

ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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ITEMS DEFERRED

- 1 [ID] [EC] Membership of Council's Community Cultural Development Advisory Committee

ITEM DEFERRED FROM MEETING HELD:

4 May 2005

Cr H James
Cr D M Holdom

RESOLVED that this item be deferred pending further clarification on the question of the proposed fee and its disbursement.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr Bell

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council is advised throughout 2004 the Community Cultural Council Development Advisory Committee had a number of meetings with Brian Ray, and Sarah Brisbane, Central Park's Project Director in relation to (a) the strategic coordination of SALT Central Park and (b) the proposed Community Arts Trust.

To ensure a strategic approach to shire-wide cultural activity and the dissemination of the proposed Cultural Trust Fund it is recommended that two representatives of SALT Central Park, (Sarah Brisbane, Central Park's Project Director and Jackie Chapman, Events/Marketing Coordinator) are invited to become members of Council's Cultural Advisory Committee.

RECOMMENDATION:

That in line with the strategic coordination of the events and activities that take place at SALT Central Park and the distribution of the proposed Cultural Trust Fund it is proposed that SALT Central Park's Project Director, and SALT Central Park's Events/Marketing Coordinator become members of Council's Community Cultural Development Advisory Committee

REPORT:

Council is advised throughout 2004 Council's Community Cultural Council Development Advisory Committee had a number of meetings with Brian Ray, and Sarah Brisbane, Central Park's Project Director in relation to (a) the coordination of SALT Central Park and (b) the proposed Community Arts Trust.

The following is a summary of the discussions to date:

Ray Group's Vision for Central Park

a) What is it?

- 3 acre, grassed amphitheatre facing the ocean
- Sits between Peppers and Outrigger Hotels
- Maximum seating capacity of around 4,000 (VIP low profile seating and then picnic rug style)
- Dedicated by Ray Group to Council as public land/reserve
- 2 phased-approach to staging events in the Park due to staged construction

b) What do we (SALT) want to achieve?

- To create a world's best practice seaside community

c) What's in it for the community?

- Create a cultural/artistic hub for the Tweed
- Provide a first class seaside venue for artists and talent to perform
- Provide a forum for talent to be nurtured + showcased
- Build on the sense of community in the region
- Contribute to the development of a "Tweed Cultural Trail" (similar to say, the Hawkesbury's Farm Gate Trail, San Francisco's Arts Trail etc)
- Provide economic benefits - serve as a vehicle to help fund arts groups in the Tweed (via a Arts Trust)

d) The proposed 3 primary uses

- Retain as Public Park
- Major Events - proposed to have up to 4 major events per annum
 - eg concerts such as Pavarotti in the Park, Outdoor Cinema by the Sea, Symphony by the Sea, Chocolate/Coffee Festival etc
 - Ticketed events, precinct created, long lead times for approvals and production
- Minor events - proposed weekend events
 - school plays, recitals, Shakespeare in the Park, markets, art displays, NSW Dept of Education school events ("Sing"), poetry reading etc

Resources and coordination

The Ray Group has recently recruited Jackie Chapman, *Events/Marketing Coordinator* to coordinate events at Central Park and Saltbar. It is proposed that the position will also act as the interface between the Ray Group and Council to ensure integration of Shire-wide events and activities and those organized by the Ray Group

The Ray Group is currently constructing a permanent base/platform for a stage at the easterly end of Central Park and a permanent power/light control box. This platform/stage and power box will be available for local artists/performers.

As the Ray Group will take the financial responsibility for delivering up to 4 major events per annum in Central Park they will operate with autonomy for the major events, while still collaborating with Council's Community Cultural Development Advisory Committee.

Ray Group's proposal for funding the arts community of the Tweed

Brian Ray and Sarah Brisbane have proposed the following:

Up to AUD\$25,000 from the major paid (ticketed) events organised by the Ray Group in Central Park, will be "donated" to an Arts Trust, which will be in effect, a subcommittee of the Community Cultural Development Advisory Committee.

The Trust will serve as a vehicle for distributing these funds to fledging arts/cultural groups and activities in the Tweed, based on very clearly defined and transparent grant criteria. The Community Cultural Development Advisory Committee will draft the grant criteria and widely publicise the availability of funds, at the appropriate time.

The Arts Trust – while essentially a pooled grant fund, is also a sub committee of the Community Cultural Development Advisory Committee and would comprise no more than 5 members, with 2 representatives from the Ray Group (the Events/Marketing Coordinator and Sarah Brisbane).

It is not the Ray Group's expectation that all artists who receive a grant via the Arts Trust need to perform and/or exhibit at Central Park. Rather than be prescriptive, the Ray Group wish to promote the arts/cultural talent of the *broader* Tweed region and perhaps a proportion of these activities will occur in Central Park.

Response to proposal

In line with the above proposal Council's Cultural Development Officer is currently drafting Guidelines and an Application for the proposed Cultural Trust fund.

If the proposal does come to fruition it would be preferable to engage Council's existing Community Cultural Development Advisory Committee to oversee the trust rather than create a subcommittee with five members. All members of the Committee are longstanding members that have expertise in a diversity of arts related areas.

In order to support the strategic process so far undertaken by Council to coordinate a viable and strategic approach to promoting the collective appeal of Tweed's shire-wide festivals and events it will be beneficial to have input from SALT Central Park's coordinators on the Community Cultural Development Advisory Committee.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

2 [ID] [EO] Tweed Coastline Management Plan - Finalised Report

ITEM DEFERRED FROM MEETING HELD:

1 June 2005

419 COUNCIL DECISION:

***Administrator Boyd
Administrator Turnbull***

That this item be deferred to the Finance, Property and Assets Committee.

FOR VOTE - Unanimous

ORIGIN:

Water

SUMMARY OF REPORT:

The Tweed Coastline Management Plan is the culmination of five years of studies and reports undertaken in accordance with the NSW Government's Coastline Management Manual (1990).

Copies of the finalised Tweed Coastline Management Plan (Stage 4) are now available. The aim of this Plan is to ensure that Council has guidelines to manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values.

A table has been included in the report that highlights the major changes made to the Draft Tweed Coastline Management Plan to finalise the document in accordance with comments / submissions from community, government and the Tweed Coastal Committee. A document with a summary of the submissions and responses is available.

RECOMMENDATION:

That Council:-

- 1. Adopts the Tweed Coastline Management Plan dated May 2005, and**
- 2. Forwards the document to the Minister for Infrastructure, Planning and Natural Resources for approval.**

REPORT:

The Tweed Coastline Management Plan is the culmination of five years of studies and reports undertaken in accordance with the NSW Government's Coastline Management Manual (1990).

WBM Oceanics were engaged in June 2000 to develop the Tweed Coastline Hazard Definition Study. This Study identified and defined the coastline hazards and underlying coastal processes affecting the Tweed Shire coastline. The study mapped the landward extent of the hazard zones for the immediate, 50 year and 100 year planning timeframes. This Study was adopted by Council at the Meeting of 19 September 2001.

At the Council Meeting of 4 September 2002, Council resolved to engage Umwelt (Australia) to prepare the Tweed Coastline Management Study and Management Plan. This was developed in four stages.

The Stage 1 report identified the values that make the Tweed coastline important in a local, regional and national sense and explored issues that need to be addressed to maintain those values.

The Tweed Coastline Management Study (Stage 2) developed the management objectives and identified various management options. Several community meetings were held to gauge community preferences for the numerous management options proposed in the report and assist in the development of the Draft Coastline Management Plan.

The Draft Tweed Coastline Management Plan (Stage 3) was placed on public exhibition from 28 June to 17 September 2004. There were 399 submissions received by Council. These were reviewed and resulted in some changes being incorporated into the final revision of the Plan. Available at the Council meeting is a document *Submissions to Draft Tweed Coastline Management Plan* that details the issues raised in submission, provides a response or comment on that issue and outlines what changes (if any) were made to the Draft Plan.

Issues of particular interest to stakeholders were: -

- Removal of off-leash dog exercise areas (p3 of Submissions to Draft Tweed Coastline Management Plan);
- Removal of beach vehicle permit holders from sections of Tweed Coast beaches p5;
- Kingscliff Seawall p7;
- Cabarita Beach – planned retreat p13;
- Planning issues – 7(f) zone p17;
- Caravan parks – upgrades, extensions and proposed new parks p19; and
- Proposed inclusion of Fingal Head rock platform into Cook Island Marine Reserve p21.

Available at the meeting is the finalised Tweed Coastline Management Plan (Stage 4). The aim of this Plan is to ensure that Council has guidelines to manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values.

The Tweed Coastline Management Plan provides Council with an integrated management planning framework that aims for a balance between the long term use of the coastline and its conservation. Implementation of the prioritised strategic actions within the Plan, over time, will guide the improvement of coastline facilities and infrastructure. The Plan has been designed to cater for users of all ages and abilities, enhance the amenity and functionality of the coastline, and assist in protecting public assets against coastal hazards.

The tables below detail the major changes made to the Draft Plan once submissions from community, Government, and the Tweed Coastal Committee had been considered. Actions in *italics* are items that have been changed or removed and Actions underlined are new actions.

At its meeting of 1 September 2004 Council considered a report on off-leash dog areas which have translated to action numbers KC10 and KC 11. They are:-

"KC10 - Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflict arise"

"KC11 - Move the South Kingscliff off-leash dog exercise area northwards to extend from the southern entrance wall of Cudgen Creek to the northern extent of the Salt development and undertake further consultation in relation to off-leash areas on South Kingscliff Beach."

It is intended that KC11 will happen upon adoption of the Plan and KC10 at a future review of the Plan or earlier if required. This will move the current off-leash dog exercise area northwards from the Northern end of Casuarina to the Northern boundary of the SALT development. It will extend the Northern extent of the current exercise area to Cudgen Creek.

Action KC9 in the Draft Plan:-

"Remove authorised Permit Holders Vehicles permitted area at South Kingscliff"

has changed to Action KC12 in the Finalised Plan:-

"Implement recommendations from Beach Vehicle Permit Policy review (April / May 2005)."

in recognition of the policy review currently in process through the Regulatory Services Unit.

Table 3.3 - Whole of the Coastline Action Plan

Legend to Table

Item in *italics* = changed or removed

Action underlined = new action

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
WC1	<i>Implement SEPP 26 Management Plan currently in place</i>	High	TSC, DEC, DL	Medium	Unknown	Unknown	Plan implemented in accordance with principles of this Plan, & protection of SEPP 26 is provided
WC1	Prepare a Vegetation Management Plan for coastal vegetation and fauna habitat rehabilitation and management including recommendations from existing plans	High	TSC, DEC, DL, TBLALC	Short	\$10,000	N/A	Vegetation Management Plan produced
<u>WC2</u>	<u>Implement the Vegetation Management Plan</u>	High and ongoing	TSC, DEC, DL, TBLALC	Short and ongoing	Unknown	Unknown	Plan implemented
<u>WC3</u>	<u>Develop and implement a feral animal control program</u>	Medium	TSC, Rural Lands Protection Board, DEC, DL, TBLALC	Medium and Ongoing	Unknown	Unknown	Feral animal control commenced
To recognise and accommodate natural processes and climate change.							
WC3	<i>Enforce development within hazard zones through adoption of revised draft Development Control Plan No 8 for coastline.</i>	High	TSC	Short	>\$5,000	N/A	DCP revised & adopted by Council, & enforced during Development Approval
WC5	Enforce development within hazard zones through adoption of revised draft Development Control Plan No 8 for coastline including: <ul style="list-style-type: none"> need for deep pile foundations for development approvals within the maximum 100 year hazard line; and limiting the intensity of redevelopment within the maximum 100 year hazard line. 	High	TSC	Short	>\$5,000	N/A	DCP revised and adopted by Council, and enforced during Development Approval

To provide for ecologically sustainable human settlement.									
WC22	Develop and implement a strategy to combat illegal clearing of coastal vegetation	High	TSC, DL	Short	\$5,000	\$1,000	Illegal clearing developed and implemented	strategy	strategy
To provide for appropriate public access and use.									
WC23	Close and rehabilitate all inappropriate car parking areas and unnecessary public access points	High & Ongoing	TSC	Short	To be determined	Dependant of end land use	Inappropriate determined, rehabilitated	closed	areas &
WC26	Formalise public beach access points and car park areas and close and rehabilitate all inappropriate car parking areas and public access points as part of the preparation and implementation of the Tweed Coastal Reserves Plan of Management	High & Ongoing	TSC, DL, with Dunecare groups	Short	\$ design	Dependant on end land use	Inappropriate determined, rehabilitated	closed	areas and
WC27	Identify locations for viewing platforms (including some access for all with associated car parks reserved for disabled) at intervals along the coastline as a part of the preparation of the Tweed Coastal Reserves Plan of Management	Medium	TSC, DL	Medium	\$50,000 per platform	\$5,000 per platform	Viewing platforms installed as appropriate		
WC28	Develop a policy with regard to future car parking requirements for beach access on the Tweed Coast (urban and non-urban)	Medium	TSC	Medium	\$5,000	N/A	Coastal car park provision policy developed		
WC30	Rationalise and standardise regulatory signage	Medium	TSC	Medium	\$500 per sign	\$50 per sign	Signs installed and illegal camping reduced		
WC33	Monitor any increase in conflicts between horses and other beach users and consider impacts at a future review of the Coastline Management Plan	Low	TSC	Long	\$2,000	NA	Conflicts between horses and other beach users minimised		
To provide for integrated planning and management.									
WC41	Investigate rezoning other applicable coastal lands within the 100 year hazard line to 7(f) Coastal Erosion	Medium	TSC	Medium	\$5,000	N/A	All applicable land zoned 7(f)		
WC47	Undertake a Beach and Coastline Users Survey to collect and collate usage information	High	TSC	Short	\$15,000	N/A	Surveys undertaken and results incorporated into Locality Plans		

Table 3.5 - Point Danger - Fingal Head Area Management Actions

Legend to Table
Item in *italics*

= changed or removed

Action underlined = new action

Action No	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
FH1	Expand area of Cook Island Aquatic Reserve to include Fingal Head rock platform	Low	TSC, NSW Fisheries, MPA	Medium - Long	Unknown	Unknown	<i>Aquatic Reserve expanded to include rock platform</i>
FH2	Install international standard educational signage at each rock platform entrance point – regarding the ecology and collection of intertidal species.	High	TSC	Short	\$1,000 per sign	~\$2,000 per sign	<i>Appropriate signage installed</i>
FH4	Continue to support regional Coastcare facilitator, or similar if created, in the future.	High	TSC	Short & Ongoing	N/A	\$2,500 and in-kind support	<i>Funding & in-kind support secured</i>
FH 1, 2 and 4 removed							
FH2	Implement <u>vegetation management actions</u> in accordance with <u>Action WC1 – Vegetation Management Plan</u>	High	TSC, Dunecare, NRCMA, TBLALC	Short and ongoing	Unknown	Unknown	Appropriate <u>vegetation management</u> undertaken
FH7	Implement <u>actions to detour stormwater drainage</u> at Durambah Beach as outlined in the <u>Durambah Beach Dune Management Plan</u>	Medium	TSC	Medium	Unknown	N/A	Stormwater <u>drainage</u> has minimal impact on Durambah Beach
To promote ecologically sustainable development.							
FH14	Implement <u>illegal clearing strategy</u> in accordance with <u>Action WC22</u>	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced

Table 3.7 - Kingscliff - South Kingscliff Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Indicative Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
KC1	Implement vegetation management actions in accordance with Action WC1 - Vegetation Management Plan	High	TSC, Dunecare, NRCMA	Short and ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
6 To provide for ecologically sustainable human settlement.							
KC6	Increase the dollar value of penalties associated with clearing of vegetation to improve views from private property	High	TSC	Medium	Negligible		Penalties increased & enforced
KC7	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced
7 To provide for appropriate public access and use.							
KC8	Remove beach Off-Leash Dog Exercise Area at South Kingscliff	Low	TSC	Medium	\$2,000	\$1,000	Off-leash area removed and maintained accordingly
KC9	Remove authorised Permit Holders Vehicles Permitted area at South Kingscliff	Med	TSC	Short	N/A		Area removed & enforced
KC10	Rehabilitate 4WD access when Permit Holders Vehicles removed from South Kingscliff	Med	TSC	Medium - Long	\$2,000 per site	<\$2,000	Access rehabilitated & maintained
KC11	Create no 'beaching' of water craft areas, near sandy shoreline of Cudgen Creek entrance and restrict PWC movement to direct access to ocean waters only	Med	TSC, NSW Waterways	Medium	\$2,000	<\$2,000	'No beaching' areas created & PWC movements enforced
KC10	Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflicts arise	Low	TSC	Medium	\$2,000	N/A	Off-leash dog exercise areas reviewed
KC11	Move the South Kingscliff off-leash dog exercise area northwards to extend from the southern entrance wall of Cudgen Creek to the northern extent of the Salt development and undertake further consultation in relation to off-leash areas on South Kingscliff Beach	Medium	TSC	Short	\$2,000	\$500	Off-leash dog exercise area moved to minimise conflicts
KC12	Implement recommendations from Beach Vehicle Permit Policy review (April/May 2005)	High	TSC	Short	Unknown	N/A	Policy review recommendations implemented
KC13	Maintain existing restrictions on powered vessels and PWC movement in Cudgen Creek	Medium	NSW Maritime Authority	Medium	N/A	Administrative cost	Powered vessels and PWC movements enforced

Table 3.9 – Bogangar - Cabarita Beach Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Indicative Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
BC3	Implement vegetation management actions in accordance with Action WC1 – Vegetation Management Plan	High	TSC, Dunecare, NRCMA	Short and Ongoing	Unknown	Unknown	Appropriate vegetation management is undertaken
To recognise and accommodate natural processes and climate change.							
BC3	For beachfront properties that are aligned with the best estimate 50 year hazard line, initiate combination of: <ul style="list-style-type: none"> detailed review of hazard lines in 10 and 20 years; long-term planned retreat with either purchase or leaseback system; and foundation requirements within the next 10 years 	Med	TSC	Short	\$50,000 for hazard lines <ul style="list-style-type: none"> Purchase and/or leaseback costs unknown 	Unknown	Council adopts coastal hazard management measures & enforces them, preferably within a DCP
BC4	For beachfront properties that are within the maximum 50 year hazard line, initiate combination of: <ul style="list-style-type: none"> detailed review of hazard lines in 10 and 20 years; investigate long-term planned retreat with either purchase or leaseback system to ensure retention of beach amenity and public foreshore access; foundation requirements in accordance with Action WC5 (deep pile foundations); redevelopment to be set back behind the maximum 50 year hazard line; and all lands within the maximum 100 year hazard line be maintained in the existing 2(a) zone. 	Medium	TSC	Short	\$50,000 for hazard lines <ul style="list-style-type: none"> Purchase and/or leaseback costs unknown 	Unknown	Council adopts coastal hazard management measures and enforces them, preferably within a DCP
To promote ecologically sustainable development.							
BC14	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced

To provide for ecologically sustainable human settlement									
BC13	Investigate alternative sites for proposed Holiday Park and determine the need for the new park.	Med	TSC	Short – Medium	\$15,000	N/A	Further complete exhibited	investigation & publicly	
BC15	Determine the need for a new Holiday Park. If resolved that new park required, investigate all reasonable alternatives. Undertake community consultation at both stages.	Medium	TSC	Short – Medium	\$15,000	N/A	Further complete exhibited	investigation and publicly	
To provide for appropriate public access and use.									
BC16	With the removal of authorised Permit Holders Vehicles Permitted area at South Kingscliff (refer to Table 3.7). Physically restrict unauthorised access points e.g. bollards or vegetation planting	Med	TSC	Medium	\$2,000 per access point	<\$2,000 per access point	Access points maintained	restricted &	
BC18	Remove Beach Vehicle Permit Access from Cudgen Nature Reserve and physically restrict unauthorised access points e.g. bollards or vegetation planting	Medium	TSC, DEC	Medium	\$2,000 per access point	<\$2,000 per access point	Access points maintained	restricted and	

Table 3.11 – Hastings Point Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment.							
HP1	Implement Hastings Point Vegetation Management Plan in accordance with the principles of this Plan	Med	TSC	Short & Ongoing	Unknown	Unknown	Implement recommendations of the Plan in accordance with the principles within this Plan where possible
HP3a	Progress protection of the Hastings Point rock platform as an Inter tidal Protected Area under the Fisheries Management Act, 1994	High	NSW Fisheries	Medium	N/A	N/A	Hastings Point rock platform is declared an Inter tidal Protected Area
HP1	Implement vegetation management actions in accordance with Action WC1 - Vegetation Management Plan	High	TSC, DL	Short & Ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
HP4	Continue to liaise with DPI Fisheries to find means to provide protection for Hastings Point rock platform in view of educational opportunities and ecological significance of the site	High	DPI Fisheries	Medium	N/A	N/A	Hastings Point rock platform protected
To promote ecologically sustainable development.							
HP13	Implement illegal clearing strategy in accordance with Action WC22		High and Ongoing	TSC, DL	Short and Ongoing	N/A	Illegal clearing reduced
To provide for appropriate public access and use.							
HP12	Restrict the use of PWC in the Creek entrance to access to ocean waters only		High	TSC, NSW Waterways	Short & Ongoing		PWC restrictions & movements enforced
HP14	Maintain existing restrictions on powered vessels and PWC movement in Cudgera Creek		High	TSC, NSW Maritime Authority	Short & Ongoing	N/A	Powered vessels and PWC restrictions and movements enforced

Table 3.13 -- Pottsville -- Wooyung Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
PW1	Implement Pottsville Vegetation Management Plan in accordance with the principles of this Plan	Med	TSC, Dunecare groups	Short & Ongoing	Unknown	Unknown	Recommendations within Plan implemented in accordance with the principle of this Plan, where necessary
PW1	Implement vegetation management actions in accordance with Action WC1 – Vegetation Management Plan	High	TSC, Dunecare groups, NRCMA	Short & Ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
To promote ecologically sustainable development.							
PW3	Investigate installation of viewing platform at Potts Point, or other suitable location, for viewing of surf and beach conditions, to help manage the large number of beach access paths	Med	TSC	Medium	\$15,000	\$1,500	Investigation completed & platform constructed, where necessary
PW3	Determine future management of kiosk located in Ambrose Brown Park	High	TSC	Short	N/A	N/A	Decision made regarding future of kiosk
PW5	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced
To provide for appropriate public access and use.							
PW5	Formalise existing car parking at Ambrose Park, with permeable surface where practical	Med	TSC	Medium	\$20,000	\$2,000	Formalisation complete & maintained
PW6	Investigate alternative car park locations to alleviate parking demands in peak usage times at Ambrose Park	Med	TSC	Medium			Investigation complete & recommendations implemented & maintained
PW6	To address car parking and vehicle access in Ambrose Brown Park: <ul style="list-style-type: none"> Redesign and formalise existing car parking, with permeable surface where practical Investigate additional car park locations to alleviate parking demands in peak usage times 	Medium	TSC	Medium	\$20,000	\$2,000	Formalisation complete and maintained

PW7	Remove beach Off-Leash Dog Exercise Area from Mooball Beach	Med	TSC	Short	\$2,000	\$1,000	Off-leash area removed and maintained accordingly
PW8	Control use of PWC in creek entrance for access to ocean waters only	Med	TSC, NSW Waterways	Short	\$1,000 per sign	<\$1,000 per sign	PWC restrictions & movements enforced
PW9	Reduce area for Authorised Permit Holders Vehicles, to between Black Rocks & northern extremity of Wooyung Nature Reserve	High	TSC	Short	N/A	Unknown	Area reduced & enforced
PW10	Provide all-weather disable access at Potts Point	Med	TSC	Short	\$10,000	\$1,000	Access installed & appropriately maintained
PW7	Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflicts arise	Low	TSC	Short Medium	\$2,000	N/A	Off-leash dog exercise areas reviewed
PW8	Maintain existing restrictions on powered vessels and PWC movement in Mooball Creek	Medium	NSW Maritime Authority	Short	N/A	Administrative cost	Powered vessel and PWC restrictions and movements enforced
PW9	Implement recommendations from Beach Vehicle Permit Policy review (April/May 2005)	High	TSC	Short	Unknown	N/A	Policy recommendations implemented
PW10	Provide all-weather disability access at Potts Point with nearby disability designated parking area	Medium	TSC	Short	\$10,000	\$1,000	Access installed and appropriately maintained

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Tweed Shire Council has the responsibility for implementation of this Plan. Upon adoption of the Plan, there may be grant monies available through the State and Federal Governments for implementation of the Plan. These grants are usually provided up to a 50% subsidy.

The following table details indicative capital and maintenance / ongoing costs for implementation of the Plan over the next five years. Only HIGH priority actions have been considered. Note that some of the capital costs and maintenance costs would be borne by existing Council programs (e.g. parks and road maintenance).

Some of the expenditure listed under the “Whole of Coastline” Action Plan will apply to discrete areas such as Pottsville or Cabarita, taking the total spending at these locations higher than that listed under the individual Action Plans.

Location	Indicative capital expenditure	Indicative maintenance expenditure over 5 years	Total for five years
Whole of Coastline	\$799,000	\$667,500	\$1,466,500
Fingal Head - Duranbah	\$75,000	\$315,000	\$390,000
Kingscliff	\$8,227,000	\$615,000	\$8,842,000
Bogangar - Cabarita Beach	\$215,000	\$175,000	\$390,000
Hastings Point	\$140,000	\$152,500	\$292,500
Pottsville - Wooyung	\$20,000	\$115,000	\$135,000
	\$9,476,000	\$2,040,000	\$11,516,000

POLICY IMPLICATIONS:

The Tweed Coastline Management Plan, once adopted by Council and approved by the Minister for Infrastructure and Planning, will be one of the primary policy documents providing the management framework for coastal management and development in the Shire.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Tweed Shire Coastline Management Plan (DW 1207500).
2. Submissions to Draft Tweed Coastline Management Plan (DW 1207502).

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REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM EXECUTIVE MANAGER-OFFICE OF THE GENERAL MANAGER

1 [OGM] Donation Application - Tara Kelly

ORIGIN:

Governance

SUMMARY OF REPORT:

Council has received a letter from Justine Elliot MP, Federal Member for Richmond seeking financial support on behalf of Tara Kelly who has been selected to represent Australia in the double scull at the World Rowing Championships in Amsterdam in July.

A copy of the letter from Justine Elliot MP is attached for Council's information.

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

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

RECOMMENDATION:

That no contribution be made to Tara Kelly as it outside Council's Donations Policy.

REPORT:

As per summary of report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Dependant upon Council's determination.

POLICY IMPLICATIONS:

In considering this request, reference should be made to the Donations Policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from Justine Elliot MP, Federal Member for Richmond (DW 1208690).
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REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS

2 [EO] Alteration of Traffic Flow - Navigation Lane, Tweed Heads

ORIGIN:

Works

FILE NO: DA04/0016

SUMMARY OF REPORT:

Council has received an application submitted by Connell Mott MacDonald on behalf of the Ultima Development owners, under Section 138 of the Roads Act 1993 to undertake works within the Navigation Lane, Tweed Heads road reserve. These works include driveway crossovers, kerb and gutter, footpaving and the closure of Navigation Lane to through traffic and creation of a plaza and pedestrian corridor. Traffic will be two-way from both Bay Street and Stuart Street to the plaza.

The application has been advertised in the Tweed Link and no submissions have been received.

Council is the roads authority and can approve the proposed works under S138 and S115 of the Roads Act 1993. Given the limited number of affected owners, no objections and the support of DIPNR, it is considered that the application can be approved.

RECOMMENDATION:

That the following works be approved in Navigation Lane, Tweed Heads subject to the conditions below including kerb and gutter; road pavement; stormwater drainage; mid block road closure for vehicular traffic and footpaving:-

1. Detailed engineering plans for the works in Navigation Lane are to be prepared and approved by Director Engineering and Operations prior to any work commencing including but not limited to long sections, cross sections, pavement material details, and stormwater drainage details.
2. A public right of way for vehicular and pedestrian access be created -
 - a. over the north eastern corner of Lot A DP 101034, Lot 1 DP 963896 on the western side of Navigation Lane where the road pavement and footpath encroaches onto the site.

- b. over the south western corner of the site on the eastern side of Navigation Lane where the road pavement and pedestrian footpath are located on Lot 100 DP 775892, Lot 2 Section 1 DP 758279 and Lot 1 DP 962784.
3. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval. [DUR0020]
4. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR0040]
5. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
6. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0150]
7. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken. [DUR0430]
8. All driveway crossovers are to be constructed in accordance with Council's "Vehicular Access to Property Construction Specification".
9. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimeters thick reinforced with F82 mesh. [DUR0440]
10. Concrete must not be poured (or other permanent materials or pavers placed) until the excavation, formwork and reinforcing has been inspected by Council's Supervising Officer. The contractor/ owner/ applicant must arrange an inspection by contacting Council's Engineering Services Division on (02) 6670 2400 between 8.00am and 4.30pm Monday to Friday, giving at least twenty four hours notice. Failure to have work inspected may result in the access being removed and reconstructed at the contractor/owner/applicant's expense.

11. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
- [DUR0490]
12. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director, Engineering & Operations and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
- [DUR0500]
13. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development from the property line to the back of the existing kerb. Unless otherwise indicated on the approved drawings, it shall be constructed to the following standards: The concrete slab shall be 100mm thick N25 mPa with one layer of F72 reinforcing mesh (top cover 30mm). The footpath shall be graded towards the street with a crossfall not exceeding (2.5%). The floor of the prepared construction box shall be not less than 150mm below finished surface level and the sub-base pre-compacted for a minimum depth of 75mm to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1. Not less than 50mm of moist compacted sand shall be placed between the sub-base and the concrete slab. The slab shall be formed in panels not greater than 6.1m x 4m separated by full depth construction joints, such panels to be edged on all sides with a compressive joint filler strip (Jointex, or similar). The surface shall wood float finished with the construction joint edges steel trowelled. The pathway shall be joined smoothly to abut footpaths by gradually easing levels on both sides of the join line if necessary. All existing access points to public utilities shall be adjusted so that access cover plates are flush with the finished surface, and no raised edges shall protrude more than 8mm above finished surface levels within the pedestrian trafficked areas of the path.
14. A Traffic Safety Plan covering all aspects of the proposed work within the public road reserve shall be submitted to and approved by the Director, Engineering & Operations prior to commencing work on the footpath. A minimum of twenty four hours notice of intention to place concrete is to be given to the Director, Engineering & Operations to allow inspection of formwork, bedding and site safety provisions.
- [DUR0540]
15. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1210]

16. Council advises emergency services providers of this decision in regard to the mid block road closure of Navigation Lane.

REPORT:

Council has received an application under Section 138 of the Roads Act 1993 to undertake road construction works within Navigation Lane, Tweed Heads as shown on the plan with the Director of Engineering & Operations for viewing at the meeting. (Tweed Ultima - Civil Works, Plan Details and typical Sections 3918 -C04/02). Also see the locality sketch shown at the end of this report.

The work is proposed as part of the approved Ultima Development (Lot 100 DP 775892, 33 Wharf Street). The Department of Infrastructure Planning and Natural Resources (DIPNR), during the assessment process, encourage the mid block closure of the laneway to through traffic, to enable a better pedestrian connectivity network between the proposed towers and Stuart and Wharf Streets.

Council advised DIPNR that in principle the proposal was supportable subject to the applicant demonstrating that all other adjoining properties would not be adversely affected and service vehicle turning movements could be accommodated.

The owner of the Dolphin's Hotel has lodged a Development Application for re-development and the proposed lane closure has been incorporated in that design and is therefore complementary to the Ultima development proposal. It should be noted that the Twin Towns development does not have access to Navigation Lane and the only other property serviced by the lane other than the Dolphins Hotel and Ultima is Lot 9 DP 964880.

The DIPNR consent, 456-10-2003, applied a condition of consent being condition 1 under the 'Tweed Shire Council' heading requiring a Section 138 Application be lodged with Council as follows:-

- "1. *A Section 138 Application under the Road Act is to be submitted and approved prior to any construction commencing and such application must include:*

Detailed Engineering Plans of the Navigation Lane reconstruction in accordance with all appropriate design standards including, but not limited to:

- a) Cross sections*
- b) Long sections*
- c) Vehicle turning templates to Austroads design standards demonstrating access and egress from the Dolphins Hotel is compliant and showing any widening required on the north east corner of the building at Navigation Lane.*

In this regard, dedication of a splay corner to be determined by the vehicle turning paths will be required to be dedicated as public road.

- d) *A turning area is to be included opposite the Dolphins Hotel loading bay extending 8 metres west of the western boundary of the loading dock including dedication of road widening to the line of columns shown on Plan No. 20340-SK8-10-04/3 and at least 10 metres in length (deleting some of the landscaping space shown on the plan).*
- e) *Street lighting of the laneway at both ends to AS1158 category P3 standard as a minimum.*
- f) *Relocation of the zebra school crossing on Stuart St to 20 metres east of the new Navigation Lane/Stuart St intersection.*
- g) *Once approved by BC the above works are to be constructed to the satisfaction of the Director of Engineering & Operations prior to occupation of the building."*

As the Section 138 application includes a proposal to regulate traffic in Navigation Lane by way of a mid block road closure (traffic facility), the application was advertised in the 'Tweed Link' seeking submissions (see below).

**SECTION 138 APPLICATION - Navigation Lane, Tweed Heads
Proposed Partial Road Closure and Associated Works**

Notification of the following application for consent under Section 138 of the Roads Act 1993 is available for public inspection until Friday 27 May 2005 and any submissions should be made in writing prior to this date.

LOCATION AND APPLICATION NO	DEVELOPMENT DESCRIPTION
DWY05/0156 linked to DA04/0016 Highrise Towers, Tourist Accommodation, Commercial Precinct - Tweed Ultima	<ul style="list-style-type: none"> • Re-configuration, re-design and construction of Navigation Lane. • Proposed closure to through traffic in part of lane and creation of a public plaza with pedestrian access only. • Altered direction of traffic flow.

Inspection is free of charge at the Engineering and Operations Division, Murwillumbah Civic Centre and Council offices at Brett Street Tweed Heads between 8.00am and 4.30pm Monday to Friday.

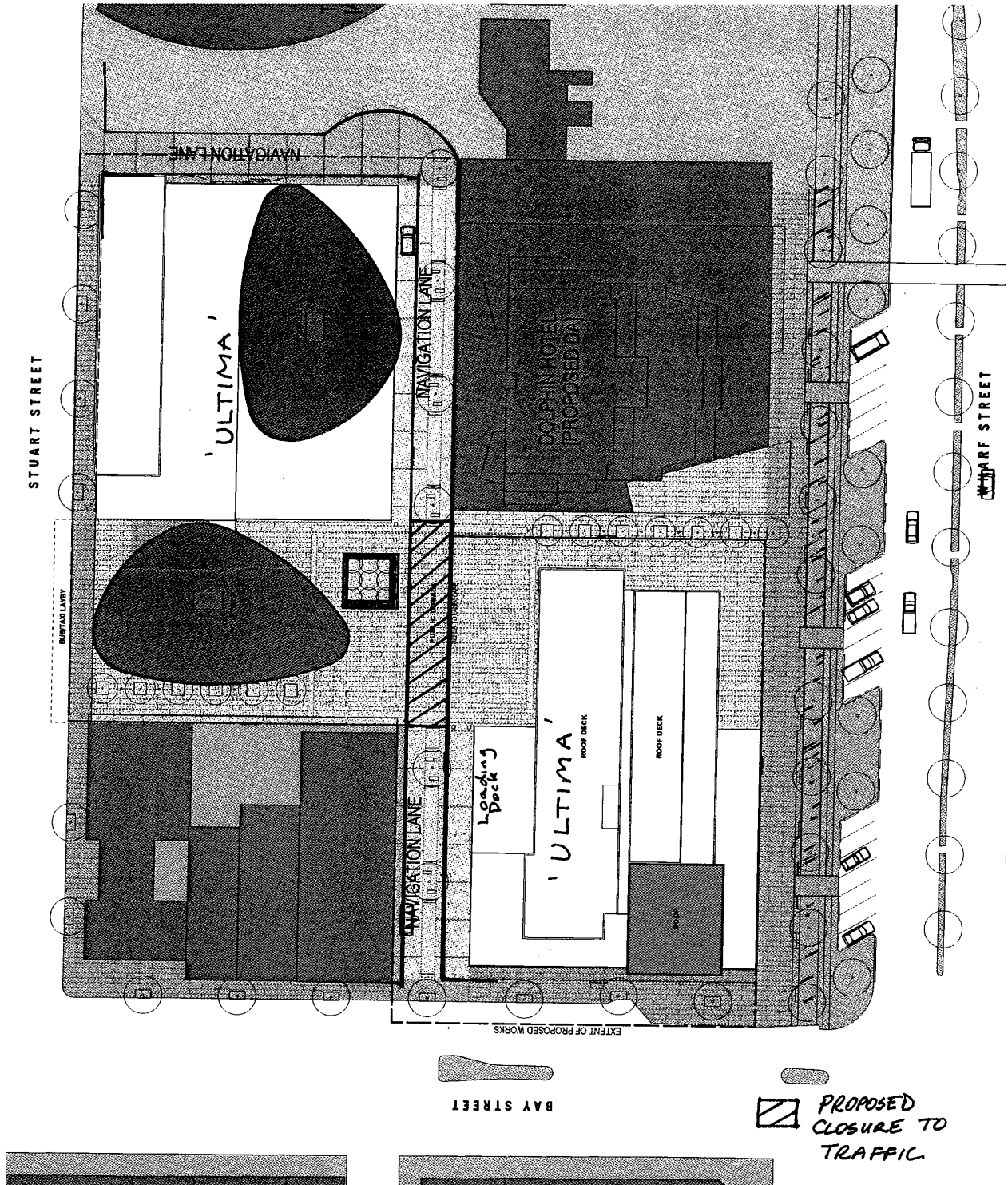
At the closing date no submissions had been received.

The submitted plan (3918-04/02) provides sufficient information to determine that the mid block closure and other works can be constructed in accordance with accepted standards. If approved all vehicles will be accessing the developments from Stuart Street and the only use of the section accessed via Bay Street is for service vehicles to the Ultima development.

It should be noted that the mid block closure is designed as a 'raised platform' and could be converted to a shared traffic/pedestrian area in the future if required.

It is considered that the proposal can be supported subject to the conditions appearing in the recommendation.

Locality Plan:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

3 [EO] Infrastructure Program 2005/2006

ORIGIN:

Works

SUMMARY OF REPORT:

Submitted for Council's consideration is the proposed Infrastructure Program for 2005/2006. The total Program is for \$54.6M and represents a range of improvements to existing assets and some new assets.

Generally the road construction is based on the previously approved 5 year forward program. The Water Supply and Sewerage Works is on a 5 year forward program.

RECOMMENDATION:

That Council approves the Infrastructure Program for 2005/2006 as submitted.

REPORT:

Council maintains 1,042km of local roads which are made up of:-

380km	Urban Sealed
443km	Rural Sealed
210km	Rural Unsealed

In addition there are 164km of Regional Roads to maintain.

Council has had a Pavement Management System (PMS) for its sealed roads since the late 1980's which is used to assist in the determination of the five year forward program. The PMS is predicated on visual inspections of the pavement only. Other factors used in determining the priority are:-

- Traffic volumes
- Drainage problems
- Bus routes
- Safety

The program proposed in the urban and rural construction areas is primarily looking to preserve the existing asset base.

Council has had a timber bridge replacement program for approximately 20 years and this has significantly reduced the number of timber bridges in the shire to 35 out of a total of 202.

With the Roads to Recovery Program commencing again this financial year, a significant amount has been used to seal gravel roads in accordance with the priority list previously considered by Council. Attached to this report are the tables indicating the assessed priority of all gravel roads as well as the school bus routes only. The assessment criteria is also attached.

1.	Urban Road Construction	\$2,100,000
	King Street, Fingal	120,000
	Reynolds Street, Murwillumbah	100,000
	Mitchell Street, Uki	150,000
	McAllisters Road Intersection	100,000
	Wollumbin Street, Tyalgum	150,000
	Broadwater Esplanade, Bilambil Heights	200,000
	Peninsula Drive, Bilambil Heights	150,000
	Dobbys Crescent, Terranora	120,000
	Lundberg Drive, Murwillumbah	150,000
	Myrtle Street, Murwillumbah	180,000
	Tweed Street, Murwillumbah	150,000
	Towners Avenue, Bogangar	110,000
	Riverside Drive, Tumbulgum	200,000

1. Urban Road Construction	\$2,100,000
Concrete Footpaths	100,000
Wardrop Street, Murwillumbah	60,000
Hill Street, Tweed Heads	60,000
	\$2,100,000

2006/2007	2007/2008
Kennedy Drive	Coral Street, Terranora
Altair Street	Hillcrest Avenue
Marshall Street, Uki	Brisbane Street
Fern Street	Buchanan Street
Lalina Avenue	River Street
Broadwater Esplanade	Charles Street, Murwillumbah
Nullum Lane	Crescent Street, Cudgen
Wentworth Lane	Eveleigh Lane
Buckingham Drive	Moolau Avenue
Edward Avenue	Nullum Lane
Overall Drive	Parry Street
Bent Street	

2008/2009	2009/2010
Eyles Lane	Myrtle Lane
Mooball Lane	Rouse Lane
Ocean Drive	Karrumbul Street
Bawden Lane	Simpson Drive
Caraboi Terrace	Ducat Street
Franklin Street	Hastings Road
James Lane	
Murwillumbah Street	
Brisbane Street	

2. Rural Road Construction	\$1,350,000
Gravel Resheeting	200,000
Cane Road	190,000
Dulguigan Road	160,000
Porters Road Crossing	60,000
Piggabeen Road	160,000
Stokers Road	200,000
Crabbes Creek Road	120,000
Urliup Road Crossing	60,000
Sleepy Hollow Road Crossing	70,000
Beantree Road, Chillingham	40,000
Tumbulgum Road - slip repair	60,000
Farrants Road - slip repair	30,000
	\$1,350,000

2006/2007	2007/2008
Nobbys Creek road	Piggabeen Road

2006/2007	2007/2008
Racecourse Road	Hidden Valley Road
Cudgen Road	Cadell Road
Carool Road	Carool Road
Pottsville Road	Burringbar Road
North Arm Road	Langes Road
Eviron Road	Crooks Valley Road
Yugari Road	
Glengarrie Road	

2008/2009	2009/2010
Glengarrie Road	Wooyung Road
Reserve Creek Road	Duranbah Road
Dulguigan Road	Mayes Hill Road
Tumbulgum Road	Pottsville Road

3. Roads to Recovery (2)	\$1,000,000
Kyogle Road (Byangum Bridge - west)	200,000
Round Mountain Road - seal 1.5km	250,000
Kanes / Reserve Creek Road - school bus route	150,000
Nobbys Creek Road - school bus route	120,000
Chowan Creek Road - school bus route	150,000
	\$1,000,000

4. Federal Assistance Grant	\$1,695,000
Advanced Survey, Land Acquisition	100,000
Fingal Road	400,000
Piggabeen Bypass	300,000
Repair Program (Kyogle Road/Numinbah Road)	350,000
Clothiers Creek Road	370,000
Black Spots - 50% funding	175,000
	\$1,695,000

2006/2007	2007/2008
Piggabeen Bypass	Timber Bridges Regional Roads
Zara Road	Zara Road
Tyalgum Road	Tyalgum Road

5. REPAIR Program	\$350,000
Kyogle Road - Uki to Clarrie Hall Dam	165,000
Numinbah Road - Start	185,000
	\$350,000

2006/2007
Numinbah Road

6. Tweed Road Contribution Plan

6. Tweed Road Contribution Plan	
This will be subject of a separate report to council following negotiations with the Roads & Traffic Authority regarding sharing of costs for the Kirkwood Road project.	

7. Bridge Replacement	\$1,030,000
Quinns Bridge	650,000
Byangum Bridge (final costing)	200,000
Boatharbour Bridge - scour protection	100,000
Tunnell Road	80,000
	\$1,030,000

2006/2007	2007/2008
Geddys Bridge	Charltons Bridge
Pottsville Bridge Handrails	Richards Bridge

2007/2008
McCabes Bridge
Ottes Bridge

8. Drainage - Major Works	\$1,000,000
Proudfoots Lane - Murwillumbah	800,000
Broadwater / Banora Terrace	200,000
	\$1,000,000

2006/2007	2007/2008
Fingal Village	Kingscliff North
Kingscliff North	Wommin Bay Road

2008/2009
Wommin Bay Road

9. Drainage - Augmentation	\$600,000
Lizzio Subdivision	40,000
Seaview Road	180,000
Rotumah / Ozone Street	100,000
Rous River / Chillingham	30,000
Lake Kimberley Revetment	15,000
Stafford / River Street	120,000
McKissock Drive	40,000
Comenara Street	50,000
Quiggan Street	25,000
	\$600,000

10. Concrete Footpath Construction	\$150,000
Seaview Street - Omar to Rob Roy	6,100
Minjungbal Drive - Kirkwood Rd to Heffron	22,100
Mugga Way - Kent to Ducat	17,600
Lorien Way - missing link	1,600

10. Concrete Footpath Construction	\$150,000
Lakes Drive - Gollan to Jacaranda	11,500
Overall Drive - Hampton to Shops	5,700
Simpson Drive - Scenic to Shops	10,300
Leisure Drive - Bus Stop to club Banora	4,100
Laura Street - Darlington to Anderson	22,200
Tweed Valley way - Alma to Norco	17,800
Numinbah Road - Chillingham School to Sports Grounds	15,000
Minor Missing Sections	5,000
Construction Management	11,000
	\$150,000

11. Cycleway Construction	\$156,000
Greenway / Machinery Drive - Sportsfields to Minjungbal Drive	\$156,000

12. Asphalt Resurfacing	\$262,500
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13. Water Supply - Capital Works	\$19,745,000
Equipment Purchases	\$80,000
Depot Facilities	\$150,000
Clarrie Hall Dam	\$625,000
Bray Park Weir	\$1,500,000
Bray Park WTP Clear Water Storage Upgrade	\$150,000
Bray Park WTP Aug to 100ML	\$7,000,000
WPS 2 Durroon Ave Bray Park	\$2,000,000
WPS 3 Terrace St Chinderah	\$1,200,000
Water Pump Stations	\$475,000
Reservoir - Duranbah	\$1,760,000
Reservoirs	\$525,000
Trunk Main Upgrade	\$2,116,000
Mains Replacement	\$1,441,000
Mains New	\$723,000
	\$19,745,000

14. Sewerage - Capital Works	\$24,529,828
Equipment Purchases	\$300,000
Depot Facilities	\$150,000
Sewer Pump Stations - Other	\$345,000
Sewer Pump Stations - Electrical Upgrade	\$450,000
Sewer Pump Stations - Mechanical Upgrade	\$972,928
Sewer Pump Stations - New	\$870,000
Sewer Rising Mains - Other	\$205,000
Sewer Rising Mains - New	\$2,400,500
Sewer Rising Mains - Upgrade	\$1,046,000
Gravity Sewer Relining	\$470,000
Gravity Sewer Upgrade	\$161,000

Gravity Sewer New	\$75,000
Gravity Sewer Replacement	\$660,000
Tweed Heads STP Upgrade	\$2,300,000
Kingscliff STP New	\$13,944,400
Hastings Point STP	\$80,000
Murwillumbah STP Co-Generation	\$100,000
	\$24,529,828

15. Sealing School Bus Routes (Part of 2004/05 Rate Rise - 2%)	\$466,000
Byrrell Creek Road	146,000
Urliup Road	130,000
Hopkins Creek Road	70,000
Commissioners Creek Road	120,000
	\$466,000

16. Additional Asphalt Resurfacing (Part of 2004/05 Rate Rise - 2%)	\$322,000
Adelaide Street	13,880
Recreation Street	29,760
Second Avenue	4,390
Steep Street	8,820
Cooloon Crescent	9,240
Duffy Street	12,670
Kirkwood Road	28,200
Kirkwood Road	6,000
Peter Street	840
Ridgeway Street	2,610
Somerset Avenue	10,760
Summit Drive	6,470
Eddy Avenue	10,820
Kingscliff Lane Beach St to Zephyr St	3,230
Kingscliff Lane Zephyr St to Pacific St	3,420
Kingscliff Lane Pacific St to Ozone St	5,540
Redman Lane	1,690
Rutile Street	4,640
Shell Street	7,450
Surfside Crescent	22,560
Turnock St Footpath	4,550
Turnock St Shoulder	5,290
Banner Street	2,720
Banner Lane	100
Eyles Avenue	7,000
Fulford Lane	2,460
Gloucester Street MR679 to Rose Lane	1,390
Gloucester Street Rose Lane to Scott Street	3,940
Harwood Street	4,170
Myrtle Lane	7,340
O'Connor Drive	13,450

16.	Additional Asphalt Resurfacing (Part of 2004/05 Rate Rise - 2%)	\$322,000
	Prince Street	6,920
	Scott Street	7,960
	Gray Street	12,810
	Honeysuckle Street	2,880
	Marana Street	27,360
	Red Bass Avenue	10,080
	Riviera Avenue	10,030
	Sunset Boulevard	11,180
	Bosun Boulevard	43,790
	Cominan Avenue	19,870
	Machinery Drive	66,300
	Old Ferry Road	3,320
	Toolona Avenue	18,220
	Westray Avenue	14,900
	Wupawn Place	4,540
	Anne Street	9,350
	Bambury Street Lighthouse Pde to Chittick	7,450
	Bambury Street Chittick St to Fingal Road	2,210
	Queen Street	6,010
	Coodgie Street, Tyalgum	12,530
	George Street Past Mayal Lane to Peter Street	1,270
	George Street Access Road to Properties	1,130
	Mayal Lane	1,630
	Mooball Street	5,000
	Peter Street	11,420
	Station Street, Burringbar	16,000
		\$322,000

17.	Drainage Asset Works (Part of 2004/05 Rate Rise - 2%)	\$100,000
	Additional Gullies in Sags - Tweed /Banora	50,000
	Sunrise Place	40,000
	Tumbulgum Road	10,000
		\$100,000

18.	Footpath Asset Repairs (Part of 2004/05 Rate Rise - 2%)	\$50,000
	Wollumbin Street - RSL	10,000
	Wollumbin Street - Sunnyside	15,000
	Main Street, Murwillumbah	10,000
	Kennedy Drive (Ducat Street)	15,000
		\$50,000

19.	Sportsfields	\$1,000,000
	Arkinstall Park	100,000
	Walter Peate	200,000
	Ron Wilkinson	135,000
	West Murwillumbah	100,000

19.	Sportsfields	\$1,000,000
	Cabarita Les Burger	20,000
	Murwillumbah	100,000
	Casuarina	20,000
		\$1,000,000

20.	Passive Recreation	
	Shire Wide Upgrades	125,000
	Quota Park	30,000
	Ducat Park	40,000
	Tweed Coast	100,000
	DCP 1	300,000
	Jack Evans Boatharbour	500,000
	Skate Park South Tweed	150,000

21.	Car Parking Section 94	\$60,000
	Marine Parade Kingscliff - southern area	\$60,000

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. All gravel roads (DW No. 1214244)
2. School Bus Routes - gravel roads (DW No. 1214254)
3. Assessment Criteria (DW No. 1214259)

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4 [EO] Proposed Bilambil Tennis Centre Funding & Support

ORIGIN:

Design

SUMMARY OF REPORT:

An application for support has been received from Bilambil Regional Tennis Centre. The Centre has requested a cash contribution of \$565,000 towards the construction costs of the Tennis Centre including shared access road and car park, shared electricity mains and shared septic system. The Centre has also requested Council waive subdivision costs, DA lodgement fees and Section 94 and Section 64 contributions totalling \$393,000.

The proposed facility will provide 10 rebound ace courts, 4 classic clay courts and a club house.

RECOMMENDATION:

That the Bilambil Regional Tennis Centre be advised that:-

- 1. \$360,000 has been provided for in the 2005/2006 budget and that this amount will only be able to be provided to the Centre if a rate rise is approved by the Minister for Local Government.**
- 2. Council is unable to provide \$551,647 towards subdivision costs, DA preparation, DA lodgement fees, Section 94 Contributions and Section 64 Contributions and access road and car parking construction.**

REPORT:

Council received a submission from Tennis Terranora Inc. trading as Bilambil Regional Tennis Centre on the 14 April 2005 regarding the proposed Bilambil Regional Tennis Centre and a request for support from Council.

Council has previously supported this project by making available land for this project at the Bilambil Sports Complex.

The detailed submission includes an estimate for project costs totalling \$1,778,195.

An application for support has been received from Bilambil Regional Tennis Centre. The Centre has requested a cash contribution of \$565,000 towards the construction costs of the Tennis Centre including shared access road and car park, shared electricity mains and shared septic system. The Centre has also requested Council waive subdivision costs, DA lodgement fees and Section 94 and Section 64 contributions totalling \$393,000.

The proposed facility will provide 10 rebound ace courts, 4 classic clay courts and a club house.

A copy of the estimate of construction and project funding follows:-

BILAMBIL REGIONAL TENNIS CENTRE

Total Project Cost

Itemised description of the components that will make up the project <i>quote/tender being used is attached</i>	Net Cost \$	GST \$	Total Cost \$
Site clearing, preparation, excavation site set up	\$84,090	\$0	\$84,090
Stormwater Drainage	\$78,600	\$7,860	\$86,460
Building Construction	\$350,000	\$35,000	\$385,000
Tennis Court Construction	\$449,500	\$44,950	\$494,450
Landscaping	\$33,225	\$3,323	\$36,548
Furniture, Fittings & Equipment	\$10,000	\$1,000	\$11,000
Project Management	\$85,000	\$0	\$85,000
Design Fees	\$10,000	\$1,000	\$11,000
Contingency	\$30,000	\$3,000	\$33,000
Total Project	\$1,130,415	\$96,133	\$1,226,548

Infrastructure & Council Contribution Costs

Itemised description of the components that will make up the project	Net Cost \$	GST \$	Total Cost \$
Subdivision Costs	\$7,000	\$0	\$7,000
DA Preparation	\$4,500	\$0	\$4,500
DA Lodgement Fees	\$7,500	\$0	\$7,500
S94 Contribution (Disputed)	\$378,672	\$0	\$378,672
S64 Contribution (Disputed)	\$4,325	\$0	\$4,325
Access Road & Car Park Construction	\$149,650	\$0	\$149,650
Total Project	\$551,647	\$0	\$551,647

ProjectCostTSC

Date Printed 4/13/05

BILAMBIL REGIONAL TENNIS CENTRE

Project Funding

	Net Cost \$	GST \$	Total Cost \$
In Kind Donations			
Site clearing, preparation, excavation site set up by South East Excavations Pty Ltd	\$84,090	\$8,409	\$92,499
Project Management by PDPM Pty Ltd	\$85,000	\$8,500	\$93,500
Aluminium Windows & Doors by Tweed Coast Glass	\$1,334	\$133	\$1,467
Fill for Site by Icehot Pty Ltd	\$27,273	\$2,727	\$30,000
Total In Kind Donations	\$197,696	\$19,770	\$217,466
Voluntary Labour			
Lanscaping By Evelyn Marshall	\$15,753	\$1,575	\$17,328
Electrical Design & Installation by Evan Balk	\$10,500	\$1,050	\$11,550
Painting Clubhouse by Club Members	\$4,545	\$455	\$5,000
Tennis Court Fencing by Club Members	\$7,418	\$742	\$8,160
Clubhouse Tiling by Keith Westerlund	\$4,782	\$478	\$5,260
Donation from Beaumont Tiles & Ron Westerlund	\$2,727	\$273	\$3,000
Total Voluntary Labour	\$45,725	\$4,573	\$50,298
Total Funding from TTI	\$243,422	\$24,342	\$267,764
Total Cash from TTI & TDTA Juniors	\$50,369	\$0	\$50,369
Loan from Tennis Australia	\$50,000	\$0	\$50,000
Grant from NSW Tourism Sport & Rec	\$200,000	\$0	\$200,000
Grant from ACC Depart. of Transport	\$300,000	\$0	\$300,000
Grant from Tweed Shire Council	\$360,000	\$0	\$360,000
Potential Funding Available	\$1,203,791	\$0	\$1,228,133

ProjectFundingTSC

Date Printed 12/04/2005

Council's Design Unit has undertaken a preliminary estimate for the project and estimates the cost of construction to be approximately \$3M. The submission includes detailed estimates from numerous local businesses. Some of these businesses are providing labour and "in kind" donations for materials.

The Bilambil Regional Tennis Centre has previously addressed Council at Community Access.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

The complete submission will be tabled at the meeting for reference and can be found at DataWorks No. 1188443.

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5 [EO] Tweed Road Contribution Plan No. 4 Draft Version 4.9 - Shallow Bay Drive to Eastlakes Drive Connection, Amber Road & Machinery Drive Intersection

ORIGIN:

Planning & Infrastructure

FILE NO: GT1/S94/4

SUMMARY OF REPORT:

Draft Version 4.9 of the Tweed Road Contribution Plan No 4 contains amendments to add the Shallow Bay Drive to Eastlakes Drive connection and Amber Road / Machinery Drive intersection works in Tweed Heads South to the works programme.

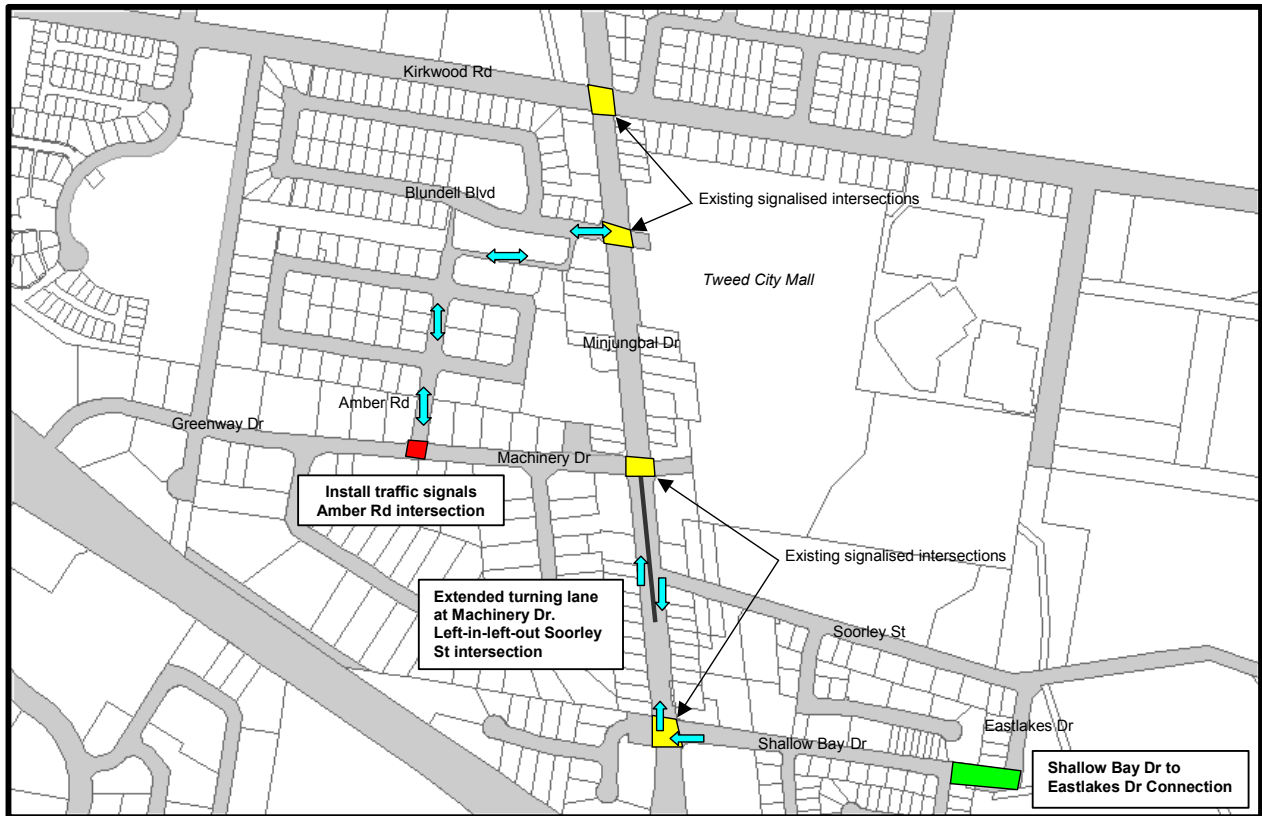
The draft plan has been exhibited and no submissions have been received. It is proposed to adopt the plan as exhibited.

RECOMMENDATION:

That:-

- 1. Council, in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000, approves the draft Tweed Road Contributions Plan, being Contributions Plan No 4 – Version 4.9, in the form it was publicly exhibited, to repeal and replace Version 4.8. Version 4.9 contains the following amendments to current Version 4.8: -**
 - a. Addition of the Shallow Bay Drive to Eastlakes Drive Connection, including associated intersection works at Soorley Street / Minjungbal Drive and Minjungbal Drive / Machinery Drive, to the works programme;**
 - b. Addition of the installation of traffic signals at the intersection of Amber Drive and Machinery Drive to the works programme.**

REPORT:



1. Background

The current version of Tweed Road Contribution Plan No 4 - *Version 4.8* (TRCP) was adopted by Council to delete the McAllisters Road Deviation from the works programme, and replace that item with an upgrade of McAllisters Road along its current route. It was adopted by Council on 28-04-04 taking effect on 07-07-04.

Following consideration of a report presenting a five year roadworks programme, Council resolved at its meeting of 21-01-04 that:-

“... (3) An amendment of Section 94 Plan No.4 – Tweed Road Contribution Plan, be drafted to incorporate additional items of:-

- (i) Shallow Bay Drive to Eastlakes Drive connection...”*

The NSW Roads and Traffic Authority advise that the traffic signals at the intersection of Minjungbal Drive and Machinery Drive are operating at capacity, due to the high demand generated by Tweed City Mall and new retail and industrial development to the west. The RTA has recommended the installation of traffic signals at the intersection of Amber Road and Machinery Drive to compliment the proposed Shallow Bay Drive to Eastlakes Drive connection works and has indicated a cost sharing arrangement may be available for these two works programme items.

Draft Version 4.9 has been prepared to incorporate these additional items into the works schedule.

2. Arterial Road Network, Proposed Additional Roadworks

2.1 Shallow Bay Drive to Eastlakes Drive Connection

The Shallow Bay Drive to Eastlakes Drive connection is intended to improve traffic flow in Minjungbal Drive, a key arterial road. The connection will facilitate the deletion of a right turning lane for north bound traffic from Minjungbal Drive into Soorley Street, which will in turn allow for the construction of an extended right turning lane at Machinery Drive into the Tweed City Mall. The connection road will allow local traffic in Soorley St and Eastlakes Drive to use the Shallow Bay Drive signalised intersection to gain northbound access to Minjungbal Drive. As such, the connector road is considered to be an appropriate inclusion into the TRCP works schedule.

Estimated Cost:

Connector Road:	\$313,060
Minjungbal Drive / Soorley Street Intersection:	\$ 28,494
TOTAL:	\$341,554

2.2 Signalisation of Amber Road and Machinery Drive intersection

The installation of traffic signals at the intersection of Amber Road and Machinery Drive will encourage local traffic to use Amber Road and Blundell Boulevard to bypass the Minjungbal Drive / Machinery Drive intersection, reducing traffic loading at the existing signals. As such, the intersection works are considered to be an appropriate inclusion into the TRCP works schedule.

Estimated Cost:

Amber Road/Machinery Drive Signals	\$190,147
TOTAL:	\$190,147

3. Draft Version 4.9 Amendments to Section 94 Contribution Plan No. 4 - Tweed Road Contribution Plan

The following amendments are proposed for Draft Version 4.9 of the above plan.

- (a) Amend Section 5.1 “Works” by inserting the following paragraph at the end of existing text

“Version 4.9 of this plan amends Table 5.1(b) “Works Schedule” and Schedule 6 “TRDS Project Costings” by adding items 141 and 142:-

141	Shallow Bay Drive to Eastlakes Drive Connection	Total cost \$341,554
142	l/s - Amber Road and Machinery Drive	Total cost \$190,147

- (b) Amend “**CONTRIBUTION PLAN No 4 VERSIONS/EDITIONS**” by adding “Draft Version 4.9 amends the works programme by the addition of the Shallow Bay Drive to Eastlakes Drive connection roadworks and intersection works at Amber Road and Machinery Drive.”

4. Public Exhibition

The draft contribution plan was placed on public exhibition from 4 May 2005 to 2 June 2005. No submissions have been received.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Implementation

Adoption of this plan will provide the finances to enable the timely construction of the Shallow Bay Drive to Eastlakes Drive connection road and implementation of intersection works at Amber Road/Machinery Drive.

Impact of Additional Works on TRCP Finances

Based on the above estimates, the Shallow Bay Drive to Eastlakes Drive connection and Amber Road / Machinery Drive signals will add \$531,701 to the works programme. These works will be funded from the general (sectors 1 –13) pool of funds.

It is not proposed at this stage to raise contribution rates to meet this additional expenditure. A major review of TRCP rates to include impacts of arterial road changes in the Lower Tweed area and elsewhere will be submitted to Council later in 2005.

It is anticipated that the NSW RTA will contribute 50% of the cost of the two new works programme items (approximately \$270,000). Should such a cost sharing arrangement be ratified in the future, this will be reflected in the next review of TRCP contribution rates.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

6 [EO] Tweed River Estuary Management Plan Funding

ORIGIN:

Water

SUMMARY OF REPORT:

Council has just received (2 June 2005) a letter from the Minister for Infrastructure and Planning, Minister for Natural Resources stating that the promised allocation of \$500,000 for implementation of the Tweed River Estuary Management Program in 2004/05 would not be forthcoming.

In February 2003 there was an undertaking from the State Government for \$1.5M funding over three years (\$500,00 per year) for Tweed River Management on a 2 to 1 NSW Government to Council basis for the 2003/04 and 2004/05 financial years, reverting to a 1 to 1 basis in 2005/06.

Accordingly, Council allocated \$250,000 in the current 2004/05 budget as the matching contribution on a 2 to 1 basis. In this financial year, \$594,384 has been expended on the Tweed River Estuary Management Program. The recent advice as to the state of funding for the 2004-05 year will require Council, through the Tweed River Committee, to undertake a substantial review of budget and project allocations.

RECOMMENDATION:

That:-

- 1. Council writes to the Minister for Infrastructure and Planning, Minister for Natural Resources, and expresses disappointment at the late notification of a lack of funds from the NSW Government for implementation of the Tweed River Estuary Management Plan Program 2004-05, particularly given the undertaking from the then Minister for Land and Water Conservation to provide \$1.5M over three years made in an announcement on 18 February 2003.**
- 2. The Tweed River Committee undertakes a budget and project planning review and recommend appropriate action to Council.**

REPORT:

Council has just received (2 June 2005) a letter from the Minister for Infrastructure and Planning, Minister for Natural Resources stating that the promised allocation of \$500,000 for implementation of the Tweed River Estuary Management Program in 2004/05 would not be forthcoming.

Funding allocations for the Estuary Management Program of DIPNR are usually provided in February / March in each financial year.

Background

NSW Public Works developed the Lower Tweed River Estuary Management Plan in 1991. Council adopted this Plan and formed the Tweed River Management Plan Advisory Committee in 1992. The name was changed in 2001 to Tweed River Committee.

The Committee is made up of Councillors, Council staff, State Government representatives, community interest groups and industry representatives.

Major projects undertaken through the Tweed River Committee include:-

- Seagulls Reach rock revetment (Terranora Inlet),
- Terranora Broadwater and Cobaki Broadwater Management Plans and associated works (foreshore walkways and educational signage),
- Ukerebagh Passage Management Plan,
- Boating Study and associated works on boating facilities,
- Stormwater Awareness Campaign,
- Stormwater quality treatment devices including artificial wetlands and GPT's,
- Riparian revegetation,
- Fingal Head Wetland Rehabilitation Project,
- Bank Management Plan and works including Chinderah foreshore rock revetment,
- Water quality monitoring,
- Estuary Health Monitoring Program,
- Acid Sulphate Soil monitoring and remediation works,
- Education and awareness programs.

Tweed Shire Council has received \$4.701M in grant funding through the NSW Government for implementation of the Tweed River Estuary Management Plan since 1993. Funding was provided as a 100% subsidy until 2001. No funding was received in 2001/02 and 2002/03.

In early 2002 representation was made to the Treasurer and Minister for State Development regarding continuation of 100% State funding for the ongoing implementation of the Tweed River Management Plan.

On 15 January 2003 the State Member provided to Council a response (dated 12 April 2002) from the Minister for Fair Trading and the Minister for Land and Water Conservation. This response advised, "I have requested officers from the Department of Land and Water Conservation to work closely with the Council to review high-priority projects and to support Council in developing proposals for their implementation under the Estuary Management Program at a 50% subsidy level."

Given the late advice of a change of subsidy level from 100% to 50% and the short time frame for Council to accommodate such a change in budget (the value of works undertaken by the Tweed River Committee is in the order of \$400,000 to \$600,000 per annum) further representations were made to the then Minister for Land and Water Conservation.

This resulted in an announcement by the State Member for Tweed and the Minister for Land and Water Conservation on 18 February 2003 of renewed funding for implementation of the Tweed River Management Plan. The undertaking from the State Government was for \$1.5M over three years (\$500,00 per year) based on a 2 to 1 NSW Government to Council basis for the 2003/04 and 2004/05 financial years, reverting to a 1 to 1 basis in 2005/06.

Accordingly, Council allocated \$250,000 in the current 2004/05 budget as the matching contribution on a 2 to 1 basis. In this financial year, \$594,384 has been expended on the Tweed River Estuary Management Program. The recent advice as to the state of funding for the 2004/05 year will require Council, through the Tweed River Committee, to undertake a substantial review of budget and project allocations.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

There are sufficient funds in the Tweed River Estuary Management Program reserves to fund expenditure for this financial year (2004/05).

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from Minister for Infrastructure and Planning, Minister for Natural Resources (DW 1212226)
 2. Letter from Minister for Fair Trading, Minister for Land and Water Conservation (DW 721821)
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7 [EO] Floodgate Management Plans & Agreements

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Council owns and maintains numerous floodgate structures on waterways across the Shire. Many of these structures are being modified to reduce their environmental impact. Maintenance and operation of the modified floodgates requires interaction between Council officers and local stakeholders. To better manage this interaction, a draft Floodgate Management Plan & Agreement has been produced. Under the Floodgate Management Plan & Agreement, a stakeholder represented Floodgate Management Group would be created, with delegated authority to operate and maintain the subject floodgate.

RECOMMENDATION:

That Council:-

- 1. Adopts the draft Floodgate Management Plan & Agreement as a general template for use in creating site specific agreements between Council and a stakeholder represented Floodgate Management Group for the ongoing operation and maintenance of floodgates and associated waterways within the Tweed Shire;**
- 2. Recognises the Floodgate Management Group identified in each future Floodgate Management Plan & Agreement as a “355 Committee” of Council under Section 355 Local Government Act 1993, with delegated authority to operate the nominated floodgate(s) in accordance with the Floodgate Management Plan & Agreement.**

REPORT:

Council owns and maintains approximately 250 floodgate structures located on natural watercourses and man-made drainage channels across the Shire. These structures have generally been constructed to protect low lying agricultural land from inundation during high tides and flood events.

By their nature, floodgates restrict water passage along floodplain waterways, impacting on water quality, ecological health and acid sulphate soils. Contemporary research has shown that controlled tidal flushing of waterways can significantly improve water quality and fish passage in these waterways, assist in weed control, and neutralise acid sulphate soil leachate.

To provide this tidal flushing, a number of Council's floodgates have been modified, by installing winches and sluice gates. Generally these mechanisms require manual intervention by Council officers and/or affected landholders to open or close the gates as water levels change. Automatic tidal flush gates are also to be trialled in the coming months, which require less manual intervention, but will still require maintenance (eg. clearing debris, adjustment of floats) from time to time.

To best manage the interaction of Council officers and stakeholders in the operation and management of these modified floodgates, a Floodgate Management Plan & Agreement has been drafted (refer attachment). This document is intended to be used as a general template, to be modified to include site-specific information for each individual floodgate structure.

Implementation of each Floodgate Management Plan & Agreement involves the formation of a Floodgate Management Group. Council's representative on each Floodplain Management Group would be its Environment & Health Services Unit's Floodplain Officer. All stakeholders owning or occupying property adjoining the waterway affected by the subject floodgate would be invited to join the Floodgate Management Group. This group would nominate a number of volunteer Floodgate Operators, to operate and maintain the floodgate. Under the Floodgate Management Plan & Agreement, the Floodplain Management Group would be recognised as a "355 Committee" of Council (Section 355, Local Government Act 1993), and receive delegated authority to operate the nominated floodgate(s). These volunteers would be provided with the appropriate training in floodgate operation, occupational health and safety, water quality monitoring and emergency management by Council.

Council's Engineering & Operations Division will remain owner of the floodgate asset, and carry out all maintenance and asset replacement work over and above the intervention levels set by the Floodgate Management Plan & Agreement, including all works requiring approval under the EP&A Act, and approval by the Department of Primary Industries (Fisheries).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Draft Floodgate Management Plan & Agreement (DW 1213997).
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8 [EO] Parking Contributions

ORIGIN:

Planning & Infrastructure

FILE NO: GT1/S94/23

SUMMARY OF REPORT:

It is proposed to amend *Section 94 Contributions Plan No. 23 Offsite Parking* to update the contribution rates for needed parking spaces that cannot be provided on the development site.

The new rates reflect changes in construction and land costs.

The draft plan has been publicly exhibited and no submissions have been received. It is proposed to adopt the draft plan as exhibited.

RECOMMENDATION:

That Council, in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000, approves the draft Section 94 Contributions Plan No.23 - Offsite Parking - Version 1.4, in the form it was publicly exhibited.

REPORT:

1. Background

1.1 Purpose of Section 94 Contributions Plan No. 23 – Offsite Parking (CP23)

Development Control Plan No. 2 – Site Access and Parking Code (DCP2) designates the number of parking spaces that must be provided for various classes of development. Where the site is unable to accommodate the designated number of parking spaces, Council may issue a development consent requiring section 94 contributions for the unsupplied spaces.

Section 94 Contributions Plan No.23 – Offsite Parking (CP23),

- enables Council to collect contributions (for the unsupplied car parking spaces) from developers as a condition of consent
- enables these contributions to be used to finance public car parking in lieu of provision of car parking on the development site and
- designates contribution rates.

1.2. Car Parking Contribution Rates

Car parking contribution rates were adopted by Council in November 1999 and these remain the current contribution rates.

Revised rates were recommended to Council in November 2001 that accounted for increased construction costs and increased cost of land acquisition to provide for public car parking.

It was also advised then that the 1999 contribution rates were:-

- Insufficient to cover current costs of providing one public car space (in the designated localities) and
- This anomaly encourages developers to minimise on site parking provision and provide the deficit (of car spaces) in contributions, because contributions are cheaper than cost of provision on their own site.

Locality	Adopted 1999	Recommended November 2001
Tweed Heads	15,460	17,490
Murwillumbah	9,190	12,747
Kingscliff	11,500	20,000*
Bogangar/Cabarita	10,840	13,619
Pottsville	10,015	14,834
Fingal Head	3,366	3,366

* Rate based on provision of multi level parking. Due to high land values in Kingscliff, multi level parking is more economical. The impact of the underlying land value is diminished due to the greater number of cars being accommodated in a given area. The cost of ground level parking was estimated at \$28,116.

At the meeting in November 2001 Council resolved that:-

“The contribution rates remain the same”.

The consequences of this decision have been:-

- Income from parking contributions only covers a portion of the spaces that should have been provided (by developments)
- The contribution rates will continue to get more out of date as land prices and construction costs rise
- Public parking shortages will get worse with continued application of out of date (1999) contribution rates

2. Other Local Government Areas

The following is a summary of car parking contribution rates in adjoining local government areas:-

Council	Contribution for one parking space
Gold Coast City	
depending on locality	\$7,468 - \$30,698
Byron Shire	
Byron Bay/Suffolk Park	\$32,731.60
Mullumbimby	\$9,215.52
Brunswick Heads	\$14,969.04
Bangalow	\$9,592.04

3. Conclusion

The continuation of inadequate, out of date 1999 contribution rates would frustrate Council’s ability to finance public car parking where developments are unable to supply the required number of spaces on their own sites.

The increases recommended in November 2001, but, rejected at that time, were re-submitted to Council at its meeting 20 April 2005 for further consideration.

At that meeting Council resolved to publicly exhibit draft Section 94 Contributions Plan No. 23 - Offsite Parking - Version 1.4, incorporating revised contribution rates.

4. Draft Version 1.4, Amendments to Section 94 Contribution Plan No. 23 - Offsite Parking

The following amendments are contained in draft version 1.4 of the above plan.

(a) Amend “Summary of Contribution Rates” by deleting existing text and substituting with:-

**“SUMMARY OF CONTRIBUTION RATES
Current Contribution Rates per Unsupplied Car Parking Space**

Tweed Heads	17,490
Murwillumbah	12,747
Kingscliff	20,000
Bogangar/Cabarita Beach	13,619
Pottsville	14,834
Fingal Head	3,366"

(b) Amend section “7.0 Contribution Rates” by deleting existing text and substituting with:-

“7.0 CONTRIBUTION RATES

Contribution rates shall be calculated in accordance with the following formula

$C = (CC + LC) \times (100 + A)\%$ where

C = amount of contribution per car parking space

CC = Construction costs

LC = Land costs

A = Administration levy %(10%)

Current Contribution Rates per Unsupplied Car Parking Space

Tweed Heads	17,490
Murwillumbah	12,747
Kingscliff	20,000
Bogangar/Cabarita Beach	13,619
Pottsville	14,834
Fingal Head	3,366"

* The calculated land cost and construction cost for Kingscliff is \$25,560 which would result in a contribution rate of \$28,116. This rate has been reduced to \$20,000 to reflect costs of multi level parking (decreased land cost, increased construction cost”).

(c) Amend the Versions table by inserting a description of draft version 1.4

5. Public Exhibition

The draft contribution plan was placed on public exhibition from 11 May 2005 until 8 June 2005. No submissions were received.

It is therefore proposed to adopt the draft plan, without further alteration, in the form it was exhibited.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Increase in contribution rates is required to enable Council to finance its obligations to supply public parking in cases where development projects are unable to provide (sufficient) on their own sites.

POLICY IMPLICATIONS:

This report proposes an amendment to Council's Car Parking Contribution Policy (CP23).

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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9 [EO] Cudgen Creek Pedestrian Bridge - Options Report

ORIGIN:

Design

SUMMARY OF REPORT:

Council has recently received a number of enquiries from residents about the progress of the Pedestrian/Cycleway Bridge over Cudgen Creek at Kingscliff, most residents are concerned that funding for the project has not been allocated in the 2005/2006 budget. With the recent completion of the cycleway through Lot 490 from the SALT development to Cudgen Creek, the bridge is now the dominant missing link of the Coastline Cycleway Project.

To satisfy the immediate need to provide pedestrian access across Cudgen Creek, it is proposed to convert the existing two-lane bridge to a single lane with a separated pedestrian walkway. This can be returned to a two-lane bridge after the pedestrian/cycleway bridge is constructed.

RECOMMENDATION:

That:-

- 1. The proposal to reconfigure the Cudgen Creek Bridge to a single-lane two-way bridge with a pedestrian walkway for the duration of up to 18 months be publicly exhibited for a period of 21 days in order to seek public comment.**
- 2. The proposed pedestrian/cycleway bridge proceeds as previously planned with funding considered as part of the 2006/2007 budget deliberations.**

REPORT:

Council has recently received a number of enquiries from residents about the progress of the Pedestrian/Cycleway Bridge over Cudgen Creek at Kingscliff. Most residents are concerned that funding for the project has not been allocated in the 2005/2006 budget. With the recent completion of the cycleway through Lot 490 from the SALT development to Cudgen Creek, the bridge is now the dominant missing link of the Coastline Cycleway Project.

After extensive community consultation, Council at its meeting of 1 December 2004 resolved to rescind the decision of 1 September 2004 regarding the provision of a pedestrian/cycleway bridge immediately upstream of the Marine Parade Boat Ramp. Alternatively, it resolved to adopt a concept for a pedestrian/cycleway bridge immediately downstream of the existing traffic bridge and upgrade the boardwalk from Marine Parade to Sutherland Street Bridge. At this meeting Council also resolved to proceed with survey, investigation, detailed design, estimates and development application for a bridge at this location. It was also resolved to consider options for funding the construction of the bridge and boardwalk as part of the 2005/2006 budget deliberations.

The pedestrian/cycleway bridge construction cost is estimated at \$1,250,000 and the boardwalk upgrade is estimated at \$550,000. Current funding of \$460,000 is available from; SALT contribution, Section 94 Contributions, DIPNR and reallocation of funds from the Moss St Boardwalk. As part of the 2005/2006 budget deliberations, the remaining \$1,340,000 was proposed as loan funds. However, due to competing projects, it was not included in the 2005/2006 budget.

The funds for constructing the pedestrian bridge will not be required until 2006/2007. The hydraulic and geotechnical investigations will take approximately 3 months to finalise. Structural design and drafting will then take 4-6 months as the future traffic bridge will also be designed to ensure compatibility. The development application process is then expected to take 4-6 months. Allowing 9 months for construction of the bridge and boardwalk, the facility will be targeted for opening by Christmas 2006.

To provide safe pedestrian access across Cudgen Creek in the short term it is proposed to reconfigure the existing traffic bridge to provide a pedestrian walkway on the existing structure with a single lane with the provision of 2 way traffic on a single lane with a Give Way at the southern abutment. The existing bridge has a remaining life of 10-15 years. Currently, the required maintenance on the bridge is costing Council approximately \$4000 per year. This is expected to increase slightly as the bridge nears the end of its structural life. Based on this, it is expected that total expenditure on the bridge will be between \$50,000 and \$75,000. Alternatively, about \$65,000 can be spent in the short term to re-deck the bridge and replace the defective structural components. This will basically eliminate maintenance for the foreseeable future and provide improved ride quality for this time. It will also provide the opportunity to accommodate a pedestrian walkway at an additional cost of approximately \$5000.

The existing bridge is 5.5 metres wide between kerbs. This will accommodate a 4 metre traffic lane and a 1.2 metre walkway (allowing 0.3 metres for a kerb and fence to separate pedestrians from vehicles). Since the bridge will be reduced to a single traffic lane, it is proposed to install a giveway sign on the Northern approach to the bridge. The bridge is currently carrying 2500 vehicles per day with an expectation to carry 4700 vehicles per day once SALT, Lot 490, Seaside City and Casuarina are fully developed. This is approximately one third of the traffic that was carried prior to the opening of the Yelgun to Chinderah Freeway and the upgrading of the Tweed Coast Road. After the new pedestrian/cycleway bridge is built, the existing bridge can be easily returned to 2 lanes of vehicle traffic.

To safely re-deck the existing bridge, it will need to be closed for approximately 2 weeks with all traffic detoured via Tweed Coast Road. This disruption is considered acceptable.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding to re-deck the existing bridge and provide a pedestrian walkway is available from the SALT contribution for the project.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. View of existing bridge looking West (DW No. 1214511).
 2. View of existing bridge looking South (DW No. 1214514).
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10 [EO] Proposed Water and Sewer Main Construction, Kennedy Drive, West Tweed Heads

ORIGIN:

Design

SUMMARY OF REPORT:

As part of Council's capital works program, a sewer rising main and a water main are proposed to be constructed along Kennedy and Gollan Drives between the Pacific Highway and Lakes Drive, Tweed Heads West, West Tweed Heads.

The construction is required to augment water supply and sewerage services to cater for the future residential development to the west of Tweed Heads and the Cobaki Broadwater.

Council previously received and noted a report explaining the reasons on the proposed route adopted for the SRM (Council meeting of 17 December 2003 - Resolution Number 1073 refers).

The proposed construction will have traffic impacts for the community as traffic delays will be inevitable due to the existing high traffic volumes and limited number of traffic lanes along Kennedy Drive.

This report advises Council of the proposed works to be undertaken, the potential community impacts and the proposed traffic impact mitigation measures that will be adopted.

RECOMMENDATION:

That the Community Awareness Program as proposed in the report be implemented and this report be received and noted.

REPORT:

As part of Council's capital works program, a 600mm diameter sewer rising main (SRM) and a 450mm diameter water main (WM) are proposed to be constructed along Kennedy and Gollan Drives between the Pacific Highway and Lakes Drive, Tweed Heads West. The construction is required to augment water supply and sewerage services to cater for the future residential development to the west of Tweed Heads and the Cobaki Broadwater. The proposed sewer rising main will replace the existing submarine pipeline crossing the Terranora Inlet, thus reducing environmental risk.

The alignment of these services will be generally along the road centreline. A plan of the proposed route is shown in the attachment to this report (GHD Drawing No. 41-11752-26-G003) and will be as follows:-

- The proposed SRM will predominantly run northwards along Gollan Drive from the Lakes Drive intersection, then eastwards along Kennedy Drive, then south through Barrett Street and Blue Waters Crescent. Creek crossings are required at the existing Cobaki Creek Bridge and the Terranora Creek Pacific Highway Bridge. The SRM will predominantly be installed along the centreline of Kennedy Drive except for its deviation along Barrett Street and Blue Waters Crescent, where it will be predominantly installed along the road verge. The SRM will connect across the existing Terranora Creek Bridge to join to an existing SRM located on Dry Dock Road.
- The proposed WM will also run generally eastwards along Kennedy Drive from the Piggabeen Road intersection, through to the Pacific Highway interchange. A creek crossing is required at the existing Cobaki Creek Bridge. The WM will predominantly be installed along the centreline of Kennedy Drive adjacent to the proposed SRM.

Concrete traffic barriers will totally isolate the construction area within the middle section of the road. This will enable two vehicle traffic lanes to operate almost continuously either side of the works area while works are in progress. Delays to through traffic will occur when construction vehicles (for removal and delivery) access the isolated working area. Pedestrian traffic will not be affected on either side of the road except for isolated instances where minor modifications to existing cross footpath services will be required.

The proposed works will commence at the Lakes Drive/Gollan Drive intersection. The work will then contiguously progress eastwards towards the Pacific Highway interchange. Provided relevant consents are obtained from the Roads and Traffic Authority, works are expected to be commenced in mid July 2005 and be completed by May 2006 (approximately 10 months).

Construction of the services crossings over the existing bridges (Cobaki Creek and Terranora Creek bridges) will be undertaken by Contract.

Currently almost 20,000 vehicles a day travel along Kennedy Drive near the Barrett Street intersection. The proposed works will cause inevitable traffic delays to motorists who commute along Kennedy and Gollan Drives over approximately 10 months. Night work for the construction has not been recommended due to the expected generated construction noise and close proximity of residences.

The construction will also result in limited access to some private properties and there are numerous businesses along Kennedy Drive including a service station, a motel, a caravan park, four shops, a childcare centre and a museum. All businesses have off street parking capacity and so should not be greatly affected by the proposed works. To limit the extent of vehicular egress restriction to private properties and businesses, the construction will continually progress in 'rolling' stages. This will enable property owners to make arrangements for parking their cars elsewhere if they will need to egress when construction is taking place in front of their property.

A construction traffic management plan has been prepared for the proposed works which recommends some mitigating measures for minimising traffic delays. These mitigation methods include:-

- Using the centre of the road for construction activities and allowing continuous traffic streams either side of the construction zone. It will be essential that these two streams of traffic are generally unimpeded;
- Using a detour along Inlet Drive for works along Gollan Drive; and
- Ensuring construction traffic enter and exit the construction zone in the direction of least traffic flow direction.

The following community awareness and information measures are proposed to be undertaken:-

- The proposed traffic disruptions will initially be advertised through the local newspaper, the Tweed Link and radio.
- At least one week prior to construction commencing, signage will be displayed along affected road corridors to notify motorists of impending works and likely traffic disruptions.
- Ambulance, bus operators, police and the fire brigade will be notified in advance of the delays to be expected along Kennedy and Gollan Drives.

Written notice will be given to individual property owners and occupiers by letter box drop at least three weeks before construction commences and a notice will be placed in a local newspaper and the Tweed Link at least one week before construction commences.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

\$2,000,000 has been allocated in Council's 2005/2006 budget to complete the proposed sewer rising main and water main upgrading.

A Development Consent for the proposed works within Council controlled lands has been obtained.

Approval from the RTA under Section 138 of the Roads Act 1993 is currently being sought for locating the rising main within the Pacific Highway road corridor. RTA consents are also being sought for the signalisation works at the Gray Street-Kennedy

Drive intersection and attaching the rising main to the Terranora Creek Bridge. In principle agreement has been obtained for the Terranora Creek Bridge crossing.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Proposed alignment of a sewer rising main and a water main along Kennedy Drive and Tweed Heads West (Drawing No. 41-11752-26-G003 Rev. A). See DataWorks No. 1211671.
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11 [EO] Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities, 2005/25 Amendment

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

There is a need for additional Council administration office space and depot/stores to service an expected 40,000 population growth in Tweed Shire over the next 20 years.

Draft version 2.0 of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities* has been revised to increase developer contributions to finance these facilities. The amended plan is recommended for public exhibition and comment.

RECOMMENDATION:

That:-

- 1. Council adopts draft version 2.0 of the Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities as a basis for exhibition and community discussion.**
- 2. Draft *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.0* be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace the existing Version.**

REPORT:

1. Background

1.1 Current Version of Contributions Plan

The current version of Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities was adopted in 17 June 1998 and was for a 20 year time horizon.

This plan provided for:-

• Building Extensions and Fit out	\$2,130,000
• Car Parking Contribution	\$600,000
• Customer Service Facilities	\$540,000
• New Stores, Depots	\$750,000
Total	\$4,020,000

This version of the plan established that 60% of these facilities are attributed to new development and 40% are attributed to the existing (pre June 1998) population. These works have been completed and there is currently a capital loan debt for these works of \$2,800,000.

1.2 Review of CP18

From 2005 to 2025 the population of Tweed Shire is expected to grow by 40,000 and this is expected to generate a need for additional Council staff at the rate of 8 staff per 1,000 persons or a total of 320 persons being 142 indoor and 178 outdoor at a 45:55 ratio. The projected increase in indoor staff at a rate of 8 staff per 1,000 population and a 45:55 indoor/outdoor staff ratio is estimated at:-

2005	288
2025	<u>430</u>
Increase	142

The projected increase in outdoor staff at a rate of 8 staff per 1,000 population and a 45:55 indoor/outdoor staff ratio is estimated at:-

2005	352
2025	<u>530</u>
Increase	178

The projected staff increases are estimated to require additional 2,414m² of gross office space and an additional depot/store (probably located in the west of the Tweed Coast region) of 1.5ha.

The entire demand for additional office space and depot/stores is generated by population/development growth and therefore eligible for financing via Section 94 of the Environmental Planning and Assessment Act 1979.

Note: This varies from the 1998 plan where there was a portion of catch up attributable to the existing (pre 1998) population.

2.1 Works Program and Estimated Costs

The estimated costs and proposed works program for the amended plan are:

Current Plan (16 June 1998) 60% of total debt \$2,800,000 = \$1,680,000		1,680,000
New offices internal staff (as per report August 2004)	5,581,326	
New depot (see estimate in draft CP18)	<u>4,959,599</u>	<u>10,540,925</u>
Total cost of Works program		12,220,925

2.2 Staging

The works are expected to be staged as follows:-

Short term building works	\$967,626	2005/06
Long term building	\$4,613,700	2008/09
Depot	\$4,959,599	2007/08

2.3 Finance , Loans Interest Costs

Loan funds will be required to finance the above staging program. The resultant debt will be paid off in the later part of the 20 year plan.

Based on a population growth of 2,000 persons per year, the above capital works staging program, and an interest rate of 6.5%, the estimated total interest cost for the life of the plan has been calculated at \$5,530,000.

2.4 Proposed Revised Contribution Rates

Calculated contribution rate:-

Contribution rates shall be calculated in accordance with the following formula

$$C = \frac{(CF + OP + F)}{n} \times (100 + A)\%$$

where

C = amount of contribution per person

CF = Cost of facilities (\$10,540,925)

OP = Balance from original plan (\$1,680,000)

F = Interest finance cost (\$5,530,000)

A = Administration levy %(10%)

n = Population growth

$$C = \frac{(10,540,925 + 1,680,000 + 5,530,000) \times 110\%}{40,000}$$

$$= \frac{17,750,925 \times 1.1}{40,000}$$

$$= \$488 \text{ per person}$$

Comparing proposed and current contribution rates:-

	Version 2.0	Current (1998)
Per person	\$488	118.90
Per lot or large dwelling (2.6 persons)	\$1,268.80	344.81 *
Per Medium density unit (1.7 persons)	\$829.60	261.58**
Per tourist accommodation unit (1.5 persons)	\$732.00	238.00***
Per small industrial unit	\$253.00	69.00
Per small commercial or retail unit	\$253	69.00
Larger commercial, retail or industrial per 300m ²	\$176.00	48.00

Notes:

* based on 2.9 persons per dwelling

** based on 2.2 persons per dwelling

*** based on 2 persons per tourist accommodation unit

The full text of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.0* is included with this agenda.

3. Conclusion

The proposed draft plan will result in a significant increase in contribution rates, however it is considered that the proposed works are necessary to service the 40,000 Tweed Shire population growth expected in the next 20 years.

The amended draft version 2.0 of the plan is recommended for public exhibition.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The adoption of draft version 2.0 of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.0* will enable Council to finance its administration office building and depot construction program required to service population growth in the 2005 to 2025 period from this future development/ population by means of s94 contributions.

If the draft revision is not adopted, these works would require financing from the general fund and from existing ratepayers who are not contributing to the demand for these extra services.

POLICY IMPLICATIONS:

The adoption of Draft Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.0 will continue Council’s user pays policy for services needed to service population/development growth.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. *Draft Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities Version 2.0. (DW No. 1214552)*
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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

12 [EC] Tyalgum Garbage Depot Operations

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council at its meeting on 4 December 2002 resolved that Council:

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

There have been delays in obtaining approvals and Council called for quotations to carry out the work. Only one quotation was received from Solo Resources Recovery

It is recommended that Council approve the construction of the Transfer Station and vote the funds for construction from the Waste Reserves budget.

RECOMMENDATION:

That Council:

- 1. Approves the construction of the Transfer Station and associated infrastructure at Tyalgum Garbage Depot; and**
- 2. Votes the funds of \$99,509.32 for the construction from Waste Reserves.**

REPORT:

Council at its meeting of 4 December 2002 resolved that Council:

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

The report summary that led to this resolution is reproduced below:

"Council at its meeting on 7 November 2001 resolved:

"That operations at Tyalgum Waste Depot remain the same and be monitored for the next twelve months."

The depot continues to operate under less than ideal conditions and Council has received a number of phone complaints from local residents and the NSW Environmental Protection Authority concerning fires. Other health concerns such as odours and insect control remain.

It is recommended that the existing operations be changed to a supervised transfer station to provide better environmental controls. Operational expenses will be similar to the existing operations and the cost of construction of the transfer station can be met from waste reserves.

Approval of this proposal would provide Tyalgum residents with a vastly improved waste disposal facility at no extra cost to them.

There have been delays in obtaining the relevant approvals and quotations were sought from interested companies for the construction of the Transfer Station.

Only one quotation was received from Solo Resources Recovery for the construction of the Transfer Station and associated infrastructure of \$99,509.32. This quotation is considered reasonable and there are adequate funds in the Waste Resources budget to finance these construction costs.

Therefore it is recommended that Council approves the construction of the Transfer Station and associated infrastructure at Tyalgum Garbage Depot and votes the fundings for the construction from the Waste Reserves budget.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is available from the Waste Resources budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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13 [EC] Beach Vehicle Access - Policy Review

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

At the Council meeting of 2 June 2004 Council resolved to review the Beach Vehicle Policy within the following eight months as the establishment of coastal subdivisions inevitably results in increased beach usage. A further resolution on 16 February 2005 resolved that Council commence the review of the Beach Vehicle Policy with consultation from the community and interested parties.

RECOMMENDATION:

That Council:-

- 1. Offers existing permit holders the opportunity to renew their permits for the 2005/2006 permit season and exclude to offer permits that have not been renewed by current licence holders.**
- 2. Alters the permit to exclude Beach Vehicle access from:
 - a) Norries Headland Cabarita to the Northern boundary of the Salt subdivision at South Kingscliff.**
 - b) The south side of Mooball Creek Pottsville to an area approximately 100m south of the main bathing area at Pottsville Beach.****
- 3. Relocates the northern Beach Vehicle Access point at Pottsville to a suitably located point situated between the Wooyung Nature Reserve and a point 100m south of the main bathing area at Pottsville.**
- 4. Reviews the areas accessible to Beach Vehicle Permit Holders prior to the 2006/2007 permit season.**

REPORT:

At the Council meeting of 2 June 2004 Council resolved to review the Beach Vehicle Policy (BVP) within the following eight months as the impact of coastal subdivisions become established which will inevitably result in increased beach usage. A further resolution on 16 February 2005 resolved that Council commence the review of the Beach Vehicle Policy with submissions from the community and interested parties.

Accordingly letters were forwarded to the following parties advising of the review and requesting submissions prior to the closing date of 29 April 2005.

- All Beach Vehicle Permit holders: Amateur, Professional and Special
- The Department of Environment and Conservation (National Parks and Wildlife Services)
- The Department of Primary Industries
- Dune Care organisations
- Progress Associations: Cabarita, Cudgen, Pottsville, Hastings Point and Kingscliff
- Fishing Clubs: Tweed Coast, Pottsville, Qld Amateur, Kingscliff Amateur, Kingscliff Bluewater, Seagulls, Tweed Heads and Chinderah
- People who forwarded submissions on the Beach Vehicle Policy during the exhibition period of the draft Coastal Management Plan.

An article concerning the review was published in the Tweed Link on 1 March 2005 and subsequent advertisements followed on 15 and 29 March. The current BVP was made available via Council's web site, at Council offices in Tweed Heads and Murwillumbah as well as Kingscliff Library.

Statistics on beach usage via Rangers patrols were obtained over a four month period from September 2004 to December 2004 to help establish areas where a conflict of interest over beach usage may exist.

Current Policy

Council's current Policy relating to Vehicles on Beaches is reproduced below. The Beach Vehicle permit season runs from the 1st August through to the 31st of July each year and it should be noted that it makes specific provision for permits under the following categories - amateur fisherman, professional fisherman and special permits. Essentially, during the 2004/2005 permit season 233 permits were issued to amateur fisherman. 27 permits issued to persons who hold a professional fishing license with NSW Fisheries and 37 'special permits' issued to persons holding a disabled parking permit with the Roads and Traffic Authority.

There is not currently any permits issued or policy specific to commercial beach vehicle access, and each application has historically been considered in isolation, and on its individual merits, however, Council resolved 3 May 2000 to issue no commercial (tour) beach vehicle permits in the future.

The current Policy reads as follows:

PUBLIC HEALTH, SAFETY AND CONVENIENCE

Vehicles on Beaches - Permits to Drive Vehicles on Beaches

Objective

To preserve a high standard of safety and enjoyment of persons using beaches within the Tweed Council area.

The conditions for the issue of permits to drive vehicles on the beach for Amateur Fisherman shall be:

The number of permits issued each year (other than those issued under the provisions of special and professional permits) shall be 250.

Each applicant may only apply for a permit for himself/herself. Only one application can be made for each vehicle. Multiple applications for a vehicle will not be considered.

At the end of each permit period, current holders of permits will be given a fixed time to renew their permits.

If the number of continuing permit holders is less than the total number of permits to be issued, the remaining unissued permits shall be distributed by ballot to conforming new applicants.

Council will give prior public notice/advertisement of the ballot for any available permits.

The fee shall be as determined by Council.

- a) The vehicle must be a conventional four (4) wheel drive vehicle.
- b) The Permit is issued for the purpose of fishing only - joyriding and picnicking are not permitted.
- c) The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.
- d) Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- e) All vehicles must be registered with the relative State Authority.
- f) The Permit holder must be the holder of either a provisional or full driver's licence, issued by the relative State Authority.
- g) Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs.

- h) Vehicles are to be driven only on the beaches specified by the Permit.
- i) The maximum speed limit at any time is 30 kph.
- j) Only the vehicle nominated on the Permit is to be driven on the beach.

Applications for permits will only be accepted in person. Each applicant may only apply for a permit for himself/herself.

The conditions for the issue of Permits to drive vehicles on the beach for Professional Net Fishermen shall be:

- a) Permits will only be issued to Licensed Net Fishermen.
- b) The vehicle nominated on the Permit shall be distinctly marked with the name of the Licensed Fisherman and the words "Net Fisherman" displayed thereon.
- c) The compliance with items of conditions applicable to Amateur Fishermen.
- d) The Fishermen shall not operate through or drive upon pedestrian areas.
- e) Vehicles to be driven onto beaches at specified locations to be designated on the permit.
- f) The Permit fee for Professional Fishermen is set at \$100.00.

Issue of Special Permit

- 1. a) A very small number of permits may be issued by the Director of Environment and Community Services Division in special circumstances considered appropriate such as to paraplegic persons or persons while engaged in Dune Care works.
- b) The current fee shall be applicable.

All general conditions as set out above will apply except for in some instances

Sub-section b) and c) may be waived by the Director of Environment and Community Services.

- 2. a) When a Special Beach Vehicle application is submitted, registration details showing proof of ownership of a 4WD vehicle by the applicant or spouse, parent or child (who is the holder of the Roads and Traffic Authority Disabled Parking Permit) are to be provided as part of the application.
- b) Holders of the Roads and Traffic Authority Disabled Parking Permit must be a passenger in the vehicle in the event of a person other than the permit

holder driving the vehicle on the beach. Failing to comply with this requirement may result in Council taking action in the form of an infringement notice and/or disqualification of the permit.

Beach Vehicle Permits - Paraplegics

In the situation where a paraplegic requires a vehicle for transport to the sea, a beach licence shall be issued free of charge subject to receipt of supporting information.

It should be noted that Council resolution 2 June 2004 determined to alter the existing Beach Vehicle Policy by excluding to offer permits that have not been renewed by current licence holders. This will effectively reduce the number of permit holders and vehicles on beaches through natural attrition. This resolution has been implemented but has not yet been written into the policy owing to this review being forthcoming.

The current system of offering existing permit holders the opportunity to renew their permits may be seen as inequitable and even discriminatory to members of the public who wish to obtain a permit.

Current Beach Access Areas

On the following page a map is provided which indicates those areas where beach vehicle access is available.

Professional net fishermen are basically permitted access to all beaches within the Shire. This access is based on the fact that the access is required for them to reasonably conduct their business.

Persons who hold a current special or amateur fishing permit are permitted access to the following two locations:

- From the south side of Cudgen Creek Kingscliff to the northern boundary of Bogangar village.
- From the south side of Mooball Creek Pottsville to an area 1.3km north of the southern Shire boundary.

Vehicle access has been available to these areas for approximately 20 years.

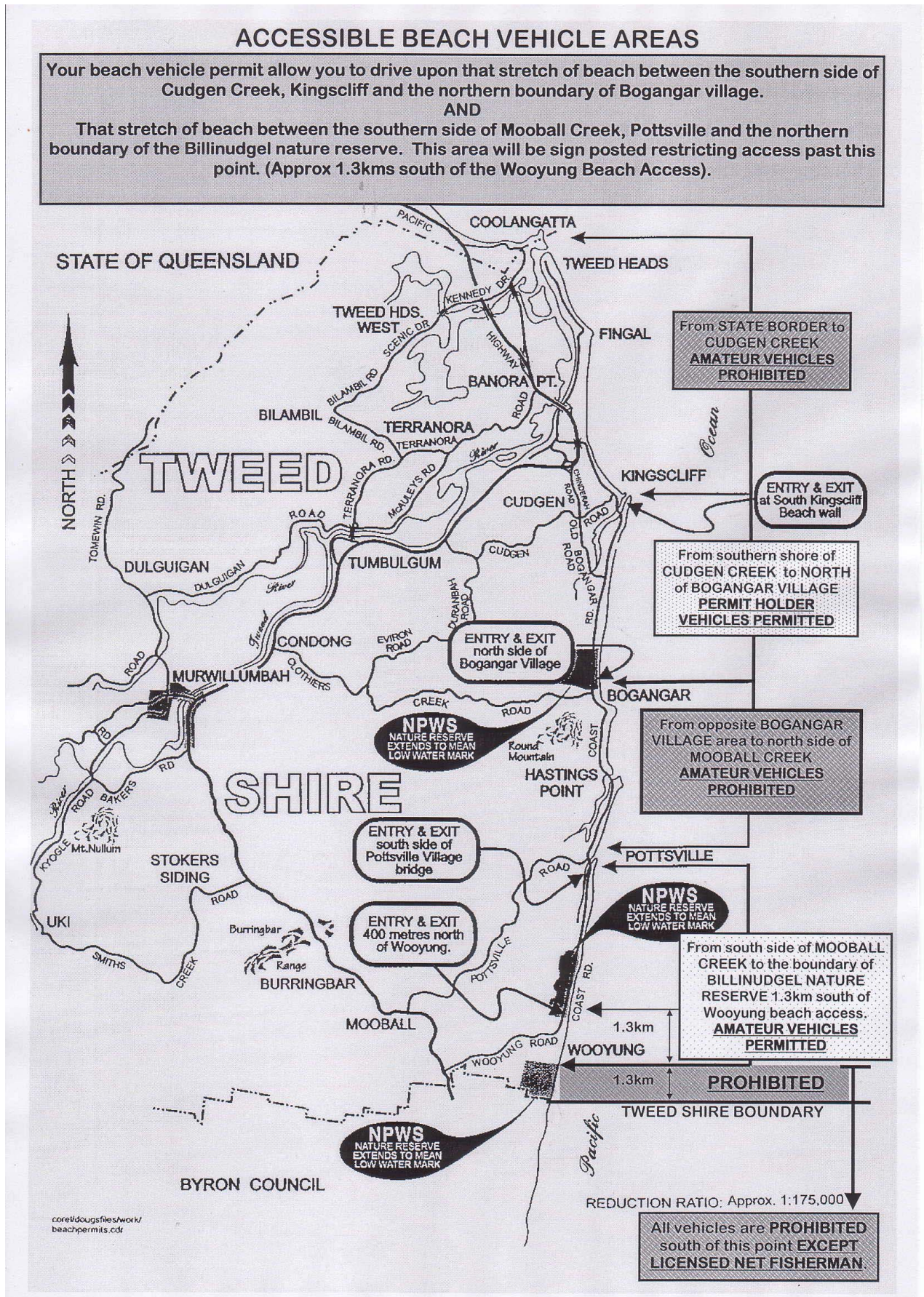
In viewing this map, Administrators are requested to note the location of the three National Parks and Wildlife Reserves, Cudgen, Wooyung and Billinudgel. Two of these Reserves are currently within beach areas to which beach vehicle access is permitted. The third, Billinudgel Nature Reserve, is subject to the plan of Management adopted by the Department of Conservation prohibiting vehicles on the beach within the reserve.

ACCESSIBLE BEACH VEHICLE AREAS

Your beach vehicle permit allow you to drive upon that stretch of beach between the southern side of Cudgen Creek, Kingscliff and the northern boundary of Bogangar village.

AND

That stretch of beach between the southern side of Mooball Creek, Pottsville and the northern boundary of the Billinudgel nature reserve. This area will be sign posted restricting access past this point. (Approx 1.3kms south of the Wooyung Beach Access).



Change Factors

In reviewing Council's Beach Vehicle Access Policy there are a number of strategic change factors that are likely to impact the beach areas within the Shire to which vehicles may be able to gain access.

The first change factor is the remaining two NP & WS Nature Reserves, Cudgen and Wooyung.

The Department of Environment and Conservation (DEC) were notified of Councils intention to review its BVP and requested information pertaining to the plan of management for the nature reserves. Cudgen, Wooyung and Billinudgel Nature Reserves are the areas of the Tweed Coast currently managed by the DEC and they have advised beach driving in a nature reserve is considered an inappropriate use and contrary to the purposes of dedication of a nature reserve. As specified under the National Parks and Wildlife Act 1974 (NP&W Act) recreational use of nature reserves should be nature based.

The Cudgen, Billinudgel and Wooyung Nature Reserves are all gazetted to the mean low water mark effectively placing the inter-tidal zone under DEC control. Therefore vehicles traversing the inter-tidal zone within the boundaries of the nature reserve are subject to the provisions of the NP&W Act.

The DEC requested that when Tweed Shire Council reviews its BVP that the following points are considered:

- Billinudgel Nature Reserve was gazetted in 1996 and the recently adopted Plan of Management for the reserve has identified beach driving in the reserve as an inappropriate use and prohibits the use of private vehicles from driving on the beach. DEC intend to enforce the prohibition of vehicles on beaches within this reserve. (The closure of this section of beach for BVP holders became effective from July 2004)
- DEC intend to enforce the prohibition of vehicles from beaches within the Cudgen Nature Reserve as per the adopted Plan of Management and will continue discussions with Tweed Shire Council regarding a time frame for this action. It is expected that this ban and physical closure of the formal beach access point within the reserve will be timed to coincide with the amendment of Tweed Shire Councils BVP.
- The draft Plan of Management for Wooyung Nature Reserve, recently on public exhibition, proposes to prohibit vehicle access on the beach within Wooyung Nature Reserve. Submissions to the plan are currently being collated and a planners report is being prepared. It is anticipated that the plan should be adopted in late 2005 or early 2006. Further discussions will be held with Tweed Shire Council officers regarding this closure and its implementation at that time.
- If 4WD beach access continues to be permitted on Tweed beaches than all BVP holders should be provided with a map clearly outlining the areas available for 4WD

access, as well as approved beach access points. The DEC would appreciate if DEC managed lands were clearly indicated on the map to be provided to all permit holders.

The Nature Reserves on the coastal foreshore have always been gazetted to the mean low water mark, however, historically Council and the DEC have had an understanding where as until such a time as the DEC implements the plans of management for these Reserves, holders of a Tweed Shire Council BVP had permission to traverse the Nature Reserves.

The current beach access areas are significantly impacted by the DEC Plans of Management for Nature Reserves. The DEC has stated they plan to implement the prohibition of 4WD vehicles within their reserves. Discussions with the DEC regarding the time frame for implementation of their plan of management for reserves indicate the restriction for Billinudgel Reserve will continue, Cudgen Nature Reserve will be incorporated from the commencement of the 2005/2006 BVP season and the Wooyung Nature Reserve will commence from the 2006/2007 BVP season.

The second of these factors is new beach side subdivisions.

The current 4WD vehicle access to the beach situated between south Kingscliff and Cabarita will increasingly be impacted by Casuarina Beach and Salt subdivisions. With Casuarina now an established coastal village, the Salt residency rapidly growing and the resort accommodation at Salt becoming increasingly available, the increased population has resulted in increased beach activity, therefore creating a potential conflict over beach usage. This has become even more apparent with the opening of the Outrigger resort and the surf club at Salt now operational.

Similarly, the beach access area to the south of Pottsville will be increasingly impacted by the Black Rocks subdivision. Whilst this subdivision is physically separated from the beach by Mooball Creek, a bridge provides direct access to the beach. The impact of this development on beach usage may not be apparent until the estate is completely established and therefore alteration to the BVP access area may not be required at this stage.

It is fair to say the beaches accessible to current BVP holders have historically been located in areas where there was relatively lower beach usage by the general public. (There may be persons who disagree with this position). However increasing pressures from the above subdivisions is identified as a potential limiting factor, for reasons of public safety and liability issues, which may affect the adjacent beach areas that are available for vehicle access. These subdivisions will also provide improved access and more secure parking adjacent to the beach in these areas resulting in a reduced need for beach vehicle access.

Submissions

A total of 522 submissions were received concerning the review. (Attachment 3 is a summary of the submissions received) The total number comprises of 454 form submissions (duplicated submissions signed by the public) and the remaining 68 were

individual submissions concerning the review. Of the 522 submissions there was a total of 9 objecting to 4WD beach access. The remaining submissions consisted of requests for no change to the current system, to a number of alternative options. The most notable of these options are listed below:

- Rely on natural attrition for the current beach vehicle holders.
- Improve and provide additional parking areas, fenced walkways and viewing platforms.
- Open up the beaches that are currently not accessed by 4WD vehicles
- Employ a Ranger to patrol purely the coastal area.
- Set new boundaries and restrict access to less dense housing areas.
- Keep the current access areas but only allow access from Monday to Friday.
- Allow only special (disabled) permits
- Close the north Pottsville beach access and use only the southern access point.
- Ban all vehicles within 5 years.
- All access points to have a gate with key access.
- Restrict the access to certain areas not affected by the change factors.
- Have access to current areas from dusk to dawn.

An overwhelming number of submissions supported 4WD access from dusk to dawn.

Statistics

The following table provides statistics on beach usage over a four month period from September 2004 to December 2004. Patrols by the Rangers were conducted on a random basis throughout the day with an average of one patrol every second day.

The statistics do not reflect times of high 4WD usage that is typical of the winter periods when there is abundance of particular fish species. During such periods it is not abnormal to witness twenty vehicles traversing sections of the beach on select days.

The statistics also show that there was a high amount of general beach usage by people on weekend periods, public holidays and between the hours of 7.30am to 9am weekdays.

BEACH	Average number of people on the beach per patrol	Average number of vehicles on the beach per patrol
North Fingal	25	0
Fingal to Kingscliff	50	0
Kingscliff to Cabarita	46	2
Cabarita to Hastings Pt	23	0
Hastings Pt to Pottsville	19	0
Pottsville to Wooyung	26	2

Options

1. **Alter the current BVP access areas that are affected. (Immediate reduction or staged over a given time frame)**

Persons who hold a current BVP are permitted to access the following two locations:

- The south side of Cudgen Creek Kingscliff to the northern boundary of Bogangar village.
- The south side of Mooball Creek Pottsville to the northern boundary of the Billinudgel Nature Reserve

As indicated in Attachment 1, Map of Kingscliff to Cabarita Beach, the extent of the impact by coastal subdivisions and Nature Reserves can be noted. This current BVP access area spans approximately 6.5km, with 6.2km of this beachfront affected by either the Cudgen Nature Reserve or beachside subdivision, effectively reducing the area available to BVP holders to a 300m section of beach at the northern extremity. If it is decided to exclude vehicles in front of Casuarina and Salt, the current northern BVP access point is located within this 300m stretch of beach which would be in the area still accessible by BVP holders, therefore there would be no difficulty with access to this area.

The southern access point to this BVP area is currently situated within the Cudgen Nature Reserve, accordingly, this access will be closed by the DEC to conform with the plan of management for the Reserve.

Attachment 2, Map of Pottsville to Wooyung, is affected by both Billinudgel and Wooyung Nature Reserves. BVP access is currently prohibited within the Billinudgel Nature Reserve and the plan of management for the Wooyung Nature Reserve will not come into effect until the 2006/2007 permit season, (if applicable) as per discussions with the DEC. Accordingly BVP holders would be able to traverse the Wooyung Nature Reserve until the implementation.

Once the plan of management for Wooyung Nature Reserve is implemented BVP holders will have access to approximately 2km of beachfront between the two reserves.

The northern access point is affected by both Pottsville and the Black Rocks subdivision, with an area approximately 50m south of the current BVP access point being the main bathing area frequented by the public. This access point therefore may be in an inappropriate position and relocating this access point to an area situated between the northern boundary of Wooyung Nature Reserve and the southern boundary of the Black Rocks estate would be a more suitable option.

2. **Council could consider opening alternative beach areas for beach vehicle access.**

Management objectives of the Tweed Shire Coastline Management Study may conflict with the opening of additional beaches to vehicle access. It would be advisable for any proposal to open new beach areas to vehicles to be placed on public exhibition and subsequent community comment considered.

Council officers do not support the opening of any additional beach areas to vehicles, however, in conforming with current policy, new beach access areas would need to be located on sections of beach that are not subject to the proximity of residential development. A buffer zone may also need to be established between areas accessible by BVP permit holders and residential areas.

There are sections of the following beaches that may be considered for 4WD access:

- Fingal Head to the Tweed River
- Kingscliff to Fingal Head
- Hastings Point to Cabarita
- Pottsville to Hastings Point

3. Incorporate Submissions from the Public into Councils Beach Vehicle Policy

The most notable submission having overwhelming support from the public was to allow BVP holders access to the current BVP areas, minus the Nature Reserves, from dusk to dawn. This incorporated with the altered BVP access areas throughout the day may be an alternative option.

In allowing access from dusk to dawn there may be need to clarify the definition of dusk and dawn to alleviate any confusion. This would also require patrols by Rangers to ensure compliance. Accordingly, funding may need to be provided for after hour's patrols of beaches.

Added stipulations would also need to be included into the Beach Vehicle Permit Conditions relating to the driving and standing of a vehicle on the beach at night. These conditions should relate to the illumination of the vehicle at all times.

4. Remove Vehicle Access from Council Controlled Beaches

Existing BVP holders are likely to resent the removal of beach access. However this appears inevitable, whether in the immediate or distant future, due to safety and liability issues associated with the potential conflict over beach usage related to coastal subdivisions and Nature Reserves.

In conjunction with the improved access, additional and more secure parking provided by new coastal subdivisions and the provision of viewing platforms would further reduce the need for 4WD access to beaches.

5. Progressively reduce Amateur Beach Vehicle Permits

The number of permits issued annually may be reduced over a given period. An example would be:

Current permit season - 233 permits issued
2005/2006 permit season - 175 permits issued
2006/2007 permit season - 125 permits issued
2007/2008 permit season - 75 permits issued.
And so on.

All permits would need to be available for ballot at the end of each year.

6. Only issue Special & Professional Beach Vehicle Permits

Use Councils current criteria to only issue permits to those people who are the holders of a current disabled parking permit. If to great a number applies a ballot system may be put in place so that a desired number of permits are issued annually.

Council has little control of professional fishers re refusal to issue permits, as access is central to operation of their businesses. The current arrangement allows Council to have a record of the number of these fishers, and identify them separately from other beach users.

CONCLUSION

With the current BVP access areas being significantly impacted by both the coastal subdivisions and plans of management for Nature Reserves within these areas it is apparent that policy amendment of the current Beach Vehicle Permit system needs to be implemented.

Council has an ongoing duty to consider the use of the Shires beaches and as coastal populations increase so does the potential for conflict over beach usage. In reviewing the BVP system administrators need to take into account public safety and issues of liability associated with potential mishaps between general beach users and 4WD vehicles.

If there is to be continued beach access with a reduction in BVP access for amateur and special permit holders, the value of any permit being issued may also be reduced.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Beach Vehicle Permit Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Map - Kingscliff to Cabarita Beach
 2. Map - Pottsville to Wooyung
 3. Summary Of Submissions to the Beach Vehicle Review
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14 [EC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received requests from the Tweed Theatre Company Inc asking that Council waives the fees for room hire. Details of the requests are reproduced in the body of this report.

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

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

RECOMMENDATION:

That the Tweed Theatre Company Inc be advised:-

- 1. The waiver of \$1,041.60 be granted.**
- 2. In accordance with the previous use of the Auditorium, the matter will be considered when the Meetings Rooms, Hall, Auditoriums Fee Reduction Policy is reviewed and does not secure the booking if a full fee booking is received.**

REPORT:

Council has received requests from the Tweed Theatre Company Inc asking that Council waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation	Request	Fee	Application Summary	Meet Guidelines?	Recommended Waiver
Tweed Theatre Company Inc.	Use of Tweed Heads Civic Centre Auditorium	\$17.80/hr fixed rate = \$1,281.60. Request is to pay \$240.00 which equates to \$10.00 per occasion.	For rehearsals on Mondays and Thursdays from 25 July to 13 October 2005	Yes. In accordance with the previous use of the Auditorium, the matter will be considered when the Meetings Rooms, Hall, Auditoriums Fee Reduction Policy is reviewed. Does not secure booking if a full fee booking is received.	\$1,041.60

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

POLICY IMPLICATIONS:

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

Festivals Policy.

Donations Policy.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from Tweed Theatre Company Inc. (DW 1210720).

15 [EC] Inspections in Caravan Parks

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has recently received requests from residents in private caravan parks for inspection of their sites to be carried out to determine whether there are unapproved structures on their site.

At present a general building inspection fee of \$80.00 (\$85.00 in the 2005/06 Fees and Charges) is charged, however, the inspection, additional investigation and report preparation can be quite time consuming.

The inspection and additional work is similar to that required prior to the issue of a building certificate for a normal residential dwelling.

Therefore, it is recommended that a fee of \$210.00, which is the same fee as for the issue of a Building Certificate be charged.

RECOMMENDATION:

That Council advertises the proposal to charge a \$210.00 fee for the inspection of the sites in caravan parks for twenty-eight (28) days.

REPORT:

As per the summary

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

16 [EC] Cabarita Beach Surf Life Saving Club - Request for Additional Funding

ORIGIN:

Director

SUMMARY OF REPORT:

The Cabarita Beach Surf Life Saving Club are preparing to build a new club house at Cabarita. Council has previously agreed to provide \$500,000.00 for this project from the Emergency Facilities Section 94 funds.

The Club have requested that an additional \$150,000.00 be provided.

RECOMMENDATION:

That Council approves the donation of an additional \$150,000 to the Cabarita Beach Surf Life Saving Club subject to:-

- 1. Council being provided with a copy of the signed contract for the project for \$996,277 including all plans and a complete specification for the project and in accordance with the letters of Cabarita Beach Surf Life Saving Club and Jeff Johnson Unique Homes both dated 14 June 2005.**
- 2. Council receiving advice from the accredited certifiers that the certification and inspection of the building is being carried out free of charge.**
- 3. No mortgage is to be taken over the land and buildings and this is to be recorded on the title deeds: the exact process to be determined by the General Manager.**
- 4. Council waiving its previous requirement that the clubhouse be operational by December 2005.**
- 5. Council providing up to 70% of all progress payments up to a maximum amount of \$650,000.**
- 6. Council's Manager Environment & Health representing Council on the Project Team when necessary.**
- 7. Council voting the funds.**

REPORT:

The Cabarita Beach Surf Life Saving Club has for many years operated a surf club and provided patrols to Cabarita Beach.

The Club had originally purchased two (2) parcels of land with a building used for a club house and kiosk on one parcel and a storage shed on the other parcel.

When the Club was in financial difficulty Council purchased the property containing the club house and kiosk and agreed that the Club could operate from their during the life of the building.

The building deteriorated due to its type of construction and aggressive sea air environment.

Upon receipt of a structural engineer's report the building was identified to be unsafe and closed to use and eventually demolished.

After considerable negotiations it was determined that the Club would build a new club house on its property, which Council agreed to alter the boundaries to maintain a Council footpath that encroached on the Club property and compensate the Club for that land and for providing space in their development to replace the public toilets located on Reserve Trust land in front of the property.

Council from its Emergency Services Section 94 Plan approved of the use of \$500,000.00 for the project.

The Club has also received \$200,000.00 grant from the NSW Department of Sport and Recreation.

The Club have received a quotation for the construction in the amount of \$996,277.00.

They have advised as follows as part of the request for the additional \$150,000.00.

The Club has advised it is GST exempt.

Quotation		\$966,277.00
Less GST		-\$90,570.00
		<u>\$875,707.00</u>
Funds currently available		
• TSC Section 94 Funds	\$500,000.00	
• Grant from Department of Sport & Recreation	\$200,000.00	
• Cabarita Beach Surf Life Saving Club	\$23,000.00	
	<u>\$723,000.00</u>	\$723,000.00
Balance Required		<u>\$152,707.00</u>

The Club have advised they have also spent \$69,000.00 on preliminaries for the project.

It was originally planned to borrow funds for the project and repay principle and interest from the Section 94 Plan.

The additional funds could be basically funded out of the Section 94 Plan and in regards to this Council's Section 94 Planner advises as follows:-

"Background

Section 94 Contribution Plan No.16 - Emergency Facilities (CP 16) provides assistance through the provision of surf lifesaving equipment to Fingal, Cudgen, and Cabarita surf clubs, a Pottsville and South Kingscliff outpost, and funds towards the construction of a new clubhouse at Cabarita.

CP 16 was recently amended (Amendment No.3) to account for an increase in equipment costs and the deletion of the amenities and first aid facilities at Cabarita Beach. This amendment was publicly exhibited and has been recommended for adoption.

Under the current adopted plan there is provision for a contribution towards the cost of the proposed new Cabarita Surf Lifesaving Club. This contribution is \$500,000 as well as an interest component of \$149,121, bringing the Section 94 contribution for the new club to a total of \$649,121.

However it was in the year 2000 that the Section 94 plan was amended to include the contribution of \$500,000 towards the clubhouse. Since that time the cost of building materials and labour have increased significantly. It is therefore estimated that there is a requirement for an additional \$150,000 to cover the cost of the surf lifesaving building. Section 94 plans can be amended to account for an increase in the cost of facilities or services that have been included in the work program. Any amendment that relates to an increase in such costs will require to be publicly exhibited.

As mentioned above the current S94 plan includes an interest component of \$149,121 as it was believed that Council would be required to borrow the funds over an eight year period. However the current balance under CP 16 is \$751,000. As there are currently sufficient funds in the Contribution Plan to cover the original allocation of \$500,000, there is no requirement for Council to borrow the funds. It is therefore proposed that CP 16 be amended to include the requirement for an additional \$150,000 towards the construction of the clubhouse. This will take the total Council contribution to the clubhouse to \$650,000. As this new amount is the same as the current allocation there will be no requirement to amend the contribution rate. While this \$650,000 is required over the next few months, there will still be \$100,000 in the S94 Trust Fund to assist the other clubs with some of their equipment needs as detailed in CP 16's work program. It is also estimated that CP 16 receives contributions of between \$150,000 and \$200,000 each year.

While the contribution rate will not change the plan will require amendment and public exhibition to adjust the work program for the increase on costs of the Cabarita Club Surf Club. In this regard Council has the following options:

- 1. Resolve to adopt Amendment No. 3 to CP 16 and resolve to publically exhibit Amendment No. 4 to CP 16 to take account of the above proposed amendment;*
- 2. Resolve not to adopt Amendment 3 to CP 16 and instead re-advertise Amendment 3 to take account of the above proposed amendment; or*
- 3. Resolve not to approve the additional \$150,000 towards the Cabarita Surf Club and resolve to adopt Amendment No.3 to CP 16 as advertised.*

Recommendation

It is recommended that Council approve the re-exhibition of Amendment No.3 to CP 16 to include the additional \$150,000 to be allocated towards the Cabarita Surf Club. There is no increase in the contribution rate and the additional \$150,000 is required to cover the significant increase in building labour and material costs since the year 2000. There are funds available under the plan to cover this cost and there are still sufficient funds to cater for the short-term equipment needs of the other clubs (particularly as it is currently the off-season).

It should be noted that the public consultation and Council resolution process will take approximately three to four months. It is therefore estimated that the amended plan allocating the additional \$150,000 to the Cabarita Surf Lifesaving club will not come into effect until September/October."

The Club has indicated that they are desirous of commencing construction in the near future and would like to sign the contract immediately.

Council may wish to advise that funds will be made available for the additional \$150,000.00 from the Section 94 Contribution Plan.

If this process is followed Council from other funds may have to carry the cost until the plan is amended but this is unlikely as the additional \$150,000.00 will not be required until towards the end of the construction.

If the Plan was not finally amended then the \$150,000.00 would need to be allocated as part of a Council Quarterly Budget Review.

Time has not permitted the full analysis of the current quotation details prior to drafting this report and further details and a recommendation may be presented to the Committee meeting.

A meeting has since been held with Patrick Raftery (president) and Rosemary Fisher (secretary) from Cabarita Beach Surf Life Saving Club Inc. and proposed builder, Jeff Johnson of Jeff Johnson Unique Homes.

The purpose of the meeting was to get better details of the previously submitted quotation of Jeff Johnson Unique Homes to be satisfied the work as quoted would provide a working clubhouse.

This meeting was fruitful and a more detailed quotation has been submitted through the club to clearly detail documents to be used in the project.

A letter regarding the exclusions listed by the builder and their relationship has also been received from the club.

Clearly there are some items of finish which have been excluded but these are considered by the club to be items they can operate without until they can provide them at a later date.

To date a detailed specification has not been received by Council and will be required to be provided.

There is some concern that there is no contingency sum in the project budget.

The club and builder are confident that there will be savings made by the club by obtaining materials at discounted prices and are confident of being able to cover any contingencies in this manner.

Copies of the letters from the club and Jeff Johnson Unique Homes are attached to this report.

There is one outstanding item which is the cost of certification and building inspection fees. The club representatives have verbally advised that these are being offered free of cost to the club. Written confirmation from the certifiers has been requested to be provided by the club.

There are some carry over items from previous resolutions of Council which require finalisation prior to any funds being released by Council.

It should also be noted that Council at its meeting of 17 November 2004 resolved, amongst other matters, that for Council's continued support, the clubhouse will be operation by December 2005.

This is obviously not feasible and should be waived.

Details not specifically dealt with in this report will be as per Council resolution of 3 July 2002, Minute Number C14 (this Minute is reproduced as an Attachment to this report).



Don Buckley
Director Environment and Community Services
Tweed Shire Council
PO BOX 816

Tuesday, 14 June 2005

Re: Quotation from Jeff Johnson Unique Homes

Don,

The attached quotation from Jeff Johnson unique Homes is we believe the best quote received for the completion of an operational surf life saving facility at Pandanus Parade Cabarita Beach.

You will note from the quote that there are some items that are not included and some that have been marked as being the responsibility of the club to finance. These are;

1. change room benches – this is not necessary for an operational surf life saving facility and will be constructed by the club at a later date
2. refrigeration upstairs in bar area – this is not required for an operational life saving facility
3. cabinetwork in upstairs kitchen, bar, office and downstairs storage shed – this cabinetwork is not required for an operational life saving facility and will be constructed by the club at a later date
4. lockers – these are not necessary for an operational life saving facility and the club will find appropriate lockers and install these later

Western Elevation louvres and awnings over the Eastern and Southern windows will be financed from the club. We have discussed this with Jeff Johnson and Jeff indicated that he would be able to install these during the building contract.

Cabinetwork and furniture in the first aid room is specialist equipment that Cabarita Beach SLSC already has in storage for this room and is therefore not required to be fitted by the builder.

Cabarita Beach SLSC have received many calls from businesses around Tweed wishing to assist in the construction of the new surf club. Most of these business houses have been waiting for many years for a clubhouse to be started and have made it clear that as soon as construction is started they will provide goods to assist.

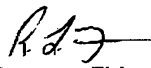
We note that the quotation from the builder is full retail price without any savings through donations of labour or goods in kind. Many of the local trades are willing to provide assistance with the construction in much the same way as our recent house construction at Pottsville in 2001 – from which we raised over \$40,000 for the surf club building project. We are expecting that we may be able to save app 5-10% of the quoted price through donations of goods and labour.

We enclose for your information a letter from Brian Tivinan, Bunnings Tweed Heads indicating their support. Now that we have a firm quote and the possibility of being able to fully fund the project we will be approaching those business houses who have indicated their support in the past and negotiating savings with them through the builder.

We trust that this information will allow you to make representation to the administrators of Tweed Shire Council to seek an increase in funding of \$150,000 that will make this facility a reality.

Regards

Patrick Raftery
President



Rosemary Fisher
Secretary



Jeff Johnson Unique Homes
35 Coast Road
Cabarita Beach 2488
Ph 02-66762005
Fax 02-66762116
uniquehomes@bigpond.com

Cabarita Beach SLSC
Tuesday, June 07, 2005

Quotation for construction of Surf Club at Pandanus Parade, Cabarita Beach

We take pleasure in providing a quote for the above building. This quotation is based upon the following drawings;

Architectural
ML Design
Glen Petersen Architect
Steve Lampe Design
Revision B April 2005

Structural
Cardno
Drawing No 7213/01-08
Dated March 2005

Hydraulic
Guthrie Associates
Drawing Job No. 04064 drawings HO1-4
January 2005

Mechanical
EMF Griffiths
Drawing Project No. 24107 drawing MO1
May 2005

Electrical emergency lighting
EMF Griffiths
Drawing project No. 24107 drawing EO1
May 2005

Other details provided by
Patrick Raftery
President
Cabarita Beach SLSC;

Details of inclusions and exclusions

- **No demolition work**
This work has already been done by the club and we believe no more will be required
- **No drafting**
Completed by the club
- **No consulting fees**
All consultancy fee expenses have been met through donations from the Ray group or have already been paid by the club. If any consultants are required they will be covered by the club in partnership with the Ray Group as per previous arrangements
- **No council fees**
Already paid by the club
- **No timber floor upstairs**
Drawings indicate timber floorboards however through consultation with the club president it was resolved that the floor to be covered in commercial vinyl
- **Window and door furniture – allowance \$4000**
- **Exposed rafters in front patio and public WC**
Rafters in the front patio and public WC will be painted and have colorbond roofing but have no underside lining affixed
- **All blockwork to be bagged & painted**
This is the concrete finish chosen by the club's representative Patrick Raftery
- **No lockers supplied or fitted**
Lockers are not essential to a functioning surf life saving facility and are to be installed at member's convenience
- **No bench seats supplied or fitted into change rooms**
Bench seats may be fitted at a later date but are not essential to the functioning of the surf club
- **No shelving or cupboard work**
Office storage, kitchen and bar on first floor have no cabinet work other than Cabinetwork – small 900 sink unit in bar & kitchen area only
- **No towel rails in change rooms**
- **No letterbox**
- **Aluminium handrail to deck**
- **No skirting on blockwork**
This is common building practice today when blockwork meets slab
- **No flyscreens**

- No reflective glazing
Reflective glazing in consultation with the surf club was deemed not required
- No refrigeration allowed for
A space within the stairwell on the first floor was designed to house small fridge units for the use of a club bar. This is not essential for a life saving facility and does not require any plumbing
- No security systems
- Floor coverings and finishes to Solomon's quote – rest of floor to be left natural concrete
- Termitite® to penetrations only
All structural elements in club are steel or blockwork – therefore termite protection can be minimised
- Steel frame external walls – first floor where required as per plan
- Wall cladding with Linea® board
DA drawings indicate timber weatherboards that were going to be painted. Due to certification issues with fire hazards, all external walls are to be constructed of fire resistant materials. We have chosen Hardies Linea® cladding which complies with the fire rating and allows the same painted finish to be applied
- Timber windows – as per plan
- Western Elevation louvers and awnings over Eastern and Southern windows are to be financed by Cabarita Beach SLSC and this has been agreed to by Jeff Johnson
- Kiosk area – no benches or kitchen exhaust are included in price. This work is expected to be designed and carried out by the Kiosk leaseholder. All services are supplied to this area by builder
- Roofing material to be used is to be standard colorbond roofing – as agreed with surf club board

Total of quote **\$996,277 (Includes GST)**

This quotation remains valid for 30 days

Regards
Jeff Johnson



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Section 94 Contribution Plan No 16 - Emergency Facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. An Attachment being reproduction of Minute Number C14 of Council Meeting held 3 July 2002.
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