

ITEMS FOR CONSIDERATION OF COUNCIL:

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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

19 November 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

ORDERS OF THE DAY

6 [NOM] Local Environmental Plan - Definition of "Bed and Breakfast" - GT1/LEP/2000 Pt2

1000

Councillor L F Beck

Councillor R D Brinsmead

RESOLVED that a report be prepared on the implications of the proposal to change the current definition of "bed and breakfast" to:-

"a dwelling used as a principal place of residence, and in addition for the provisions of:

- (a) accommodation for people away from their normal place of residence, and*
- (b) meals and ancillary services, by the permanent resident or residents of the building for those people."*

Current Status: Report to Council 17 March 2004.

7 [NOM] Provision of Lifts in Multi-Dwelling Housing Developments

1001

Councillor L F Beck

Councillor H James

RESOLVED that a report be brought forward identifying the issues associated with a Council Policy requiring lifts to be installed in multi-dwelling housing developments consisting of three or more stories.

Current Status: Report to be prepared.

3 December 2003

ORDERS OF THE DAY

1 [NOM] Honorary Rangers

1033

Councillor W J Polglase

Councillor G Davidson

RESOLVED that a report be prepared by Council on the feasibility of appointing honorary rangers to observe destruction/vandalism of dunal vegetation in the Casuarina Beach Precinct.

Current Status: Report to be prepared.

21 January 2004

ITEMS DEFERRED

[ID] Development Applications DA02/2086 & DA02/2088 for Tourist Accommodation at Lots 12 and 13 Section 6 DP 14895 and Lots 16, 17 and 18 Section 2 DP 14895 Lorna Street, Kingscliff

5

Councillor W M Marshall

Councillor L F Beck

RESOLVED that this item be deferred for a further report to be brought forward from the Council officers who attended the meeting with landowners on Friday, 16 January 2004.

Current Status: Report to be prepared.

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. NRACC

19 February – attended NRACC Meeting in Ballina

2. Lindisfarne Anglican School

22 February – attended Lindisfarne Duathlon at Seagulls

3. Regional Arts Steering Committee

23 February – attended Regional Arts Steering Committee at Lismore

4. Rotary

23 February – attended Rotary Community Peace Dinner (celebrating 99 years) at Tweed Heads

5. Roads – funding announcement

24 February – on site inspection Clothiers Creek & Farrants Hill Roads with Larry Anthony funding announcement by Federal Government

6. Pound

24 February – meeting with GM, DECS, MEHS, Paul Brouwer & Cr. Youngblutt to discuss matters relating to Council's Pound

7. Tweed Futures

24 February – attended Tweed Futures Community Summit & Steering Committee Meeting at Murwillumbah

8. Murwillumbah Chamber of Commerce

25 February – attended Murwillumbah Chamber of Commerce meeting

9. Bilambil Sports Club

26 February – meeting on site at Bilambil Sports Club

10. Weeds Forum

26 February – opened Weeds Forum at Twin Towns

11. Association of Independent Retirees

26 February – addressed meeting of Association of Independent Retirees at Tweed Heads

12. TEDC

27 February – attended TEDC Board Meeting at South Tweed Heads

13. Tugun By-Pass

28 February – attended Tugun By-Pass Rally at Tugun

14. War Widows Guild

1 March – Tweed Heads War Widows Guild 14th Birthday Celebrations Twin Towns

15. Ocean View

2 March – Ocean View Open Day & Morning Tea (old Motel Sexton's Hill)

16. NRACC

3 March – NRACC Forum at Ballina

17. Regional Arts Committee

3 March – meeting with representatives Regional Arts Northern Rivers at Murwillumbah

INVITATIONS ACCEPTED:

- 4 March – unveiling Anne Graham Sculpture at Casuarina
- 5 March – Citizenship Ceremony at Tweed Heads
- 8 March – Opening Tweedlesea RSL Day Club at Cabasrita
- 9 March – Tweed Futures Steering Committee
- 12 March - NOROC Meeting Murwillumbah
- 13 March - Open MUNA 2004 at Tweed Heads
- 13 March – Launch Uki Nursery
- 13 March – Presentation prizes “Shave for a Cure” at Tweed
- 14 March – Opening Ceremony Seniors Week at Tweed
- 14 March – Tweed Bowls Club BciB Australian Sides Championships Centenary & Welcome Dinner at Tweed
- 16 March – Sports Advisory Committee Meeting at Cabarita
- 17 March – Mt. St. Patrick Primary School Murwillumbah Centenary Celebrations

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

- IPWEA NSW Division Annual Conference & Awards for Excellence **23-26 May** Sydney Super Dome Sydney Olympic Park
-

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Name	From	To	Location	Details
A/DDS	23 February 2004	1 March 2004	Hobart, Tasmania	Planning Institute of Australia Planning Conference
DECS	11 March 2004	11 March 2004	Tugun	Airport Noise Committee Meeting
EM	5 March 2004		Ocean Shores	Finance Professionals Meeting
EM	1 March 2004		Casino	GM's Sub-Regional Group Meeting

Name	From	To	Location	Details
GM	1 March 2004		Casino	Sub-Regional General Manager's Group Meeting
GM	5 March 2004		Lismore	LGMA Northern Rivers Branch Meeting & Annual General Meeting

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

MATTERS FOR CONSIDERATION

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

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1 [DS] Development Application DA02/2087 for the Erection of a Dwelling for Purposes of Bed and Breakfast at Lot 4 Section 1 DP 14895, Lorna Street, Kingscliff

ORIGIN:

Development Assessment

FILE NO: DA02/2087 Pt2

SUMMARY OF REPORT:

Council is in receipt of a request for a review of determination made pursuant to s.82A of the Environmental Planning and Assessment Act, 1979 against a refusal notice issued for development application DA02/2087 on 28 January 2003. Council also received notification of a Class 1 appeal in the Land and Environment Court in respect of the refusal. The notification was received. This matter was reported to the Council meeting of 19 March 2003 when it was resolved to defend the appeal. On 10 November 2003 the Applicant filed a Notice of Discontinuance of that Appeal. This report seeks to finalise the determination status of the proposed development and recommends upholding the earlier refusal.

RECOMMENDATION:

That the previous determination of Development Application DA02/2087 for the erection of a dwelling for purposes of bed and breakfast at Lot 4 Section 1 DP 14895, Lorna Street, Kingscliff be upheld and the application be refused for the following reasons: -

1. That after consideration of the application pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, it is concluded the development is prohibited under the provisions of Tweed Local Environmental Plan 2000.
2. That after consideration of the application pursuant to 79C(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal is inconsistent with the objectives of the 7(f) zone under Tweed Local Environmental Plan 2000.

REPORT:

Applicant: Richtech Pty Ltd
Owner: Richtech Pty Ltd
Location: Lot 4 Section 1 DP 14895 Lorna Street, Kingscliff
Zoning: 2(f) Tourism
Cost: \$330,000.00

BACKGROUND:

Council received a development application seeking approval for the erection of a dwelling for the purpose of a Bed and Breakfast at Lot 4 Section 1 DP 14895 Lorna Street, Kingscliff. The application was refused under delegation by Council's Director Development Services on 28 January 2003 as the proposed development was deemed prohibited under the Tweed LEP 2(f) Tourism and 7(f) Environmental Protection (Coastal Lands) zonings.

Council received notification of the lodgement of a Class 1 appeal in the Land and Environment Court in respect of the refusal. The matter was reported to the Council meeting of 19 March 2003 with a recommendation that Council defend the appeal. Council resolved: -

"that Council defends the Class 1 appeal in the Land and Environment Court against the refusal of DA02/2087 for the erection of a bed and breakfast at Lot 4 Section 1 DP 14895 Lorna Street, Kingscliff."

On 12 May 2003 the Applicant requested a review of the initial determination pursuant to section 82A of the *Environmental Planning and Assessment Act, 1979*. This was followed on 12 June 2003 by a notice of motion seeking to vacate the hearing dates as set down in the NSW Land and Environment Court for 14 to 16 July 2003 to permit the determination review process to proceed unabated. Later, on 10 November 2003 the Applicant filed a Notice of Discontinuance with the Court, thus seeking to terminate legal proceedings. The notice of motion was filed with a proviso that each party pay their own costs. The said proviso was not consented to by Council. On 10 February 2004 Council's Solicitors filed a Notice of Motion seeking the respondent's costs.

Legal Opinion

On request, Council received a legal opinion, prepared by Mr Ian Hemmings and Mr John Webster SC. The opinion focused on the interpretations of the Tweed LEP definitions for *bed and breakfast* and *dwelling/house* as adopted by Tweed LEP 2000. A copy of that legal opinion is attached to the confidential part of this agenda.

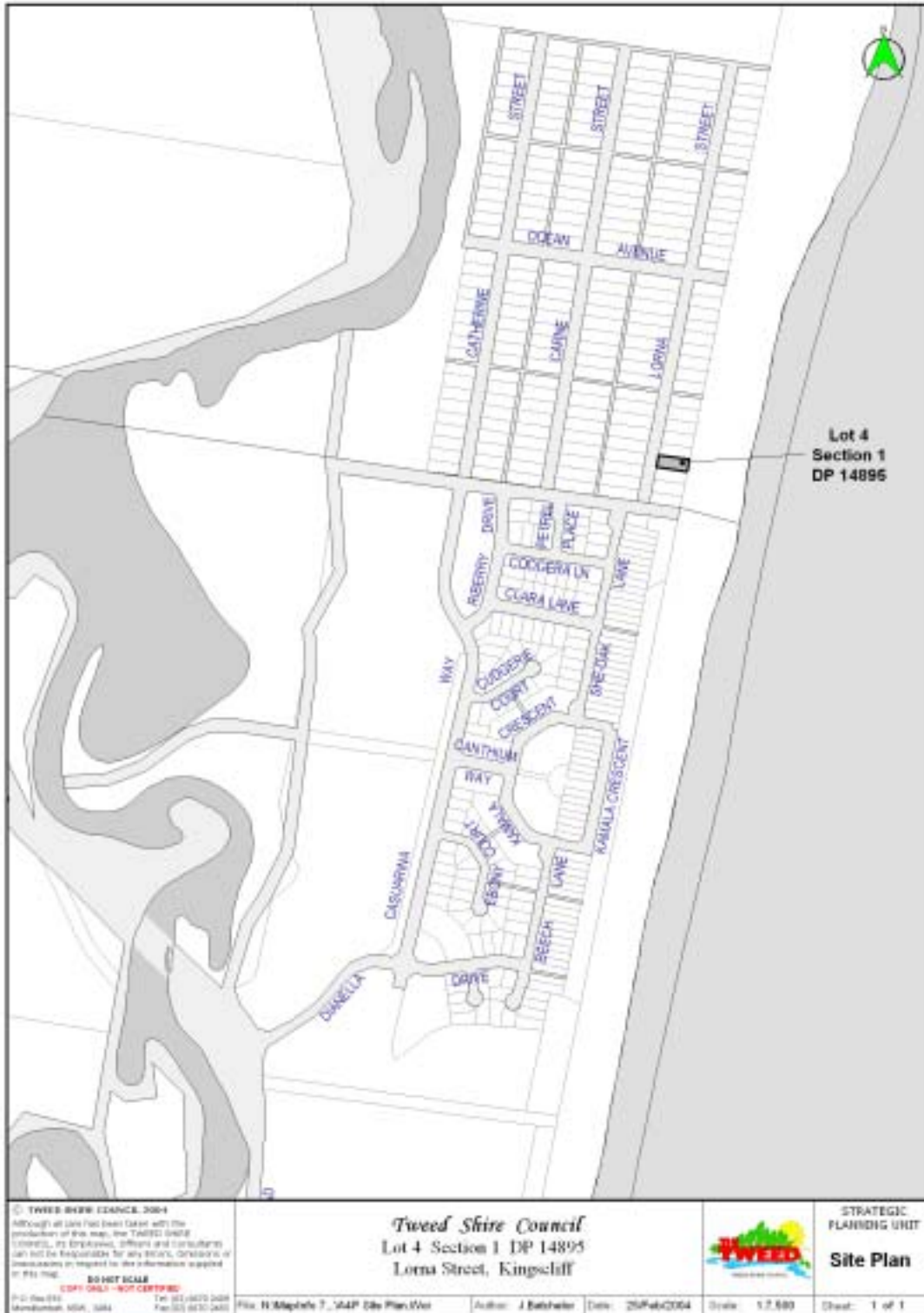
Other Matters of Consideration

Two other matters have arisen during the assessment of the proposal that consist of the concurrence role provided to the Department of Infrastructure, Planning and Natural Resources (DIPNR) under cl.27(3) of the Tweed LEP 2000, and the Integrated provisions of s.91 of the Environmental Planning and Assessment Act, 1979 (the Act) as they relate to Bushfire Assessment under the Rural Fires Act, 1997.

In the first instance, Council in its determination of the initial development proposal did not and was not required to seek concurrence from DIPNR due to the issue of a refusal notice for the application. In this regard it must be noted that DIPNR cannot issue a concurrence notice for a prohibited land-use. In a letter of 22 April 2003 to the Applicant, DIPNR stated *Even if Tweed Council had forwarded the application to the Department, we would have been unable to grant concurrence if the proposal was a prohibited land use*, and as previously discussed in this report the opinion of Council's legal advisors is that the proposed development is prohibited.

Secondly, the Applicant has contended upon different occasion that Council's reliance upon the present bushfire hazard maps has no legal basis and as such the development is not integrated for the purposes of s.91 of the Act. In a letter to the Applicant of 2 June 2003, Council set out the procedures under which legal effect is considered to have been provided to the present bushfire hazard maps, and as such requested an integrated referral fee in the amount of \$250. Upon receipt of the requested referral fee the application was forwarded to the NSW Rural Fires Service (NSWRFS) on 29 July 2003. The NSWRFS issued to Council a Bushfire Safety Authority, complete with conditions, on 22 September 2003.

SITE DIAGRAM:



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

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

Tweed Local Environmental Plan 2000

The subject land has an area of 1015m² and is zoned part 7(f) Environmental Protection (Coastal Lands) and part 2(f) Tourism under the provisions of Tweed Local Environmental Plan 2000. The majority of the land is zoned 7(f).

The applicant seeks approval for the erection of a dwelling to be used as a bed and breakfast.

Tweed Local Environmental Plan 2000 defines bed and breakfast as follows:

“the use of a dwelling erected with a building approval or development consent in addition to its’ use as a principal place of residence, for the provision of:

- (a) accommodation for people away from their normal place of residence, and*
- (b) meals and ancillary services, by the permanent resident or residents”.*

Tweed Local Environmental Plan 2000 also defines a “dwelling” as follows:

“a room or suites of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.”

Under the LEP “dwelling houses” are prohibited both in the 7(f) Environmental Protection zone and 2(f) Tourism zone. By definition a “bed and breakfast” is the use of a dwelling erected with a development consent. This application is seeking approval for the erection of a dwelling which is a prohibited use within both zones.

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

There exists no draft Environmental Planning Instrument that would neither facilitate the proposed development nor warrant further investigation.

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

Being a prohibited land-use an assessment of the proposal against Council's adopted development control plans is not warranted.

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

Satisfactory.

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

Being a prohibited land-use the assessment of the proposal's impact upon the natural and built environment, socially and economically in the locality does not warrant further investigation.

(c) Suitability of the site for the development

The development as proposed is identified as a prohibited land-use and as such the site can only be considered unsuitable.

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

Nil.

(e) Public interest

The development application in proposing a prohibited land-use that serves to undermine Council's principle Statutory Environmental Planning Instrument, Tweed Local Environmental Plan 2000, cannot be considered in the public interest.

OPTIONS:

1. Resolve to uphold the refusal determination of Development Application DA02/2087 by reimposing the grounds for refusal, as provided above.
2. Resolve to defer the matter pending further investigation.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should Council resolve to adopt Option 1 it is likely that financial implications will arise should the Applicant pursue further Class 1 proceedings.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Having considered the advices provided by Council's legal advisors it is clear that under the Tweed LEP the proposed development is prohibited.

It is therefore concluded on review of the above matters that no option exists but to uphold the refusal determination of Development Application DA02/2087 by reimposing the grounds for refusal, with exception to Points 3 & 4 as they relate to integrated referral provisions and associated fees.

UNDER SEPARATE COVER:

1. Confidential Legal Opinion.
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2 [DS] Development Application DA03/1774 for the Establishment of a 346 Room Tourist Resort Hotel (Peppers) including Function Centre, Gymnasium, Spa, Restaurant & On Site Parking at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road

ORIGIN:

Development Assessment

FILE NO: DA03/1774 Pt1

SUMMARY OF REPORT:

Council has received a request from the applicants of the proposed tourist resort (Peppers) at the SALT site to reconsider the wording of draft condition number 82 adopted by Council at the 18 February 2004 meeting. The previous resolution to advise the Minister has not been carried out as further discussions have been undertaken with the applicants regarding condition 82. The Minister will be advised of both resolutions.

RECOMMENDATION:

That: -

1. A copy of this report be sent to the Minister for Infrastructure, Planning and Natural Resources.
2. The Minister be advised that draft condition 82 be amended to read as follows:-
 82. The development shall be carried out in accordance with the definition of tourist resort contained in Tweed LEP 2000. In this regard no units within the resort are to be used for permanent residential accommodation.

REPORT:

Applicant: Ray Group Pty Ltd
Owner: South Kingscliff Developments Pty Ltd
Location: Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road, Kingscliff
Zoning: 2(f) Tourism
Cost: Nil

BACKGROUND:

Council considered a report on 18 February 2004 regarding the proposed Peppers Resort at the SALT site. The Minister is the consent authority and Council were requested to provide comments and draft conditions.

Council resolved that: -

- "1. A copy of this report and draft conditions be sent to the Minister for Infrastructure, Planning and Natural Resources.*
- 2. Council advises the Minister for Infrastructure, Planning and Natural Resources that the proposal is supported provided the buildings comply with the 3 storey height limit when measured from the approved fill level and the items identified in this report. "*

Proposed Amendment

Draft condition 82 currently reads as follows-

- "82. All tourist units within the resort are not to be used for residential use. If subdivision of the units is carried out a restriction as to user is to be placed on the title to give effect to this condition."*

The applicants are requesting that the condition be amended to read: -

- "82. The development shall be carried out in accordance with the definition of Tourist Resort contained in the LEP 2000."*

The definition of a tourist resort is as follows-

A largely self-contained holiday destination establishment which provides:

- (a) tourist accommodation, and*
- (b) on-site facilities to satisfy all, or substantially all, of the recreational, entertainment, dining and other holiday needs of its resident tourists.*

The draft condition was imposed to reinforce what has been applied for by the applicant and what has been considered by Council which is short term holiday accommodation. The requirement to place a restriction on the title of the units is to highlight to prospective purchasers for the life of the development that the units cannot be used for residential purposes.

Whilst reasoning for the proposed amendment has not been put forward by the applicants in the written request they have advised verbally that a restriction on the title can affect their financing of the project. This was not the intention of the condition as it was only imposed to inform buyers of the nature of the development.

It is considered reasonable to amend the condition provided that the part restricting residential use is retained. It is considered important to retain the first part of the adopted condition as it provides clarity to what the units can be used for, for the life of the development and it reinforces what was applied for and what was considered by Council.

OPTIONS:

1. Retain condition 82 in its current form.
2. Amend condition 82 as requested.
3. Amend condition 82 as per the recommendation.
4. Amend condition 82 to something else.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

It is considered appropriate that conditions are imposed on tourist accommodation/resort developments that reinforce and clarify what the developments are permitted to be used for.

CONCLUSION:

It is considered that the recommended amended condition will achieve the desired outcome without unreasonably impacting on the financing arrangements of the applicants.

UNDER SEPARATE COVER:

Nil.

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3 [DS] Development Application DA03/1423 for the Erection of a Sign - Request for Refund of Development Application Fees at Lot 2 DP 1006776, Tweed Coast Road Pottsville

ORIGIN:

Development Assessment

FILE NO: DA03/1423 Pt1

SUMMARY OF REPORT:

Council is in receipt of a request for the refund of development application fees pertaining to Development Consent DA03/1423 for the erection of an information sign for the Pottsville Beach Primary School. The approved sign includes the name of the school and displays any messages or events relevant to the school's activities. The application was approved under Delegated Authority on the 14/10/03. The application fees sought to be refunded amount to \$215. The applicant is requesting Council refund the development application fees on the basis that the parents association who lodged the application are a non-profit, voluntary organisation.

The development application fees paid relate to the costs associated with processing the application and therefore any refund would be sourced from Council's donations fund.

RECOMMENDATION:

That Council declines the request to provide a donation of \$215 for development application fees.

REPORT:

Applicant: Pottsville Beach Public School
Owner: Department of School Education
Location: Lot 2 DP 1006776 Tweed Coast Road, Pottsville
Zoning: 5(a) Special Uses
Cost: \$2,500.00

BACKGROUND:

As per summary.

OPTIONS:

1. Council resolve to donate \$215 to the applicant to reimburse the cost of lodging the development application.
2. Council refuse the request to refund the \$215 development application fee.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Development application fees have been spent on processing the application and were charged in accordance with statutory provisions. Any donation to the applicant will be required to be resourced from Council's budget.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Council is in receipt of a request from the parents association for the Pottsville Primary School, to refund \$215 in development application fees associated with development consent DA03/1423. The development consent approved the erection of an information sign to be utilised by the Pottsville Beach Primary School to display any messages or upcoming events relevant to the schools activities. The development application fees have been fully expended in the course of this application. As there are no development application fees to refund, the only alternative to Council is a donation of the same amount.

UNDER SEPARATE COVER:

Nil.

4 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 46 - Height of Buildings

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/46 Pt1

SUMMARY OF REPORT:

Draft LEP Amendment No.46 was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 between Wednesday, 16 April 2003 and Wednesday 14 May 2003.

6 Submissions were received from members of the general public and 4 from State Agencies and these are addressed in this report.

There were no comments received from State Agencies during the consultation process undertaken in accordance with Section 62 of the Environmental Planning and Assessment Act, 1979.

Following further consideration of the draft LEP a number of minor changes to the instrument are proposed which are:

- Under Clause 4(b)(c) the following words in italics have been added:

Amending the definition of 'storey' by omitting the term 'natural ground level' and inserting the following:

- o Foundation areas, garages, workshops, storerooms and the like, *excluding access paths to basement areas*, where the height between finished ground level and the top of the floor immediately above them is 1.5metres or more
- Under Clause 4(c)(b) (definition of finished ground level) delete the words in ~~strikeout~~ and replace them with the words in italics:
 - o ~~Where land is not within such an area, the level of land (after earthworks) as approved by Council, or where no earthworks are proposed, the natural ground level of the land~~ *the existing ground level of the land, or the level of the land (after earthworks) as approved by Council excluding any basement excavations.*

These changes have been included to clarify finished ground level in relation to basement level and do not change the intent of the proposed changes.

It is proposed to include two new provisions under Clause 16 Height of Buildings to account for developments approved by Council or those still under consideration prior to the gazettal of this amendment, as follows:

- *Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No. 46; and*
- *If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No. 46 to the Tweed LEP No. 46, the amendment made by LEP No. 46 does not apply to the determination of the application.*

It is considered that the proposed LEP Amendment can be forwarded to the Minister Assisting the Minister for Infrastructure and Planning with amendments to the exhibited document as outlined in this report.

RECOMMENDATION:

That Council: -

1. Approves the Local Environmental Plan Amendment with amendments to the exhibited document as follows: -
 - Under Clause 4(b)(c) the following words in italics have been added:

Amending the definition of 'storey' by omitting the term 'natural ground level' and inserting the following:

 - o *Foundation areas, garages, workshops, storerooms and the like, excluding access paths to basement areas, where the height between finished ground level and the top of the floor immediately above them is 1.5metres or more*
 - Under Clause 4(c)(b) (definition of finished ground level) delete the words in ~~strikeout~~ and replace them with the words in italics:

~~Where land is not within such an area, the level of land (after earthworks) as approved by Council, or where no earthworks are proposed, the natural ground level of the land~~ *the existing ground level of the land, or the level of the land (after earthworks) as approved by Council excluding any basement excavations.*

- *Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No. 46; and*
 - *If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No. 46 to the Tweed LEP No. 46, the amendment made by LEP No. 46 does not apply to the determination of the application.*
2. Forwards the draft Local Environmental Plan 2000, Amendment No. 46, to the Department of Infrastructure, Planning and Natural Resources and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

REPORT:

At its ordinary meeting of 20 March, 2002 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to prepare a draft Local Environmental Plan amendment – Housekeeping Stage 2. At the time of Council's resolution the draft Housekeeping LEP included approximately 14 separate housekeeping matters. It was then deemed appropriate that this group of housekeeping matters be split into individual amendments for a simpler, clearer and more transparent approach.

At this Ordinary Meeting of 20 March, Council resolved the following:

That the Tweed LEP 2000 provisions regulating building height be amended to refer to 'finished ground level' by:

- i. amending definition for 'building height';
- ii. introducing a definition for 'finished ground level';
- iii. amending definition for 'storey'

in the following manner:

1. The definition for building height be amended to reflect "finished ground level" rather "natural ground level", hence the definition would read:

"height, in relation to a building the greatest distance measured vertically from any point on the building to the **finished ground level** immediately below that point."

2. A definition for "finished ground level" be introduced:

"finished ground level", in relation to land, means –

- a. where land is within an area designated by the council as flood liable land, the Adopted Design Flood Level, adopted by Council; or
- b. where land is not within such an area, the level of the land (after earthworks) as approved by the council, or where no earthworks are proposed, the natural ground level of the land".

3. The definition for storey be amended to read:

"Storey means: (a) the space between two floors, or
(b) the space between a floor and any ceiling or roof immediately above it, or

foundation areas, garages, workshops, storerooms and the like, where the height between **finished ground level** and the top of the floor immediately above them is 1.5 metres or more.

A storey which exceeds 4.5 metres is counted as two storeys.

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building”.

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant state government agencies. No responses were received.

PUBLIC EXHIBITION

In accordance with Section 66 of the Environmental Planning and Assessment Act 1979, draft LEP amendment No. 46 was placed on public exhibition between 16 April 2003 and 14 May 2003.

During this period of public exhibition 6 submissions were received from members of the public and 4 from state government agencies. Table 1 below is a summary of the submissions:

Table 1

Issue(s)	Comment/Response
<p>Council should try and devise a regime that distinguishes between:</p> <ul style="list-style-type: none"> • New subdivisions (in which some reshaping of land is often required to manage stormwater) and redevelopment on existing urban parcels. • Land levels that result from filling which are required to meet flood design standards and those that are not. <p>as the proposed amendment could result in filling of land to gain views</p>	<p>It is difficult to provide a definition that will ensure all future development scenarios regardless of whether existing or finished ground level is used.</p> <p>Any earthworks involving a change to the ground level would need to be deemed appropriate by Council. As with the SALT development any future proposal will be assessed on its merits.</p> <p>Where land is within an area designated by the council as flood liable land, the Adopted Design Flood Level, adopted by Council, will be considered the finished ground level</p>

<p>The use of finished ground level may make it possible in some instances to seek consent for buildings that are in effect four or more stories as the adopted flood design height is already the equivalent of one storey above existing ground level.</p>	<p>Where earthworks have been approved in a new subdivision like SALT, the height of a building should not be reliant on what could have been constructed if no earthworks were carried out. Once developed a building that is three storeys above ground level is unlikely to be thought of as four because of the earthworks underneath.</p> <p>Height of buildings should instead be assessed on what impact they will have on the surrounding landscape particularly the neighbouring properties.</p> <p>With respect to flood liable land, it is proposed that the height of buildings are measured from the finished ground level, being the adopted design flood level</p>
<p>The SALT development has established a precedent where it allowed the natural ground level to be raised by at least two metres and in theory encourage other developers to artificially raise the level of sites.</p>	<p>Any earthworks involving a change to the ground level would need to be deemed appropriate by Council. As with the SALT development any future proposal would need to be assessed on its merits.</p> <p>In the assessment of the SALT development Council, at its Extraordinary Meeting of 23rd April 2003, resolved:</p> <p><i>“The filling of the site for the SALT development has been endorsed by Council given the resultant financial benefits to the overall funding package that enables viability of tourism development and the consequent economic and employment benefits to the Shire.</i></p> <p><i>This endorsement is based on merit assessment and factors that are pertinent to this development application and should not be interpreted by any other landowners and/or developers as setting any form of precedent for other development proposals on the Tweed Coast”.</i></p>

<p>The baseline or datum to be used as a reference point would itself become a variable and not a consistent definable quantity.</p>	<p>It is true that earthworks would change any datum point that was established on a particular date, however in new areas/subdivisions the datum point would be an approved height controlled by recorded subdivision plans.</p> <p>Any future earthworks or earthworks in already developed areas would be subject to building height controls as they undoubtedly have an affect on the surrounding landscape.</p> <p>The adoption of this rationale will best ensure that height controls are measured and maintained with a level of consistency.</p>
<p>The measurement of building height must be consistent with SEPP 71 - Coastal Protection, which uses natural ground level being <i>“the ground level of the site as if the land comprising the site were undeveloped”</i>.</p>	<p>Areas that are earmarked for future development in the Tweed have at one stage or another, for the purposes of legal definition, been developed resulting in an alteration to the landscape having no record of what change occurred. Therefore the adoption of SEPP 71’s definition is very difficult.</p>
<p>A public meeting be held to discuss the implications of the changes to the LEP and adoption of DCP 48.</p>	<p>Council, at its Ordinary Meeting of 4th June 2003, resolved to hold a public meeting/workshop regarding the proposed planning controls for heights of buildings.</p> <p>This workshop was held 23rd July 2003 in Council Chambers and was attended by Councillors and members of the general public.</p>

<p>There are no savings provisions included in the draft to protect and account for those developments, which have been approved under the current definition.</p>	<p>It is proposed to include a new provision under Clause 16 Height of Buildings as follows:</p> <p><i>Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No.46.</i></p> <p>It is also proposed to include a Savings provision to account for any development applications currently lodged but not yet determined by Council, as follows:</p> <p><i>If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No.46 to the Tweed LEP No.46, the amendment made by LEP No.46 does not apply to the determination of the application.</i></p>
<p>The Amendment is less likely to control the final height of buildings with any certainty.</p>	<p>By reaching a clearer definition with regard to the interpretation of how to measure building height (ie. 'finished' or 'existing' ground level) it is considered that there will be greater certainty.</p>
<p>The Amendment is less consistent with the stated goal of clause 16 Height of Buildings of the LEP; namely to ensure that the height and scale of development is appropriate to its location.....</p>	<p>See above comment</p>

<p>The definition of finished ground level does not provide any certainty to the community ie. Council may resolve to approve earthworks that no planning or engineering justification is evident.</p>	<p>Any earthworks involving a change to the ground level would need to be deemed appropriate by Council. As with the SALT development any future proposal would need to be assessed on its merits.</p> <p>Where land is within an area designated by the council as flood liable land, the Adopted Design Flood Level, adopted by Council, will be considered the finished ground level</p>
<p>There is no definition of what 'natural ground level' is.</p>	<p>It is difficult to define the term 'natural ground level' as the landform of the Shire has been altered over time and can be open to interpretation. Note the term 'natural ground level' has been replaced by 'finished ground level' and 'existing ground level'.</p>
<p>The proposed relaxation of the current policy embodied in the LEP goes much further than the originally stated intent of the Amendment.</p>	<p>By adopting a clearer definition the amendment will be far more consistent and manageable. The determination of building height must include an allowable measurement in metres (anything above 4.5 metres is considered two storeys). Without it building heights are open to speculation.</p>
<p>Draft LEP 46 indicates that any floor measuring 4.5 metres from the lower floor constitutes an additional storey. If this rule applies to commercial buildings it is unworkable.</p>	<p>See above comment. Council believes it is desirable to have a 13.5 metre height limit for a 3 storey building outside the Tweed Coast.</p>

PROPOSED CHANGES TO EXHIBITED INSTRUMENT

After further consideration of the draft LEP following the public exhibition a number of minor changes to the instrument are proposed which are:

- Under Clause 4(b)(c) the following words in italics have been added:

Amending the definition of 'storey' by omitting the term 'natural ground level' and inserting the following:

- o Foundation areas, garages, workshops, storerooms and the like, *excluding access paths to basement areas*, where the height between finished ground level and the top of the floor immediately above them is 1.5metres or more

- Under Clause 4(c)(b) (definition of finished ground level) delete the words in ~~strikeout~~ and replace them with the words in italics:
 - ~~Where land is not within such an area, the level of land (after earthworks) as approved by Council, or where no earthworks are proposed, the natural ground level of the land~~ *the existing ground level of the land, or the level of the land (after earthworks) as approved by the Council, excluding any basement excavations.*

These changes have been included to clarify finished ground level in relation to basement level and do not change the intent of the proposed changes.

In addition, as identified in the discussion above, it is proposed to include two new provisions under Clause 16 Height of Buildings, to account for developments approved by Council or those still under consideration, as follows:

- *Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No.46; and*
- *If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No.46 to the Tweed LEP No.46, the amendment made by LEP No.46 does not apply to the determination of the application.*

SECTION 69 REQUIREMENTS

The amendment is within the Coastal Policy area and a Local Environmental Study (LES) is therefore required. The Department of Infrastructure, Planning and Natural Resources (previously PlanningNSW) has advised that an LES is not required in this case, however the plan is not consistent with Section 117 Direction - S26 as this LES is not to be undertaken as required under this section. Therefore Council's delegation to report to the Minister under section 69 of the Act cannot be used and under these circumstances Council is required to provide to the Department of Infrastructure, Planning and Natural Resources a report pursuant to Section 68 of the EP& Act setting out the consultation process.

The Department will then forward the information provided to it to the Minister to make the plan.

CONCLUSION

It is considered that the proposed LEP Amendment can be forwarded to the Minister Assisting the Minister for Infrastructure and Planning with the amendments outlined in this report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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5 [DS] Development Control Plan No. 48 - Tweed Coast Building Heights

ORIGIN:

Strategic Town Planning

FILE NO: GT1/DCP/48 Pt1

SUMMARY OF REPORT:

The complex nature of the building heights issue has resulted in planning controls being recommended for various levels of Council's planning framework. Draft DCP 48 (Tweed Coast Building Heights) and draft Tweed LEP 2000 Amendment 46 (Heights of Buildings) responds to the significant community concern regarding the current planning controls relating to building heights for Kingscliff and the Tweed Coast.

The purpose of this report is to outline the proposed controls of DCP 48 that have been developed to reflect existing development on the Tweed Coast.

The draft Plan's exhibition and a workshop held on the 23rd July 2003 explaining the implications of the DCP identified a number of issues. In response to these issues the draft Plan has been redrafted significantly altering the contents of the document and the proposed provisions requiring re-exhibition. A copy of the redrafted DCP with the recommended amendments marked by italics is attached as Appendix 1 to this report.

RECOMMENDATION:

That Council, subject to the amendments marked by italics in the attached copy of the Plan, publicly re-exhibits Draft Development Control Plan No. 48 - Tweed Coast Building Heights in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

REPORT:

Introduction

Council, on the 21st May 2003, resolved that draft DCP No 48 - Tweed Coast Building Heights be deferred and a workshop be held to discuss the implications of the draft Plan. On the 23rd July 2003 a Workshop was held in accordance with this resolution.

Background

Draft DCP 48 (Tweed Coast Building Heights) responds to the significant issue of the current planning controls with regard to building heights for Kingscliff and the Tweed Coast.

The purpose of draft DCP 48 is to protect the established and future character of the Tweed Coast by providing more detailed but flexible guidance with regard to development that limits the adverse impacts relating to the bulk and scale of individual buildings and the overall streetscape.

The objectives of draft DCP 48 are: -

- To protect the Region's public amenity by enhancing its diverse and unique built environment through qualitative urban design; and
- To provide a degree of certainty with regard to identifying a maximum height of buildings.

The exhibited draft DCP 48 resulted in a range of issues being identified including: -

- The uncertainty of which areas of the Tweed Coast are affected by the Plan;
- The ambiguity of the document's aim and objectives;
- The community's expectation that a maximum allowable height in relation to a building is established; and
- Place based controls for special localities.

The workshop on 23rd July 2003 resulted in additional key issues being raised including: -

- The effectiveness of existing height controls;
- The adoption of building setbacks;
- Flexibility of the proposed planning controls;
- Consideration of the region's vernacular/urban character; and
- Place based building height controls for all of the Tweed Coast not just special localities.

In response to these identified issues the Plan has been redrafted, which has significantly altered the contents of the document and the proposed provisions. A copy of

the redrafted DCP with the recommended amendments marked by italics is attached as Appendix 1 to this report.

The Key Issues

Summarised in the following sections of the report are comments and responses to the issues identified by the community as a result of the Plan's exhibition and the workshop held 23rd July 2003.

Issue: Existing Height Controls

Comment

Presentations to the workshop questioned whether there really was a need for the proposed controls. Reference was made that existing building height controls particularly Clause 16 of Tweed LEP 2000 and DCP 6 - Multi Dwelling Housing were more than sufficient to protect the character and amenity of the Tweed Coast. However it is in part because of these provisions and documents that the proposed controls have been developed.

Clause 16 of Tweed LEP 2000 in reference to the Tweed Coast, controls the height of buildings by restricting the number of storeys permissible in a building. The proposed controls in draft DCP 48, are specific and provide for a more definite and equitable solution to the building heights issue.

The provisions of DCP 6 identify acceptable solutions to what is considered appropriate for the design and construction of multi dwelling housing. The controls relating to building height are more detailed than those in the LEP and do provide a more equitable solution to the identified issues for the Tweed coastal area, however, the purpose of DCP 6 is to establish guidelines specific to multi dwelling housing not development in general. For example it does not cover commercial development.

Issue: Uncertainty of the areas affected by the Plan

Comment

Public exhibition of the document highlighted the community's concern that the area affected by the Plan is unclear. The Tweed Coast has a diversity of landscapes and landuse. Its landscape is shaped by a number of different land uses and environmental features such as low-lying wetlands and littoral rainforests, farmland and urban communities. It is the urban communities of the Tweed Coast that the proposed building height provisions are intended to be applied.

Response

To clarify where the Plan will apply it is recommended that a map clearly identifying the area affected by the proposed provisions be attached to the document. See appendix 1 for detail.

Issue: Ambiguity of the document's aim and objectives

Comment

Whilst the primary purpose of the Plan is to define the overall height, bulk and scale of development on the Tweed Coast, the Plan is also meant to promote qualitative urban design. To do so requires that the proposed controls be flexible in their application and which allow for individualism to be displayed in future developments.

The dual purposes of the Plan were made unclear in the exhibited draft by it not plainly defining the scope and intention of what the Plan was proposing to achieve.

Response

To ensure that the purpose of the Plan is clear it is recommended that section 1.4 of the Plan be amended to include references to the achievement of qualitative urban design as follows:

“Section 1.4 Purpose of this Plan

The Aim of this DCP is to protect the established and future character of the Tweed Coast by:

- *Providing guidelines on building height;*
- *Providing guidelines on building setbacks; and*
- *Providing guidelines for the design and use of rooftops.*

The objectives of this DCP are to:

- *Protect the Region's public amenity by enhancing its diverse and unique built environment through qualitative urban design; and*
- *Provide the community with a pre-determined maximum height in relation to a building.”*

Issue: Flexibility of the Proposed Controls, Ancillary Structures and the Maximum Height of Buildings

Comment

The exhibited Plan measured the height of buildings to the underside of the eaves of a building thus allowing for individualism to be expressed in the design of roof structures. However the community strongly objected to this approach stating that the height of roof structures should also be included in the measurement of building height, as they form a significant part of any development.

As a result the draft was reworded and presented to Council at its Ordinary Meeting 21st May 2003 to include roof height provisions in the overall measurement of building height. However presentations to the workshop highlighted that these amended controls would be too restrictive to encourage the design of buildings with pitched roofs and/or allow the installation of some ancillary structures.

Ultimately the proposed controls have been developed to reflect the ‘height’ character of the Tweed Coast. In doing so the majority of existing development already complies with

the proposed controls and if adopted future development will more closely represent the existing character of the region.

The inclusion of ancillary structures within the overall maximum height of a building is considered important. Ancillary structures, like lift overruns, solar heating panels and rooftop viewing platforms, contribute to the overall height of a building and therefore add to the ultimate bulk and scale of development. To exclude them would be contradictory to the objectives of the Plan.

Response

To provide greater flexibility and better accommodate some ancillary roof structures but still maintain the *'height'* character of the Tweed Coast it is recommended that the proposed controls, particularly Section 2.1 Building Height, be amended to allow an increase to the maximum building height by 0.5 metres.

Issue: Building Setbacks

Comment

Commercial areas of the Tweed Coast have traditionally centred along main streets developed with a mixed-use character. Typically buildings are constructed having commercial/retail outlets on the ground floor whilst upper levels accommodate residential/tourist apartments. Characteristically older developments have incorporated the use of building setbacks whereas more recent development has been constructed to the edges of an allotment's boundary.

The core of the building heights issue questions the impacts that the bulk and scale a development has on the surrounding landscape. Without the adoption of the proposed provisions, it is possible commercial areas will result in a continuous three-storey wall of development based on the current controls for the Shire's business zones. This in-turn would have an adverse impact on the character of the regions coastal villages and in particular threaten the existing diversity shown in many of the coastal village's main streets.

Response

The incorporation of building setbacks will ensure that new development compliments the regions existing urban landscape. Setbacks spark interest and promote a diverse streetscape, allow for additional private open space particularly in residential areas or as part of tourist accommodation, and most importantly allow views to be shared between new and existing developments, and the public. It is recommended that an additional section (2.3 Building Setbacks) be included in the redrafted version of the Plan. This section has in part been replicated from other Council policies in particular DCP 6 Multi-Dwelling Housing and DCP 18 Tweed Heads to ensure that consistency exists between the proposed provisions and those already in use. See Appendix 1 for detail.

Issue: Eave-lines and Roof Overhangs

Presentations to the workshop identified that Section 2.1 Building Height, particularly the diagrams, discouraged the inclusion of eaves or roof overhangs. The climate of the

Tweed region dictates that buildings, which do not have any eaves are dependent on artificial cooling and heating devices like air conditioning. This would therefore be an undesirable objective of the Plan and sustainable development in general.

Response

To provide a more equitable interpretation of building height it is recommended that Section 2.1 Building Height be amended to reflect that *'height will be measured to the uppermost ceiling or top plate of the highest external wall of a building'* instead of the underside of the eaves.

Issue: The Height of Roof Structures

Comment

The purpose of the recommended height controls is to encourage development having varying roof designs and styles not to separately restrict the height of roof structures. A proposal that intends to develop to the maximum height allowed has a minimum height in which the roof area must be however has no maximum height other than the overall maximum height of the building to which it must comply. Table 1 shows how the proposed height controls could be utilised in the development of a three-storey commercial building.

Height to the uppermost ceiling/top plate (metres)	Height of the roof and ancillary structures (metres)	Overall maximum building height (metres)
11	2	13
10	3	13
9	4	13

Table 1 - Building Height Controls and Possible Applications

Response

In light of the previously recommended amendments regarding the flexibility of the proposed controls, ancillary structures and the maximum height of buildings, it is considered that no additional changes are required with respect of this issue.

Issue: Place Based Building Height Controls

Comment

DCP 48 has been developed to provide general height controls in relation to buildings for the whole of the Tweed Coast. However as identified by the Plans public exhibition the proposed controls were considered too broad for some localities. The workshop stressed this point further by questioning whether other localities should be entitled to separate or additional controls in the future particularly *'green-field'* sites like Kings Forest.

Detailed place based plans have and continue to be essential to Council's planning Framework. Currently many locations within the Shire including Kingscliff, Cabarita Beach/Bogangar and Pottsville are involved in the development of their own place based planning controls. All of which will consider the future direction of each locality and will possibly include additional or separate controls specific to each location in regard to

building height. It is envisaged that these controls will compliment those proposed, as part of draft DCP 48 not contradict them.

Response

It is recommended that reference to special localities should not be included in draft DCP 48 but instead the plan maintain general controls for the whole of the tweed coast.

Conclusion

It is recommended that Council subject to the amendments marked by italics in the attached copy of the Plan publicly re-exhibits Draft Development Control Plan No 48 - Tweed Coast Building Heights in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Re-drafted Development Control Plan No. 48
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6 [DS] Tweed Heads West Potential Industrial Area - Draft Local Environmental Plan Amendment No. 37

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/37 Pt1

SUMMARY OF REPORT:

On 5 November 2003 Council resolved to defer a report that recommended that, because of a lack of financial support from some of the landowners, Council no longer contribute 50% towards the preparation of the draft Tweed Local Environmental Plan 2000, Amendment No 37 - Tweed Heads West.

This report recommends that this draft LEP amendment be deferred until the final route of the Tugun Bypass is resolved.

RECOMMENDATION:

That Council: -

1. Takes no further action with the draft Local Environmental Plan 2000 amendment (No. 37) for Tweed Heads West until all relevant approval authorities have approved the final route for the Tugun Bypass.
2. Endorses the General Manager discussing the situation of this LEP amendment and the current position of the Tugun Bypass with the executors of Lot 2, DP 589967, Gray Street, Tweed Heads West.
3. Returns all receipted monies from landowners that has been contributed towards the preparation of the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study for the Tweed Heads West area,
4. Will no longer contribute 50% towards the cost of the preparation of the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study for the Tweed Heads West area.
5. Advises GeoLink, planning consultants engaged to undertake the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study, of Council's position on this amendment.

REPORT:

On 5 November 2003 Council resolved to defer a report that recommended that, because of a lack of financial support from some of the landowners, Council no longer contribute 50% towards the preparation of the draft Tweed Local Environmental Plan 2000, Amendment No 37 - Tweed Heads West (refer locality map in Figure 1). That report recommended that Council proceed with the preparation of the draft Tweed Local Environmental Plan 2000 Amendment in accordance with the Environmental Planning and Assessment Act 1979.

Also on the 5 November 2003 the Member for Tweed, Mr Neville Newell announced the New South Wales State Government's position regarding the Tugun Bypass. In this announcement the government stated that it would not support a route for the Tugun Bypass west of the Coolangatta Airport. It was identified the impediments of the western Bypass route include the overall cost, the ongoing maintenance costs and the environmental constraints.

The proposed western alignment for the Tugun Bypass included a service lane and an onramp from Kennedy Drive to the proposed Bypass. This service lane included a proposed access into Parkes Drive, refer Figure 2. Any traffic increases caused by an intensification of land uses was originally proposed to be accommodated by this service road opposed to placing the traffic directly onto Kennedy Drive. This includes traffic from the industrial zoned land to the west of the Sewerage Treatment Plant as well as Council's traffic generated from Council's depot.

Figure 1 - Locality Plan

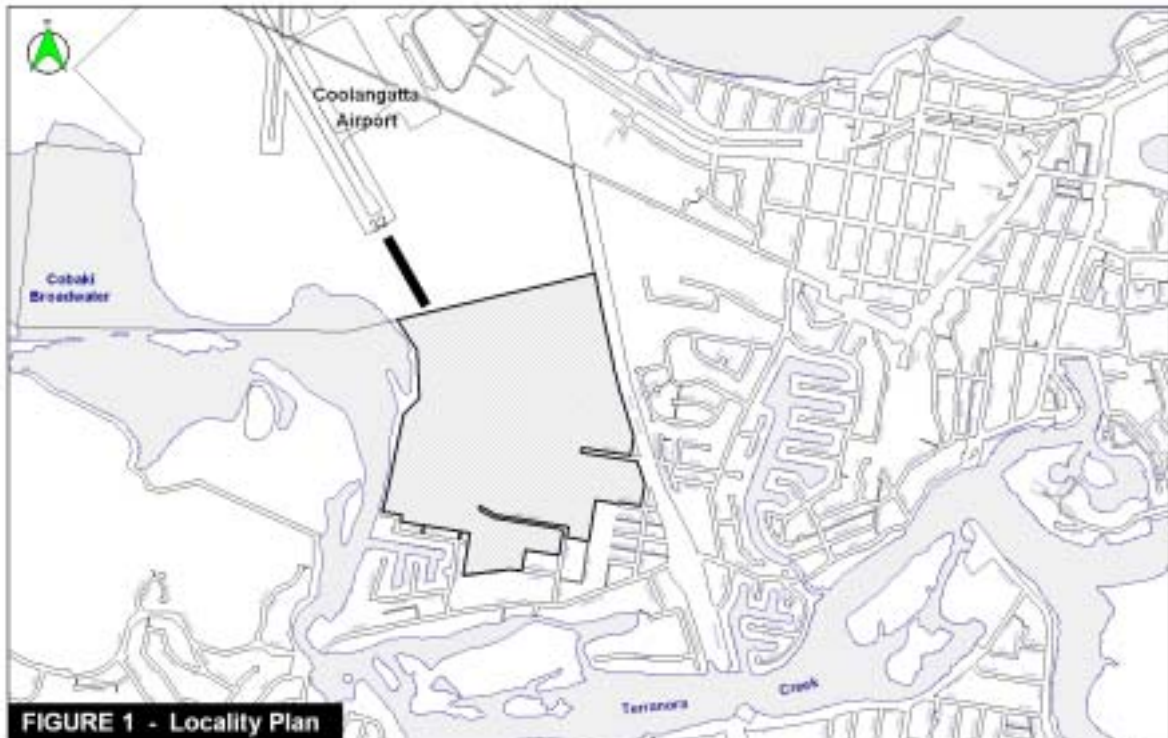


FIGURE 1 - Locality Plan

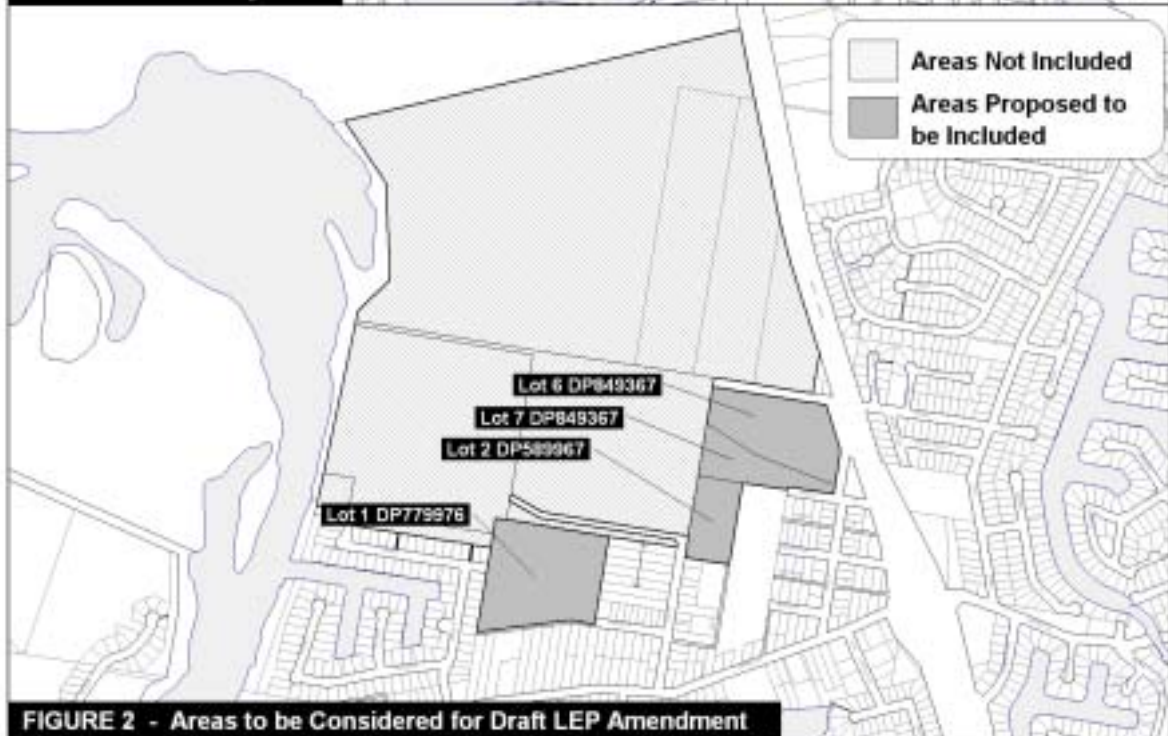


FIGURE 2 - Areas to be Considered for Draft LEP Amendment


<p>© TWEED SHIRE COUNCIL 2003 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL is not responsible for any Errors, Omissions or Inaccuracies in respect to the information captured in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P O Box 978 Tweed Heads NSW 2484 Tel: (082) 6670 2400 Fax: (082) 6670 2282</p>	<p>TWEED SHIRE COUNCIL Tweed Heads West - Land Included in Draft Tweed LEP 2000 Amendment No.37</p>	<p>STRATEGIC PLANNING UNIT </p>	<p>Site Plan Sheet 1 of 1</p>
<p>File: R:\1_VFY West Indust...Wor Author: J.Barchelor Date: 08/Sept03</p>		<p>TWEED SHIRE COUNCIL</p>	

Figure 2 - Proposed Tugun Bypass (C4 Option)



This access option is critical for any intensification of development within the area identified for this draft LEP amendment. Subsequently, on 19 November 2003 Council resolved: -

"that a report be prepared on traffic implications of the proposed rezoning given the recent announcement of the NSW Government regarding Tugun By-pass."

Consultation with Council's Engineering Services Division has identified that any intensification of land uses which would lead to increased development within the area that would increase the current levels of traffic entering Kennedy Drive via Rose or Gray Street. Currently the Rose Street interchange with Kennedy Drive is congested and offers no scope for upgrade within the existing road reserve.

This leaves no practical options for access arrangements within the draft LEP amendment area.

On the 6 February the Queensland State government announced that it would redesign the proposed Tugun Bypass alignment to east of the Coolangatta Airport, refer to Figure 3.

Figure 3: Revised Tugun Bypass Proposal

Source: Queensland Department of Main Roads



All works for this proposal are to be under taken within Queensland. This proposal does not include any access arrangement to Parkes Drive or alterations to the Kennedy Drive on and off ramps. Subsequently, this new proposal will not allow for any direct access options to the area identified for this draft LEP amendment. This revised proposal has an interchange at Coolangatta Airport that allows a direct access to the Airport as well as access to Tugun, Bilinga and Kirra via the existing Gold Coast Highway.

This revised option for the Tugun Bypass has not been finalised particularly in relation to the allocation of funding for this particular proposal.

Considering that the final route for the Tugun Bypass has not yet been approved and funding confirmed it is extremely difficult to proceed with the preparation of this draft LEP amendment as the alignment of the bypass provides access to the area and some alignment proposals have call for land acquisitions within the draft LEP amendment area.

Proposed Subdivision and Rezoning of Lot 2, DP 589967, Gray Street, Tweed Heads West

The Executors of this parcel of land have on two previous occasions attempted to subdivide the Lot to administer the requirements of a Will. The land is currently zoned 1(a) Rural under Tweed Local Environmental Plan 2000, which requires a minimum subdivision lot size of 40ha. The site is 2.147ha. The owners have expressed on numerous occasions their grievance with Council in relation to their inability to subdivide the land that has been the subject of two subdivision applications.

Council included this parcel of land into this draft LEP amendment primarily because of the inappropriateness of the current zoning in that location. However, it was considered that an LEP amendment would resolve this situation and also bring the zoning into a more appropriate zone for the location.

Previously the Executors have expressed their grievances with Council because of their proportion of the costs associated with an Environmental Study for the preparation of a draft Tweed LEP 2000 Amendment.

Several representations have been made on these grievances to Council, the General Manager and the Development Services Division.

Council resolved on the 21 May 2003 that it would contribute 50% of the costs associated with the entire Local Environmental Plan with all of the area identified for the draft LEP amendment.

By undertaking an LEP amendment for this parcel, Council is currently undertaking the best course of action to rectify the problem identified by the Executors. However, the current situation with the Tugun Bypass does not help to resolve the current impasse that confronts this parcel of land.

With this current situation with an LEP amendment for this area it would make it extremely difficult to increase the intensity of development due to the lack of access to the parcel via Rose St or Gray St.

If Council were to proceed with a draft LEP amendment for this parcel independently there would be most likely no outcome of a commercial or industrial zone, but maybe some solution to allow the subdivision of the lot. This situation would leave two parcels of land zoned 1(a) Rural, one with a housing entitlement but also subject to Clause 32 of the LEP restricting residential developments within high aircraft noise affected areas.

Conclusion

It is recommended that no further action be pursued with this draft Local Environmental Plan 2000 amendment until all relevant approval authorities have approved the final route for the Tugun Bypass.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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7 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 14 - Kingscliff Sewerage Treatment Plant

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/14 Pt1

SUMMARY OF REPORT:

On 4 October 2000 Council resolved to notify PlanningNSW (Department of Infrastructure, Planning and Natural Resources) of its intentions to prepare a draft Tweed Local Environmental Plan 2000 (LEP) Amendment for the existing Kingscliff Sewerage Treatment Plant. This was in connection with Council's consideration to relocate the sewerage plant further away from the urbanised areas of Kingscliff.

A draft Tweed LEP amendment and Environmental Study was exhibited for 30 days until 2 January.

This report recommends changes to the exhibited draft as a result of submissions received through the exhibition period and also to forward the draft amendment to the Department of Infrastructure, Planning and Natural Resources so that the plan can be finalised.

RECOMMENDATION:

That Council:

1. Endorses the following amendments to the exhibited draft Tweed Local Environmental Plan Amendment (No 14), Kingscliff Sewerage Treatment Plant, Kingscliff as follows;
 - a. Within the written instrument delete in Clause 2 (a) "*Commerce and Trade*" and insert "*Industrial*"
 - b. Within the written instrument delete all of Clause 2(b)

"amend the primary objectives of the 7(l) Environmental protection (Habitat) Zone to add a provision for environmental rehabilitation;"
 - c. Within the written instrument delete all of Clause 2(c)

"amend the Development Table for the 7(l) Environmental Protection (Habitat) Zone by including 'remediation' as a use allowed only with consent; and"
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- d. Within the written instrument delete in Clause 3 *“land zoned 7(l) Environmental Protection (Habitat) zone and”*
 - e. Within the written instrument delete all of Clause 4(b)
 - f. inserting under the primary objectives of the 7(l) zone in Clause 11 the following words:

“to identify land for environmental remediation.”
 - g. Within the written instrument delete all of Clause 4(c)

*“inserting under Item 2 – allowed only with consent within the land use table for the 7(l) zone in Clause 11 the following:

remediation.”*
 - h. Within the written instrument delete the following from 4(d)(c) *“the appropriate density of future development, particularly in relation to the provision of a floodway through the site”* and insert *“the appropriate density of future development, particularly in relation to addressing the provisions of DCP 5 – Development of Flood Liable Land”*
 - i. On the Local Environmental Plan amendment map all vegetated areas adjoining the Kingscliff drain zoned 7(l) Environmental Protection
 - j. On the Local Environmental Plan amendment map all other areas exhibited as 7(l) Environmental Protection changed to 4(a) Industrial
 - k. Any other inconsequential grammatical, numbering and formatting amendments.
2. Forwards all necessary material to the Department of Infrastructure, Planning and Natural Resources so that the Director General may prepare a report in accordance with Section 69 of the Environmental Planning and Assessment Act for the amendment of Tweed Local Environmental Plan 2000 (No. 14) Kingscliff Sewerage Treatment Plant, Kingscliff.

REPORT:

Background

From 3 December 2003 to 2 January 2004 a draft Tweed Local Environmental Plan Amendment (No 14) for Kingscliff Sewerage Treatment Plant was placed on public exhibition. During this time only one submission was received from the Tweed Bird Observers Group. Also a request to accept a delayed submission was received from Jim Glazebrook and Associates on behalf of Gales Holdings and Dr Steven Segal. An extension for a submission was granted until 14 January 2004.

A copy of the draft LEP Amendment and Environmental Study was also forwarded to all government agencies that originally submitted a response to the consultation undertaken in accordance with Section 62 of the Environmental Planning and Assessment Act. There has been a considerable delay caused by several State government agencies with the latest response being 13 February 2004.

Submissions

Submissions to the draft LEP Amendment that was placed on exhibition were received from the following persons and organisations: -

Tweed Bird Observers	17 December 2003
Jim Glazebrook & Assoc.	14 January 2004
Coastal Council – fax	19 January 2004
Dr Stephen Segal	21 January 2004
Mr Patrick Knight, Tweed Shire Council, Engineering Services Division	21 January 2004
Agriculture NSW - email	22 January 2004
Department of Infrastructure, Planning and Natural Resources	30 January 2004
Roads and Traffic Authority	10 February 2004
Department of Environment and Conservation	13 February 2004

Not all of these submissions raised issues in respect to the draft LEP Amendment and the Environmental Study were in the form of objections. Some simply acknowledged that they did not wish to make a comment.

GeoLink's Report

As part of GeoLink's contract to prepare the Draft LEP Amendment and Environmental Study they have reviewed the submissions and prepared a final assessment. It must be noted that the draft LEP Amendment that was exhibited was not consistent with the recommendations put forward by GeoLink in the Environmental Study.

24 February 2004
Ref No: 0347477

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attention: Mr Mark Tickle - Economic Planner

Dear Sir,

Re: Draft LEP Amendment No.14 Kingscliff STP Site - Submissions

GeoLINK has reviewed the submissions received from the exhibition of the draft LEP amendment for the Kingscliff STP site. Please find below our report on the submissions which is provided in two parts. Part 1 addresses broader matters with respect to the LEP amendment and recommended land use zoning and Part 2 addresses specific issues raised in the submissions received.

Part 1 - Industrial -v- Commerce and Trade Zoning

GeoLINK's brief in relation to the preparation of the Local Environmental Study (LES) was to determine the most appropriate land use (or uses) for the land currently zoned 5(a) Special Uses. Based on the work undertaken in the LES, we recommended the following zonings (note: the portions refer to distinct parts of the site as described by Council):

- Portion A – 3(c) Commerce and Trade
- Portion B – Part 5(a) Special Uses and part 7(l) Environmental Protection (Habitat); and
- Portion C – 7(l) Environmental Protection Habitat.

Following a review of the draft LES, Council's Engineering Services strongly recommended a 4(a) Industrial zoning as being more appropriate for the site. Based on that, Council exhibited a draft Local Environmental Plan (LEP) for the site that indicated a zoning of 4(a) Industrial for Portion A.

GeoLINK has now been asked to review its recommendations for the 3(c) Commerce and Trade zone in relation to Portion A.

The work undertaken in the LES determined that either 4(a) Industry or 3(c) Commerce and Trade would be appropriate zones for the subject site. The recommendation was made to proceed with Commerce and Trade primarily because of the demand analysis and locational criteria outlined in Council's *Potential Industrial Land Investigation* (TSC, February 2000).

In particular, the investigation noted a future demand (over the next 20 years) for 'wholesale / trade' land some 3.8 times greater than the future demand for 'manufacturing'.

In terms of the locational criteria, the investigation report lists as a '*Desirable Attribute*' for industrial uses a buffer distance of 500 m from existing or potential future residences. For commerce and trade uses, the report indicates a '*Desirable Attribute*' of a 200 m buffer distance from residences. Since completion of the draft LES, Council have advised that '*these criteria were only ever intended to be used in the shire wide assessment of land that could potentially be used for industrial purposes. This was never put forward in the document as a policy position*'. Therefore, the locational criteria outlined in Council's study are no longer considered to be an absolute constraint to the zoning of land for industrial purposes.

Given that, the question now remains – is the subject site the most appropriate location to provide for the demand indicated in the investigations report for 'wholesale / trade' uses?

Two studies are currently underway (the findings of which were not available when the LES was prepared; nor are they available now) that may provide a greater level of certainty with regard to the appropriateness of a 3(c) Commerce and Trade zoning for this site.

Flooding

The site is subject to flooding, as is its access (Chinderah Road). Development of the site will require filling so that the floor levels of any buildings are at or above the 1 in 100 flood level. Flooding therefore does not represent a constraint in terms of building or contents loss. Rather it represents an isolation impact. Information provided by Council indicates that Chinderah Road would be expected to be 'unusable' for 1 to 2 days in a 1 in 100 year flood. Any businesses on the site would therefore not be able to access their premises for this period.

There are no specific guidelines that can be used to compare the impacts of such business disruption for industrial versus commerce and trade uses. However, instinctively, such disruption is likely to have a more significant impact on commerce and trade type uses, which tend to rely more heavily on day-to-day customers.

Revised flood modelling, currently being prepared for Council by WBM, may provide improved information with regard to flood levels, depth and duration in relation to site access. However, these results are currently not available and we are advised that they might not be available for some time. It may therefore be wise to be cautious regarding the 3(c) zoning at this time.

Retail Strategy

Commerce and trade zones generally have a retail component, albeit of a type and scale that is not compatible with a conventional business zone (i.e. bulky goods). To that end, the appropriateness of a commerce and trade zoning needs to be examined in a wider retail context, to determine where this type of retail demand is located and whether the zoning of this land would have any retail impacts (positive or negative) on the existing Kingscliff retail centre. Insufficient detail currently exists to enable a comprehensive assessment of these matters.

I note, however, that a Shire-wide retail study, being undertaken for Council by CoreEconomics, is currently under way. That study is examining conventional retail as well as commerce and trade uses and will provide more information upon which to base the future zoning of the site. However, we are advised that its conclusion is some time away.

Given the urgent need to commence the establishment of a new Sewerage Treatment Plant to service the Kingscliff locality, and the fact that the rezoning of this site is the first step in this process, there are significant concerns relating to delaying a decision about the zoning of this site until the retail study is concluded.

Given this urgency, and given the question marks that remain before it can be categorically stated that a Commerce and Trade zone is more appropriate than an Industrial Zone, the 'safest' action at this time would be to proceed with rezoning of the site to 4(a) Industrial, as exhibited by Council. The industrial zoning can be justified as there is demand for such land, the site is suitable for industrial uses, such uses are less affected by flooding constraints than alternate more intense uses, and it is unlikely to have any detrimental impact on the existing Kingscliff retail centre.

Part 2 - Submissions to Draft LEP

**1. Dr Stephen Segal
Director, Gales Project Pty Ltd**

LES does not consider subject land together with other land owned by Gales in the locality.	GeoLINK's brief was to examine the STP site only.
Commercial zoning should not be excluded from the LES.	Commercial zoning was not considered as appropriate for the subject site based on the results of the <i>Kingscliff Centres Study</i> (Patrick Partners, September 2001). That study specifically looked at the appropriateness of a district centre located at or near the subject site. It concluded "A centre next to the industrial estate would have major problems in becoming an active, vital, mixed use town centre". The Study recommended that an alternate site, located closer to the existing Kingscliff town centre (Turnock Street) is more appropriate for the siting of a district commercial centre.
LES was undertaken "without apparent knowledge of the contractual details between Council and Gales".	This is fact. Council staff specifically did not advise GeoLINK of these contractual details as they have no bearing on a Local Environmental Study, which should look purely at the nature of the site constraints, the site's context (physically and in a strategic planning sense), and the most appropriate land use that fits with that assessment.

Issues Raised	Comments
The LES ignores Council's resolution of July 2003 which indicates that it will not proceed with a district centre at Turnock Street.	Regardless of this resolution, the Kingscliff Centres Study indicates that the subject site is not an appropriate location for a district retail centre.
Cannot see the sense in an environmental protection zoning.	The proposed 7(l) Environmental Protection zoning covers an area of Swamp She-Oak forest. This vegetation community is recommended as a priority for future conservation within the <i>Regional Forest Agreement for North East New South Wales</i> . It is acknowledged that this vegetation is currently significantly degraded. However, there is an opportunity for the vegetation community to be remediated, particularly given that it exists on land in public ownership. This area is also nominated by NPWS as being within a proposed future regional wildlife corridor.
Questions why such a large area of land should be zoned 'Special Purpose'.	The requirements for this area, which will remain as Operational Land for Council, were provided to GeoLINK by Council staff. However, GeoLINK recommended that part of the 5(a) area on the exhibited map be zoned 7(l) Environmental Protection, due to the presence of Swamp She-Oak forest.

Recommendation: No change to LES or exhibited draft LEP with regard to the 4(a) zoning. The area covered by the proposed 7(l) zoning is discussed below.

2. Jim Glazebrook & Associates

Issues Raised	Comments
The proposed zonings are inconsistent with the draft LES.	See discussion above (Industrial –v- Commercial and Trade Zoning).
'Proper' structure planning should be undertaken for West Kingscliff, rather than a 'piece meal' approach.	Agree. However, Council have severe time constraints in relation to the establishment of a new STP site. Council's Engineering Services Division has advised that they cannot wait until such structure planning is completed due to increased sewer demand and the constraints of the existing system. They advise that immediate action is required to ensure that service capability will exist for future urban development.
Decisions relating to limit of fill and other flood impacts should await the detailed review of the flood model for the area currently being undertaken by WBM.	See comments above regarding urgency of action.

Issues raised	Comments
Industrial zoning is not compatible with recent formal expressions of the preferred land uses for the area, in the form of the Tweed Coast Strategy 2003 and the draft DCP No. 9 – West Kingscliff.	The Tweed Coast Strategy identifies the site as 'Option 3' for the location of a District Centre, but notes ' <i>the site is close to the motorway and therefore has excellent private vehicle access but is very much a stand-alone centre that will fragment Centre Services from the existing Kingscliff Town Centre</i> '. Amended draft DCP No. 9 notes that the site is an ' <i>area proposed for extension of business and industrial area adjacent</i> '. The industrial zoning is considered to be consistent with these documents.
The proposed zoning pre-empt's the findings of the Retail Study currently being undertaken.	See discussion above.
There is no ecological basis to support the area identified as 2(c) for environmental protection.	As indicated above, the proposed environmental protection zoning covers an area of Swamp She-Oak forest. This vegetation community is described as being a priority for future conservation.

Recommendation: No change to LES or exhibited draft LEP.

**3. Patrick Knight,
Planning & Infrastructure Engineer, Tweed Shire Council**

Issues raised	Comments
Object to the proposed 7(l) Environmental Protection zone – no areas of significant environmental value.	Part of the site has been identified by NPWS as part of a regional wildlife corridor. Further, it contains a stand of Swamp She-Oak forest, which is identified as being a priority for conservation.
Consent has already been obtained to fill in the existing ponds in the area proposed for environmental protection.	GeoLINK were not advised of this consent when undertaking the LES. It is possible to reduce the size of the area proposed for environmental protection so that the pond area is excluded. However, the site has also been identified by the WBM study as being suitable for the location of a regional water quality control facility. If this site is not used for that purpose, there does not appear to be any local alternatives, as there are no other available public lands nearby.
Council cannot force a private owner to convert this area into a wetland habitat.	Noted. However, the land is not privately owned. It is owned by Council.

Issues Raised	Comments
Suggest revision of item c under the proposed amendment to Clause 52 in the written LEP instrument to remove reference to floodway.	Noted. Item c to be revised to read: " <i>the appropriate density of future development, particularly in relation to addressing the provisions of DCP 5 – Development of Flood Liable land</i> ".

Recommendation: If Council does not wish to pursue the establishment of a regional water quality control facility in the area currently occupied by the STP ponds, the draft LEP map can be amended such that the 7(l) zoning covers vegetated parts of the site only.

Item c of the proposed amendment to Clause 52 should be amended as suggested.

4. Tweed Bird Observers

Issues Raised	Comments
Support proposed 7(l) zoning and the zoning contained in the LES as opposed to the exhibited LEP map.	Noted
Suggest the creation of 'Kingscliff Wetland Centre' at the site.	Noted

Recommendation: The 7(l) zoning should be amended to cover all vegetation on the eastern side of the property.

5. Department of Infrastructure, Planning and Natural Resources

Issues Raised	Comments
Suggests a broad strategic approach to flood management in the area rather than a site by site approach.	Noted. A review of local flood modelling is being undertaken. However, see notes above regarding the urgency of action in relation to a new STP site.

Recommendation: No change to LES or exhibited draft LEP.

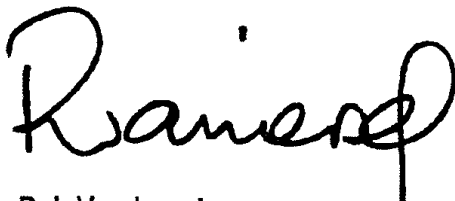
6. Department of Environment and Conservation

Issues Raised	Comments
The vegetated lands remaining within the study area contribute to the north south wildlife corridor that extends to the Tweed River. Actions to retain and rehabilitate the on-site swamp oak community are supported.	Noted.

Issues Raised	Comments
<p>It is acknowledged that some areas within the study area are degraded. However, in a local and regional context, and from a water quality perspective, the regeneration and enhancement of the vegetated lands to the east of the study area is supported.</p>	<p>Noted.</p>
<p>Draft LEP should be amended to include all vegetated land within the proposed 7(l) zone.</p>	<p>Some vegetated land in the site's south west (portion B) is proposed to be retained by Council as operational land associated with the new STP site. Council should consider whether this is necessary on this property or whether the land is best included within the proposed 7(l) zone.</p>
<p>Appropriate buffers are required between future industrial development and the 7(l) land.</p>	<p>Noted. To be determined as part of applications for future development.</p>
<p>The proposal to amend the LEP to add the provision for environmental rehabilitation within the 7(l) environmental protection zone is supported.</p>	<p>Noted.</p>

Recommendation: Council should review the need to retain part of the site as Operational Land. If such area is needed, it should be outside of the existing vegetated area. The proposed 7(l) zoning should be extended over all of the existing vegetation on the eastern side of the property.

Yours faithfully
GeoLINK



Rob Van Iersel
Senior Town Planner

Council Engineering Division Submission

Below is a copy of the formal submission made to the exhibition of the draft LEP Amendment by Council's Engineering Services Division.

INTER - DIVISIONAL MEMO

TO : Manager Strategic Planning
FROM : Patrick Knight, Planning & Infrastructure Engineer
SUBJECT : Draft Amendment No.14 to Tweed LEP 2000 – Kingscliff
Sewage Treatment Works Site
Submission by Engineering Services Division
FILE :
DATE : 21-01-04

1. Area Proposed to be Zoned 7(l)

(Note: The contracts between Council and Kareena Developments Pty Ltd are confidential. No details of the terms of these contracts may be made public without the concurrence of the parties to the contracts.)

The Engineering Services Division objects to the proposed 7(l) zone and submits that the draft LEP should be altered to zone this area 4(a) Industrial

The reasons supporting this alteration are:

- (a) Apart from a small section of she-oak forest on the eastern fringe of the site, this land has no areas of significant environmental value and therefore does not warrant a 7(l) zone. There is no wetland habitat area currently on the site. Geolink's LES acknowledge this, but, proposes creating a future wetland habitat, after de commissioning of the sewage works, by rehabilitating existing sewerage ponds and re-establishing them as a wetland fauna habitat.
- (b) This land, designated "area 2c" (being part of lot 32 DP 847319), is the subject of contracts to transfer the land from Council to Kareena Developments Pty Ltd. Part of the terms of this contract are that Council will remove all ponds from the land and Council has already obtained development consent for this work. These ponds will therefore not be available for re-establishment as wetland fauna habitat
- (c) Council cannot force a future private owner to convert this area into a wetland habitat
- (d) The area is topographically suitable for industrial use. The adjacent area to the north is zoned 4(a) industrial and this draft LEP proposes to zone the area to the west as 4(a) industrial. The alteration of this area to 4(a) industrial would be consistent with these adjoining land uses.

2. TLEP 2000 Amendment (d), Table Under Clause 52

The Engineering Services Division objects to item (c) in column 2 and submits it should be altered by deleting

"(c) the appropriate density of future development, particularly in relation to the provision of a floodway through the site."

and substituting it with the following:

"(c) the appropriate density of future development, particularly in relation to addressing the provisions of DCP5 – Development of Flood Liable Land."

The reasons supporting this alteration are:

- (a) There is no floodway identified on this land by DCP5 or its accompanying inundation maps. The reference "...particularly in relation to the provision of a floodway through the site should be deleted".
- (b) DCP 5 provides standards for the provision of flow paths and flood storage in this area, these standards will impact on density of development and are the appropriate requirements to be referenced in this section.

Patrick Knight

Modifications to the Exhibited Draft LEP Amendment (Written Instrument)

Considering the submissions made to the exhibition of the draft LEP amendment and the recommendations prepared by GeoLink the following modifications have been made to the amending instrument;

1. Within the written instrument delete in Clause 2 (a) "Commerce and Trade" and insert "Industrial"
2. Within the written instrument delete all of Clause 2(b)

amend the primary objectives of the 7(l) Environmental protection (Habitat) Zone to add a provision for environmental rehabilitation;
3. Within the written instrument delete all of Clause 2(c)

amend the Development Table for the 7(l) Environmental Protection (Habitat) Zone by including 'remediation' as a use allowed only with consent; and
4. Within the written instrument delete in Clause 3 "land zoned 7(l) Environmental Protection (Habitat) zone and"
5. Within the written instrument delete all of Clause 4(b)

inserting under the primary objectives of the 7(l) zone in Clause 11 the following words:

to identify land for environmental remediation.
6. Within the written instrument delete all of Clause 4(c)

inserting under Item 2 – allowed only with consent within the land use table for the 7(l) zone in Clause 11 the following:

remediation.
7. Within the written instrument delete the following from 4(d)(c) "the appropriate density of future development, particularly in relation to the provision of a floodway through the site" and insert "the appropriate density of future development, particularly in relation to addressing the provisions of DCP 5 – Development of Flood Liable Land"
8. Any other inconsequential grammatical, numbering and formatting amendments.

Below is a copy of the exhibited draft Tweed LEP amendment written instrument with the modifications identified above. These changes are shown as ***bold italic*** for added items and ~~strikethrough~~ for deleted items.

Tweed Local Environmental Plan 2000 (Amendment No 14)

1. Name of the Plan

This Plan is the *Tweed Local Environmental Plan 2000 (Amendment No.14)*.

2. Aims, objectives etc

This plan aims to:

- a. rezone land to which this plan applies at Kingscliff to allow for ~~Commerce and Trade~~ **Industrial** and environmental protection land uses;
- b. ~~amend the primary objectives of the 7(l) Environmental protection (Habitat) Zone to add a provision for environmental rehabilitation;~~
- c. ~~amend the Development Table for the 7(l) Environmental Protection (Habitat) Zone by including 'remediation' as a use allowed only with consent; and~~
- d. amend Clause 52 to include specific matters to be considered in relation to the subdivision of the land.

3. Land to which this plan applies

This plan applies to ~~land zoned 7(l) Environmental Protection (Habitat) zone and land situated in the local government area of Tweed, being Lot 32 DP 847319, Tweed Coast Road, Kingscliff, as shown edged heavy black and distinctly coloured on the map marked "Tweed Local Environmental Plan 2000 (Amendment No.14)" deposited in the offices of Tweed Shire Council.~~

4. Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by:

- (a) inserting under Part 2 of Schedule 6 the following words:

Tweed Local Environmental Plan (Amendment No.14).

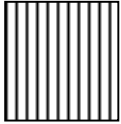
- ~~(b) inserting under the primary objectives of the 7(l) zone in Clause 11 the following words:~~

~~to identify land for environmental remediation.~~

- ~~(c) inserting under Item 2 — allowed only with consent within the land use table for the 7(l) zone in Clause 11 the following:~~

~~remediation.~~

(d) Inserting at the end of the table under Clause 52 the following:

Column 1	Column 2
<p>Shown on the zone map by:</p> 	<p>Applicable provisions</p> <p>Consent must not be granted to the subdivision of the site unless a structure plan has been adopted by Council addressing the following matters:</p> <ul style="list-style-type: none"> (a) the strategic importance of the site and the need to provide a gateway between the Tweed Coast to the south and Tweed Heads/ South Tweed to the north, (b) the location of, and setbacks from, the proposed east-west connector road, (c) the appropriate density of future development, particularly in relation to the provision of a floodway through the site the appropriate density of future development, particularly in relation to addressing the provisions of DCP 5 – Development of Flood Liable Land, (d) land use buffers relating to adjoining environmental protection areas and adjoining residential areas (existing and proposed), and (e) urban design principles consistent with the <i>Coastal Design Guidelines for NSW</i> (UDAS 2003)

Modifications to the Exhibited Draft LEP Amendment (Map)

Below is a copy of the draft amending LEP map as exhibited.

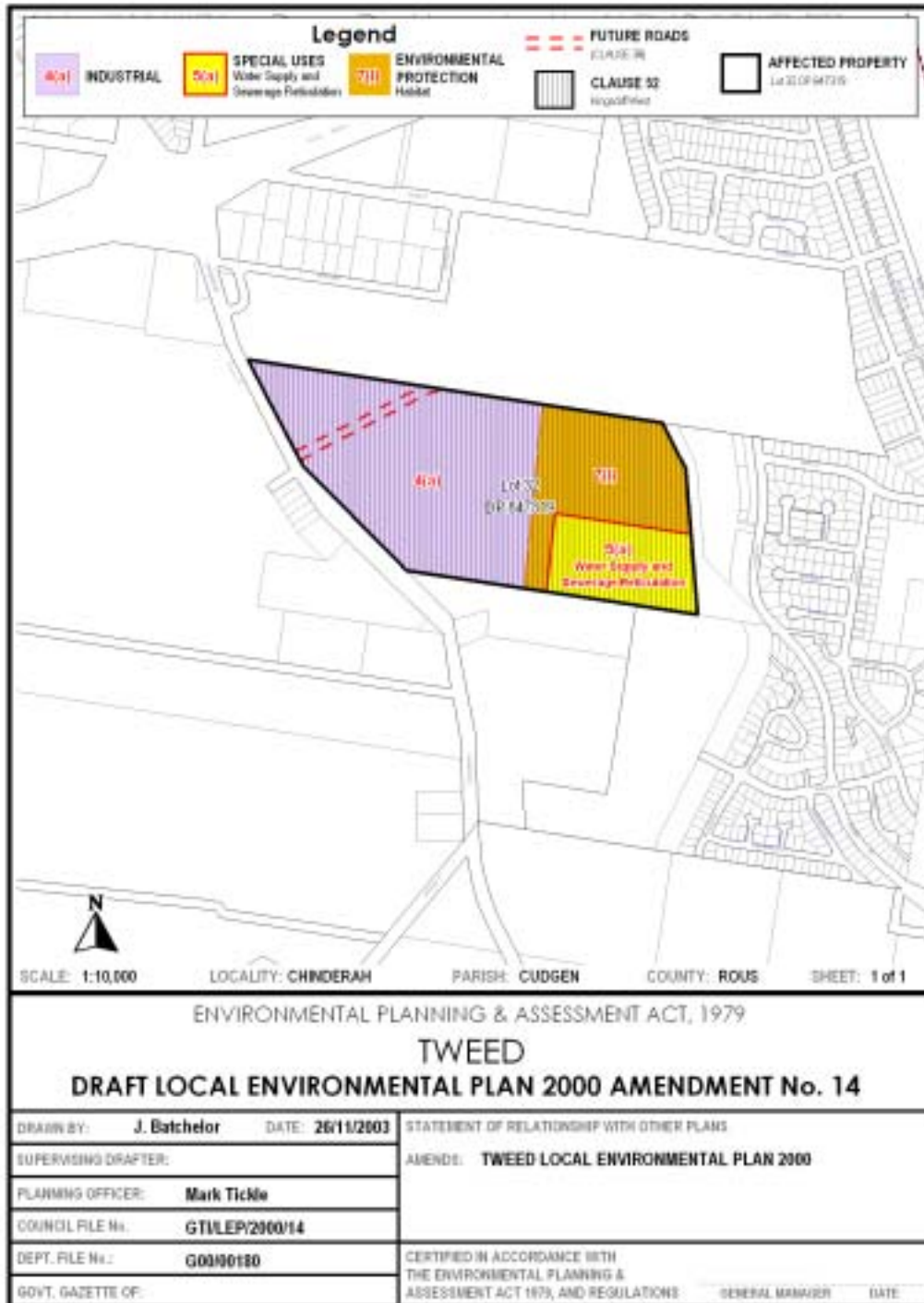


Figure 1: Exhibited Draft Tweed Local Environmental Plan Amendment

Considering the submissions made to the exhibition of the draft LEP Amendment and the report prepared by GeoLink the following modifications have been made to the LEP amendment map;

3. On the Local Environmental Plan amendment map all vegetated areas adjoining the Kingscliff drain zoned 7(l) Environmental Protection
4. On the Local Environmental Plan Amendment map all other areas exhibited as 7(l) Environmental Protection changed to 4(a) Industrial

Below in figure 2 is a revised draft LEP amendment map taking these changes into account.

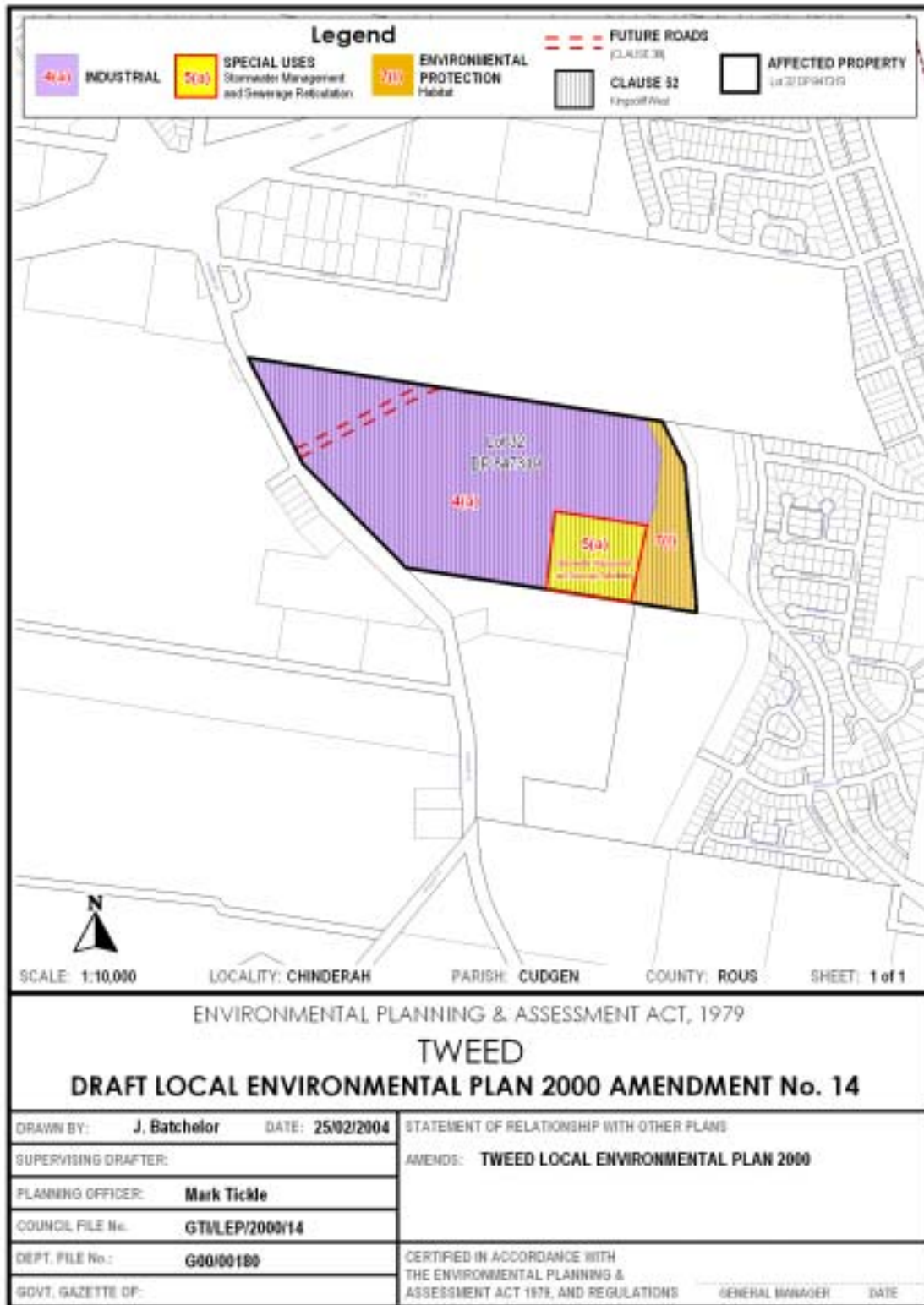


Figure 2: Modified Draft Tweed Local Environmental Plan 2000 Amendment Delegations

Council's delegation under Section 69 of the Environmental Planning and Assessment Act identify that Council does not have delegation to prepare a report on behalf of the Director General for the Minister to make the Amendment if Council owns the land and it is subject to an agreement of sale. This report may still be prepared if the draft LEP Amendment is exhibited in accordance with the best practice guidelines "*LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*".

On 1 October 2003 Council resolved to exhibit the draft LEP in accordance with these best practice guidelines.

However considering Council's involvement in the preparation of the draft LEP Amendment it is considered prudent not to use delegations in this instance.

Conclusions

It is recommended that the draft LEP Amendment be modified as discussed above and that it be forwarded to the Department of Infrastructure, Planning and Natural Resources so that the Director General may prepare a report in accordance with Section 69 of the Environmental Planning and Assessment Act for the amendment of Tweed Local Environmental Plan 2000 (No 14) Kingscliff Sewerage Treatment Plant, Kingscliff.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

8 [OGM] Tweed and Coolangatta Tourism Inc (TACTIC) - Request for Payment of Marketing Campaign

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

At its meeting of 2 April 2003 Council resolved that it considers a contribution of \$36,000 in the 2003/2004 budget, to a Destination Marketing campaign to be developed by Tweed and Coolangatta Tourism Inc, subject to:

- a. Total for the campaign being \$160,000 media spend;
- b. \$64,000 to be contributed by TACTIC; and
- c. \$60,000 to be contributed by industry.

Tweed and Coolangatta Tourism Inc. has advised that after extensive efforts at fundraising from industry partners, they have been successful in raising \$50,000 towards the Tweed Destination Marketing Campaign and seeking Council in funding its contribution of \$36,000, which has been allocated in the 2003/2004 budget.

The revised program will now be based on a total campaign of \$150,000 made up of:

- a. \$64,000 from TACTIC;
- b. \$50,000 from the tourism industry; and
- c. \$36,000 from Tweed Shire Council.

RECOMMENDATION:

That:

1. Council makes a contribution of \$36,000 to Tweed and Coolangatta Tourism Inc. towards the Tweed Destination Marketing Campaign.
2. Tweed and Coolangatta Tourism Inc. presents to Council a written report and an audited financial statement on completion of the Marketing Campaign.

REPORT:

At its meeting of 2 April 2003 Council resolved that it considers a contribution of \$36,000 in the 2003/2004 budget, to a Destination Marketing campaign to be developed by Tweed and Coolangatta Tourism Inc, subject to:

- a. Total for the campaign being \$160,000 media spend;
- b. \$64,000 to be contributed by TACTIC; and
- c. \$60,000 to be contributed by industry.

Tweed and Coolangatta Tourism Inc. has advised that after extensive efforts at fundraising from industry partners, they have been successful in raising \$50,000 towards the Tweed Destination Marketing Campaign and seeking Council in funding its contribution of \$36,000, which has been allocated in the 2003/2004 budget.

The revised program will now be based on a total campaign of \$150,000 made up of:

- a. \$64,000 from TACTIC;
- b. \$50,000 from the tourism industry; and
- c. \$36,000 from Tweed Shire Council.

The campaign commenced throughout November and December 2003, which TACTIC claims that it has been highly effective and it is due to recommence in late February and run through until the end of September 2004.

Although TACTIC has not completely met Council's criteria for payment of its additional funding, it is considered that Council should make payment of the additional funding of \$36,000 based on the revised budget and efforts of TACTIC in attempting to raise the initial contribution from the tourism industry.

For performance monitoring and accountability purposes, TACTIC should be required to provide to Council a written report and an audited financial statement on the completion of the marketing campaign.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2003/2004 Budget – allocation of \$36,000 for Tweed Destination Marketing Campaign.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Correspondence from Tweed and Coolangatta Tourism Inc. (TACTIC) re: Tweed Destination Marketing Campaign Funding (DW 1000575).
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9 [OGM] Mayoral Elections

ORIGIN:

Administration Services

SUMMARY OF REPORT:

Advice has been received from the Department of Local Government in relation to the mayoral term following the Local Government Elections on 27 March 2004.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The following advice has been received from Mr Garry Payne, Director General of the Department of Local Government in relation to the mayoral term following the Local Government Elections on 27 March 2004.

"Mr Garry Payne, Director General of the Department of Local Government has advised that the mayoral term following the elections on Saturday 27 March 2004, will be for sixth months only. The next mayoral elections will occur in September 2004, and mayor terms will then be from September to September each year. The term of popularly elected mayors election on 27 March 2004 will be 4.5 years."

This is submitted for Council's information.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM DIRECTOR ENGINEERING SERVICES

10 [ES] Extinguishment of Various Easements - Koala Beach - Stage 5

ORIGIN:

Design

FILE NO: DA03/0087 Pt6

SUMMARY OF REPORT:

Various access and drainage easements have been created in the early stages of Koala Beach at Pottsville. As subsequent stages are being developed, it will be necessary to extinguish the early easements as they are being replaced by more appropriate easements.

For example, Stage 5B will dedicate a drainage reserve to replace the easements for drainage and access created in Stage 5A.

It is now necessary to seek a resolution to execute and endorse the necessary documents for the extinguishment of those easements which have been created and have then become defunct through the creation of replacement easements, dedication as roads or drainage reserves. This report will enable the subsequent stages to proceed expediently without separate reports.

RECOMMENDATION:

That:-

1. Council approves the extinguishment of the following easements:-
 - (a) Easement to Drain Water & Right of Access – 10 wide & variable created in DP 1040725;
 - (b) Easement to Drain Water variable width created in DP 1052079;
 - (c) Easement to Drain Water to be marked “S” and Right of Access to be marked “T” in Stage 5A
 - (d) Rights of Carriageway 10 wide and 12 wide & variable created in DP 864092;
 - (e) Easement to Drain Water 3 wide created in DP 864092

- (f) Easement to Drain Water variable width and Right of Access variable width created in DP 1040725; and
 - (g) Right of Carriageway to be marked "D" in Stage 5A
2. All necessary documentation be endorsed and executed under the common seal of Council.

REPORT:

Various access and drainage easements have been created in the early stages of Koala Beach at Pottsville. As subsequent stages are being developed, it will be necessary to extinguish the early easements as they are being replaced by more appropriate easements.

For example, Stage 5B will dedicate a drainage reserve to replace the easements for drainage and access created in Stage 5A.

The following table shows the easements to be created and the replacement actions:

E'ment to be Extinguished	Deposited Plan	Replacement E'ment
1. E'ment to Drain Water & Right of Access – 10 wide & variable	DP1040725 – marked “K” and “M” respectively on plan	Stage 5A – E'ment to Drain Water to be marked “S” & Right of Access to be marked “T”
2. E'ment to Drain Water variable width	DP 1052079	The area of this easement will become road
3. E'ment to Drain Water to be marked “S” and Right of Access to be marked “T” in Stage 5A		Stage 5B – This area will be dedicated as public reserve as proposed Lot 518
4. Right of Carriageway 12 wide & variable	DP 864902 – marked “C” on plan	Stage 5B – This area will be dedicated as road
5. Right of Carriageway 10 wide	DP 864092 – marked “F” and marked “O” in DP 1052079	Stage 5B - Will form part of roadwork and future right of Carriageway within proposed Lot 517
6. E'ment to Drain Water 3 wide	DP 864092 – marked “D” and marked “Q” in DP1052079	Stage 5B - This area will be dedicated as public reserve as proposed Lot 518
7. E'ment to Drain Water variable width and Right of Access variable width	DP 1040725 – marked “J” and “L” respectively	Stage 5B – this area will be dedicated as public reserve as proposed Lot 533
8. Right of Carriageway to be marked “D” in Stage 5A		Stage 6 – this area will be dedicated as road

Please note that Easement to Drain Water, number 3, is to be created in Stage 5A and then the area of the easement will form part of a public reserve to be created in Stage 5B.

The Right of Carriageway to be created in Stage 5A, number 8, will become part of the road to be dedicated in Stage 6.

In all instances, Council is the benefiting authority and must consent to the extinguishment as such.

It is now necessary to seek a resolution to execute and endorse the necessary documents for the extinguishment of these early easements to enable the subsequent stages to proceed expediently without separate reports.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

**11 [ES] Leases to Chillingham Community Association & Chillingham CTC,
Numinbah Road, Chillingham**

ORIGIN:

Design

SUMMARY OF REPORT:

At a meeting held on 4 December, 2002 it was resolved by Council to purchase land at Chillingham from Mr John Gillieatt to provide land for various community purposes (sportsfield/village green/technology centre).

Mr Gillieatt's land was subdivided and a parcel was purchased from him and this transaction was settled on 14 April, 2003.

Chillingham Community Association have obtained development consent to proceed with the conversion of the existing building on the land to provide a space for the Chillingham Technology Centre and a venue for community events organised by the Community Association.

It is now necessary to formalise the ongoing use of the building and surrounding area by the Association and Technology Centre by entering into a Lease Agreement with both organizations.

Although no formal correspondence or discussions have occurred between Council and the Community Association it was always understood that the Association would be the user of the building, together with the Community Technology Centre.

The Community Association provided \$72,727.00 towards the \$85,000.00 consideration for acquisition of the land, and it is on this basis that it is recommended that the Community Association and the Community Technology Centre, both voluntary organizations, pay a token \$1.00 per annum rental for the occupation and use of the building.

RECOMMENDATION:

That:-

1. Council approves to be bound by the terms and conditions a Lease Agreement with the Chillingham Community Association for a term of 2 years;
2. Council approves to be bound by the terms and conditions of a Lease with the Community Technology Centre for a term of 1year;

3. All necessary documentation is executed and endorsed under the Common Seal of Council.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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12 [ES] Release of a Restriction as to User Created in DP 595031 at Round Mountain

ORIGIN:

Design

FILE NO: R4660 Pt4

SUMMARY OF REPORT:

Following the realignment of Reserve Creek Road at Round Mountain as part of the R2R road works programme, a plan for road widening has been prepared to formalise the transfer of the road widening into Council's control.

Land fronting the affected road widening at Round Mountain, owned by Alan and Maree Leslight, was burdened by a Restriction as to User whereby the land affected was to be transferred to Council with no compensation. This Restriction was registered against the property when the land was subdivided to create Lots 3 and 4 in DP 595031. This Restriction ensured that the affected area would be available to Council for future road widening and realignment when the funds became available.

Both Lots 3 and 4 in DP 595031 were burdened by the Restriction, however the affected area in Lot 4 was subsequently dedicated as road widening when Lot 4 was subdivided in 1982.

Lot 3 in DP 595031, together with neighbouring land, was subdivided in 1984 to create Lots 1 and 2 in DP 844934 in 1984.

The road works at Reserve Creek Road have now utilised the remaining land affected by the Restriction and it is no longer necessary for it to remain on the titles of Lots 1 and 2 in DP 844934..

A "Release or Extinguishment of Restriction on the Use of Land" LPI form has been prepared. This document will be lodged with the plan of road widening of Reserve Creek Road.

It is necessary for Council, as the benefiting authority, to sign the Release document under common seal to enable its lodgement and registration with the plan.

RECOMMENDATION:

That Council:-

1. Approves the release of the Restriction as to User created in DP 595031 as it is no longer necessary following road works on Reserve Creek Road;

2. Signs and endorses all necessary documentation under the common seal of Council.

REPORT:

As per Summary of Report.

Form: 13RRE
 Release:
 www.lpi.nsw.gov.au

**RELEASE OR
 EXTINGUISHMENT OF
 RESTRICTION ON THE
 USE OF LAND**

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales
 Sections 88, 88D(12), 88E(7) or 89(8)
 Conveyancing Act 1919

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

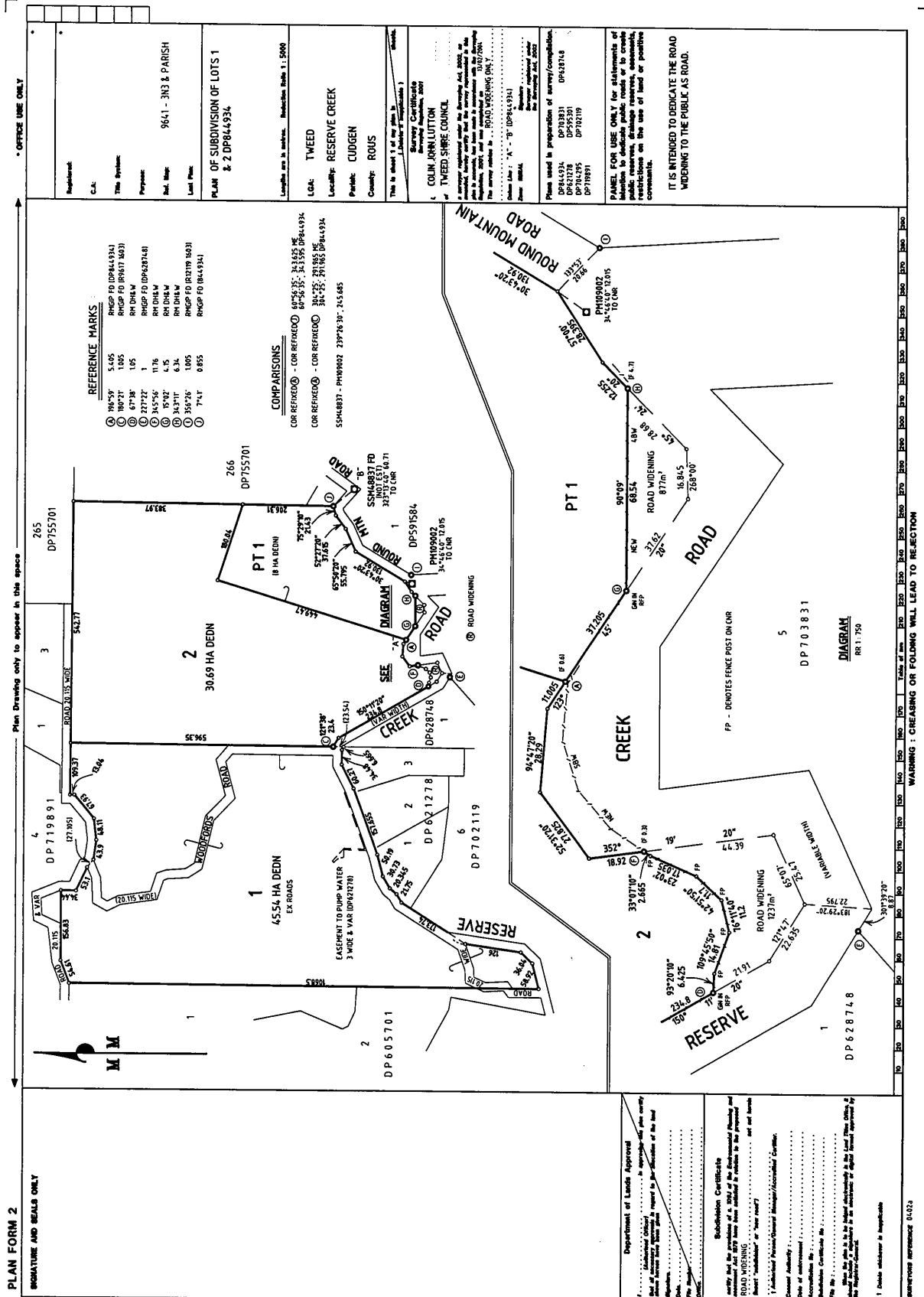
(A) TORRENS TITLE	Certificates of Title Folio Identifier 1 & 2/844934						
(B) LODGED BY	<table border="1" style="width: 100%;"> <tr> <td style="width: 15%;">Delivery Box</td> <td>Name, Address or DX and Telephone</td> <td style="width: 10%;">CODE</td> </tr> <tr> <td></td> <td>Reference:</td> <td style="text-align: center; vertical-align: middle;">R</td> </tr> </table>	Delivery Box	Name, Address or DX and Telephone	CODE		Reference:	R
Delivery Box	Name, Address or DX and Telephone	CODE					
	Reference:	R					
(C) RESTRICTION	Restriction as to User created in DP 595031						
(D) APPLICANT	TWEED SHIRE COUNCIL ABN 90 178 732 496						

- (E) 1. RELEASE: SECTION 88 CONVEYANCING ACT 1919** NOT APPLICABLE
 The applicant applies to have a recording made in the Register of NOT APPLICABLE the above restriction on the use of land dated NOT APPLICABLE and annexed hereto marked N.A .
- 2. RELEASE: SECTION 88D(12) CONVEYANCING ACT 1919** NOT APPLICABLE
 The applicant, being the prescribed authority entitled to enforce the above restriction on the use of land, applies to have a recording made in the Register of the order dated NOT APPLICABLE and annexed hereto marked N.A releasing that restriction.
- 3. RELEASE: SECTION 88E(7) CONVEYANCING ACT 1919**
 The applicant, being the prescribed authority entitled to enforce the above restriction on the use of land, releases that restriction and applies to have a recording made in the Register giving effect to the release.
- 4. EXTINGUISHMENT: SECTION 89(8) CONVEYANCING ACT 1919** NOT APPLICABLE
 The applicant, being the registered proprietor of the above land, applies to have all necessary recordings made in the Register to give effect to the order of the Supreme Court of New South Wales dated NOT APPLICABLE an office copy of which is annexed hereto marked N.A which N.A. extinguishes the above restriction on the use of land.

DATE _____

(F) Certified correct for the purposes of the Real Property Act 1900 by the corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.
 Corporation: TWEED SHIRE COUNCIL
 Authority: BY RESOLUTION PASSED AT A MEETING HELD ON _____

Signature of authorised person: _____	Signature of authorised person: _____
Name of authorised person: WARREN POLGLASE	Name of authorised person: JOHN GRIFFIN
Office held: MAYOR	Office held: GENERAL MANAGER



PLAN FORM 2

SIGNATURE AND SEALS ONLY

Plan Drawing only to appear in this space

OFFICE LINE ONLY

Registered:
C.A.
Title System:
Purpose:
Ref. Map:
Lot Plan:

9641 - 3N3 & PARISH
PLAN OF SUBDIVISION OF LOTS 1 & 2 DP844934

Lengths are in metres. Reduction Ratio 1:5000
LGA: TWEED
Locality: RESERVE CREEK
Parish: CUDDGEN
County: ROUS

This is sheet 1 of a plan of 1 sheet.
Survey Certificate
Surveying Authority: 2007
Surveyor: COLIN JOHN LUTTON
of TWEED SHIRE COUNCIL

Plans used in preparation of survey/compilation:
DP844934
DP81278
DP82531
DP70235
DP71991

PANEL FOR USE ONLY for statements of compliance to the provisions of the Public Works Act 1950, and public notices, diagrams, easements, and restrictions on the use of land or positive covenants.
IT IS INTENDED TO DEDICATE THE ROAD WIDENING TO THE PUBLIC AS ROAD.

REFERENCE MARKS

- ① 80°52' 5.405
- ② 100°21' 1.005
- ③ 67°38' 1.05
- ④ 227°22' 1
- ⑤ 345°56' 11.76
- ⑥ 15°42' 6.5
- ⑦ 343°11' 6.34
- ⑧ 355°26' 1.005
- ⑨ 7°41' 0.855

COMPARISONS

- COR REFLECTED - COR REFLECTED ① 67°56'35" - 34.1455 NE
- ② 80°56'35" - 34.1395 DP844934
- COR REFLECTED - COR REFLECTED ③ 384°75' 29.985 NE
- ④ 384°75' 29.985 DP844934
- ⑤ 524°4837' - PH09002 239°26'30" - 245.685

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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13 [ES] Re-Naming of Roads at Koala Beach, Pottsville

ORIGIN:

Design

SUMMARY OF REPORT:

A letter has been received from the Koala Beach Wildlife & Habitat Management Committee seeking the re-naming of some dedicated roads in Stage 3B of the Koala Beach development.

The Committee state in their submission that they have provided names of native flora and fauna to the developer who has introduced names of native flora and fauna in Stages 5 and 6 of the development.

The names for Stage 3B have utilised names of exotic flora, for example, Robina (sic), Hollyhock, Bluebell and Frangipanni.

These names are at odds with other stages of the Koala Beach development and it is considered that the re-naming submission has merit as it would result in a consistent theme of native flora and fauna for street names for the Koala Beach estate.

There are no residents on those streets sought to be re-named which provides an opportunity to re-name the streets without disadvantaging any landowners.

RECOMMENDATION:

That Council:-

1. Adopts the names "***Hovea Drive, Hibbertia Court, Euodia Avenue and Endiandra Close***" in lieu of the current name of "Robina Drive, Hollyhock Court, Bluebell Avenue and Frangipani Close" at the Koala Beach Estate at Pottsville;
2. Publicises its intention allowing one month for objections to the proposal; and
3. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

REPORT:

A letter has been received from the Koala Beach Wildlife & Habitat Management Committee seeking the re-naming of some dedicated roads in the Koala Beach development.

The Committee state in their submission that they have provided names of native flora and fauna to the developer who has introduced names of native flora and fauna in Stages 5 and 6 of the development.

The names for Stage 3B have utilised names of exotic flora, for example, Robina (sic), Hollyhock, Bluebell and Frangipanni.

These names are at odds with other stages of the Koala Beach development and it is considered that the re-naming submission has merit as it would result in a consistent theme of native flora and fauna for street names for the Koala Beach estate.

There are no residents on those streets sought to be re-named, although some dwellings have commenced construction on Robina Road and Bluebell Avenue, which provides an opportunity to re-name the streets without disadvantaging any landowners.

Each landowner on the affected streets will be contacted to advise of the re-naming and to invite submission.


The names sought to replace the names listed above include:

REPLACEMENT NAMES	CURRENT NAME
Hovea Drive	Robina Drive
Hibbertia Court	Hollyhock Court
Euodia Avenue	Bluebell Avenue
Endiandra Close	Frangipani Close

Other native flora names submitted included Callistemon and Flindersia, no road suffixes were submitted.

Pursuant to Council's Policy on Naming Roads, Flindersia was considered not acceptable as it is too close to Flinders Place at Banora Point.

A copy of the Committee's letter follows:-

<p>Koala Beach Wildlife & Habitat Management Committee PO Box 97 POTTSVILLE BEACH NSW 2489 Ph: 02 6676 3464</p>	
--	--

Email: anwl@bigpond.com
 STREET-NAMING
 LN: 44101

5/2/2004

The General Manager
 Tweed Shire Council
 PO Box 816
 MURWILLUMBAH 2484

TWEED SHIRE COUNCIL	
FILE No.	DA4917235
DOCUMENT No.	[] [] [] [] [] [] A12
RECD	11 FEB 2004
BOX No.	[] [] [] []
ASSIGNED TO	TURNBULL N
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Request to rename 4 streets in Koala Beach, Att. Nela Turnbull

Dear Dr Griffen

The Koala Beach Wildlife & Habitat Management Committee request that consideration be given to the re-naming of 4 streets in Stage 3 of Koala Beach. Members see the present non-native names, (Robina, Hollyhock, Bluebell & Frangipanni), as being out of place in such an environmentally significant estate where all other current names are those of plants native to the area


We have already co-operated with the developer in providing him with a list of native plant and animal names for the streets in Stages 5&6 presently under construction and understand that those suggestions have been submitted to council for consideration.

There are no residents in the streets listed above although a house is under construction in each of Robina & Bluebell Survey pegs have also been placed on another lot in Robina

Names that we consider suitable are: HOVEA, HIBBERTIA, EUODIA; FLINDERSIA; CALLISTEMON; ENDRIANDRA We have selected them because of the presence of these native plants on the estate and hope that the listing of 6 names will be sufficient to allow for the avoidance of duplication within the shire.

We hope that you will view this request sympathetically and support us in our wish to remind all residents and visitors to value our natural environment.

Yours faithfully


 Annette Wilson
 Correspondence Secretary

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

14 [ES] Resubdivision of Lots 954 and 956 in DP 864092, Parish of Cudgen, into Two (2) Lots and Reclassification of the Subdivided Lot

ORIGIN:

Design

SUMMARY OF REPORT:

As part of the demand for water supply for the Koala Beach Estate Pottsville, two 5 ML water reservoirs are required to be constructed on Round Mountain. To facilitate the construction of the first stage (one 5 ML reservoir), subdivision of Council controlled lands (Lots 954 and 956 on DP 864092, Parish Cudgen County of Rous) is required, together with the reclassification of one subdivided lot (proposed Lot 1) to operational land as required by the Local Government Act. The proposed subdivision plan is shown attached to this report. Proposed Lot 1 has been sized to accommodate the second stage of construction (a further 5 ML reservoir expected to be constructed in 2020).

RECOMMENDATION:

That :

1. Pursuant to Section 54 of 'The Environmental Planning and Assessment Act 1979', Council prepares a draft Local Environmental Plan (LEP) to reclassify proposed Lot 1 (which is to be created from the subdivision of Lots 954 and 956 on DP 864092 Parish Cudgen County of Rous), from community land to operational land;
2. Council advises the Department of Infrastructure, Planning and Natural Resources that an environmental study is not required; and
3. Council engages planning consultants to undertake the project with funding being obtained from existing funding for the Koala Beach Reservoir.

REPORT:

BACKGROUND

A water reservoir is required to be constructed to facilitate additional development at the Koala Beach Estate. A temporary reservoir exists for the existing Koala Beach development located in Council controlled Lot 956 on DP 864092, however the capacity of this reservoir is limited and Council have previously agreed with the developers to establish a permanent reservoir. Various permanent reservoir sites have been evaluated and a preferred site has been recommended based on environmental and economic grounds.

Permanent water reservoirs do not conform to the primary requirement for community land (ie. land which should be kept for use by the general public). Reclassification of a small portion of Lot 954 (currently community land) is therefore required to enable the construction of a reservoir and an access track.

SUBDIVISION OF LOTS 954 AND 956 ON DP 864092 PARISH OF CUDGEN COUNTY OF ROUS

To enable the reservoirs and access road to be constructed, a 1.44 Ha land parcel is required to be excised from Lots 954 and 956 on DP 864092. A copy of the proposed subdivision plan showing proposed Lots 1 and 2 is attached to this report.

Lots 954 and 956 on DP 864092 were acquired by Council in late 1996 from the developers of the Koala Beach Estate (Queensland Industry Development Corporation). Lot 954 is classified as community land in accordance with Section 31(2A) of the Local Government Act while Lot 956 is appropriately classified as operational land.

A statement of environmental effects (SEE) is soon to be submitted to Council's Development Assessment Unit for consideration under Part 5 of the Environmental Planning and Assessment Act 1979 for consideration.

Council's endorsement to the plan of subdivision will be sought in a future report to Council.

RECLASSIFICATION OF PROPOSED LOT 1 PLAN OF SUBDIVISION OF LOTS 154 AND 156 DP 864092

All public land must be classified as either community or operational land in accordance with Part 6 of the Local Government Act. Section 30 of the Local Government Act enables Council to reclassify community land as operational land. The existing classification of Lot 954 on DP 864092 is community land. As such proposed Lot 1 needs to be reclassified as operational land prior to constructing the reservoir and access road.

It is recommended that Council commence the reclassification process immediately as it requires a public hearing and an amendment to the Tweed Local Environmental Plan

2000 under Section 27 (1) of the Local Government Act. This process may take up to twelve months.

As stated above, a development application will be submitted for the access road and reservoir construction. The reclassification process can run concurrently with this development application process and can be withdrawn at any time if required.

Due to the very lengthy reclassification process, it is recommended that the survey plan for excising proposed Lot 1 not be endorsed by Council until the development application is determined.

As the proposed LEP amendment is purely for reclassification purposes, an environmental study should not be required and the Department of Planning, Natural Resources and Infrastructure should be advised accordingly.

Legal Implications

No legal implications are foreseen regarding either the proposed subdivision or the reclassification.

PLAN FORM 2

SIGNATURE AND SEALS ONLY

THE COMMON SEAL OF TWEED SHIRE COUNCIL WAS HERETO AFFIXED ONCE OF A RESOLUTION PASSED AT ITS MEETING HELD ON

WATER

GENERAL MANAGER

OFFICE USE ONLY

Replanned: 1000

CA: 1000

Title System: 1000

Payable: 1000

HT: 1000

Last Date: 1000

PLAN OF SUBDIVISION OF LOTS 954 & 956 DP864092

Length in metres. Reduction scale 1:1000

LOCAL TWEED
Landing: POTTISVILLE
Public: CUDGEN
County: ROUS

This is sheet 1 of my plan in 2 sheets (1 sheet if applicable)

1. COLIN HARR LUTHER
Surveyor Professional No. 2007

2. COLIN HARR LUTHER
Surveyor Professional No. 2007

Plan used in preparation of survey/compilation:
DP864092
DP870052

PANEL FOR USE ONLY for statements of compliance with the provisions of the Public Resources, Drainage, Estuarine, and Wetlands Acts 1999 and the restrictions on the use of land or positive easements.

Plan Drawing only to appear in this space

CURVED BOUNDARIES			
NO.	BEARING	DIST.	ARC
1	121°06'41"40"	15.51	18.27
2	111°12'31"10"	49.14	103.71
3	115°26'41"40"	100.93	103.71

LINE SCHEDULE			
NO.	BEARING	DIST.	ARC
1	16°01'20"	110.94	18.17
2	51°04'20"	94.98	10.95
3	34°24'50"	64.53	7.43
4	108°34'25"	65.46	7.43
5	116°34'25"	57.55	6.61
6	88°34'20"	44.26	5.00
7	116°34'20"	44.26	5.00
8	34°24'50"	64.53	7.43
9	51°04'20"	94.98	10.95
10	16°01'20"	110.94	18.17
11	121°06'41"40"	15.51	18.27
12	111°12'31"10"	49.14	103.71
13	115°26'41"40"	100.93	103.71
14	121°06'41"40"	15.51	18.27
15	111°12'31"10"	49.14	103.71
16	115°26'41"40"	100.93	103.71
17	121°06'41"40"	15.51	18.27
18	111°12'31"10"	49.14	103.71
19	115°26'41"40"	100.93	103.71
20	121°06'41"40"	15.51	18.27
21	111°12'31"10"	49.14	103.71
22	115°26'41"40"	100.93	103.71
23	121°06'41"40"	15.51	18.27
24	111°12'31"10"	49.14	103.71
25	115°26'41"40"	100.93	103.71
26	121°06'41"40"	15.51	18.27
27	111°12'31"10"	49.14	103.71
28	115°26'41"40"	100.93	103.71
29	121°06'41"40"	15.51	18.27
30	111°12'31"10"	49.14	103.71
31	115°26'41"40"	100.93	103.71
32	121°06'41"40"	15.51	18.27
33	111°12'31"10"	49.14	103.71
34	115°26'41"40"	100.93	103.71
35	121°06'41"40"	15.51	18.27
36	111°12'31"10"	49.14	103.71
37	115°26'41"40"	100.93	103.71
38	121°06'41"40"	15.51	18.27
39	111°12'31"10"	49.14	103.71
40	115°26'41"40"	100.93	103.71
41	121°06'41"40"	15.51	18.27
42	111°12'31"10"	49.14	103.71
43	115°26'41"40"	100.93	103.71
44	121°06'41"40"	15.51	18.27
45	111°12'31"10"	49.14	103.71
46	115°26'41"40"	100.93	103.71
47	121°06'41"40"	15.51	18.27
48	111°12'31"10"	49.14	103.71
49	115°26'41"40"	100.93	103.71
50	121°06'41"40"	15.51	18.27

Department of Lands Approval

1. (Individual Officer) - (Signature) (Date)

2. (Individual Officer) - (Signature) (Date)

3. (Individual Officer) - (Signature) (Date)

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

There will be an application fee to the State for an amendment to Council's LEP and a Consultant will need to be commissioned to undertake the reclassification process on Council's behalf. The estimated cost for these is expected to be around \$3,000. Funding of this amount can be obtained from the Koala Beach Reservoir capital works budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

15 [ES] Tweed Heads - Banora Point Effluent Disposal Strategy Community Consultation Outcomes

ORIGIN:

Water

SUMMARY OF REPORT:

The Tweed Heads - Banora Point Effluent Disposal Strategy was developed by Council to address future increased sewage flows treated at the Tweed Heads and Banora Point Sewage Treatment Plants.

It is a requirement of the Department of Environment and Conservation (DEC) that the Council develops the Effluent Disposal Strategy before an increase in licensed discharges can be approved. At current growth rates, it is anticipated that a licence increase for the Banora point STP will be required by July 2007.

Montgomery Watson Harza and 4Site Natural Solutions were engaged to undertake community consultation for the proposed strategy. Consultation on the proposed strategy commenced February 2003 and concluded in December 2003 with the aim of informing the general public of the Council's effluent strategy and to gain feed back on the preferred option of enhancing the effluent treatment at both the Tweed Heads STP and Banora point STP and continue to discharge at the existing outfalls in Terranora Creek.

A diverse and extensive consultation process was undertaken over a 10 month period. The draft effluent disposal strategy and associated issues received little interest with very poor responses to all attempts to engage the public. The Consultant's report concluded that there is a general lack of community interest in effluent treatment and disposal at this point of time.

Given the general response to the issues, an Environmental Impact Study will be undertaken to further examine the proposed options. Additional community consultation will be included with the EIS.

RECOMMENDATION:

That Council:-

1. Receives and notes the community consultation report for the Tweed Heads - Banora Point Effluent Disposal Strategy.
2. Continues with current strategy and undertakes an EIS on the proposed strategy options.

REPORT:

Background

The Tweed Heads - Banora Point Effluent Disposal Strategy was developed by Council to address the future increased sewage flows treated at the Tweed Heads and Banora Point Sewage Treatment Plants.

It is a requirement of the Department of Environment and Conservation (DEC) that the Council develops the Effluent Disposal Strategy before an increase in the current discharge licenses from Tweed Heads STP and Banora Point STP can be approved. On current growth rates, it is anticipated that a licence increase will be required by July 2007.

Water quality problems were identified in the Interim Water Quality Management Plan and are the key drivers for establishing the effluent disposal strategy. The effluent disposal strategy seeks to identify disposal options that address issues of nutrient accumulation in Terranora Broadwater and Cobaki Broadwater as well as high bacterial levels within Terranora Creek.

In 1995, Turnbull Fox Philips undertook community consultation to establish the preferred effluent management options. This community consultation indicated a preference for land disposal for effluent at Letitia Spit, followed by continued river discharge with a strong disapproval of ocean outfalls.

Effluent Management Options

Council undertook an environmental and non-economic assessment of effluent disposal options that consolidated the viable alternatives for effluent management as follows:-

1. Remove effluent from Terranora Creek and relocate discharge point to Tweed River with or without improved effluent quality, or
2. Continue to discharge effluent into Terranora Creek at existing locations with improved effluent quality from both Tweed Heads STP and Banora Point STP.

There is insufficient land available at Letitia Spit for effective effluent disposal and would have the potential to contaminate high groundwater tables and surrounding surface waters. The area is also subject to high rainfall that limits the ability to effectively utilise effluent for the irrigation of land. As a consequence, land application is not considered viable at this point of time.

Option 1: Relocate Discharge Points

Three alternative points of discharge into the well-flushed reaches of the Tweed River at:-

- The eastern end of Kirkwood Road
- Off Ukerebagh Island
- The eastern end of Francis Street

The option of Kirkwood Road was considered to be less suitable due to limited tidal flushing effects and would require additional effluent treatment to ensure water quality objectives are maintained. Both Ukerebagh Island and Francis Street discharges could be maintained at the current treatment standards and still meet the water quality guidelines.

Option 2: Improved Effluent Quality

In order to maintain water quality objectives for Terranora Creek, water quality monitoring indicated that with improved effluent quality and effluent discharged on the ebb tide, there would be minimal nutrient accumulation and very low health risks at the following effluent quality standards that have been adopted for the enhanced treatment strategy:-

- Total Nitrogen < 5 mg/L
- Total Phosphorous < 2 mg/L
- Faecal Coliforms < 20/100ml

An alternative option is to provide advanced effluent treatment that would be suitable for direct potable reuse. Effluent quality for the advanced treatment option would be:-

- Total Nitrogen < 3 mg/L
- Total Phosphorous < 0.05 mg/L
- Faecal Coliforms < 1/100ml

Comparison of Options

A combination of health, water quality and cost factors have been used to compare each option and compared in the table below:-

Effluent Disposal	To Tweed River	To Terranora Creek	
	<i>Current</i>	<i>Enhanced</i>	<i>Advanced</i>
Effluent Quality			
Nutrient Accumulation	Nil	Minimal	Negligible
Health Risks	Negligible	Very Low	Negligible
Capital Costs			
62, 500 EP	\$14.9M	\$8.8M	\$16.1M
75, 000 EP	\$14.9M	\$9.4M	\$18.6M
100, 000 EP	\$14.9M	\$11.5M	\$23.6M
Operating Costs \$/ML	\$17.5	\$20	\$150

Preferred Option

Discharge of enhanced effluent quality for both Tweed Heads STP and Banora Point STP to Terranora Creek at the existing outfalls is the preferred disposal option. This option satisfies the following objectives:-

- Accumulation of nutrients in the estuary is minimal. Nutrient levels are in the order of magnitude less than the current water quality objectives for the Tweed Estuary.

- The risks to human health from primary contact recreation and consumption of shellfish have been assessed as very low.
- Represents lowest capital cost option.

Community Consultation

Montgomery Watson Harza and 4Site Natural Solutions were engaged to undertake community consultation for the proposed strategy. Consultation on the proposed strategy commenced February 2003 and concluded in December 2003 with the aim of informing the general public of the Council's effluent strategy and to gain feed back on the preferred option. A copy of the Community Consultation report is attached as Appendix A.

Prior to the commencement of the community consultation, letters resent to previously identified interest groups inviting them to participate in Community Reference Group (CRG) Meetings. The aim of the CRG was to obtain the information and disseminate the information to members of their groups to obtain further feedback.

The following activities were undertaken in an attempt to engage the public:-

- Development of 5 project information sheets
- Development of information on Council's website
- 2 media releases (Tweed Link Articles)
- Establishment and promotion of 1800 free call number
- Promotion and encouragement of written public submissions
- Conduction of 3 Community reference group meetings
- Organised bus tour of options for community reference group members
- Individual presentations to 3 community groups
- Public display at Tweed Mall
- One-on-one meetings

A diverse and extensive consultation process was undertaken over consultation period. The draft effluent disposal strategy and associated issues received little interest with very poor responses to all attempts to engage the public. Three written responses were received from the CRG members over the period of consultation and one submission from an individual. A total of 2 calls were received on the 1800 number. There was also limited response to the public displays that were manned over 2 Saturdays.

Table 5.1: CRG Member group's preferences for effluent treatment and disposal

Group	Position
Banora Point Residents Association	<ul style="list-style-type: none"> ▪ Full support for the upgrade of the treatment plants. ▪ Insist that the upgrades be done in conjunction with the relocation of the disposal points to the Tweed River close to the River mouth. ▪ Supported by the Bilambil Heights Progress Association.
Tweed Heads Environment Group	<ul style="list-style-type: none"> ▪ Stop effluent disposal into Terranora inlet. ▪ Reluctant to state a preferred option but did eventually note a preference for effluent reuse.
Tweed Heads	<ul style="list-style-type: none"> ▪ Upgrade both plants and dispose closer to the River.

Chamber of Commerce	<ul style="list-style-type: none"> ▪ No increase in discharges to Terranora Outlet.
Caldera Environment Group	<ul style="list-style-type: none"> ▪ Preferred option is onsite effluent treatment for new developments and homes, with greywater reuse and rainwater storage. Treatment to potable/advanced quality. ▪ Best practice sewage treatment to potable/advanced quality and land disposal. ▪ Fall back preferences for disposal (none of which is liked) are: <ol style="list-style-type: none"> 1. Land disposal 2. Ocean outfall 3. Disposal in the main river near the mouth to ensure flushing 4. Disposal higher up in the main river near Ukerebagh Island to ensure flushing <p>(If disposal into waterways must occur, Caldera's preference is disposal into flushed areas rather than disposal into unflushed areas)</p> ▪ Against disposal into the Broadwater or Terranora inlet.
Oyster Growers	<ul style="list-style-type: none"> ▪ Generally want an increase in effluent quality and for the strategy to keep ahead of growth ▪ Preferred option that both plants are upgraded and new outfall closer to the River mouth where there is good flushing.
Surfriders Foundation	<ul style="list-style-type: none"> ▪ Reuse but their main concern is reducing stormwater pollution.
Tweed Byron Local Aboriginal Land Council	<ul style="list-style-type: none"> ▪ Support Council's preferred option but do not support discharge at Francis Street, Ukerebagh Island or Kirkwood Road
Tweed District Residents and Rate Payers Association	<ul style="list-style-type: none"> ▪ Are comfortable with Council's preferred option and do not wish to "reinvent the wheel"

It is concluded that there is a general lack of community interest in effluent treatment and disposal at this point of time.

Given the general response to the issues, an Environmental Impact Study will be undertaken to further examine the proposed options. Additional community consultation will be included with the EIS.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Community Consultation Report (Appendix A) (DW 1002603)
-

16 [ES] School Bus Routes on Gravel Roads

ORIGIN:

Works

SUMMARY OF REPORT:

Council resolved at its meeting on Wednesday 18 February 2004 that a report be brought forward to the next meeting on the safety issues of school bus routes on gravel roads.

Information is submitted in the main report on total length of gravel roads, length of school bus routes, an assessment of the safety of each road and an estimated cost to seal all of the bus routes.

It should be noted that the identified bus routes are those of which Council has knowledge.

RECOMMENDATION:

That Council determines what further action it will pursue with sealing gravel roads that are school bus routes.

REPORT:

Council resolved at its meeting on Wednesday 18 February 2004 that a report be brought forward to the next meeting on the safety issues of school bus routes on gravel roads.

Council currently has 233 kilometres of gravel roads in the rural areas of which 59 kilometres have a school bus route. It should be noted that these are roads on which Council has been advised that a school bus uses. There may be others of which Council has no formal knowledge. A copy of the list of gravel roads and those with school bus routes forms part of this report.

With the announcement of the Roads to Recovery Programme in 2001 Council wanted to put some of those funds towards sealing gravel roads and to assist in that decision making every gravel road in the Shire was assessed in accordance with the criteria attached to this report. The criteria utilised traffic volumes, school bus routes, maintenance costs, safety, through road and any major developments on the road.

The estimated cost to seal all gravel roads at today's costs is \$35M with \$8.9M required to seal those with school bus routes.

Council has sealed a significant length of gravel roads in recent years.

There have been 22.6 kilometres of road sealed using either Revenue or Roads to Recovery funding of which 14 kilometres are school bus routes. Since Council has supported the policy of residents contributing towards the cost of the bitumen sealing of gravel roads there has been 37.4 kilometres of roads sealed of which 9.7 kilometres were school bus routes.

ASSESSMENT CRITERIA

Traffic Volumes

- | | |
|-----------|-------|
| • 0-50 | 2pts |
| • 50-100 | 4pts |
| • 100-150 | 6pts |
| • 150-200 | 8pts |
| • 200+ | 10pts |

School Bus Route

- | | |
|-------|------|
| • yes | 5pts |
| • no | 0pts |

Maintenance Rating

- 0 to 10 pts depending on history of actual costs and needs assessment

Safety Rating

- 0-1 counts/km 3pts
- 1-2 counts/km 6pts
- 2-3 counts/km 9pts
- 3-4 counts/km 12pts
- 4-5 counts/km 15pts
- 5-6 counts/km 18pts
- >6 counts/km 21pts

Through Road

- yes 5pts
- no 0pts

Other Development

- yes 5pts
- no 0pts

ALPHABETICAL LIST OF GRAVEL ROADS

Name	LENGTH (Km)	TRAFFIC (Est)	SCHOOL BUS	MAINTENANCE RATING	SAFETY RATING	THROUGH-ROAD	OTHER DEVELOPMENT	POINTS SCORE	COST TO SEAL
Adcocks Rd	0.65	0-50	no	2	1.5	no	no	10	80/km
Andersons Rd	0.7	0-50	no	2	0	no	no	7	80/km
Ashburns Rd	0.25	0-50	no	4	0	no	no	9	50/km
Back Ck Rd	4	0-50	no	8	1	no	no	13	100/km
Bartletts Rd	1.9	250+	no	10	1	yes	yes	28	175/km
Beantree Rd	0.3	0-50	no	2	0	no	no	7	80/km
Boormans Rd	1.2	0-50	no	4	1.7	no	no	12	80/km
Boxsell Rd	0.5	0-50	no	4	2	no	no	12	80/km
Brays Creek Rd	4	50-100	yes	8	1.75	no	no	23	120/km
Brookers Rd	0.85	0-50	no	2	2.3	no	yes	18	80/km
Brooks Rd	1.7	0-50	yes	4	2.3	no	no	20	100/km
Browns Ln	0.5	0-50	no	4	0	no	no	9	80/km
Bryants Rd	1.1	0-50	no	4	0	no	no	9	80/km
Butlers Rd	3.2	0-50	no	6	0.6	no	no	11	100/km
Byrill Ck Rd 142 - Bus t'round	5	250+	yes	6	1.4	yes	yes	37	200/km
Byrill Ck Rd Bus t'round - Forest Rd	5	250+	no	6	2.4	yes	yes	35	150/km
Byrill Ck Rd Forest Rd- Brays Ck Rd	5.7	250+	no	6	0.7	yes	yes	29	150/km
Cadell Rd	1.9	0-50	no	4	0	no	yes	14	80/km
Campbells Rd	1.8	0-50	no	6	3.3	no	no	18	150/km
Carraboi Place	0.3	0-50	no	4	0	no	yes	14	80/km
Cedar Ck Rd	1.5	0-50	no	4	3.3	no	no	18	120/km
Chauviers Rd	1.5	0-50	no	4	1.3	no	no	12	100/km
Chilcotts Rd	3.1	50-100	no	4	1.9	yes	no	19	200/km
Chowan Ck Rd	3	0-50	yes	4	2	no	no	20	120/km
Christies Rd	0.65	0-50	no	4	0	no	no	9	80/km
Coalmine Rd	0.05	0-50	no	2	0	no	no	7	50/km

Name	LENGTH (Km)	TRAFFIC (Est)	SCHOOL BUS	MAINTENANCE RATING	SAFETY RATING	THROUGH-ROAD	OTHER DEVELOPMENT	POINTS SCORE	COST TO SEAL
Cobaki Rd	0.08	0-50	no	2	0	no	no	7	100/km
Commercial Rd	1.2	0-50	no	2	1.6	no	no	10	100/km
Commissioners Ck Rd EOB-bus t'round	5.6	50-100	yes	8	1.4	no	no	23	150/km
Costellos Rd	0.3	0-50	no	2	3.3	no	no	16	80/km
Couchy Creek Rd	3.8	0-50	no	6	1.6	no	no	14	120/km
Crabbes Ck Rd	0.7	0-50	no	2	0	no	no	7	80/km
Crams Rd	1.4	0-50	no	4	1.4	no	no	12	80/km
Crookes Valley Rd	0.5	0-50	no	2	2	no	no	13	80/km
Cudgera Creek Rd	5.6	100-150	no	6	3.0	yes	no	29	400/km
Davis Rd	1.0	0-50	no	2	1	no	no	10	80/km
Depot Rd	0.3	0-50	no	2	0	no	no	7	80/km
Dixons Rd	1.0	0-50	no	6	1.0	no	no	14	80/km
Doon Doon Rd EOB-Costellos	0.4	100-150	no	6	0	no	no	15	80/km
Doon Doon Rd Costellos-end	3.5	50-100	no	6	2.8	no	no	19	100/km
Duranbah Rd	1.7	50-100	yes	6	2.4	no	no	19	120/km
Duroby Ck Rd EOB-Quarry	0.5	50-100	yes	6	0	no	Quarry	23	80/km
Duroby Ck Rd Quarry-end	0.77	50-100	yes	6	3.9	no	no	27	120/km
Edwards Lane	0.2	0-50	no	2	0	no	no	7	80/km
EverestsRd	2.5	0-50	no	6	2	no	no	17	150/km
Everinghams Rd	0.95	0-50	no	6	0	no	no	11	100/km
Forest Hill Rd	0.1	0-50	no	2	0	no	no	7	80/km
Garden of Eden	2.3	0-50	no	6	4.8	no	no	23	200/km
Glengarrie Rd Carool end	1.1	50-100	no	6	0.9	no	no	13	120/km
Glengarrie Rd MR143 end	1.53	0-50	no	6	3.3	no	no	20	150/km
Harwood Rd	1.3	0-50	no	4	2.3	no	no	15	100/km
Hawkins Ln	1.6	0-50	no	2	0	no	no	7	80/km
Hazelbrook Rd	2.5	50-100	no	6	2.8	no	no	19	100/km
Hickory Way	0.3	0-50	no	2	0	no	no	7	80/km
Hidden Valley Rd	0.4	0-50	no	2	0	no	no	7	80/km
Hoggs Rd	1.3	0-50	no	4	0.8	no	no	9	80/km
Hopkins Creek Rd (A)	3	100-150	yes	8	0.7	no	no	22	200/km
Hopkins Creek Rd (B)	1	100-150	yes	8	2	no	no	26	120/km
Hopkins Creek RD (C)	2.3	0-50	yes	8	0.9	no	no	18	80/km
Howards Rd	0.7	0-50	no	4	3.3	no	no	18	80/km
Hulls Rd	0.5	0-50	yes	4	0	no	no	14	80/km
Ironbark Rd	0.2	0-50	no	2	5	no	no	19	80/km
Johansens Rd	0.9	0-50	no	2	0	no	no	7	80/km
Jones Rd	1.3	0-50	no	2	0.8	no	no	7	80/km
Jowetts Rd	0.7	0-50	no	4	1.4	no	no	12	80/km
Kanes Rd	1.3	50-100	yes	6	1.2	yes	no	26	150/km
Kerrs Lane	0.5	0-50	no	2	0	no	no	7	80/km

Name	LENGTH (Km)	TRAFFIC (Est)	SCHOOL BUS	MAINTENANCE RATING	SAFETY RATING	THROUGH-ROAD	OTHER DEVELOPMENT	POINTS SCORE	COST TO SEAL
Kileys Rd	2.0	50-100	no	6	1.5	no	no	16	80/km
Kirbys Rd	0.45	0-50	no	2	0	no	no	7	80/km
Kunghur Ck Rd	3.9	50-100	no	6	2.1	no	no	19	120/km
Larkins Rd	0.9	0-50	no	2	2.2	no	no	11	80/km
Limpinwood Valley Rd (B)	1.6	0-50	no	6	1.8	no	no	14	80/km
Lone Pine Rd	1.3	0-50	no	4	0	no	no	9	80/km
Mayes Hill Rd	0.5	0-50	no	4	4	no	no	21	200/km
McAuleys Rd	2.2	50-100	no	6	0.5	yes	no	18	120/km
McCabes Rd	0.7	0-50	no	6	1.4	no	no	14	80/km
McCloy's Rd	0.9	0-50	no	2	0	no	no	7	80/km
McConnells Gully Rd	2	50-100	no	4	3.5	no	no	20	80/km
McDonalds Rd	1.0	0-50	no	2	5	no	no	22	120/km
Midginbil Rd	2.0	50-100	no	6	2	no	yes	24	120/km
Minnie Perkins Rd	0.35	0-50	no	2	0	no	no	7	80/km
Mt Burrell Rd	3.7	50-100	no	6	3	no	no	22	150/km
Nobbys Creek Rd	3.5	50-100	yes	8	1.6	no	no	23	100/km
North Pumpenbil Rd	3.3	0-50	no	4	0.3	no	no	9	90/km
O'Briens Rd	0.12	0-50	no	2	0	no	no	7	80/km
O'Mearas Rd	0.1	0-50	no	2	0	no	no	7	80/km
O'Riellys Rd	1.1	0-50	no	2	1.3	no	no	10	100/km
Old Lismore Rd	0.3	0-50	no	2	3.3	no	no	16	80/km
Ophir Glen Rd	1.05	0-50	no	6	2.8	no	no	17	100/km
Palmers Rd	0.7	0-50	no	2	2.9	no	no	13	100/km
Palmvale Rd	4.2	50-100	yes	8	2.6	no	no	26	150/km
Pidgeonberry Rd	0.3	0-50	no	2	0	no	no	7	80/km
Piggabeen Rd	1.0	0-50	no	6	3	no	no	20	150/km
Pine Log Rd	1.5	0-50	no	2	3.3	no	no	16	100/km
Pinnacle Rd	4.1	50-100	yes	6	1.2	no	no	21	100/km
Pollards Rd	0.45	0-50	no	2	0	no	no	7	80/km
Porters Rd	1.2	0-50	no	6	0.8	no	no	11	80/km
Quans Ln	1.5	0-50	no	2	0	no	no	7	80/km
Rawsons Rd	0.2	0-50	no	2	0	no	no	7	80/km
Raves Ln	0.6	0-50	no	2	0	no	no	7	80/km
Reserve Ck Rd Rnd Mt-Kanes Rd	5.4	100-150	no	8	1.9	yes	no	25	200/km
Richards Dev	2.3	50-100	no	4	4.3	yes	no	28	150/km
Ripps Rd	2	0-50	no	4	4	no	no	21	90/km
Robcole Rd	0.75	0-50	no	2	0	no	no	7	80/km
Robinsons Rd	1.8	0-50	no	4	3.3	yes	no	23	200/km
Round Mtn Rd	4.2	50-100	no	6	3.8	yes	no	27	400/km
Saunders Ln	1.7	50-100	no	6	0.6	yes	no	18	80/km
Settlement Rd	3.4	0-50	no	4	1.2	no	no	12	120/km
Sharps Rd	0.7	0-50	no	2	0	no	no	7	80/km
Sims Ln	0.9	0-50	no	2	0	no	no	7	80/km
Sleepy Hollow Rd	1.2	0-50	no	4	4.1	no	no	21	100/km
Smarts Rd Wardrop-Turners	1.5	0-50	yes	6	3.3	no	no	25	300/km
Smarts Rd	1.5	0-50	yes	6	4	no	no	28	150/km

Name	LENGTH (KM)	TRAFFIC (Est)	SCHOOL BUS	MAINTENANCE RATING	SAFETY RATING	THROUGH-ROAD	OTHER DEVELOPMENT	POINTS SCORE	COST TO SEAL
Turners-end									
South Pumpenbil Rd	3.6	100-150	no	6	0.3	no	yes	20	100/km
Sroules Rd	0.1	0-50	no	2	0	no	no	7	80/km
Stoddards Rd	1.9	0-50	no	4	0.5	no	no	9	100/km
Swifts Rd (A)	1.1	100-150	no	8	0	no	no	17	80/km
Swifts Rd (B)	0.5	0-50	no	8	0	no	no	13	80/km
Tea Tree Rd	0.46	0-50	Yes	2	0	No	No	12	60/km
The Bloodwoods Rd	1.5	0-50	no	4	0	no	no	9	100/km
Todds Rd	1.5	0-50	no	4	0	no	no	9	80/km
Towners Rd	1.9	0-50	no	2	3.2	no	no	16	100/km
Tumbulgum Rd	1.8	0-50	no	4	0	no	no	9	80/km
Tunnel Rd (A)	2	50-100	no	4	0.5	no	no	11	150/km
Tunnel Rd (B)	1.2	0-50	no	2	0	no	no	7	80/km
Turners Rd	0.6	0-50	no	2	1.6	no	no	10	80/km
Tyalgum Crk Rd	3.9	100-150	yes	6	0.5	no	no	20	200/km
Upper B'bar Rd seal-Geles Rd	0.8	50-100	yes	4	1.3	no	no	19	80/km
Upper B'bar Rd Geles Rd- end	0.6	0-50	no	4	3.3	no	no	18	80/km
Upper Crystal Creek Rd (A)	0.25	100-150	yes	6	1	no	no	20	100/km
Upper Crystal Creek Rd (B)	1	0-50	yes	6	3	no	no	25	80/km
Urliup Rd - east Dip - EOB	2.7	50-100	yes	6	2.6	yes	no	29	300/km
Urliup Rd - east	0.8	100-150	yes	8	1.3	yes	no	25	150/km
Urliup Rd - west bus t'round-dip	3.1	0-50	yes	6	3.5	yes	no	30	150/km
Warwick Park Rd	1.35	0-50	no	4	2.2	no	no	15	100/km
Youngs Rd	1.1	0-50	no	4	1.8	no	yes	17	100/km

GRAVEL ROADS WITH SCHOOL BUS ROUTES 2004

NAME	LENGTH (KM)	TRAFFIC (Est)	SCHOOL BUS	MAINT RATING	SAFETY RATING	THROUGH-ROAD	OTHER DEVELOPMENT	POINTS SCORE	COST TO SEAL	SAFETY AND SCHOOL BUS RATING	SAFETY, SCHOOL BUS AND TRAFFIC RATING	EST COST TO SEAL
Smarts Rd Turners-end	1.5	0-50	yes	6	4	no	no	28	150/km	20	22	\$225000
Duroby Ck Rd Quarry-end	0.77	50-100	yes	6	3.9	no	no	27	120/km	17	21	\$96000
Byrill Ck Rd 142 - Bus t'round	5	250+	yes	6	1.4	yes	yes	37	200/km	15	21	\$1,000,000
Palmvale Rd	4.2	50-100	yes	8	2.6	no	no	26	150/km	14	20	\$630000
Urliup Rd - west bus t'round-	3.1	0-50	yes	6	3.5	yes	no	30	150/km	17	19	\$465000

dip												
Urliup Rd - east Dip - EOB	2.7	50-100	yes	6	2.6	yes	no	29	300/km	14	18	\$810000
Duranbah Rd	1.7	50-100	yes	6	2.4	no	no	19	120/km	14	18	\$205000
Hopkins Creek Rd (B)	1	100-150	yes	8	2	no	no	26	120/km	11	17	\$120000
Kanes Rd	1.3	50-100	yes	6	1.2	yes	no	26	150/km	11	17	\$195000
Upper Crystal Creek Rd (B)	1	0-50	yes	6	3	no	no	25	80/km	14	16	\$80000
Brooks Rd	1.7	0-50	yes	4	2.3	no	no	20	100/km	14	16	\$170000
Chowan Ck Rd	3	0-50	yes	4	2	no	no	20	120/km	14	16	\$360000
Brays CreekRd	4	50-100	yes	8	1.75	no	no	23	120/km	11	15	\$480000
Commissioners Ck Rd EOB-bus t'round	5.6	50-100	yes	8	1.4	no	no	23	150/km	11	15	\$840000
Nobbys Creek Rd	3.5	50-100	yes	8	1.6	no	no	23	100/km	11	15	\$350000
Upper B'bar Rd seal-Geles Rd	0.8	50-100	yes	4	1.3	no	no	19	80/km	11	15	\$640000
Hopkins Creek Rd (A)	3	100-150	yes	8	0.7	no	no	22	200/km	8	14	\$600000
Tyalgum Crk Rd	3.9	100-150	yes	6	0.5	no	no	20	200/km	8	14	\$780000
Upper Crystal Creek Rd (A)	0.25	100-150	yes	6	1	no	no	20	100/km	8	14	\$250000
Hopkins Creek RD (C)	2.3	0-50	yes	8	0.9	no	no	18	80/km	8	10	\$185000
Duroby Ck Rd EOB-Quarry	0.5	50-100	yes	6	0	no	Quarry	23	80/km	5	9	\$40000
Hulls Rd	0.5	0-50	yes	4	0	no	no	14	80/km	5	7	\$40000
Tea Tree Rd	0.46	0-50	yes	2	0	No	No	12	60/km	5	7	\$30000
Total Cost to Seal												\$7.8M

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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17 [ES] Cudgen Creek Dredging Proposal

ORIGIN:

Water

SUMMARY OF REPORT:

Council at its meeting of the 18 February 2004 resolved as follows:-

- "1. *Cost of dredging Cudgen Creek.*
2. *Government Agencies required to consent to the dredging and what impact they would have.*
3. *The costing amounts be included in the draft budget for 2004/2005 for consideration by the newly elected Council."*

A workshop on dredging of Cudgen Creek was conducted with Council by Richard Hagley, Department of Infrastructure, Planning and Natural Resources on Wednesday 10 September, 2003.

This report details some of the information supplied in that report. The full report "Cudgen Creek Dredging Proposal" July 2003 was provided to Council prior to the workshop. Details supplied in that report on indicative costs of dredging by various methods are included here.

The report also contains information on consents required to undertake dredging in Cudgen Creek.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. Council notes that in accordance with Council's resolution of the 18 February 2004 the amount of \$117,000 has been included in the draft budget for 2004/2005 for consideration by the newly elected Council.

REPORT:

Council at its meeting of the 18 February 2004 resolved as follows:-

- "1. *Cost of dredging Cudgen Creek.*
2. *Government Agencies required to consent to the dredging and what impact they would have.*
3. *The costing amounts be included in the draft budget for 2004/2005 for consideration by the newly elected Council."*

A workshop on dredging of Cudgen Creek was conducted with Council by Richard Hagley, Department of Infrastructure, Planning and Natural Resources on Wednesday 10 September, 2004.

This report details some of the information supplied in that report. The full report "Cudgen Creek Dredging Proposal" July 2003 was provided to Council prior to the workshop. This report provides detailed background to previous dredging, construction of the spur wall and monitoring undertaken as well as legislative considerations. The comments below should be read in conjunction with the full report as there are many complex issues to be considered in conjunction with this proposal.

Chapter 6, Planning Assessment and Chapters 9 and 10, outlining the details of the proposal to dredge Cudgen Creek with indicative costs, are repeated here for the purposes of this report.

Table 1 provided at the end of the report summarises the costs and Table 2 summarises the input required by Government Departments.

6.0 PLANNING ASSESSMENT

The Environmental Planning and Assessment Act, 1979 (EP&A Act) provides the statutory framework for environmental planning in NSW. It integrates the planning of land use and natural resource development activities with measures for assessing impacts on the environment. It has the object of encouraging:

- the proper management development and conservation of natural and human resources;
- the orderly use of land;
- the provision of services (communication, utilities, community services, etc.); and
- the protection of the environment.

Part III of the Act covers the making of planning instruments of which there are three levels: State, regional and local. Part IV deals with council consent for developments on land covered by a Local Environmental Plan (LEP), and Part V deals with developments that do not require development consent under Part IV but need approval of a Minister or public authority.

6.1 Designated Development

Designated developments are developments that have the potential to significantly affect the environment. They are declared to be designated development by an environmental planning instrument or the regulations. Designated developments are assessed under Part IV of the EP&A Act and require an environmental impact statement (EIS). Council would be the consent authority.

Extractive industries are classified as designated development and can include estuarine dredging.

Schedule 3 of the Environmental Planning and Assessment Regulation, 2000 defines extractive industries on the basis of:

- material extracted (> 30,000 cubic metres per year); or
- land disturbed (> 2 hectares); or
- location, eg. in or within 40 metres of a natural waterbody, or within 200 metres of a coastline, or in an area of acid sulfate soil.

The Cudgen Creek dredging proposal would be classed as a designated development on the basis of its location and its potential to disturb acid sulfate soil.

6.2 Tweed LEP 2000

The Tweed LEP 2000 has zoned Cudgen Creek as “uncoloured” land on the zone map.

Generally development on “uncoloured” land requires consent of Council. In deciding whether or not to grant consent, Council must consider:

- whether the proposed development is compatible with adjoining development and the character and use of existing development in the vicinity;
- whether or not the proposed development would alienate the use of waters from recreational uses or from commercial fishing;

- the provisions of any coastal or estuary management plan that applies to the land; and
- any impact the proposed development may have on the natural environment.

Clause 35 of the Tweed LEP 2000 addresses acid sulfate soils to manage their disturbance and to minimise impacts on water quality, ecosystems, infrastructure, agriculture and urban activities.

The bed of Cudgen Creek is mapped as Class 1 land by Council's "Acid Sulfate Soils Planning Map" for which any work requires Council consent.

6.3 State Environmental Planning Policy No 35

State Environmental Planning Policy No 35 (SEPP 35) was introduced in 1993 to enable the maintenance dredging of tidal waterways by public authorities to be carried out in a timely, cost effective and environmentally responsible manner in response to changing conditions in the waterway. It treats maintenance dredging as an activity under Part V of the EP&A Act.

Under SEPP 35 maintenance dredging is defined as the winning or removal and the disposal of extractive material from the bed of a tidal waterway to enable the waterway:

- to continue to function as a tidal waterway; or
- to resume its function as a tidal waterway.

The SEPP defines a tidal waterway as a channel or passage within a body of water where the tide ebbs and flows and where there is sufficient width and depth for tidal flow or travel/transport by a safe navigation route.

The intent of SEPP 35 is to enable a tidal waterway to continue to function as a tidal waterway or to resume that function if the function has ceased because of siltation or other causes. Accordingly the dredging of a waterway for other reasons (eg aesthetic, commercial, recreational) not connected with the functioning or navigability of the waterway should be assessed under the existing EP&A Act planning controls and not SEPP 35.

Schedule 2 of the SEPP establishes requirements for consultation with a range of bodies that may be affected by or have an interest in a proposed maintenance dredging operation.

SEPP 35 simplifies the planning process in relation to maintenance dredging proposals but does not weaken the environmental assessment requirements. Public authorities proposing to undertake maintenance dredging have an

obligation under Part V of the EP&A Act to consider the appropriate level of environmental assessment that is required.

6.4 Owners Consent – Crown Land

The bed and banks below high water level of tidal waterways is submerged Crown land administered by the newly formed Department of Lands.

Councils proposing maintenance dredging on submerged Crown land are required to obtain owners consent from the Department of Lands to enable a development application to be submitted. A land assessment prepared in accordance with the Crown Lands Act, 1989 that identifies the proposal as a preferred use, will usually be required before owners consent is granted.

Should development consent be obtained for the maintenance dredging proposal, use and occupation of submerged Crown land is authorised under Part 4 Division 4 of the Crown Lands Act.

9.0 THE PROPOSAL

The proposal requested by Council and considered by this paper is for the establishment and maintenance of a navigation channel from the Kingscliff boat launching ramp to, and as far as is practicable, the end of the Cudgen Creek entrance breakwalls.

To undertake an assessment of the above proposal it is necessary to make a number of assumptions. While based on an understanding of the prevailing natural processes and the planning and policy context, it is important to acknowledge that the assumptions may change following investigations should the proposal progress.

9.1 Assumptions

1. The general dimensions of the channel would be as follows:

Width: 10 metres at base with 1:6 side slopes.

Depth: 1.0 metre at low tide (~ -1.4 m AHD).

Length: 320 metres.

2. Dredge volume is 2,000 cubic metres.

In the absence of a current bathymetric survey of the lower Cudgen Creek, it is assumed that bed levels are similar to those prior to the 1986 dredging campaign.

3. Dredged sand to be placed within the inter-tidal area on Kingscliff Beach adjacent to the northern Cudgen Creek breakwall.

The lower Cudgen Creek downstream of the boatramp is an integral part of the longshore transport system. To negate any potential downdrift erosion effects, the dredged material should not be removed from the system.

4. No dredging is to occur on the entrance bar of Cudgen Creek.

Generally the entrance bar to Cudgen Creek is located immediately seaward of the entrance breakwalls. This bar is highly dynamic and located in a hostile environment subject to ocean waves, currents and longshore transport climates. Dredging a channel across the entrance bar is considered a hazardous operation requiring specialist equipment and dependent on suitable ocean conditions. Entrance bar dredging would also be subject to very high in-fill rates from the high longshore transport system. Channel infilling could be a matter of days and provision of a channel would require continuous dredging.

With no dredging proposed across the entrance bar, the benefits to navigation could be questionable. In fact the risks to boating could be increased by raising expectations, particularly to inexperienced boaters negotiating and crossing the bar.

5. Dredged channel in-fill rate of 3,000 m³/month adopted.

This rate is based on the calculated sediment infeed after the 1986 dredging campaign that exceeded 3,000 cubic metres in the first month following dredging.

6. Maintenance dredging is required every second month.

Although subject to prevailing conditions, a dredged channel of 2,000m³ and an infill rate of 3,000 m³/month could necessitate dredging on nearly a continuous basis to maintain the proposed navigation channel.

7. SEPP 35 used to assess the Cudgen Creek dredging proposal under Part 5 of the EP&A Act.

8. EIS required as appropriate environmental assessment for the proposal.

An EIS is considered appropriate because of the regular nature of dredging required to maintain the proposed navigation channel and the relationship of the proposed dredging to the longshore transport system.

10.0 COST ESTIMATE

The Cudgen Creek Navigation Review presented two options considered feasible for maintaining a navigation channel in the lower Cudgen Creek estuary. A brief overview of these options and other options follows:-

10.1 Portable Sand Pump Operating on the Southern Breakwall

This option uses a submersible sand pump attached to a long reach excavator to dredge a channel of about 6 metres width adjacent to the southern breakwall. Dredged sand would be pumped the shortest distance possible to the beach next to the southern breakwall.

Comments:

- The reach of the excavator limits the dredge channel width and its location. As stated in the review this option could dredge a channel of 6 metres width next to the southern breakwall. The existence of the spur wall and limited access for the excavator between the spur wall and the boatramp poses constraints to dredging a channel in this area. Accordingly this option may not be capable of producing a channel as proposed.
- The weight of the submersible pump is at the limit of the lifting capacity of the long reach excavator.
- The southern breakwall of Cudgen Creek was repaired in the mid 1990s by the then Department of Land and Water Conservation to address damage and access issues.

Indicative Costs

Capital Costs - \$25,000

Environmental Assessment - \$50,000

Operating Costs (based on 6 operations per year) - \$126,000/year

10.2 Sand Fluidising

This option involves installing perforated pipes and fluidising jets along the length of the proposed channel. Water is pumped through the pipes to fluidise the sand that is then removed by the ebb tide.

Comments:

- The small tidal prism of Cudgen Creek could limit the effectiveness of sand fluidised transport.
- The system can become clogged with sand and revival can be costly involving recovery of the fluidising line.
- Existing bed rock may limit the depth of embedment of the fluidising line.
- As referred to in the review this technology is largely unproven with respect to its effectiveness in maintaining a channel.
- A commercial product known as a "Sand Shifter" that includes a slurry pump to export the material from the site would be more efficient and involve less risk of operational downtime.

Indicative Costs

Capital Costs - \$1,000,000

Environmental Assessment - \$50,000

Operating Costs (based on six operations per year) - \$250,000/year
(excluding maintenance and depreciation costs).

10.3 Cutter Suction Dredge

An alternative option, not considered applicable to Cudgen Creek by the Cudgen Entrance Navigation Review would be to use a cutter suction dredge to dredge the proposed channel and pump the sand as a slurry to the beach adjacent to the northern breakwall.

This option was used in the 1986 dredging campaign to dredge a navigation channel from the boatramp to the end of the entrance breakwalls.

The presence of bed rock near the boatramp and adjacent to the southern breakwall downstream of the spur wall may place a constraint on the channel width and alignment in these areas.

With the need to undertake regular dredging (every two months) to maintain the proposed navigation channel, it is considered economically prudent in the longer term to procure a dredge specifically for Cudgen Creek.

Indicative Costs

Capital Costs – \$1,000,000

Environmental Assessment - \$50,000

Operating Costs (based on six operations per year) - \$120,000/year
(excluding maintenance and depreciation costs).

10.4 Portable Barge Mounted Dredge

This option involves a purpose build small cutter suction dredge mounted on a barge powered by twin outboard motors. A barge mounted slurry pump would discharge sand via flexible pipeline to the beach adjacent to the northern breakwall.

Because of its smaller size, operating time to dredge the proposed channel would be considerably longer than a traditional cutter suction dredge as per option 10.3 above.

Similar to option 10.3, the plant would be procured and operated specifically for Cudgen Creek.

Indicative Costs

Capital Costs - \$250,000

Environmental Assessment - \$50,000

Operating Costs (based on six operations per year) - \$60,000 (excluding maintenance and depreciation costs).

10.5 Dragline Excavator

A dragline is considered capable of reaching the extremities of the proposed channel, however access could be constrained in some areas of the channel length (eg near the spur wall). Excavated material would be trucked and spread on the beach adjacent to the northern breakwall.

Indicative Costs

Environmental Assessment - \$50,000

Operating Costs (based on six operations per year) - \$360,000"

Table 1: Summary of Indicative Costs for various sand dredging options for Cudgen Creek (from DIPNR, 2003)

Option	Assessment & Approvals	Capital Costs	Annual Costs*
Portable Sand Pump from South Breakwall	\$50,000	\$25,000	\$126,000
Sand Fluidising	\$50,000	\$1,000,000	\$250,000
Cutter Suction Dredge	\$50,000	\$1,000,000	\$120,000
Portable Barge Mounted Dredge	\$50,000	\$250,000	\$60,000
Dragline excavator	\$50,000		\$360,000

*Based on six operations per year.

Table 2: State Government Departments that would have input to a proposal to dredge Cudgen Creek.

Department	Level of Input	Statutory Framework
Department of Lands	Landowners consent	Crown Lands Act
Department of Environment and Conservation (former EPA)	Specific requirements to be addressed in the EIS and approvals required from DEC	EP&A Act
NSW Fisheries	Dredging requires an authority permit or if permit not required, matters raised must be considered in EIS	Fisheries Management Act
Department of Infrastructure, Planning and Natural Resources	Provides technical advice and specific requirements to be addressed in the EIS	several
NSW Waterways Authority	Specific requirements to be addressed in the EIS	

Should Council wish to go ahead with the proposal to dredge Cudgen Creek, an amount of \$117,000 would be required in the 2004/05 budget. This amount is made up of \$50,000 for Assessments and Approvals, \$25,000 for set up costs, and \$42,000 allowance for an initial 2 dredge events in that financial year. An estimated \$126,000 per annum would then be required for annual maintenance. These figures are based on Option 10.1 Portable Sand Pump from South Breakwall."

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

18 [ES] Amended Licence Agreement 317922 for Waterfront Facilities within Tweed Shire

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received an amended Licence Agreement for waterfront facilities, including wharves, jetties and boat ramps within the Tweed local government area.

The Licence Agreement has been amended to include the Heritage Wharf (currently in the process of being named "Skinner Lowes Wharf") and to exclude jetties that have been removed.

RECOMMENDATION:

That:-

1. Council approves to be bound by the terms and conditions of Licence Agreement 317922; and
2. All necessary documentation be executed and endorsed under the Common Seal of Council.

REPORT:

Council has received an amended Licence Agreement for waterfront facilities, including wharves, jetties and boat ramps within the Tweed local government area.

The Licence Agreement has been amended to include the Heritage Wharf (currently in the process of being named "Skinner Lowes Wharf") and to exclude jetties that have been removed.

The Agreement is a perpetual standard licence agreement for all public waterfront facilities within the Shire for a nominal licence fee of \$2,015.00 per annum.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

19 [ES] Lease & Licence Agreements - Southern Boatharbour, Tweed Heads

ORIGIN:

Design

SUMMARY OF REPORT:

At Council's meeting held on 1 October, 2003 it was resolved by Council to proceed with the commercial operators wharf at the Southern Boatharbour at Tweed Heads and to finalise the Lease Agreement with the Department of Lands, and then enter licence agreements with the operators.

Prior to entering into the Lease Agreement with the Department of Lands, it was necessary to create a lease area by registration of a survey plan. The plan has been forwarded for registration and it is anticipated that the plan will register in the immediate future.

When the plan registers, the Lease Agreement will be provided by the Department of Lands for execution by Council.

Council cannot enter into the Licence Agreements with the commercial operators until the Lease has been entered into with the Department of Lands. It is only after entering into the Lease with the Department that Council has a right of tenure from which to offer a Licence to the operators.

In anticipation of receipt of the Lease Agreement, which has been reviewed in draft form where its standard terms and conditions have been accepted, a resolution is necessary to execute both the Lease and Licence Agreements under common seal to avoid any delays in enabling the project to proceed.

RECOMMENDATION:

That:-

1. Council approves to be bound by the terms and conditions of:
 - (a) A Lease with the Department of Lands for the Southern Boatharbour, Tweed Heads;
 - (b) Licence Agreements with individual commercial operators for berths at the Southern Boatharbour, Tweed Heads;

- (c) A Licence Agreement with the Tweed Charter Boat Operators Association Incorporated for the communal booking office on the road reserve adjacent to the wharf at the Southern Boatharbour, Tweed Heads; and
2. All necessary documentation be executed and endorsed under the Common Seal of Council.

REPORT:

At Council's meeting held on 1 October, 2003 it was resolved by Council to proceed with the commercial operators wharf at the Southern Boatharbour at Tweed Heads and to finalise the Lease Agreement with the Department of Lands, and then enter licence agreements with the operators.

Prior to entering into the Lease Agreement with the Department of Lands, it was necessary to create a lease area by registration of a survey plan. The plan has been forwarded for registration and it is anticipated that the plan will register in the immediate future.

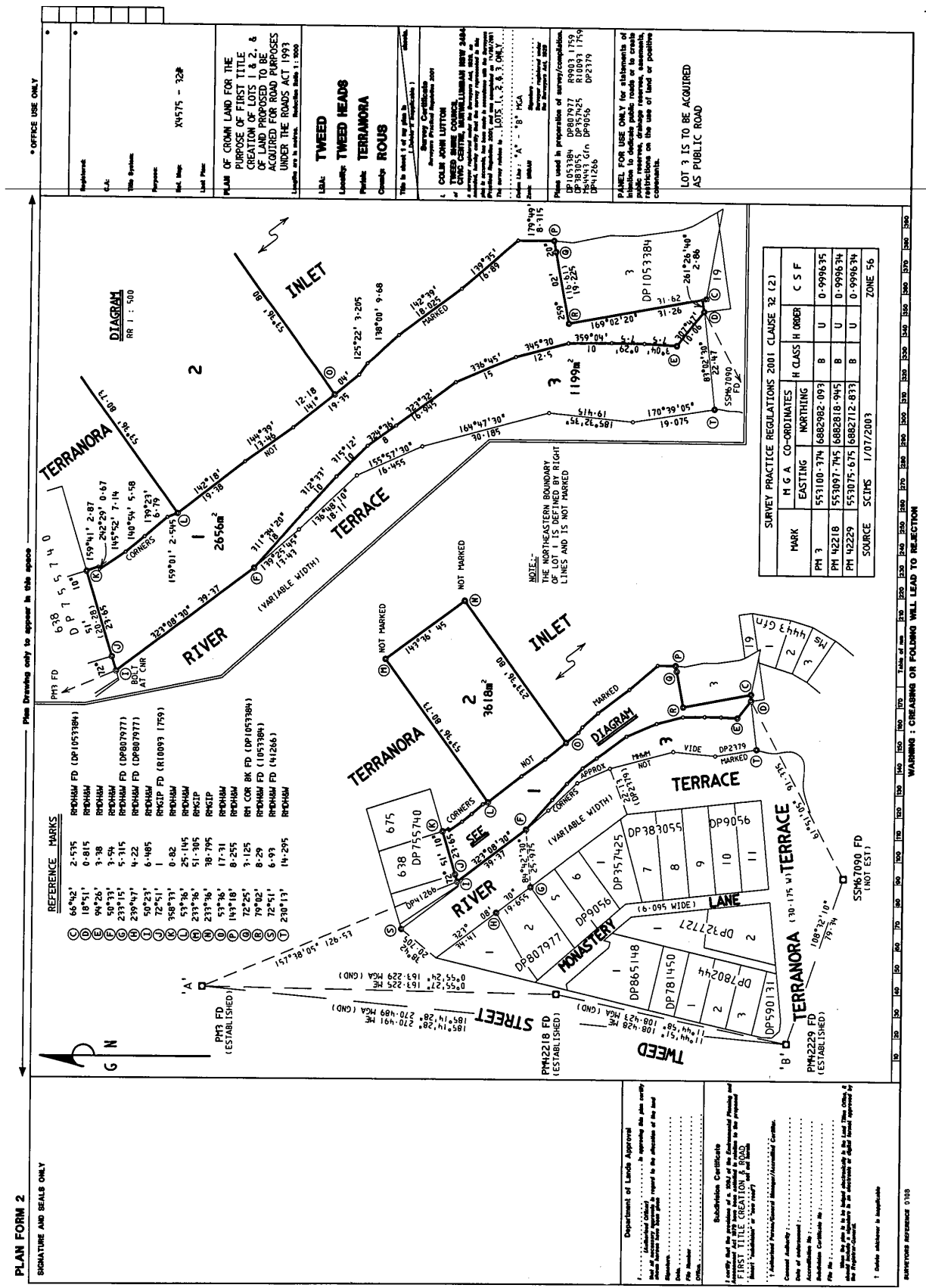
When the plan registers, the Lease Agreement will be provided by the Department of Lands for execution by Council.

Council cannot enter into the Licence Agreements with the commercial operators until the Lease has been entered into with the Department of Lands. It is only after entering into the Lease with the Department that Council has a right of tenure from which to offer a Licence to the operators.

In anticipation of receipt of the Lease Agreement, which, in draft form has been reviewed and accepted, a resolution is necessary to execute both the Lease and Licence Agreements under common seal to avoid any delays in enabling the project to proceed.

On the road reserve adjacent to the jetty, a booking office has been built for the communal use of the commercial operators. A Licence Agreement has been drawn for the operators to sign under the auspices of the Tweed Charter Boat Operators Association Incorporated for a nominal fee, as all members of the Association will be Licensees of the jetty.

A copy of the survey plan for lease area follows :-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

20 [EC] Financial Assistance - Tweed Coast Bitou Control

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Council has been successful in its application for funding assistance under the joint Department of Lands and NSW Agriculture Weed Control Program for Crown Land. The application for assistance was for funding toward the control of bitou bush on the Tweed Coast. The amount of the grant is \$15,000.

RECOMMENDATION:

That Council accepts the funding of \$15,000.00 under the joint Department of Lands and NSW Agriculture Weed Control Program for Crown Land for the control of bitou bush on the Tweed Coast and votes its expenditure.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The funding assistance does not require any input from Council over current commitments.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

21 [EC] Policy Amendment - Sale of Dog to New Owner

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council resolved on 4 February 2004 to continue operation of the animal impounding facility at Leddays Creek Road Stotts Creek, accordingly Council officers have liaised with the Friends of the Pound to achieve a beneficial service to the community in supplying desexing, microchipping, heart worm check, health check and vaccinations for all animals being sold from the pound at a reduced cost.

To recoup the costs associated with these veterinarian procedures it is proposed to charge a fee of \$160 for the purchase of a dog and \$110 for the purchase of a cat from Council's impounding facility.

RECOMMENDATION:

That Council:-

1. Publicly exhibits for a period of 28 days the fee of \$160 for the purchase of a dog, \$110 for the purchase of a cat from Council's impounding facility and microchipping fee of \$30.00 for animals released back into the care of their owners.
2. Includes the supply of veterinarian services as part of formalised arrangements with the Friends of the Pound.
3. Changes the fees in the interim to assist in the rehoming of animals.

REPORT:

Council resolved on 4 February 2004 to retain the operation of the animal impounding facility at Leddays Creek Road Stotts Creek, accordingly Council officers have had extensive discussions with the Friends of the Pound to achieve a beneficial service to both Council and the community in supplying desexing, microchipping, heart worm check, health check and vaccinations for all animals being sold from the pound at a reasonable cost.

Murwillumbah Vets and King Street Vets have offered Friends of the Pound these veterinarian services at the same price offered to the RSPCA. It is proposed that there be a single fee for the sale of dogs and a separate fee associated with cats. The set fees would be:-

Dog (male and female) - \$160	Does not include registration
Cat (male and female) - \$110	Does not include registration

Although the above price includes desexing, if a person did not wish to have the animal desexed they would still be required to pay the full price as listed above, plus the registration fee of a non-desexed animal.

Registration Costs:-

Desexed animal	\$35
Desexed animal owned by a Pensioner	\$15
A non-desexed animal	\$100

There are variations that may occur (such as the animal already being microchipped, registered, desexed, vaccinated or any combination) but the price would remain the same, alleviating complications associated with existing price structures. The variations that may occur would result in Council retaining the associated funds and where the cost of animals treated are not sold this would be a cost to Council.

It has been established that the Friends of the Pound, as a charitable organisation, would obtain veterinarian fees at a reduced rate compared to the prices obtained by Council through the Tender process. Therefore, it is requested that as part of Council's formalisation of arrangements with the Friends of the Pound, in accordance with Council's resolution dated 4 February 2004, the supply of the veterinarian service be incorporated into this arrangement. Although Council would pay the fees direct to the veterinarian on behalf of Friends of the Pound, the system itself would remain the responsibility of the Friends of the Pound with supervision by Council.

It is envisaged that the new sale system would alleviate many problems currently associated with the sale of animals from the pound. The price structure is now simplified and it encourages a more responsible owner to purchase an animal inevitably reducing complaints by members of the community and will also result in less unwanted pup and cat litters. In the long term this system will be beneficial to both the community and Council.

To recoup the costs associated with these veterinarian procedures it is proposed to charge a fee of \$160 for the purchase of a dog, \$110 for the purchase of a cat from Council's impounding facility and \$30.00 for the microchipping of animals to be released back to their owner.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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22 [EC] Tweed Valley Respite Service Inc. - Proposed New Building

ORIGIN:

Director

SUMMARY OF REPORT:

Council on 4 June 2003 resolved as follows:-

***RESOLVED** that Fulton Trotter and Partners be engaged as architectural consultants for the building works to provide additional buildings to be leased to Tweed Valley Respite Service on the basis outlined in the attached report but the appointment not be confirmed until after Council confirms the budget allocation of \$500,000 in this adopted budget.*

A report has now been received and Council needs to make a determination on which site is to be used.

RECOMMENDATION:

That Council advises Tweed Valley Respite Service that it supports the further planning by the Service to develop the site at Kingscliff adjacent to the existing respite cottage for the construction of a new building for delivery of disability services.

REPORT:

Council at its meeting on 7 May 2003 dealt with the following report:-

For a number of years the Tweed Valley Respite Services (TVRS) has conducted a respite service using the building constructed from government funding on Council's land at Cudgen Road, Kingscliff.

The Service has expanded over the intervening years and has administration facilities located in the buildings at the HACC/Community Centre site at South Tweed Heads.

The Service currently employs approximately 15 staff and a further 30 casual workers and currently funds the following programs:

*Respite cottage;
Twilight Program;
Challenging Behaviour Program;
Care for You Holiday Program;
Adult Training, Learning and Support Program;
Tweed Access Day Program;
Peer Support and Holiday Program;
Host Family Program; and
Constructed Respite Activities.*

This services approximately 270 clients with the number steadily increasing. The demands upon Tweed Valley Respite Service, no doubt, reflect the demographics of this area.

TVRS have considered several options to secure better administration facilities and garaging for their seven (7) vehicles. Of these the most viable is to construct a purpose built facility on Council land either at Kingscliff near to the current respite cottage or on the HACC Centre site at South Tweed Heads.

The most appropriate location will need to be determined after more detailed investigation and discussions between Council and TVRS. The Service considers that it would be able to lease back from Council a property erected for up to \$500,000 if the lease is based upon repayment of the expenditure over 20 years and 50% of the interest.

This would mean that Council's servicing costs would be in the vicinity of \$10,000 per annum, however, these would be minimal cost to Council in 2003/2004 as the funds would not be expended until at least the latter part of the financial year. The Service would be paying approximately \$34,000 per annum to Council and Council would own the facility after 20 years.

At that meeting it was unanimously resolved as follows:-

RESOLVED that Council allocates \$495,000 in the 2003/2004 budget from loan funds to construct a respite administration building and associated facilities on Council's land to be leased by Tweed Valley Respite Service at the annual loan servicing cost to Council less \$10,000 per annum and this to be included in the advertised budget.

Council at its meeting of 4 June 2003 further resolved as follows:-

RESOLVED that Fulton Trotter and Partners be engaged as architectural consultants for the building works to provide additional buildings to be leased to Tweed Valley Respite Service on the basis outlined in the attached report but the appointment not be confirmed until after Council confirms the budget allocation of \$500,000 in this adopted budget.

Fulton Trotter & Partners have completed their evaluation and suitability of sites study. A copy of this report is appended to this business paper.

One issue that arises from the feasibility study is that the current schematic proposals are not within the budget allocated by Council for construction.

However, to allow the Respite Service to further pursue a final design of a building and pursue funding options beyond those already allocated by Council, it is imperative for Council to determine which site should be allocated for the centre.

Any allocation by Council at this stage is of course subject to the normal processes of submitting an application and receiving development consent.

From the Evaluation & Suitability of Sites report, there are two matters which need considering.

The first of these is costs with the site at Tweed Heads South being of a lesser cost. However, the order of saving is not considered to be of such an extent that cost alone should be the determining factor.

The second consideration is the matter of organisational issues on page 14 of the report.

These stand strongly in favour of the Kingscliff site where Tweed Valley Respite Service currently has their respite facility.

The report argues that there is considerable advantage in adjacent locations for the two structures. This view has been strongly supported by the representatives of Tweed Valley Respite Service who have met with Council staff to discuss the evaluation process.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Evaluation & Suitability of Sites; Tweed Valley Respite Service Inc. Proposed New Building for Disability Services

23 [EC] Request to Install Unregistrable Moveable Dwelling

ORIGIN:

Environment & Health Services

FILE NO: PF5950/510 Pt5

SUMMARY OF REPORT:

A letter of request has been received from Mr Barry Roach to install an unregistrable moveable dwelling (UMD) at site 8 Drifters Van Village, Chinderah.

Drifters Van Village is a high hazard flood prone park. Installation of UMDs in such parks is not permissible under Council Policy E2.29. This restriction is intended to protect long term residents and their property from exposure to flood conditions.

On 7 August 2002 Council specifically resolved to refuse an application for placement of a UMD on site 28 within the subject park. Council has also relatively recently refused applications to place UMDs in both the Homestead and Royal Pacific Parks. If an approval were granted, it would set a precedent which other people are likely to pursue, namely approval for more UMDs in flood prone parks.

Officers recommend that the Policy not be varied and the application be refused.

RECOMMENDATION:

That Council refuses the request to install an unregistrable moveable dwelling on Site 8 Drifters Van Village.

REPORT:

Mr Barry Roach has written to Council requesting that consideration be given to the relocation of an unregistrable moveable dwelling (UMD) from Banora Point Caravan Park to site 8 Drifters Van Village, Chinderah. Mr Roach lived in a UMD on site 8 within the park for 5 years, until the unit recently burnt down (photos below). Mr Roach is seeking approval to place another UMD on the same site. Mr Roach's letter states:

HOLIDAY
C/- DRIFTERS HAN VILLAGE
- WOMMIN BAY RD CHINDERAH
2487
FRIDAY 13TH FEB 2004

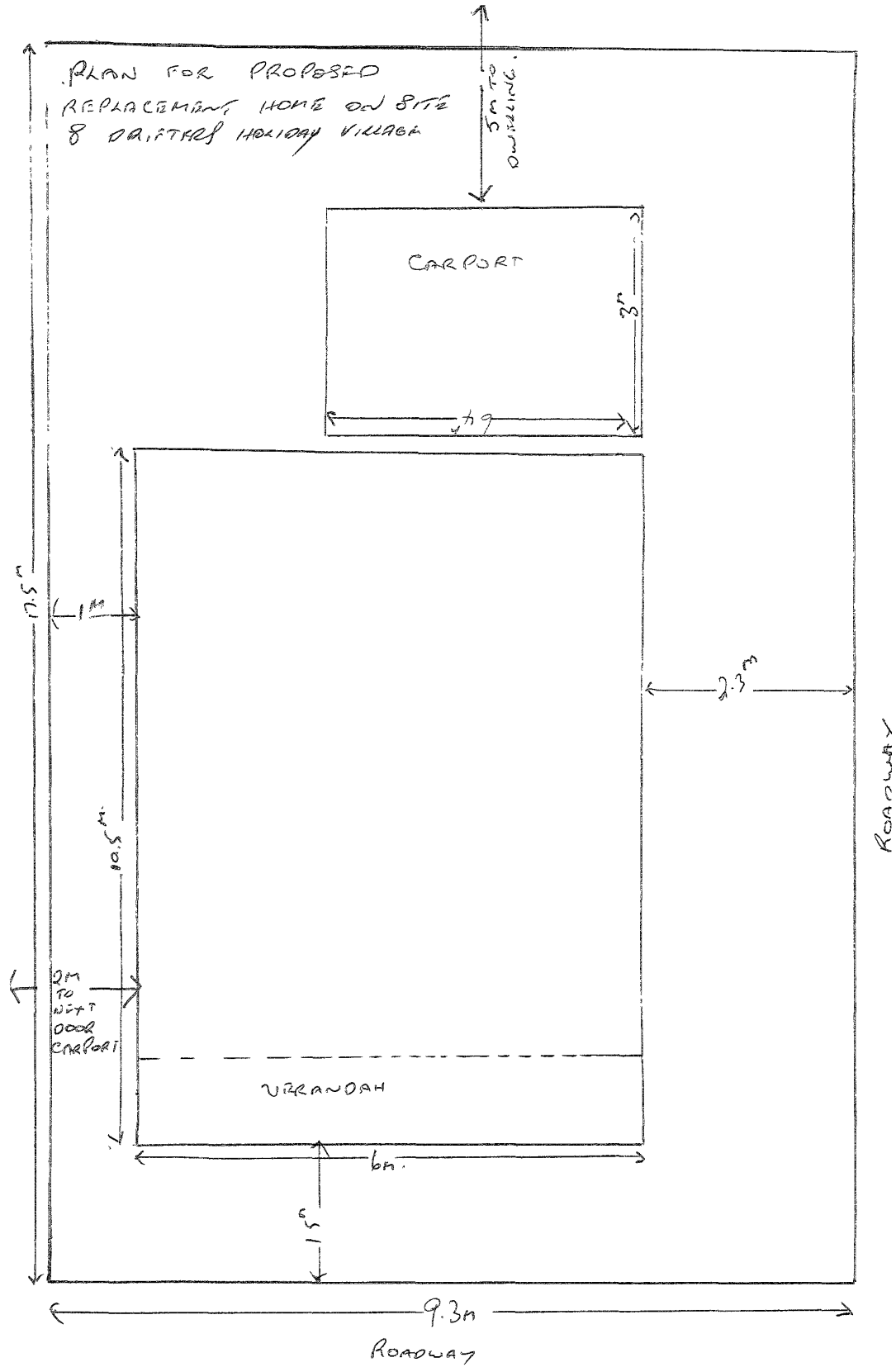
To Health and Building Section
Tweed Shire Council.

On the 23RD December 2003 my unit as
a Relocatable Home was burnt to the
ground on SITE 8 DRIFTERS HOLIDAY
VILLAGE where I had lived for 5 years
since then my wife and I have been
living with different relatives at
different locations which is not
satisfactory for anyone and is
affecting both our health.
I have the opportunity to acquire a
similar Relocatable Home to put on
this site. Photo enclosed. I know
there is a problem with putting Relocatable
Homes into the Park but owing to
my present situation could permission
be granted for me to replace my
burnt out Home in order that we
can get on with our lives +

TO PAGE 2

The Home I wish to Purchase Is
Presently Situated At Banana Point,
Caravan Park. Photo Included. Hoping
for a Favourable Reply.

Yours Sincerely
Barry Roach
c/o Drifters Holiday Village
Wamman Bay Rd
Chinderah 2487



The park is a high hazard flood prone park and the placement of UMDs on long term sites is prohibited by Council Policy E2.29. On 7 August 2002 Council specifically resolved to refuse an application for placement of a UMD on site 28 within the subject park. Council has also relatively recently refused applications to place UMDs in both the Homestead and Royal Pacific Parks.

Therefore, the current request would be refused, except for the fact that Mr Roach's existing UMD was damaged by fire and for this reason it is brought before Council.

COUNCIL POLICY E2.29 – UNREGISTRABLE MOVEABLE DWELLINGS AND ANNEXES ON FLOOD LIABLE LAND

Council's existing Policy E2.29 is reproduced in full at the end of this report. The Policy objective is 'To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.'

Part k of the Policy relates to the placement of UMDs, and states the following:

- k. *In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that:-*
 - E1. *The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.*
 - E2. *The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.*

The current request does not comply with the Policy in any respect, in that it would be placed on a long term site, floor heights would not comply and it would not be used as a 'park van'.

The Policy is intended to prevent persons placing UMDs on long term sites within flood prone parks as the structures would be exposed to flooding. This situation places the occupants and their possessions at risk, and may incur liability for Council. The Policy will result in a gradual reduction in the number of UMDs in high hazard situations owing to natural attrition.

The Policy does however permit UMDs to be placed on short term sites where the structures are owned by the Park. The structures are required to achieve certain minimum floor levels. In this situation the occupants are short term occupants (holiday makers) and in the case of a flood warning they can collect their belongings and vacate the site.

The current Policy restrictions have operated since about 1989.

SUBJECT PROPOSAL

Site 8 in the Drifters is a long-term site and the ground level within the Park is believed to have a height of about 2m AHD. Drifters Van Village is classified as a 'high hazard flood prone park' by Council records. The minimum floor level required in the structure by DCP 5 and Policy E2.29 is 3.6m AHD. This level equates to 300mm above the 'adopted design flood level' for Chinderah. Therefore the structure would need to be placed some 1600mm above ground level to be free from flood waters. Council's existing Policy does not permit floor levels to be placed more than 1200mm above ground level for reasons of aesthetics and stability.

Should consideration be given to issuing approval, then it is considered essential that floor heights in the new structure be required to comply with DCP 5 and the existing Policy.

The following points could be made in support of the request:

- The structure would be certified as structurally sound by a structural engineer.
- The ground height is believed to be about 400mm below the 2.4m AHD necessary to achieve compliance with part E1 of the Policy.
- Setbacks would comply with the Regulations.
- It could be argued that the new structure would be no more hazardous than the previous UMD on the site.
- Approval would show compassion to Mr Roach who has recently lost his home to fire.

Officers are sympathetic to the request. However there are a number of significant and valid reasons why Council should not vary the current Policy and permit placement of the UMD, as follows:

- Mr Roach could seek approval to install a complying structure on the site, namely a caravan and rigid annexe.
- The site is a long-term site and the occupant would be exposed to flood conditions. It may be said that there are many structures in caravan parks which would be exposed to flood waters. However, there is no good reason why this should be compounded by the approval of additional UMDs in these circumstances. It is the intention of the Policy that as structures become old or dilapidated that they would be replaced with complying structures, not UMDs.
- Unless the structure is raised about 1600mm above GL, then the structure could be inundated by flood water. This height is undesirable for reasons of aesthetics and structural stability. Whilst structural stability could be overcome by robust construction, caravan parks in the Tweed would look quite peculiar if it were permissible to install manufactured homes at 1600mm above ground level.
- Importantly, any approval would set a precedent. There is likely to be many other people who would seek approval to install UMDs. Officers regularly take enquiries from persons interested in installing UMDs in flood prone parks. This needs to be

considered in terms of the safety of these persons and their possessions if they were exposed to future flood conditions.

- Council has refused similar applications in the recent past.
- There are other non flood prone caravan parks for which approval could be sought to install a new UMD.

RECOMMENDATION

Officers are sympathetic to the loss of Mr Roach's home to fire. However application could be sought to place a complying structure on the site. There are substantive and valid reasons why the application to place a UMD on site 8 Drifters Van Village should be refused. Officers recommend that the current Policy not be varied and that the application be refused.



Burnt Structure



Proposed Structure

POLICY E2.29

UNREGISTRABLE MOVEABLE DWELLINGS AND ANNEXES ON FLOOD LIABLE LAND

Objective

To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.

Policy

- a. Unregistrable moveable dwellings and rigid annexes will not be permitted in any caravan park or addition to caravan park on flood liable land constructed after 1 December 1986.
- b. Unregistered moveable dwellings and rigid annexes may be permitted in caravan parks that are located on flood liable land within flood fringe and non-critical flood storage areas where the park is filled above Council's design flood level for the locality and where Council's investigations have shown that filling will not have any significant adverse impact on the flood pattern.
- c. In caravan parks not excluded by Clause (a), unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregistrable moveable dwelling the floor level of the registrable moveable dwelling

whilst maintained in a mobile state shall be at least 300 millimetres above the design flood level.

- d. In no instances shall the floor level be more than 1200 millimetres above the ground level.
- e. Low hazard for the purpose of this policy shall mean that the site and normal surrounding ground and road levels shall be not more than 800 millimetres below the design flood level and that there shall be access which will be not more than 800 millimetres below the design flood level from the moveable dwelling site to flood free land considered by Council to be a suitable refuge.
- f. In high hazard caravan parks, except Greenhills Caravan Park, Tweed Ski Lodge Caravan Park and any park excluded under clause (a) rigid annexes may, with the approval of Council, be attached to registrable moveable dwellings on long term sites provided:-
 - E1. Where levels permit, the annexe floor level shall be in accordance with clauses (c) and (d) of this policy.
 - E2. Where Item 1 cannot be complied with, the floor level of the annexe is not below the floor level of the registrable moveable dwelling to which it is attached.
 - E3. Any flooring fitted less than 300 millimetres above the designed flood level for the site shall be of hardwood or water resistant grade material.
 - E4. The method of attachment to the registered moveable dwelling shall be such as to allow disconnection within one hour.
- g. Short term sites will not be allowed to be converted to long term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.
- h. The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand flood water and wind loadings and adequate design and documentation is to be submitted to Council to allow it to determine compliance with this clause.
- i. No unregistrable moveable dwelling or annexe is to be placed upon flood liable land without prior approval of Council.
- j. Each application for approval under this policy is to be made upon the approved form and be accompanied by a fee to be as determined by Council.

- k. In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that:-
 - E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.
 - E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.
- l. A fee of \$50.00 will apply for applications to place unregistrable moveable dwellings or rigid annexes on flood liable land will apply from 4 June 1992 for the remainder of 1992.
- m. Council's Environment and Community Services Division will ensure that each park has an approved evacuation plan and means of communication to all tenants.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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24 [EC] Nominations for National Parks & Wildlife Service Geogional Advisory Committee

ORIGIN:

Director

SUMMARY OF REPORT:

The National Parks & Wildlife Service (NPWS) of the Department of Environment & Conservation has written to Council advising that nominations close on 28 March 2004 for members of the Northern Rivers Regional Advisory Committee for the period 1 July 2004 to 30 June 2008.

RECOMMENDATION:

That Council determines this report.

REPORT:

The National Parks & Wildlife Service (NPWS) of the Department of Environment & Conservation has written to Council advising that nominations close on 28 March 2004 for members of the Northern Rivers Regional Advisory Committee for the period 1 July 2004 to 30 June 2008.

The full text of the communication is as follows:-

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

TWEED SHIRE COUNCIL	
FILE No	NPWS
DOCUMENT No	[] [] [] [] [] []
RECD	19 FEB 2004
BOX No.	[] [] [] [] [] []
ASSIGNED TO	Griffin J
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Dr Griffin,

**NOMINATIONS FOR NATIONAL PARKS AND WILDLIFE SERVICE
REGIONAL ADVISORY COMMITTEES**

As you may be aware, the National Parks and Wildlife Service (NPWS) now forms part of the Department of Environment and Conservation. Each region of the NPWS has an advisory committee, which advises the regional manager on the care, control and management of national parks. Applications are currently invited from members of the community who wish to join the NPWS Northern Rivers Region Advisory Committee.

These advisory committees provide a valuable conduit to local community needs and attitudes, and through the diverse membership of committees, offer the NPWS access to a wealth of experience and expertise. As such, advisory committees are able to play a crucial role in achieving conservation outcomes by facilitating the development of cooperative, constructive and innovative relationships between the NPWS and the community.

The current term of appointment for all NPWS Regional Advisory Committees will expire on 30 June 2004. New advisory committees will be appointed by the Minister for the Environment for a four-year term expiring on 30 June 2008.

The *Amendment Act 2001* to the *National Parks and Wildlife Act 1974*, specifies the following range of expertise and experience in the members of each advisory committee:

"The members are to include at least 2 Aboriginal persons, a person jointly nominated by the Nature Conservation Council of NSW and the National Parks Association of NSW, and such other persons as the Minister decides have one or more of the following qualifications:

- expertise and experience in local government;
- expertise and experience in community involvement in conservation;
- expertise in Aboriginal Cultural Heritage;

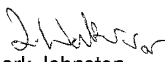
- scientific qualifications in the area of conservation biology, wildlife management or related disciplines;
- expertise and experience in rural or regional issues;
- expertise and experience in agriculture and rural issues, being a person nominated by the NSW Farmers' Association;
- expertise and experience in ecotourism or ecologically sustainable visitor use, enjoyment and appreciation of reserves;
- expertise and experience in environmental education and community involvement in environmental education; and
- expertise in non-Aboriginal cultural heritage conservation."

Advisory committee membership is honorary. No sitting fees are paid, but any out-of-pocket expenses incurred in attending meetings or conducting advisory committee business will be reimbursed by the NPWS.

I have provided some information about the NPWS Northern Rivers Region, an application form and supporting information. Further copies of application forms are available from the National Parks and Wildlife Service website at www.nationalparks.nsw.gov.au, or from the NPWS regional office, phone 66270200.

All nominations should be sent to Marilyn Mayhew, Stakeholder Liaison Officer, Department of Environment and Conservation, PO Box 1967, Hurstville NSW 2220. If you have any questions please feel free to contact Marilyn on (02) 9995 5265 or by email at merilyn.mayhew@npws.nsw.gov.au. The closing date for applications is 26 March 2004.

Yours sincerely


Mark Johnston
Regional Manager
Northern Rivers Region

The National Parks and Wildlife Service is now a part of the Department of Environment and Conservation.

**NATIONAL PARKS AND WILDLIFE SERVICE
REGIONAL ADVISORY COMMITTEES**

The following notes provide a brief overview of the responsibilities of National Parks and Wildlife Service (NPWS) Advisory Committee membership

Advisory Committees may make recommendations to the relevant Regional Manager, the Director-General or the National Parks and Wildlife Advisory Council, on measures to improve the care, control and management of national parks, historic sites, nature reserves, state conservation areas, regional parks or any combination of these lands located within the NPWS Region for which the Committee is appointed

Committees may also be requested to consider and comment on off-park issues, where these are likely to have some impact on lands reserved under the *National Parks and Wildlife Act* or on natural and cultural heritage conservation generally

Advisory Committee members are usually drawn from local councils, neighbours, the rural community, recreational user groups, conservation groups, bush fire brigades, the education, scientific and tourism fields, and the Aboriginal community. Advisory Committees may comprise between 12 and 17 members

The operation of Advisory Committees is covered under the *National Parks and Wildlife Act* and *Regulations*, and the responsibilities of both the Committees and the NPWS are contained in a *Memorandum of Understanding* between both parties

Advisory Committees are able to play a crucial and innovative role in the relationship the NPWS has with the community. The Committees also perform the role of Customer Councils for the NPWS, involving ongoing review of customer needs and provision of services and facilities in NPWS reserves

Committees are also able to provide valuable input and support in the following areas

- Expert advice on technical and specialist matters
- Liaison with community and user groups to seek their views on NPWS issues
- Recommending improvements
- Audit and review of pest and fire management programs
- Development of draft plans of management for parks and reserves
- Feedback to the community about NPWS issues and initiatives

Advisory Committee membership is honorary. No sitting fees are paid, but any out-of-pocket expenses incurred in attending meetings or conducting Advisory Committee business will be reimbursed by the NPWS

TERM OF APPOINTMENT

The term of appointment is for four years, from 1 July 2004 to 30 June 2008

MEETINGS

Generally, Advisory Committees meet at least four times per year with agendas being distributed in advance. Meetings are interspersed with field inspections or at times may be held concurrently with such inspections. In applying for membership of an Advisory Committee, applicants should be prepared to make a commitment to attend meetings regularly and to participate in Advisory Committee activities

FURTHER INFORMATION

For more information speak to your local Regional Manager, or visit the NPWS website at www.nationalparks.nsw.gov.au

National Parks and Wildlife Service estate in the Northern Rivers Region

Andrew Johnston Big Scrub Nature Reserve	Marshall's Creek Nature Reserve
Arakwal National Park	Maryland National Park
Ballina Nature Reserve	Mebbin National Park
Billinudgel Nature Reserve	Mooball National Park
Boatharbour Nature Reserve	Moore Park Nature Reserve
Border Ranges National Park	Mount Clunie National Park
Broadwater National Park	Mount Jerusalem National Park
Broken Head Nature Reserve	Mount Nothofagus National Park
Brunswick Heads Nature Reserve	Mount Nullum Nature Reserve
Bundjalung State Conservation Area	Mount Warning National Park
Bundjalung National Park	Mucklewee Mountain Nature Reserve
Bungabbee Nature Reserve	Nightcap National Park
Bungawalbin National Park	North Obelisk Nature Reserve
Bungawalbin Nature Reserve	Numinbah Nature Reserve
Bungawalbin State Conservation Area	Richmond Range National Park
Cape Byron State Conservation Area	Richmond River Nature Reserve
Captains Creek Nature Reserve	Snows Gully Nature Reserve
Cook Island Nature Reserve	Stotts Island Nature Reserve
Couchy Creek Nature Reserve	Tabbimoble Swamp Nature Reserve
Cudgen Nature Reserve	Toooloom National Park
Cumbebin Swamp Nature Reserve	Toonumbar National Park
Davis Scrub Nature Reserve	Toonumbar State Conservation Area
Goonengerry National Park	Tuckean Nature Reserve
Hattons Bluff Nature Reserve	Tucki Tucki Nature Reserve
Hayters Hill Nature Reserve	Tweed Estuary Nature Reserve
Hogarth Range Nature Reserve	Tweed Heads Historic Site
Inner Pocket Nature Reserve	Tyagarah Nature Reserve
Jackywalbin State Conservation Area	Ukerebagh Nature Reserve
Julian Rocks Nature Reserve	Uralba Nature Reserve
Koreelah National Park	Victoria Park Nature Reserve
Lennox Head Aboriginal Area	Whian Whian State Conservation Area
Limpinwood Nature Reserve	Wilson Nature Reserve
Little Pimlico Island Nature Reserve	Wolumbin State Conservation Area
Mallanganee National Park	Wolumbin National Park
	Wooyung Nature Reserve
	Yabbara National Park
	Yarringully Nature Reserve
	Yarringully State Conservation Area

The correspondence is brought to the attention of Council as it may wish to endorse a nomination or Councillors may wish to use the information to nominate themselves to the Advisory Committee. Councillor status is not required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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25 [EC] Art Gallery - Establishment Costs

ORIGIN:

Director

FILE NO: DA3488/12 Pt6

SUMMARY OF REPORT:

This report is to provide Councillors with an update on the total costs of establishment of the Tweed River Art Gallery.

RECOMMENDATION:

That this report be received and noted.

REPORT:

This report is to provide Councillors with an update on the total costs of establishment of the Tweed River Art Gallery.

Following a report to Council on 22 January 2003 it was resolved to adopt an overall project budget for the new Tweed River Art Gallery of \$3,393,000 with a construction budget of \$2,500,000 to be negotiated from the tender submitted by Multispan Australia.

This meant that the tender submitted by Multispan Australia had to be renegotiated by a reduction of \$713,707.

This obviously meant that there had to be negotiated considerable deletions and reductions in quality of works for the final contract.

Council at its meeting of 2 July 2003 when considering a report advising that additional community funds were being donated, resolved "that Council authorises the Director Environment & Community Services to expend all community funds donated for the purpose of the construction of the new gallery, on the new art gallery and reports to Council through the quarterly budget review process.

The amount of additional donations to date has been \$344,000.

Council at its meeting of 3 December 2003 resolved to accept a grant from the Minister to the Arts for \$125,000 and voted the expenditure.

This has increased the funds voted for expenditure as follows:-

Vote 22 January 2003	3,393,000
Additional donations	344,000
State Government grant	<u>125,000</u>

New Budget Figure **\$3,862,000**

It is obvious that the grant from the State Government was for enhancement of the project and the additional donations were from the community to assist in enhancing and completing the project to a satisfactory standard. In fact, there were considerable donations specified for specific items. For example, the Friends of the Gallery raised by donations from its members in excess of \$30,000 to go to reinstating air conditioning to the reception/foyer/restaurant area, and a donation of \$17,000 was provided towards providing the balcony on the western side of the building. One family generously donated \$200,000 to the project obviously intending to assist in the completion of a first class facility.

There are still some works requiring completion at the gallery including fitting out the café.

The major items of additional cost have been:-

Balcony	43,000
Café (additional)	35,000
Air conditioning	82,000
Lighting and security enhancement	79,000
Furnishing	25,000
Landscaping and site improvements (contract)	53,000
Storeroom	<u>28,000</u>
	\$345,000
Items to complete not costed (est)	40,000
Additional landscaping outside contract, security gate, Signage and fencing	<u>32,000</u>
	\$417,000

These items use approximately \$420,000 of the additional \$469,000 provided in new donations and the additional grant from the State Government.

Additional funds are required to offset a number of lesser variations to the contract and any amount remaining will be retained in the Art Gallery Construction Fund for further development or improvement.

As the current project is not completed and the contract works finalised, the exact dollar figure is not yet available but will be in the vicinity of the \$3,862,000 allocated for the project by the original vote of \$3,393,000 by Council and the additional \$469,000 provided from outside sources specifically for this project since the original budget was established.

It is worth Council noting that the Friends of the Gallery will also be donating the furniture (tables and chairs) for the café.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 Minutes of the Sports Advisory Committee Meeting held Tuesday 17 February 2004

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

VENUE:

Tweed Heads Civic Centre

TIME:

5.00 pm

PRESENT:

Committee Members: Crs Warren Polglase, Mr Stewart Brawley, Ms Glynnis Kenny, Mrs Linda Threlfo, Mr Ray Jarrett.

Informal: Mrs Bernadette Barnes, Mr Barry Spinks, Mrs Blyth Short (Recorder)

APOLOGIES: Mr Merve Edwards, Mr Peter Moschogianis

CONFIRMATION OF MINUTES:

Moved: G Kenny

Seconded: R Jarrett

RESOLVED that the Minutes of Sports Advisory Meeting held Thursday 18 November 2004 be accepted as a true and accurate record of the proceedings of that meeting.

Barry Spinks and Bernadette Barnes (Murwillumbah Netball Ass.) presented the committee with a draft proposal for an Indoor Multi-Purpose Recreational Centre to meet the needs for diverse sporting activities preferably within the Murwillumbah area. Concerns include: providing facilities for youth 13-18 years, addressing needs of residents who currently drive to SE QLD, meeting needs of increased population growth of culturally diverse backgrounds, increasing participation levels, loss of income within Shire and providing facility to cater for regional and state competition standards.

S Brawley advised that a multipurpose facility has been considered in future planning for the Shire and identified in Contribution Plan 26 – Shirewide Open Space. However, a feasibility study/needs analysis would be required before pursuing this option; to determine any costs to Council and the most appropriate location.

B Barnes to contact S Brawley in 6 months time to pursue developments.

BUSINESS ARISING:

1. South Tweed Sports Field

Facilities have been completed however there has been a few set backs with getting power connected and vandalism of glass windows.

7. St Joseph's College - Sports Grounds

Council wrote to St Joseph's College, Colts Cricket Club and Tweed District Cricket Association regarding misuse of facilities. No response from Cricket.

CORRESPONDENCE:

1. Tweed Coast Raiders Junior Rugby League (TCRJRL)

TCRJRL advised that last year Rugby Union used the Les Burger fields on a Friday night in addition to the current usage of Junior League and Touch Football. They noted that the turf is suffering from overuse and litter was left after Union on Friday evenings. The TCRJRL requested that the Union not use the fields for the Winter 2004 season. General discussion.

S Brawley advised that Casuarina Rugby Union had been contacted and would discuss issues of shared use with TCRJRL. The shared use of the field is not considered excessive.

2. Pottsville Pirates Softball Club (PPSC)

PPSC request consideration in a reduction of sports field licence fee as the juniors only use the field for 2 hours per week for training from October to December. General discussion. It was noted that this level of use did not justify a fee and that other organisations use fields on a casual basis such as this without charge. The committee agreed this was a reasonable request however, should PPSC wish to access the Assets Reserve Trust Funds then the club would be required to contribute to the fee system.

GENERAL BUSINESS:

3. Sports Advisory Committee Members

The committee agreed it would be advantages if at the completion of each 2 year cycle, only half the committee was replaced and half retained on a rotational basis. This would allow some flow and consistency when the committee changes.

As there are only 5 of 8 community representatives remaining from last intake. It was suggested current committee members be invited to serve another term and Council invite applications for the balance of the eight community representatives.

RECOMMENDATION:

That the current Sports Advisory Committee representative members (5) be invited to serve another term and Council to invite applications for community representatives to fill the remaining positions to take the total to 8.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held the Cabarita Beach Sports Centre 20 April 2004.

The meeting closed at 6.10pm

DIRECTOR'S COMMENTS:

3. Sports Advisory Committee Members

That Council concurs with the Committee's recommendation on the committee's membership for the next two (2) year terms.

DIRECTOR'S RECOMMENDATIONS:

3. Sports Advisory Committee Members

As per the Committee's recommendation.

2 Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 19 February 2004

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

VENUE:

Cabarita Beach Sports Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Henry James, Mr Peter Langley (Kingscliff Enviro Club), Mr Vic Brill, Ms Kate McKenzie (Landcare Co-ord), Mr Frank McLeod, Mr Stewart Brawley, Mr Ron Butler, Mr Ian Anderson (Kingscliff North), Mr Mick Stewart (Twin Towns Coastal Care)

Informal: Mrs Rhonda James, Mr Dennis Brown (Greening Aust)
Mr Lawrence McCoy (CRFS)

APOLOGIES:

Mr Rodney Keevers, Ms Kay Bolton (Fingal)

MINUTES OF PREVIOUS MEETING:

Moved: P Langley

Seconded: M Stewart

RESOLVED that the Minutes of the Tweed Dune Care Advisory Meeting held Thursday 13 November 2003 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

Lawrence McCoy - Briefed committee in his role within the Rural Fire Services. General discussion and questions on issues related to fire and Fire Management in coastal areas.

Dennis Brown - (Greening Australia) on a funding contract through the Catchment Management blue print. Contract includes a planning component and on-ground works. Expects to work with 2 or 3 groups and hopes to identify one site to produce a plan. Suggested Pottsville Wetlands as a possible site for a plan.

BUSINESS ARISING:

2. Fingal Headland Path

Frank McLeod and Rodney Keevers met on site. Archaeologist has been contacted and will inspect site at time of Weeds Forum.

3. Tree poisoning/Vandalism sign

Department of Lands installed signs at Casuarina and has had no issues to date. Signs are still in place. No reports of further vandalism.

Rob Butler raised further instances of vegetation damage due to use for firewood at Cabarita.

Discussion on merits and effectiveness of signage for these purposes.

Frank McLeod suggests Rural Fire Services may be able to prosecute for lighting of fires.

Suggest story for Tweed Link. Marilyn Smith to contact Ron Butler for details.

7. Weeds Forum

Committee reviewed agenda and merits of attendance. Cost is \$30 per person (including lunch). Committee requests Dune care support funds pay for one representative for each Dune care group to attend the February Weeds Forum at Twin Towns.

Moved: K McKenzie

Seconded: P Langley

RESOLVED that Council pay for 8 Dune Care Representatives to attend the Far North Coast Weeds Forum from the Dune Care Support budget.

10. Duranbah Dune Management Plan

Most community groups reject the current management plan. Cr Henry James lodged notice of motion regarding the amended bypass plan. Issue also discussed at Coastal Committee.

M Stewart raised short-term issue of immediate sand shortage at Duranbah. Suggest the allocation of sand for April be delivered in March.

Moved: M Stewart
Seconded: H James

RECOMMENDATION:

That Council request the sand bypass operation to deliver the allocation of sand due to Durambah Beach in April be brought forward to March.

CORRESPONDENCE:

1. Kingscliff Signs

Council received a request from residents living opposite the vegetation vandalism sign at North Kingscliff to have the sign removed. The sign was installed in 2000 as a response to persistent vegetation vandalism. The vandalism of the vegetation appears to have subsided. Area inspected by Rodney Keevers and agreed that Council should remove the signs.

Moved: Vic Brill
Seconded: Peter Langley

RECOMMENDATION:

That Council remove the tree vegetation vandalism sign fronting the dunes at North Kingscliff. Signs to be reinstated should any further instances of vandalism occur.

GENERAL BUSINESS:

1. Hastings Point Creek

Vic Brill raised the issue of erosion at Hastings Point creek. It was noted these issues will be addressed in the Estuary Management Plan. Request for fencing to prevent access in short term whilst estuary plans are being finalised.

2. Noxious Weeds

Frank McLeod advised of \$15,000 grant for Noxious weed control on Crown Land.

3. Cabarita/Bogangar Vegetation management

Ron Butler contacted Bogangar Primary School Principal and will work with School and students on Vegetation Management surrounding school.

4. Letitia Spit

Mick Stewart questioned Bitou control on Letitia spit. Rhonda James noted 50ha was aerial sprayed last year. The Land Council is on board this year and it is planned to respray the 50 ha from last year plus an addition 50ha. The Land Council has lodged an Enviro Fund Grants for works.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 15 April 2004 at the Pottsville Environment Centre.

The meeting closed 7pm at the Cabarita Beach Sports Centre.

DIRECTOR'S COMMENTS:

7. Weeds Forum

That this matter be dealt with under delegated authority.

10. Duranbah Dune Management Plan

That Council agrees to the recommendation.

1. Kingscliff Signs

That Council agrees to the removal of the signs.

DIRECTOR'S RECOMMENDATIONS:

7. Weeds Forum

That Council gives the Director Environment & Community Services delegated authority to arrange for eight (8) Dune Care Representatives to attend the Far North Coast Weeds Forum from the Dune Care Support budget.

10. Durambah Dune Management Plan

As per the Committee's recommendation.

1. Kingscliff Signs

As per the Committee's recommendation.

3 Minutes of the Tweed River Committee Meeting held Wednesday 11 February 2004

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Tweed Shire Council Civic Centre Murwillumbah

TIME:

9.30am.

PRESENT:

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); R Hagley, (Department of Land and Water Conservation); B Loring ((NSW Fisheries); L Tarvey (National Parks and Wildlife Service); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); D Oxenham, M Tunks, Ms J Lofthouse, T Alletson (Tweed Shire Council).

Informal: Dr Alison Specht – Southern Cross University – Mike Melville – University of NSW

APOLOGIES:

Geoff Edwards; Graham Judge; (Tweed Shire Council), Ms R James (Caldera Environment Centre); N Newell (State Member for Tweed); D Gray (Ecoroc);

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: Robert Quirk

Resolved that the Minutes of Meeting held Monday 10 December 2003 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Item from Meeting held 8 October 2003:

**1. Stotts Channel Draft Vegetation Management Plan
Tweed River Management Plan**

The process of amending the Stotts Channel Vegetation Management plan to reflect concerns raised by Robert Quirk and Henry James at the previous meeting was

discussed. Bob Loring was requested to ensure that comments from the NSW Fisheries Department would be provided on the amended draft.

Tom Alletson, Robert Quirk and Bob Loring arranged an inspection by boat for 6 am on the 12 of Feb.

Tom Alletson also provided a report of estimated costs to remove the sediment plug from the downstream end of Stotts Channel. The critical issue in this regard is spoil disposal. If land disposal and treatment were necessary, at least \$50, 000 may be required to cover issues such as dredging, spoil de-watering and treatment of Potential Acid Sulphate Soils.

If spoil can be returned to the estuary, dredging costs of approximately \$20,000 would be required. This amount does not take into account investigation and approvals costs.

Robert Quirk stressed the importance of the project given that 4000 ha of farmland drains through the channel and the drainage efficiency is critical to farming.

Jane Lofthouse reported that an amount of \$11,350 exists within the budget and is described as hydrographic survey. It was agreed that this money could be put towards the cost of a dredging project, the balance could be allocated in next years budget.

Cr Max Boyd raised the issue of ongoing funding of dredging works and suggested that a process is required to pay for future dredging. Decision on possible cost sharing arrangement. Richard Hagley commented that in his opinion dredging in this area would provide a long lasting benefit, and that frequent dredging would probably not be required.

Moved: Cr W Marshall

Seconded: Cr M Boyd

RESOLVED to reallocate budget item of Hydrographic Survey to removal of Stotts Channel Plug (approximately \$11,000).

David Oxenham advised that other sections of the river need dredging for charter boat operators and Tom Alletson confirmed that one of the priority areas for navigation is the channel on the outside of Stotts Island. The potential to dredge this section when dredging plug at end of Stotts Channel must be considered.

Cr Boyd would like this listed for next meeting to discuss further cost sharing arrangements for dredging.

Items from Meeting held 10 December 2003

1. Chinderah Marina Development Application

Jane Lofthouse advised the Committee that Tweed Shire Council has received the amended development application from DIPNR. It is now on public exhibition to the 8th March 2004.

Richard Hagley suggested that this Committee hold a special workshop to discuss the amended application and would like a copy distributed to all committee members.

Moved: Cr Max Boyd

Seconded: Bob Loring

RESOLVED that this Committee advise Council that it strongly opposes the amended application for the Chinderah Marina on the grounds that it is a gross overuse of the Tweed River at that location.

Voting - Unanimous

RECOMMENDATION:

That Council is advised that this Committee strongly opposes the amended application for the Chinderah Marina on the grounds that it is a gross overuse of the Tweed River at that location.

Correspondence in 10 December 2003:

Tweed River Boating Plan of Management Discussion Paper

Carl Cormack updated the Committee on the progress of the Draft Boating Plan of Management as follows:-

- The project is currently running to the agreed time plan;
 - Waterways Authority have reviewed and analysed the submissions received from stakeholders arising from the Discussion Paper (40 submissions)
 - Additional research and a number of detailed site inspections have been carried out.
 - An internal review of the values and issues has been undertaken with the resultant management strategies forming the basis of the draft plan.
 - The Draft Boating Plan of Management will be presented to Waterways Executive Management for comment towards the end of March;
 - It is proposed that the Draft Plan of Management be presented to the Tweed River Committee on the 28th April prior to its release for public comment early May.
-

AGENDA ITEMS:

1. Acid Sulphate Soil Research Update Mike Melville, University of New South Wales

Acid Sulphate Soils

Mike Melville, University of New South Wales presented a research update on the Acid Sulphate Soils.

2. Continuation of Daily News Column

Tweed River Committee

Jane Lofthouse asked the committee if they would like to continue submitting articles for this Column, and if so an schedule/time table would need to be set up.

Cr Wendy Marshall advised that she had received a lot of feedback from the educational column and thought it was a good community education tool.

Cr Max Boyd suggested that the articles be placed in the Tweed Link as well as the Daily News.

Tom Alletson to collate a time table for the continuation of the Column in the Daily News and Tweed Link and submit it to all committee members.

3. Oxley Cove/Old Ferry Road River Bank Erosion Control Works

Erosion

A project to address riverbank erosion on the narrow peninsular of land enclosing the Oxley Cove canal development (road reserve known as Old Ferry Road) has been identified in the TRC works program for 2004/2005. The committee was briefed on Councils progress on this issue.

The area has been surveyed and designs prepared. The work has been included as a part of the tender to address erosion in the park at Chinderah. Tenders for this project close on the 25th of February.

4. Camphor Laurel Toxicity Research Proposal - Dr. Alison Specht, Southern Cross University

Tweed River Committee

Dr Specht presented a summary of a research project proposal which will investigate the potential toxicity of compounds from Camphor Laurel and other mono-culture forests, including native species, on aquatic organisms. A lot of the research would be undertaken in the Tweed Valley. The committee was advised that it would be a welcome partner to the ARC Grant project, and to do so would require an investment of \$6000.

Moved: Cr M Boyd
Seconded: Cr H James
RESOLVED that:-

1. The Committee support the project and request Council to endorse the project and indicate its participation as a partner by providing a letter of support from the Director Engineering Services for the application and consider the allocation of \$6.000 for this project.
2. The Committee recommend to Council that it cooperates by freely providing expertise and information towards the project.

RECOMMENDATION:

That Council provides information and expertise as contribution to the Camphor Laurel research ARC Grant proposal by Southern Cross University.

5. Condong Boat Launch Pad and Proposed Pontoon

Boat Ramps, Pontoons

Cr Marshall advised the Committee that she and others attended the opening of the Condong Boat Launch Pad.

Cr Marshall suggested that the committee liaise with Tom Senti and TEDC to pursue the extra funding for the placement of a pontoon at this site as it would greatly increase the useability of the facility.

It was agreed that Council could prepare estimates to construct such a facility and that the TRC would investigate cost sharing arrangements between TEDC, the TRC and the boat building industry.

6. Proposed Meeting Schedule 2004

Tweed River Committee

WEDNESDAY 11 FEBRUARY

WEDNESDAY 28 APRIL

WEDNESDAY 9 JUNE

WEDNESDAY 11 AUGUST

WEDNESDAY 13 OCTOBER

WEDNESDAY 8 DECEMBER

CANVAS AND KETTLE MEETING ROOM, MURWILLUMBAH CIVIC CENTRE

9:30a.m.

**Other Dates: TWEED RIVER FESTIVAL
20 - 28 NOVEMBER 2004**

CORRESPONDENCE IN:

**1. Kids Companies and Creeks - Summary Report
Stormwater Management Plans**

The report detailing the results from the *kids, companies and creeks* project undertaken in October/November 2003 in the Northern Rivers has been received. Several students from the participating schools made a presentation on the project at the December meeting of the Committee.

A copy of the final report from the Kids Companies and Creeks Project with all the results of the investigations is available from Jane or Tom.

The local schools and students that took part demonstrated a high level of enthusiasm and there was strong interest in making this project an annual or biannual event. Other recommendations included seeking support from Council for implementation of action plans.

It is estimated that the cost of running this program in the Tweed catchment through Oz GREEN is about \$16,000. There may be the possibility of cost sharing arrangements through schools or opportunities for sponsorship and grant funding.

Jane Lofthouse asked the Committee if they would continue their support of the Kids, Companies & Creeks Project over a two year period.

Cr Max Boyd discussed the project and advised that we need to investigate where the pollution, identified in the report, was coming from.

Cr Wendy Marshall confirmed that industrial sites and businesses need to be educated on how to dispose of their waste.

Tom Alletson drew the committees attention to previous minutes in reference to the SEA project (Committee resolution to support a continuation in association with Byron Shire Council). Tom suggested that Kids, Companies & Creeks had great merit in terms of education, but thought that the SEA project would be a more efficient way of changing practice on the ground.

Moved: Cr M Boyd

Seconded: Cr W Marshall

RESOLVED that Council staff review the Kids companies and Creeks reports and identify those drainage areas that have been highlighted as problem areas in these reports.

Include Kids, Companies & Creeks as possible budget item to be discussed at next meeting.

2. Riverside Heritage Markets - Proposed Improvements to River Bank Opposite Old Norco Butter Factory

Tweed River Management Plan

The proponent of this development has raised the issue of potential improvements to the river bank opposite the old Norco Butter Factory, by way of a boardwalk and beautification.

Cr Wendy Marshall tabled the proposed development brochure received from Riverside Heritage Markets.

3. Northern Rivers Catchment Management Board - Progress Report

Tweed River Committee

A copy of this report is available. This report lists the funding which Blueprint projects have attracted to date.

Robert Quirk provided an update on the CMA establishment and advised that applications have closed for membership and no interviews had been held for Chairperson at this stage.

Cr Boyd noted that the Catchment Management Authorities will be working with the Blueprint developed by the Catchment Management Board and advised that this Committee should keep in close contact with the authority.

Moved: Cr M Boyd

Seconded: Cr W Marshall

RESOLVED to invite the new chairperson of the CMA to attend a meeting of this Committee at the first opportunity.

4. International River Foundation

Tweed River Committee

A receipt and letter of thanks has been received from the foundation.

5. WADAMP Funding

Wharves

The committee was advised that the application under the WADAMP program to construct a second heritage wharf at Tumbulgum was not approved. The Committee agree that it would resubmit the application next year.

CORRESPONDENCE OUT:

1. Letter to Envite regarding the Wobul Creek/Skinners Reserve Forest Restoration Plan

Riparian Projects

A letter has been sent to Envite regarding the Wobul Creek/Skinners Reserve Forest Restoration Plan, seeking a shared funding arrangement for implementing on ground works.

General Business:

1. Master Development Plan - Airport

Cobaki Broadwater

Cr Henry James advised the committee that the Draft Major Development Plan for the Gold Coast Airport runway extension is available for comment. It was requested that a report on the proposal be prepared, with particular regard to potential impacts of the runway extension on the Coabaki Broadwater. Tom Alletson was requested to prepare a report which will be reviewed by the Executive of the Committee, prior to submission.

2. Oyster Lease Removal – Terranora Inlet

Oyster Leases

NSW Fisheries requested that Council provide bins for the removal of waste generated by the removal of Oyster Leases from Terranora Inlet. Mark Tunks was requested to action this item.

3. Hornsby Council – Sewerage Pump Out Facility for Boats

Boating

Cr Marshall tabled a newspaper article detailing steps taken by Hornsby Council to provide sewage pump out facilities for boats. It was suggested that the Boating Plan of Management should investigate the need for additional pump out facilities at Tumbulgum.

4. Tweed River Festival

Tweed River Festival

Tweed River Festival is to be held November 20th to 28th 2004.

NEXT MEETING:

The next meeting of the Committee is to be held on 28 April 2004 at the Canvas & Kettle Meeting Room commencing at 9.30 am.

The meeting closed at 12.40pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

As per the Committee's recommendations.

4 Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 February 2004

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Tweed Shire Council Civic Centre Murwillumbah

TIME:

Commencing at 1.30pm.

PRESENT:

Cr Wendy Marshall (Chair), Cr Henry James, Cr Max Boyd (Tweed Shire Council); Terry Kane (Cabarita Beach-Bogangar), Gary Thorpe (Hastings Point), Rhonda James (Caldera Environment Centre), Peter Harding (Pottsville Beach), John Harbison (Mooball), Lance Tarvey (NSW National Parks and Wildlife Service), Richard Hagley, Tim Rabbidge (Department of Infrastructure Planning & Natural Resources), Jane Lofthouse, David Oxenham, Tom Alletson (Tweed Shire Council).

APOLOGIES:

Stewart Brawley, (Tweed Shire Council); Jason Pearson (Kingscliff); Neville Newell (Member for Tweed). Justine Elliot (Fingal Head)

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: Peter Harding

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 December 2003 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

Item from General Business - Meeting held 10 December 2003

2. Cudgen Creek Bridge – Removal of Fill Abutments

Cudgen Creek

It was resolved at the last meeting that Council would send a letter to the proponents of the Salt Development requesting that when works are undertaken on the existing Cudgen Creek Road Bridge that the artificial abutments be removed to provide a more natural alignment in accordance with the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks, 1997.

Jane Lofthouse advised the Committee that a positive response to this request from Council to the developer would be unlikely.

RECOMMENDATION:

That Council reopens negotiations with the Rae Group at the highest possible level with a view to negotiating a major contribution from the Developer towards the cost of building a new bridge over Cudgen Creek.

CORRESPONDENCE IN:

Nil.

CORRESPONDENCE OUT:

Nil.

GENERAL BUSINESS:

1. Tweed Coastline Management Study and Plan

Coastline Management Plan

A workshop is being conducted with Council at 8.30pm on Wednesday 12 February on the Kingscliff Hazard Management preferred option and funding options. The option which looks most likely to be recommended through the coastline management plan is a seawall and sand nourishment.

The Draft Study is currently being finalised to include comments and corrections from staff and others. Pending the outcome of the workshop with Council, the preliminary Draft Management Plan should be ready for Committee review by early April.

Jane Lofthouse tabled a submission from Cudgen Headland Surf Lifesaving Club in reference to the Tweed Coastline Management Study and Plan. The essence of this submission was that the do nothing option was the preferred option of the Surf Club members. There were concerns relating to the design of a sea wall. It is considered that these concerns could be addressed in the design of the sea wall.

Cr Boyd commented on climate change and rising sea levels and recommended that Councillors be given the latest information on this topic.

2. Estuary Management Plan Review

Estuary Management

The Draft Estuary Management Plan Review is currently being amended. A final draft will be forwarded to the Committee for their comments, and a report will be presented to Council once all comments have been received.

3. Cudgen Creek and Cudgen Lake - Reed Reduction

Cudgen Creek

A recent inspection of Cudgen Lake and the entrance to Cudgen Creek revealed that the reeds that were dominating the Lake have died off. Lance Tarvey, NPWS advised that reed harvesting was undertaken in the Lake over three years to maintain the open sections. It is not known what has killed off the reeds to this extent. The possible cause is drought conditions increasing the salinity within the Lake.

A study undertaken by WBM for NPWS recommended that mangroves at the entrance of the lake be removed. Jane Lofthouse to liaise with Lance Tarvey (NP&WS) to review options in this regard and to set up a working group to address management strategy for Cudgen Lake. It was noted that Cudgen Lake is to be included in the Estuary Management Plan 2004/2008.

4. Mooball Creek/Hardy Park Plan of Management

Mooball Creek

Peter Hardy suggested that the area south of Hardy Park needs to be addressed in regard to erosion and vegetation management. It was agreed that a continuation of the management plan currently being implemented in Hardy Park is desirable, but that the existing area was a priority and would be completed prior to the preparation of another work plan.

Carl Cormack commented on the issue jet ski use in Mooball Creek. He reported that complaints of jet ski misuse have reduced dramatically since the installation of signage and buoys.

5. Budget Update

Budget Management Plan

Tom Alletson presented an update of the Tweed Coastal Committee budget allocations for consideration by the Committee.

Richard Hagley advised the Committee that the program has been approved at a DIPNR Officer level, and that submissions are with the Minister.

6. Meeting Dates 2004

Tweed Coast Committee

Wednesday 11 February
Wednesday 28 April
Wednesday 9 June
Wednesday 11 August
Wednesday 13 October
Wednesday 8 December

CANVAS AND KETTLE MEETING ROOM,
MURWILLUMBAH CIVIC CENTRE

1.00 p.m.

Other dates may be required to deal with the Estuary Management Plan review and Coastline Management Plan in a timely manner.

7. Duranbah Beach

Beaches - Duranbah

Tom Alletson presented an update of the Duranbah Beach Dune Management Plan. It was reported that there is significant community opposition to the proposal contained within the plan, that being to accept the loss of the existing dune at D-bah and to recreate one in the place of the existing park land.

Cr Boyd expressed his view that a larger dune needs to be created at Duranbah to protect the park and existing dune, as there is little buffer to erosion left. He proposed that the State Governments be told that a certain amount of sand must be placed at Duranbah Beach to retain the amenity of the existing situation.

David Oxenham noted that he has raised the loss of the dune at Duranbah Beach as an issue at the TRESBP working group meeting. To effectively deal with the issue, more sand than the 10% of total yearly throughput currently allocated to Duranbah through the TRESBP deed of agreement is required.

Cr James proposed that Council be recommended to advise the State Governments that the assumptions upon which the Draft Duranbah Beach Dune Management Plan is based are unacceptable.

RECOMMENDATION:

That Council :

1. Officers coordinate a workshop to discuss the Duranbah Beach Dune Management Plan with TRESPP project officers TCC Committee members the Tweed Heads Task Force and the community stakeholders.
2. Be requested to inform the relevant State Government Ministers and Agencies that Council has strong reservations about the underlying

assumptions with regard to the degree of recession of Duranbah Beach and consequent loss of beach, parkland, surfing quality and public safety issues.

8. Hastings Point Rock Shelf

Cook Island Aquatic Reserve

Cr Boyd discussed the Rock shelf at Hastings Point and advised that Ted Brambleby and Kerry Trees from the Marine Museum have indicated that this rock shelf should become an aquatic reserve as it is a rich and unique area of marine life and an important breeding area for many species.

Ted Brambleby & Kerry Trees will be invited to the next Committee meeting to give a presentation on the Hastings Point Rock Shelf and also an update of progress on the canoe trial design report.

Jane Lofthouse advised that the rock platforms at Fingal, Cook Island and Hastings Point would all be included in the Coastline Management Plan with recommendations to increase protection of these areas.

9. Cudgera Creek Bank Erosion

Cudgera Creek/Bank Erosion

Gary Thorpe requested that consideration be given to development of Plan of Management for riverbank on the north side of Cudgera Creek below the bridge.

Rhonda James suggested restricted access to this area would reduce bank erosion.

10. Proposed Sewerage Plant - Mooball

Sewerage Management – General

Peter Harding enquired to what stage was the proposed Sewerage Plant at Mooball up to.

David Oxenham advised Mr Harding that an Environment Impact Statement is being undertaken and should be completed in the next 3 to 4 months.

John Harbison express to the Committee that the water quality in Mooball Creek is poor due to septic tank overflows therefore sewerage treatment will improve water quality.

11 Update Cudgera Creek Tidal Obstruction

Cudgera Creek

Gary Thorpe requested an update on any progress in relation to this issue. David Oxenham advised that nothing would be undertaken within the next three months at least.

NEXT MEETING:

The next meeting of the Tweed Coastal Committee will be held Wednesday 18 April 2004 in the Canvas & Kettle Restaurant commencing at 1.30pm.

The meeting closed at 3.05pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

As per the Committee's recommendations.

5 Minutes of the Local Traffic Committee Meeting held Thursday 19 February 2004

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Mike Baldwin, Roads and Traffic Authority; Paul Adams, NSW Police; **Informal:** Chairman: Mr Paul Morgan, Mr Ray Clark, Judith Finch, Brett Connell, Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina, Cr George Davidson; Tweed Shire Council; Mr Neville Newell, MP, Member for Tweed.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Saturday 11 December 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

6. Dry Dock Road, Tweed Heads

**R1680 Pt3; Fire Services; Traffic - Signals;
Traffic - Directional Signage**

This item is brought forward from the Local Traffic Committee Meeting of 20 November 2003 (item 6).

"Request received for "Keep Clear" signage to be painted on the roadway adjacent to the access to the Fire Station from Dry Dock Road. Firemen coming from Minjungbal Drive cannot access the premises due to queued traffic from the lights at Minjungbal Drive.

The Roads & Traffic Authority Representative advised that such signage cannot be used near traffic signals as it would interfere with the operation of the signals. It is also noted that it is only a problem at peak hour.

Given the above it is considered that the request cannot be supported at this time.

For Council's information."

A further request has been received for the Local Traffic Committee to re-address the issue.

The RTA representative advised that after detailed review of RTA policy the Technical Direction states that keep clear pavement markings may be used at "*unsignalised intersections and emergency vehicle stations*". The RTA representative stated that it may impact on the operation of the traffic signals. Due to the signals being only approximately 50m from the traffic signals after discussion the Committee determined that the request should be supported and the impact on the traffic signals monitored.

RECOMMENDATION:

That "Keep Clear" pavement markings on the east bound lanes be provided at the Dry Dock Road entrance to the Fire Station as per RTA Technical Direction 99/26.

8. Coast Road, Bogangar

R1181 Pt13; Traffic - Speed Zones

This item has been brought forward from the meeting held 11 December 2003 (item 8) as Council has resolved to defer this matter so that the issue can be addressed in detail. The item is reproduced below:-

"Request received for defining speed limits on the Coast Road from south of Hastings Road to Round Mountain Road with the relocation of the 80kph zone to south of Sandalwood Drive it leaves an 80kph zone of only 700m. Request to convert all of this area to 60kph from south of Hastings Road to Round Mountain Road.

The Committee noted that the 60kph zone north of Hastings Point is located north of Round Mountain road which does not comply strictly with RTA Policy. It was noted that the 60kph zone was placed in this location prior to the off road cycleway / walkway being constructed. The Committee considered that this zone should be reduced southward to the "Gateway" traffic calming device at the northern side of Hastings Point.

RECOMMENDATION:

That the speed zone signage between Sandalwood Drive and Hastings Point be adjusted in terms of the locations of the 60 / 80 signs to comply with RTA policy and located at the calming device."

To be deferred to the March 2004 meeting.

For Council's information.

**8. Sugar Cane Transport – Application for Height Increase to 4.6m
Agriculture – General; Weights of Vehicles; DW689080**

This item has been brought forward from the meeting held 15 August 2002 (item 8) and is reproduced as follows:-

"Request received for an increase in the height of on-road trucks carrying sugar cane bins to a 4.6m on Council roads. This is to enable a full payload when cutting of green cane commences due to a reduced density / m³ due to the leaves. Advantages are fewer trips and minimisation of spillage on cane pads.

The Committee requested that a road audit of routes should be carried out by the applicant identifying any trees, culverts, structures or signs that could be impacted on by higher vehicles. A letter should be forwarded by the Applicant to Council specifying the precise roads to be used. The Committee also requested that written confirmation be obtained by the Applicant from Country Energy and Telstra that there is adequate clearance to overhead lines upon the specified routes.

RECOMMENDATION:

That the Applicant be advised that approval will be given subject to the following conditions:-

- 1. A road audit of proposed routes should be carried out by the applicant identifying any trees, culverts, structures or signs etc that could be impacted on by higher vehicles.*
- 2. A letter be forwarded to Council specifying the precise roads to be used.*
- 3. That written confirmation be obtained from Country Energy and Telstra advising that there is adequate clearance to overhead lines upon the specified routes."*

Further correspondence has been received stating that Council requirements have been met and trials of 4.6m high vehicles are planned to commence by June 2004.

The roads to be used are Queensland Road, Racecourse Road, Cane Road, Dulguigan Road and Tweed Valley Way.

The Police Representative advised that the vehicles are not complying with legislation regarding covering loads with the current bins. Loads must be covered in compliance with current legislation. After discussion the Committee was of the opinion that approval should not be granted until Mills Transport demonstrates that the new bins comply with NSW legislation in terms of covering the load as per undertakings given to Police previously.

RECOMMENDATION:

That Mills Transport be advised that the 4.6m height bins will not be approved until the company has demonstrated that the bins can be adequately covered in accordance with current NSW legislation and in accordance with undertakings already given to Police.

6. Lundberg Drive and Quarry Road

**R3120, Pt2; R4480 Pt 1; DW1000837;
Traffic - Linemarking; Speed Zones**

This item was discussed at the Local Traffic Committee meeting held 13 July 2001 (item 6) and is reproduced as follows:-

"Request received for the provision of a 'Give Way' sign on Lundberg Drive where it intersects with Quarry Road.

The Committee noted that the intersection is a terminating "T" and sight distance is adequate and therefore no 'Give Way' signage or linemarking is required.

For Council's information."

It is brought forward for further discussion by the Committee as it is reported that visibility from Lundberg Drive to Quarry Road is very limited when approached from Wardop Valley direction. Because of the angle of the roads it is necessary to drive into the intersection beyond the road alignment to see around foliage and slow or halt to ascertain it is safe to turn into Quarry Road.

Request now received for a 'Give Way' sign from Lundberg Drive with sufficient line marking to allow vision.

Request also received for clarification of the speed limit in the industrial area.

RECOMMENDATION:

That double centre lines and holding lines be provided at the intersection of Lundberg Drive and Quarry Road and that vegetation overhanging the footpath to the north of Lundberg Drive be removed or trimmed.

2. Murwillumbah Street, Murwillumbah

R3640 Pt4; DW1001782

The Disability Access Advisory Committee has advised that the disability parking on Murwillumbah Street was relocated because of problems associated with the original site located on a hill it was difficult for drivers with a disability to use that zone unaided.

Further advice will be given to the Local traffic Committee by the Disability Access Advisory Committee at a later date.

For Council's information.

GENERAL BUSINESS:

PART A

1. Trigonie Drive, Tweed Heads South

R2183 Pt1; DW980917; Traffic - Parking Zones

Request received for Local Traffic Committee advice in relation to the parking of vehicles on Trigonie Drive making it difficult for vehicles to negotiate the roadway as they have to wait for approaching motorists.

The Committee noted that Trigonie Drive is a residential street and people are expected to park on such roads. These roads are designed to be low speed environments for the safety of all road users and banning parking will only encourage faster speeds.

For Council's information.

2. Mariners Drive East, The Anchorage

**R3346 Pt 1; DW982096; Traffic - Parking Zones;
Traffic - Directional Signage**

Request received for the erection of signage to control the parking of cars in Mariners Drive East.

The Committee discussed the matter and noted that it is a local street with low traffic volumes and did not support the provision of any regulatory signage. However if illegal parking occurs Council Rangers and the Police are able to issue infringements without the need for signage.

For Council's information.

3. Shallow Bay Drive, Tweed Heads South

R5006 Pt1; DW993016; Traffic - Parking Zones

Request received regarding the parking of vehicles in Shallow Bay Drive. It is reported that the vehicles are being parked from 8:00am to 6:00pm and belong to employees of the shopping centre.

The Committee unanimously agreed to extend the 'No Stopping' zone on the southern side of Shallow Bay Drive to Trident Street. The issue of vehicles parking on the northern side of Shallow Bay Drive do not have an impact on residential developments on the southern side of Shallow Bay Drive. If parking restrictions were introduced for the full length of Shallow Bay Drive these vehicles would be forced into narrow side streets which would be a far greater problem. It was also noted that the complainant claims that staff are ordered to park on the public road even though adequate on-site car parking

was provided in the development. The committee recommends that in this regard the matter be referred to the Manager of Development Assessment to pursue with the owners of the development.

RECOMMENDATION:

That a 'No Stopping' zone be extended on the southern side of Shallow Bay Drive to Trident Street.

**4. Access Road to Hastings Point Headland (Coast Road Hastings Point)
R1181 Pt13; TCHP - Hastings Point Headland Camping Area;
Traffic - Directional Signage**

Request received for approval for the erection of 'No Stopping' signage between the toilet block and camping area car park, 3 speed humps and 20kph speed limit.

The Committee agreed to the installation of 'No Stopping' signage and 3 speed humps with appropriate advisory signage.

RECOMMENDATION:

That:-

1. 'No Stopping' signage between the toilet block and camping area car park be provided on the access road to Hastings Point Headland.
 2. 3 speed humps be installed with appropriate advisory speed signage on the access road to Hastings Point Headland.
-

5. Kennedy Drive, Tweed Heads

**R1680 Pt3; Traffic - Pedestrian Crossings;
Traffic - Signals; DW1003698**

Concerns raised over recent crashes as a result of pedestrians using the pedestrian crossing facility near Gray Street. Traffic signals at Gray Street have been planned for and incorporated into two development consents. The issue could not be resolved earlier as the Tugun Bypass C4 Option was to change traffic flow in Gray Street quite significantly. Now the C4 Option has been abandoned it is proposed to proceed with signalling the intersection. The Police strongly support this proposal.

The Committee noted that traffic signals would greatly improve pedestrian safety. A detailed analysis was tabled and discussed by the Committee. The various and impacts and benefits of signals at the location were discussed. The Committee recommends that the matter be pursued further and a formal application be made to the RTA for traffic signals.

For Council's information.

6. Depot Road, Tweed Coast Road and Pacific Highway

R1570 Pt1; R1181 Pt13; R4031 Pt18; DW995631

Request received for B-Double usage of Depot Road, Tweed Coast Road and Pacific Highway.

The Committee viewed photographs of the trial and noted that it was impossible for a B-double to access the site in accordance with RTA standards. The Committee also discussed the fact that the application was for a limited time and that more semi trailer truck loads would be needed if the B-Double route was not approved. The Committee was still of the opinion that it is unsafe to permit B-Doubles to operate where they cannot comply with the above mentioned RTA standards and the Australian Road Rules.

For Council's information.

7. Pearl Street, Kingscliff

**R4170 Pt1; DW997865; Traffic - School Zones;
School - St Anthony's Primary**

It has been reported that there are problems at St Anthony's School, Pearl Street, Kingscliff with the operation of the pick up and set down arrangements.

The am parent drop off is causing congestion in Pearl Street. In the pm the school is closed for pick up due to buses causing sight restrictions for vehicles exiting the site. This problem also occurs when funerals coincide with school closing times.

Suggestions made to remove the problem include:-

- Allowing left in out only to the school / church entrance
- A centre median in Pearl Street to reinforce the right turn ban
- Relocation of the bus zone

The Road Safety Officer reported that he has met on site with the Principal and noted that possibilities are that the car park could be closed in the afternoons. The Committee noted that it is a congested area at school times.

The RTA School Crossing Supervisor Coordinator will advise the School that the crossing supervisor will no longer block the driveway and the School should make arrangements for their staff to block the driveway at school finishing times.

For Council's information.

8. Heffron Street, Tweed Heads South

R2430 Pt2; DW998686; DW998506; Traffic - School Zones

Request received for an extension to the current school bus zone on Heffron Street, Tweed Heads South to the end of the tennis courts. It is reported that Banora Point High School students are attending Tweed River High School for Term 1 and extra buses are required in the afternoon to take students home.

The Committee agreed to extend the school bus zone for the full frontage of the School to the 'No Stopping' zone – an increase of about 50m which will remain in place until the Banora Point High School is completed at which time the extra loading at Tweed River High School will return to normal.

RECOMMENDATION:

That the school bus zone for the full frontage of the School to the 'No Stopping' zone – an increase of about 50m which will remain in place until the Banora Point High School is completed.

9. Ibis Court, Kingscliff

**R2618 Pt1; DW997907; Traffic - Parking Zones;
Parking - Illegal; Traffic - Committee**

The driveway for No. 12 Ibis Court is accessed through a 3.5m wide driveway, at the end of which is access to a sewage pump station. Because of a drain directly outside the property access is on a dog leg driveway. There is a turn around for the access driveway for the mail truck and sewage pump truck to use. It is reported that vehicles have been using this turn around area as a parking bay restricting access for No. 12 Ibis Court to get in and out of their driveway. It is also reported that an ambulance would be unable to enter the driveway of No. 12 when vehicles are parked in the turn around area. Children also use the driveway to go to the park and to go to school. Vehicles having to reverse up the access drive would be unable to see small children.

Request received for a "No Parking" sign in the turn around area stating that it is for the use of service vehicles only. Given the geometry of the turn area the Committee supported the request.

RECOMMENDATION:

That a 'No Parking' sign be installed in Ibis Court Kingscliff in the turn around area.

10. Kennedy Drive, Tweed Heads

R2830 Pt5; Regulatory Signs; Parking - Illegal

Request received for regulatory signage on Kennedy Drive, Tweed Heads West at Pioneer Park to stop the illegal selling of vehicles from the roadside.

The Committee does not consider the parking of vehicles in this area to be a traffic hazard. The fact that they are for sale is not a Traffic Committee issue. The email from the Regulatory Services Coordinator indicates that other signage can be erected in road related areas to prohibit the sale of vehicles and the Committee considers that Kennedy Drive at Pioneer Park to be a road related area just as the old section of the Pacific Highway at Sextons Hill on the corner of Terranora Road is and has such signage erected.

The Committee suggests that the matter be referred back to the Regulatory Services Coordinator to erect the same signage as erected at Sextons Hill should they desire to ban the selling of vehicles.

For Council's information.

11. Coolman Street, Tyalgum

R1330 Pt2; DW999726; DW1000090; Traffic - Dir Signs

Request received for:-

1. 'No Parking' sign at the intersection of Coolman Street and the driveway between Bartrim's Garage and Norco Park, which is the entrance to the Tyalgum Rural Fire Brigade shed.
2. 'Keep Clear - Emergency Vehicle Access' sign be painted on the roadway at the entrance to the laneway.

Over the past two years there have been three incidents when the fire trucks were unable immediately to respond to a call out. This was due to motor bikes parked across this driveway.

The Committee unanimously agreed to the erection of 'No Parking' signs across the driveway and that the applicant be advised to erect appropriate signage showing the name of the Fire Brigade.

RECOMMENDATION:

That No Parking' signs across the driveway and that the applicant be advised to erect appropriate signage showing the name of the Fire Brigade.

12. Proudfoots Lane, Murwillumbah

R4455 Pt1; DW981151; 1000088; Traffic - Committee; Traffic - Parking Zones; Loading Zones

Parking issues at the rear of Budds Mitre 10 and Bridglands. Both businesses have requested loading zones.

The Committee decided that this matter be deferred to the March 2004 meeting so that more information could be obtained regarding the legal uses of loading zones as opposed to 'No Parking' zones.

For Council's information.

13. Murwillumbah Street, Murwillumbah

R3640 Pt4; DW1000989; Traffic – Loading Zones

Request received for the provision of a 'Loading Zone' at the front of the dry cleaning shop on Murwillumbah Street.

The Committee agreed that the bus zone signage is quite clear and drivers are well aware of the rules. The Committee also noted that there is a 5 minute parking spot outside the dry cleaning shop.

For Council's information.

14. Terranora Road, Terranora

R5431 Pt5; Traffic - Weight of Vehicles

The Police Representative requested a 4.5GVM load be placed on Terranora Road.

Item deferred to the March 2004 meeting to allow further information to be obtained.

For Council's information.

PART B

1. Chinderah Bay Drive Marina

DA03/0922 Pt 2; Local Traffic Committee; LN22470 & LN22305

This item is brought forward from meeting held 18 September 2003 as an amended proposal for the Chinderah Marina has been received. Amendments include changes to on and off street car parking. The item (item 6) from the meeting of 18 September 2003 is reproduced as follows:-

"Request received for Local Traffic Committee advice in relation to the provisions of Schedule 2 of SEPP 11 in relation to the proposed marina at Chinderah Bay Drive and the inclusion of a 130 space car park at 121 River Street.

The Committee considered that the location of the long term car park means it is unlikely to be used. The Committee believes that Chinderah Road south requires

kerb and guttering to regulate parallel parking and time restrictions would be required to prevent long term parking at this location and encourage use of the formal car park. The Committee also noted the need for the continuation of the footway / cycleway from the existing approval to the extent of the new proposal.

The Committee agreed that the traffic generated by the development can be accommodated on the surrounding road network.

For Council's information."

The applicant doesn't appear to have justified a reduction in the car parking rate of nearly 50%. The risk of providing insufficient car parking is that there will be no on-street parking available for the general public and increased traffic congestion as people circulate along Chinderah Bay Drive seeking spaces.

The Committee noted that the Tweed Shire Council parking rate is .5 spaces per wet berth and RTA Guidelines for Traffic Generating Development is .6 spaces per wet berth. Gold Coast City Council is "0.6 spaces for each wet berth designed for boats ten metres and under and 0.8 spaces for each wet berth designed for boats between ten metres and 15 metres."

Given the above the Committee recommends that DCP No 2 be complied with (.5 spaces per wet berth) and that these spaces be evenly distributed between the long term off-road car park and the on-street car parking at the south western end of the development.

For Council's information.

2. Proposed Alterations & Additions to Existing Shopping Centre & Boundary Adjustment, Lot 4 DP 616206, Lot 1 DP 793260, Meridian Way, Tweed Heads DA03/1731 Pt 2; Local Traffic Committee; LN24140

This item is brought forward from the 11 December 2003 meeting (item 2) and is reproduced below. The application is being referred to the Local Traffic Committee for the second time (in accordance with SEPP 11) to review recently submitted material from the applicant and his traffic and parking consultant.

"Under SEPP 11, Traffic Generating Developments, Local Traffic Committee comments are requested for the above development under Schedule 2 (q) as follows:-

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

The applicant has provided that the site currently accommodates 49 on site parking spaces. The revised layout facilitates a further 5 onsite parking spaces in a different configuration and subsequently results in a total of 54 onsite car parking spaces.

Local Traffic Committee comments are requested as follows:-

- 1. Adequacy of the proposed access to the site.*
- 2. The impact that the proposed centre will have on the road network, specifically the impact that the proposed centre will have on the intersection of Kennedy Drive and the Pacific Highway exit.*
- 3. Adequacy of the internal parking configuration.*
- 4. Adequacy of the proposed provisions for large rigid vehicles only. In assessing the previous application Council required access for semi trailers, however, the applicant has now provided that the IGA supermarket does not require semi trailer provisions. It should however be noted that previously the tenants of the bottle shop and nursery did require semi trailer provisions.*

Denise O'Brien joined the meeting at 10:50am.

The Committee was concerned with large rigid vehicles accessing the site. The Committee considered the application and had some major concerns with the documentation and information regarding the development.

The traffic report is considered inadequate as it failed to clearly demonstrate how service vehicles, either rigid or semi trailers, could access the site without compromising on site traffic movement and traffic movements on Kennedy Drive. Detailed turning paths need to be provided at a scale of 1:200 showing existing kerb line, lane lines, driveways and any other infrastructure on Kennedy Drive that is affected by the proposal. Given the traffic report states access at the eastern driveway is left in left out the Committee was concerned that the report shows a turning path for a vehicle exiting to the west via a right turn.

Other issues of concern are the failure to have two sections of the car park linked via on site access roads as failure to do this encourages people to use Kennedy Drive as a car parking access aisle conflicting with its heavy through traffic movements. The one way link between the car parks prevents vehicles in the east car park from accessing the unrestricted access at the western end of the site thereby significantly restricting on site traffic flow and may be in conflict with DCP 2 and AS1158. The Committee also expressed concerns at the number of car parking spaces provided compared to the proposed uses. Given that current shop tenants have advised that deliveries are received by semi trailer the applicant should demonstrate how these deliveries will be received in the future as a result of the proposed development as failure to provide proper access for these vehicles could have a major impact on traffic flows in Kennedy Drive.

The applicant also needs to demonstrate that the potential for Kennedy Drive to operate as a four lane road is not jeopardised by the proposed concrete centre

median at the eastern end of the site and the adequacy of the western access for unrestricted turning movements into and out of the site.

For Council's information."

This item was brought forward to the first item to allow Denise O'Brien to address the meeting.

Denise joined the meeting at 9:00am.

Given that tendencies of the existing development will remain receiving deliveries by semi trailer it is not considered appropriate to support a development that prevents these vehicles from accessing the site due to the obvious consequences of potential traffic conflict with semi trailers trying to manoeuvre into the site or parking on Kennedy Drive to make deliveries. The turn paths submitted by the applicant have been checked with Austroads Standards and turning paths which demonstrate semi trailers cannot access the site without having major impacts on traffic flow in Kennedy Drive. It appears impossible to manoeuvre through the site to the exit. The parking nodes were discussed and the Committee noted that there was no opportunity for overspill parking on Kennedy Drive.

The link between the two car parks should be two-way to avoid recirculation on Kennedy Drive. The statement by the applicant that the western car park will only be used by staff does not satisfactorily address the issue because if they dedicate these spaces for staff only then they have to create more car parking spaces. Given that there are two sections of public customer car parking, the link on site between them should be two-way to avoid vehicles having to use Kennedy Drive to circulate between the 2 car parks. The current car park allows for circulation on site.

Denise O'Brien left the meeting at 9:35am.

For Council's information.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 18 March 2004 in the Peter Border Room commencing at 9.00am.

The meeting closed at 12:30pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

As per the Committee's recommendations.

Minutes Circulated with this Agenda not requiring Council Resolution

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

Nil.

1. Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held 12 February 2004.
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REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1 [DS] Consultant Brief - Ecologist/Conservation Planner for Kings Forest

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 [DS] Surf Life Saving Strategy

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 [DS] Tweed Futures

REASON FOR CONFIDENTIALITY:

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- (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
-

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

4 [ES] Hospital Hill Reservoir - Design & Construction

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
-

5 [ES] Quotations for Supply, Fabrication and Erection of Structural Steel and Roofing - West Pottsville Reservoirs

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
-

6 [ES] EQ2004-007 Manufacture, Supply, Delivery and Unloading of 200mm and 375mm Pressure Pipe and Fittings

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
-

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

7 [EC] Tender - Construction of a Skate Facility at Cabarita

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
-

8 [EC] Road Traffic Authority Depot No. 204 Byangum Road Murwillumbah - Proposed Purchase for an SES/RFS Depot

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
-

9 [EC] Contract to Construct the New Art Gallery

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
-

10 [EC] Construction of Driveway at Lot 2 DP 807725 No. 16 Murraba Crescent Tweed Heads

REASON FOR CONFIDENTIALITY:

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

- (b) the personal hardship of any resident or ratepayer
-

ORDERS OF THE DAY IN COMMITTEE

1 [NOR] Bellevue Heights Estate - Breach of Protection of the Environment Operations Act 1997
