BUSINESS PAPER AGENDA

Date

Dear Minute Book

NOTICE IS GIVEN that a Meeting of Council will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on Wednesday 3 November 2004, commencing at 3.00pm.

Submitted,

Dr J Griffin
General Manager

AGENDA

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

Schedule of Outstanding Resolutions

FOR COUNCILLOR’S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

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

202
Councillor H James
Councillor B M Luff

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

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

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

432
Councillor M R Boyd
Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Meeting to be arranged.
NOTICE OF MOTION:

Cr G J Lawrie
Cr L F Beck

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

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

NOTICE OF MOTION:

Cr G J Lawrie
Cr L F Beck

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

Current Status: Report being prepared.

ITEMS DEFERRED IN COMMITTEE

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

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

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

C 123 RESOLUTION:
That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.
1 SEPTEMBER 2004

ORDERS OF THE DAY

1 [NOM] Street Lighting of Footpaths

2 RESOLUTION:

Cr D M Holdom  
Cr B J Carroll

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

Current Status: Report being prepared.

QUESTION TIME

1 Lands Classified Operational

Cr S M Dale

Asked that Council Officers supply councillors with a list of all operational council lands, including individual valuations or estimates for each parcel and permissible uses for each. Further can councillors be provided with information on uses and/or potential uses if developed in the future.

The General Manager responded that this information would be reported to Council.

Current Status: Details being prepared.
15 September 2004

2 [NOM] Public Toilet at Tumbulgum

NOTICE OF MOTION:

Cr G J Lawrie
Cr L F Beck

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

Current Status: Report to be prepared.

6 October 2004

7 [PE] Northern Rivers Farmland Protection Project

Cr R D Brinsmead
Cr J F Murray

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

Current Status: Report being prepared.

4 [NOM] Entry Statements to the Tweed

NOTICE OF MOTION:

Cr J F Murray
Cr G B Bell

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

Current Status: Report being prepared.
5   [NOM] Kingscliff Walk of Fame

NOTICE OF MOTION:

Cr J F Murray
Cr G J Lawrie

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

Current Status: Report being prepared.

10  [EO] Chinderah Bay Drive - Sale of Land

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

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

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

Current Status: Information being collated.

20 October 2004

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

Cr L F Beck
Cr J F Murray

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

Current Status: Meeting to be arranged.
10 [EC] Naming of Community Centre being constructed in Banora Point

Cr L F Beck
Cr G B Bell

RESOLVED that this item be deferred on the advice of the Acting Director Environment and Community.

Current Status: Awaiting further research.

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QUESTION TIME

6 [QT] Cabarita Surf Life Saving club

Cr M R Boyd

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

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

Current Status: Report pending.
MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Rural Fire Services - Raffle
21 October – media photo shoot for winner of raffle in aid of Rural Fire Services

2. Tweed Valley Regional Art Gallery
21 October – Tweed Valley Regional Art Gallery Dinner and Meeting

3. Gold Coast Tourism
22 October – meeting GM, EM at Gold Coast Airport to discuss potential relationship with Gold Coast Tourism

4. NRACC
28 October – NRACC Board Meeting at Tweed

5. Southern Cross University
29 October – International Students Day at Tweed Campus

6. Proposed Skateboard Park - Tweed
29 October – Meeting with Salvation Army Banora re location of proposed skateboard park

7. Cooloon Children’s Centre
30 October – Cooloon Children’s Centre Kid’s Fest at Tweed

________________________________________
8. Directions Media

31 October – Media Tour organised by Directions Media

9. Murwillumbah Theatre Group

2 November – media shoot with “Mayor of Hamlin” to promote Murwillumbah Theatre Group production of “Pied Piper of Hamlin”

INVITATIONS ACCEPTED:

- 6 November - Opening Murwillumbah Show
- 7 November - Opening & Solemn Blessing Stage 7 St. Joseph’s College & Stage 3 St. James Primary School
- 8 November – Launch 2004 Share Christmas Gift Appeal Murwillumbah
- 11 November – Lay wreath Remembrance Day
- 12 November – NOROC AGM & Meeting Ballina
- 13 November – Greenhills Lodge 25th Anniversary
- 16 November – Sports Advisory Committee Meeting Tweed Heads

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

- Nil.
ITEMS DEFERRED

[ID] [PE] Development Application DA02/1423.09 for an amendment to Development Consent DA02/1423 for the Erection of a Tourist Resort (Outrigger) and 2 Lot Stratum Subdivision at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road

ITEM DEFERRED FROM MEETING HELD:

20 October 2004

"RESOLVED that this matter be deferred to the next meeting to allow legal advice to be obtained with regard to amendments to 7 and 110."

NOTE: MEMO AND LEGAL ADVICE TO BE CIRCULATED PRIOR TO THE MEETING

ORIGIN:

Development Assessment

FILE NO: DA02/1423

SUMMARY OF REPORT:

An amended application has been received for the Outrigger Tourist Resort at the SALT development. The proponents are seeking amendments to conditions relating to disabled access, strata and stratum subdivision certificate release and resourcing of the surf facility.

The proponents wish to open the resort by Christmas but have experienced difficulties in securing materials and tradesmen for completion by this date. It is estimated that 54 of the 213 units will not be internally completed by the target date.

The proponents are seeking release of the stratum and strata subdivision certificates prior to completion of the resort to save the time involved in processing these certificates by the Land and Property Information Office.

Legal advice has been received regarding this matter and Council's solicitors advise that a restriction can placed on the titles to prevent occupation until an occupation certificate has been issued for the units. In addition to this the Conveyancing Regulation has been amended so that settlement of strata units cannot be undertaken until an occupation certificate has been issued. Providing the Development Application conditions are amended to require compliance subject to issue of a Certificate of Occupancy there is legal provision for the protection of Council's interests and any purchasers of the units.
RECOMMENDATION:

That Development Application DA02/1423.09 for an amendment to Development Consent DA02/1423 for the erection of a tourist resort (Outrigger) and 2 lot stratum subdivision at Lot 194 DP 755701, Lot 301 DP 755701 and Lot 312 DP 755701 Tweed Coast Road, Kingscliff be approved subject to the following amended conditions:

7. The ongoing resourcing of the surf lifesaving facilities for a period of 10 years shall be by the **body corporates of each resort.** The applicant is to ensure that each tourist resort development on the project will be required to annually contribute to the annual running costs of the surf lifesaving facility on the SALT development with the contributions being based on a share per tourist resort room of the costs of manning the facility with professional life guards contracted through Surf Lifesaving New South Wales.

52. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of **Part D of the Building Code of Australia.** Particular attention is to be given to the deemed to satisfy provisions of Part D-3 and their requirement to comply with AS1428.

53. **Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities,** prominently displayed signs and symbols must be provided to identify **accessible routes, areas and facilities.** The signage including Braille or tactile signage should be installed in accordance with the relevant provisions of the building code of Australia and achieve the minimum design requirements provided under AS 1428.

Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed to satisfy provisions of Part D-3.5 of the Building code of Australia and its requirement to comply with AS2890.1.

91 A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). In this regard landscaping and ancillary works are to be completed prior to issue of the occupation certificate for any of the units.

92. The building is not to be occupied or **an occupation certificate** issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
107. A Subdivision Certificate for the two lot stratum subdivision will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/1423 have been complied with other than meeting the requirements of Conditions 91 and 108.

108. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

i. Easements for sewer, water supply and drainage over **ALL** services on private property.

ii. Easements for support, maintenance, service ducting etc in relation to the stratum subdivision of the building.

iii. **A restriction is to be placed on the titles of the strata lots indicating that occupation or use of the lots is not permitted until a final occupation certificate has been issued.**

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. 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.
REPORT:

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

BACKGROUND:

Development consent was issued in April 2003 for a tourist resort and two lot stratum subdivision. The site is located within the SALT development. The tourist resort contains accommodation units, a tavern and 15 retail tenancies. The two lot stratum subdivision creates the lots containing the accommodation units in one lot and the tavern and retail tenancies in the other lot.

Amendment to conditions 91, 92, 107 and 108 Strata and Stratum subdivision release

The resort is nearing completion and the proponents have an opening target date set at Christmas. Fifty-four of the units will not be completely finished and the applicants wish to amend the consent to enable release of the subdivision certificates prior to occupation of part of the building. The standard practice for Council to release strata and subdivision certificates has been to require all works to be completed and compliance with conditions of consent.

In this case it is being requested to release the subdivision certificates prior to completion of the development and require full compliance with development approval conditions prior to release of the occupation certificate.

The implication for Council is the occupation of uncompleted units, however existing regulation and a proposed title restriction is likely to prevent this from occurring.

Settlement between the parties is not permitted to occur until an occupation certificate has been issued as per the Conveyancing Regulation. Settlement for the completed units is due on 20 December 2004.

Given that the majority of the units will be completed a final occupation certificate will be able to be issued for these units to facilitate settlement.

The applicants have agreed to a Section 88B restriction being placed on the titles to alert purchases that occupation or use cannot occur until an occupation certificate has been received.
Condition 91 has been amended to require landscaping and any other ancillary works that would be required to be completed prior to strata release to be completed prior to release of the final occupation certificate for the deferred units.

**Amendment to Condition 7 Resourcing of surf facility**

A key component of the Outrigger Resort approval and the entire SALT development is the construction and operation of a surf lifesaving facility. Condition 7 of the consent requires the surf facility to be resourced by the resort operators for ten years based on a share per tourist room. The surf facility and land that contains the facility is to be transferred to Council and leased to the body corporate for 10 years.

The proponents wish to amend this condition so that the resourcing of the facility comes from the body corporate of the resorts rather than the resort operators. The reason for this is that not all of the units may be managed by the resort operators and therefore funding could not be drawn from all of the units. Some units owners may choose to use local agents for their letting arrangements. Additionally the resort operators can change over time and they could also be removed by the body corporate by majority vote.

Linking the resourcing of the surf facility to the body corporate is considered a secure means of maintaining funding for the facility.

**Conditions 52, 53 and 54 Disabled access**

Disabled access is required to be provided to the resort. Council’s standard conditions have been updated and this amendment reflects the updating of these conditions. The updated conditions provide a clearer explanation of the disabled access requirements.

Council’s Health and Building Surveyor agrees with the amendments.

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

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

Tweed Local Environmental Plan 2000

The proposal is permissible.

North Coast Regional Environmental Plan 1988

The REP matters have been satisfied.

State Environmental Planning Policies

SEPP maters have been satisfied.
(a) (ii) The Provisions of any Draft Environmental Planning Instruments

N/A

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

The proposed amendment does not affect any DCP matters.

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

All matters satisfied.

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

The proposed amendments will not alter the impacts of the development or produce any additional undesirable impacts.

(c) Suitability of the site for the development

The site is suitable for the development.

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

The application was not required to be notified.

(e) Public interest

Whilst it has not been common practice to release subdivision certificates prior to completion of the development it is considered that the current legislation and the proposed title restriction alerts prospective purchasers, solicitors and conveyancers to the requirement to seek an occupation certificate prior to settlement, use and occupation of the units.

OPTIONS:

1. Approve the amended application as per the recommendation.

2. Refuse the amended application.

It should be noted that the application can only be amended in the form requested to by the applicant.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicants have a right of appeal in the Land and Environment Court if they are dissatisfied with the determination.
POLICY IMPLICATIONS:

It is likely that Council will receive similar requests for early release of strata certificates however these should be dealt with on a case by case basis given the variables involved such as the timeframes for completion, the amount of work to be completed, economic scale of the development, potential long term employment generation, the safeguards for Council and the prospective purchases.

CONCLUSION:

It is considered that the amendments are acceptable. The safeguards to preventing occupation of an uncompleted unit are considered adequate.

UNDER SEPARATE COVER:

Nil.
REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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

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

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:

   (a) the provisions of
       (i) any environmental planning instrument; and
       (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
       (iii) any development control plan, and
       (iv) any matters prescribed by the regulations,

       that apply to the land to which the development application relates,

   (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,

   (c) the suitability of the site for the development,

   (d) any submissions made in accordance with this Act or the regulations,

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

ORIGIN:

Development Assessment

FILE NO: DA04/1100

SUMMARY OF REPORT:

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

The subject land is zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. Development for the purposes of telecommunications infrastructure is prohibited in this zone, however, the applicant has argued that all suitably elevated land in the Bogangar area is also zoned for Environmental Protection or as a National Park or Nature Reserve. Subsequently, to provide a service to the community the applicant has requested that Council amend Schedule 3 of the Tweed LEP to enable telecommunication to occur on the subject allotment.

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

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

That: -

1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.

2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.

3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.
REPORT:

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

BACKGROUND:

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

- A new compound with a total site area of 60m$^2$ having dimensions of 10m long, and 6m wide. Around the compound will be a 2.4m tall security fence and 3m wide security gates. The compound will be finished with crushed rock over geo-textile membrane with a timber border;
- A 30m high concrete monopole (mast), painted “Drab Olive” (which has capacity to accommodate additional telecommunications equipment and cater for the future telecommunications needs of the Bogangar area);
- Telstra equipment including 4 panel antennae, 600mm diameter microwave link dish at the top of the proposed mast and a 450mm wide cable tray on the outside of the pole;
- A small equipment cabin (7.3m$^2$) located in the compound at the base of the mast (3m high), which will be painted “Mist Green”;
- Construct a new access track form the reservoir to the compound are;
- Regrading of a small portion of the reservoir embankment to ensure the new access track to the compound is entirely within Council owned land (this will necessitate the removal of three mature trees and some ground cover);
- Construct a gate to restrict access to the compound; and
- Extend the existing overhead power supply and construct a new power pole with an adjoining underground power line adjacent to the proposed access track to the reservoir.

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

The site is currently zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. Development for the purposes of telecommunications infrastructure is prohibited in zone, however, the applicant has provided that all suitably elevated land in the Bogangar area is also zoned for
Environmental Protection or as a National Park or Nature Reserve. Subsequently, to provide a service to the community the applicant has requested that Council amend Schedule 3 of the Tweed LEP to enable telecommunication to occur on the subject allotment.
PLANNING CONSIDERATIONS

Tweed Local Environmental Plan 2000

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

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

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

Tweed 2000 + Strategic Plan

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

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

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

North Coast Regional Environmental Plan 1988

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

Despite this preliminary conclusion the following provisions of the North Coast Regional Environmental Plan 1988 are considered to be applicable.
Clause 29 – Plan Preparation Natural Areas and Water Catchments provides that a draft local environmental plan should not alter or remove existing environmental protectionzonings or controls within them without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action. It further provides that consent for clearing of natural vegetation is required within the environmental protection zones. The subject Development Application seeks consent for the removal of natural vegetation and has been supported by a Flora and Fauna Report prepared by Landmark Ecological Services. Preliminary investigations indicate that the scale of the proposed works are minor and will have negligible impact on the overall area given the extent of the remaining habitat areas. It is therefore submitted that the proposal is consistent with the provision of the clause.

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

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

NSW Coastal Policy

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

State Environmental Planning Policies

SEPP 14 – Coastal Wetlands

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

SEPP 44 – Koala Habitat Protection

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

There are no other State Environmental Planning Policies that are considered relevant to the proposal.
Section 117 Directions

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

LEP Amendment

To effect the required LEP Amendment, Council can either:

1. Amend the 7(l) Environmental Protection (Habitat) zone to make telecommunications infrastructure permissible in the zone;

2. Rezone the subject land to another zone in which telecommunication infrastructure is permissible such as the 7(d) Environmental Protection (Scenic Escarpment) zone; or

3. Include the subject land in Schedule 3 (Development of Specific Sites) of Tweed Local Environmental Plan 2000 (as requested).

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

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

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

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

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

Car Parking & Access

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

Local Environmental Study

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

1. The site is small in scale. The proposal is for a telecommunications mast and equipment cabin taking up a total land area of 60m². The equipment cabin is 2.85m x 2.55m in size and includes only electrical equipment;

2. The likely impact of the specific project on the site has been extensively addressed in the Statement of Environmental Effects accompanying the DA for the site;

3. The proposed development has been designed with particular regard to;
   a) The ecological value of the site. A comprehensive flora and fauna study has been conducted by Landmark Environmental Consultants;
   b) Other possible alternatives for the location of the proposed development have been explored and the subject site selected as the best compromise of radio coverage objectives and environmental considerations;
   c) The site is already heavily disturbed by the reservoir and the access track to the site is largely existing. Access to the base station itself will only be needed a few times per year; and
d) The proposed facility will provide improved mobile phone coverage for Telstra users within the community and therefore will be a positive contribution to the economic development of the area and the quality of life for local residents. The proposal achieves this benefit with only a minor impact on the local environment.

4. With respect to relevant S117 Directions, the proposed amendment to the Tweed Local Environmental Plan 2000 does not amend the zoning of the site, but simply permits the use of a telecommunications facility on this specific site. The provisions of the Environmental Protection (Habitat) zoning will still apply to future development on this site should it occur.

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

OPTIONS:

1. Adopt the recommendation to prepare the draft Plan.

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

CONCLUSION:

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

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

In addition Council is requested to seek the dispensation of the Director General for the need of a Local Environmental Study as would normally be required by Clause 57 of the Environmental Planning & Assessment Act 1979.
Based on the initial assessment of the application the proposal in its current form is supported.

UNDER SEPARATE COVER:

Nil.
2 Development Application DA04/0162 for an Expansion and Amalgamation of Existing Quarries at Lot 1 DP 578307, Lot 2 DP 578307, Lot 3 DP 808395 and Lot 9 DP 1063790, Dulguigan Road, Dulguigan

ORIGIN:
Development Assessment

FILE NO: DA04/0162

SUMMARY OF REPORT:
Council is in receipt of a Development Application, which seeks consent to amalgamate the Reedy Creek, Sanderson’s, and Pollards Quarries, at Dulguigan Road, North Tumbulgum. In addition to the amalgamation the application seeks consent to remove the material located between Reedy Creek and Pollards quarry and between Reedy Creek and Sanderson’s quarry by excavating the ridges between the approved working areas (see Figure 1).

The existing working area of the three quarries is approximately 13.96ha. Approximately 1.2ha of additional land not previously approved for extraction purposes would be disturbed (this represents an increase in extraction of approximately 8.6%). However, it is intended that the three quarries would generally operate within the parameters contained in the approved Reedy Creek Rehabilitation and Environmental Management Plan (REMP) which details the hours of operation, the maximum extraction rate (which is 200,000m³ per annum with an average of 195,000m³ over a three year period), the maximum number of trucks per day (40 per day averaged over a year), and the maximum number of blasts per month (being three).

Under the existing quarry consents a combined maximum of 237,300m³ of material could be removed within any 12-month period. Whereas, the extraction from the proposed expanded quarry would be no more than the approved rate of 200,000m³ per annum. Therefore, the scale of the proposal in terms of extraction rates would be less than that which is currently approved. Based on 5,100,000m³ of remaining material from the amalgamated quarry with an average of 195,000m³ of material removed per annum the amalgamated quarries would have a life of approximately 27 years.

Despite that the proposed development is of lesser scale than that currently approved, this application still has some significant issues that need resolution as part of this application. These include compliance issues with the existing consent, the number of truck movements associated with the quarries, the capacity of Dulguigan Road, safety issues relating to traffic movements on Dulguigan Road including speed and the school bus service, hours of operation, protected flora and fauna, aboriginal significance, noise and the proximity of houses to the quarries, environmental constraints, and general aesthetic and amenity issues. These issues are all discussed in the following report.
The nature of the proposal is such that it might ordinarily constitute Designated Development within the meaning of Section 77A of the Environmental Planning & Assessment Act. However Clause 35 of Schedule 3 to the Environmental Planning & Assessment Regulation 2000 provides that alterations and additions to development (whether existing or approved) are not Designated Development, where the consent authority is of the opinion that the development would not significantly increase environmental impacts.

Based on consideration of all the public submissions, the government body referrals, and Council’s internal assessment of the application, the proposal is not considered to constitute Designated Development and is considered to warrant conditional consent as the proposed application would enable maximum recovery of the remaining resources and would facilitate rehabilitation and end use of the site.

RECOMMENDATION:

That: -

1. The application is not considered to constitute Designated Development within the meaning of Section 77A of the Environmental Planning & Assessment Act, as the development would not significantly increase the environmental impacts; and

2. Development Application DA04/0162 for an expansion and amalgamation of existing quarries at Lot 1 DP 578307, Lot 2 DP 578307, Lot 3 DP 808395 and Lot 9 DP 1063790 Dulguigan Road, Dulguigan be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within six (6) months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

1. A detailed quarry "Rehabilitation and Environmental Management Plan" as outlined in the Environmental Impact Statement and based on the existing Reedy Creek Quarry REMP, is to be submitted to and approved by the Director of Planning and Environment. This plan is to include, but
is not limited to, the following:-

a. Measures proposed to address matters such as waste water management, stormwater quality and runoff management, controls, monitoring schedule to discharge objectives, erosion and sediment control, fuel storage, noise vibration and amelioration, visual amenity, dust control, site rehabilitation including landscaping, archaeological finds, topsoil stockpiling, retention of significant vegetation, public safety, waste disposal and a time schedule for the implementation of these matters.

b. Details of an on-site wheel wash or similar method of avoiding mud being tracked onto Dulguigan Road.

c. Monitoring procedures, environmental goals and reporting procedures.

d. The scale, frequency and design of blasting associated with quarrying activities.

e. Details of notification procedures for events of a scale and nature which warrant notification to adjoining and/or affected residents.

f. The method of ensuring that only trucks fitted with air bag suspension and residential grade mufflers are permitted to haul material from the quarry and how the driving speed of vehicles on Dulguigan Road is to be restricted to the satisfaction of the Director of Engineering and Operations Division.

g. The method of ensuring that trucks do not arrive in the area prior to the commencement of operating hours.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook & Associates Pty Ltd (JGA) dated February 2004, further information as per the JGA letter of 30 July 2004 as later amended by their letter of 8 October 2004, and the approved "Rehabilitation and Environmental Management Plan" approved from time to time by the Director Development Services, except where varied by the following conditions.

2. The maximum annual rate of extraction in any 12 month period is 200,000m$^3$. The maximum average rate of extraction is 195,000m$^3$ over any 3 year period.

3. The average number of trucks departing the quarry is to be 40 vehicles per day, and all trucks are to be fitted with airbag suspension and residential grade mufflers.

4. Completion of outstanding works as shown on Council plans A1-248/11A and A1-248/13A as follows:
- Completion of linemarking and signposting. In this regard the nominated W5-22B (truck) signs must be accompanied by W8-5B (distance plate) signs.
- Construction of the 600mm dia pipe culvert across Dulguigan Road, including headwalls and associated works.
- Provision of a headwall on the previously extended 450mm dia pipe culvert across Dulguigan Road.
- You are further advised that the kerb and gutter works nominated on the above-mentioned plans are not required to be constructed.

5. The existing entries to both Pollard's and Sanderson's Quarries are to be physically closed to traffic by:
   - Removal of the existing gate and provision of earth mounding across the access driveway within the site, for both quarry entries.
   - Removal of associated signage at the entry point to Pollard's Quarry.
   - Provision of a table drain across the entry to Sanderson's Quarry, to further enforce the cessation of access.

6. Road improvement works are to be undertaken to provide an informal bus transfer area for school students at Brady Place, adjacent to Dulguigan Road. All pavement works required by this condition are to be provided with a two-coat hot bitumen flush seal, on a pavement approved by Council. All required works are to be completed within six months of the date of approval of the Rehabilitation and Environmental Management Plan. The required improvement works are:
   - The western return of the intersection of Dulguigan Road and Brady Place is to be widened and sealed.
   - The eastern shoulder of Brady Place, up to the existing seal of Dulguigan Road, is to be widened and sealed.
   - The existing roadside vegetation west of Brady Place is to be trimmed back to improve sight distance, subject to an assessment of the existing vegetation to determine whether any "Threatened Species" are involved.

7. The provision of "Buses Entering" warning signs, erected approximately 200m in each direction from the above-mentioned transfer location.

8. Provision of signs erected in the vicinity of the above-mentioned transfer location, and at other strategic points along Dulguigan Road, advising that school buses operate in the area, and their hours of operation. Prior to manufacturing the signs, the applicant is required to contact Council's signwriter regarding the actual wording for the signs.

9. The provision of "Trucks Entering" warning signs, located either side of the access to the quarry.
10. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

11. Immediately upon completion of all above-mentioned road improvement and signage works, the applicant shall submit to Council a Works as Executed Plan endorsed by a Registered Surveyor. The plan shall cover all road improvement and signage works required by this consent, as well as the previously completed pavement widening and associated works on Dulguigan Road, in the vicinity of the Reedy Creek Quarry entry, covered by Council Plans A1-248/10 to A1-248/13.

12. The site is to be consolidated into a single allotment under a single title. The consolidation is to include the extinguishment of the "Easement for Pipeline 3m wide" that currently burdens Lot 9 DP 1063790, or alternatively address why the easement should be retained or otherwise relocated.

The plan of consolidation is to be registered at Land and Property Information and a copy forwarded to Council, within six (6) months of approval of the REMP.

13. No quarrying work or extraction is to occur below 5m AHD.

14. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities that may be affected by the required roadworks.

15. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Section 138 Roads Act approval. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

16. Erosion and Sediment Control During the Construction Phase of Development:
a. The Section 138 Roads Act application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

17. An application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

18. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of Council.

Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

19. 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 1742.3-2002 (Manual for 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.

20. With regard to the roadworks in Brady Place, construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

21. With regard to the roadworks in Brady Place, all reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
A. Short Term Period - 4 weeks.
   L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.
   L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

22. With regard to the roadworks in Brady Place, the use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

23. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the roadworks shall be repaired to the satisfaction of the Director of Engineering and Operations Division.

24. All required roadworks are to be completed within 6 months of approval of the R.E.M.P.

25. Consent DA98/174 and DA95/441 are to be surrendered within a month of approval of the REMP

26. No work, including the construction of noise barrier, is to be undertaken beyond the boundary of the extraction area as identified in the REMP (excluding rehabilitation) The noise barrier and any bushfire retardation measures are to occur within the identified extraction area unless otherwise approved by Council, NSW Rural Fire Service and the National Parks and Wildlife Service.

27. The noise barrier is to consist of a fence constructed in accordance with the recommendations of the Noise Impact Statement by James Heddle Acoustical Consultants dated 10 January 2004 in the vicinity of the wet sclerophyll/rainforest vegetation. An earthen bund will not be accepted in this vicinity due to the disturbance to vegetation.

28. The front end loader and dozer are to be fitted with residential type low noise muffler systems.

29. Any screens and loading areas for the existing quarry are to be located to direct sound away from any affected residences and/or be located such as to maximise the effect of the ridge in separating Residences from the site.

30. Noise attenuation measures are to be in accordance with the REMP
31. Dust control measures are to be implemented as proposed in the REMP

32. Any proposal to clear native vegetation in excess of 2ha per annum is to be the subject of a separate application to the Department of Infrastructure, Planning and Natural Resources.

33. The extractive operation including proposed rehabilitation measures is to adhere to the formal Rehabilitation and Environmental Management Plan which is required to be submitted and approved.

34. Compliance with all requirements of the Department of Environment and Conservation, including the acquisition and any other necessary licences/approvals.

35. Any amendments or modification to the quarry management plan are to be approved by the Director of Development Services.

36. The hours of operation are:

Quarrying & Hauling: 0730 hrs - 1800 hrs Monday to Friday
0730 hrs - 1200 hrs Saturday
No work on Sundays or public holidays

37. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

38. The operators of the quarry are to carry out a review of the activities of the quarry, using the Rehabilitation and Environmental Management Plan, on an annual basis. The results of the reviews, including an assessment of the effectiveness of the dust and noise management, and the sediment erosion control system, are to be submitted to Council's Environment and Health Services for approval.

39. The burning of trees and other felled vegetation is not permitted unless carried out by a person with a separate approval to pit burn. Such burning is to be carried out in a specially constructed pit provided with an air curtain over the top.

40. The quarry and associated operations are not to cause a nuisance to residents or disruption to amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

41. Noise levels (including blasting and hours thereof) associated with the quarry operations are to comply with the Department of Environment and Conservation planning guideline limits.
42. The proposed access tracks to comply with Planning for Bushfire Protection 2001 Section 4.3.3.

43. Advertising structures/signs to be the subject of a separate application where statutorily required.
REPORT:

Applicant: Elesanar Pty Ltd
Owner: Tweed Shire Council (Pollards Quarry), Ms JR Cowell, Mr LJ Cowell, Ms SM Cowell (Reedy Creek Quarry), Mr GJ Sanderson and Mrs V Sanderson (Sanderson’s Quarry)
Location: Lot 1 DP 578307, Lot 2 DP 578307, Lot 3 DP 808395 and Lot 9 DP 1063790, Dulguigan Road Dulguigan
Zoning: 1(a) Rural
Cost: Nil

BACKGROUND:

Council is in receipt of a Development Application, which seeks consent to amalgamate the Reedy Creek, Sanderson’s, and Pollards Quarries, at Dulguigan Road, North Tumbulgum. In addition to the amalgamation the application seeks consent to remove the material located between Reedy Creek and Pollards quarry and between Reedy Creek and Sanderson’s quarry by excavating the ridges between the approved working areas (see Figure 1).

All three quarries are located on adjoining properties on the north western side of Dulguigan Road, approximately 7 kilometres north east of Murwillumbah and 2.5 kilometres west of Tumbulgum. The surrounding area comprises sugar cane, bushland, grazing land and six dwelling houses. The land comprises a ridge rising up to approximately RL 90 metres at the peak, which is located in the centre of the Reedy Creek site. Other than the existing extraction areas, the land is relatively heavily vegetated with weed removal and rehabilitation of an old orchid occurring in accordance with the Reedy Creek Rehabilitation and Environmental Management Plan (REMP).

The three quarries each have separate access points from Dulguigan Road and the owners and operators currently work each site independently. The owners of the largest and most active quarry (Reedy Creek) have identified a strategic opportunity to amalgamate the three quarries to enable the resource to be more efficiently and effectively utilised.

Below are details of the relevant approvals issued for each of the quarries:
Reedy Creek Quarry has an extensive development history. T4/2518 was issued on 13 July 1983 for the continued use of the quarry. In 1994 the Quarry was registered pursuant to the provisions of State Environmental Planning Policy No. 37 (SEPP 37) – Continued Mines and Extractive Industries. Development consent 95/190 was then subsequently issued to enable the continued operation of the quarry with a time-limited consent. In May 2004 a Deferred Commencement Development Consent 98/174 was issued for the expansion of the quarry. This was a designated development application accompanied by an Environmental Impact Statement (EIS). The deferred matter under Schedule A of this consent was a requirement for the submission and approval of a Rehabilitation and Environmental Management Plan (REMP) for the quarry. The REMP has been approved and the consent became operable from 20 December 2001. The quarry is now operating under this consent.

Sanderson’s Quarry was initially registered pursuant to the provisions of SEPP 37 in July 1994. Development consent 95/194 was then subsequently issued to enable the continued operation of the quarry with a time-limited consent. In November 1997 a Deferred Commencement Development Consent 95/441 was issued for the continuation and expansion of the quarry. This was a designated development application accompanied by an EIS. The deferred matter under Schedule A of this consent was a requirement for the submission and approval of a detailed plan of management for the quarry. The management plan has been approved and the consent became operable from 13 April 1999. The quarry is now operating under this consent.

Pollards Quarry was initially registered pursuant to the provisions of SEPP 37 in July 1994. The operational limits set under this registration were 0.3 hectares lateral expansion during any 12-month period and 7300m³ maximum extraction rate during any 12-month period. A development application was lodged with Tweed Shire Council for the continued operation of the quarry, however, the application has never been determined due to outstanding information. Therefore the quarry is still operating under the SEPP 37 registration.

The proposed application to amalgamate the three quarries provides an opportunity to “tidy up” the applicable consents and have one thorough consent in which the sites are governed by. The three quarries would generally operate within the parameters contained in the approved Reedy Creek Rehabilitation and Environmental Management Plan, however, it is recommended that a deferred commencement condition be imposed that requires the REMP to be amended to reflect Sanderson’s and Pollards quarry.

Following is a table detailing some of the existing limitations on the three independent quarries and a comparison to the proposed amalgamated quarry:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>REEDY CREEK QUARRY</th>
<th>SANDERSON’S QUARRY</th>
<th>POLLARDS QUARRY</th>
<th>PROPOSED AMALGAMATED QUARRY</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXTRACTION RATE</td>
<td>200,000m³ pa 195,000m³ average over a three year period</td>
<td>30,000m³ pa 20,000m³ average over a three year period</td>
<td>7,300m³ pa 0.3ha lateral expansion during any 12 month</td>
<td>200,000m³ pa 195,000m³ average over a three year period</td>
</tr>
<tr>
<td><strong>QUARRY LIFE</strong></td>
<td>20 years</td>
<td>40-50 years</td>
<td>Unknown</td>
<td>27 years</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td><strong>OPERATING HOURS</strong></td>
<td>7.30am – 6pm Monday to Friday 7.30am to 12 Noon Saturdays No works Sundays or Public Holidays</td>
<td>7.00am to 5pm Monday to Friday 7.00am to 12 Noon Saturdays</td>
<td>Unknown</td>
<td>7.30am – 6pm Monday to Friday 7.30am to 12 Noon Saturdays No works Sundays or Public Holidays</td>
</tr>
<tr>
<td><strong>BLASTING FREQUENCY</strong></td>
<td>Max 3 times per month</td>
<td>As required</td>
<td>Unknown</td>
<td>Max 3 times per month</td>
</tr>
<tr>
<td><strong>TRAFFIC</strong></td>
<td>Max 40 trucks per day (averaged over a year)</td>
<td>No specific limits on consent, however the EIS indicated 8 truck loads per day</td>
<td>Unknown</td>
<td>Max 40 trucks per day (averaged over a year)</td>
</tr>
<tr>
<td><strong>ACCESS</strong></td>
<td>One main entry/exit.</td>
<td>One small unformed entry/exit</td>
<td>One small unformed entry/exit</td>
<td>One main entry/exit (the current Reedy Creek access) with all other access points off Dulguigan Road removed</td>
</tr>
</tbody>
</table>

The proposed amalgamated quarry would differ from the existing Reedy Creek and Sanderson’s quarry consents, with respect to staging. The existing consents have clearly defined stage boundaries comprising a vertical plane through the sites at the stage boundary, at various locations. The current proposal would not have as clearly defined boundaries but rather an Extraction/Rehabilitation Plan (see Figure 2) that demonstrates areas of immediate permanent rehabilitation, immediate temporary rehabilitation (as extraction in this area would not be required until 15+ years), areas of existing vegetation that are outside the extraction areas, areas that do not need clearing for 10+ years as extraction is not required until that time, areas that do not need clearing for 5+ years as extraction is not required until that time, and areas for progressive rehabilitation.

The proposed amalgamated quarry would be worked downward in approximately 10 metre intervals. The work would commence at the highest point laterally and would work down and outward from this point until the excavation boundary is reached. Upon reaching the lateral excavation boundary, the quarry will be benched downward and inward with 10 metre vertical and 5 metre horizontal benches. Upon commencement of benching, rehabilitation of the site can commence, from the excavation boundary toward the quarry working area (see Figure 3).
The proposed application 15 submissions from local residents and members of the community due to concern with noise, traffic, safety, hours of operation, protected flora and fauna and other associated issues arising from quarrying. The applicant has requested that Council be made aware of the following considerable positives arising from the quarry’s operations:

- The quarry currently employs twelve full time staff, including administrative staff, plant operators, mechanics and drivers;
- The recent expenditure in the local economy (Murwillumbah, Tumbulgum, Tweed Heads) is in excess of $1.25 million per annum on items such as fuels, oils, hydraulic equipment, parts, irrigation equipment, environmental compliance, repairs and maintenance, foodstuffs and meals;
- The value of the plant and equipment and other infrastructure in the quarry is approximately $7 million;
- The quarry is a major supplier of fill, graded rock and gravel products to the local development industry and has recently supplied materials to Salt, Casuarina Beach, Koala Beach, Seabreeze projects, and local landscape yards;
- The quantity and quality of material available from the quarry is recognised as a significant resource. Due to the quality of the material, it is sourced on occasion for projects outside the Tweed Shire and therefore brings intra-regional income into the local economy.

The following report reviews these positives and undertakes an assessment of these positives balanced against the potential impacts of the proposed application.
SITE DIAGRAM:

[Diagram of a site with labeled roads and an outline marked as the subject site.]

TWEED SHIRE COUNCIL MEETING HELD WEDNESDAY 3 NOVEMBER 2004

THIS IS PAGE NO 50 OF THE MINUTES OF THE MEETING OF TWEED SHIRE COUNCIL HELD WEDNESDAY 3 NOVEMBER 2004

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

Designated Development

The nature of the proposal is such that it might ordinarily constitute designated development within the meaning of Section 77A of the Environmental Planning & Assessment Act. However Clause 35 of Schedule 3 to the Environmental Planning & Assessment Regulation 2000 provides that alterations and additions to development (whether existing or approved) are not designated development, where the consent authority is of the opinion that the development would not significantly increase the environmental impacts of the total development compared with the existing or approved development.

Clause 36 of Schedule 3 details the factors, which the Consent Authority must have consideration for when determining the applicable environmental factors. These are as follows:

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

(a) the impact of the existing development having regard to factors including:

   (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and

   (ii) rehabilitation or restoration of any disturbed land, and

   (iii) the number and nature of all past changes and their cumulative effects, and

(b) the likely impact of the proposed alterations or additions having regard to factors including:

   (i) the scale, character or nature of the proposal in relation to the development, and

   (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and

   (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and
(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and

(c) any proposals:

(i) to mitigate the environmental impacts and manage any residual risk, and

(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

The following report has had regard for all of the above issues and concludes that the amalgamation of the three quarries and the expansion between the existing quarry areas would not significantly increase the environmental impacts of the total development compared with the existing or approved development.

Therefore the application is not considered to constitute “Designated Development” and it is further considered capable of conditional consent.

Integrated Development

Section 91 of the Act provides that where development also requires an approval of kind (as listed) from another authority, the development constitutes “Integrated Development” In this instance it was thought that an approval would be required from the Department of Environment and Conservation (DEC, formally NSW Environmental Protection Authority - EPA) under the Protection of the Environment Operations Act 1997, as Reedy Creek Quarry presently operates under a Licence issued by the EPA and this would need to be varied for the expanded operation.

DEC reviewed the information provided and determined that the conditions attached to the current licence will not require any significant amendments for the proposed expansion and therefore the DEC does not constitute the application as “Integrated Development” and general terms of approval do not need to be provided.

Threatened Species

Section 5A of the Act requires that a number of factors be taken into account in deciding whether there is likely to be significant effect on threatened species, populations or ecological communities or their habitats.
The Flora and Fauna survey identified one species of vulnerable plant, one endangered plant species and four threatened vertebrate species. The flora and fauna survey concluded that the two plant species are capable of protection within the conservation areas. In regard to the vertebrate species the limited impacts of the proposal, combined with the local availability of suitable habitat to be retained on site and set aside for conservation for all of the threatened species likely to occur at the site makes it unlikely that the proposed development would disrupt the life cycle of any species. Therefore it is not considered necessary to request the applicant to prepare a species impact statement, however the submitted Flora and Fauna survey makes certain recommendations to ameliorate the impact of the proposal. These recommendations will be required to be incorporated into the amended Rehabilitation and Environmental Management Plan.

Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979

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

**Tweed Local Environmental Plan 2000**

The subject site is zoned part 1(a) Rural and part 1(b2) Agricultural Protection under the provisions of the Tweed LEP 2000. The proposed quarry expansion areas are located wholly within the 1(a) zone. The proposed quarrying activities are defined as an extractive industry, which is a permissible use, with development consent in the 1(a) Rural zone. The primary objectives of the zone focus on enabling ecologically sustainable development that is suitable for natural resource utilisation while protecting the rural character and amenity.

The proposal is considered to comply with these objectives, as amalgamation will allow better utilisation of a valuable primary product that is in high demand in the locality. Furthermore, the proposed expansion is not considered to have any substantial negative impact on the rural character and amenity of the area, as the quarries are already in operation. This application will potentially improve the amenity for adjoining residences by enabling the sites to be worked as one with better management as a result.

The proposal is consistent with the primary zone objectives of the zone and is considered to satisfy the consent considerations under Clause 8.

**North Coast Regional Environmental Plan 1988**

Clause 12 - Impact on Agricultural Activity

The subject land is not classified as prime agricultural land and therefore will not result in a loss of prime crop or pasture land.
The land opposite the quarry to the south is prime crop or pasture land. The quarries have co-existed with sugar cane farming in this locality for over 40 years. There has been no apparent land use conflict over this time. Proposed controls for dust suppression and water quality control should ensure that the quarry does not adversely affect the existing agricultural lands.

Clause 15 - Rivers, Streams and Wetlands

The application provides that stormwater runoff from the quarry will affectively be contained on site initially via a system of sumps and sedimentation ponds. Any discharge from the site into surrounding drainage systems will be such that existing water quality within the off site drainage systems will be maintained.

Clause 18 - Extractive Industry

The application clearly demonstrates that site rehabilitation will be carried out progressively. Any consent will be appropriately conditioned to address this issue.

State Environmental Planning Policies

SEPP11 - Traffic Generating Developments

“Extractive Industries” are identified in Schedule 1 of this Policy and subsequently the proposal was required to be referred to the Regional Traffic Committee of the Roads and Traffic Authority. The Committee’s comments are outlined in the consultation section of this report.

SEPP37 - Continued Mines and Extractive Industries

All three quarries were registered under the provisions of the Policy with subsequent development approvals being issued for Reedy Creek Quarry and Sanderson’s Quarry. However no development approval was ever issued to Pollards Quarry due to outstanding information. Pollards Quarry is therefore still operating under the SEPP 37 registration, which detailed 0.3ha of lateral expansion during any 12-month period, and 7,300m³ maximum extraction rate during any 12-month period. If this application is approved all three quarries would be operating under this Development Consent (DA04/0162) and the required associated Rehabilitation and Environmental Management Plan.

SEPP44 - Koala Habitat Protection

The application has been accompanied by a Flora & Fauna Survey, which also makes reference to the Species Impact Statement (prepared for the previous expansion to Reedy Creek Quarry), and the Fauna Impact Statement (prepared for the previous expansion to Sanderson’s Quarry). The site assessment for potential Koala habitat concluded that the site is not a potential koala habitat. Therefore, this Policy does not apply.
SEPP 55 – Remediation of Land

The land that is subject of any proposed quarrying activity is vegetated land that has not been used for any farming activities, or other uses that may potentially result in land contamination. A land contamination assessment has concluded that given the land use history of the site, soil contamination is an unlikely risk. Therefore SEPP 55 is not considered to apply to this application.

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

There are no Draft Environmental Planning Instruments that are considered specifically applicable to this application.

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

There are no specific DCP’s, which would apply to the proposal.

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

Designated Development

Clause 35 of Schedule 3 to the Environmental Planning & Assessment Regulation 2000 provides that alterations and additions to development (whether existing or approved) are not designated development, where the consent authority is of the opinion that the development would not significantly increase the environmental impacts of the total development compared with the existing or approved development.

Having regard to Clause 36 of Schedule 3 (which details the factors that the Consent Authority must have consideration for when determining the applicable environmental factors) the amalgamation of the three quarries and the expansion between the existing quarry areas would not significantly increase the environmental impacts of the total development compared with the existing or approved development. This is also consistent with a Tweed Shire Council letter sent to the applicant on 23 July 2002, which advised that a proposal to amalgamate Reedy Creek Quarry and Sanderson’s Quarry would not constitute Designated Development. The proposal to also include Pollards Quarry in the Development Application is not considered to create a significant change to the environmental impacts.

Therefore the application is not considered to constitute “Designated Development”.

Tweed Shire 2000+ Strategic Plan

This plan includes, among its Policies and Actions, principals of Ecologically Sustainable Development. ESD should occur in conjunction with the necessary cultural change in the community, in all future council policies.
Policy and Action Numbers 1, 22, and 24 are specifically considered to relate to the subject application and are addressed as follows:

**Policy 1 – Ecologically Sustainable Development**

The applicant has provided that the development has been designed and the Statement of Environmental Effects prepared having regard to ESD. In particular the applicant has provided:

- There is no threat of serious or irreversible harm to the environment. The analysis underpinning the Statement of Environmental Effects demonstrates that practical, cost effective measures could be implemented to limit potential environmental impacts.
- An Environmental Management Plan (which includes mitigation strategies, and proposal for monitoring, assessing and reporting of performance), would be implemented commensurate with site operations and previously accepted approved management methods.
- The development would contribute to the rehabilitation of the land for the benefit of future generations.
- The development would contribute to the conservation of biological diversity and ecological integrity by protecting rural zoned land in a conservation area and managing it appropriately.

These comments are concurred with and are considered satisfactory to demonstrate consideration for ESD principals.

**Policy 22 – Quarries**

This policy provides that Council will identify deposits of mineral resources of value to future needs of the Shire and use appropriate means to protect those resources.

The sites to be amalgamated have been identified by the Department of Primary Resources as containing significant resources of road making material in advice provided to Council in June 2004 in response to Section 117 (2) Direction G28.

Additionally, the Tweed LEP identifies the affected site areas as 1(a) Rural. The proposed quarrying activities are defined as an extractive industry, which is a permissible use, with development consent in the 1(a) Rural zone. Amalgamation is considered to allow better utilisation of a valuable primary product that is in high demand in the locality. Subsequently, this Policy is considered to have been satisfactorily considered.
Policy 24 – Rural Activities

The policy provides that rural activities will not be unreasonably restricted by future rural settlement, and that a 1km radius for prohibition of rural residential subdivision and dwellings in relation to quarries. **Figure 4** demonstrates the location of dwellings surrounding the site. It is acknowledged that a 1km buffer is not achieved as part of the proposed amalgamated quarry but nor is it achieved as part of the existing quarrying operations. It is therefore noted that the proposed expansion areas are located further away from the dwellings than the existing quarrying area. Subject to the recommended conditions of consent the intent of the policy is considered to have been met as safeguards are proposed to ensure impacts at likely affected dwellings are not significantly increased as a result of this proposal.

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

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

Roads and Traffic

The proposal has potential to impact on residents within the area from traffic and traffic noise generated by the proposal.

The proposed development was referred to the Regional Traffic Advisory Committee who has recommended certain works be undertaken to ensure that as a result of this application some positive traffic outcomes are achieved. These include the access to the amalgamated quarry sites being restricted to a single point via the existing Reedy Creek Quarry access, provide an AUSTROADS Type B access for the proposal, upgrade the existing road pavement at the intersection of the proposed combined access to Dulguigan Road, and the introduction of hinged truck warning signs to be provided and displayed during haulage operations.

The Regional Traffic Committee has recommended that these matters be imposed as conditions of consent. Council’s Engineering Services Division have reiterated the advice provided by the Regional Traffic Committee and have provided the attached recommended conditions of consent regarding these matters.

Additionally conditions have been recommended by the Engineering Services Division relating to concern regarding the impact of the safety of school bus operations, as two trucks could not pass one another if a school bus had stopped to collect passengers.
This issue was also a concern on the previous approval issued for Reedy Creek Quarry. On the previous consent a condition was imposed that required:

Two bus bays are to be provided on Dulguigan Road in each direction between the quarry and Tumbulgum. The location of the bus bay is to be determined in association with the residents of the area and the school bus contractor. The bus bays are to be constructed to Austroads standards with provision of two car spaces to the satisfaction of the Director of Engineering Services. All work is to be completed prior to the number of loaded trucks leaving the site exceeding 5 loads per day.

This previous condition has never been satisfied, however, on review of this application it is considered that this condition is neither practical nor necessary, as it is a requirement of the bus operator’s license, that passengers be picked up and dropped off at the front gate. Therefore the provision of bus bays of the type previously required would serve no real purpose. There is a need, however, for a safe transfer location where students from one service swap to another. This currently occurs near the Sanderson’s cane pad, however, this cannot become a formal arrangement, as it is privately owned land. Therefore as part of this application it is considered necessary to undertake works in the road reserve near Brady Place to enable this to become the morning and afternoon transfer point. The application has been conditioned accordingly.

With regard to capacity of the road the Engineering Services Division have concluded that Dulguigan Road has adequate capacity to accommodate the vehicles proposed by the quarry.

The application proposes an annual average daily traffic figure of 40 trucks, however, this does not stipulate an absolute limitation on any given day. This is the current requirement for Reedy Creek Quarry (as stipulated in the original EIS prepared by GeoLINK in 1998). This method of calculation is necessary due to the cyclical nature of demand on quarry materials with peaks and troughs in production. Truck movements could exceed 100 trucks a day during peak production while numbers could be below 40 trucks on other days. It should also be noted that the quarry only operates for approximately 260 days a year, which means that truck numbers may average 60-65 vehicles per operational days.

This is the current lawful situation. In the event that this application were unsuccessful, this would have no effect on these continued operations.

Council’s Traffic and Transport Engineer has undertaken a study of traffic counts on Dulguigan Road that indicates a volume of 700 vehicles per day (including trucks) use Dulguigan Road. Based on this figure it appears that Dulguigan Road has adequate capacity to cater for quarry traffic at the proposed extraction rate.
The speed of vehicles using Dulguigan has also been a concern. It appears that some residents feel that trucks associated with the quarry are legally bound to travel at 60km per hour. However, the legal speed limit along Dulguigan Road is not set but rather advised that drivers should drive in a manner and at a speed suitable for the road conditions.

The REMP for Reedy Creek Quarry that was lodged with Council detailed a self-imposed speed limit of 60kph. This was not imposed as a condition of the development consent but rather an objective of the management plan. As a result of this self-imposed objective the Quarry have made concerted efforts to educate drivers and to limit the speed of trucks associated with the quarry. This has included;

- The installation of large signs within the quarry itself advising truck drivers to travel at 60kph; and
- Regular correspondence from the quarry operators to its customers requesting drivers to:
  a) Slow down;
  b) Not exceed 60kph;
  c) Reduce speed when approaching corners;
  d) Drive with care and caution;
  e) Do not use Jake Breaks;
  f) Do not overload trucks; and
  g) Trucks are to be tarped;
  h) Trucks are not permitted into the quarry prior to 6.30am;
  i) Take care during the hours of operation of the school bus.

However, the quarry operators have provided that the fundamental difficulty with compliance in this case is the fact that Dulguigan Road is a public road, with an unrestricted speed limit and a geometric standard and capacity permitting truck speeds in excess of 60kph.

Council has also received correspondence from the representatives of the quarry operators indicating that the quarry recognises the perceived safety concerns held by local residents in respect of heavy vehicles and subsequently strongly supports and recommends the impositions of a 60kph truck speed limit on Dulguigan Road between the quarry and the Tumbulgum Bridge.

Council’s Local Traffic Committee have discussed the possibility of installing a 60kph truck speed limit to Dulguigan Road but the Roads and Traffic Authority (RTA) have advised that such zones are only approved by the RTA if a crash history exists. This matter will continue to be discussed as a separate issue to this development application.
As part of this application it is considered necessary that the REMP should continue to address this issue so that drivers are requested to travel at 60km an hour with internal signposting remaining in the quarry until such time as the local traffic committee can alter the speed limit in this section of Dulguigan Road.

This is considered satisfactory at this stage as this application actually reduces the permitted number of truck movements through the amalgamation.

**Hours of Operation**

Local residences have expressed concern that the quarry is not complying with the existing imposed hours of operation. The current hours of operation for Reedy Creek Quarry and the proposed hours of operation for the amalgamated quarry are 7.30am – 6pm Monday to Friday, 7.30am to 12 Noon Saturdays with no works Sundays or Public Holidays. These hours were originally imposed, as generally if commencement of operations were permitted at 7am trucks would be utilising Dulguigan Road prior to this time in order to be at the site for its 7am start. However, some residents have reported that trucks arrive as early as 6am waiting outside the quarry (with engines running) to commence work for the day. Reedy Creek Quarry operators have advised that this occurs as not all trucks coming to the site are operated by the quarry itself, and it is therefore quite difficult to enforce. The nominated hours of operation are considered reasonable, however, the arrival of trucks prior to this time is not. Therefore it is recommended that, as part of the REMP Reedy Creek Quarry will be requested to advise all customers of the quarry of their hours of operation and specify that trucks are not to arrive in the area prior to this time. If this advice is ignored An appropriate condition has been imposed.

**Air Quality**

The proposal has the potential to impact on local air quality from dust emissions, although effects on surrounding residents are partially mitigated by the distance to surrounding dwellings (and the fact that the proposed new working areas are further away from dwellings than existing approved working areas), and adjacent intervening vegetation.

Sources of dust emission are likely to be from traffic using unsealed roads, unloading the truck haul onto screens, product loading, drilling and blasting and dust associated with mobile crushing.
The existing approved REMP has sufficient management measures that focus on regular watering of haulage routes, material to be damp before loading, site signage advising drivers to cover their loads, the provision of shake down grids and protective ground covers. The management plan further requires monitoring, auditing and reporting procedures and identifies corrective action to be undertaken. The proposed expanded and amalgamated quarry would contain the same management procedures to contain dust emissions. It is concluded that the quarry can be managed to ensure that the resultant air quality would be within acceptable limits.

Noise Impact

A Noise Assessment prepared by an acoustic consultant has accompanied the application. The report identifies two main noise sources as a result of the modified operation with these being the noise emission from fixed plant and mobile equipment and noise and vibration from blasting.

The application did not detail the noise associated with haul trucks on public roads as the number of truck movements from the site associated with the amalgamated quarries, would actually be decreased compared to the three quarries operating separately.

The report identifies two dwellings as being potentially adversely affected by the proposed changes; one dwelling immediately to the east (Residence B) and one immediately to the northwest (Residence C). Other dwellings were not considered to have potential to be adversely affected by the change to the existing operations.

It should be noted that an additional 2 dwellings are located in close proximity to the quarry, however one of these dwellings is located within the Reedy Creek site and the other to the south is the Sanderson’s residence (Residence A). This residence currently experiences levels of quarry noise that exceed the EPA guideline, however, this is an existing situation and is not going to be exacerbated as a result of this application. Furthermore, the conditions of consent pertaining to noise should assist in reducing the quarry noise levels.

Background noise levels at the dwellings generally are in the vicinity of 38dBA, with the EPA noise intrusion limit for quarry operation noise at noise sensitive receiver locations is an equivalent continuous noise level of 43dBA.

The initial phase of quarrying on the top of the ridge in the extended area has some potential to exceed the noise criterion at the northwestern residence (Residence C) under down wind conditions. However, levels will reduce once the quarry face can be established (this is estimated to be within one month).
The residence immediately to the east experiences acceptable noise levels at present as one section of Sanderson’s Quarry is currently inactive. Upon commencement of this section (as approved by previous consents) noise levels may increase, however, as this may not be for 10+ years the acoustic report has indicated that noise mitigation measures should be reviewed based on the type of equipment in use at the time.

However, in both the above instances it should be noted that these noise issues do not result from the proposed expanded areas as part of this application. The areas in question (being the ridge within Reedy Creek and Stage 2 of Sanderson’s Quarry) have already being issued with development consent.

With respect to blasting the proposed amalgamated quarry will still operate within the guidelines for Reedy Creek Quarry, which is a maximum of 3 blasts per month. Although the operators have indicated that this is more likely to be 5-6 blasts a year. This is less than the permitted blasts for the three independent quarries and is considered reasonable subject to the recommended conditions of consent.

Council’s Environmental Health Unit have advised that the proposal is suitable for approval subject to the recommended conditions specifically pertaining to the noise amelioration recommendations from the submitted acoustic report.

Erosion and Sediment Control & Stormwater Management

The application has been accompanied by an Engineering Impact Assessment which provides that the proposed amalgamated quarries would essentially operate in accordance with the approved REMP for Reedy Creek Quarry. However, these principals would be applied over the three quarries when amalgamated. The management measures are extensive and include hay bales, straw fences, revegetation of exposed soil, stormwater being directed to sediment control ponds, progressively revegetating inactive quarry faces, stockpiling silt for rehabilitation works, and the use of polishing ponds following times of excess water.

By amalgamating the quarries and having them operate as one, soil and water management measures can be implemented in an integrated manner, which would lead to more efficient and consistent management, than three separate management strategies for three different quarries.

Flora and Fauna Impacts

It is recognised that the site contains significant vegetation and accordingly the applicant prepared a Flora and Fauna Report to accompany the development application.
The Flora and Fauna survey identified one species of vulnerable plant, one endangered plant species and four threatened vertebrate species. The flora and fauna survey concluded that the two plant species are capable of protection within the conservation areas. In regard to the vertebrate species the limited impacts of the proposal, combined with the local availability of suitable habitat to be retained on site and set aside for conservation for all of the threatened species likely to occur at the site makes it unlikely that the proposed development would disrupt the life cycle of any species. Therefore it is not considered necessary to request the applicant to prepare a species impact statement, however the submitted Flora and Fauna survey makes certain recommendations to ameliorate the impact of the proposal. These recommendations will be required to be incorporated into the amended Rehabilitation and Environmental Management Plan.

Rehabilitation & Revegetation

The upper benches of the horizontal stages would be progressively rehabilitated while lower levels are being worked. The rehabilitation strategies would be generally in accordance with the approved REMP and would include all the previous approved items relating to the preservation and management of the conservation area.

Full details of the rehabilitation of the site will be required to be produced in a rehabilitation and environmental management plan which will be required as a condition of consent should approval be granted to the proposal.

Visual Impact

Due to the topography of the surrounding area the three quarries are generally visible from the south, east and west. The quarry is not visible from the north due to surrounding topography and vegetation. A detailed visual analysis has been conducted as part of the application.

The application concludes that the expanded quarry area between Reedy Creek Quarry and Sanderson’s Quarry is on the western side of the ridge. Therefore visual impacts are limited to the south and west.

Due to the proposed extraction method not all of the new working area will be exposed to external catchments and because the area represents a small part of the overall quarrying areas, the visual impacts of the new work would be minor in the context of the entire site.

The area between Pollards Quarry boundary and the approved Reedy Creek extraction area is an existing exposed face, approximately 5 to 10 metres wide and 140 metres long. It is located well below the ridgeline. Therefore due to the narrow width of this area and its location, visual impacts of quarrying this additional area would be negligible.
In this regard the quarry will continue to be visible in varying degrees over its lifetime until such time as total rehabilitation is carried out.

**Adjoining Land and Other Land in the Locality**

The subject site is opposite prime crop and pasture land, which is extensively used for cane production on the southern side of Dulguigan Road. Land to the west is generally used for grazing purposes and contains farm dwellings. Land to the north is generally heavily vegetated. Land to the east contains a residential dwelling and is used for agricultural pursuits. The main potential for the quarry to impact on adjoining land is due to the noise generation of the activities affecting nearby residences. As discussed in the noise impact assessment above noise levels are either acceptable or can be reduced by way of conditions of consent.

The other main impact on residents in the locality would be from the vehicles utilising Dulguigan Road and the noise generated as a result.

The application details that the quarry will have an average of 40 trucks per day, which represents an annual average daily traffic figure and not an absolute limitation on any given day. This will be less than the allowable trucks in accordance with the other approvals, however, the noise created will undoubtedly have an adverse impact on adjoining residences. However, as these truck numbers have decreased, as part of this application the acoustic report did not re-visit the findings from the previously approved EIS.

The previous EIS detailed that the impacts from traffic noise to be within accepted standards. For the results to fall within accepted standards, numerous assumptions were made including; that the capacity of trucks which was based on a $20m^3$ capacity and noise assumptions include that the trucks are fitted with air suspension and residential mufflers. The adopted REMP addressed how the quarry operators propose to ensure that only vehicles of this nature use the site and additionally the consent was limited in the number of truck movements.

The revised REMP will be required to detail similar constraints.

Whilst this will reduce the impact on nearby properties it is still considered that an adverse affect will arise however, the impact appears to fall within the EPA standards.
Social and Economic Effects

The proposal seeks to utilise an important natural resource which is likely to become restricted in supply in coastal areas due to the pressure of urban expansion. In economic terms local deposits reduce the cost of materials and can contribute to employment both directly and indirectly. In social terms ready access to such deposits translate to lower costs to the general community and the provision of essential infrastructure from which the community as a whole will benefit.

Concern has been expressed by local residents that the quarry operations and associated traffic would be have a negative impact to the tourist appeal of the area. The subject site has been zoned for rural activities incorporating extractive industries and it is unfounded that these activities would actually deter tourists.

Potential adverse social impacts exist as a result of the quarries relationship to and impact on surrounding residences and landowners. Those issues are addressed variously throughout this assessment however, in summary are considered to be within acceptable limits.

(c) Suitability of the site for the development

The scale of the proposed amalgamated quarries is actually a reduced level to that of the existing approvals. Under the existing quarry consents a combined maximum of 237,300m³ of material could be removed within any 12-month period. Whereas, the extraction from the proposed expanded quarry would be no more than the approved rate (for Reedy Creek Quarry) of 200,000m³ per annum. Therefore, the scale of the proposal in terms of extraction rates would be less than that which is currently approved. Based on 5,100,000m³ of remaining material from the amalgamated quarry with an average of 195,000m³ of material removed per annum the amalgamated quarries would have a life of approximately 27 years.

The 1% flood level in the area is approximately 4.85m AHD. The application proposes that the quarry floor be reduced to a level of 5m AHD. This will ensure that is stockpiling and quarry activities occur at this level they would be protected from the risk of minor flooding. This will ensure the adequate water quality and provide the site with some protection from flooding. In this regard a condition of consent is recommended, should the application be approved, stipulating that all quarrying operations are to remain above RL 5m AHD and no excavation or work apart from rehabilitation is to occur below this level.

Whilst the subject site is within a nominated bushfire hazard area the NSW Rural Fire Service has only requested that the access tracks comply with the Planning for Bushfire Guidelines. This has been incorporated as part of the recommended conditions of consent.
Therefore, it is considered that the size and shape of the land is suitable for the intended purpose and proposed development. Sufficient room exists on the site to allow significant vegetation species and rainforest/wet sclerophyll areas to be undisturbed whilst allowing the continuation of quarrying operations to occur.

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

The application was placed on public exhibition for 30 days from 9 June 2004 and 12 July 2004. During this period the application attracted 15 objections that were based on the following concerns:

- The speed limit of Dulguigan Rd not being suitable for trucks from the quarry
- Any increase in truck numbers increases the risk to other road users and pedestrians
- Increased noise from trucks
- No footpath or cycleway currently in place in Dulguigan Rd
- A negative impact to the tourist appeal of the area
- Increase in the physical damage to Dulguigan Road
- Possible damage to adjoining properties from blasting, and subsequent issue of compensation
- New excavation areas are too close to other properties
- Hours that trucks operate on Dulguigan Rd – already from 0600hrs (outside current consent)
- Health risk from air-borne Silica Dust
- Possible damage to land significant to local Aboriginals, and no consultation with Aboriginal Land Council
- Land between Reedy Creek Quarry and Pollards Quarry protected by Department of Environment and Heritage
- Insufficient monitoring of quarry operating hours
- Insufficient monitoring of blasting frequency and locations
- General negative impact on “normal” lifestyle of residents in the area

Most of these issues have already been discussed in the above report, however, the following additional comments are provided in response to some issues:
This application represents a reduction in the number of permissible truck movements, reduces the potential extraction rate, and does not create any new extraction areas any closer to existing residences. The quarry will certainly impact on adjoining residences but that is not a direct result of this application but rather an existing situation. The land has been operational as a quarry for many years and is not known to contain any historical Aboriginal significance. Previous applications have been supported by detailed archaeological surveys, which conclude that the land has low archaeological potential. No further assessment in this regard is considered necessary. Due to the rural nature of the area footpaths and cycleways are not considered appropriate, however, through the imposition of a bus transfer section safety will be improved as part of this application.

In regard to monitoring and the requirements for blasting Reedy Creek Quarry maintains sufficient records to demonstrate compliance with their REMP. Through the amalgamation of these quarries it will actually enable better monitoring to occur, as it will be all under the one management.

The submissions revealed a concern that land between Reedy Creek Quarry and Pollards Quarry was protected by Department of Environment and Heritage. A search of Council’s records including the originally submitted EIS and subsequently approved REMP revealed that no such protection is afforded to this particular land. The Environmental Protection areas relate to the area behind Stages 1 and 2 of Reedy Creek quarry itself and these protected areas are to be maintained as part of this consent.

The concern that the quarry will create silica dust does not warrant refusal of this application. The quarry sites are licensed premises that are governed by the Environment Protection Authority. Furthermore, it is considered that the proposed dust compression measures are sufficient to minimise negative impacts.

The issues raised as detailed above are considered to have been addressed in the bulk of the report above and do not warrant refusal or further amendment of this application.

In addition to public notification, as detailed above, the application was referred to various Government Authorities and their summarised comments have been provided below.

**Department of Environment and Conservation (DEC)**

- *The current Environment Protection Licence (EPL) held by Elesanar PTY LTY will not require any significant amendments for the proposed expansion. Therefore the proposal is not an Integrated Development Assessment matter and general terms of approval do not need to be provided.*
• We are generally satisfied that the proposed controls for air, noise and water pollution from the proposed activity are adequate.

• It is noted that the applicant has agreed to adopt the previous consent conditions, relating to the provision of conservation areas, the protection of threatened plant species and the implementation of a rehabilitation plan. It is also apparent from the aerial photography supplied that one of the residue areas between Pollards Quarry and Reedy Creek Quarry has already been removed.

• It is recommended that Council ensure that rehabilitation of the existing quarried areas (Stage 1 of Reedy Creek and Sanderson’s Quarry) is proceeding to its satisfaction under the existing consents prior to the commencement of Stage 2 and the proposed residue works subject to the current application.

Following site visits Council’s Environmental Health Officer, Council’s Development Assessment Officer and Council’s Manager of the Works Unit were all comfortable that the existing operations and proposed rehabilitation works are satisfactory having regard to the existing consents and applicable management plans.

NSW Department of Primary Industries – Agriculture

• There are no notable or obvious significant adverse impacts on agriculture anticipated though it is recommended that due consultation with local and adjoining landholders take place to ensure relevant local issues are identified and adequately addressed;

• Noise, traffic and dust are likely to be local neighbourhood issues. The impact of noise and traffic on rural residents is a Council matter. Dust is a potential issue for some agricultural industries though if managed appropriately should not create major problems. The installation of appropriately located and designed clean/dirty water diversion works will also assist minimise adverse impacts on surface water resources.

The proposed conditions of consent as recommended are considered to adequately address the above concerns raised.

NSW Department of Primary Industries – Industrial Minerals & Land Use

• The sites to be amalgamated have been identified by the Department of primary resources as containing significant resources of road making material in advice provided to Council in June 2004 in response to Section 117 (2) Direction G28.

• The Department has no objections or concerns in relation to the amalgamation of the three quarry sites. As discussed the Department supports the proposal in principal because it would enable recovery of the remaining resources to be maximised and would facilitate rehabilitation and end use of the site.
Department of Infrastructure Planning & Natural Resources (DLWC)

Verbal communication with Officers indicated that no objections are raised by the Department.

NSW Rural Fire Service

- Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service, in respect to bush fire matters, provides the advice that the development should have the following conditions:

  1. The proposed “access tracks” to comply with Planning for Bushfire Protection 2001 Section 4.3.3.

The above condition has been incorporated into the recommended conditions of consent.

Roads and Traffic Authority

- The Committee noted that assessment of sight distances was based on estimated speeds on Dulguigan Road. Appropriate sight distances should be applied for the measured 85th percentile speeds.
- The access to the amalgamated quarry sites should be restricted to a single point. This access should be through the existing Reedy Creek Quarry access.
- The Development application report indicates an extraction rate of 200,000m³ per annum will apply to the combined quarries. The traffic report supporting the material indicates haulage for the site is proposed to be 40 trucks per day. This does not appear to be consistent with the amount of material to be extracted. The haulage rates for the proposal need to be clarified.
- The traffic report indicates a Type A intersection is proposed for access. However it would appear to be more appropriate to provide the AUSTROADS Type B access when the haulage rates for the proposal are clarified.
- Consideration should be given to upgrading the existing road pavement at the intersection of the proposed combined access to Dulguigan Road.
- A contribution should be made for maintenance of the local road network.
- Hinged truck warning signs should be provided and displayed during haulage operations.

In regard to the comments requiring a contribution for the local road network it should be noted that a contribution is not required for this proposal as Reedy Creek Quarry have a separate arrangement with the Engineering & Operations Division for an equivalent levy to be paid, based on tonnage per kilometre of haulage, and this arrangement will continue for the new amalgamated quarries.
It is further noted that the rates mentioned above for annual extraction and truck numbers are based on an average. The consent will allow a maximum of 200,000 m³ of material to be extracted per year with an average of 195 m³ over a three-year period. The number of truck movements will be an average of 40 per day. This is considered necessary to meet market demand and to acknowledge that the quarry is not open every day of the year.

The above comments and concerns have been reviewed by Council’s Traffic and Transport Engineer, Council’s Development Engineer and Council’s Manager of the Works Unit and all issues are considered to have been adequately addressed through the imposition of conditions of consent.

(e) Public interest

As outlined variously through this report the proposal is not likely to adversely affect the general public. It will actually have some public benefit through the provision of a reduced potential impact as a result of the amalgamation and the provision of the continued use of an extractive material for community purposes such as road base. The quarrying operations currently have some adverse effects on some members of the public from the truck usage of Dulguigan Road and will continue to do so, as such an activity in the proximity of any residence will always have some adverse impact. However, the site has been used for such purposes for many years and this application is not considered to exacerbate these effects but rather reduce the potential impact. Subject to the compliance with the recommended conditions of consent the proposed application is considered to be satisfactory having regard to the public interest.

OPTIONS:

1. Approve the application in accordance with the recommendation.

2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with Council’s determination of the application a right of appeal would exist to the Land and Environment Court.

POLICY IMPLICATIONS:

Nil.
CONCLUSION:

The proposed application seeks to amalgamate the three quarries and expand the existing quarrying operations to between the ridges of Reedy Creek Quarry and Pollards Quarry and between Reedy Creek Quarry and Sanderson’s Quarry. The quarry will utilise a known extractive resource which is used generally for road base materials. The circumstances of the application have been fully addressed throughout the body of this report.

The subject application seeks approval for the extraction of a maximum of 200,000 m$^3$ of material per annum with an average of 40 trucks per day and will require blasting at a maximum of 3 blasts per month.

This represents a reduction to that previously approved for the three independent quarries and is therefore considered a reasonable proposal.

Based on this assessment and the consideration of all the public submissions, the government body referrals, the proposal is not considered to constitute Designated Development and is considered to warrant conditional consent as the proposed application would enable maximum recovery of the remaining resources and would facilitate rehabilitation and end use of the site.

UNDER SEPARATE COVER:

1. Figure 1 – Proposed Additional Extraction Areas
2. Figure 2 – Proposed Extraction/Rehabilitation Plan
3. Figure 3 – Proposed Extraction Method
4. Figure 4 – Approximate Location of Surrounding Dwellings
3 [PE] Development Application DA04/0917 for a Two Storey Dwelling and Building Line Variation at Lot 4 DP 1054265 No. 48 Kintyre Crescent Banora Point

ORIGIN:

Building Services

FILE NO: DA04/0917

SUMMARY OF REPORT:

Application has been received to construct a two storey dwelling on the subject allotment.

The allotment forms part of a five lot subdivision and is of irregular shape. A building line variation has been requested and approved.

In response to Council’s notification policy several objections to the proposal were received. The Applicant submitted amended plans showing minor changes and additional information which were referred to the objectors for comment. The objectors have reiterated their objection to the proposal.

Notwithstanding that the proposed dwelling will have a significant impact on neighbouring properties it is considered that any proposal for this allotment is likely to have a similar impact due to the shape and configuration of the lot.

The objections have been considered as part of the approval process however it is considered that on balance the application warrants conditional approval.

RECOMMENDATION:

That Development Application DA04/0917 for a two storey dwelling and building line variation at Lot 4 DP 1054265, No. 48 Kintyre Crescent Banora Point be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0020] [GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

4. The erection of a building in accordance with a development consent must not be commenced until:
   (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
   (b) the person having the benefit of the development consent has:
      (i) appointed a principal certifying authority for the building work, and
      (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
   (b1) the principal certifying authority has, no later than 2 days before the building work commences:
      (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
      (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
   (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
      (i) appointed a principal contractor for the building work who must be the holder of a contractor license if any residential work is involved, and
      (ii) notified the principal certifying authority of any such appointment, and
      (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE
5. The footings and floor slab are to be designed by a practicing Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

6. Prior to the issue of a Construction Certificate provide two copies of wind bracing and tie down details for an anticipated maximum speed of N3.

PRIOR TO COMMENCEMENT OF WORK
7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
   (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
   (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
   (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
      (A) the method of protection; and
      (B) the date of installation of the system; and
(C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
(D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

8. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
   (a) a standard flushing toilet connected to a public sewer, or
   (b) if that is not practicable, an accredited sewage management facility approved by the council, or
   (c) if that is not practicable, any other sewage management facility approved by the council.

9. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying authority for the work, and
   (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
   (c) stating that unauthorised entry to the site is prohibited.

   Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

10. Prior to work commencing, a “Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority” shall be submitted to Council at least 2 days prior to work commencing.

11. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

12. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed storm water and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

13. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

Residential building work:
(1) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
   (a) in the case of work for which a principal contractor is required to be appointed:
       (i) in the name and license number of the principal contractor, and
       (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
   (b) in the case of work to be done by an owner-builder:
       (i) the name of the owner-builder, and
       (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

DURING CONSTRUCTION
15. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

16. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

17. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

18. 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.
19. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

20. **A Sewer manhole** is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

21. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

23. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

24. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Council's Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

25. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
   a. internal drainage, prior to slab preparation;
   b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
   c. external drainage prior to backfilling.
   d. completion of work and prior to occupation of the building.

26. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

   B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

27. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

28. The finished floor level of the building should finish not less than 225mm above finished ground level.
29. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:*
   * 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
   * 50°C in all other classes of buildings.
A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

30. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
   i. All required erosion and sedimentation control devices have been installed and are operational.
   ii. Required toilet facilities have been provided on the site.
   iii. A sign has been erected on the site identifying:
      * Lot number
      * Builder
      * Phone number of builder or person responsible for site.
   iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
   v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

31. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

33. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
REPORT:

Applicant: Mr PA Willis and Ms SM Cameron
Owner: Mr PA Willis and Ms SM Cameron
Location: Lot 4 DP 1054265, No. 48 Kintyre Crescent Banora Point
Zoning: 2 (c) Urban expansion
Cost: 250000.00$

Background
Application has been received to construct a two storey dwelling on the subject allotment. The allotment is zoned 2 (c) Urban expansion which permits the construction of dwelling houses.

The dwelling is proposed to observe a building line of 4.39 metres to Kintyre Crescent and a building line variation has been recommended for approval due to the exceptional conditions of the site, to wit, its long narrow configuration which would make it difficult to design a reasonable size dwelling which maintains a six metre building line.

The allotment forms part of a five lot subdivision, encompasses an area of 673 m² and has access off Kildare Drive via a common driveway which also serves lots 2 & 3.

The north western property boundary, which faces Kildare Drive, is retained by a boulder retaining wall which has an approximate height of between 600mm and 1.60 metres.

The allotment has access to all services.

The adjoining allotments 1 & 3 have existing two storey dwellings, allotments 2 & 5 are vacant.

The local area is characterised by two storey dwellings however dwellings up to three storeys are permissible in this area.

The proposed dwelling will be two storey, the ground floor will be constructed of rendered masonry and the upper level will be timber framed with a mixture of external cladding materials such as colorbond metal, ecorply and rendered blueboard.

The roof will be metal clad skillion with a pitch of 7.5 degrees.

Ceiling heights will be approximately 2.70 metres.

In accordance with Council’s notification policy all adjoining property owners were notified.

In response to this process written objections were received from the owners of adjoining lots 1,2,3 & 5 and one other nearby resident who wasn’t notified. A submission of objection from Planit Consulting, Town Planning Consultants, on behalf of the owners of lots 1,2,3 & 5 was also received.
As a consequence of these objections the Applicant was advised of the nature of the objections and was invited to consider the objections and provide a formal response.

Amended plans were submitted showing minor alterations to the design and providing additional information that was deficient in the original plans.

The objectors were provided with a copy of the Applicant’s response however still maintain their opposition to the proposal.

Notwithstanding that the dwelling will have a significant impact on neighbouring properties it is considered that any dwelling which is proposed for this allotment would have a similar impact on neighbouring properties due to the shape, configuration and existing levels of the allotment.
Site Diagram
Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979

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

Tweed Local Environmental Plan 2000

The property is zoned 2 (c) Urban expansion and the proposal is considered to be consistent with the zone objectives which is to provide for optimum utilisation of land for residential development.

The proposed dwelling will be a free standing single dwelling which is consistent with the standard of land use in the area.

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

No draft Planning Instrument affects this application.

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

This application is affected by DCP 39 “Energy Smart Homes Policy” and DCP 47 “Cut and Fill on Residential Land” and satisfies both these plans.

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

There are no matters prescribed by regulation.

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

The proposed dwelling will be located in an established residential area which is characterised by one and two storey dwellings of varying architectural styles. The proposal varies from what could be described as the typical style of dwelling for this area as it characterises a more contemporary architectural style comprising a skillion roof and a mixture of external wall cladding materials.

Due to the physical characteristics of the allotment it is conducive to the construction of a two storey dwelling and any reasonable size house which is constructed on the lot would have a significant impact on the adjoining properties and this fact should therefore not preclude the right of the property owner to design the dwelling of their choosing.

Positive social and economic impacts on the locality would result from the construction of the dwelling by providing residential accommodation, employment during construction of the dwelling and supporting local building supply companies.
(c) **Suitability of the site for the development**

The site has been created at subdivision stage for residential use and the proposal is considered to be consistent with the zoning of the area.

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

In response to Council’s notification policy several objections to the proposal have been received. A report from Town Planning Consultants, Planit Consulting dated 20 August 2004 was submitted on behalf of the owners of lots 1, 2, 3 & 5 DP 1054265 as well as individual objections from these owners.

The Planit Consulting report appears to cover all of the concerns which were raised by the individual objections and is reproduced hereunder:-
20 August 2004

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

Attn: Mark Roworth

Dear Sir,

Re: Development Application 04/917 – Two Storey Dwelling and Building Line Variation, Lot 4 DP 1054265, 48 Kintyre Crescent, Banora Point

In response to Council’s letter dated 2 August 2004 Planit Consulting have been commissioned to prepare an objections to the abovementioned Development Application on behalf of the immediate neighbours to this property. We act on behalf of the following landowners:-

- Tavace Pty Ltd (Lot 2 DP 1054265)
- Conme Archer and Thomas Martin Hynes (Lots 1 and 5 DP 1054265)
- John and Sharon Anderson (Lot 3 DP 1054265)

Planit Consulting has reviewed the proposed plans and undertaken an inspection of the subject site. Our clients are concerned about a number of aspect of the proposed development and having inspected the site and reviewed the proposed plans it is considered there grounds for objection are not unfounded. In this regard it is our opinion that the proposal demonstrates poor neighbourly manners and does not warrant the support of Council.

The reasons for objecting to the proposed development are as follows:

1 Height. The building is designed as two storeys, however from floor to ceiling it is deduced that the ground floor has a maximum height of 3 metres while the second storey has a maximum height of 4.5 metres. The height of these storeys is totally inappropriate for this area of Banora Point, and the design and the building has no regard to the existing streetscape or the amenity of surrounding residents.

The impacts of this proposal are further exacerbated by the siting of the building on up to 2 metres of fill and the raising of the eastern half of the building up to 4 metres above natural ground level. As Council is aware Draft Local Environmental Plan No. 46 has been prepared and exhibited. The provisions within that document state that a storey which exceeds 4.5 metres is counted as two storeys. Using these guidelines the proposal clearly pushes
the building envelope as a two storey dwelling with parts of the dwelling having a height equivalent to a three storey building.

Although there are two storey dwellings within the street and surrounding areas, those buildings have had regard to the topography of the land and undertaken a balanced cut and fill approach. It is obvious that many of these dwellings have been sunk into their respective sites, as demonstrated in the photos below.

2. **DCP No. 3 Banora Point West – Tweed Heads South:** The DCP sets out guidelines for residential development under Section 8 of the Policy. A clear requirement is that "no building within the residential area shall exceed two storeys in height!" Although Council is yet to adopt definition for the maximum height limit for a storey, it is clearly evident that the height of this dwelling is the equivalent of a three storey building with the design paying scant regard to the intent of the DCP.

3. **Southern Elevation:** The southern elevation presents as an unattractive blank wall with a height of 6 metres and an area of approximately 120 m² to the property to the south with only two doors providing any relief to this façade. The plans fail to provide any detail on materials proposed and as such it is impossible to conclude whether the building will be in character with surrounding residential development or what the visual impact will be.

4. **Roof:** The main part of the dwelling house has been designed with a single pitch skillion roof orientated to the south. Again no details are provided on materials (metal, colourbond, shingles or tiles) and as such it is impossible to ascertain the appropriateness of the roofing material proposed and what impact this may have on surrounding properties and residents from reflectivity. Accordingly it is submitted the applicant has failed to submit sufficient information as required under Schedule 1 – Part 1 of the Environmental Planning and Assessment Regulations 2000 for Council to approve this application with any confidence.

5. **Overshadowing:** No overshadowing plans have been submitted, however it is clearly evident that the height of the building will adversely overshadow the property to the south (Lot 2 DP 1054265) during the morning hours and the property to the east (Lot 5 DP 1054265) during the evening hours. A more sympathetic design would minimise the overshadowing impact. Again a lack
of detail has been submitted to enable Council to fully assess the proposal as required under Section 79C of the EPA Act 1979.

6. Building Line Policy: The applicant has sought a building line variation however no valid planning reasons for granting this variation are evident other than the applicant’s simple desire to construct a large inappropriate dwelling house on the subject site. From a site inspection it is evident existing dwellings in Kentyre Crescent conform to Council’s requirements and therefore no precedent has been set to justify the departure. The objectives of the Building Line Policy are as follows:

i) To achieve an attractive and reasonably landscaped.
ii) To provide for the safe and convenient circulation of pedestrians and parking of vehicles.
iii) To control the extent to which buildings overlook, overshadow and affect adjoining properties.

Council should carefully consider the height of this building in terms of these objectives. It is noted the ground floor will be set 6 metres above the road, the first floor 9 metres above the road and the top of the roof an outrageous 14 metres above the road. Plus a further retaining wall 2 metres in height is proposed on top of the existing 3 metre high rock wall. Accordingly the dwelling as proposed will be disfiguring in terms of streetscape and impose dramatically on the public domain and adjoining properties. It is submitted a Building Line Variation should not be granted in this instance. Council would be seen as negligent in its duties by failing to protect the public interest and not enforcing its planning controls for dwelling houses.

7. Subdivision Layout: A copy of the approved subdivision plan is attached for your information. (See Appendix A) It is noted the subdivision was approved on the correct understanding a building could be legally constructed on the site and comply with Council’s Building Line Policy. This at the time of subdivision was a serious concern to Council and in particular the Building Unit. It now seems ludicrous considering Council’s previous concerns, that a building line variation would now be supported.

8. Landscaping: The proposal shows a distinct lack of regard to providing landscaped open space areas, with little room for a clothes drying court, children to play or for residents to potter in the garden, with the bulk of the front yard taken up by rock retaining walls and the driveway which have inadvertently been left of the plans.

9. Fill: From the proposed plans it is deduced that substantial filling will be required to create a level platform, and to artificially raise the land. Having regard to the properties height above Kentyre Crescent, the height of existing residential properties opposite, and the existing views available, filling of this site is not required for any valid planning reasons (ie DCP 5 – Flooding) Even the ground floor of the garage set at R.L 81.4 metres is raised more than 1.5 metres above the existing concrete driveway with survey details showing an RL of 79.53 metres. Accordingly the filling of this site is viewed as a waste of a limited and valuable resource, and will result in conflict with neighbouring properties.

10. DCP 47 Cut and Fill on Residential Land: As earthworks result in the need to construct a two metre high retaining wall as proposed the applicant should be required to address the provisions of this policy. In this regard the
applicant should have provided:

- a detailed sedimentation and erosion control plan;
- a detailed landscape plan;
- a stormwater management plan;
- Detailed engineering plans on the proposed retaining walls; and
- a geotechnical report as it would appear a retaining wall will be erected above an existing retaining wall.

A balanced approach to the cutting and filling would result in a more compliant proposal in terms of DCP 47.

**Design Solutions:** It is submitted there are a number of design solutions available to the applicant, while maintaining floor area and to preserving the residential amenity of the surrounding properties. The proposal in its present form is an inappropriate response to the site and an overdevelopment in terms of height, bulk and scale. A variety of design solutions are available which should be fully explored prior to this application being determined. Such solutions include (but not limited to) the following:

- Lowering the building further into the site by a metre to achieve balanced cut and fill, removing the need to import fill from an external source, and reducing the height of the front retaining wall and the loads this may put on the existing rock wall;
- Lowering the eastern portion of the dwelling house to natural ground level as opposed to artificially raising this part of the house on fill and piers;
- Lowering the ceiling height of the ground floor by at least half a metre and the lowering the ceiling height of the top floor by at least a further metre;
- Providing additional relief in terms of articulation and windows to the southern elevation.

Having regard to the sites access to views to the north and its inability to be built out by surrounding development due to the topography of the land and surrounding properties, it is not unreasonable for Council to request the applicant to redesign the dwelling to respect Council’s Planning Controls and to exhibit good neighbourhood manners. A reduction in height of at least 2 metres can be achieved through a variety of the design solutions as discussed above without adversely impacting upon the applicants views or amenity. Should the applicant be unwilling to amend the plans.
and a better outcome achieved the development application should be refused for the reasons outlined above. Furthermore should the application be approved based on the limited information submitted, it is our opinion Council leaves itself open to action under Section 123 of the Environmental Planning and Assessment Act 1979.

Should you require any further information, please do not hesitate to contact Planit Consulting on 02 66 745001.

Yours faithfully

Chris Larkin
Senior Town Planner
A response to each of the points of objection follows hereunder:

**Height**

The dwelling will be two storey with a ceiling height to the ground floor of 2.7 metres and to the first floor of 2.70 metres. There is no statutory limitation on the height of a storey.

The ground floor will be excavated into the site by about 1.5 metres along the southern wall of the dwelling which will reduce its impact, especially on the allotments to the rear.

The local area is characterised by two storey dwellings.

**DCP 3 Banora Point West – Tweed Heads South**

The proposed dwelling does not exceed two storeys in height by definition under the provisions of Tweed LEP 2000 and as there is no adopted definition for the maximum height limit for a storey the proposal is deemed to comply with the provisions of that part of DCP 3 quoted.

**Southern Elevation**

An amended plan has been submitted showing detail to the southern elevation which was omitted from the original proposal. This detail comprises the provision of more windows and details of a mixture of external wall cladding which provides for more visual interest to this façade. In addition the building has been lowered into the site a further 400mm which has the effect of reducing the bulk of this elevation.

The design of the dwelling varies from the typical brick and tile dwelling design in the area however it is a reflection of a more contemporary architectural style which may provide variety in the streetscape.

**Roof**

The roof will be a skillion design with a pitch of 7.5 degrees, amended plans have been lodged advising that the roofing material will be non reflective colorbond steel and that the colour will be in the beige range.

**Overshadowing**

Shadow diagrams have been submitted which indicate that there will be some afternoon overshadowing of lots 1 and 2 in DP 1054265 during winter however these lots are located to the south of the subject lot and some overshadowing at this time of year would be expected. A two storey dwelling with a typical pitched roof would cast a similar shadow.
Building Line Policy

The dwelling is proposed to observe a minimum building line of 4.39 metres to the front property boundary and requires a building line variation as the proposal will be within the six metre building line.

A building line variation report was prepared which recommended approval of the building line variation due to the exceptional conditions of the site, to wit, its long narrow configuration which would restrict compliance with a six metre building line for a reasonable size dwelling.

Whilst it was acknowledged that the proposal would have a significant impact on neighbouring properties it was considered that any proposal on this lot was likely to have a similar impact.

This recommendation of this report was concurred by the Area Team meeting.

Subdivision Layout

A copy of a subdivision layout plan was provided by Planit Consulting which shows an approved building envelope.

The proposed dwelling will exceed this envelope however the building envelope is a diagrammatic indication at subdivision stage that it is possible to physically position a dwelling on the allotment and is used to support an application for subdivision only.

Landscaping

It is not a requirement of Council to request details of landscaping, clothes drying area or children's play areas for a single dwelling however the Applicant advises that a low maintenance garden will be provided, that a clothes drying area is proposed on a deck at the rear of the dwelling and that undercover children's play area will be available beneath bedrooms 1 and 4.

Fill

The Applicant advises that the dwelling will be excavated into the site a further 400 mm than was originally proposed with the result that importing fill from an external source will not now be required.

DCP 47 Cut and Fill on Residential Land.

The originally proposed retaining walls along parts of the southern and eastern boundaries of the site have been deleted and the rear wall of the garage stairway and bathroom on the ground floor will now be constructed as retaining walls.
Due to the lowering of the dwelling further into the site the proposed retaining wall across the front of the site will be reduced in height to a minimum of 400mm at the eastern end of the property and to a maximum of 2.0m at the western end of the property.

Certification from Border Tech Geotechnical Engineering Services dated 9 September 2004 has been submitted stating that the proposed construction should not surcharge the existing retaining wall subject to accepted construction practises being utilised.

An approval under sec 68 of the Local Government Act 1993 has been issued for erosion and sedimentation control on this site.

Design Solutions.

- **Lowering building further into site.** – dwelling has been lowered 400 mm into site thereby deleting need to import fill to site
- Front retaining wall will extend in height from 400mm to 2.0m Border tech Geotechnical Engineering have provided certification for existing retaining wall in relation to additional building loads.
- Lowering building further may restrict access to services.
- **Lowering eastern end of house** - to be utilised as play area for children and will be utilised for additional residential accommodation in the future.
- **Lowering ceiling heights** - lowering minimum ceiling heights as suggested would contravene the minimum ceiling height requirements of the Building Code of Australia and would not be acceptable to Council.
- **Southern elevation** – additional windows have been added to the southern elevation as well as additional detail provided on the mixture of external wall cladding material which is proposed to be used.

The additional information has resulted in this elevation having greater visual interest and in this regard is considered to be acceptable.

(e) Public interest

There are no public interest issues in relation to this application.

OPTIONS

1. Approve the application subject to conditions, or
2. Refuse the application

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If the application is refused the Applicant would have a right of appeal which may have legal and financial implications for Council.
POLICY IMPLICATIONS

There are no policy implications in relation to this application as each application is considered on its merits.

CONCLUSION

The application before Council has been the subject of vigorous objection from adjoining property owners who appear to be mainly concerned at the height and design of the dwelling and at the impact that the dwelling may have on the amenity of their allotments. The allotment is considered to be a difficult lot on which to construct a conventional house because of the site peculiarities such as the dimensions and levels of the lot.

It would be difficult to provide a dwelling of reasonable size on this allotment which does not impact in some way on adjoining properties.

The proposed dwelling design has sought to provide a floor area that meets the needs of the property owners whilst also allowing them the choice the architectural style of dwelling that suits their taste.

The design of the dwelling may vary from the established housing stock in this area however that in itself is not a valid reason to refuse this application.

A contemporary house design in a streetscape that could be argued is devoid of any significant architectural diversity may in fact benefit the streetscape.

Notwithstanding the level of objection to this dwelling it is considered that after consideration and evaluation of all the circumstances of the application that conditional approval should be granted.

UNDER SEPARATE COVER:

Nil.
Proposed Tweed Local Environmental Plan 2000 Amendment - Lots 1 and 2, DP 129075, 224 Tyalgum Road, Eungella

ORIGIN:
Strategic Town Planning

FILE NO: GT1/LEP/2000

SUMMARY OF REPORT:
Council is in receipt of a request from the owners of Lots 1 and 2 DP 129075, Tyalgum Road, Eungella that asks for the re-establishment of a dwelling entitlement on Lot 1 of the land. The request is for the re-establishment of a dwelling entitlement that was lost due to the re-alignment and widening of Tyalgum Road in 1994.

The subject site is described as Lot 1 DP 129075, Tyalgum Road, Eungella; and is located approximately 2.3km from the Kyogle/Tyalgum Road intersection. The approximate area of the subject site is 2 hectares.

Prior to the re-alignment and widening of Tyalgum Road the subject land was described as Lot 3 DP 982186, Tyalgum Road, Eungella. At the time the subject land had a dwelling entitlement. The creation of Lot 3 was part of a Council approved subdivision from 1975. During the widening of Tyalgum Road the dwelling entitlement for Lot 3 was lost as a result of the subject land being re-defined as Lot 1 DP 129075.

The zoning of the subject land is 1(a) Rural. The purpose of the Amendment is to re-instate the lost dwelling entitlement to Lot 1 DP 129075, Tyalgum Road, Eungella.

If the widening and re-alignment of Tyalgum Road were to have occurred in accordance with the current provisions of Tweed LEP 2000 (Clause 57 (3)), the subject site would still possess a dwelling entitlement.

It is recommended that the proposed LEP Amendment be supported and that Council proceed with the draft LEP Amendment.
RECOMMENDATION:

That:

1. Council prepares a draft Local Environmental Plan, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, to restore a dwelling entitlement lost as a result of the widening of Tyalgum Road in 1994, on land identified as Lot 1 DP 129075, Tyalgum Road, Eungella. As part of this draft amendment Council consults with the Department of Infrastructure, Planning and Natural Resources regarding the use of a generic clause to allow for the reinstatement generally of dwelling entitlements lost as a result of the widening and improvement of public roads.

2. The Director-General of the Department of Infrastructure, Planning and Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed Local Environmental Plan Amendment.
REPORT:

Introduction

Council is in receipt of a request from the owners of Lots 1 and 2 DP 129075, Tyalgum Road, Eungella to amend Tweed Local Environmental Plan 2000. The request asks to restore a dwelling entitlement that was originally lawfully created, but was lost, through no fault of the landowner, as a consequence of the widening and re-alignment of Tyalgum Road in 1994.

The widening and re-alignment of Tyalgum Road benefited the local community by removing an unnecessary and dangerous bend in the road.

As the restoration of the entitlement to the land is sought, the proponent submits that the provisions of the North Coast Regional Environmental Plan do not apply in this instance and hence, do not need to be considered by the proposed LEP Amendment.

The purpose of this report is to identify the issues associated with the owner’s request.

The Site

The subject site is described as Lot 1 DP 129075, Tyalgum Road, Eungella; and is located approximately 2.3km from the Kyogle/Tyalgum Road intersection. The approximate area of the subject site is 2 hectares.

The topography of the site is characterised as sloping from the north towards Tyalgum Road. The bulk of the property has been cleared, however some scattered vegetation is evident. Adjoining the property, at its western boundary, is a heavily vegetated portion of land that is protected by a Tree Preservation Order adopted earlier this year.

The existing land-uses of the subject site are not evident considering its size and location, however surrounding properties show that the area is used for animal grazing and/or rural residential development. Figure 1 better illustrates the land-uses of the subject site and surrounding area.

History

Prior to the re-alignment and widening of Tyalgum Road in 1994 the subject land was described as Lot 3 DP 982186, Tyalgum Road, Eungella. At such time the subject land had a dwelling entitlement. The creation of Lot 3 was part of a Council approved subdivision from 1975, Council Subdivision No. 136/75.

In accordance with Tweed LEP 2000 (Clause 57), the protection of existing dwelling entitlements is only possible if the identified land is part of a Council approved subdivision.
During the widening of Tyalgum Road the dwelling entitlement for Lot 3 was lost as a result of the subject land being re-defined as Lot 1 DP 129075. Lot 1 was created in accordance with the Roads Act 1993 and was not part of a Council approved subdivision.

It is considered that the loss of a dwelling entitlement as a result of road widening and/or re-alignment on land, which was originally legally created, is not limited to the subject site. It is possible that numerous sites around the Shire having similar circumstances may exist; however, without individual landowners coming forward it is impossible to identify the exact amount and their location.

The adoption of Tweed LEP 2000 Amendment No 45, earlier this year, has ensured that future instances involving the improvement of public roads and/or other works that generate a benefit to the local community will not result in the loss of dwelling entitlements on adjoining land.

**Tweed LEP 2000**

The subject site is zoned 1(a) Rural. The adjoining property to the north and east is zoned part 1(a) Rural and part 1(b2) Agricultural protection. The adjoining land on the subject site’s western boundary is zoned 7(l) Environmental Protection (Habitat). Figure 2 illustrates the location of the subject property and the corresponding zoning.

The subject property does not have a dwelling entitlement. Its land area is less than the minimum requirement of 40 hectares for land zoned 1(a) Rural and Clause 57 of Tweed LEP 2000 does not apply.

Clause 57 (2) is not applicable in this instance, because the dwelling entitlement that was attached to the subject land was attributed to a previously registered allotment and was lost when the subject land was re-defined as Lot 1 DP 129075.

Clause 57 (3) is not applicable in this instance, because the provisions do not permit the re-instatement of dwelling entitlements that are lost as a result of past subdivisions regardless of the situation and/or identified public benefit.

Therefore the granting of a dwelling entitlement is prohibited on the subject land without an amendment to Tweed LEP 2000.

**Purpose of the Amendment**

The purpose of the proposed Amendment is to re-establish a dwelling entitlement that was lost as a result of the re-alignment and widening of Tyalgum Road in 1994 on land identified as Lot 1 DP 129075, Tyalgum Road, Eungella.

Although it would be desirable to correct all of the instances involving the loss of dwelling entitlements on land affected by the improvement of public roads within the one amendment, a general Amendment to the LEP could not be identified. Therefore the intent of the proposed Amendment is to amend Schedule 3 of Tweed LEP 2000 to allow for the erection of a dwelling house on the subject land.
Work Program

The proposed LEP Amendment is not included in the current Strategic Planning Work Program. Council on the 17th December 2003 resolved to allow the Director of Development Services to bring forward any minor LEP Amendments as resources may permit. The proposed Amendment is considered to be minor and hence, Council should resolve to prepare an LEP Amendment in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.

Planning Review

North Coast Regional Environmental Plan

Clause 7 - Prime Crop or Pasture Land

Part of the neighbouring properties is zoned 1(b2) Agricultural Protection. It is considered that the re-instatement of a dwelling entitlement on the subject site will not impact upon the commercial viability of the neighbouring land because of the types of agricultural activity undertaken there and the size, shape and topography of the subject site (i.e. a dwelling house can be easily positioned to avoid any detrimental impact towards neighbouring properties).

Clause 8 - Minimum Lot Sizes

The Amendment will permit the construction of a dwelling house on land that is far smaller in size than that which is permissible for land zoned 1(a) Rural. However, the re-instatement of the dwelling entitlement on the subject land is considered justified because of the recently adopted Clause 57 (3) of Tweed LEP 2000.

Clause 57 (3) allows for the protection of existing dwelling entitlements on land that is re-defined by subdivision as a result of the re-alignment and widening of a public road.

Clause 20 - Rural Land Release Strategy

The Amendment will ultimately permit rural residential/small holding development; however, it is considered that Clause 20 of North Coast REP does not apply in this instance.

The Amendment is to re-instate a dwelling entitlement that was lost through no fault of the owner and which would not have occurred if the widening and re-alignment of Tyalgum Road were to be undertaken in accordance with the current provisions of Tweed LEP 2000.
Clause 21 - Dwellings on Rural Land

Council has not yet finalised a rural land release strategy to allow for the development of rural land. However, the proposed Amendment is considered to be minor and as such should proceed. The Amendment simply re-establishes a dwelling entitlement that existed on the land in 1994.

State Legislation

The Proposed LEP Amendment is considered to be consistent with the relevant State Environmental Planning Policies and S117 Ministerial Directions. Consultation with relevant State Agencies will be undertaken as part of the Section 62 consultation in accordance with the Environmental Planning and Assessment Act 1979.

Local Environmental Study

The proposed LEP Amendment will simply allow for the erection of a dwelling house on land zoned 1(a) Rural. It is considered that the subject LEP Amendment is of a minor nature and hence, the need for an Environmental Study should be waived.

Conclusion

It is recommended that Council prepares a draft Local Environmental Plan, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to restore a dwelling entitlement, lost as a result of the widening of Tyalgum Road in 1994, on land identified as Lot 1 DP 129075, Tyalgum Road, Eungella.
Figure 1

[Image of a map showing a subject site with labels for Lot 1 DP 125975 and Lot 2 DP 129075.]
LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

5 [OGM] Quarterly Budget Review - 30 September 2004

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the major expenditure and income changes to the 2004/05 Budget based on current projects to 30 June 2005. This statutory report is prepared in accordance with Local Government Financial Management Regulations Section 6 and 7. Council will have a balanced budget in the General Fund, in accordance with the original budget expectations, and surpluses in the Water and Sewer Funds.

RECOMMENDATION:

That:-

1. The Quarterly Budget Review Statement as at 30 September 2004 be adopted.

2. The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the year.
REPORT:

Budget Review 30 September 2004 (Quarterly Budget Review)

The following Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations Sections 6 and 7 and shows details of Council’s financial position for the period ending 30 September 2004 and estimated end of year financial position as at 30 June 2005.

This statutory Budget Review is prepared at the close of each quarter and shows the financial result between budgeted income and expenditure adopted by Council and the revised total expenditure and total income on present trends for the year.

<table>
<thead>
<tr>
<th>GENERAL FUND</th>
<th>POSITIVE (Contribute to Surplus)</th>
<th>NEGATIVE (Contribute to Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2004 Variations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Workers Compensation</td>
<td>Increase in insurance premium</td>
<td>400,000</td>
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<tr>
<td>2. Manual Handling Training</td>
<td>Increased need for training</td>
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<tr>
<td>3. On-Costs Charged</td>
<td>Recovery of cost above from works</td>
<td>430,000</td>
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<tr>
<td>4. South Tweed Heads Skate Park</td>
<td>Skate Park construction</td>
<td>150,000</td>
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<tr>
<td>5. Skate Park - Loan Funds</td>
<td>Funding of skate park</td>
<td>75,000</td>
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<tr>
<td>6. Skate Park - Contributions</td>
<td>Funding of skate park - contributions from clubs</td>
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<tr>
<td>7. Tweed Respite Centre</td>
<td>Tweed Respite Centre construction</td>
<td>495,000</td>
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<tr>
<td>8. Respite Centre - Loan Funds</td>
<td>Funding of Respite Centre</td>
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<td>9. Flood Mitigation - Grant Funds</td>
<td>Reduction in works – grants</td>
<td>1,185,948</td>
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<td>10. Flood Mitigation - Loan Funds</td>
<td>Reduction in works – grants</td>
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<td>11. Flood Mitigation Works</td>
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<td>12. New Business Systems</td>
<td>Corporate system review and cleansing of corporate data.</td>
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<td>14. Coastal Path - Kingscliff to Casuarina Way</td>
<td>Continuation of Cycleway</td>
<td>251,700</td>
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<td>15. Coastal Path – Grant Funds</td>
<td>Cycleway funding</td>
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<td>16. Coastal Path - S94 Funds</td>
<td>Cycleway funding</td>
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<td>17. IT Server Room Data Cabling</td>
<td>New data cabling requirements in Civic Centre</td>
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<td>18. Data Cabling - Loan Funds</td>
<td>Funding of data cabling</td>
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<tr>
<td>20. Comm. Centre - S94 Funding</td>
<td>Council resolution</td>
<td>229,410</td>
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<td>21. Agri-Tourism Project</td>
<td>TACTIC Project – Agri-tourism</td>
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<td>22. Agri-Tourism – Grant Funds</td>
<td>Funding of Agri-tourism</td>
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<td>23. FAG Grant – General</td>
<td>Adjustment to actual funds received</td>
<td>7,303</td>
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<td>24. FAG Grants – Roads</td>
<td>Adjustment to actual funds received</td>
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<td>25. Road Maintenance</td>
<td>Adjustment to actual funds received</td>
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<td>26. Noxious Weeds</td>
<td>Increase in contribution to FNCW</td>
<td>8,533</td>
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<td>27. NOROC Membership</td>
<td>Increase in NOROC Membership</td>
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<td>28. FBT Expense</td>
<td>Expected increase in liability</td>
<td>20,500</td>
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### GENERAL FUND

<table>
<thead>
<tr>
<th>September 2004 Variations</th>
<th>POSITIVE (Contribute to Surplus)</th>
<th>NEGATIVE (Contribute to Deficit)</th>
</tr>
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<tbody>
<tr>
<td>29. Public Liability Expense (net)</td>
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<td>30. Volunteer Marine Rescue</td>
<td>Council resolution – 05/06 grant</td>
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<td>31. Rates Revenue</td>
<td>Increase in Rate Revenue</td>
<td>280,000</td>
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<td>32. Area E Consultancy</td>
<td>Carryover of consultancy</td>
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<td>33. Economic Modelling Project</td>
<td>TEDCO Modelling Project</td>
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<tr>
<td>34. Parks Rates/Insurance</td>
<td>Increase in operating expenses</td>
<td>13,970</td>
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<td>35. Filming Income</td>
<td>Increase in revenue</td>
<td>1,000</td>
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<tr>
<td>36. Speed on Tweed</td>
<td>Adjust to actual to $18,000</td>
<td>11,000</td>
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<tr>
<td>37. Aerial Photographs</td>
<td>Council resolution – Tree</td>
<td>10,000</td>
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<tr>
<td>38. Australia Day Celebrations</td>
<td>Increase in expenditure allocation to $12,200</td>
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<td>39. Flood Mitigation Salaries</td>
<td>New positions in Flood Mitigation Management</td>
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<td>40. Rural Strategy</td>
<td>Reduction in works</td>
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<td>41. Works carried forward</td>
<td>2004 Local Government Election</td>
<td>72,500</td>
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<td>42. Tweed Heads Master plan</td>
<td>Feasibility study of Tweed Heads Master Plan</td>
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<td>43. Tweed Heads M/Plan – Grant</td>
<td>Funding of Master Plan</td>
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<td>44. Retail Strategy</td>
<td>Council resolution</td>
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<td>45. City of the Arts</td>
<td>New grant funds received</td>
<td>75,000</td>
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<td>46. City of the Arts - Grant Funds</td>
<td>New grant funds received</td>
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<td>47. Koala Beach Expenses</td>
<td>Adjust to actual</td>
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<tr>
<td>48. Koala Beach Special Rate</td>
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**Total**

|                                | 4,284,730 | 4,284,730 |

### Work Projects Uncompleted in 2003/04 carried Forward to this Financial Year

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<td>50. Community Projects</td>
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<tr>
<td>51. Economic Projects</td>
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<td>52. Environmental Projects</td>
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<td>53. Infrastructure Projects</td>
<td>109,524</td>
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<td>54. Organisation Projects</td>
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<td>55. Works carried forward reserve</td>
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</tbody>
</table>

**Total**

|                                | 2,407,882 | 2,407,882 |

### Loan Projects Carried Forward from 03/04

|                                | 227,547   |
| 56. Community Projects         | 12,000   |
| 57. Economic Projects          | 158,893  |
| 58. Environmental Projects     | 285,800  |
| 59. Infrastructure Projects    | 448,503  |
| 60. Loan Funds                 | 75,597   |
| 61. Grant Fund                 | 160,140  |

**Total**

|                                | 684,240   |

### Grant Projects Carried Forward from 03/04

|                                | 281,422   |
| 63. Community Projects         | 286,580  |
| 64. Economic Projects          | 2,391,772|
| 65. Environmental Projects     | 1,220,479|
| 66. Infrastructure Projects    | 2,938,618|

**Total**

|                                | 2,938,618 |

---

**THIS IS PAGE NO113 OF THE MINUTES OF THE MEETING OF TWEED SHIRE COUNCIL HELD WEDNESDAY 3 NOVEMBER 2004**

**CHAIRMAN**
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>POSITIVE (Contribute to Surplus)</th>
<th>NEGATIVE (Contribute to Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>68.</td>
<td>Land Development Reserve</td>
<td>667,583</td>
<td></td>
</tr>
<tr>
<td>69.</td>
<td>Smart House Reserve</td>
<td>74,075</td>
<td></td>
</tr>
<tr>
<td>70.</td>
<td>Works carried forward reserve</td>
<td>499,977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL GENERAL FUND</td>
<td>11,557,105</td>
<td>11,557,105</td>
</tr>
</tbody>
</table>

**WATER FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>POSITIVE (Contribute to Surplus)</th>
<th>NEGATIVE (Contribute to Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>71.</td>
<td>Management Expenses</td>
<td></td>
<td>41,064</td>
</tr>
<tr>
<td>72.</td>
<td>Transfer to ARR Reserve</td>
<td></td>
<td>Funding of new position</td>
</tr>
<tr>
<td>73.</td>
<td>Bray Park Water Plant</td>
<td></td>
<td>Part construction costs to 05/06</td>
</tr>
<tr>
<td>74.</td>
<td>Transfer from CCR Reserve</td>
<td></td>
<td>Funding of Bray Park WTP</td>
</tr>
<tr>
<td></td>
<td>TOTAL WATER FUND</td>
<td>4,374,947</td>
<td>4,041,064</td>
</tr>
</tbody>
</table>

**SEWER FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>POSITIVE (Contribute to Surplus)</th>
<th>NEGATIVE (Contribute to Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>75.</td>
<td>Management Expenses</td>
<td></td>
<td>41,064</td>
</tr>
<tr>
<td>76.</td>
<td>Transfer to ARR Reserve</td>
<td></td>
<td>Funding of new position</td>
</tr>
<tr>
<td>77.</td>
<td>Sewerage Treatment Plant – Construction Costs</td>
<td></td>
<td>Expenditure delayed in 03/04</td>
</tr>
<tr>
<td>78.</td>
<td>Sewer Pump Stations/Rising Main Construction</td>
<td></td>
<td>New expenditure identified for 2004/05</td>
</tr>
<tr>
<td>79.</td>
<td>Transfer from CCR Reserve</td>
<td></td>
<td>Funding of STP/SPS/SRM</td>
</tr>
<tr>
<td></td>
<td>TOTAL SEWER FUND</td>
<td>3,070,591</td>
<td>1,344,064</td>
</tr>
</tbody>
</table>

**Other Issues**

Tennis Terranora Inc. has requested a Council contribution towards the proposed Bilambil Tennis Centre of $360,000 ($210,000 in 2004/05 and $150,000 in 2005/06). This item has not been included in the Budget Review and will be subject to a separate report to Council.

**Financial Summary by Corporate Goals and by Fund**

<table>
<thead>
<tr>
<th>Corporate Goals</th>
<th>Expenditure</th>
<th>Income</th>
<th>Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Projects</td>
<td>30,627,537</td>
<td>20,704,792</td>
<td>9,922,745</td>
</tr>
<tr>
<td>Economic Projects</td>
<td>5,282,796</td>
<td>4,170,606</td>
<td>1,112,190</td>
</tr>
<tr>
<td>Environmental Projects</td>
<td>14,520,550</td>
<td>8,768,115</td>
<td>5,752,435</td>
</tr>
<tr>
<td>Infrastructure Projects</td>
<td>92,598,362</td>
<td>81,414,083</td>
<td>11,184,279</td>
</tr>
<tr>
<td>Organisation Projects</td>
<td>4,345,620</td>
<td>34,377,679</td>
<td>(30,032,059)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>147,374,865</td>
<td>149,435,275</td>
<td>(2,060,410)</td>
</tr>
</tbody>
</table>
## General Fund

Based on current projection the General Fund is expected to remain as a “balanced budget” for the remaining 9 months of the financial year. Furthermore, any approval for funding of additional programs must be offset by a reduction in alternative program.

## Water Fund

The Water Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs. The Water fund has been positioned to go into surplus so the Unrestricted Working Capital at 30 June 2005 will be $2,000,000.

## Sewer Fund

The Sewer Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs. The Sewer fund has been positioned to go into surplus so the Unrestricted Working Capital at 30 June 2005 will be $2,000,000.

## Unrestricted Working Capital

<table>
<thead>
<tr>
<th>Fund</th>
<th>General</th>
<th>Water</th>
<th>Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Working Capital – 30/06/04</td>
<td>3,744,663</td>
<td>1,666,117</td>
<td>273,473</td>
</tr>
<tr>
<td>Carry overs – 2003/04</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>September 2004 Budget Review</td>
<td>0</td>
<td>333,883</td>
<td>1,726,527</td>
</tr>
<tr>
<td>Est. Unrestricted Working Capital – 30/06/05</td>
<td>3,744,663</td>
<td>2,000,000</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>
Statutory Statement – Local Government Financial Regulations (Sections 6 & 7) by “Responsible Accounting Officer”

The responsible accounting officer of a council must: -

6. (b) If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.

7. (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.

(2) A budget review statement must include or be accompanied by:

(a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and

(b) if that position is unsatisfactory, recommendations for remedial action.

Statutory Statement

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

M A Chorlton
“Responsible Accounting Officer”
Chief Financial Officer
Tweed Shire Council

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
6 [OGM] Shires Association of NSW "A" Division - Annual Meeting

ORIGIN:
Administration Services

SUMMARY OF REPORT:
The Shires Association of NSW "A" Division have given notice that the Annual Meeting is to be held in Casino on Thursday 17 February 2005.

RECOMMENDATION:
That Council gives consideration to motions to be referred to the Shires Association of NSW "A" Division Annual Meeting.
REPORT:

The "A" Division of the Shires Association of NSW is to hold their Annual Meeting on Tuesday 10 February 2005 commencing at 9.30am at the Casino RSM Club.

In preparation for the meeting the Division is seeking motions from Council to be included on the agenda. Motions and supporting detail are to be provided to the Secretary of the "A" Division by 21 January 2005.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
7  [OGM] Local Government Superannuation Scheme

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Advice has been received from the Local Government Superannuation Scheme that Council will not be required to contribute for the remainder of this financial year for members of the Defined Benefits and Retirement Schemes.

Council was advised verbally by the Executive Manager, after the adoption of the Management Plan, that Council may be liable to make employer superannuation contributions from 1 January 2005. This was primarily due to the Local Government Superannuation Scheme not receiving actuary advice in line with Council's budget timetable.

The advice received has alleviated the need for Council to fund, within the current budget, employer contributions of approximately $500,000.

RECOMMENDATION:

That this report be received and noted.
REPORT:

Advice has been received from the Local Government Superannuation Scheme that Council will not be required to contribute for the remainder of this financial year for members of the Defined Benefits and Retirement Schemes.

Council was advised verbally by the Executive Manager, after the adoption of the Management Plan, that Council may be liable to make employer superannuation contributions from 1 January 2005. This was primarily due to the Local Government Superannuation Scheme not receiving actuarial advice in line with Councils budget timetable.

The advice received has alleviated the need for Council to fund, within the current budget, employer contributions of approximately $500,000.

Continuing representations are being made to the Local Government Superannuation Scheme for more timely advice in relation to Councils employer contributions to allow more accurate budget estimates.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
8  [OGM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - July to September 2004

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer’s quarterly performance report for July to September 2004 is detailed in this report.

RECOMMENDATION:

That this report be received and noted.
REPORT:

In accordance with the terms of agreement between Tweed Shire Council and the Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period July to September 2004.

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT

Business Plan Implementation

1. Economic Model

This project is at the “work in progress stage” and is on track for completion as scheduled by April 2005. (Project value $248,500:00)

2. Tweed/Gold Coast Transport, Aviation & Distribution Hub

This project is a joint TEDC, Gold Coast City Council Economic Development Unit, State Development Qld & Gold Coast Airport Ltd Project. The total value of the project is $130,000.00. Partners funding is as follows:

- TEDC cash contribution $15,000.00
- GCCC Economic Development Unit $20,000.00
- State Development Queensland $15,000.00
- Gold Coast Airport Ltd $15,000.00
- Gold Coast and Region Area Consultative Committee $6,500.00

Total Project Value $130,000.00

TEDC is the Project Manager.

The Aim of this project is to cluster Airport Businesses to form a Transport, Aviation & Distribution Hub to support potential and existing exports and develop and promote opportunities to increase export activity in the region.

3. Tweed Slipway/ Tweed Marine Industry Issue

TEDC has facilitated the research and development of the Tweed Marine Industry.

TEDC has identified that the Tweed Marine Industry contributes $22 Million to the Tweed economy and employs in excess of 150 people.

The Marine Industry has enormous growth potential both in the Manufacturing sector and the Tourism Product sectors.

TEDC commissioned and paid for the reports to assist the Tweed Marine Industry at a total cost to TEDC of $8,800.00 – not including staff time.
The TEDC in consultations with industry representatives has identified short and long-term needs of the industry.

- **Short term needs** –
  a) Reconstruction of the existing Tweed Slipway in the Southern Tweed Boat Harbour.
  b) Construction of Jetty/ Pontoon facilities adjacent to Condong Boat Launch Pad. Note: Pontoon removed at Tweed Heads to be relocated to Condong.

- **Medium to Long Term needs** -
  a) Identification of site for construction of a Tweed Marine Industry Service Precinct
  b) Establishment of various Marine Industry facilities on the Tweed River from the Jack Evans Boat Harbour to Murwillumbah upriver including Marina Berthing facilities.

- The TEDC has initiated the formation of the Tweed Marine Industry Association.

- An interim Tweed Marine Industry Association has been formed and is chaired by Councilor and TEDC Director Bernie Bell who is acting as an independent chairperson.

- The Tweed Marine Industry Association is in the process of incorporation and its first task will be to source funds to reconstruct the Tweed Slipway.

4. **Tweed Heads CBD Project Facilitation Team Update**

The Project Facilitation Team has met with the proponents of the Tweed Medical and Educational precinct and is assisting and facilitating the project. The Project Facilitation Team has also met with the Jack Evans Boat Harbour Steering Committee to discuss projects as identified in the Tweed Heads CBD Master Plan.

5. **Rural Land Use Study Stage 2**

The brief for Stage 2 of the Rural Land Use Study has been presented to Tweed Shire Council Director Planning & Environment, Noel Hodges. The brief is also being presented to various State Government agencies for discussion as part of the process.

TEDC was represented at the TSC Rural Industries Reference Group meeting chaired by Councilor Max Boyd.

This project has received broad expert endorsement and is seen as a high priority project by TEDC.

Following consultation with State agencies the TEDC will need to source substantial funds to conduct the research and develop specific industry strategies for long term Agricultural and Rural Land Use sustainability.
6. **Joint TEDC/ TSC Economic Development Strategy**

   The review of the Economic Development Strategy is in the first draft stage.

7. **Industrial Land**

   TEDC continues to receive enquires from industry for large lot industrial land in Tweed Shire.

   The CEO recently visited Ipswich City Council. Ipswich has similar Economic and Development issues to Tweed Shire.

   Through a proactive Economic Development approach by Ipswich Council, the region has begun to change its employment and age demographics.

   Ipswich has 100 square KM of land bound industrial to cater for growth for the next 15 years. Ipswich has developed five (5) large industrial estates including a totally integrated Master Planed estate, which includes a range of precincts.

   (See separate report attached)

8. **Northern River Regional Development Board (NRRDB)**

   The Chairman of NRRDB, Ian Olrichs, Executive Officer, Katrina Luckie and TEDC CEO and NRRDB Director, Tom Senti, met recently with Mayor Warren Polglase and Council’s Director for Planning & Environment, Noel Hodges.

   The discussion centred on the development of a regional economic development strategy.

9. **Financial Members update**

   We currently have 52 financial members, including three (3) new members recently.

10. **TEDC Annual General Meeting (AGM)**

    The TEDC AGM is to be held on Friday 12th November 2004 at the South Tweed Heads Bowls Club

11. **REDAB/ TEDC Cross Border Working Party**

    The TEDC recently initiated the formation of a joint REDAB/ TEDC cross border Working Party. The purpose and objective of the working party is to assess the cost of the various cross border differences, which exist between the region North and South of the Border.

    Costs associated with: -

    a) Daylight Savings
b) Workers Compensation

c) Transport etc.

12. Tweed Rural Village Program

Work in progress

13. Web Page Statistics

<table>
<thead>
<tr>
<th></th>
<th>No of Visitors</th>
<th>No of Repeat visitors</th>
<th>No of Page Views</th>
<th>No of Hits</th>
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<tbody>
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<td>December 03</td>
<td>847</td>
<td>486</td>
<td>556</td>
<td>3392</td>
</tr>
<tr>
<td>January 04</td>
<td>1312</td>
<td>831</td>
<td>981</td>
<td>6054</td>
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<tr>
<td>February 04</td>
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<tr>
<td>March 04</td>
<td>1593</td>
<td>1133</td>
<td>1636</td>
<td>9268</td>
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<td>April 04</td>
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<td>907</td>
<td>5841</td>
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<td>May 04</td>
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<td>August 04</td>
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<td>1807</td>
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<td>13503</td>
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<td>September 04</td>
<td>1913</td>
<td>1479</td>
<td>1774</td>
<td>9918</td>
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<td>October 04</td>
<td>1475</td>
<td>1353</td>
<td>1286</td>
<td>7679</td>
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</tr>
</thead>
<tbody>
<tr>
<td>(to date 16/10)</td>
<td>1475</td>
<td>1353</td>
<td>1286</td>
<td>7679</td>
</tr>
</tbody>
</table>

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Report from TEDC on Chief Executive Officer’s visit with Ipswich Council
REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

9 [EO] Flood Mitigation Program Grant Funding

ORIGIN:
Water

SUMMARY OF REPORT:

As part of Council's 2004/2005 Flood Mitigation Program, Council has received grant offers from the NSW Minister for Infrastructure and Planning and Natural Resources.

While some of the grant offers are less than the amount requested, it is recommended Council accepts the monies, as funding in subsequent years is assured once the project has commenced.

Funds are available in the current 2004/2005 budget to match the grant offers.

RECOMMENDATION:

That Council advises the Department of Infrastructure, Planning and Natural Resources of its acceptance of the grant offers below.

<table>
<thead>
<tr>
<th>PROJECT DESCRIPTION</th>
<th>FUNDING RATIO</th>
<th>GRANT FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maintenance Of Flood Mitigation Works</td>
<td>1:1</td>
<td>$24,200</td>
</tr>
<tr>
<td>2. Lower Tweed River Floodplain Management Study And Plan</td>
<td>1:1:1</td>
<td>$50,000</td>
</tr>
<tr>
<td>3. Mooball / Crabbes Creek Flood Mitigation Works</td>
<td>2:1</td>
<td>$15,000</td>
</tr>
<tr>
<td>4. East Murwillumbah And Dorothy Street Levee Flood Mitigation Works</td>
<td>2:1</td>
<td>$10,000</td>
</tr>
<tr>
<td>5. Tweed Flood Warning System</td>
<td>2:1</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
REPORT:

As part of Council's 2004/2005 Flood Mitigation Program, Council has received grant offers from the NSW Minister for Infrastructure and Planning and Natural Resources for the following:

<table>
<thead>
<tr>
<th>PROJECT DESCRIPTION</th>
<th>FUNDING RATIO</th>
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</tr>
</thead>
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<td>$10,000</td>
</tr>
<tr>
<td>5. Tweed Flood Warning System</td>
<td>2:1</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

A summary of each program is provided below:

1. **Maintenance of Flood Mitigation Works**

   This program entails the maintenance of all of Council's flood mitigation assets including levee walls, flood gates, flood pumps and flood warning systems. Council's 2004/2005 budget for this program is $10,000.

2. **Lower Tweed River Floodplain Management Study And Plan**

   As discussed at recent Council workshops, this program is a continuation of the flood study currently being undertaken for the Tweed Valley in accordance with the NSW Floodplain Management Manual 2001. It will involve the assessment of hazards and risks and determine an appropriate course of action in relation to planning policy and flood mitigation programs. The estimate for this project is $210,000 of which $100,000 was programmed for this financial year. The Federal and State Government's contribution of $50,000 combined with Council's contribution of $25,000 would allow commencement of this project.

3. **Mooball / Crabbes Creek Flood Mitigation Works**

   This project is an ongoing program that was first commenced in the early 1990's in response to the construction of Kallaroo Circuit Bund within Byron Shire which restricts flows in wet weather events from agricultural land within Tweed Shire. Tweed Shire has completed all of its financial obligations under the program, however it still remains as the custodian of grant monies. All of the remaining works required under the program are within Byron Shire and the obligation for matching of grant funding lies with Byron Shire Council. The current estimate for the project is $630,000 of which $250,000 is currently expended.
Tweed Shire has received advice from Byron Shire Council that they are committed to funding the project to its finality.

4. East Murwillumbah And Dorothy Street Levee Flood Mitigation Works

This project was originally identified in the Murwillumbah Floodplain Management Plan and entails the raising of the existing levee at East Murwillumbah by approximately 600mm to provide 1 in 100 year flood immunity and the construction of a 1 in 100 levee to protect the area in and around Dorothy Street Murwillumbah. The estimate for this project is $1.35 million. The $10,000 contribution from the State Government will allow finalisation of design and community consultation.

5. Tweed Flood Warning System

The flood study that Council commenced for the Tweed River in 2002 forms a major part of this ongoing program. This study will be finalised in the 2004/2005 financial year at a current total estimated cost of $103,000.

While some of the grant offers are less than the amount requested, it is recommended Council accepts the monies, as funding in subsequent years is assured once the project has commenced.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funds are available in the current 2004/2005 budget to match the grant offers.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
10 [EO] Lease of Area within Bilambil Sports Complex by Tennis Terranora Inc

ORIGIN:
Recreation Services

SUMMARY OF REPORT:

At it's meeting held 16 April 2003, Council considered a request from Tennis Terranora Inc to lease a portion of the Bilambil sports complex in order to build a tennis complex. Council resolved as follows:

“That Council enters into a lease with Terranora Tennis Inc over a portion of Lot 1 DP 772273 being the shade area of Figure 1 of this report, with:

1. The term of the lease to be five (5) years with a five (5) year option.
2. The rental to be $1.00 per annum.
3. A draft lease to be prepared by Council Solicitors.
4. The necessary documentation being executed under the Common Seal of Council.
5. All reasonable expenses involved with the lease being born by the lessee (Solicitors, stamp duty).”

Subsequent detailed investigation revealed that limitations on the proposed site due to issues of flooding and environmental constraints rendered the construction of the proposed complex unfeasible.

A subsequent site analysis by Council's Design Unit identified an alternate site within the complex that is more suited to the proposed facility.

Terranora Tennis is finalising a Development Application for the facility at the revised site, and is requesting the finalisation of the lease as referred to in the above resolution. However, as the proposed site of the facility is different to that referred to in the resolution of 16 April 2003, a new resolution is required.

RECOMMENDATION:

That Council enters into a lease with Terranora Tennis Inc over a portion of Lot 1 DP 772273 being the shade area of Figure 2 of this report, with:

1. The term of the lease to be five (5) years with a five (5) year option.
2. The rental to be $1.00 per annum.

3. A draft lease to be prepared by Council Solicitors.

4. The necessary documentation being executed under the Common Seal of Council.

5. All reasonable expenses involved with the lease being born by the lessee (Solicitors, stamp duty).
REPORT:

At its meeting held 16 April 2003, Council considered a request from Tennis Terranora Inc to lease a portion of the Bilambil sports complex in order to build a tennis complex. Council resolved as follows:

“That Council enters into a lease with Terranora Tennis Inc over a portion of Lot 1 DP 772273 being the shade area of Figure 1 of this report, with:

1. The term of the lease to be five (5) years with a five (5) year option.
2. The rental to be $1.00 per annum
3. A draft lease to be prepared by Council Solicitors.
4. The necessary documentation being executed under the Common Seal of Council.
5. All reasonable expenses involved with the lease being born by the lessee (Solicitors, stamp duty).”

Subsequent detailed investigation revealed that limitations on the proposed site due to issues of flooding and environmental constraints rendered the construction of the proposed complex unfeasible.

A subsequent site analysis by Councils design unit identified an alternate site within the complex that is more suited to the proposed facility.

Terranora Tennis is finalising a Development application for the facility at the revised site, and is requesting the finalisation of the lease as referred to in the above resolution. However, as the proposed site of the facility is different to that referred to in the resolution of 16 April 2003, a new resolution is required.

Figure 1 shows the site referred to in the report of 16 April 2003. Figure 2 shows the subject site of the recommendation of this report.
Figure 1 - Proposed lease area referred to in Council resolution 16 April 2003

Figure 2 - Proposed lease area subject of this report
LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
11 [EO] Draft Tweed Estuary Boating Plan of Management

ORIGIN:
Water

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

RECOMMENDATION:

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

1. A 40 knot upper speed limit be adopted on the Rous River in line with the rest of the estuary (outside of the 4 knot zone for the first 800 metres from the confluence with the Tweed River).

2. That towing activities be removed from the estuary from Murwillumbah Bridge upstream to Bray Park Weir.
REPORT:

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

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

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

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

13 Rous River (B004AG)

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

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

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

There is the issue of additional displacement from boats travelling at very low speeds with the additional weight of trawl nets. Regulation and enforcement of this speed limit would be difficult.
Other issues include the low number of complaints and incidences recorded for this reach (6 complaints in the period 1998 to 2003). It would appear that most boaters are generally travelling in the Rous River in accordance with the conditions.

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

15 Condong Boat Ramp to Murwillumbah Bridge (B004Al)

Management Plan Action
1. The Draft Plan of Management proposes to investigate the feasibility of establishing a private mooring precinct in the bend immediately downstream of the Murwillumbah Bridge.

2. The Draft Plan proposes to retain water-skiing on this reach with the introduction of a noise limit, relocation of all wakeboarding to below Barneys Point Bridge, extension of the “No skiing or aquaplaning before 8.00 am” restriction to urban areas of Murwillumbah and Tumbulgum.

Tweed River Committee Proposal
1. The Committee disagrees with private mooring precinct proposal at this location as this reach is unsuitable for permanent mooring of vessels due to velocities, debris in flood, depth, accessibility, lack of dinghy storage facilities, noise, pollution, live-aboards etc. It was suggested that an alternative overall strategy would be “to investigate suitable sites for provision of private mooring facilities”.

2. The Committee suggested that a “No Towing Zone” (no water-skiing) be implemented above Condong Bridge to the Bray Park Weir due to bank stability and resident amenity issues.

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

1. Retain status quo on water-ski access with implementation of management actions as detailed by NSW Maritime Authority (e.g. noise limit, speed limit, distance off markers and increased enforcement). This view supports the fact that several residents/landholders on the river own boats and wish to ski from their back yards and that the nuisance from ski boats has been exaggerated.

2. Limit water-ski activity to below Murwillumbah Bridge (see detail in next section).

3. No towing zone be gazetted above Condong Bridge to limit impact of water-ski activities on residential properties regarding amenity and bank erosion issues.

16. Murwillumbah Bridge to Bray Park Weir (B004AJ)

Management Plan Action
The Draft Plan proposes to retain the status quo for water-skiing on this reach with skiing and aquaplaning banned upstream of Dunbible Creek. As above it is proposed to introduce a noise limit, relocation of all wakeboarding to below Barneys Point Bridge, extension of the “No skiing or aquaplaning before 8.00 am” restriction to urban areas of Murwillumbah and Tumbulgum.
Tweed River Committee Proposal
The Tweed River Committee suggests that a “No Towing Zone” be implemented above Condong Bridge to the Bray Park Weir due to the bank stability and resident amenity issues.

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

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

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

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

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

On the issue of water-skiing, I would recommend that Council suggest that water-skiing activities be banned upstream of Murwillumbah Bridge.
<table>
<thead>
<tr>
<th>Health Action Plan</th>
<th>Comment that TSC may apply for grant funding for pump out facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>P44</td>
<td>6.2.3 Habitat Protection Action plan</td>
</tr>
<tr>
<td></td>
<td>Add – Monitoring of river health to be continued by TSC with an additional focus on potential impacts from boating activities.</td>
</tr>
<tr>
<td>P49</td>
<td>6.3.3 Safety action plan</td>
</tr>
<tr>
<td></td>
<td>• Agree</td>
</tr>
<tr>
<td></td>
<td>• Agree and TSC to include fishing grounds within a planning policy</td>
</tr>
<tr>
<td></td>
<td>• Suggest add – Monitoring to be undertaken to determine if any particular reach of the Tweed River is approaching or at its carrying capacity.</td>
</tr>
<tr>
<td></td>
<td>• Agree with rest of actions</td>
</tr>
<tr>
<td>P52</td>
<td>Riverbanks – strategies</td>
</tr>
<tr>
<td>P58</td>
<td>Infrastructure action plan</td>
</tr>
<tr>
<td></td>
<td>• Agree – TSC to develop management options for parking at T’gum and Kennedy Drive</td>
</tr>
<tr>
<td>P58</td>
<td>Safe Navigation</td>
</tr>
<tr>
<td>P60</td>
<td>Boating management</td>
</tr>
<tr>
<td>P67 7.8</td>
<td>B004AA River entrance</td>
</tr>
<tr>
<td></td>
<td>• Agree with all others</td>
</tr>
<tr>
<td></td>
<td>• Note that sand bank at Kerosene Inlet is important bird roosting site. The Estuarine Bird Monitoring Report (Rohweder, 2003) recommends that this sand bar be designated a “no beaching” zone and explanatory / educational signage be provided.</td>
</tr>
</tbody>
</table>
### P76 8.8
**B004AB**  
**Ukerebagh Isl to Rocky Pt**

- Agree
- Agree – signage or buoys to be placed near to launching areas to minimise visual impact
- Remove scattered rock...As a result consider ... (TRC has resolved to divide boat harbour in half for swimmers and boat beaching and have erected signs.)
- *Change last dot point in line with TRC resolution:* Recommend to Tweed Council the installation of bollards where required and planting of shade trees around the boat harbour to discourage the launching of vessels.
- *Suggest add* – Support and encourage dredging of navigational hazards in main channel by TSC, Department of Lands and DIPNR.

### P83 9.6
**B004AC**  
**Rocky Pt to Barneys Pt**

- Agree – signage or buoys to be placed near to launching areas to minimise visual impact
- Agree
- Agree
- *Suggest add* – Support and encourage dredging of navigational hazards in main channel by TSC, Department of Lands and DIPNR.
- *Note* – key on the figure gives incorrect symbols for “seagrass” &“erosion issues”.

### P89 10.4
**B004AD**  
**Colonial Hacienda Caravan Park Boat Harbour**

### P91 10.8
**B004AD**  
**Barneys Pt to Tweed BW**

- Agree
- Chinderah revetment work done, Oxley Cove next on list (will take several years to do due to funding). TRC have resolved to develop a management plan of the Oxley Cove river foreshores including to address bank erosion and revegetation.
- Agree
- Agree – replace “Colonial” with “Hacienda”
- *Note for map* – erosion prominent on spit of land upstream of entrance to Oxley Cove

### P99 11.7
**B004AE**  
**Tweed BW to Rawson Isl**

- Agree – change all references to “Little Stotts Island” to “Pelican Island” – although it does not have a formal registered name nor does it appear on maps.
- *Last dot point change wording* – Investigate, in conjunction with Dept of Lands, Council and DIPNR through the Tweed River Committee, the feasibility of dredging an alternative channel in the wider stretch of river north of Pelican Island.

### P106 12.7
**B004AF**  
**Rawson Isl**

- Agree – note that Council may seek funding through WADAMP for construction of sandy beaches.
| to T’gum |
| --- | --- |
| **Tweed Shire Council Meeting Held Wednesday 3 November 2004** |
| A definition of “wakeboarding” should be included in the final Plan to ensure that this measure is enforceable. | • Agree – skiing times should be consistent across the river.  
  • Add – point about 75 dB(A) noise limit  
  • Last point suggest – Tweed Council to investigate the desirability and feasibility of relocating the boat ramp to another location in the Tumbulgum area and/or possible creation of a dedicated car and trailer parking area within Tumbulgum village.  
  • Agree |
| **P113 13.8 B004AG Rous River** | • Disagree with 40 knot limit proposed – see additional notes above.  
  • Monitor bank erosion – by whom and how, suggest that Council be encouraged to identify sites and put in place monitoring mechanisms such as aerial photo or GPS points.  
  • Agree with exception of speed limit as above  
  • Agree  
  • Last point – add liaise with Council on the need for new facilities |
| **P120 14.8 B004AH T’gum to Condong Boat Ramp** | • Agree  
  • Point 4 suggest – Recommend that Tweed Council investigate the desirability and appropriateness of a regional boating facility at Condong. Suggest the inclusion of …  
  • Agree |
| **P129 15.9 B004AI Condong Boat Ramp to Mur’bah Bridge** | • Congratulate MA on trial initiative.  
  • Agree – remove wakeboarding  
  • Agree – 40 Knot speed limit  
  • Disagree with private mooring at this location - this reach is unsuitable for permanent mooring of vessels due to velocities, debris in flood, depth, accessibility, lack of dinghy storage facilities, noise, pollution, live aboards etc. An alternative overall strategy would be would be “to investigate suitable sites for provision of private mooring facilities”.  
  • Disagree – see additional notes above.  
  • Add another point - suggest include “no freestyling” rule be consistently added throughout Plan in urban areas. Therefore add in this section and possibly others “Promote and enforce PWC regulation about no freestyling within 200m of residential areas” |
### P136 16.7
**B004AJ**

<table>
<thead>
<tr>
<th>Bridge to weir</th>
<th>Disagree - see additional notes above.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See above re skiing</td>
</tr>
<tr>
<td></td>
<td>o Agree nav lights</td>
</tr>
<tr>
<td></td>
<td>Agree plus “No Towing zone”</td>
</tr>
<tr>
<td></td>
<td>“No towing zone”</td>
</tr>
</tbody>
</table>

### P147 17.9
**B004BA**

<table>
<thead>
<tr>
<th>Terranora Inlet to Dry Dock</th>
<th>Agree - recommend extension of no power boating from confluence with Tweed River to a point extending from the tip of Ukerbagh Island to point of bank near intersection of Dry Dock Road and Minjungbal Drive (that depicted as “seagrass” area in the B004BA map)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>o Reword 2nd point – TSC and NSW MA to review all future applications for additional houseboats.</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Agree – dredging – replace DIPNR with Dept of Lands</td>
</tr>
<tr>
<td></td>
<td>Agree with all except 4 knot restriction for length proposed. Suggest – from Terranora Inlet to red beacon immediately upstream of Boyds Bay Bridge.</td>
</tr>
</tbody>
</table>

### P157 18.8
**B004BB**

<table>
<thead>
<tr>
<th>Dry Dock to Big Isl</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Agree – note an application is with WADAMP for consideration for upgrade of Lakes Drive ramp</td>
</tr>
</tbody>
</table>

### P165 19.7
**B004BC**

<table>
<thead>
<tr>
<th>Terranora BW</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Note – use of consistent terminology - “No Towing” instead of “No skiing or aquaplaning”</td>
</tr>
</tbody>
</table>

### P171 20.6
**B004BD**

<table>
<thead>
<tr>
<th>Cobaki BW</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See comment above</td>
</tr>
</tbody>
</table>

**General Comment** – minimise impact of signs on visual amenity through coordination and careful placement of signs. Congratulations to the NSW Maritime Authority for production of a well researched and well written document.

## LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

## POLICY IMPLICATIONS:

Nil.
UNDER SEPARATE COVER:

Nil.
REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Proposed Fencing Lot 6 Pandanus Parade, Cabarita Beach by Cabarita Beach Surf Life Saving Club

ORIGIN:
Environment & Health Services

FILE NO: GT1/DCP/50

SUMMARY OF REPORT:
Council has received a request from Cabarita Beach Surf Life Saving Club to erect a security type fence around the perimeter of Lot 6 Pandanus Parade, Bogangar, which is owned by Council.

RECOMMENDATION:
That Council consents to the erection of a fence around Lot 6 Pandanus Parade, Cabarita Beach subject to:-

1. The Cabarita Beach Surf Life Saving Club obtains development consent for such works.

2. The Cabarita Beach Surf Life Saving Club enters into a licence agreement which provides that the Club have responsibility for public liability insurance, fence erection, maintenance and dismantling.

3. The licence period to expire on 3 November 2005 and shall commence upon Council being satisfied that the conditions for Council to release its funds for the project have been fulfilled.
REPORT:

Council has received a request from Cabarita Beach Surf Life Saving Club to erect a security type fence around the perimeter of Lot 6 Pandanus Parade, Bogangar which is owned by Council.

The purpose of the fence is to secure the land for storage of equipment. Council's Development Assessment Unit advise that such fencing is permissible but will require development consent.

As Council is aware the Cabarita Beach Surf Life Saving Club have decided to proceed with the construction of a new Surf Club building on this block being Lot 7 which cojoins this Lot 6 and have indicated a desire to commence building at the close of the current surf life saving season in March 2005.

Should Council agree to this request it is considered that it should enter into a Licence Agreement with the Club to clearly identify the issues of insurance responsibility, maintenance and removal cost all of which it is considered should be the club's responsibility.

Further, it is considered that a specific period of time should be specified and it is proposed that a 12 month period be agreed to such to start at the end of November 2004.

Accordingly in line with Council's ongoing support for Cabarita Beach Surf Life Saving Club it is recommended that approval be granted for the erection of a security fence around Lot 6 Pandanus Parade, Cabarita Beach subject to a Licence Agreement specifying the club is responsible for Public Liability Insurance, erection, removal and maintenance of the fence for a 12 month period from November 2004.
LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
13 [EC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

That Council determines this report.
REPORT:

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

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Request</th>
<th>Est $ Amount</th>
<th>Application Summary</th>
<th>Meet Guidelines?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model United Nations Assembly-Rotary International-District 9640</td>
<td>Waive the hiring fee of the Tweed Heads Civic Centre for setup 18/3/2005 and for debating event 19/3/2005.</td>
<td>160.70</td>
<td>This event supports Year 11 and 12 students from various schools across the region to participate in a debating program with an opportunity to progress to state finals. Students are covered by Rotary insurance.</td>
<td>No entry fee. Meets Guidelines.</td>
</tr>
<tr>
<td>Fingal Head Public School</td>
<td>Waive/reduction of hiring fee for Tweed Heads Civic Centre Auditorium on 9/12/2004.</td>
<td>160.70</td>
<td>This event, performed by the school's junior Red Cross, is non profit making and will entertain aged members of the community. Volunteers will assist with the production.</td>
<td>Meets Guidelines.</td>
</tr>
<tr>
<td>Wollumbin Ozone Productions</td>
<td>Waive hire fee for Murwillumbah Civic Centre Auditorium.</td>
<td>1,600</td>
<td>This event has selected Tweed Valley Wildlife Carers Group to be the charity to receive any profits after expenses.</td>
<td>New theatre company. Meets Guidelines.</td>
</tr>
<tr>
<td>Duranbah Public School</td>
<td>Waive hire fee for Kingscliff Amenities Hall on 4/12/2004.</td>
<td>74.00</td>
<td>This event is the school's Award Presentation and is non profit making.</td>
<td>No entry fee. Meets Guidelines</td>
</tr>
</tbody>
</table>

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

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

Festivals Policy.
Donations Policy.
Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER:

1. Letter from Model United Nations Assembly (DW 1108454)
2. Letter from Fingal Head Public School (DW 1109156)
3. Wollumbin Ozone Productions (DW 1096450)
4. Duranbah Public School (DW 1107226)
14  [EC] Amended Art Gallery Advisory Committee Constitution and Tweed River Art Gallery Accession and Deaccess Policies

ORIGIN:
Environment & Health Services

SUMMARY OF REPORT:
The Advisory Committee at its inaugural meeting held Thursday 2 September 2004 amended the Art Gallery Advisory Committee Constitution and the Tweed River Art Gallery Accession and Deaccession Policies.

RECOMMENDATION:
That Council adopts the amended Constitution of the Tweed River Art Gallery Advisory Committee and the Accession and Deaccession Policies of the Gallery as follows:-

"TWEED RIVER ART GALLERY ADVISORY COMMITTEE CONSTITUTION

Adopted by the Tweed River Art Gallery Advisory Committee
At its meeting held 2 September 2004

Adopted by Tweed Shire Council
At its meeting held…………………….."
CONSTITUTION FOR TWEED RIVER ART GALLERY
ADVISORY COMMITTEE

OPERATIONAL GUIDELINES AND TERMS OF
REFERENCE

1 Authorising Section of the Local Government Act

The Tweed River Art Gallery Advisory Committee is appointed by the Tweed
Council under the provisions of Section 355 of the Local Government Act as
follows:

Section 355: A function of a council may, subject to this chapter, be exercised

(a) by the council by means of the councillors or employees, by its agents
or contractors, by financial provision, by the provision of goods,
equipment, services, amenities or facilities or by any other means; or
(b) by a committee of a council; or
(c) partly or jointly by a council and another person; or
(d) by two or more councils jointly; or
(e) by a delegate of the council.

2 Patrons

The Committee may appoint such patrons as it sees fit from time to time.

3 Duties and Objects of the Committee

The Director is appointed by Council to conduct the professional and financial
management of the Art Gallery.

The Committee is appointed under section 355 of the Local Government Act to
assist and advise Council in matters relating to the care, control, funding, possible
and future developments and management of the Tweed River Art Gallery.

The Committee shall encourage the enjoyment, appreciation and education in the
arts in the Tweed district through advice to the Tweed Shire Council on.
The Committee shall keep the objectives, policies and strategies of the Gallery
under constant review.
4Membership
Membership of the Committee shall consist of a maximum of thirteen citizens (including two Councilors and one person nominated by the Friends of the Tweed River Art Gallery and being a Committee Member of that organisation) being residents and having an interest in the arts in the Tweed Shire.

Councilor members will be appointed by Council annually. The existing Committee may make recommendations concerning the appointment of future members as and when vacancies occur.

The Manager Environment and Health, the Art Gallery Director and the Assistant Directors will be ex-officio members of the committee. As such they will not have voting rights.

5Termination of Membership
Membership of the Committee will be terminated after a member's absence from three consecutive meetings. Members will be required to attend a minimum of 50% of ordinary meetings during each calendar year.

Written application to the Chair for extended leave of more than three consecutive meetings is required.

6Election of Chair and Officers
In October of each year and in December of the year in which Council elections are held, the Committee shall elect from its members a Chair who shall be responsible for the proper conduct of Committee meetings and shall represent the Committee in dealings with the public and with Council.

The Minute Secretary shall be an appropriate staff member of the Gallery. The Minutes will be approved by the Chair, in consultation with the members, by the conclusion of the following week and shall be made available to Council at the earliest opportunity after any meeting of the Committee.

The Committee shall have power to co-opt members of the public with special expertise to attend meetings. However such persons shall not be entitled to vote in respect of any issue before the Committee.

If at the commencement time of any meeting of the Committee the Chair is absent, the members present may elect one of their number to occupy the chair for that meeting, who shall stand down if and when the Chair arrives.

7Meetings
Meetings of the Committee shall be held quarterly and at such times and places as the Committee sees fit. The minutes of meetings shall identify the month, date, time and place of the next meeting.
At least seven days notice shall be given to the members of the time and place of a meeting; however the Chair shall have the right to call a special meeting at any time he/she deems fit and decisions made at that meeting will have the full status of decisions made at an ordinary meeting providing all conditions of an ordinary meeting except mention of the date in the previous minutes are met.

A quorum at any meeting of the Committee shall comprise five voting members.

8 Alteration to Constitution

The Constitution may be altered or amended by Council at its ordinary meeting on the recommendation of the Committee.
TWEED RIVER ART GALLERY

ACCESSION AND DEACCESSION POLICIES

Prepared by
Gary Corbett
Art Gallery Director
29 November 1999

Amended
8 June 2001

Amended
28 August 2003

Amended
2 September 2004
TWEED RIVER ART GALLERY
ACQUISITIONS POLICY

BACKGROUND:

The Tweed River Art Gallery opened in 1988 and is operated by the Tweed Shire Council with support from the NSW Ministry for the Arts. The Gallery aims to promote a greater understanding and enjoyment of the visual arts in the community and to acquire, preserve, display and conserve the region’s visual arts heritage.

The Gallery’s collection has a focus on acquiring:

Australian portraits of all eras and media and

artworks in all media that are by the region’s artists or reflect all aspects of life and culture in the region.

DEFINITIONS:

- Wherever the term “Gallery” is used it is the Tweed River Art Gallery.
- Wherever the term “Committee” is used it is the Tweed River Art Gallery Advisory Committee.
- Wherever the term “artist” is used it also encompasses all works of a creative and visual arts nature by artists and/or craft workers.
- Wherever the term “Council” is used it is the Tweed Shire Council
- “Significance” is a concept which helps in estimating the value of a place or object and are those which will enable us to understand the past or enrich the present, and which will be of value to future generations.
- “Deaccessioning” is the mechanism by which a cultural facility disposes of works from the collection, which are no longer deemed appropriate or relevant.

REVIEWS:

The Tweed River Art Gallery will conduct a review of the policy every three years to maintain its relevance. The review will be presented to the Tweed River Art Gallery Advisory Committee for consideration and endorsement at its last ordinary meeting of the calendar year.
OBJECTIVES OF THE ACQUISITIONS POLICY:

- To enable the Tweed River Art Gallery to acquire works of art in all media for inclusion in the Gallery’s collection.
- To acquire works of historical and aesthetic importance in all media which is of local, regional and national significance.
- To support the region’s practising artists through promotion, exhibition and acquisition.
- To preserve the region’s cultural heritage in the visual arts.

COLLECTION POLICY AND PROCEDURES:

1. The Gallery will acquire significant objects through conditional loans and donation, bequest, purchase or transfer. Where objects are acquired through the Cultural Gifts Program the responsibility for the cost of the valuations, where possible, will rest with the donor.

2. All works will be chosen/nominated for acquisition to the Art Gallery Advisory Committee by the Art Gallery Director.

3. The Art Gallery Director will present a report on each object for consideration and endorsement by the Tweed River Art Gallery Advisory Committee. Where appropriate each work will be presented for viewing.

4. Where a work is on conditional loan or donation the Art Gallery Director will prepare a report outlining the conditions of the loan/donation and any subsequent financial or operational liabilities, including a full condition report, for endorsement by the Committee. Each work acquired by the Gallery must be legally unencumbered. The vendor/donor must have legal title to the work. Works that do not have this will not be considered for acquisition.

Indigenous Artworks

5. In the case of indigenous art only culturally appropriate artworks will be collected. The Gallery will not acquire Works that are deemed to be sacred/secret. The Art Gallery Director will approach the appropriate/relevant indigenous authorities for verification and endorsement of such works. Where a work is deemed to be inappropriate the work will be returned to the vendor/donor. If this is not possible the work will be returned to an appropriate indigenous group for disposal.
ATTRIBUTION:

Any work acquired by the Gallery will be appropriately labelled and will include the following details:

- The artist’s name, dates (birth and death) and origin (nation)
- The title and production date of the object
- Medium and other appropriate details such as edition and pull number.
- Acquisition details (such as donor and method of payment eg: Donated by the Friends of the Gallery or Purchased by the Tweed Shire Council) and date of acquisition.

COPYRIGHT:

The Tweed River Art Gallery recognises the artist’s copyrights and moral rights over the object.

Where ever appropriate the Gallery will ask, in writing, for limited and specific rights to reproduce the work/s for promotional or documentation purposes only.

DOCUMENTATION:

1. An interim receipt of artwork will be issued on the initial possession of the object.

2. Where appropriate a donor form will be completed for each object.

3. On acceptance by the Committee the signed donor form copy will be returned to the donor with a written letter of thanks. If the work is not accepted the work is to be returned to the donor with a letter of thanks and written explanation.

4. On obtaining title to the work an accession entry will be made and a documentation record taken accompanied by a conservation report.

5. Where appropriate a copyright form will be completed and signed by the Gallery and the artist.
DEACCESSIONING:

BACKGROUND:

It is vital that criteria for removing an item from the collection is included in a collections policy. There are legitimate and compelling reasons why works should or should not be included in a collection. Deaccessioning works should be a rigorous and formal procedure to dispose of works that no longer are seen as significant or relevant to the collecting policy of the Gallery.

POLICY:

- That the Art Gallery Director will determine whether an artwork currently held by the Gallery shall be considered for Deaccessioning.

- The Art Gallery Director will prepare a report to the Committee for its consideration on the worth and relevance of the object. The Committee will determine its advice on receipt of the report which will outline the moral, ethical and legal obligations of the proposal.

- After the initial decision to Deaccession a work there will follow a one year “cooling off” period. If at the end of that time the reasons for its Deaccession is still valid the process will continue. If not the work will be reinstated.

- Deaccession must be at the request of the Director and approved by a vote of at least two thirds of the Committee.

DISPOSAL:

The following options will be considered (in order of preference and importance):

1. return to donor.
2. exchanged for a more desirable and appropriate work.
3. transfer to another appropriate cultural institution.
4. sell by public auction (Staff and Committee members to be ineligible for purchase). Where a work is returned to the original owners/donors and a monetary amount is proposed for the sale of the object the value of the object is to be determined by two valuations from accredited valuers. The cost of the valuation is to be borne by the purchaser.
5. use as an interpretative or educational aid."
REPORT:

The constitution of the Art Gallery Advisory Committee has been amended to reflect:

- The change in name of the Gallery from Tweed River Regional Art Gallery to Tweed River Art Gallery
- Membership of the Committee
- Meeting dates and times

The Tweed River Art Gallery Accession and Deaccession Policies have also been amended to reflect the change in name of the Gallery and to clarify issues on the acquisition of works by indigenous artists.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

If adopted, the Policy will be included in Council’s Policy Document.

UNDER SEPARATE COVER:

Nil.
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 19 October 2004

FOR THE CONSIDERATION OF COUNCIL:

Minutes of the Sports Advisory Committee Meeting held Tuesday 19 October 2004

Sports Advisory Committee

VENUE:
   Cabarita Beach Sports Centre

TIME:
   5.05pm

PRESENT:
   Committee Members: Cr Warren Polglase, Cr Bernie Bell, Cr Steve Dale; Stewart Brawley, Merve Edwards, Glynnis Kenny, Linda Threlfo, & Rod Neinhuis.
   Informal: Mrs Blyth Short (Recorder)

APOLOGIES:
   Peter Moschogianis, Ray Jarrett, Cherie Aston

CONFIRMATION OF MINUTES:

Moved: Glynnis Kenny
Seconded: Merve Edwards

RESOLVED that the Minutes of Sports Advisory Meeting held Wednesday 16 June 2004 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:
    Item from Meeting held 16 June 2004

6. Bilambil Regional Tennis Centre (BRTC)

S Brawley advised that the finalisation of a Development Application and subsequent Assessment will take a minimum of 3 months.
CORRESPONDENCE:

1. **Assets Reserve Trust Fund Application**

   Received from Tumbulgum Sports Club requesting funding assistance towards upgrading back net fencing. Total cost of project $1,727.00. Amount requested $827.00. General discussion.

   Moved: Cr Bell  
   Seconded: Glyniss Kenny

   **RECOMMENDATION:**
   That Council contributes $827.00 from the Sports Field Assets Reserve Trust Fund to Tumbulgum Sports Club for the upgrade of back net fencing at the Brian Breckenridge Fields.

2. **Assets Reserve Trust Fund Application**

   Received from the Tweed Heads Pony Club requesting funding assistance towards safety fence around the club house and canteen. Total cost of project $2,900.00. Amount requested $1,950.00. General discussion. It was noted that this organisation does not contribute towards the Assets Reserve Trust Fund and is therefore ineligible for funding.

   Moved: Merve Edwards  
   Seconded: Cr Bell

   **RECOMMENDATION:**
   That Council does not financially support this request from the Tweed Heads Pony Club for fencing.

3. **Assets Reserve Trust Fund Application**

   Received from Banora Pt Soccer Club requesting funding assistance to extend a fence to restrict ball from the drain. Total cost of project $1,686.00. Amount requested $843.00. General discussion.

   Moved: Glyniss Kenny  
   Seconded: Linda Threlfo

   **RECOMMENDATION:**
   That Council contributes $843.00 from the Sports Field Assets Reserve Trust Fund to Banora Point Soccer Club for back net fencing.
4. Office of Fair Trading

Forwarded information relating to Portable Goal Posts

GENERAL BUSINESS:

1. Approval Process - Assets Reserve Trust Fund

As the committee meets bi-monthly S Brawley suggested he be given the delegated authority to assess the Assets Reserve Trust Fund applications for small scale assistance that are required in a timely manner.

Suggested by Cr Polglase that a hard copy minute to be mailed to members with tick and flick response to be returned to S Brawley for decision. The decision to be ten ratified at the following meeting.

Moved: Glynnis Kenny
Seconded: Linda Threlfo

RESOLVED that a letter be mailed to committee members with a yes/no response to supporting minor financial requests to the Assets Reserve Trust Fund Applications in-between meetings.

2. Arkinstall Park - Kirkwood Road

S Brawley handed out maps of the current road alignment of Kirkwood Road along side the Arkinstall Parks Soccer Fields. He advised that some residents along the southern boundary of Kirkwood Road have requested the road be realigned approximately 20m onto the boundary of Arkinstall Park. General discussion. Cr Dale noted that the original road alignment would have been clearly identified in the 149 Certificates when residents purchased the properties. Committee noted that any resumption of the fields it could compromise future planning of the fields.

Moved: Cr Dale
Seconded: Cr Polglase

RESOLVED that the committee do not support any compromise (road or bike track) of the Kirkwood Road realignment onto the Arkinstall Park Sports Fields.

NEXT MEETING:
The next meeting of the Sports Advisory Committee will be held at the Tweed Heads Civic Centre.

The meeting closed at 5.45pm
DIRECTOR'S COMMENTS:
Nil.

DIRECTOR'S RECOMMENDATIONS:

1. Assets Reserve Trust Fund Application
   That the Committee's recommendation be endorsed.

2. Assets Reserve Trust Fund Application
   That the Committee's recommendation be endorsed.

3. Assets Reserve Trust Fund Application
   That the Committee's recommendation be endorsed.
2 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 21 October 2004

FOR THE CONSIDERATION OF COUNCIL:

Minutes Of The Local Traffic Committee Meeting Held Thursday 21 October 2004

VENUE:
Peter Border Room

TIME:
Commencing at 9.00am.

PRESENT:
   Members: Cr John Murray; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Sgt. Bill Darnell, NSW Police.
   Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:
Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina

MINUTES OF PREVIOUS MEETING:
RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 16 September 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

SCHEDULE OF OUTSTANDING LOCAL TRAFFIC COMMITTEE ITEMS

FOR COUNCILLORS INFORMATION:

1. Leisure Drive, Banora Point
   R3035 Pt3; DW1016762; Pedestrian Crossings; Speed Zones

The Committee noted that RTA requirements in terms of pedestrian volumes would not be met at the location. However the Committee recommended that the situation be monitored after the proposed roadworks are completed and any issues reported back to the Local Traffic Committee. It was also noted that this section of Leisure Drive is a 50kph zone and cannot be lowered any further.

RECOMMENDATION:
That the Applicant be advised that this location does not meet RTA requirements for a pedestrian crossing.
Current Status: Monitoring of Leisure Drive after proposed roadworks. Any issues to be reported to the LTC.

2. Frances Street, Tweed Heads

R2131 Pt2; DW1019863; Traffic - Parking Zones

The Committee suggested the Road Safety Officer should contact the Parish Manager to discuss the issue on site and the difficulties that would occur with signage and other options that are available which may meet the Parish objectives. The matter should then be reviewed for 6 months and if the problem is not resolved the issue be referred back to the Local Traffic Committee.

For Council's information.

Current Status: To be brought forward to the LTC for meeting on 18 November 2004.

11. Queen Street, Murwillumbah

R4500; DW1034590; Car Parks - Murwillumbah; Parking Zones

The Committee discussed the issues raised above and did not support the reserving of spaces for vet staff on public land even though a long term agreement with doctors allows such. The conversion of a 'No Parking' zone in Queen Street to a loading zone was considered appropriate as it provides up to 15 minutes for a station wagon or commercial vehicle to park to load or unload and half an hour for trucks. The Committee considered that this matter should be reconsidered in 12 months time or earlier if major changes to the car parking in the vicinity being planned are implemented. The issue of hotel patrons blocking access to the rear of the vets on site car parking is a private matter between the adjoining land holders and should be resolved between themselves.

RECOMMENDATION:

That the 'No Parking' zone adjacent to the old BGF building in Queen Street be converted to a loading zone.

Current Status: To be brought forward to the LTC for meeting in May 2005.
BUSINESS ARISING:

6. Marine Parade, Kingscliff - Traffic Conditions and Compliance for the Kingscliff Food & Jazz Festival
   R3340 Pt5; R4970 Pt1; DW1061948; Traffic - Local Area Traffic Management; Road Closures - Temporary; Festivals - Art Food & All that Jazz

Brought forward from meeting held 19 August 2004 (item 6).

"Council after receiving advice from the Local Traffic Committee imposed the following additional conditions on the organiser of the above event. The conditions were:-

1. Security guards and volunteer staff are to be in attendance at all barricades on Marine Parade and Seaview Street for the duration of the road closures.

2. All affected businesses to be notified in writing of the road closures and any issues raised with the event coordinator and Council be addressed prior to the event.

3. Council notes the amended duration of closure of Area A is from 7:30am.

Discussions have been held with the Manager of Works who advised that an overseer was rostered on for the weekend to keep check of the road closures and the Manager himself undertook inspections over the weekend. The advice received is that all barricades were maintained to an acceptable standard and were suitably staffed as required. In regards to Condition No. 2 the organiser confirmed that all business operators affected were notified in writing and that the few issues that were raised with some businesses were resolved.

It is also noted that the only apparent major issue was the impact of event attendees occupying car parking spaces in the shopping centre car parks. This issue will need to be considered in detail by Council when the future applications for this event are received.

This item to be deferred to the meeting of 21 October 2004.

For Council’s information."

The Committee discussed the report from the Manager for Works and the Committee was informed that Council has modified its application process for events. It was raised that the RTA already has a document which sets out the responsibilities of organisers, Councils and Government Authorities and the process to be followed.

The Committee suggested that the Council revise its application process to refer to the RTA document Guide to Traffic and Transport Management for Special Events Version 3.3. 
The Committee also supports the suggestion that regular workshops be held to inform event organisers of their responsibilities across all fields but of particular interest to the Committee is traffic and pedestrian management, event risk management, emergency vehicle access, public consultation processes and adequate timeframes for planning and organising.

RECOMMENDATION:

That the Council revise its event application process to refer to the RTA document *Guide to Traffic and Transport Management for Special Events Version 3.3*.

Item from Meeting held 20 May 2004

8. Sugar Cane Transport – Application for Height Increase to 4.6m

Agriculture – General; Weights of Vehicles; DW689080; DW1024752

An on-site visit is to be made to the Condong Sugar Mill for the purpose of viewing the 2.6m high bin and tarp. This item is brought forward from the meetings held 15 August 2002, 19 February 2004 and 20 May 2004 and is reproduced as follows:

"This item was further discussed at the meeting held on 19 February 2004 (item 8) and is reproduced as follows:-

Further correspondence has been received stating that Council requirements have been met and trials of 4.6m high vehicles are planned to commence by June 2004.

The roads to be used are Queensland Road, Racecourse Road, Cane Road, Dulguigan Road and Tweed Valley Way.

The Police Representative advised that the vehicles are not complying with legislation regarding covering loads with the current bins. Loads must be covered in compliance with current legislation. After discussion the Committee was of the opinion that approval should not be granted until Mills Transport demonstrates that the new bins comply with NSW legislation in terms of covering the load as per undertakings given to Police previously.

RECOMMENDATION:

That Mills Transport be advised that the 4.6m height bins will not be approved until the company has demonstrated that the bins can be adequately covered in accordance with current NSW legislation and in accordance with undertakings already given to Police.

This item has been brought forward from the meeting held 15 August 2002 (item 8) and is reproduced as follows:-
Request received for an increase in the height of on-road trucks carrying sugar cane bins to a 4.6m on Council roads. This is to enable a full payload when cutting of green cane commences due to a reduced density / m$^3$ due to the leaves. Advantages are fewer trips and minimisation of spillage on cane pads.

The Committee requested that a road audit of routes should be carried out by the applicant identifying any trees, culverts, structures or signs that could be impacted on by higher vehicles. A letter should be forwarded by the Applicant to Council specifying the precise roads to be used. The Committee also requested that written confirmation be obtained by the Applicant from Country Energy and Telstra that there is adequate clearance to overhead lines upon the specified routes.

RECOMMENDATION:
That the Applicant be advised that approval will be given subject to the following conditions:

1. A road audit of proposed routes should be carried out by the applicant identifying any trees, culverts, structures or signs etc that could be impacted on by higher vehicles.
2. A letter be forwarded to Council specifying the precise roads to be used.
3. That written confirmation be obtained from Country Energy and Telstra advising that there is adequate clearance to overhead lines upon the specified routes."

A response has now been received dated 8 April 2004 (DW No 1024752) stating that:

"the proposed trial of a 4.6m high bin would involve a single bin on the route previously specified (i.e. Queensland Road, Racecourse Road, Cane Road, Dulguigan Road and Tweed Valley Way). The bin will be adequately tarped and, prior to use, we would invite the Tweed Heads Police to attend the site to inspect the bin and tarping system."

The Police Representative advised that complaints are being received in relation to trucks losing leaf from trucks in transit and the problem must be rectified by the transport company. After discussion the Committee recommends the following action:

RECOMMENDATION:
That:

1. Council writes to Mills Transport in relation to a request from sunshine Sugar for an increased height limit advising them of an ongoing concern with regards to loads not being covered as per requirements. The issue of increased height limits will not be considered by this Committee until such times as the load cover provisions are being complied with in accordance with load restraint regulations to the satisfaction of the NSW Police.
2. **The request to trial one 4.6m high bin be approved subject to compliance with the load cover provisions and on-site inspection by RTA Heavy Vehicle Inspectors and Tweed Heads Police prior to use.**

An on-site meeting took place between the representatives of the Sugar Mill and RTA heavy vehicle inspectors.

Concerns were raised that the covers did not extend to the sides of the bins. Also, there were concerns that the rear of the bin was not secured.

**RECOMMENDATION:**
That the applicant be advised that the trial of the 4.6m high bins be continued to the end of the season with the condition that for next season a new design is viewed by the Committee.

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**GENERAL BUSINESS:**

**PART A**

1. **Tweed Valley Way (Burringbar Range)**
   R4031 Pt19; DW1097651; Traffic - Speed Zones

Request received in relation to the issue of speeding motorcyclists on Tweed Valley Way on the Burringbar Range. Advice is requested from the RTA on the continuing use of fixed speed cameras.

The police representative advised the speed cameras are in working condition and that a police presence will be provided on an ongoing basis.

Signage was discussed that may be used to warn motorcycles of the hazards of speeding on Burringbar Range. RTA hazard signage is not appropriate in this location as it does not have a crash history as the signage has been specially developed for high crash areas.

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2. **Queensland Road, Murwillumbah**
   R4510 Pt1; DW1103195; Bus Service - Stops; School Zones; Parking Zones

Request received in relation to buses exiting the off road bus bay adjacent to the Catholic School. Buses are unable to complete the turn in one movement when there is a car parked in the "No Parking" zone on Queensland Road nearest Waterloo Street.

It is requested that the parking space on Queensland Road closest to Waterloo Street be designated "No Stopping" between the hours of 3.00pm and 4.00pm.
RECOMMENDATION:
That the parking space on Queensland Road closest to Waterloo Street be designated "No Stopping" between the hours of 3.00pm and 4.00pm.

3. Solander Street, Tweed Heads

R5120 Pt1; DW1090104; Bus Service - Stops

Request received for the installation of a bus stop on the south side of Solander Street opposite the hospital to alleviate parking problems due to the bus stop post being knocked over and removed. Advice received from the RTA states:

“For bus stops if the operator is operating a hail and ride system they do not need formal bus stops the operator merely needs to follow DoT guidelines which includes the need for the bus driver to be satisfied that where he stops is safe. This type of bus stop is not approved.

Normal practice where a formal bus stop is required is for the bus operator to nominate a site (note the operator must install at their own cost bus stop signs at each approved site).
Each nominated site should be considered by the Traffic Committee prior to gaining approval.

The parking restrictions that apply to an approved bus stop are 20m on the approach and 10m on departure, ARR 195.”

RECOMMENDATION:
That Council advises Surfside Bus Lines that a bus stop on the south side of Solander Street opposite the Tweed Heads Hospital has been approved and accordingly Surfside is requested to install a standard bus stop post at the location.

4. Piggabeen Road and Cobaki Road, Piggabeen

R4300 Pt9; R1200 Pt1; DW1097325; Speed Zones; Roads - Repair Program

The residents of Cobaki have expressed concern with the condition of Piggabeen and Cobaki Roads. A request has been received for:-

1. Reduction of the speed limit from 100kph to 80kph.
2. The provision of line marking where appropriate.
3. An enforceable speed limit for large trucks and trailers.
The speed limit was deemed to be appropriate for a rural road with limited direct access points. Drivers should not expect to travel at 100kph at all times. The Committee was informed that an audit was conducted on the roads which recommended linemarking and curve advisory signs be installed subject to available funding. The RTA did not support a reduced speed limit for heavy vehicles.

5. **Enid Street and Frances Street, Tweed Heads**  
   **R1910 Pt2; R2131 Pt2; DW1106055; DW1107309; Schools - St Joseph’s; Traffic - School Zones; Transport - Bus Stops**

Request received regarding congestion at the crossing site in Enid Street in the afternoons. It is reported that there have been recent parking changes in Frances Street regarding parent pick-up, with the provision of three car parking spaces for parents.

In the afternoon, parents coming from Coolangatta are remaining stationary at the crossing until a space is available around the corner in Frances Street. This is causing traffic to bank up northwards along Enid Street and buses are also unable to move off the kerb.

Near the Frances Street drop off and pick up zone there are spaces where teachers park their cars. It is suggested that the teachers could park on the opposite side of the road by extending the drop off and pick up zone.

**RECOMMENDATION:**

That the "No Parking" zone between 2.30pm – 3.30pm on Frances Street be extended by three spaces towards Beryl St.

6. **Viking Street, Kingscliff**  
   **R5740 Pt1; DW1106066; DW1089599; DW1097329; DW1072458; Traffic - Weight of Vehicles; Traffic - Speed Zones; Traffic - Safety**

Request received for Local Traffic Committee advice in relation to heavy vehicle usage of Viking Street to enable access to Sutherland Street and the SALT development.

It is suggested that the installation of weight limits or alternative treatment options may be appropriate.

Total volume of traffic on Viking Street is 1056vpd based on a seven day average with only 4% being Class 4 and above trucks, the 85th percentile speed was only 51kph. These figures indicate that the traffic volumes are well within the roads capacity and vehicle speed is consistent with the speed limit.
The Committee suggested that the matter be referred to the developer via the Director of Development Services requesting that construction traffic especially trucks access the site via the Coast Road and Casuarina Way and avoid the Kingscliff hill area in an endeavour to reduce complaints from local residents.

**RECOMMENDATION:**

That the matter be referred to the developer via the Director of Development Services requesting that construction traffic especially trucks access the site via the Coast Road and Casuarina Way and avoid the Kingscliff hill area in an endeavour to reduce complaints from local residents.

7. **Toolona Avenue and Darlington Drive; Leisure Drive, Banora Point**
   
   R5511 Pt1; R1540 Pt 3 R3035 Pt3; DW1101073; Traffic - Roundabouts; Traffic - Control; Traffic Safety

Request received for Local Traffic Committee advice in relation to:-

1. Drivers ignoring the roundabout at the intersection of Toolona Avenue and Darlington Drive. The two problems identified are excessive speed on Darlington Drive and the roundabout itself does not have a significant profile resulting in drivers proceeding straight through it without slowing.

   It is suggested that the roundabout needs a clear visual cue and prominent "Give Way" signage and road marking on the Darlington Drive approach be installed.

2. A temporary Council sign on the near side of the pedestrian crossing on Leisure Drive. It is reported that this signage obscures visibility of persons about to enter the crossing.

Item 1 was discussed by the Committee and the Police advised they currently undertake monthly enforcement of speed in the area. It was noted that the roundabout design does enable traffic on Darlington Drive to proceed straight through the roundabout however, this is required to enable bus services to manoeuvre through the intersection.

It was agreed that the linemarking and signage should be investigated with a view to slowing approaching traffic on Darlington Drive at Toolona Ave.

8. **Chinderah Bay Drive and Waugh Street, Chinderah**
   
   R1071 Pt4; R5860 Pt1; DW1107125; Traffic - Weight of Vehicles

Request received for amendments to existing B-Double route on Chinderah Bay Drive and Waugh Street, Chinderah. The Roads and Traffic Authority (RTA) have infringed several B-Double users who are using B-Doubles with a height of 4.6 metres. The standard gazettal for a B-Double route only extends to 4.35 metres.
It is requested that the Local Traffic Committee endorse this change in height restriction. The RTA has issued an interim permit for drivers to operate. The Committee discussed whether or not heights of vehicles was a B-Double issue or simply an RTA matter but the RTA representative said it is a B-Double issue.

The Committee discussed the request and does not have any concerns in principle however a letter from Country Energy and Telstra is required advising they have no concerns with the truck height increase and their respective infrastructure.

9. Powell Street, Tweed Heads

Report received that signage erected in Powell Street Tweed Heads adjacent to the post office box may give drivers the false impression that it is permissible to park close to the southern side of the "No Parking" zone in front of the post box.

The Australian Road Rules state that: "a driver must not stop on a road within three (3) metres of a post box, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place".

The Committee noted the concerns raised by Council's ranger however the signage was only installed after several referrals to the Rangers to enforce the statutory no parking zone adjacent to the post box. The Committee considered this would make the matter of enforcement easier for the Rangers, however this appears to not be the case. The Committee did not support the elimination of another car space in this high demand parking area. If the post box cannot be reallocated then the 'No Parking' signage is to be removed and linemarking is to be reinstalled 3m either side of the post box.

RECOMMENDATION:
That the post box be relocated to the northern end of the 'No Parking’ zone with permission of Australia Post.

10. Adelaide Street and Recreation Street, Tweed Heads

It is reported by Council Rangers that when the Recreation Street Markets are held the following parking issues are observed in that vehicles are:-

- double parked;
- parked in "No Stopping" zones;
- parking near the intersection; and
- parallel parking close to the dividing line / strip.
Also Adelaide Street, between Florence and Steep Street, is of particular concern with vehicles parked on both sides of the road with most facing the wrong direction and only allowing one vehicle to proceed.

The Committee noted that the offences are being committed and supports the Rangers in their enforcement efforts on market days. Additional signage was not supported at this stage as drivers should be aware of current rules.

It was also suggested that the Rangers discuss the matter with the Manager Environment & Health to take the matter up with the event organiser as they are required to have, and be implementing a Traffic Management Plan for each market event.

If the Traffic Management Plan needs to be revised Council's Road Safety Officer could assist in recommending amendments. In the meantime, Rangers should enforce the parking rules when breaches are observed.

11. Proudfoots Lane, Murwillumbah

Request received for the provision of "No Stopping" signs on the western side of the entrances to both Mitre 10 and Retravision extending to approximately two (2) car lengths to the east of the entrances. This will allow more visibility for pedestrians and drivers. Currently vehicles park directly in line with the entrances creating a possible danger to pedestrians when entering the roadway.

The Committee noted the concerns of the Rangers but did not support the removal of the two loading zones spaces instead it is proposed to paint blister islands each side of the access for approximately 1.5metres and request the shop owner ensure his vehicles do not encroach on this area. If the problem continues the Committee will consider No Stopping zones.

The Committee also noted that similar situations exists at several locations along Proudfoots Lane but none of these locations are designated pedestrian crossings and speeds in the laneway are relatively slow and traffic flow is in one direction only.

12. Heavy Vehicles - Height Variants

Request received for LTC to assess existing B-Double routes within Tweed Shire with the view to the use of 4.6 metre high B-Double. The RTA raised the issue of restricted time limits as per Council resolutions in relation to existing B-Double routes. The RTA will not approve restricted hour traffic movements without a full Business Assessment investigation being undertaken.
The Committee discussed the RTA advice and noted that it incurs considerable and unreasonable expense on Council to prepare Business Assessments. If the Committee and Council recommend restricted B-Double operating hours for traffic management reasons and the RTA won’t accept these limitations, then it is unlikely such B-Double routes will be approved by Council. Similarly, if the RTA wishes to increase the height of B-Doubles to 4.6 metres then the RTA or applicant will need to provide documentary proof that all overhead infrastructure providers agree to the height limit increase.

RECOMMENDATION:
That the Roads & Traffic Authority be advised in writing of Council’s position regarding restricted B-Double operating hours and to vehicle height increases.

13. Coast Road, Hastings Point

Request received for the Traffic Committee to investigate the design of the Slow Points at Hastings Point due to the tight turning manoeuvres which are alleged to be causing accidents.

The Committee discussed the matter and the Police representative advised that where such devices don’t exist speeding problems are regularly reported. If the devices were removed or modified the speeding problems would obviously increase.

The subject crash that occurred was the result of the driver driving at an inappropriate speed and if the calming devices were removed or modified, such drivers would simply travel at higher speeds.

The Committee noted that the Coast Road is a major distributor road and expected to carry higher volumes of traffic than local roads, this type of road is typically signposted at 60kph to reflect its function and the traffic control devices ensure general compliance with the speed limit.

The Committee did therefore not support a reduction to 50kph.

14. Alma Street, Murwillumbah

Request received for bus stop signs in Alma Street be covered up on Melbourne Cup Day 2 November 2004 from 3pm to 8pm and on Murwillumbah Show days 4 & 5 November 2004 from 9pm to 3am for the purpose of breath testing. The Police representative advised that regular bus services would not be affected. The Committee supported the request.
Part B

1. Twelve Storey Multi-Dwelling Housing Development, Florence Street, Tweed Heads
   DA04/0939 Pt1; DW1097653; LN: 6472; Development Applications - General; Traffic

Request received for Local Traffic Committee advice in relation to the local road network and the generated vehicles per day from this proposed development. The development is for 37 units comprising of 12 storey multi-dwelling housing.

The Committee reviewed the plans and recommends that the following issues be investigated further:

1. Non-compliance with Council’s Access to Property Design Guidelines, DCP2 and AS2890.2 in terms of sight distance, longitudinal gradients and driveway widths.

2. It is unclear from the plans how garbage vehicles will access the site given Florence Street status as a distributor road it is not considered appropriate that garbage trucks collect industrial bins from the public road (which does not comply with DCP2).

3. It is requested that the parking calculations be checked as there are several three bedroom units which may require higher levels of carparking.

2. Proposed Residential Development at Lot 9 DP17554 Sand Street, Tweed Heads
   DA02/1147 Pt2; DW1105322; Development Applications - General

Applicants are seeking consent to locate a fire hydrant booster in Empire Lane.

The provision of a No Standing zone in front of the booster is requested to be addressed by the Committee.

Council staff has advised that parking restrictions are not required as Fire Trucks simply double park. Such restrictions have never been provided at other developments.

The Committee discussed the issue but does not support the provision of a No Standing Zone in front of the hydrant booster.
3. Proposed Residential Development at Lots 29-31 DP1027531 and Lot 54 DP1030322 Casuarina Way, Casuarina

Request received for Local Traffic Committee advice traffic issues in relation to the above development.

In regards to the Master Plan the Committee was concerned about the access points to the underground carpark shown in drawing SK33 and that non-compliance with AS2890.

It is unclear from the plans how the site is to be serviced by bus or tourist coach and such details should be requested.

In regards to Stage 1 (Lot 31) the porte-cochere access to Casuarina Way is in prohibited zone under AS2890 and therefore needs to be relocated or alternatively a roundabout at the intersection of Celerywood Drive, Casuarina Way and the development access could be constructed. In either case a redesign is required and the applicant should be advised accordingly.

4. Sikh Temple Lot A DP389751, Tweed Valley Way, Fernvale

Request received for Local Traffic Committee advice on access issues to the above property.

The access to Tweed Valley Way be designed to Austroads Part V Standards to accommodate the traffic generation potential of the proposal and that the access be located to Austroad Standards for sight distance. Detailed plans should be submitted demonstrating compliance.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 18 November 2004 in the Peter Border Room commencing at 9.00am.

The meeting closed at 12.25.

DIRECTOR'S COMMENTS:

Nil.
DIRECTOR'S RECOMMENDATIONS:

Nil.
FOR THE CONSIDERATION OF COUNCIL:

Minutes Of The Tweed Coastal Committee Meeting Held Wednesday 13 October 2004

Venue:
Canvas and Kettle Meeting Room, Murwillumbah

Time:
Commencing at 1.35pm.

Present:
Cr Henry James (Chair), Cr Max Boyd, Cr Lynne Beck, Gary Thorpe (Hastings Point), John Harbison (Mooball), Richard Hagley, (Department of Planning, Infrastructure and Natural Resources), Patrick Dwyer (NSW Fisheries), Jason Pearson (Kingscliff), Peter Harding (Pottsville), Graham Burton, Jane Lofthouse, David Oxenham (Tweed Shire Council).

Informal:
Susan Davidson (Minutes Secretary).

Apologies:
Cr Warren Polglase (Mayor, Tweed Shire Council), Rhonda James (Caldera Environment Centre), Terry Kane (Cabara Beach-Bogangar), Lance Tarvey (NSW National Parks and Wildlife Service), Tim Rabbidge (Department of Planning, Infrastructure and Natural Resources), Neville Newell (Member for Tweed), Justine Elliott (Fingal Head), Tom Alletson (Tweed Shire Council)

Minutes Of Previous Meeting:
Moved: Cr Max Boyd
Seconded: Peter Harding
RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 August 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.
BUSINESS ARISING:

Cudgera Creek Tidal Obstructions

The Committee heard the current recommended method for laying pipelines under Cudgera Creek is horizontal directional drilling and another method for removing tidal obstructions will have to be investigated.

Canoe Trial

Jason Pearson advised that his organisation would supply a vessel for Tom Alletson and a Council officer to investigate the location and erection of the signs for canoe trial.

CORRESPONDENCE IN:

1. Submissions to the Draft Tweed Coastline Management Plan

A brief summary of the submissions was presented to the Committee. The summary and relevant submissions will be sent to Umwelt for suggested changes to the Draft Plan.

Jane Lofthouse advised the dog issue received the largest number of submissions and that this issue was overtaking discussion on more important issues. As a result a separate report was tabled to Council. Council, at its meeting of 1 September 2004 resolved the following:

“That Council:–

1. Changes the recommendation in the Draft Coastline Management Plan from "removal of off-leash dog exercise areas from South Kingscliff and Pottsville Beaches" to "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."

2. Includes a recommendation in the Draft Plan to "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."

Jane Lofthouse reported that Council passed a resolution in June 2004 to not re-issue lapsed 4WD beach permits once they had been surrendered. Rangers are currently monitoring 4WD usage on beaches then a strategy will be taken back to Council.

The next step of the process for the Coastline Management Plan is that summaries and correspondence will be sent to the Consultant who will suggest recommendations on amendments to the draft.
Jane Lofthouse advised the timetable for the Plan would largely depend on the Consultant but a draft final plan would be submitted at the December meeting.

2. Kingscliff Coastguard, Quote for Boat Ramp Alternative at Coastguard Boat Shed

The Kingscliff Volunteer Coastguard has investigated options installation of a new ramp. They received a quote for the supply of a product called “Ecocell” to construct a low-key boat ramp facility at the Coastguard boat shed. The product is ‘cellular three dimensional honeycomb structure that provides a robust solution to many geotechnical problems’.

The cost for supply of material (installation extra) is $5,727. Installation is estimated at around $1000.

David Oxenham suggested the proposition be taken to Council to source funding from Cudgen Creek Entrance Management budget allocation as the current boat is able to manoeuvre in shallow water reducing the perceived need for dredging Cudgen Creek entrance.

Cr Max Boyd suggested that David Oxenham, Jane Lofthouse and Cr Henry James meet with representatives from the Coastguard to evaluate the proposed system and further investigate its effectiveness for the area. The Committee also needs to clarify if the State Funding contribution could be utilised to fund the project.

RECOMMENDATION:
That:-

1. Council officers undertake a feasibility assessment of the proposed low key boat launching structure to ensure modifications are in keeping with any future pedestrian / cycleway infrastructure and;

2. Council consider using "Cudgen Creek Entrance Work" budget allocation to construct the low key boat launching facility, subject to DA approval.

Moved: John Harbison  
Seconded: Gary Thorpe

3. Letter to Minister for Primary Industries, Hastings Point Intertidal Plan of Action

A Recreational Fishing EIS is being developed and will include harvesting from intertidal areas. Intertidal protected areas are for the protection of invertebrates and the concept identifies levels of protection within each bioregion.
The issue will be brought back to the Committee once NSW Fisheries have placed the EIS on public exhibition for further input and discussion and formulation of a submission.

Cr Henry James suggested that the wording in the Coastline Management Plan in relation to the Hastings Point Rock Platform be amended to:

“Seek enhanced protection for Hastings Point rock platform in view of educational opportunities and significance of the site”.

3.05pm Graham Burton left.

GENERAL BUSINESS:

1. Tweed Coast Estuaries Management Plan - Finalisation of Plan
   Tweed Coastal Strategy, Estuary Management; Coastal Management Plan

Changes to the Draft Plan from submissions received have been sent to the Wetlands Australia to incorporate into the final Estuary Management Plan. When this is received, a review meeting will be called for interested members of the Committee to review the document prior to the finalised Plan coming back to the Committee at the December meeting for adoption.

The final draft will be available at the end of October.

Jane Lofthouse proposed the Committee have a workshop on Monday 8 November 2004 from 9.00am to 12.00pm in the Oxley Room to assess the amended plan.

2. Tweed River Festival
   Parks - Jack Evens Boatharbour; Festivals; Other

The Tweed River Festival will be held from 15 to 21 November. The main day of the Festival, Sunday 21 November will be held at Jack Evans Boat Harbour. The day will include displays from Tweed Valley emergency services groups, the Tweed Coast Outrigger Corporate Race Day, entertainment, the Lantern Parade and Fireworks.

Other activities during the week include the Tweed River Forum, Photographic Competition and exhibition, opening on Friday 19 November, wetland walks, cultural tours, Classic Boat Regatta on Saturday 20 November.

The Committee, friends and family were encouraged to register to carry lanterns or otherwise be involved in OUR Festival.
3. NSW Coastal Conference, Lake Macquarie 9-12 November 2004

The NSW Coastal Conference will be held at Lake Macquarie on 9 to 12 November. Jane Lofthouse will be attending the Coastal Conference

RECOMMENDATION:
That the Chair of the Tweed Coastal Committee be supported to attend the NSW Coastal Conference held in Lake Macquarie on 9-12 November 2004.

Moved: Cr Max Boyd
Seconded: David Oxenham

4. Pedestrian Bridge, Cudgen Creek

Jane Lofthouse advised she attended a meeting with Council design engineers and Kingscliff Ratepayer and Progress Association members to discuss issues relating to the provision of a pedestrian bridge across Cudgen Creek. The Progress Association no longer support a bridge in the location next to the boat ramp. It would appear the favoured option would be a pedestrian bridge very close to existing road bridge and a linking boardwalk along the foreshore.

5. Tweed Coastal Committee, Start Time

A decision was made to move the start time for the Tweed Coastal Committee to 1.30pm with lunch at 1.00pm.

NEXT MEETING:

The next meeting of the Tweed Coastal Committee will be held 8 December 2004, the location to be advised, commencing at 1.30pm.

The meeting closed at 3.25pm.

DIRECTOR’S COMMENTS:

Nil.
DIRECTOR'S RECOMMENDATION:

Nil.
FOR THE CONSIDERATION OF COUNCIL:

Minutes of the Tweed River Committee Meeting held Wednesday 13 October 2004

Venue:
Canvas & Kettle Meeting Room, Murwillumbah Civic Centre

Time:
9.30am.

Present:
Cr H James (Chair), Cr W Polglase (Mayor), Cr L Beck; Cr M Boyd (Tweed Shire Council), R James (Caldera Environment Centre); R Hagley (DIPNR); B Loring (NSW Fisheries); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association) C Cormack (NSW Maritime Authority), H Christopher (Banora Point Progress Association), C Masters (Tweed Landcare Inc); G Judge, J Lofthouse, D Oxenham, D Eaton, (Tweed Shire Council).

Informal:
Susan Davidson (Minutes Secretary), B Hughes (Coastcare Facilitator), P Dwyer (NSW Fisheries), 10.40am J Green, K Riddell, C Pearson (NSW Maritime Authority), T Vass, G Mcgahey, M Mcgahey, S Tungsten (Waterski Representatives), 11.00am L Smith, H Rangger (Dept of Lands).

Apologies:
N Newell (State Member for Tweed); D Gray (Ecoroc); T Alletson; L Tarvey (National Parks and Wildlife Service)

Minutes of Previous Meeting:
Moved: Cr Max Boyd
Seconded: Rhonda James
Resolved that the Minutes of Meeting held Wednesday 11 August 2004 be accepted as a true and accurate record of the proceedings of that meeting.

Councillor Henry James said a few words about the recently deceased Bruce Graham who, as a former Tweed Shire Councillor, was chair of the Committee from November 1995 to August 1999.
Bruce Graham was a geographer and teacher who had written two books on the local region and had made a positive contribution to Local Government. His absence is a loss to the community.

BUSINESS ARISING:

1. Gold Coast Airport

Comment in the Gold Coast Airport Environment Strategy that related to potential leachate from Tugun Tip. Geoff Edwards to be requested to provide an update on monitoring of Tugun tip leachate.

Groundwater bores are being monitored by Gold Coast City Council and the results will be provided to the next meeting.

2. Stotts Channel

Tom to report to the next meeting on survey results. A request was made to find the old survey records as mapped in the Upper Estuary Management Plan.

Item from Meeting held 12 May 2004

3. Committee Representation

Cr Henry James welcomed the three new Committee members, Harry Christopher representing the Banora Point Residents Association, Claire Masters representing Tweed Landcare Inc, and Robert Berger representing Tweed River Charter Operators Association (absent).

Item from Meeting held 11 August 2004

4. Potential Project and Environmental Trust Application - Byrill Creek Riparian Management Plan

Riparian Projects, Environment Trust Grants, Dams - Byrill Creek - General

Council has submitted an application to the NSW Environmental Trust to undertake riparian rehabilitation in the Byrill Creek Catchment. This application was developed in consultation with DIPNR and Tweed Landcare Inc, and aims to achieve protection of HCV riparian vegetation, as well as protect water quality.

An application for $100,000 has been submitted, with supporting funds from the CMA, TSC and the Tweed River Committee. An application was sent to the Environmental Trust without full committee consultation to meet the required closing date. Tom Alletson discussed this project with Cr Henry James, Richard Hagley, Rhonda James and other relevant Council staff before its submission. A copy of the application was available at the meeting for review.
Cr Henry James advised the approach was to commence weeding work at the top of the catchment and move downwards.

Cr Max Boyd brought up the issue of weed infestation in drainage lines within Council's forestry plantation creating problems including fire hazard and suggested the areas be replanted with natives.

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CORRESPONDENCE IN:

1. Lower Oxley River Riparian Restoration Plan

Council has received a copy of the DRAFT Lower Oxley River Riparian Restoration Plan. This report contains recommendations for works that will improve riverbank condition on 16 individual properties, one of which is Travis Campbell Reserve, owned by TSC. Recommendations for action have been developed in association with landholders, and in some cases will be commenced shortly as a component of the original project budget.

There will be a need for ongoing funding of this project, both to undertake large-scale bank stabilisation, and to maintain revegetation and weed removal work sites. The CMA will be allocating further funds to this project, and it would be appropriate for both TSC and the TRC to make a continued commitment to implementation. The proposed allocations will be raised at the next TRC meeting. A copy of the DRAFT plan will be available at the meeting for review.

Cr Henry James advised that this committee contributed some funds to the project, there is still a lot of work proposed and will require future funding including funding for on-going maintenance over a 5 year program.

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2. Final Report for the Local Government CMA Support Officer Project

The report from the Local Government CMA Support Officer Project identifies opportunities for improving Local Government participation in regional natural resource management, in partnership with other councils, and the CMA. The report contains a recommendation for continued funding of a Local Government / CMA Support Officer, the position previously held by Nick Stephens.

Cr Max Boyd suggested that if the position was reinstated, the Committee and Council should expect and ask for regular reports for the Tweed area including information on what projects are being undertaken and what is their progress.

Cr Henry James said a good test to determine the value for the Shire for the position is to take a close look at what projects need to be undertaken and priorities of funding.
RECOMMENDATION:
That Council supports continuation of the position of Local Government / CMA Support Officer and provide financial support for the position.

Moved: Cr Max Boyd
Seconded: Mayor Warren Polglase

10.10 Doreen Eaton arrived.

CORRESPONDENCE OUT:
Nil.

AGENDA ITEMS:

1. Tweed River Festival
   Tweed River Festival; Parks - Jack Evans Boat Harbour; Festivals - Other

The main day of the Festival, Sunday 21 November will be held at Jack Evans Boat Harbour. The day will include displays from Tweed Valley emergency services groups, the Tweed Coast Outrigger Corporate Race Day, entertainment, the Lantern Parade and Fireworks.

Other activities during the week include the Tweed River Forum, Photographic Competition and exhibition, opening on Friday 19 November, wetland walks, cultural tours, Classic Boat Regatta on Saturday 20 November. There is an indigenous culture focus this year.

The Committee, friends and family were encouraged to register to carry lanterns or otherwise be involved in OUR Festival. Jane Lofthouse will issue the program to Committee members.

10.25 Cr Lynn Beck arrived.

2. Tweed Bird Observers "Birds of the Tweed Valley" Brochure
   Birds Fauna Protection

A bird watching brochure has been developed in conjunction with the Tweed Bird Observers. It is requested that the Committee vote expenditure of $1200 from the Education budget allocation to produce and print 5000 copies of the brochure. The brochure will be launched on Saturday 23 October during Bird Week and each member will have received an invitation to the launch.

10.40am representatives from the Tweed Water Skiers arrived: Tony Vass; Gavin McGahey; Merve McGahey and Steve Tungsten.
10.40am representatives from the Maritime Authority arrived: Jim Green; Kevin Riddell and Craig Pearson.

3. Remediation Options for Blacks Drain Upper Floodplain, Tweed River
Pollution - Acid Sulfate Soils; Drainage Union - Blacks Drain


A copy of the recommendations from the second report was attached to the agenda.

The reports relate to the very upper part of Blacks Drain which predominately Council land and some privately owned farmland.

The Floodplain Officer position is so far unfilled and will be readvertised next month to encourage university students to apply.

Jane Lofthouse to investigate the progress of the issue and report back to the Committee.

4. Oxley Cove East - Preparation of Management and Rehabilitation Plan
Riverbank Erosion Oxley Cove; Riparian Projects

The spit of land at Oxley Cove, east of the canal estate, (accessed from Bosun Boulevard) has been on the TRC forward program for preparation of a management and rehabilitation plan. Recently Tom Alletson met with Cr Murray, Stewart Brawley, the Land Council and some local residents to discuss the area and its future possibilities. It was agreed that the area represents a significant natural resource, that it is currently in a degraded state, but that there are opportunities to enhance it as a recreational resource while improving the ecological condition.

There was $10,000 allocated to this area in the 2003/2004 program, with $40,000 identified in the 2004/2005 application to DIPNR to continue work. The Committee was requested to consider engaging a consultant to prepare a management and works plan for the area. Works would include some bank revetment, rehabilitation and revegetation of riparian areas, protection of cultural sites and provision of recreational facilities.
RESOLVED that a consultant be appointed to prepare a management and works plan for Oxley Cove East. Works would include some bank revetment, rehabilitation and revegetation of riparian areas, protection of cultural sites and provision of recreational facilities.

5. Draft CMA Blueprint Action Integrated Plan

This document was developed to merge the three previous Northern Rivers Catchment Blueprints into a singular CMA Action Integration Plan. It has been posted on the CMA website. A copy of this document was included with the agenda. Committee members were requested to review this document prior to the meeting. The CMA have requested feedback on the integrated plan by the 1 November.

Committee members may either provide a response directly to the CMA or provide comments to Jane Lofthouse by 25 October for formulation of a joint submission from the Committee (or both).

6. Tweed River Water Skiers - Submission of Boating Plan of Management

Representatives from the Tweed River Water Skiers presented the user groups views on the Boating Plan of Management, Gavin McGahey was the speaker for the presentation.

Gavin McGahey questioned the definition of many terms within the Plan including: wakeboarding, noise and erosion and what constituted these terms.

11.00 Lindy Smith arrived.

The group identified six recommendations within the plan which they felt needed further amendments:

1. Disagree with the objection to wakeboarders;
2. Disagree with the 40knot speed limit, the group claimed this is not justified and forces them to apply for aquatic licenses if they wished to hold ski races or train;
3. The group may support the Riverkeeper position but require more information;
4. Disagree with 8.00am start for Tumbulgum to Murwillumbah;
5. Disagree with risk mitigation proposals, such as no skiing under bridges; and
6. Disagree with no towing near Stotts Island.
7. Tweed River Boating Plan of Management

Estuary Management; Master Boating Plan

Copies of the Draft Tweed River Boating Plan of Management have been circulated to the Committee. The Committee is to formulate a submission on the draft plan for consideration by Council.

Kevin Riddell from the Maritime Authority provided some background on submissions to date.

261 submissions were received on the Plan with 182 being form letters. 60% of all submissions were people with a Queensland addresses.

92% of submissions were pro-skiing or anti speed limit, 4% were anti-skiing and wakeboarding and most submissions related to the area from Tumbulgum Bridge to Murwillumbah.

The issue of the definition of Wakeboarding has still not been defined. The question was whether it should be defined by wake created, the type of boat, or slower speed.

Currently there is a 40knot speed limit in Queensland with a few exemptions where, like here there is no speed limit. The plan recommends a 40knot speed limit to coincide with the current Queensland regulations.

The motivation behind the moving wakeboarding to below Barneys Point Bridge is erosion of the riverbank. The riverbank in this region is predominately protected by rock.

The question was raised: Does the Council want the Tweed River to be a destination for wakeboarders and waterskiers?

11.30am Rhonda James left and Patrick Pahlow arrived.

It was suggested that the banks of rivers be classed as low, medium and high erosion potential, then water activities can be classed into low and high erosive impact. This could be component of a broader recreational boating study. Once the classifications are made than the activity can be allocated to the type of bank.

Cr Max Boyd asked the question as to how many boats the Tweed River can accommodate? The capacity of the river depends on activities carried out in that area and the speed at which it is carried out.

Maritime Authority asked Council what was considered to be the future of Tumbulgum – will it be a key watersport area? If watersports are the key activity then the management of the area will need to be addressed. A major issue is the boatramp and lack of available carparking.

Mayor Polglase advised that the Tumbulgum Progress Association have developed a plan of management for their area with very strong views on boating in the area.
In relation to the proposed Condong Regional Boatramp Facility, Maritime Authority believes that this part of the river is underused and a facility would take pressure off other areas.

Cr Max Boyd suggested that most water sport enthusiasts go to areas that provide easy access to park trailers and the provision of adequate amenities.

A workshop will be conducted 10.00am on Wednesday 20 October 2004 open to all committee members. The Committee will make a submission by the end of November following the outcome of the workshop.

8. Nomination of Cobaki Broadwater as a Ramsar Site - Lindy Smith

In association with the DEC, Lindy Smith has begun preparing an application for the Cobaki Broadwater to be declared a Ramsar site. Lindy described the values of the Cobaki that make it appropriate for Ramsar listing, and the process of assessment.

The Cobaki is one of the largest areas of saltmarsh in the area and has pockets of ancient, pristine native forests housing many endangered flora and fauna.

Lindy invited the Committee to support the project which is currently in its initial stages.

A fact sheet will be prepared, all owners and stakeholder invited, memorandum of understanding will be developed.

Ramsar projects aim to protect migratory bird habitats by encouraging the community to come together with a grant and a management plan is put together for the area, currently there are only 60 sites in Australia, the nearest being Morton Bay and Kooragang.

9. Assessment of Wetland Habitat Quality in Cobaki Broadwater - Partrick Pahlow

Patrick provided a report on a project that DIPNR have been undertaking in co-operation with Wetland Care Australia. This work has trialled a new technique to rapidly assess the ecological quality of wetland habitats. One of the first sites assessed has been the Cobaki Broadwater.

The project targeted wetland complexes and involved: mapping; assessment including conservation rating and degradation rating; and health assessment of the area in the field.
GENERAL BUSINESS:

1. New Start Time for Next Meeting

The new start time for the Tweed River Committee will be 9.00am.

2. Change of Address

The committee noted the changed of address for Harry Christopher, 6 Cobaki Terrance Bilambil Heights NSW 2486.

NEXT MEETING:
The next meeting of the Committee is to be held on 8 December 2004 at venue to be confirmed commencing at 9.00 am.

The meeting closed at 12.50pm.

DIRECTOR’S COMMENTS:

Nil.

DIRECTOR’S RECOMMENDATIONS:

Nil.
5 [SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

1. Minutes of the Tweed River Art Gallery Advisory Committee Meeting held 2 September 2004

2. Arts Northern Rivers Board Meeting Minutes held Tuesday 21 September 2004

3. Minutes of the Public Transport Working Group Committee Meeting held Friday 24 September 2004

4. Minutes of the Aboriginal Advisory Committee Meeting Held Friday 1 October 2004

5. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 October 2004

6. Minutes of the Occupational Health & Safety Committee held Thursday 14 October 2004
ORDERS OF THE DAY

1 [NOM] Commencement Time for Council Meetings

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That Council endorses that the commencement time for Ordinary Meetings reverts to 4.00pm in lieu of the current 3.00pm commencement.

2 [NOM] "Wintersun" Festival - Donation to Election Funding

NOTICE OF MOTION:

Councillor D M Holdom moves:

That:-

1. The General Manager will correspond to the full committee of "Wintersun" for a full written explanation of the State Election Authority Funding notification of a $1,000.00 donation from the "Wintersun" Festival for election funding of Tweed Directions campaign and/or full details which will explain their involvement or not in election funding.

2. The General Manager will correspond with the State Election Funding Authority to furnish Tweed Shire Council the details of returns from the Tweed Shire Council elections, which name "Wintersun" and/or its Directors and/or associates as a contributor of $1,000.00 donation to the Tweed Directions Election Campaign Fund
3  [NOM] Councillor’s Claims

NOTICE OF MOTION:

Councillor S M Dale moves that:

1. Councillors be given clear and concise details as to what expenses they are legally entitled to claim as a councillor in view of the decision made at Council's meeting a fortnight prior to retrospectively pay Cr Beck's claim for her air fares, accommodation and other expenses totalling over $500 which she incurred in July 2004 after she had accepted a direct invitation from Mr Doug Moran, which did not come through the appropriate channel, via the General Manager's office, to attend his art prize exhibition in Sydney.

2. Councillors be given an explanation as to why this matter took the extraordinary period of over two months to come before councillors.

3. Councillors be given an explanation as to why this matter was dealt with in Committee.

4. Councillors be provided with details from the Mayor's office and/or staff which confirm Cr Beck's claim that she phoned and gained permission from the Mayor for this trip.

5. Councillors be given a clear understanding of Council's policy or policies relating to travel and out of pocket expenses which they may incur in carrying out their duties as a Councillor in attending:-

   a. meetings, functions, events, inspections etc within the Shire boundaries; and

   b. those outside the Shire such as NOROC, SouthROC, Richmond-Tweed Regional Library etc.

6. Councillors be given details which clarify what rationale is applied to confirming or denying permission to attend any event invited to, including details of what criteria should be met in determining whether a councillor's attendance provides council and the Shire with a tangible benefit which justifies the outlay of ratepayer's funds, and whether or not written reports of the benefit gained by such attendance are mandatory.

4  [NOM] Legal Advice - Covenants of Title Over Lands

NOTICE OF MOTION:

Councillor S M Dale moves that:
1. The General Manager obtains further legal advice from a legal practitioner specialising in the Local Government Act and, specifically, the law relating to Covenants of Title over Lands so as to provide absolute confirmation of the inability to remove the covenants over Council owned land in Pandanus Parade, Cabarita in order to clearly demonstrate that the offered price for the purchase of the Council owned lots in that which will return the best sum to Council.

2. The General manager confirms that the only legal advice of the said lands and covenants was sought from Stacks the Law Firm and that this was not sought by direction until as late as 28 September 2004.

3. The General Manager provides the precise wording of the direction to Stacks the Law Firm of the 28 September 2004 regarding the lifting of the covenants over Council land in Pandanus Parade, Cabarita.

4. [NOM] Question Time - Procedure

NOTICE OF MOTION:

Councillor W J Polglase moves that given that some questions, without notice, at Council Meetings require, or may be better responded to, by the preparation of a report from Staff, such questions should not be put forward but should be prepared and submitted as a Notice of Motion.
CONFIDENTIAL MATTERS

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

1 [PE] Terranora Village Shopping Centre

REASON FOR CONFIDENTIALITY:

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

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

2 [PE] Tweed Local Environmental Plan 2000, Amendment No 3 - Seaside City Engagement of Consultants

REASON FOR CONFIDENTIALITY:

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

(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret
REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3 [EO] EC2004-058 Supply of Pump and Variable Speed Drives for Water Pump Station No. 2

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

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

4 [EO] Lakeside Christian College Acacia Street, South Tweed

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

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