. Also with the full-time SALT lifeguard service coming on line in December 2004 a review of existing services may be relevant. It also should be noted that the Easter period is separated from the Autumn school holidays in 2005. Does Council want to increase the service to cover this two-week holiday period in April 2005?”

Further Ballina Shire Council are reviewing Mon-Fri lifeguard service requirements after the recent drowning at Lighthouse Beach during the school holiday period. SLSS are currently in negotiation with Council regarding providing an additional service in the Sept/Oct (Spring) school holidays for season 2005/06. SLSS have also been awarded the three year contract for Byron Shire Council after tendering successfully. This includes an extension of service to cover Byron Main Beach for a 5 month continuous patrol period.

I would ask Council to enter into a three year agreement. This would assist both organisations in determining budgets, cash flows and asset control. It was also cut down on paperwork & the need to sign off on contracts every year & doing reports to Council.

In this situation a letter is sent out each year with the revised schedule dates for that season & updated insurance requirements.”

SLSS P/L also provided the following comments on *Practice Note 15 Water Safety* (document revised by the Department of Local Government in June 2004, and is intended to ‘assist councils in exercising their water safety functions’):

“Surf Life Saving Services would like to submit the following information relating to lifeguard staffing levels.

Surf Life Saving Services strongly recommends that all beaches in the local government area should include a minimum staffing level of two lifeguards. This is based on the following Practice Note from the NSW government and current industry standards:

- **Practice Note 15 Water Safety
NSW Department of Local Government December 1998)**

6. Number of Trained Water safety Personnel

“The limitations of one person on duty should be considered. For example, the area may not be under visual surveillance during a rescue or when the person is carrying out first aid. The Australian resuscitation Council recommends two trained personnel as the minimum number necessary to provide effective bag-valve oxygen resuscitation”.

“Where only one person is on duty, the council should ensure that emergency support is available and arrangements in place so that it can be immediately summoned. The support might consist of community members who have appropriate training or an appropriate emergency service such as ambulance.”

For example, the area may not be under visual surveillance during a rescue or when the lifeguard is carrying out first aid or having a refreshment/toilet break. Closing the beach for meal breaks should also be avoided.

Council should also consider the safety needs of the personnel providing the service (Surf Life Saving Services) when determining the number of personnel to be on duty.

Surf Life Saving NSW requires a minimum of three proficient Bronze Medallion holders for voluntary patrols (weekends & Public holidays) at any one time.

There is a need for a person in distress or in need of a lifeguard to immediately be able to identify the lifeguard. There is also a need for the lifeguard to be monitoring the swimming area at all times during patrol hours. By having additional staff available this can occur at all times.

Having additional staff available saves time in an emergency and where back-up is required, in a surf rescue situation or whilst performing resuscitation. Adequate staffing levels may, therefore, help prevent a drowning, which is our ultimate goal.

In conclusion commonsense must prevail. We must ask what is best for the general public and the Lifeguard personnel, including a staffing level which meets industry standards and Occupational Health & Safety requirements of Council and Surf Life Saving Services Pty. Ltd.”

3. Comment regarding SLSS P/L suggested changes:

The proposal to provide two lifeguards per patrol site appears to be consistent with the direction that life saving is taking, and in particular the Practice Note adopted by the Department of Local Government. The case put by SLSS P/L to support two lifeguards is considered valid. The Manager Administration Services/Public Officer, Mr Brian Donaghy, advises that in relation to risk management practices, the provision of two lifeguards per patrol site is supported.

In relation to service cost, the provision of two lifeguards per patrol site for both Christmas and the 4-day Easter break would increase costs from \$65,919.61 to \$113,807.80. If the provision of two lifeguards at each patrol site is not supported then perhaps Council could consider providing two lifeguards at Durambah Beach only in 2004/2005, which could be considered the most hazardous beach for swimmers. During previous discussions with Gold Coast City Council, Council indicated that if it were the service provider they would certainly require two patrol persons per site.

In relation to the proposal to provide patrols for the Easter break and two-week school holiday period at Easter 2005, rather than the 4 day Easter weekend, additional patrols which protect residents and visitors over the holiday period would be desirable. However this should be considered against increasing costs. To provide patrols for the 4 day

Easter break and two weeks school holidays (one lifeguard only) increases the Easter patrol costs from \$8,195.57 to \$29,275.58. It should also be noted that Council has not traditionally provided any Easter patrols, with these having been introduced over the Easter weekend only in the last couple of years.

In relation to the three-year contract proposal, Council's Beach Safety Strategy is currently under review. Consideration will be given to entering a three-year contract when the Strategy has been finalised.

4. Conclusion

A quotation has been provided to Council to patrol Tweed Coast Beaches over Christmas and Easter 2004/2005. This provides for patrols of local beaches exactly as has occurred in previous years, and importantly provides for one lifeguard per beach. The cost is within the allocated budget and patrols would be the same as provided in previous years.

Surf Life Saving Services Pty Ltd has however made recommendations for changes to the 'standard service' in 2004/2005, including provision of 2 lifeguards per patrol site. The proposed variations have merit, and are likely to result in improved public and lifeguard safety. However they result in significant increased costs for lifeguard services, which is not provided for in the current budget.

It is recommended that Council accepts the contract price of \$113,807.80 and provides two lifeguards per patrol site. This is considered necessary to ensure public safety, comply with Occupation Health and Safety requirements for the lifeguards and minimise liability in the event of a water safety incident.

This amount would exceed the \$100,000 tendering amount under the Local Government Act. However, Council is permitted under Section 55(3) of the Local Government Act to enter into a contract without calling tenders under certain circumstances. The circumstances in this case fall within the part of Section 55 (3) which provides as follows:-

"... because of extenuating circumstances, remoteness of the locality or unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decisions) that a satisfactory result would not be achieved by inviting tenders."

In this instance there are three issues which warrant consideration:-

Firstly, when Council sought a quotation from Surf Life Saving Services Pty Ltd it was specified the contract would be less than \$100,000.

Secondly, Council is not aware of any other organisation geared up to provide the service.

Thirdly, there is an extenuating circumstance being there is now not sufficient time to call tenders before the service is required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Additional cost to be considered at Council's next quarterly budget review.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

13 [EC] Naming of Area Location and Council's Community Facility on Woodlands Drive, Banora Point

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Construction works are progressing on Council's community facility building at Woodlands Drive, Banora Point. This facility will adjoin the recently approved Wallum Preschool facility and the existing Salvation Army facility.

It is considered that as the three buildings form what is essentially a combination of community facilities that it would be more appropriate to name the location area of the three buildings separately while maintaining each buildings separate identity. Various names are suggested for the area location with the one recommended being the "*Banora Point Community Park*" and the name recommended for Council's community facility as "*The Banora Point Multi Purpose Centre*".

RECOMMENDATION:

That Council names:-

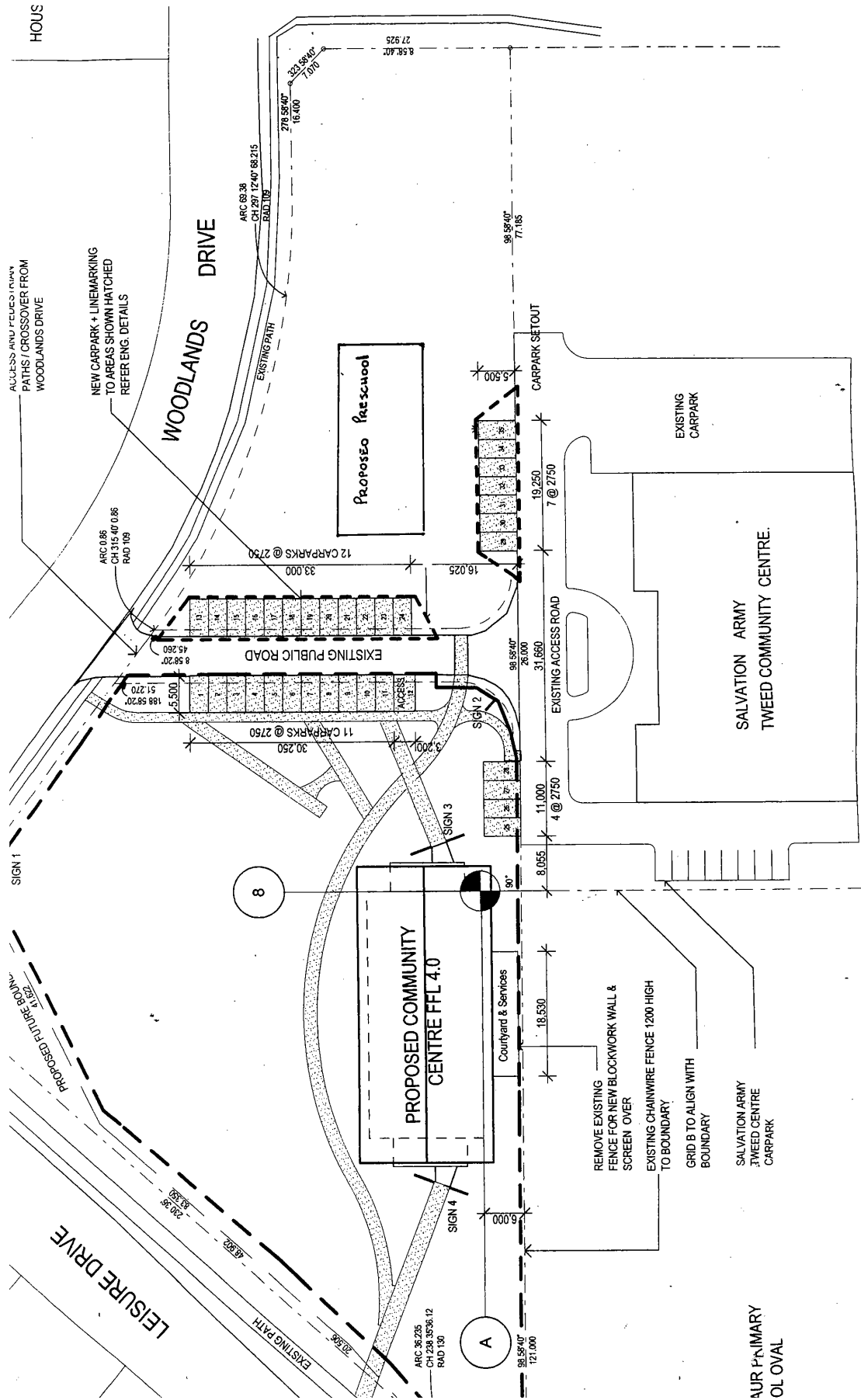
1. The location of the area associated with the three buildings as the "*Banora Point Community Park*".
2. The Council facility as "*The Banora Point Multi Purpose Centre*".

REPORT:

With construction works progressing on Council's community facility building on Woodlands Drive, Banora Point and the recent approval issued for the Wallum Community Preschool and Family Centre which adjoins Council's site, it is appropriate that consideration now be given to the naming of the facility.

Given that Council's community facility and the Preschool building both adjoin the existing Salvation Army Centre, it is requested that Council consider the naming of the area associated with the three buildings as a means of identifying what is essentially a combination of community facilities.

Discussions have been held with representatives of the Preschool and the Salvation Army and both have agreed to the naming of the area as a location for the three buildings, however it was also considered appropriate that each building be separately identified to patrons by means of directional signs placed in strategic locations. A single sign identifying the location area could then be placed at the position of **Sign 1** as indicated on the below plan:



SITE PLAN
SCALE 1:500

1. The following names for the location of the area associated with the three buildings are suggested; "*Banora Point Community Precinct*", "*Banora Point Community Domain*" and "*Banora Point Community Park*"
2. In consideration of the need to separately identify each building, it is suggested that Council resolve to name Council's facility "*The Banora Point Multi Purpose Centre*". This suggested name does not conflict with that of the Preschool being "*The Wallum Community Preschool and Family Centre*" or that of the Salvation Army facility being "*The Salvation Army Sports, Lifestyle and Training Centre*".

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

14 [EC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:

That Council determines this report.

REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows: -

Organisation	Request	Est \$ Amount	Application Summary	Meet Guidelines?
Wollumbin High School	Cash donation to go towards book vouchers	\$40 per voucher	Wollumbin High School requests Council's support in cash donation to go towards book vouchers for Years 7-12 - annual celebration of learning achievements of students. Council supported in 2003 to the value of \$40.00.	No guidelines regarding this.
Working Party-Northern Disability Council	Waive fee for hire of South Sea Islander Room, 29 November 2004	\$58.00	The request is to waive the fee for venue hire of South Sea Island Room on 29 November 2004 which is being used by the Northern Disability Council to hold a community forum on how the Council can best serve people with disabilities in the area.	Yes, for free use.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

POLICY IMPLICATIONS:

In considering this request, reference should be made to:-

Festivals Policy.

Donations Policy.

Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER:

1. Copy of letter from Wollumbin High School (DW 1112862)
 2. Copy of Memo/letter from Mr Tim Winton-Brown, Northern Disability Council
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

15 [EC] Entomological Control Report for period August to October 2004

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The following report outlines nuisance insect and vermin control carried out during August to October 2004.

RECOMMENDATION:

That this report be received and noted.

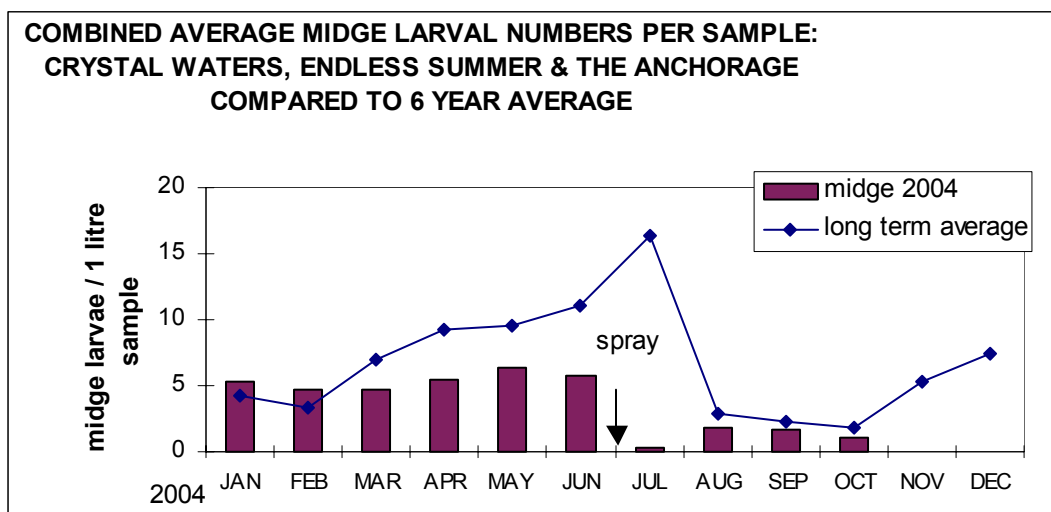
REPORT:

BITING MIDGE

Seasonal activity

The spring emergence of biting midge adults, led to an increase in midge biting activity during September and October around estuarine areas of the Shire. Midge complaints from residents (3) were low over the report period.

Monitoring of biting midge larval numbers in canal estates indicated low midge numbers since the July larvicide treatments (see graph below).



MOSQUITOES

Seasonal activity

Due to the extremely dry conditions over most of the report period, very little mosquito breeding occurred until heavy rain fell during the latter half of October. Resultant lowland flooding around Tweed Heads, Terranora and Cobaki led to some very high mosquito larval densities.

Mosquito larval monitoring carried out in the Shire over the last 21 years shows mosquito plagues in coastal areas are likely when major rain events follow a long dry period. During drought times, natural mosquito larval predator populations such as fish and aquatic insects are decimated. However, salt marsh mosquito eggs and the eggs of other local nuisance species remain dormant in the wetlands. These eggs hatch soon after flooding and emerge as adult mosquitoes in around 6 to 10 days.

Council received several resident concerns regarding mosquitoes around Terranora, Fingal Head and Cobaki during late October.

Carbon dioxide baited traps recorded very low numbers of mosquitoes over most of the report period. *Culex sitiens* was the most commonly trapped mosquito followed by *Ochlerotatus vigilax* and *Oc. notoscriptus*.

Control

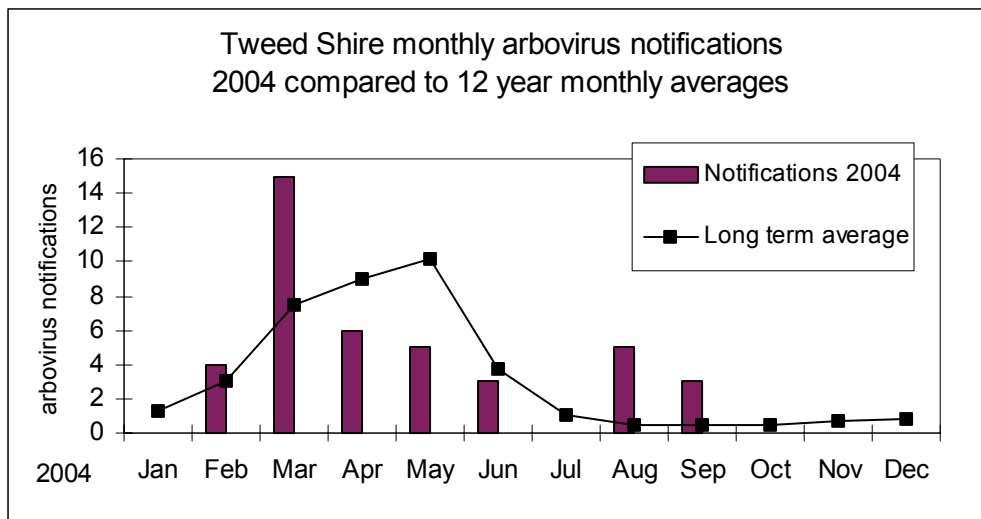
Following the October rainfall, mosquito control was carried out in the worst of the affected areas. Ground based control with biological larvicides was carried out to areas at Tweed Heads, Chinderah and Banora Point. Aerial larvicide treatment was carried out to extensive breeding areas at Terranora, Bilambil and Cobaki (see table below).

Date	Site	Time	Chemical & rate	Hectares & amt. used	Weather	Target species	Pre spray dip ave.	Post spray dip ave
22-Oct-04	Terranora	710	Abate	11ha	Fine	Oc. vigilax	30	2
			1.2kg/ha	13kg	5k N			
22-Oct-04	Charles Bay	730	Abate	19ha	Fine	Oc. vigilax	34	0
			1.2kg/ha	23kg	5k N			
22-Oct-04	Cobaki	800	Abate	17ha	Fine	Oc. vigilax	15	0
			1.2kg/ha	19kg	5k N			

Arbovirus

There was 1 notified Ross River virus case in the shire over the report period and 7 Barmah Forest virus cases.

The following graph depicts monthly arbovirus notifications this year compared with long-term averages.



OTHER PESTS

There were 42 enquiries over the report period requesting miscellaneous pest information or identifications. The most common enquiries related to ants, rodents and pandanus plant hoppers.

Pandanus plant hoppers, found earlier this year at Kingscliff, Casuarina and Bogangar, appear to have been contained by the tree injection carried out over the autumn / winter period. Ongoing monitoring will continue and any further infestations will be treated by tree injection or possibly by parasitic wasp release.

The Pandanus hoppers appear to be heading south and have recently been found in Ballina Shire. Council's Entomological Officer recently inspected dead and dying trees at Lennox Head with representatives from Ballina Council and various State Government Departments. A working group is looking at control protocols and policy regarding the hoppers and Pandanus tree movements within the nursery and landscape industry.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday, 21 October 2004

FOR THE CONSIDERATION OF COUNCIL:

Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 21 October 2004

Disability Access Cttee

VENUE: Activities Room, HACC Centre, Heffron Street, Tweed Heads South.

TIME: 2.05 p.m.

PRESENT:

Cr Max Boyd, Una Cowdroy, Maggie Groff, Ron Douglas, Stephen Pollitt, Gail Martin, Milena Morrow, Jacqui Payne, David Payne (Carer), Paige Ridgeway, Vic Sparks, Pam Veness (Minutes), Graham Williams and Stefan Zak.

APOLOGIES:

Cr Barbara Carroll, Ross Cameron, Bill McKennarney and Janet Hadson.

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: Milena Morrow

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee meeting held Thursday, 19 August 2004 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Items from Meeting held 19 August 2004

9. Mobility Map

Copies will again be distributed to Committee for comment at the next meeting.

14. Pottsville Post Office Ramp

Ross Cameron has written to owners of building and is awaiting feedback. Cr Boyd advised that a similar issue in Murwillumbah was addressed by permission being granted to construct a ramp on the footpath

15. Murwillumbah Railway Station

The Local Traffic Committee was addressed by Mr McKennariey along with Mr Douglas and Mr Pollitt on 16 September 2004. The Disability Access Committee discussed the issues of warrants and that a 'user-friendly path of travel' for the area was important in light of the planned commercial development to the north of the Station. The Local Traffic Committee are pursuing this issue.

3. Café Access in Murwillumbah

Jeff Needham's letter was posted 1 September 2004. No responses have been received as yet.

The Committee discussed a proposed presentation to Murwillumbah Chamber of Commerce to encourage businesses to develop Disability Action Plans and improve access over time. The point was made that businesses are mostly operated by tenants rather than building owners, however the risk of litigation may provide an incentive to lessees to implement changes that enable greater access, or offer suggestions to building owners.

6. Pedestrian Crossing – The Tweed Hospital

The Local Traffic Committee was addressed by Mr McKennariey along with Mr Douglas and Mr Pollitt on 16 September 2004. The issue of installing a crossing is problematic given the two bus stops in Powell Street and pressure of vehicle movement of patients, staff and visitors. The Local Traffic Committee are pursuing this issue.

3. International Day of People with a Disability 2004

At their meeting on 6 October 2004, Council resolved to endorse and support the proposed event and authorise it as an activity of Council. A Mini Sports Day is planned for 3 December 2004 and an application for funding has been lodged with the Community Development Support Expenditure Scheme.

5. Parking and Garbage Removal - Private Residences

Ms Groff advised the following outcome for problems experienced by a resident in Mooball Street, Murwillumbah. A volunteer from Volunteering Tweed will move the garbage bin to the collection point each week and return it later in the day. The resident's carer has been advised there is adequate parking on the premises and that parking across the driveway is illegal. Mr Douglas relayed thanks from the resident for a satisfactory outcome.

6. Access to Library - Civic Centre Tweed Heads

Advice has been received that there are no standards for scooters and therefore neither ramp can provide scooter access. Discussion was held on installing warning signs advising the ramps were not suitable for scooters.

Maggie will enquire with the Building Surveyors if it is possible to modify either ramp to remove the bend, making one or both more accessible for scooters.

7. Kennedy Drive – Boyd's Bay Bridge

The Local Traffic Committee was addressed by Mr McKennariey along with Mr Douglas and Mr Pollitt on 16 September 2004. The Committee recommended that Council write to Country Energy requesting them to relocate the power poles on Kennedy Drive between Second Avenue and Terranora Terrace which prevent disabled pedestrians safely using the footpath.

CORRESPONDENCE:

1. Letter - Mr Jeff Baldwin

Mr Baldwin requested a copy of the minutes from the Disability Access Committee meeting held on 19 February, signed by the Chair of the Committee. Maggie advised that a copy had been signed and forwarded to Mr Baldwin.

2. Letter - N.S.W. Sport and Recreation

Information was received regarding "Sport for All" workshops being held on the North Coast, aimed at including people with a disability in mainstream sporting events. The documentation has been distributed to all Tweed Disability Interagency members for the information of their clients.

GENERAL BUSINESS:

1. Disability Parking Signage - Murwillumbah Bowls Club

The Local Traffic Committee was addressed by Mr McKennariey along with Mr Douglas and Mr Pollitt on 16 September 2004 regarding the lack of pole signage of the Disability parking bay on Condong Street. The Local Traffic Committee has recommended that Council install appropriate signage.

2. Illegal Parking - Powell Street, Tweed Heads

The Committee discussed the problem of illegal parking across footpath access ramps in Powell Street, the entrance point for Community Health on the Tweed Hospital grounds.

The issue will be referred to the Local Traffic Committee.

3. Pedestrian Access Mobility Plans

Ms Ridgeway enquired whether Council had received or applied for PAMP funding, a dollar for dollar allocation that can be used to collect information required for the Mobility Map Project. Maggie will investigate and report back to the Committee.

4. Regional Round Up

Ms Ridgway provided the following summary:

Byron Shire Council - A very successful Access Forum was held recently to discuss the many issues facing people with a disability. Northern Rivers Surgical Supplies provided information on aids for the disabled. Byron Councillors also participated in an Awareness workshop by completing set tasks in wheelchairs and with simulated visual impairment. Disability Awareness and Access training is to be offered to Byron Council staff.

Grafton City Council - A presentation was made on access issues relating to privately owned businesses.

5. Daily News - Letter to the Editor

The Committee read a letter published in the Daily News on 10 September 2004 by Mr Jeff Baldwin of Pottsville. A response was not deemed necessary by the Committee.

6. Tweed Valley Way, Murwillumbah South

Cr Boyd raised the issue of difficulty of access for a resident of Tweed Valley Way, south of Prospero Street, where there is no footpath.

RECOMMENDATION:

That Council be requested to install footpaths on the eastern side of Tweed Valley way between the Railway Station to the last residence before the council-owned parkland.

7. Footpath access - Kennedy Drive

Ms Payne raised the issue of the footpath running west from the Barrett Street intersection with Kennedy Drive. Beyond the Caltex Service Station the footpath is unsealed and becomes difficult to traverse in wet weather. Ms Groff will raise the matter with Engineering Department and request an updated schedule of footpath construction and repair.

8. Viewing Platform – Kingscliff Beach

Cr Boyd asked if there was an accessible viewing platform at Kingscliff Beach. Ms Groff advised that a platform had been built by Recreation Service, adjacent to the Surf Club.

9. Tumbulgum Road, Murwillumbah

Mr Douglas advised he had received a letter from the Principal of Murwillumbah East Public School regarding the lack of a pedestrian crossing on Tumbulgum Road north of the City of the Arts Space, near to Reynolds Street. The Principal, Mr Scott, is concerned that school groups must cross here to access the sealed footpath on the eastern side of Tumbulgum Road to join the boardwalk when travelling to the library and swimming pool.

Mr Douglas will forward the letter to Ms Groff, who will refer the matter to the Local Traffic Committee.

10. Murwillumbah Post Office

Mr Douglas raised the issue of impeded access by protective pit barriers placed adjacent to the ramps on the Brisbane Street pedestrian crossing. Mr Williams advised these were Telstra barriers placed around a subsurface pit following repair work necessitated by damage in late September. Ms Groff will contact Telstra to advise of access issues and request repair work be expedited.

11. Disabled Toilet - Knox Park, Murwillumbah

Ms Payne raised the issue of the unacceptable state of the disabled toilet within the toilet facilities at Knox Park. Mr Williams advised that vandalism was a significant problem in the park and that Mr Edwards, Manager of Environment and Health Services is aware of the problem. The Committee were advised that the new toilets installed in Kingscliff and Mooball had been very successful. Ms Groff to investigate the progress of toilet upgrading in the Shire.

12. Hydrotherapy Pool

The Committee viewed the concept plan for the Murwillumbah Pool Complex Redevelopment, including the Hydrotherapy Pool. Feedback forms were distributed.

13. Illegal Parking – Tweed Shire

Mr Douglas raised the question of whether Council Rangers can deputise to Police, when the Rangers cannot attend, in instances of vehicles being illegally parked so as to impede access. Ms Groff will enquire of Paul Brouwer, Regulatory Services Co-ordinator.

NEXT MEETING:

The next meeting will be held on Thursday, 16 December 2004 in the Buchanan Room, Murwillumbah.

The meeting closed at 3.10pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

6. Tweed Valley Way, Murwillumbah South

It is recommended that the matter be referred to the Director of Engineering and Operations for investigation and advice back to Council and the Committee.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ORDERS OF THE DAY

1 [NOM] Cabarita Surf Life Saving Club

NOTICE OF MOTION:

Councillor G J Lawrie moves that Council places the following conditions on its continued support of the Cabarita Surf Life Saving Club (CSLC):-

1. CSLC can reasonably demonstrate to Council that it can build a surf club within any applicable guidelines of, and acceptable to, Surf Lifesaving NSW;
 2. It can be built within budget;
 3. Its costing is supported by a reputable, qualified quantity surveyor;
 4. Its construction is supported by a reputable build who will commit to construct and finish the clubhouse by December 2005; and
 5. The Clubhouse will be operational by December 2005.
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] EC2004-117 Supply of Manual Traffic Control Teams for Council Works

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
-

2 [EO] Condong Cogeneration Facility Water Supply Agreement

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
-

3 [EO] Naming of Right of Carriageway (ROC) at Bilambil Heights

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personal matters concerning particular individuals (other than councillors)
-

4 [EO] Land Acquisition for Road Purposes - Lot 21 in DP 858801 - Kirkwood Road, Tweed Heads

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personal matters concerning particular individuals (other than councillors)
-

REPORTS FROM DIRECTOR ENVIRONMENT AND COMMUNITY IN COMMITTEE

5 Agenda Master - 17 November 2004

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

