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Schedule of Outstanding Resolutions

19 JULY 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. Strategic Planning Work Program

Strategic Planning Program

55

Cr Marshall

Cr Youngblutt

RESOLVED that Council requests the General Manager to:-

1. Immediately initiate the employment of a full-time Strategic Planner on a three (3) year contract.
2. Report on opportunities for applicant's funding, offsetting the costs of this employment.

Current Status: To be finalised.

2 AUGUST 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. Development Application K00/389 for Eleven (11) Swing Moorings at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads

DA3346/40 Pt1

108

Cr Luff

Cr Lawrie

RESOLVED that this item be deferred to allow further consultation with Lend Lease to establish what consultation has been held with residents and receipt of the management plan.

Current Status: Awaiting response from Lend Lease.

Schedule of Outstanding Resolutions

16 AUGUST 2000

REPORTS FROM DIRECTOR CORPORATE SERVICES

12. First Round Donations - 2000/01

Donations

185

Cr Luff

Cr James

RESOLVED that a report be brought forward to Council on the allocation of funds from the donation amount towards the purchase of equipment to read the microfilmed copies of the Daily News.

Current Status: To be finalised.

186

Cr Luff

Cr James

RESOLVED that Council requests a report on the possible purchase of equipment for use in the Tweed Heads Auditorium, being a hand held microphone and technology for visual arts presentations as requested by the Tweed Cultural and Performing Arts Society.

Current Status: Report to the November Meeting.

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

27. Awnings over Footpaths - Risk Management Policy and Procedures

Building Code

335

Cr Luff

Cr Marshall

RESOLVED that Council develops an appropriate Risk Management Policy in conjunction with advice from Council's solicitors.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

4 OCTOBER 2000

REPORTS FROM SUB-COMMITTEES

2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 September 2000
4. Vandalism of Vegetation

Dune Care

370

Cr James

Cr Luff

RESOLVED that Council seeks a report to Council on the issue of options available to deal with destruction of dunal vegetation.

Current Status: Report to be finalised.

7. Bush Fires, Hastings Point

Dune Care

372

Cr Luff

Cr James

RESOLVED that Council brings together Department Land and Water Conservation, National Parks and Wildlife Services, the Senior Fire Control Officer, and Council staff to develop a bushfire plan of management for various bushland areas.

Current Status: Meeting to be arranged.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Muscular Dystrophy Association of NSW

Disabled Matters

A request has been received for assistance and support in helping the 70 local Tweed Shire people with this muscular disorder (letter attached to this Business Paper).

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 4 OCTOBER 2000

3. *Request to Delete Condition 1(i)(j) of Consent 0545/2000DA Requiring a Monetary Contribution of \$19,710.00 in Lieu of a Shortfall of Two (2) Off Street Car Parking Spaces at Lot 188 DP 259164, No. 88 Hastings Road, Bogangar*

DA2380/650 Pt1

356

Cr Marshall

Cr Polglase

RESOLVED that this item be deferred to allow the applicant to address the Community Access Meeting on Wednesday, 11 October 2000.

3. **ORIGIN: Development Assessment Unit**

FILE REF: DA2380/650 Pt1

REPORT TITLE:

Request to Delete Condition 1(i)(j) of Consent 0545/2000DA Requiring a Monetary Contribution of \$19,710.00 in Lieu of a Shortfall of Two (2) Off Street Car Parking Spaces at Lot 188 DP 259164, No. 88 Hastings Road, Bogangar

SUMMARY OF REPORT:

Development Consent 0545/2000DA was issued for a mixed industrial/residential development comprising a factory and 2 residential units. The development required a total of 8 off street car parking spaces which were provided. However, 2 of these spaces which have been provided are entirely located within the proposed building. The practicality of this arrangement is contrary to Council policy and Council has not normally supported the provision of internal parking and therefore the proposed configuration was considered unsatisfactory. Accordingly, the net result is that the proposal has a shortfall of 2 spaces, thereby requiring the payment of a monetary contribution in lieu of physical provision. The consent is conditional requiring a monetary contribution of \$19,710 in lieu of the 2 spaces in accordance with Section 94 Plan No. 23.

The applicant/owner has submitted that this contribution be waived on the basis that it is unreasonable.

The monetary contribution condition is considered reasonable and in accordance with Council policy is recommended to remain as a condition of the consent.

Items Deferred

RECOMMENDATION:

That the applicant's request to waive the monetary contribution of \$19,710 in lieu of a shortfall of 2 off street car parking spaces as required by Condition 1(i)(j) of Consent 0545/2000DA and in accordance with Section 94 Plan No. 23 be refused.

Items Deferred

REPORT:

Council received a development application to erect a mixed industrial/residential development at the above property. The proposal incorporates the erection of a two (2) storey structure, with the ground level accommodating a proposed light industrial unit and two (2) residential units located on the upper level. Parking and landscaping is provided at the rear of the allotment, with vehicular access located adjacent to the proposed structure on the southern boundary. The proposed light industry component incorporates both a storeroom and assembly area on the lower level, whilst a mezzanine level is also shown on the plans submitted.

Following lengthy negotiations regarding the design of the development, approval was issued on 19 September 2000. A copy of approval 0545/2000DA is attached to this agenda.

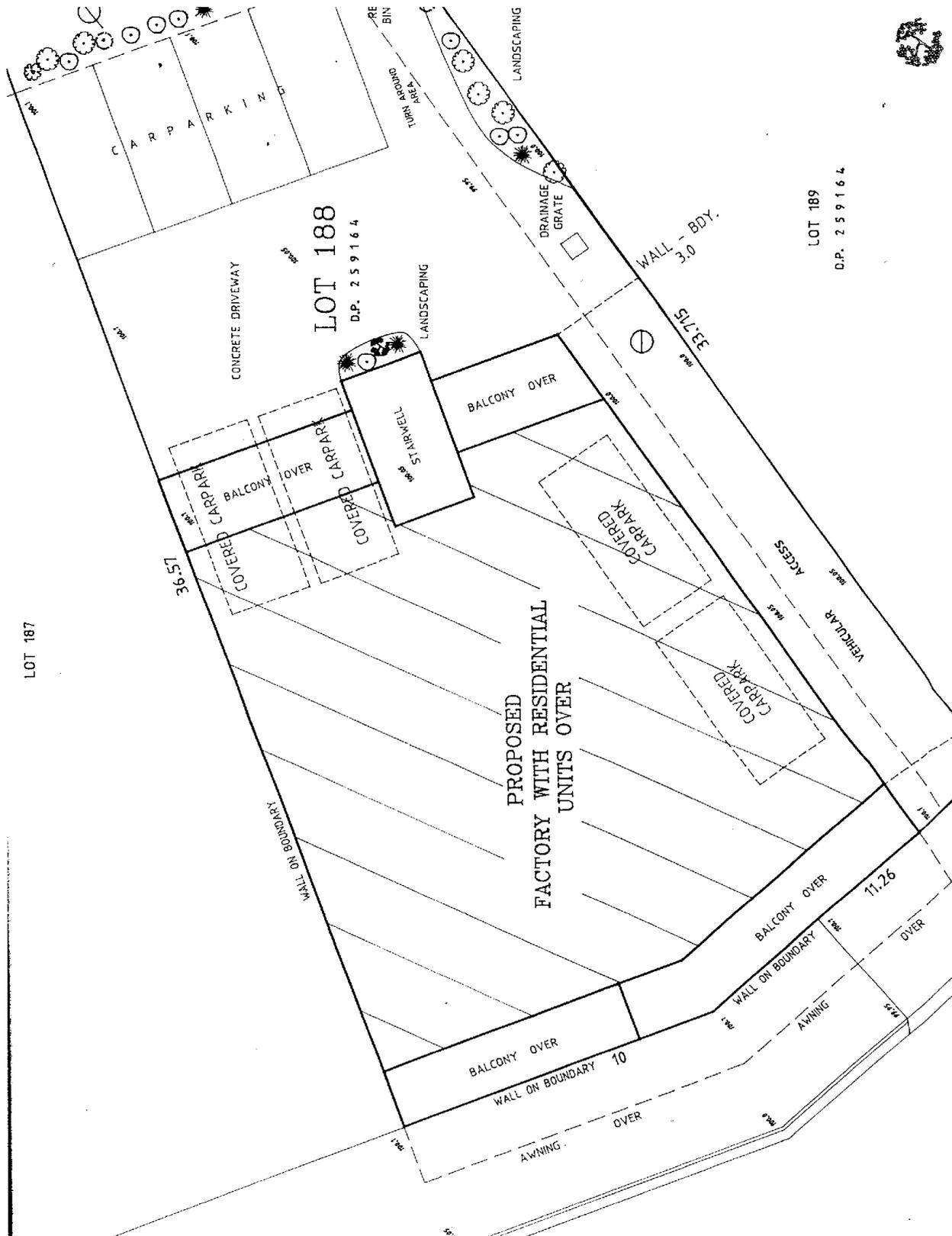
Condition 1(i)(j) of the consent requires an off site parking contribution of \$19,710 in lieu of a shortfall of two (2) spaces. The plans submitted by the applicant show a total of eight (8) spaces as required by DCP2 – Site Access and Parking Code. However, two (2) of which are entirely located within the proposed building. The practicality of this arrangement is questionable and Council have not normally supported the provision of internal parking and therefore the proposed configuration was considered unsatisfactory and the consent conditioned requiring the payment of monetary contributions in lieu of the shortfall from the physical provision of the 2 spaces in accordance with Section 94 Plan No. 23.

In this regard it should be noted that the proposal has already received significant flexibility in that it is arguable as to whether the lower level should be assessed as retail floor space (increased parking requirements) or industrial. A copy of the site plan showing the off street car parking configuration is shown in Figure 1 and those within the building are shown in Figure 2.

The applicant has now contended that this condition requiring the monetary contribution in lieu of the physical provision of the 2 spaces is unreasonable and the applicant's submission is Annexure 1 to this report.

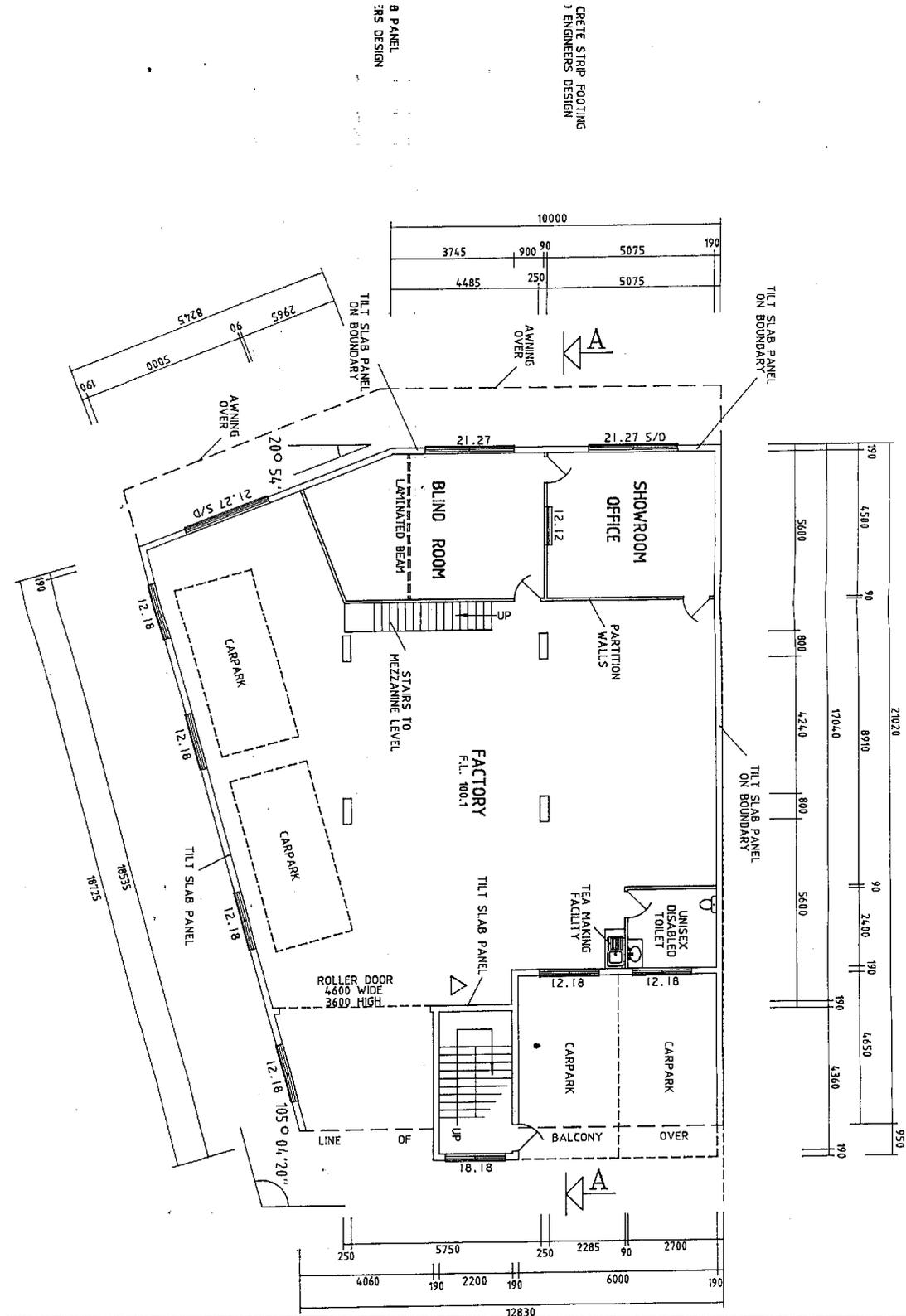
Items Deferred

FIGURE 1 – PROPOSED CARPARKING LAYOUT



Items Deferred

FIGURE 2



Items Deferred

As indicated earlier in this report there have been lengthy discussions regarding the design of this building and the external appearance that has significantly extended the processing time for this application. The provision of off street car parking was discussed with the Development Assessment Panel on two occasions and the comment about the adequacy of the car parking clearly indicated that the numbers were adequate only if these two spaces within the factory area were subject of justification by the applicant and accepted by Council. The acceptance of these car parks or otherwise could only be part of the formal assessment of the application and for the reasons outlined earlier in this report were not accepted. There is recollection that the Development Assessment Panel have previously advised about a potential condition for the monetary contribution of \$19,710.

OPTIONS

The following options are available to Council.

1. Confirm the condition requiring the monetary contribution of \$19,710 in lieu of the physical provision of the 2 spaces remain.
2. That the condition requiring the monetary contribution of \$19,710 in lieu of the physical provision of the 2 spaces be deleted on the basis of the applicant's submission.

CONCLUSION

This application comes before Council after a relatively protracted assessment and negotiation process. This is due in part to negotiating significant improvements in building design and external appearance.

As discussed in this report council have not usually the provision of internal parking and therefore the proposed configuration is considered unsatisfactory. Accordingly, the request from the applicant to waive the monetary contribution of \$19,710 in lieu of the 2 spaces should not be supported and should remain as a condition of consent 0545/2000DA. Any support to waive the contribution may set a precedent for similar development.

Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: DA4030/3730 Pt1

REPORT TITLE:

Erection of a Dwelling House at Lot 58 DP 237806 Pacific Highway, Tweed Heads

SUMMARY OF REPORT:

An application has been received seeking approval for the erection of a dwelling house for the purpose of a managers residence on land at Tweed Heads. The land is zoned 3(b) General Business and Dwelling Houses are prohibited in the zone, although higher density residential development is permissible above non residential development. The application was refused by the Development Assessment Panel for the following reasons:

1. The proposal (a dwelling house) is a prohibited form of development within the 3(b) General Business Zone and Clause 11 of Tweed Local Environmental Plan 2000.
2. The site is unsuitable for a single dwelling house.
3. The proposal is an underdevelopment of the site and the property is not utilised to, nor approaches, it's, full economic potential and is therefore inconsistent with Tweed Local Environmental Plan 2000 and the Tweed Heads 2000+ Strategy.
4. The proposal is not in the public interest as it is likely to create an undesirable precedent.

The applicant has applied for a review of determination under Section 82A of the Environmental Planning and Assessment Act 1979.

The applicant has not provided any additional information to support the application, and the proposed residence is still considered to satisfy the definition for a dwelling house, which is a prohibited form of development in the zone. The application is recommended for refusal.

RECOMMENDATION:

That the Development Application for the erection of a dwelling house at Lot 58 DP 237806 Pacific Highway, Tweed Heads be refused for the following reasons:-

1. The proposal (a dwelling house) is inconsistent with Clause 11 of Tweed Local Environmental Plan 2000 being a prohibited form of development within the 3(b) General Business Zone.
2. The site is unsuitable for a single dwelling house and has the potential to cause a land-use conflict with neighbouring development.
3. The proposal is an underdevelopment of the site and the property is not utilised to, nor approaches, it's, full economic potential.
4. The proposal is not in the public interest as it is likely to create an undesirable precedent and place in jeopardy the provisions of Tweed Local Environmental Plan 2000.

Reports from Director Development Services

REPORT:

Applicant: Henry Moore
Owner: Henry Moore
Location: Lot 58 DP 237806, 52-54 Pacific Hwy (East), Tweed Heads
Zoning: 3(b) (General Business) Zone
Est Cost: \$65,000

INTRODUCTION

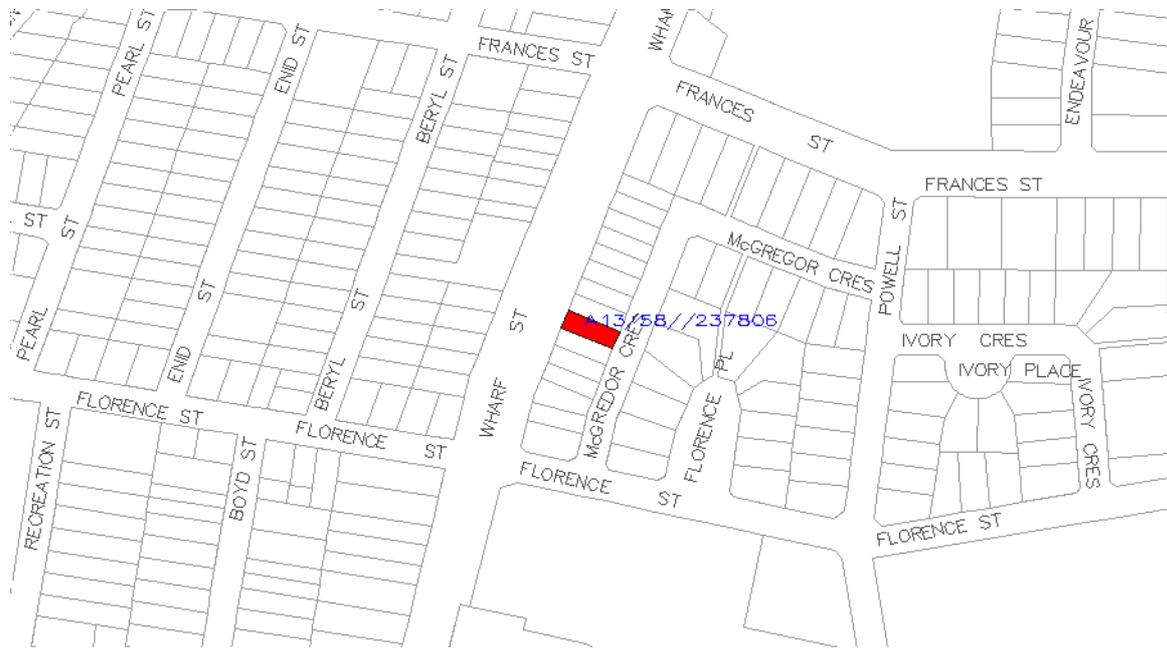
The applicant is seeking development consent for the construction of a two bedroom dwelling house on land at 52 Pacific Hwy (Wharf Street), Tweed Heads. (See Figure 1 – Locality Plan). The applicant has proposed that the dwelling will be utilised as a managers/caretaker's residence. The building is detached from the commercial activities which occur on the property, and is sited at the rear of the property with vehicular access to McGregor Crescent.

The dwelling consists of two bedrooms and is to be located above an existing brick garage, which would be utilised by the residents. (See Figures 2 and 3 for Floor Plans). The land is utilised in conjunction with an adjoining lot to the south (54 Pacific Hwy) for the retail sale of pots, plants and ancillary nursery products.

The land has an area of approximately 446 m² and is zoned 3(b) General Business Zone. The proposed dwelling excluding existing garage has a floor area of 120 m². The application was lodged with Council on May 15, 2000. The applicant was notified in writing on June 7 that the proposal was prohibited in the zone and given the opportunity to withdraw the application prior to determination. The applicant did not take up this opportunity, and in accordance with Council Determination Policy, the application was reported to the Development Assessment Panel on 30 June, 2000 and was refused for the reasons noted above.

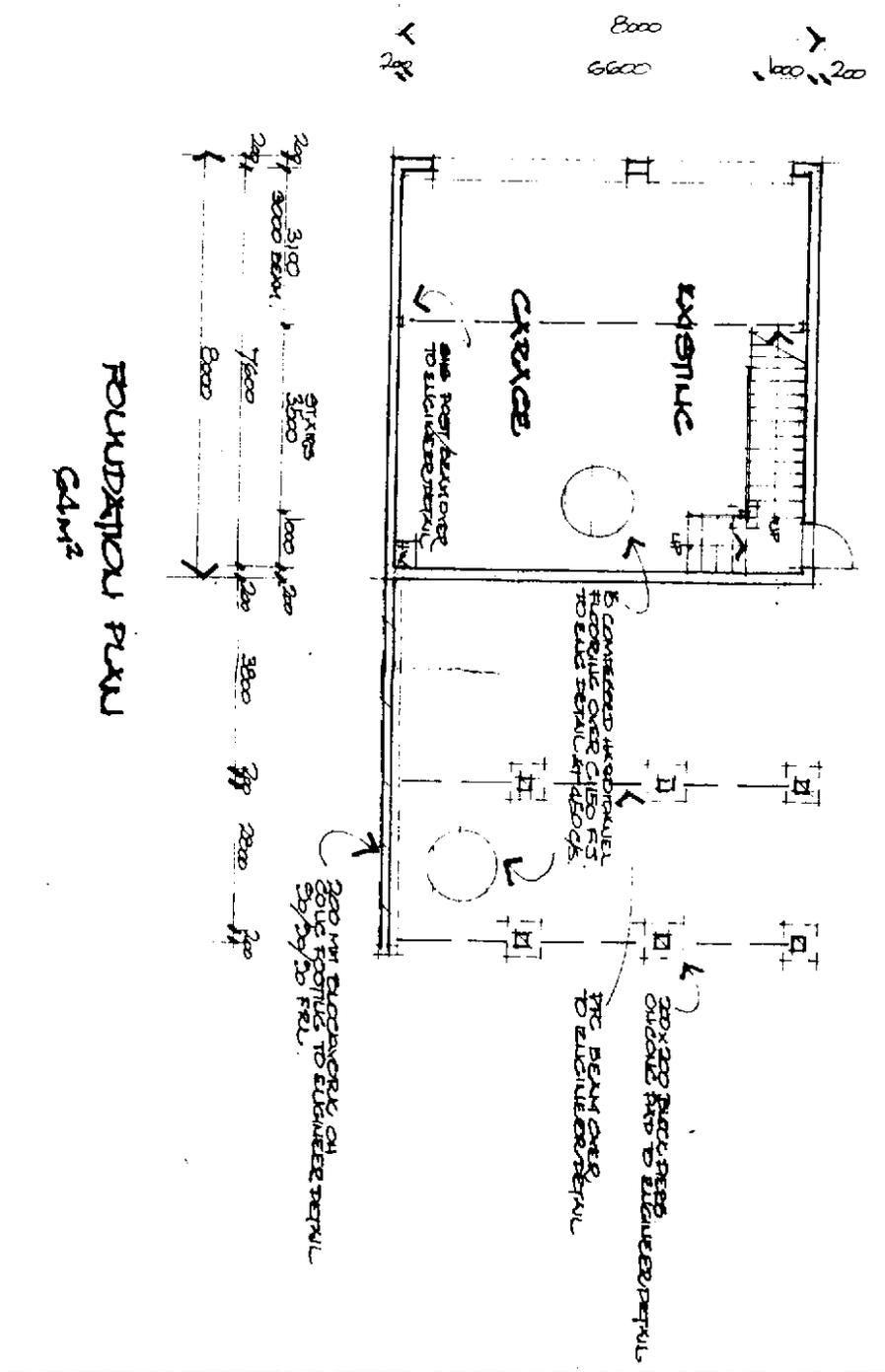
Reports from Director Development Services

FIGURE 1 - LOCALITY PLAN



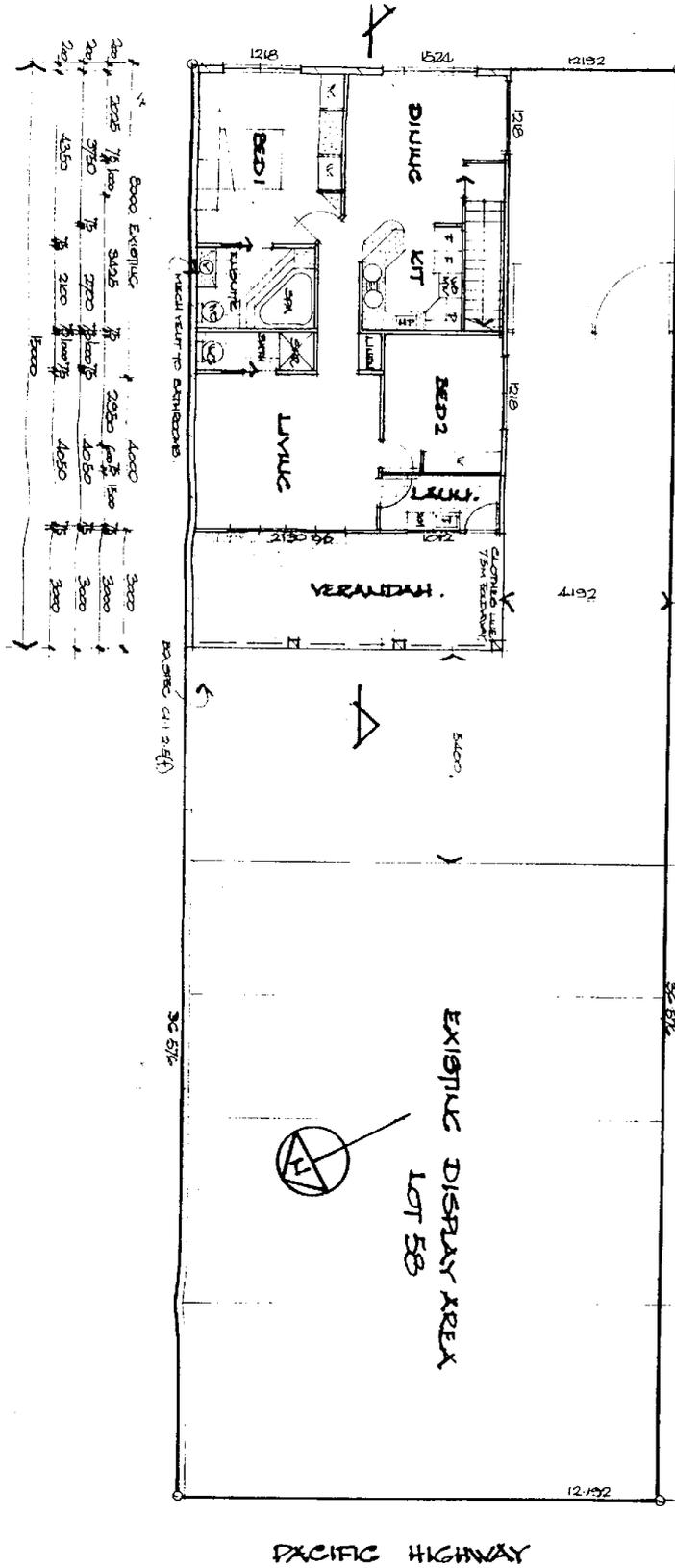
Reports from Director Development Services

FIGURE 2 – GROUND FLOOR PLAN



Reports from Director Development Services

FIGURE 3 – FIRST FLOOR



Reports from Director Development Services

HISTORY

The property has been utilized for a variety of uses. More recently though, a motor showroom and associated workshop has operated on the property and on May 6, 1999 council granted development consent for a Retail Plant Nursery which is currently utilising the site.

ASSESSMENT

The proposal has been assessed against the matters for consideration contained within Section 79C of the Environmental Planning and Assessment Act, 1979. This assessment appears below

(a) (i) **Environmental Planning Instruments – Tweed Local Environment Plan 2000**

Clause 9: Zone Objectives and Development Control Table

“Zone 3 (b) General Business

Zone objectives

Primary objectives

- *to provide business centres in which the community’s shopping, business, welfare and social needs can be met.*
- *to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.*

Secondary objectives

- *to provide for tourist orientated development.*
- *to encourage upper floor residential or tourist accommodation.*

Development within the zone

In Zone 3 (b) development for the purpose of the following is:

Item 1 allowed without consent:

- *Environmental facilities*

Item 2 allowed only with consent:

- *Bed and breakfast*
- *Boarding-houses if not at street level (other than the entry and the like)*
- *Housing for older people or people with disabilities if not at street level (other than the entry and the like)*
- *Tourist accommodation if not at street level (other than the entry and*

Reports from Director Development Services

the like)

- *Any other buildings, works, places or land uses not included in Item 1, 3 or 4*

Item 3 *allowed only with consent and must satisfy the provisions of clause 8(2):*

- *Boat repair and servicing facilities*
- *Bulky goods retailing*
- *Educational establishments*
- *Hospitals*
- *Bulk stores*
- *Car repair stations*
- *Helipads*
- *Warehouses*

Item 4 *prohibited:*

- *Abattoirs*
- *Animal establishments*
- *Camping grounds*
- *Depots*
- *Dwelling houses*
- *Forestry*
- *Heliports*
- *Institutions*
- *Junkyards*
- *Manufactured home estates*
- *Multi-dwelling housing (unless located above non-residential ground floor level development)*
- *Professional consulting rooms*
- *Recreation establishments*
- *Agriculture*
- *Brothels*
- *Caravan parks*
- *Display homes (other than those erected at first floor level or above)*
- *Extractive industries*
- *Generating works*
- *Industries (other than home industries or light industries)*
- *Integrated housing*
- *Liquid fuel depots*
- *Mines*
- *Offensive or hazardous industries*
- *Recreation areas*
- *Recreation vehicle area*

Reports from Director Development Services

- *Restricted premises*
- *Rural industries*
- *Rural workers' dwellings*
- *Stock and sale yards*
- *Tourist resorts*
- *Utility installations being gas holders or generating works*
- *Roadside stalls*
- *Rural tourist facilities*
- *Sawmills*
- *Storage units*
- *Transport terminals (other than airline terminals or bus stations)*

COMMENT:

The proposed development under schedule 1 of the LEP is defines as a *dwelling* being a room or suite of rooms capable of being occupied or used as a separate domicile. The proposal is also defined as a *dwelling house* being a building containing one but not more than one dwelling. Dwelling Houses are prohibited in the 3(b) General Business Zone. (Zoning Table attached) Multi dwelling housing (ie more than one dwelling) is also prohibited in the zone unless it is located above non-residential ground floor development (ie shops, offices and etc). The zoning unlike the 3(c) Commerce and Trade Zone and the 4(a) Industrial Zone makes no provision for caretakers or managers residences.

The applicant was notified in writing of this non-compliance on June 7, 2000 and advised the application would be determined by Council if not withdrawn. Jim Glazebrook and Associates responded on behalf of the applicant with the view that the Zoning provisions were "*absurd*" in that they allowed multi dwelling housing but not a single dwelling house, and that the proposal was a dwelling not a dwelling house, which is separately defined and is permissible with consent. However, it is considered that the zoning provisions are not "*absurd*" when read in conjunction with the objectives of the zone as the intent is to encourage any residential redevelopment to have a density greater than a single dwelling, and to be located above non-residential development. (eg flats above a shop). Single Dwelling Houses are prohibited in the zone as the amenity that is usually enjoyed with such a development cannot be assured in the zone with generous height limits and minimum setbacks.

Further, there is case history to support Council's position on this. *Elf Farm Supplies Pty v. Hawkesbury City Council 1999* was a similar proposition where a development was defined as both an Industry and a Rural Industry. The Council submitted that the proposed development "a mushroom substrate production plant" although a rural industry also satisfied the definition of industry and as such was a prohibited use in the zone. The Council's position was upheld by the Court.

As to this application, there is no argument that this proposal is a "dwelling". The LEP has included a definition for a dwelling for the purpose of identifying what such a

Reports from Director Development Services

development is within a dwelling house or a multi-dwelling housing development. In this instance, the proposal is certainly not a multi-dwelling development as it contains only one dwelling. However the proposal clearly satisfies the definition for a dwelling house being a building containing only one dwelling, and as such is prohibited in the zone.

The proposal, therefore is considered to be inconsistent with the objectives of the zone and is recommended for refusal for non-compliance with the zoning table.

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

Comment:

No draft planning instruments affect this proposal.

(a) (iii) Any Development Control Plan

DCP No.2 - Parking Code

Comment:

The existing consent for the retail nursery required as a condition the provision of five car parking spaces for customers and staff. Two of these spaces are within the garage under the proposed dwelling with three other spaces provided on-site. Under DCP No. 2 a caretakers residences generates the need for 1 visitor/resident car parking space. The proposal in conjunction with the existing use therefore requires the provision of six spaces. The applicant has failed to demonstrate that adequate parking is provided on-site, nor has he sought a variation to the parking Code.

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

Comment:

There are no matters as prescribed in the regulations pertinent to this application.

(b) The Likely Impacts of the Development

Comment:

The proposed development is unlikely to impact on the natural environment with the site already developed and utilised as a nursery, with the amenity of the neighbourhood being partially disrupted during the construction stage. The largest impact the development has is the under-utilisation of the site and the development of the land does not approach it's full economic potential. The land has an 8 storey height limit with generous provisions under the various planning instruments and strategies in relation to floor space ratios and the like. The application therefore represents an underdevelopment of the site and is recommended for refusal.

Reports from Director Development Services

(c) **The Suitability of the Site for the Development**

Comment:

The site can gain ready access to necessary utilities with access/egress arrangements of McGregor Crescent being adequate. However with the objectives of the zone in mind and the land being within the Tweed Heads Commercial Business District, the site is unsuitable for a single dwelling, as the amenity that is usually enjoyed with this type of residential accommodation may not be readily afforded to this property now or in future. The potential therefore exists for future land-use conflicts between the resident and neighbouring properties.

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

Comment:

No submissions were made to Council regarding the proposed development.

(e) **The Public Interest**

Comment:

The proposed development would create a precedent if it were to proceed and place in jeopardy the provisions of the newly gazetted Tweed LEP 2000. Similar provisions also apply to the 3(a) Sub Regional Business Zone and the 3(e) Special Tourist (Jack Evans Boatharbour) Zone. It is considered that this proposal is not in the public interest and is recommended for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination, a right of appeal exists to the land and Environment Court.

OPTIONS

It would appear that in this instance the following options are available to Council:-

1. That the application be refused.
2. That the applicant be invited to submit an application to amend the Tweed Local Environmental Plan 2000 and if this is supported, Council would then consider a fresh development application.

CONCLUSION

The proposed development is clearly in breach of Tweed LEP 2000 and the objectives of the zone, is an underdevelopment of the site, is likely to jeopardise the provisions of the LEP, is unsuitable for the site and is not in the public interest. The application is recommended for refusal.

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/10

REPORT TITLE:

“Area E”, Terranora

SUMMARY OF REPORT:

Council on 19 July 2000 resolved to prepare a draft Local Environmental Plan for “Area E”, Terranora. The report to Council canvassed the issue of ensuring that adequate access and traffic capacity can be provided to “Area E”. An alternative to Terranora Road is essential which has been identified from Mahers Lane to Fraser Drive. Due particularly to environmental issues in respect of that route, the recommended action is to have a development approval for the road prior to the finalisation of the rezoning.

The road is included in the Roads Contribution Plan No. 4 (Item No. 62 Schedule 6). Therefore it is appropriate that the development approval process is funded from that Plan; and in view of the current rezoning process for Area E, the necessary development application should be prepared as a priority.

RECOMMENDATION:

That funds be used from Contribution Plan No. 4 for the preparation by Council of a development application for a road between Mahers Lane and Fraser Drive (Item No. 62, Schedule 6).

Reports from Director Development Services

REPORT:

Council on 19 July 2000 resolved to prepare a draft Local Environmental Plan for "Area E", Terranora. The report to Council canvassed the issue of ensuring that adequate access and traffic capacity can be provided to "Area E". An alternative to Terranora Road is essential which has been identified from Mahers Lane to Fraser Drive. Due particularly to environmental issues in respect of that route, the recommended action is to have a development approval for the road prior to the finalisation of the rezoning.

The road is included in the Roads Contribution Plan No. 4 (Item No. 62 Schedule 6). Therefore it is appropriate that the development approval process is funded from that Plan; and in view of the current rezoning process for Area E, the necessary development application should be prepared as a priority.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA4735/5 Pt1

REPORT TITLE:

Erection of a Cluster Housing Development Comprising 10 Dwellings at Lot 2 DP 830595 No. 1-5 Riveroak Drive, Murwillumbah

SUMMARY OF REPORT:

Council has received an application for a cluster housing development and two lot subdivision on land at Riveroak Drive, Bray Park, Murwillumbah. The land is zoned 2(c) Urban Expansion and the proposal is permissible with Consent. With regard to the various environmental planning instruments applicable to this proposal, The development application is recommended for approval subject to conditions of consent.

RECOMMENDATION:

That Development Application 0851/2000DA submitted by Mr Chris Chrisostomos for the erection of a cluster housing development comprising 10 dwellings at Lot 2 DP 830595 No. 1-5 Riveroak Drive, Murwillumbah be approved subject to the following conditions:-

PRE-REQUISITES – CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- a. Tweed Road Contribution Plan: \$17,427.00

S94 Plan No. 4 (Version 4.0)

(Murwillumbah - residential)

- b. Open Space (Structured): \$5,589.00

S94 Plan No. 5

Reports from Director Development Services

- c. Open Space (Casual): \$4,410.00
S94 Plan No. 5
 - d. Shirewide Library Facilities: \$2,700.00
S94 Plan No. 11
 - e. Eviron Cemetry/Crematorium Facilities: \$1,134.00
S94 Plan No. 13
 - f. Emergency Facilities (Surf Lifesaving) \$720.00
S94 Plan No. 16
 - g. Extensions to Council Administration Offices
& Technical Support Facilities \$3,076.00
S94 Plan No. 18
 - h. Cycleways \$1,440.00
S94 Plan No. 22
2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: \$32,310.00

Sewer: \$26,730.00

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Reports from Director Development Services

3. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
4. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

In the case of an application for a construction certificate for **subdivision work** required by this consent:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Reports from Director Development Services

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

5. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
6. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

7. All fill is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.
8. All internal stormwater runoff is to be piped from the site and connected to Councils stormwater system at a stormwater pit or manhole to the satisfaction of the Director of Engineering Services. A detailed design plan is to be submitted for approval by the Director of Engineering Services prior to the issue of a Construction Certificate.
9. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

Reports from Director Development Services

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

10. A detailed landscape plan prepared by a suitably qualified professional to be submitted to the Director of Development Services prior to the issue of the Construction Certificate. In this regard the area marked in red on Plan No 6054/3 drawn by Brown and Haan dated 24/8/00 is to be planted with native trees and shrubs endemic to the area to provide a screen between the development and adjoining properties. Exotic palms, ferns, trees and shrub will not be accepted. The native pine adjacent to proposed dwelling No. 14 to be retained and protected during the construction period. The plan is to include details on species, numbers, height at maturity and maintenance regime. All landscaping to be completed prior to the occupation of the dwellings and to the satisfaction of the Director, Development Services.

GENERAL

11. The development shall be completed in general accordance with Plan No 3199 Sheets 1-8 drawn by Drawtek dated April 1999, Plan No. A1-99006 Sheets 1 – 11 drawn by Richard Harry Engineering Services dated June 2000 and Plan No 6054 drawn by Brown and Haan Pty Ltd dated 24/8/2000, except where varied by these conditions.
12. 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.
13. No soil, sand, gravel, clay or other material shall be disposed of off the site.
14. 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.
15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0851/2000DA have been complied with.
17. 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:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.

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.

Reports from Director Development Services

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.

18. 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 1742-1991 (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.
19. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
20. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
21. The door to a fully enclosed sanitary compartment must:-
 - i. open outwards; or
 - ii. slide; or
 - iii. be readily removable from the outside of the sanitary compartment;unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
22. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
23. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
24. 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.
25. 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.

Reports from Director Development Services

26. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
27. 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.
28. 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.
29. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 10.35 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the PCA prior to proceedings past floor level to ensure that the floor is above flood level.
30. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
31. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of Council. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of work.
32. 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 prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical metre 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

Reports from Director Development Services

(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.

33. The building is to be used for single dwelling purposes only.
34. 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 in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - 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 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
35. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.
36. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
37. 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, conditions of Consent and the relevant provisions of the Building Code of Australia.
38. All trade materials, product and plant to be kept within confines of the building at all times.
39. All loading/unloading to take place within the boundary of the subject property.
40. The land to be dedicated to Council is to be adjusted as follows: -
 - i) The triangular shaped piece of land bounded by Chord 5 and the North East Corner of Lot 1 DP 772431 shown on Plan No. 6054/3 by Brown & Haan , dated 24/8/00 is to be included in the lot for dwelling No. 14.

Reports from Director Development Services

- ii) The junction with Riveroak Drive is to be adjusted by splays to ensure that 3.5 metre wide footways are provided on both sides.
 - iii) Internal Property Boundaries to be adjusted to ensure a minimum 15 metre wide road reserve is provided.
41. All dwellings to be erected in accordance with the NatHERS Certificates and associated Documentation prepared by Mark Thomas and dated 3/10/2000.

FURTHER APPROVALS

42. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
- (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works

Reports from Director Development Services

- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

43. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Sewerage Pump Station
- (v) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement

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- h. Final inspections - on maintenance
- i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical
- e. Commissioning - on maintenance
- f. Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
44. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;

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- (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

45. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

46. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

47. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - That the pavement layers have been compacted to RTA specifications.
 - That site fill areas have been compacted to the specified standard.
 - That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
48. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent

Reports from Director Development Services

erosion from wind and/or water to the satisfaction of the Director, Development Services.

49. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

PRESCRIBED (BUILDING)

50. 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.
51. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
52. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
53. 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).
54. A. Building work that involves 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:
- i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:

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- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
55. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
56. 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.

CAR WASH

57. Provision to be made for the designation of a (or "n") durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

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ENGINEERING (BUILDING)

58. The footings are to be designed by a practising 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 commencement of building work.
59. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all bracing of tie downs, prior to work being commenced on that part.

FIRE (BUILDING)

60. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

- (a) any storey containing bedrooms -
 - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
 - (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

A Certificate of Compliance is to be submitted to the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

ROADS

61. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 1 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
62. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

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63. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
64. The concrete driveway across the footpath is to be constructed in accordance with the approved plan dimensions and be a minimum of 150 millimetres thick reinforced with F62 mesh.
65. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
66. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
67. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.
68. Pram ramps are to be constructed on both sides of Riveroak Drive in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above. The ramp on the northeast side of Riveroak Drive to connect to the existing cycleway/footway.
69. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the northern side of the new access road from proposed driveway 1 to Riveroak Drive. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 4% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
70. The engineering plans and specifications to accompany the construction certificate application shall generally be in accordance with Drawings A1-99006 Sheets 1, 3, 7, 9, 10 and 11 Issue A, Sheets 2, 6 and 8 Issue B and Sheets 4 & 5 Issue C by Richard Harry Engineering Services and shall be as follows:-

Reports from Director Development Services

- Construct an access road with a 7m pavement width and 3.5m wide footways on both sides. The footways to be graded at 4% to the kerb.
 - Construct along the full length of the proposed access road vertical face kerb and gutter.
71. Construction of a stormwater drainage system that will convey all stormwater through the site to a legal point of discharge and shall allow for the following:-
- i. Open catch drains to be wholly contained within the boundaries of the development and cater for the expected 1:100 year ARI runoff with 300mm freeboard.
 - ii. Inlets and pipes at the end of catch drains to be sized to capture and convey the calculated 1:100 year ARI runoff. The inlets to be provided with child proof litter screens to guard against blockage by debris.
 - iii. Pits and pies at the low point and downstream of the low point in the proposed public road to be sized to capture and convey 1:100 year ARI runoff to the downstream disposal point.
 - iv. The Body Corporate Management Plan shall make provision for the regular ongoing maintenance of catch drains, inlets and pipes within the Plan area.
72. Driveways 1 and 2 to be concrete including laybacks at the kerb in accordance with Council's Access to Property Pamphlet.
73. Construct a new sewer line from the manhole in Riveroak Drive within the road reserve of the new access road to the cul-de-sac head. A manhole is to be provided in the cul-de-sac had to allow for connection of the new development and existing properties.

DRAINAGE/FLOODING

74. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
75. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- No filling of any description is to be deposited, or remain deposited, within adjacent properties.
76. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.

Reports from Director Development Services

77. Inter allotment drainage shall be provided to ALL lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
78. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. 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". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate 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*.
79. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
80. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
81. A survey certificate signed by a registered surveyor is to be submitted to the PCA to certify that the habitable floor level of the building to be at a level of not less than RL 10.35m AHD.
82. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
83. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.

Reports from Director Development Services

84. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

85. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.
86. 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/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
87. All surface runoff from sealed driveway, car parking areas and the like, is to be piped to the street.
88. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
89. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development”. New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and

Reports from Director Development Services

nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

90. Section 68 Local Government Act 1993 approval for stormwater drainage works.

A construction certificate 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.

91. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996 including areas where fill was placed prior to this consent.

92. Prior to the issue of a compliance certificate for stormwater work and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Reports from Director Development Services

93. Drainage system at and downstream of low point of proposed public road to be sized to collect and convey Q_{100} flows to disposal point at Lot 49 DP8300595.

Stormwater system downstream of Pit No. 10 to be sized to accommodate Q_{100} flows.

Drainage line 1 to be extended to the western boundary of road reserve. Q_{10} drainage from catch drain No. 1 to be captured at this point. Provision to be made for Q_{100} overflow to be diverted to the public road.

WATER

94. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

TELEPHONE

95. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

ELECTRICITY

96. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

SEWER

97. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual, including the following specific items.

The manhole in the cul-de-sac head will be publicly owned, but the internal reticulation, although constructed to DCP16 standards, will be privately owned and maintained. The Management Statement for the Body Corporate is to make mention of this.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth

Reports from Director Development Services

relative to the sewer are required to be included with the Construction Certificate Application.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

ENVIRONMENT PROTECTION

98. 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.
99. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
100. 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.
101. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
102. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
103. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

Reports from Director Development Services

104. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
105. 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.
106. 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.
107. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
108. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
109. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
110. The burning of builders waste on site by open fire is prohibited.
111. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

Reports from Director Development Services

112. Prior to the Commencement of works, the applicant to submit to the Director of Environment and Community Services a comprehensive Stormwater Management Plan according to the NSW Department of Housing Guidelines for Managing Urban Stormwater, Soils and Construction (August 1998). The plan shall address the management of stormwater during both the construction and occupational phases of the development.

PLUMBING & DRAINAGE

113. 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.
114. 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.
115. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
116. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
117. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
118. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
119. Pressed steel baths and shower trays are to be bedded in accordance with the method prescribed by the manufacturer.
120. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
121. Impervious floors, properly graded and drained are to be provided to all wet areas.
122. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.

Reports from Director Development Services

123. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
124. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
125. Yard 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.
126. The finished floor level of the building should finish not less than 225mm above finished ground level.
127. 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:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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.

Reports from Director Development Services

REPORT:

Applicant: Mr Chris Chrisostomos
Owner: Messrs C, D, S & D Chrisostomos
Location: Lot 2 DP830595 No. 1-5 Riveroak Drive, Murwillumbah
Zoning: 2(c) Urban Expansion and 6(b) Recreation
Est Cost: \$970,000

BACKGROUND

The applicant is seeking development consent for a cluster housing style development on land at Riveroak Drive, Bray Park. The development originally comprised 14 detached dwellings, 4 of which were on land zoned 6(b) Recreation. The applicant was advised that multi-dwelling housing in the 6(b) Zone is prohibited, and the applicant submitted an amended site plan deleting the front four dwellings so that the development now comprises 10 dwellings. The property is best described as a small valley in terms of it's geography with any water caught in the micro catchment running from the south west to the northeast before entering a drainage reserve. Nine of the ten dwellings are sited along the bottom of the valley.

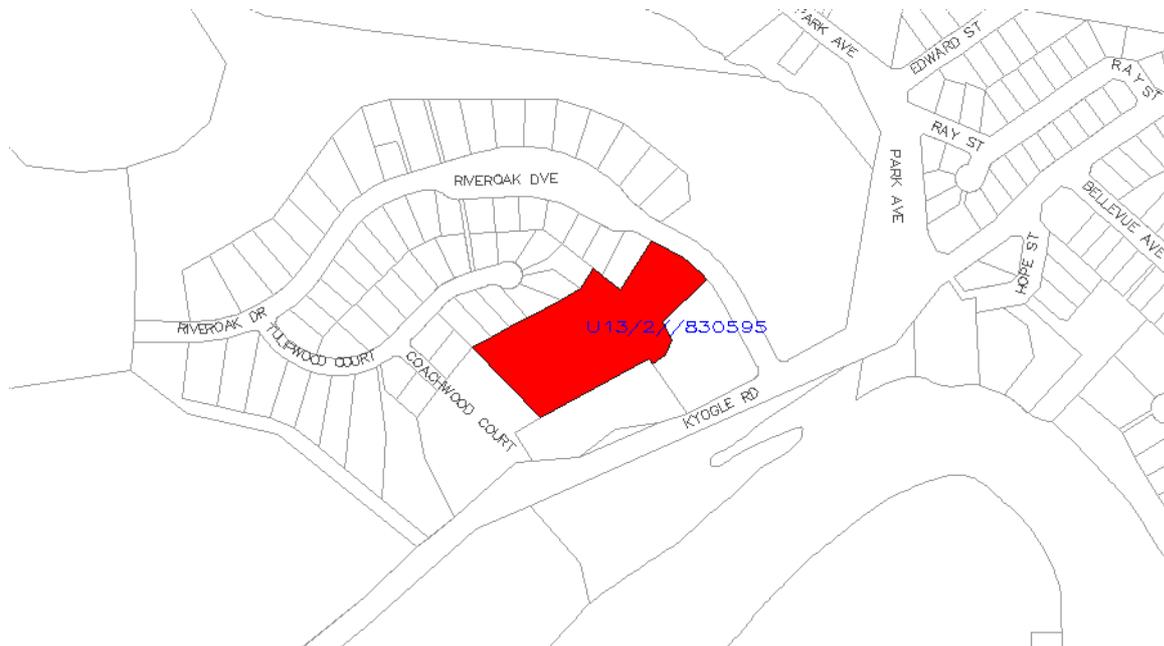
The development also comprises a two lot subdivision with a lot to be dedicated to Council for a road. The dwellings and associated opens space are to be strata titled with the remainder of the property to become Common property.

The land has an area of 1.394 hectares and is zoned Part Residential 2(c) Urban Expansion and Part 6(b) Recreation. The land that has been zoned for recreational purposes may be prone to flooding during a 1% flood event.

Vegetation is characterised by grassland with some trees in the southwest corner of the property dominated by camphor laurel.

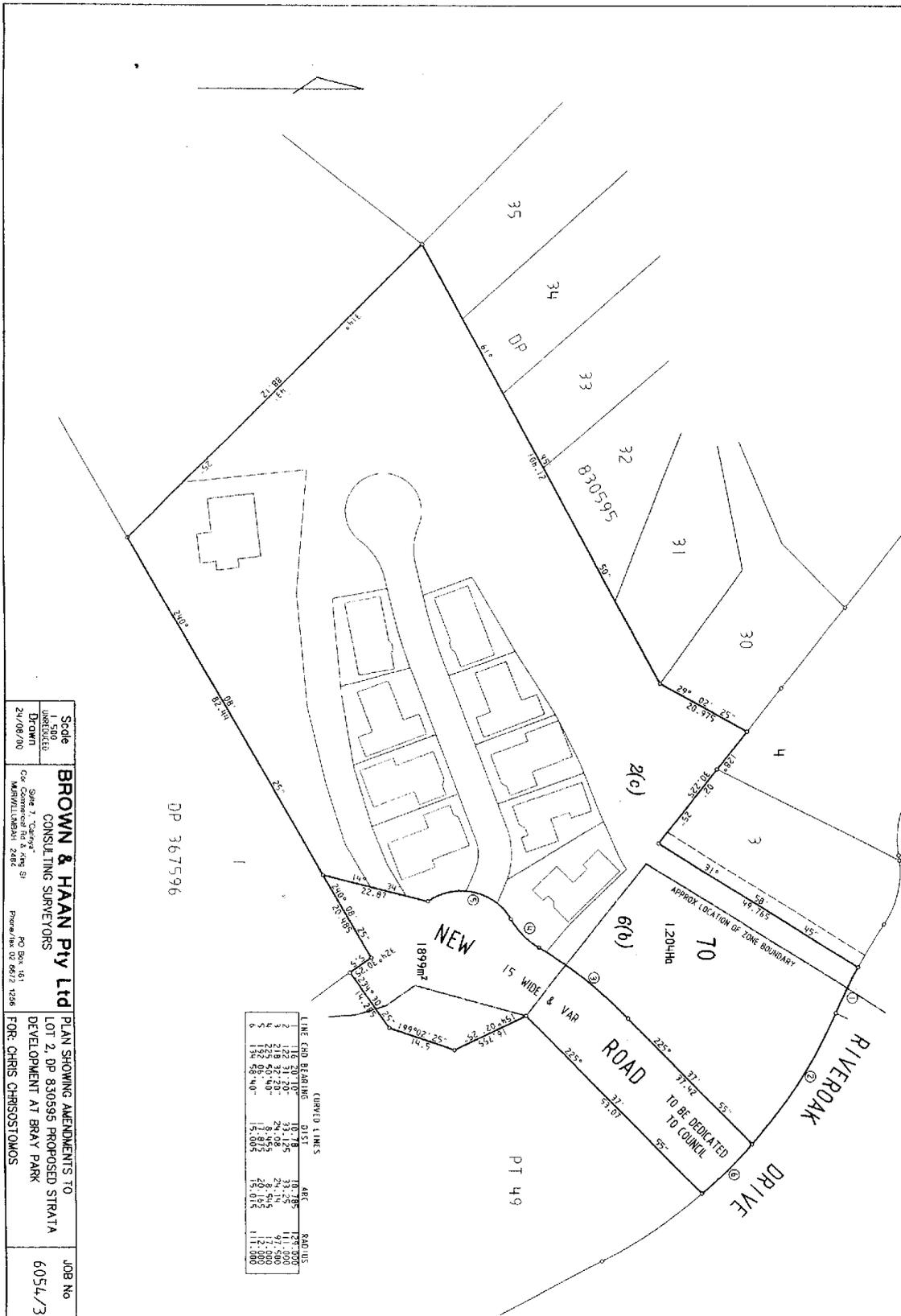
Reports from Director Development Services

FIGURE 1 - SITE DIAGRAM



Reports from Director Development Services

FIGURE 2



Reports from Director Development Services

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 - Clause 8 Consent Considerations

Residential 2(c) Urban Expansion

Comment: The proposed development under Schedule 1 of the LEP is defined as multi-dwelling housing being a development containing more than one dwelling. That part of the development in the 2(c) Zone is permissible with Council's consent under Item 2 of the Zoning Table. The development is considered to be consistent with the objectives of the Zone.

Clause 15 Essential Services

Comment: Adequate provision has been made for the supply of water, sewer and stormwater drainage from the site.

Clause 34 Flooding

Comment: The adopted flood height for a 1% flood event is 9.85 metres AHD with a minimum floor level of 10.35 metres AHD. Survey plans submitted by the applicant indicate that the land varies in height from 10 metres to 25 metres AHD. Therefore the land is not subject to such a flood event, however it is recognised that stormwater at present would flow across the property during heavy rainfall into an adjoining drainage reserve or a ground stormwater inlet. The impacts of this are below.

Clause 35 Acid Sulphate Soils

Comment: The land is identified on Councils Acid Sulphate Soils Maps as Class 4. The proposed dwellings are slab on ground construction and no acid sulphate soils should be disturbed. However a stormwater pipe which is to be replaced with a larger diameter pipe is to be located at a depth approximately 2 metres below ground level. For Class 4 ASS this is the depth where such soils are likely to be encountered. Under normal circumstances testing would be required to determine the presence of an ASS and a Management Plan may need to be provided to Council. However, information submitted by the applicant demonstrates that the site was filled by Landcom and in accordance with Clause 35(5), the need for an ASS Management Plan or testing is not required.

SEPP55 Soil Contamination

Comment: The applicant has submitted a Statutory Declaration from a resident who has lived in the area for the past 55 years. Details in the document indicate that the property was part of a much larger farm that operated as a dairy up until 1948. The land was then used for grazing beef Cattle until it was sold to Landcom. Aerial photographs dating from 1962 and 1971 indicate that no horticultural activities (ie small crops or Bananas) were occurring on the land. The risk therefore of contamination from past land uses is minimal, and it is also noted that the property was filled by Landcom during the subdivision stage.

Reports from Director Development Services

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

Comment: No Draft Environmental Planning Instruments affect this proposal

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

DCP No. 6 – Multi Dwelling Housing

3.1.1 Site Analysis and 3.1.2 Site Planning and Layout

Comment: The applicant has submitted an analysis for the site, and it is considered that the development containing 10 single storey detached dwellings will not adversely impact on surrounding development by overshadowing, cause a loss of privacy, or obstruct views. The land although having the characteristics of a small valley is open to the North-East providing adequate solar access for the greater part of the day to each dwelling. This will afford solar access to the family/ living/ dining rooms for each dwelling, However it is noted that the outdoor areas for the five dwellings on the southern side of the property are orientated to the south and as such solar access will be limited particularly during the winter months.. The development complies with Council's requirements for setbacks. The design of the dwellings is similar in design, bulk and scale to surrounding development in the Bray Park area. Privacy to be maintained by appropriate fencing.

3.1.3 Site Density

Comment: The land has a total area of 1.394 hectares, with the proposal having a density of 1 dwelling per 1340 m². The total floor area of the 10 dwellings amounts to 1339 m² giving the development a floor space ratio of 0.09:1.0 The proposed development satisfies Council Density requirements of 400 m² per dwelling, minimum lot size of 1200 m² and Floor Space Ratio of 0.5:1.

3.2.1 Design Element Streetscape and 3.2.2 Fencing and Walls

Comment: Proposed dwellings are predominantly brick veneer with a tile roof. This is similar in design and materials to the majority of new dwellings adjoining the property at Bray Park, and is not out of character with the surrounding development. The closest dwelling to the street will be setback approximately 50 metres from Riveroak Drive. Fencing to comply with the requirements of the DCP.

3.3.1 Building Envelope and Siting and 3.2.2 Views, Visual and Acoustic Privacy

Comment: Proposed development complies with the required building envelope and side and rear setbacks. The building has been sited so that living/dining areas will receive natural light. It is considered that the proposed development will not impact on the future visual and acoustic privacy of neighbours, nor cause any adverse overshadowing.

3.3.3 Useable Open Space, 3.3.4 Car Parking, and 3.3.5 Landscaping

Comment: Private open space is provided at the rear of each dwelling and is accessible from living areas. Open Space appears adequate for all dwellings. An appropriate condition of consent is recommended to ensure compliance with private open space requirements of a minimum 25 m² with minimum dimensions of 4 metres. Car parking

Reports from Director Development Services

satisfies the requirements for multi dwelling housing of 1.5 spaces per dwelling with 6 Visitors spaces provided throughout the development.

A concept landscape plan has been submitted for the site containing a variety of native and exotic species with turfing to be provided on disturbed sites and bark to be provided in landscape bays. Applicant has proposed to plant a cocos palm in the centre of the roundabout. Such species are considered undesirable and a weed and as such is recommended that the palm be replaced by a native of a similar size. A native pine exists on the property adjacent to proposed lot 14, which will require protection during construction. A large area adjacent to the north west boundary is currently vacant grassland, which will become part of the common property. This area adjacent to the boundary should be planted with appropriate natives to act as a screen between adjoining development, to enhance the aesthetics of the development and to provide further natural habitat for birds etc. Appropriate condition of consent recommended to ensure landscaping carried out.

3.3.6 Energy Conservation

Comment: There is an area provided on all dwellings suitable for the installation of solar collectors. The applicant has submitted a NatHERS rating for each dwelling.

3.4.1 Stormwater Management and 3.4.2 Security, Site Facilities, and Services

Comment: Stormwater design has been reviewed by the Engineering Services Division and is considered adequate for the proposed development. Appropriate Condition of Consent are recommended to ensure design accommodates Q₁₀₀ storm event. All dwellings face each other and are satisfactory from a security point of view. It is assumed garbage bins will become the responsibility of each dwelling, and adequate turning area has been provide within the development while adequate area is available for clothes drying.

Development Control Plan 39 – Energy Smart Homes

Comment: The applicant has submitted an Energy Performance Statement from a NatHERS Accredited Assessor for the ten dwellings. All dwellings have achieved a 3.5+ star rating. Due to the topography of the land solar hot water systems would generally be ineffective and the applicants submission in this regard is accepted.

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

Comment: Not Applicable

(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**

Comment: The land is all but clear of native vegetation except for a small number of trees dominated by camphor laurels in the western corner of the property. It is believed that none of this remnant vegetation is listed as threatened, endangered or vulnerable under the Threatened Species Conservation Act 1995. The dwellings are to be located on the cleared portion of the property, although some trees will be removed to enable

Reports from Director Development Services

the construction of drainage infrastructure and retaining walls. A native pine on the lot containing house 14 should be retained and appropriate conditions are recommended to ensure its protection. Appropriate Conditions of consent are also recommended for sedimentation and erosion control measures, storm water control, construction hours, and builders waste.

Although the dwellings will be clustered the impact on the built environment is considered negligible due to the scale of the development which is consistent with the density of neighbouring residential development (One dwelling per 1339 m²), and the proposed houses setback some distance from neighbours boundaries. Further to reduce any visual impact, as a condition of consent, open space areas adjacent to the north western boundary are to be planted with appropriate trees to screen the development from neighbouring residences.

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

Comment: The site is located above Council's adopted design flood level, with an AHD of 10 metres or more. All dwellings are to have minimum floor levels of 10.35 metres AHD, and appropriate Conditions of Consent are recommended. It is proposed that access and egress to the housing development will be via Riveroak Drive, from a public road which would need to be dedicated to Council if this application is approved. The proposed intersection with Riveroak Drive and the new road appears satisfactory with adequate sight distance in both directions. Adequate area is provided on the new road and the internal drive to enable vehicles and garbage trucks to enter and leave in a forward direction.

The proposed development does not require the destruction of any native habitat or removal of endangered, threatened or vulnerable species of flora and fauna. The location of the proposed dwellings are within the bottom of a topographical feature. This has created a stormwater problem in that the development will rely on catch drains to divert stormwater around the proposed residences. Engineering Services have no objection to the proposal subject to Conditions of Consent.

The site can gain ready access to all necessary utilities including water, sewer, electricity and telecommunications.

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

Comment: The application was not required to be notified in accordance with the Act or the Regulations. However, given the nature of the development it was advertised and notified and submissions received are assessed in the next section of this report.

(e) **Public interest**

Comment: Council has received seven submissions and a petition with 87 signatures objecting to the proposed development. Issues raised are addressed individually below.

* **Prohibited development on the land zoned 6(b) Recreation**

Reports from Director Development Services

Comment: The applicant has submitted amended plans for the development and no housing is to located on land that is zoned 6(b) Recreation.

* **The density of the development is out scale with surrounding residential development**

Comment: As discussed above the density of the proposed development is at a rate of 1 dwelling per 1339 m². A search of the six adjoining residential properties in Tulipwood Court reveals that the average lot size is 804 m² with all lots containing duplexes. This equates to a density of 1 dwelling per 402 m². It is considered that the overall density of this proposed development is not unreasonable.

* **Reduction in property values.**

Comment: This is not a planning consideration, is difficult to justify considering the multitude of factors which affect property prices and does not warrant refusal of the application in this instance.

* **Damage to flora and fauna.**

Comment: As explained above the remaining patch of vegetation in the south western corner of the property is dominated by camphor laurels and is unlikely to provide natural habitat for any endangered or threatened species of flora or fauna. The dwellings are to be located on land which is already clear of vegetation other than grass, although some trees will need to be removed to enable the construction of retaining walls and drainage infrastructure. As a condition of consent the applicant will be required to plant additional natives which will provide additional habitat for birds.

* **Traffic congestion,**

Comment: Access and Egress to the development has been located such that sight distances are maximised in both directions, with the entry to Riveroak Drive approximately 100 metres from Kyogle Road. All dwellings have single lock up garages with six visitor spaces provided on-site. Traffic Congestion is not considered to be an issue

* **Area used by public as open space and reserve on the northern side of Riveroak Drive is unsatisfactory for public use**

Comment: The land although being utilised by the public is private property, with this application as amended proposing to develop the area zoned 2(c) Urban Expansion. The area zoned 6(b) recreation is not to be developed other than the road leading into the development.

* **Loss of privacy, reduction in amenity from noise**

Comment: The proposed development is at the bottom of a topographical feature resembling a small valley, and is overlooked by residential properties surrounding the land. The proposal is considered unlikely to reduce neighbours privacy. As to noise the land is zoned for residential development, the overall density is low in comparison to adjoining development in Tulipwood Court. All, but Dwelling 5 and 14 have generous

Reports from Director Development Services

setbacks from side, rear and front boundaries, and the development is not anticipated to generate any noise out of the ordinary for a residential development.

- * **Need for more trees to be planted in vacant common space areas to maintain amenity and encourage birds**

Comment: The applicant's landscape plan as submitted with the application has not proposed any additional tree plantings along the side and rear boundaries. It is considered though that the request has some merit and it is recommended as a condition of consent that the applicant plant a variety of native tree's and shrubs endemic to the area along the north western and south western boundaries. This will not only provide a visual screen to improve the amenity of the area, but also provide further habitat areas for birds. A new landscape plan will need to be submitted to Council with further details.

- * **Increase in the number of cats and dogs in the area,**

Comment: As with any residential development landowners often have pet cat's and dogs. Such animals are required to be micro-chipped and registered with the Council, and if found wandering outside the confines of the property boundaries can be impounded by the Council. No other development in the area has restrictions on pets, and it would be inconsistent to place such a restriction on this development.

- * **Flooding and soil erosion/ sedimentation,**

Comment: The proposed development is to be sited above the adopted design flood level with all dwellings to be built at or above the minimum floor level. Appropriate controls to be put in place for sedimentation and erosion control during construction. Appropriate Conditions of Consent recommended.

- * **No footpath cycleway linking Riveroak Drive with the rest of Bray Park**

Comment: The Applicant will be required as a condition of consent to provide a footpath into the proposed development from Riveroak Drive, and pay contributions accordingly for a Council Cycleway. A marked cycleway is currently in the planning stages to link Riveroak Drive with Bray Park via Park Avenue and Ray Street in accordance with Section 94 Contribution Plan No. 22.

OPTIONS

Council has two options.

1. To approve the development application with appropriate conditions; or
2. Refuse the development application.

LEGAL/RESOURCE/ FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination, a right of appeal exists to the land and Environment Court.

Reports from Director Development Services

CONCLUSION

The proposed development is permissible in the zone with Council's consent, is not out of character for the area in terms of overall density and construction materials, will not adversely impact on the built or natural environment, nor prejudice the public interest. The proposed development is recommended for approval subject to conditions.

Reports from Director Development Services

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Reports from Director Development Services

4. ORIGIN: Director

FILE REF: GT1/LEP/2000

REPORT TITLE:

Local Environmental Plan Advisory Committee

SUMMARY OF REPORT:

As its meeting of 21 June 2000, Council resolved to form a Local Environmental Plan Advisory Committee with a specified composition and that the Director of Development Services make suggestions to include further community representation on this group as needs arise. To implement Council's resolution of 17 May 2000 which initiated draft Local Environmental Plan amendments on all land zoned Rural 1(a), 1(b) and 1(c); all lands zoned Environmental Protection 7(a), 7(l), 7(f) and 7(d) and other aspects, priority has been given to the finalisation of the Rural Settlement Strategy and this will be reported to Council on 15 November 2000. Work on other aspects such as agricultural mapping has also progressed. It is recommended that Council now elect the Councillor representative who will be the Chairperson of the Committee and the Director of Development Services will finalise draft Terms of Reference with that Councillor to be put to the first meeting of the Local Environmental Plan Advisory Committee. It is now timely that nominations be sought from the organisations/sectors of the community embodied in Council's resolution.

RECOMMENDATION:

That Council elects a Councillor to be the Council's representative on the Local Environmental Plan Advisory Committee – that Councillor to be Chairperson of that Committee.

Reports from Director Development Services

REPORT:

On 21 June, 2000 Council as follows:-

- “1. Council forms a Local Environmental Plan Advisory Committee (comprising 1 Councillor (Chairperson), the Director Development Services or his representative, 1 person appointed by the Rural Industries, 1 person appointed by TEDC, 1 Planning Consultant from the private sector, 1 person from an Environmental group, and 1 person from a local business organisation) to immediately proceed with a review of the Local Environmental Plan in respect to all Rural land and all Environmental protection zones and that the Director Development Services may make suggestions to include further community representation on this group as the need may arise;*
- 2. The Director Development Services reports to Council regarding the review within six months”.*

It is now timely that Council elect the Councillor to become Chairperson of this Committee and for the Director, Development Services to agree draft Terms of Reference with that Councillor. There will be a notice placed in the Tweed Link in the near future seeking nominations to the Committee from the organisations and community sectors embodied in the Council resolution. The Committee should then be convened in December/January to consider a range of reports in response to the Council resolution to amend Tweed Local Environmental Plan 2000. This will include the finalised draft of the Rural Settlement Strategy which will be reported to Council in the first instance on 15 November 2000. This will be recommended for independent placement on public exhibition and is the crucial first step to fulfilling the requirement of Council to undertake major amendments on the rural and environmental zones in Tweed Local Environmental Plan 2000. The Rural Settlement Strategy has been subject of a major discussion at a Strategic Planning Committee meeting.

Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/A123 Pt5

REPORT TITLE:

Kings Forest Environmental Study

SUMMARY OF REPORT:

Council's Consultant, Gutteridge Haskins and Davey (GHD), have completed the Environmental Study for Kings Forest that reviews planning issues as part of an Amendment to Tweed Local Environmental Plan 2000. A stakeholder workshop will now be undertaken by GHD to present and discuss the findings of the Environmental Study prior to finalising the draft Local Environmental Plan.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

Council commissioned Gutteridge Haskins and Davey (Coffs Harbour) to prepare the Local Environmental Study, Draft Local Environmental Plan, Draft Development Control Plan and draft Section 94 Contribution Plan for the Kings Forest release area in 1999. GHD, after some delays in obtaining information from the landowner and consultants have now finalised the Local Environmental Study. A Local Environmental Study is a mandatory requirement as part of reviewing the Tweed LEP 2000 and preparing a draft LEP for this site. The Study will also be used in any subsequent Development Control Plan or Developer Contribution Plan. Copies of the LES have been distributed to all Councillors, senior Council staff, the landowner and relevant State Government Agencies. Some of the issues covered by the Study include:

- State Government directions and guidelines relevant to the Study area.
- Comments by State Government Agencies and adjoining landowners.
- Hydrology/drainage and flooding.
- Flora and fauna, including reassessment of State Wetlands.
- Agricultural lands assessment.
- Contaminated land ie, cattle dip site and Council's landfill depot.
- Traffic and utility services.
- Acid sulfate soils.

A stakeholder workshop will now be undertaken by GHD to present the findings of the Local Environmental Study. The workshop also provides an opportunity for stakeholders to discuss those issues that are likely to have a significant bearing on the preparation of future strategies to be adopted by way of a draft Local Environmental Plan. The draft Local Environmental Plan and Environmental Study will then go on public exhibition to enable the public to comment before being formally considered by Council.

Reports from Director Corporate Services

6. ORIGIN: Financial Services Unit

FILE REF: Financial Reporting

REPORT TITLE:

1999/00 Statutory Financial Reports

SUMMARY OF REPORT:

Council's Statutory Financial Statement, in accordance with Section 413(2)(c) of the Local Government Act 1993 for the financial year ended 30 June 2000 have been completed and audited. The Statements and associated independent Audit Report from Thomas, Noble and Russell, presents Council with a financial overview of its operations for the year 1999/00. This report shows Council's finances and the internal financial management practices are sound. The tabled Financial Statements 1999/00 are now presented to Council for adoption.

Council's Auditors, Thomas, Noble and Russell, will be represented at this meeting by Mr Peter Morrow, Senior Partner and Senior Associate, Mr Kevin Franey. Mr Morrow will address Council at 6.00pm on issues that have arisen during the course of the audit. He will also be available to answer questions from Councillors.

RECOMMENDATION:

That :-

1. Council adopts the 1999/00 tabled Financial Reports prepared conforming with Section 413(2)(c) of the Local Government Act 1993 as follows:-

The financial statement is drawn up in accordance with –

- a) - the Act and the Regulations;
- the Statements of Accounting concepts;
- the Local Government Code of Accounting Practice and Financial Reporting; and
- the Australian Accounting Standards.

Reports from Director Corporate Services

- b) The reports present fairly the Council's financial position and other records.
2. The meeting of 1 November 2000 be fixed to present any submissions from the public to Council.

Reports from Director Corporate Services

REPORT:

BACKGROUND

Council's 1999/00 financial statements have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, and the Local Government financial regulations, Council must implement the following actions to allow the statements to be finalised, ie.

- a) adopt the financial statements;
- b) fix a meeting date to present the statements to the public, and
- c) advertise, for a minimum period of seven (7) days, that the Statements and the Auditor's Reports are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the statements are to be presented to Council and the public on 1 November 2000 and that the statements are available for public inspection up to that meeting date.

A draft copy of the Financial Reports will be tabled at this meeting.

STATUTORY DATE FOR COMPLETION OF FINANCIAL STATEMENTS

These statements were completed by Council and audited by Council's auditors, Thomas Noble and Russell, within the statutory timeframe set by NSW Government legislation.

OPERATING RESULT FOR YEAR – 1999/00

The 1999/00 Financial Statements are tabled at this meeting.

The Operating Result for the year for General Fund is in accordance with budget expectations. Revisions have been made through the year at the Council is quarterly Budget Reviews to ensure Council has an end of year sound result.

The Water and Sewerage Funds end of year financial results have had unexpended work that will be carried over to 2000/01. Both Funds also remain financially sound.

BENEFITS AND PURPOSE OF ANNUAL FINANCIAL REPORTING

The primary benefits of financial reporting are:

- It makes Council accountable to the community for its financial management
- It provides the community and other interested parties with access to information about the current financial status of Council and its operational performance for the period in question.

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Reports from Director Corporate Services

Parties who have an interest in, or need to know financial reporting information include:

- ◇ councillors and management;
- ◇ residents/ratepayers;
- ◇ government departments and public authorities;
- ◇ community groups; and
- ◇ financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards which apply to the majority of business operations in Australia.

GOVERNMENT CONTROLS

NSW legislation strongly controls the external financial reporting requirements of Council.

ANNUAL FINANCIAL REPORTING SYSTEM

General Purpose Financial Reports

Under the requirements of Australian Accounting Standards, in particular AAS 27, Council is required to prepare the following reports for each financial year.

Operating Statement

This shows the operating result and change in net assets from operations for the year.

Statement of Financial Position

This discloses the assets, liabilities and equity of Council.

Statement of Cash Flows

This shows information about cash flows associated with Council's operating, financing and investing activities.

Statement of Changes in Equity

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

Notes to the Financial Statements

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Certificate in accordance with Section 413(2)(c) of the Act.

Reports from Director Corporate Services

Special Schedules

The Department of Local Government, the Local Government Grants Commission and the Department of Land and Water Conservation require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

AUDIT MANDATE

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2000 under Section 417 of the Local Government Act 1993.

The audit included:

- ◆ An examination of the financial information for the purpose of expressing and opinion on financial statements to help establish the credibility of those statements
- ◆ An examination of financial information for the purpose of reporting on the legality and control of operations and the probity of those dealing with public funds, and including the expression of an opinion on an entity's compliance with the statutory requirements and regulations that govern the activities of Council.

Council's auditor must prepare two reports to Council:-

- * A report on the general purpose financial report, and
- * A report on the conduct of the audit as to (Section 417(1)).

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Department of Local Government.

MANAGEMENT RESPONSIBILITY - AUDIT

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility such as the maintenance of adequate accounting policies and the preparation of financial information such as the statutory quarterly budget review submitted to Council each three months.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

INTERNAL FINANCIAL MANAGEMENT CONTROLS (1999/00)

Council has a strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon on a weekly basis.

PERFORMANCE INDICATORS

Council remains in a sound financial position regarding its short term liquidity. The key financial performance ratios, as shown in note 13 of the statements and listed in the following table, remain at satisfactory levels.

Reports from Director Corporate Services

Performance Indicator	1999/00
Current Ratio	7.612
Unrestricted Current Ratio	1.539
Debt Service Percentage	13.82
Rate @ Annual Charges Coverage Ratio	42.59
Rates and Annual Charges Outstanding (\$)	6.95

To clarify the meaning and implication, a simple definition of each indicator is listed below.

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis.
- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. The include Water, Sewerage and Domestic Waste.
- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Annual Charges Coverage Ratio Percentage - This percentage is based on rates and annual charges revenues as a percentage of total operating revenues.
- e) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges.

FINANCIAL OVERVIEW - GENERAL COMMENTS

It is important that Council's financial performance for the past financial year and it's overall financial position is placed in a proper context. The following comments seek to reiterate previous advice regarding the changing local government environment generally and issues affecting Tweed Shire Council's finances in particular.

While the above performance indicators mainly reflect a sound position, the result has only been achieved through tight control over Council finances. Council's infrastructure needs continue to exceed available funds and the demand for works and services continue to grow. As experienced during the recent deliberations for the 2000/2001 Management Plan & Budget, funding for operational and capital works continues to remain tight. This situation is not anticipated to change unless Council is able to either reduce costs and accordingly services, or increase revenue.

In recent years there have been a number of developments at State and/ or Federal Government level which have had a cumulative impact on Council's ability to fund an appropriate level of services in a climate of increasing demand. These include:

- Rate Pegging requirements
- Increases in Workers Compensation premiums
- Increasing devolution of responsibilities to Local Government without associated additional funding
- Cost of government charges above CPI
- Increased cost of rate pensioner rebates
- Government controls on level of some Council fees
- Inability to charge Section 94 Contributions on SEPP No 5

Reports from Director Corporate Services

- State Government exemption for Section 94 on Government buildings
- Lack of Government funding on major infrastructure investments to meet growth demands
- Reliance upon loan funds in General fund for capital works.
- GST and associated costs
- Interest rate increases
- Reduced grant income
- Asset Management – AAS 27

SUMMARY

Council remains in a sound financial position, however this can change quickly and it is imperative that Council ensures its operating costs are continually reviewed. The Financial Services Unit has in place a Management Reporting System that assists this process.

It needs to be reinforced that if Council wants to increase service levels and expenditure in certain programs, then either additional revenues have to be generated, or unfortunately existing services have to be reduced, or not provided at all.

Reports from Director Corporate Services

COUNCIL OF TW EED SHIRE

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2000

	TOTAL		Accumulated Surplus		Asset Revaluation Reserve	
	Actual	Actual	Actual	Actual	Actual	Actual
	2000	1999	2000	1999	2000	1999
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Balance at beginning of the reporting period	695059	680096	694193	679230	866	866
Change in net assets resulting from operations	16746	14963	16746	14963		
Adjustment due to recognition of assets under transitional provisions (AAS 27)						
Transfers to asset revaluation Reserve						
Transfers from asset revaluation Reserve *	(24)				(24)	
Balance at end of the reporting period	711781	695059	710939	694193	842	866

Reports from Director Corporate Services

COUNCIL OF TWEED SHIRE

STATEMENT OF FINANCIAL POSITION as at 30 June 2000

	Notes	Actual 2000 (\$ '000)	Actual 1999 (\$ '000)
CURRENT ASSETS			
Cash on Hand and at Bank	6	857	107
Investments	6	83,675	78,237
Receivables	7	6,092	6,244
Inventories	8	1,653	1,364
Other	8	382	48
TOTAL CURRENT ASSETS		<u>92,659</u>	<u>86,000</u>
CURRENT LIABILITIES			
Creditors	10	4,713	4,742
Provisions	10	2,807	2,583
Borrowings	10	4,652	4,969
TOTAL CURRENT LIABILITIES		<u>12,172</u>	<u>12,294</u>
NET CURRENT ASSETS		<u>80,487</u>	<u>73,706</u>
NON-CURRENT ASSETS			
Receivables	7	240	152
Inventories	8	417	597
Property, Plant and Equipment	9	667,815	659,268
TOTAL NON-CURRENT ASSETS		<u>668,472</u>	<u>660,017</u>
NON-CURRENT LIABILITIES			
Provisions	10	4,699	4,173
Borrowings	10	32,479	34,491
TOTAL NON-CURRENT LIABILITIES		<u>37,178</u>	<u>38,664</u>
NET NON CURRENT ASSETS		<u>631,294</u>	<u>621,353</u>
NET ASSETS		<u>711,781</u>	<u>695,059</u>
EQUITY			
Accumulated Surplus		710,939	694,193
Asset Revaluation Reserve		842	866
TOTAL EQUITY		<u>711,781</u>	<u>695,059</u>

Reports from Director Corporate Services

COUNCIL OF TWEED SHIRE

OPERATING STATEMENT

for the year ended 30 June 2000

Original Budget 2000 (\$ '000)	Notes	Actual 2000 (\$ '000)	Actual 1999 (\$ '000)
OPERATING REVENUES			
36885	Rates & Annual Charges 3 (a)	35822	34945
9724	User Charges & Fees 3 (b)	9991	9595
3942	Interest 3 (c)	4826	3899
9268	Grants & Contributions provided for operating purposes 3 (e& f)	9715	9290
400	Other Operating Revenues 3 (d)	769	889
60219	TOTAL OPERATING REVENUES	61123	58618
OPERATING EXPENSES			
18960	Employee costs 4 (a)	19560	18528
14863	Materials & Contracts	13202	13725
3123	Interest Charges 4 (b)	2951	2879
14250	Depreciation and Amortisation 4 (c)	17173	16685
5000	Other operating expenses 4 (d)	6197	5721
56196	TOTAL OPERATING EXPENSES	59083	57538
4023	OPERATING RESULTS BEFORE CAPITAL AMOUNTS	2040	1,080
21297	Grants & Contributions provided for capital purposes 3 (e& f)	22993	16006
	Net gain/(loss) on disposal of assets 5	(2938)	(2123)
21297		20055	13883
25320	CHANGE IN NET ASSETS BEFORE ABNORMAL ITEMS	22095	14963
	Abnormal Items 18	5349	
25320	CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	16746	14963

Reports from Director Corporate Services

TWEED SHIRE COUNCIL
FINANCIAL STATEMENT REQUIRED BY SECTION 413 (2) (c)
OF THE LOCAL GOVERNMENT ACT, 1993

We, the undersigned do hereby state on behalf of the Council that, in our opinion:-

- (a) The accompanying financial reports for the year ended 30 June 2000 have been prepared in accordance with the Local Government Act 1993 and regulations thereto, Statements of Accounting Concepts, the Local Government Code of Accounting Practice and Financial Reporting and Australian Accounting Standards: and
- (b) the financial reports present fairly the Council's financial position and operating result as at the end of that financial year; and
- (c) the financial reports accord with the Council's accounting and other records: and
- (d) we do not know of anything that would make the financial reports false or misleading in any way: and
- (e) the financial reports include such information and explanations as will prevent those reports from being misleading because of any disqualification that is included in the statement.

L F Beck R Brinsmead
Mayor Councillor

Dr J Griffin R R Norvill
General Manager Statutory "Responsible Accounting
Officer"



Reports from Director Corporate Services

AUDIT LETTER FROM THOMAS NOBLE & RUSSELL

Lismore, 10th October 2000

Mayor and Councillors
Council of Tweed Shire
Civic and Cultural Centre
MURWILLUMBAH NSW 2484

Dear Madam,

We advise that we have completed our audit of the Council's general purpose financial reports for the year ended, 30th June, 2000 under section 417 of the Local Government Act 1993.

In accordance with that section we now report on the conduct of the audit.

1. AUDITORS' RESPONSIBILITIES

In order that your Councillors may appreciate our responsibilities as auditors, we take this opportunity to briefly discuss the scope of our audit.

In accordance with our contractual arrangements with Council we have undertaken to perform an attest (risk based) audit. The definition of an attest audit is:

"the minimum audit work necessary to enable an opinion to be expressed as to whether the financial statements are presented fairly in accordance with the requirements of the Local Government Act 1993, Australian Accounting Standards and Accounting Concepts so as to present a view which is consistent with an understanding of the Council's financial position, the results of its operations and its cash flows."

Forming an opinion

Our function as auditors is to examine the general purpose and special purpose (National Competition Policy) financial statements presented to us by the Council. As auditors of the Council we are not responsible for the preparation of the financial statements nor for the maintenance of proper and adequate accounting records and proper systems of internal control. These responsibilities, together with the requirement to present financial statements which give a true and fair view of the state of the Council's affairs and of its results are imposed on the Councillors by the Local Government Act and Regulations 1993.

Reports from Director Corporate Services

As auditors of Council we are not required to:

- 1) Review and assess the adequacy of Council's:
 - a) management plans;
 - b) quarterly budget reviews;
 - c) insurance cover; and
 - d) infrastructure improvement / maintenance planning and monitoring.
- 2) form an opinion on, or advise Council on the probity of its decisions, however we ensure that the financial effect of councils decisions are adequately disclosed in the general purpose financial statements in accordance with applicable Accounting Standards.

The responsibility of the abovementioned rests with Council.

2. FINANCIAL MANAGEMENT PRACTICES

In accordance with the requirements of the Local Government Act and Regulations Council must prepare detailed budgets for all operations. As part of the budgetary process Council is responsible for authorising all expenditures and variations to budget. Council's policy in general fund is to operate with a balanced budget.

The quarterly review of Council's budget progress is a very important process in ensuring that the financial targets established by Council are met. We are aware that management place a high level of importance in ensuring that budgets are complied with. To maintain Council's financial position there needs to be a continued level of accountability and responsibility by senior management.

We note that Council has recently made a number of decisions that have a financial impact however Council does not appear to have identified the source of funding for those decisions. It is important that the source of funds for all Council decisions are identified prior to resolution to ensure that there are no adverse impact on Council's budget

Reports from Director Corporate Services

3. OPERATING RESULT

Council's change in net assets resulting from operations totalled \$16,746,000. This compares to a surplus in 1999 of \$14,963,000. This result can be summarised as follows:-

	<i>Year ended 30/06/00 \$'000</i>	<i>Year ended 30/06/99 \$'000</i>	<i>Year ended 30/06/98 \$'000</i>
Operating Expenses	(41,910)	(40,853)	(38,646)
Operating Revenues	<u>61,123</u>	<u>58,618</u>	<u>55,389</u>
Operating Result before Depreciation	19,213	17,765	16,743
Depreciation Expense	<u>(17,173)</u>	<u>(16,685)</u>	<u>(16,770)</u>
Operating Result before Capital Amounts	2,040	1,080	(27)
Capital Grants and Contributions	22,993	16,006	21,811
Gain / (Loss) on Disposal of Assets	(2,938)	(2,123)	(2,017)
Abnormal Gain / (Loss)	<u>(5,349)</u>	<u>0</u>	<u>0</u>
Change in Net Assets resulting from Operations	<u>\$ 16,746</u>	<u>\$ 14,963</u>	<u>\$ 19,767</u>

The major components of this change in net assets are analysed as follows:

Variations to 1999 by Income/Expenditure

The operating result before capital amounts has increased from a surplus of \$1,080,000 for the 1999 year to a surplus of \$2,040,000 in the 2000 financial year. Some of the components contributing to the increase in the operating result before capital amounts include:

- Income - increased general rates income \$661,000
- increase in Domestic Waste Management annual charges \$358,000
- increased interest income \$927,000

Reports from Director Corporate Services

- Expenditure increased wages and associated costs \$1,004,000
- increased workers compensation insurance costs \$482,000
 - increased depreciation expense \$488,000
 - decreased superannuation costs \$282,000, and
 - decreased electricity and heating costs \$176,000.

Explanations

Income

The general rates have increased by the statutory rate-pegging limit of 2.4% imposed by the Minister for Local Government. Domestic Waste Management revenue has increased in conjunction with a rise in the annual charge for mobile garbage bins of \$8 per service. Interest revenue has increased as a result of higher interest rates and an increase in funds invested. The majority of interest revenue is attaching to funds that are restricted and as a result are not available for day to day operating activities of Council.

Expenditure

The increase in wages and associated costs relates to an award increase of 3.25% during the financial year, staff number increases in water and sewer fund as well as skills based incentive payments. Superannuation costs have decreased as contribution requirements have reduced. Workers compensation premiums have increased as a result of statutory premium increases and the impact of recent workers compensation claims. Depreciation expense has increased in line with the Shire's expanding infrastructure network.

Reports from Director Corporate Services

3.1 Operating Result Before Capital Grants, CONTRIBUTIONS AND DONATIONS, depreciation expense and profit / loss on sale of assets.

The operating results before abnormal items, capital grants, contributions, donations, profit / (loss) on disposal of assets and depreciation expense for the year ended 30th June, 2000 can be disclosed by Council activity as follows:-

	<i>2000 *</i> <i>Actual</i> <i>\$'000\$'000</i>	<i>1999 *</i> <i>Actual</i> <i>\$'000</i>	<i>1998 *</i> <i>Actual</i>
General Fund Activities			
Administration	(9,797)	(9,751)	(8,322)
Public Order & Safety	(623)	(514)	(471)
Health	(421)	(470)	(584)
Community Services & Education	(180)	(126)	(156)
Housing and Community	(2,320)	(2,457)	(2,121)
Recreation and Culture	(3,726)	(3,753)	(3,387)
Mining, Manufacturing & Construction	249	232	463
Transport and Communication	(4,814)	(4,631)	(4,640)
Economic Affairs	(524)	154	(883)
General purpose revenues	<u>25,007</u>	<u>23,880</u>	<u>21,963</u>
General Fund Operations Result Before Depreciation	2,851	2,564	1,862
General Fund Depreciation	(10,686)	(10,094)	(10,844)
General Fund Result After Depreciation	<u>(7,835)</u>	<u>(7,530)</u>	<u>(8,982)</u>

Restricted Activities

Domestic Waste Activities	1,318	1,179	814
Crown Caravan Parks	1,622	1,395	1,219
Water Supplies	6,193	5,706	6,040
Sewerage Services	7,229	6,921	6,809
Depreciation Expense	<u>(6,487)</u>	<u>(6,591)</u>	<u>(5,927)</u>
	<u>2,040</u>	<u>1,080</u>	<u>(27)</u>

* Results presented on a net basis.

Reports from Director Corporate Services

Explanation of major variances between actual results for the 1999 and 2000 financial years:-

Economic Affairs

The variation to the previous year's result is due largely to commissions received by Council in 1999 from the finalisation of real estate sales at the Anchorage Estate, Tweed Heads.

1. General Purpose Revenues

General purpose revenues have varied to 1999 as a result of an increase to Council's financial assistance grant and interest income. In addition, general rates have increased by the statutory rate-pegging limit of 2.4% imposed by the Minister for Local Government.

Crown Caravan Parks

Refer to Section 4 of this report for detailed analysis of operations.

Water (refer to 3.2 for detailed explanations)

Sewer (refer to 3.3 for detailed explanations)

Other comments

Council's operating surplus for general fund before capital grants, contributions, donations, profit/(loss) on sale of assets and depreciation expense has been trending upwards over the last three financial years from \$1,862,000 for the 1998 financial year to \$2,564,000 in 1999 to \$2,851,000 for the 2000 financial year. This surplus represents recurring income over recurring expenditure and allows Council to fund new capital works, repay loans and replace retiring assets.

Reports from Director Corporate Services

3.2 WATER SUPPLIES

<i>(i)</i>	<i>Actual *</i> 2000 \$'000	<i>Original Budget</i> 2000 \$'000	<i>Variance</i> \$'000	<i>Actual *</i> 1999 \$'000	<i>Actual *</i> 1998 \$'000
Water supply activities can be summarised as follows:-					
Management Expenses	1,791	1,899	108	1,701	1,474
Operating Costs	2,218	2,598	380	2,356	2,034
Other	174	159	(15)	166	142
Depreciation / Asset Rep. Res.	2,815	3,865	1,050	2,793	2,696
Loss on Disposal of Infrastructure	946	-	(946)	314	471
Interest	<u>207</u>	<u>250</u>	<u>43</u>	<u>304</u>	<u>375</u>
 Total Expenses	 <u>8,151</u>	 <u>8,771</u>	 <u>620</u>	 <u>7,634</u>	 <u>7,192</u>
 Rates and availability charges	 4,871	 5,053	 (182)	 4,926	 4,737
User charges	1,756	2,150	(394)	1,865	2,098
Interest	1,867	2,027	(160)	1,627	1,535
Other	354	319	35	369	387
Grants- PWD	-	-	-	259	19
- Other	334	330	4	322	313
Contributions - developers	<u>2,962</u>	<u>2,150</u>	<u>812</u>	<u>2,741</u>	<u>3,081</u>
 Total Revenue	 <u>12,144</u>	 <u>12,029</u>	 <u>115</u>	 <u>12,109</u>	 <u>12,170</u>
 Operating Result	 <u>3,993</u>	 <u>3,258</u>	 <u>735</u>	 <u>4,475</u>	 <u>4,978</u>

* Results presented prior to internal elimination entries.

<i>(ii)</i> Key Indicators	2000 \$	1999 \$	1998 \$
Average rate per assessment	188.51	194.33	191.92
 Management and Operating Cost per assessment	 155.15	 160.06	 142.10

Reports from Director Corporate Services

(iii) Explanations for Variances

Expenditure

Water fund operating costs are lower than original budget due to the inclusion of water meter replacement costs expensed in the budget that were capitalised.

Revenues

Water fund rates and availability charges have reduced on 1999 as a result of the reduction of the ad valorem rate to nil. Water user charges revenue has decreased largely as a result of reduced consumption as a consequence of inclement weather conditions during the year.

3.3 SEWERAGE SERVICES

(i)	Original	Budget	Variance	Actual *	Actual *
	Actual *			1999	1998
	2000	2000	\$'000	\$'000	
	\$'000	\$'000	\$'000	\$'000	
Sewerage services operating result can be summarised as follows:-					
Management Expenses	1,911	1,837	(74)	1,605	1,450
Operating Costs	3,173	3,273	100	3,246	2,491
Other	217	265	48	221	155
Depreciation / Asset Rep Res	3,221	4,470	1,249	3,211	3,123
Interest Expense	987	1,037	50	968	1,028
Total Expenses	9,509	10,882	1,373	9,251	8,247
Rates and Service					
Availability Charges	9,015	9,240	(225)	9,030	8,658
User Charges	1,091	1,201	(110)	880	805
Interest	1,449	1,423	26	1,107	860
Other	200	9	191	175	131
Grants- PWD	1,796	3,554	(1,758)	978	279
- Other	318	312	6	308	298
Contributions					
- Developers	4,175	3,850	325	2,474	3,582
Total Revenue	18,044	19,589	(1,545)	14,952	14,613
Operating Result	8,535	8,707	(172)	5,701	6,366

* Results presented prior to internal elimination entries.

Reports from Director Corporate Services

(ii) Key Indicators	2000	1999	1998
	\$	\$	\$
Average Rate per Assessment	373.46	381.98	376.80
Management and Operating Expenses per Assessment	210.61	205.20	171.51

(iii) *Explanation for Variances*

Expenditure

Sewer fund expenditures are comparable to original budget except for depreciation expense which has been over-estimated in the original budget.

Revenues

Sewer fund revenues for service and availability charges have decreased due to a reduction in the ad valorem rate to nil.

4. BUSINESS ACTIVITIES

In accordance with National Competition Legislation effective 1st July, 1998, Council has identified the following business activities to prepare special purpose financial reports:

- a) Water Fund
- b) Sewer Fund
- c) Tweed Coast Holiday Parks Reserve Trust
- d) Commercial Waste Operations
- e) Private Works Operations
- f) Swimming Pool Operations
- g) Land Development
- h) Building Certification

Council declared business activities with gross revenue exceeding \$2m have been classified as a Category 1 business with operating details and assets disclosed on a gross basis in Council's special purpose financial report. Those declared businesses with an annual turnover less than \$2m are classified as Category 2 businesses. Under the National Competition guidelines Council is required to apply taxation principles to each business similar to those that would apply if they were operating in the commercial sector. Taxation equivalents applied in the special purpose financial reports include sales tax (where applicable), land tax and income tax equivalent to the company taxation rate of 36%. Where the business activity has significant borrowings a debt guarantee fee has been calculated to measure the variance between Council secured borrowing and those conditions achievable without Council support.

Provide below is a summary of the financial performance of Council's declared business activities for the year ended 30th June 2000:

Reports from Director Corporate Services

Activity	Operating Revenue \$'000	Operating Expenses \$'000	Result prior to capital amounts \$'000	Return on capital %	Council Subsidy \$'000
Water	9,182	7,417	1,765	1.7%	0
Sewer	12,072	9,771	2,301	2.5%	0
Holiday Parks	3,300	2,739	561	4.3%	1,439
Commercial Waste	512	392	120	21.6%	0
Swimming Centres.	337	737	(400)	0%	500
Building Certification	200	304	(104)	0%	104
Land Development	17	34	(17)	n/a	n/a
Private Works	295	303	(8)	n/a	8

Comments On Financial Performance of Declared Businesses

- a) **Water and Sewer Fund Operations** (see sections 3.2 and 3.3 of this report for detailed analysis of operating result).

As per National Competition guidelines it is expected that monopoly operations such as water and sewer will provide a break-even rate of return. The rate of return is calculated by dividing the operating result before capital items plus interest expense by the written down value of property, plant and equipment.

The rate of return achieved by Councils water and sewer funds is sufficient to enable funding of capital improvements, the maintenance of existing assets and the repayment of loans. Should interest revenue for water and sewer funds reduce, the rate of return for these funds may decrease and in some years may impact Council's ability to satisfy some short-term objectives.

- b) **Tweed Coast Holiday Parks Reserve Trust**

Tweed Coast Holiday Parks Reserve Trust is a Council business unit managing the Crown Reserve Caravan Parks controlled by Council. During the financial year Council received a contribution of \$560,000 from the Trust to enable Council to maintain other controlled Crown reserves throughout the shire. Tweed Coast Holiday Parks Reserve Trust operating result before abnormal items is largely unchanged on 1999.

The rate of return for Tweed Coast Holiday Parks is less than the estimated benchmark rate of return for similar operations existing in the commercial sector. The difference between the actual rate of return and the required rate of return represents a notional

Reports from Director Corporate Services

subsidy from Council of \$1,439,000. The actual rate of return for Council's holiday park operations is impacted by the product mix of each site as compared to the land value of each site. Many of Council's holiday parks have a very high land value as a result of their prime coastal location. Tweed Coast Holiday Parks are situated on Crown land.

c) Swimming Centres

Council operates swimming centres at Tweed Heads and Murwillumbah. The subsidisation from Council is notional only and represents the difference between the actual rate of return achieved by the operations for the 2000 financial year and the required rate of return. The required rate of return for Council's swimming pool operations has been deemed to be equivalent to the investment rate attaching to a 10 year bond. Abnormal revenue representing Council's actual cost of running the swimming pool centres has been disclosed consisting of reimbursement of a notional overdraft.

d) Commercial Waste

Commercial waste operations include collection and receiving of all waste other than waste relating to Domestic Waste Management. Commercial waste activities reported an operating result before abnormal items of \$120,000 for the 2000 financial year. This operating result represents a reduction of \$207,000 on 1999 which is largely due to the abolition of waste dumping charges to sewer fund. An abnormal expense has been raised as a result of adjustment to asset balances previously overstated. Commercial waste operations resulted in an actual rate of return of 21.6%. This rate of return is high due to the low levels of assets required for day to day operations.

e) Private Works

Council offers private works services to ratepayers including repairs to residential driveways and other private assets throughout the shire. The results from private works activities vary form year to year dependent on the level and type of activity.

f) Land Development

Funds from Council's land development activities are used to fund the purchase of community facilities at Piggabeen. Council is in the process of developing land for a residential subdivision and is expecting the sale of 23 lots in the 2001 financial year. Development of the Piggabeen subdivision is funded by an internal loan of \$2 million from water fund which has been approved by the Minister for Local Government. This loan is to be repaid from the sale of residential lots and is to be extinguished by December 2001. An abnormal expense has been raised to recognise an overstatement of assets in the previous financial year. A rate of return has not been calculated as the land development operations do not own or control any property, plant or equipment.

Reports from Director Corporate Services

5. CAPITAL GRANTS AND CONTRIBUTIONS

Capital grants received during the period amount to \$3,224,000 and largely consisted of grants for bushfire control, the environment and grants from the Department of Land and Water Conservation for sewerage augmentation.

Capital contributions received during the period amounted to \$19,769,000. This can be broken down as follows:-

		2000 \$'000	1999 \$'000	1998 \$'000
Section 94 Contributions -	Cash	3,698	2,563	2,446
Section 64 Contributions		3,510	3,018	4,295
Roads and Traffic Authority				
Contributions towards Regional Roads		750	1,369	3,173
Non cash contributions from developers		11,460	6,744	10,543
Other contributions		<u>351</u>	<u>576</u>	<u>545</u>
		<u>19,769</u>	<u>14,270</u>	<u>21,002</u>

At 30th June, 2000 Council had \$7,429,000 held as a restricted asset for S94 contributions. S64 receipts are treated as a recoupment of infrastructure constructed in prior years and accordingly there are no unexpended S64 contributions. Council places all such receipts into internal reserves. Unexpended S94 contributions comprised:

PLAN	TOTAL CONTRIBUTION PLANS		CONTRIBUTIONS NOT UNDER A PLAN CLAUSE 41L (4)		TOTALS	
	2000 \$'000	1999 \$'000	2000 \$'000	1999 \$'000	2000 \$'000	1999 \$'000
Open Space	1,720	1,387	219	207	1,939	1,594
Community Facilities	1,271	1,124	272	216	1,543	1,340
Car Parking	74	-	573	229	647	229
Street trees	8	6	-	-	8	6
Roads	2,221	521	91	53	2,312	574
Traffic facilities	-	-	109	103	109	103
Bridges	-	-	324	311	324	311
Footpaths / Cycleways	33	17	57	54	90	71
Drainage	209	214	106	88	315	302
Other	142	38	-	-	142	38
Restricted Assets	5,678	3,307	1,751	1,261	7,429	4,568

Reports from Director Corporate Services

5.1 GAIN / (LOSS) ON SALE OF ASSETS

Council's loss on sale of assets comprise the following items.

	<i>2000</i> \$'000	<i>1999</i> \$'000
Profit on sale of land held for resale	32	75
Profit on sale of plant and equipment	346	300
Assets no longer controlled by Council	-	(246)
Loss on write-off of roads reconstructed	(1,566)	(1,895)
Loss on write-off of water and sewer infrastructure replaced	(902)	(357)
Loss on sale of property	<u>(848)</u>	=
	<u><u>(2,938)</u></u>	<u><u>(2,123)</u></u>

6. STATEMENT OF FINANCIAL POSITION

6.1 NET CURRENT ASSETS

6.1.1 CASH AND INVESTMENTS

Council has net current assets of \$80,487,000 as at 30th June, 2000. Net current assets however contains \$75,125,000 of externally restricted cash in the form of special purpose grants, unexpended loans for water and sewer funds, developers contributions and restricted water, sewer, domestic waste management and Crown Reserve Caravan Park funds. Also included in Council's net current assets is \$3,911,000 of externally restricted receivables relating to water, sewerage and domestic waste management charges and rates.

In addition Council has allocated \$7,851,000 to internally restricted cash to fund long term commitments.

After funding internal and external restrictions Council has unrestricted cash of \$1,556,000.

6.1.2 RECEIVABLES

Council's receivables have decreased from \$6,396,000 as at 30th June 1999 to \$6,332,000 as at the 30th June 2000. The major components of this decrease were :

	<i>\$'000</i>
Decrease in government grants and subsidies	(1,026)
Increase in user charges and fees	267
Increase in accrued interest revenue	210
Increase in rates and annual charges	356

Reports from Director Corporate Services

6.2 NON-CURRENT ASSETS AND LIABILITIES

Council has a net non-current asset position of \$631,294,000 which consists largely of property, plant and equipment, water, sewer and drainage infrastructure, Council controlled road infrastructure, loans, and provisions for employee entitlements.

6.2.1 PROPERTY, PLANT AND EQUIPMENT

During the year Council capitalised the following property, plant and equipment:

	2000 \$'000	1999 \$'000
Non-cash Developer Contributions		
- Open space	1,695	237
- Roads and Drainage Network	6,303	4,353
- Water Supply Network	961	1,085
- Sewerage Network	2,501	1,069
Non-cash Grants		
- Bush Fire Council	249	164
- PWD - Water	-	37
- PWD - Sewer	1,515	978
Council Constructed / Purchased Assets		
- Land and Buildings	2,394	2,570
- Plant and Equipment/Vehicles	4,357	3,791
- Roads and Drainage Network	7,167	9,484
- Water Supply Network	3,215	3,459
- Sewerage Network	5,441	2,314
- Other Structures	<u>835</u>	<u>104</u>
	<u>36,633</u>	<u>29,645</u>

The major elements of Council's constructed/purchased assets for the 2000 financial year were:

	\$'000
Tweed Heads Civic Centre – Library Improvements	686
Kingscliff Community Centre and Library	1,106
Kennedy Drive Black Spot	146
Kyogle Road Improvements	203
Reserve Creek Road Improvements	152
Coastal Gross Pollutant Traps	188
Tweed Valley Cemetery construction	104

Reports from Director Corporate Services

6.2.2 ABNORMAL EXPENSE

REVALUATION OF COUNCIL OWNED AND CONTROLLED LAND

During the financial year Council revalued all owned and controlled land to reflect Valuer General valuations effective 1st July 1999. Upon the recognition of all owned and controlled land in Council's records in 1995 Council valued all non-rateable land using a "Municipal Rate" calculated by dividing total rateable land in the shire by total rateable land area. The revaluation of all non-rateable land to Valuer General valuations has resulted in a reduction to the carrying value of land by \$5,349,000 and has been disclosed in the general purpose financial report as an abnormal expense.

6.2.3 LOANS

Council's overall debt position has decreased during the last twelve months by \$2,329,000 with external borrowings for General Fund decreasing by \$296,000*. The table below illustrates that during the financial year General Fund borrowed \$2,641,000 to fund flood mitigation, roads and bridge construction, drainage construction and to contribute toward the construction of a portrait gallery at Murwillumbah.

* In addition to external borrowings, at the end of the 2000 financial year General Fund has borrowings of \$2,231,000 from Water Fund and Domestic Waste Management for the purchase of the Piggabeen Sporting Complex (\$2,000,000) and the construction of the Agenda 21 house (\$231,000) respectively. The internal debt for the purchase of the Piggabeen Sporting Complex is funded from the sale of residential land surrounding the area and section 94 monies. (The internal borrowings of \$2,231,000 have been eliminated for the purposes of financial reporting in accordance with AAS 27).

Movement in Loans by Fund on a Net Basis

Activity	Balance 1/7/99 \$'000	New Loans Raised \$'000	Principal Repaid \$'000	Balance 30/6/00 \$'000	Movement Increase / (Decrease) \$'000
General	24,606	2,641	2,937	24,310	(296)
Sewerage	11,382	-	1,008	10,374	(1,008)
Water	3,472	-	1,025	2,447	(1,025)
Total	39,460	2,641	4,970	37,131	(2,329)

Reports from Director Corporate Services

Unexpended Loans

At the 30th June 2000 unexpended loans totalled \$2,376,000 and related to the following:

	2000 \$'000	1999 \$'000
Externally Restricted		
Kingscliff Library	-	750
Tweed Heads Library	64	706
Sewerage Infrastructure	<u>1,210</u>	<u>2,095</u>
	1,274	3,551
Internally Restricted	<u>1,102</u>	<u>1,891</u>
Total Unexpended Loans	<u><u>2,376</u></u>	<u><u>5,442</u></u>

7. PERFORMANCE INDICATORS

	<i>General</i>			<i>Water</i>			<i>Sewer</i>		
	<i>2000</i>	<i>1999</i>	<i>1998</i>	<i>2000</i>	<i>1999</i>	<i>1998</i>	<i>2000</i>	<i>1999</i>	<i>1998</i>
Unrestricted Current Ratio	1.29	1.38	1.31	29.53	25.63	33.61	17.54	15.02	12.87
Debt Service Ratio	13.14%	13.87%	12.93%	13.82%	13.86%	16.92%	15.75%	16.06%	18.87%
Outstanding Rate and Annual / User Charges	6.38%	5.38%	7.47%	7.97%	6.31%	8.87%	7.51%	5.85%	7.47%

Commentary on Performance Indicators

The above represents the key performance indicators outlined in Note 13 to the financial statements on an activity by activity basis.

Unrestricted Current Ratio

The unrestricted current ratio represents Council's capacity to meet its commitments from current assets net of externally restricted cash, investments and receivables. Council's general fund unrestricted current ratio has remained stable over the last three years.

It is important to note that the unrestricted current ratio does not reflect Council's capacity to fund long term infrastructure needs nor the state of the infrastructure itself. Council needs to assess its infrastructure requirements and develop strategies to ensure the long-term viability (ability to provide services) of its assets.

Reports from Director Corporate Services

We note that the unrestricted current ratio for water and sewer activities has fluctuated significantly. Yearly fluctuations will result from the build up of internal reserves and the impact of lower debt levels and will continue to fluctuate in the future as further funds are collected and expended on infrastructure improvements.

Debt Service Ratio

Council's general fund debt service ratio has decreased from 13.87% to 13.14%. Council should continue to monitor general fund borrowings. This ratio may be influenced in the financial year ended June 2001 by the repayment of internal borrowings from water fund for the development of the Piggabeen residential subdivision. This internal loan is to be repaid by December 2001 and is to be funded from the sale of residential blocks of land and Section 94 funds.

Rates and Annual Charges Outstanding Percentage

Council's general fund rates and annual charges outstanding percentage has increased by 1% on 1999. Council should continue to monitor its collection of rates and annual charges for all funds to ensure timely collection of all monies. Sewer fund rates and annual charges outstanding percentage is influenced by the timing of sewer strength charges.

8. OTHER MATTERS

8.1 INTERNAL CONTROL ENVIRONMENT

We have previously forwarded a report to the General Manager commenting on Council's systems of internal control and management procedures. No significant breakdowns of internal control were encountered during the course of our audit nor did we become aware of the existence of items comprising material error, sufficient to cause us to issue a qualified audit opinion.

Subject to the foregoing comments the books of account and records of the Council were maintained in good order and condition and the information and explanations required during the course of our work were readily supplied by the General Manager and his staff.

Yours faithfully
THOMAS NOBLE & RUSSELL

Per:

.....
P R MORROW (Partner)
Registered Company Auditor

Reports from Director Corporate Services

COUNCIL OF TWEED SHIRE INDEPENDENT AUDIT REPORT

SCOPE

We have audited the attached financial statements of the Council of Tweed Shire for the year ended 30th June, 2000 as set out on pages to . The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council.

Our audit has been planned and performed in accordance with Australian Auditing Standards to provide reasonable assurance whether the financial statements are free of material mis-statement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Concepts and Standards and statutory requirements so as to present a view which is consistent with our understanding of the Council's financial position, the results of its operations and cash flows.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion:

- (a) Council's accounting records have been kept in accordance with the requirements of the Local Government Act, 1993, Chapter 13, Part 3, Division 2; and
- (b) The Council's financial reports:
 - i. have been prepared in accordance with the requirements of that Division; and
 - ii. are consistent with the Council's accounting records; and
 - iii. present fairly the Council's financial position and the results of its operations and cashflows; and
- (c) all information relevant to the conduct of the audit has been obtained; and
- (d) there are no material deficiencies in the accounting records or financial reports that have come to light in the course of the audit.

THOMAS NOBLE & RUSSELL
CHARTERED ACCOUNTANTS

.....
P R MORROW (Partner)
Registered Company Auditor

Dated at LISMORE this day of, October, 2000

Reports from Director Corporate Services

LOCAL GOVERNMENT ACT 1993

AUDITOR'S CERTIFICATE UNDER THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993

COUNCIL OF TWEED SHIRE

OVERDRAFT LIMIT: THIRTY MILLION, FIVE HUNDRED AND SIXTY ONE
30TH JUNE 2000 THOUSAND DOLLARS \$30,561,000.

We hereby certify that Council of Tweed Shire may borrow by way of limited overdraft any sum of up to but not exceeding the limit of thirty million, five hundred and sixty one thousand dollars \$30,561,000.

THOMAS NOBLE & RUSSELL
CHARTERED ACCOUNTANTS

Per:

.....
P R MORROW (Partner)
Registered Company Auditor

Dated at LISMORE this day of , October 2000.

Reports from Director Corporate Services

COUNCIL OF TWEED SHIRE SPECIAL PURPOSE FINANCIAL REPORTS INDEPENDENT AUDIT REPORT

SCOPE

We have audited the special purpose financial reports of the Council of Tweed Shire for the year ended 30th June 2000, as set out on pages to . The financial statements include the nominated business activities of the Council and the entities it controlled at the year's end or from time to time during the year. The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council.

The special purpose financial reports have been prepared for distribution to the Council and the Department of Local Government for the purpose of fulfilling the requirements of National Competition Policy reporting. We disclaim any assumption of responsibility for any reliance on this report or on the financial statements to which it relates to any person other than the Council or the Department of Local Government or for any purpose other than for which the report was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with those Australian Accounting Standards detailed in Note 1 to the special purpose financial report and the Local Government Code of Accounting Practice and Financial Reporting so as to present a view which is consistent with our understanding of the business activities of the Council and their financial position and the result of their operations.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion, the Council's special purpose financial reports:

- i. have been prepared in accordance with the requirements of those applicable Accounting Standards detailed in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting; and
- ii. are consistent with the Council's accounting records; and
- iii. present fairly the financial position of Council's nominated Business Activities and the results of their operations.

THOMAS NOBLE & RUSSELL
CHARTERED ACCOUNTANTS

.....
P R MORROW (Partner)
Registered Company Auditor

October, 2000

Reports from Director Corporate Services

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Reports from Director Corporate Services

7. ORIGIN: Financial Services Unit

FILE REF: Budget

REPORT TITLE:

2000/01 Budget - Carryover Works from 1999/00

SUMMARY OF REPORT:

The 1999/00 Financial Statements indicated that there are General Fund Works (revenue and loans) budgeted and funded for in 1999/00 but not completed that require to be carried over to the current financial year for completion.

RECOMMENDATION:

That Council adopts the program of carryover works from 1999/00 of \$1,559,122 and votes the expenditure in accordance with Section 15 of the Local Government Financial Regulations.

Reports from Director Corporate Services

REPORT:

BACKGROUND

Council is adopting at this meeting the completed audited Financial Statements for 1999/00. The Financial Statements report indicates that there are General Fund works/projects budgeted/funded for in 1999/00 but not completed that require to be carried over to the current financial year for completion.

MANAGEMENT ACCOUNTING ACTIVITIES TO BE CARRIED OVER

The total value of the proposed carryover works is \$401,600 and unexpended loan funds of \$1,157,522. Section 15 of the Local Government Act and Financial Regulations requires Council to approve and vote any expenditure that is not in the current year's budget. Votes of expenditure lapse at 30 June each year and therefore must be "revoted" by Council if carried over to the next financial year.

Carryover Revenue Funded Programs

1999/00 to 2000/01

1.	Road Works – Parkes Lane	50,000
2.	Council Management	6,000
3.	Aurion Software Implementation	66,200
4.	Telephone System (savings)	27,500
5.	Youth Support	11,300
6.	Northern Boatharbour	38,300
7.	Recreational Services	11,500
8.	Alcohol Free Zone	5,000
9.	Note: Allocation of Carry Over Funds – Development Services Division	

The purpose of the carryover is:

- To maintain and complete the strategic planning framework in accordance with the Management Plan as many projects cannot be completed within a 12 month period, and unanticipated projects arise;
- To provide support for development assessment

It is anticipated that the funds will be expended as follows:-

a)	LEP Amendment – reclassification of Council Land	7,000
b)	Consultant to complete Kingscliff DCP	1,500
c)	Kings Forest:	
	• Internal Workshop – LES	1,200
	• Government Agencies Workshop	1,200
	• LES printing	2,600
d)	Consultant to complete DCP 16	5,000
e)	Community Development funds already committed for components Social Plan	13,000

Reports from Director Corporate Services

f) Additional Staff Resources:	
• Consultants/overtime for Development Assessment (particularly Kings Forest)	30,000
• First year salary for 3 year contract planner	30,000
• Underwrite 12 month contract planner in case Byron Rezoning proponents do not contribute	30,000
g) Reserve – staff resources (00/01)	43,500
10. Cabarita Headland Boardwalk	<u>19,800</u>
	<u>\$401,600</u>

This represents only 0.8% of the General Fund budget.

Unexpended Loans for Works Carried Over from 1999/00 to 2000/01 Financial Year

1. Bridge Construction	69,319
2. Toilet Capital Projects	19,975
3. Library Capital Works – Completion of Current Works	64,505
4. Art Gallery	200,000
5. Cemetery Construction	49,005
6. Murwillumbah Main Street Program	99,221
7. Open Space Land Purchases	180,000
8. Auditorium Improvements	20,236
9. SES Building	9,261
10. Computer Systems	410,000
11. Kingscliff Swimming Pool Heating	36,000
	\$1,157,522

SUMMARY

The works/projects that were not completed last year and now carried over to 2000/01 will make the current years total budget \$95.6M.

Reports from Director Corporate Services

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Reports from Director Corporate Services

8. ORIGIN: Financial Services Unit

FILE REF: Budget

REPORT TITLE:

Quarterly Budget Review - 30 September 2000

SUMMARY OF REPORT:

This report is the first quarterly budget review for this financial year and summarises the major expenditure and income changes to the 2000/01 Budget since its adoption. Based on current projections to 30 June 2001, Council will have a balanced budget in the General, Water and Sewerage Funds.

RECOMMENDATION:

That :-

1. The Quarterly Budget Review Statement as at 30 September 2000 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year:

	Item & Description	Negative (contribute to deficit) \$	Positive (contribute to surplus) \$
A. General Fund			
1	Garbage Removal – Crown Land	39,000	
2	Water Charges – Parks & Gardens	15,000	
3	Swimming Pool-Reduced Income	50,000	
4	Parks and Gardens Fee Income		8,000
5	Joeys Pouch Childcare Centre-Termite control	15,000	
6	Chillingham & Tyalgum Pre-school Advance	10,000	
7	Surf Championship-cancellation		10,000
8	Cabarita Beach Surf Lifesaving Club-Building Demolition & Assoc Costs	23,000	
9	<ul style="list-style-type: none"> • Tweed River Agricultural Society - Contribution • Land Development Reserve - Reimbursement 	60,000	60,000
10	Library – Increased Grant		4,000
11	Workers' Compensation – increased premium (net)	110,660	
12	Interest on Investments-additional income		50,000
13	Cemetery Capital & Main. (Sec 94)		40,000
14	Credit Cards Bank Charges for Sundry Debtor Account (similar arrangements as rate payments)	2,500	
15	Financial Assistance Grant-additional income		261,000
16.	Superannuation Contributions	157,000	
17	Internal Auditor Appointment <ul style="list-style-type: none"> • Consultancy Fees • Audit Fees 	25,000	20,000 5,000

Reports from Director Corporate Services

	Item & Description	Negative (contribute to deficit) \$	Positive (contribute to surplus) \$
18	Carry over income Reserve		27,160
19	Sec 94 – Library Contributions		22,000
B. Water Fund			
1	Water Treatment – Sludge Handling		50,000
2	Sludge Lagoons – Stage 4 Upgrading		400,000
3	CCR/AAR/Revenue	450,000	
C. Sewerage Fund			
1	SRM Replacement – Beryl Street		20,000
2	SRM – New Cont – Powell Street		18,000
3	CCR/AAR/Revenue	38,000	

Reports from Director Corporate Services

REPORT:

BUDGET REVIEW – 30 SEPTEMBER 2000 (QUARTERLY BUDGET REVIEW)

The following summary Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations and shows details of Council’s financial position for the period ending 30 September 2000 and estimated end of year financial position as at 30 June 2001.

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

Council has the opportunity at this “quarterly review” to vary program Budget allocations.

	Deficit \$	Surplus \$
1. Crown Land garbage removal – additional costs	39,000	
2. Water Charges – Parks & Gardens – revised estimate	15,000	
3. Swimming Pool Income – estimate reduced	50,000	
4. Parks & Gardens – increased fee income		8,000
5. Joey’s Pouch Educational Childcare Centre termite protection – approved Council meeting 16/8/00 – no Budget provision made by Council.	15,000	
6. Chillingham & Tyalgum Community Pre-school Inc. – Advance provided & approved at Council meeting 6/9/00 – no Budget provision made.	10,000	
7. Surf Championships – Budget provision not needed.		10,000
8. Cabarita Beach Surf Life Saving Club – building demolition and associated costs approved at Council meeting 6/9/00 – no Budget provision made by Council.	23,000	
9. Tweed River Agricultural Society advance and grant on proposed museum building. Approved at Council meeting 16/8/00 – no Budget provision made by Council.	60,000	
<p>C27 <i>“The General Manager determines the Reserve Fund for the source of \$60,000 funds and to consider at the quarterly reviews of the 2000/01 Budget means of re-establishing the fund to the current level or if this is not possible to include provision in the 2001/02 draft Budget for consideration by Council.”</i></p> <p>No general revenue funds are available for this advance. The Land Development Reserve has been used to fund this commitment. As Council is aware this cash reserve was established to fund future subdivision.</p>		
		60,000
10. Reimburse from Land Development Reserve		60,000
11. Library operations grant.		4,000
12. Workers Compensation Insurance – net Budget cost	110,660	
13. Interest on Investments – increased income due to movement in interest rates.		50,000
13. Cemetery operations – Section 94 contributions to capital (\$25,000)		

Reports from Director Corporate Services

	Deficit \$	Surplus \$
and maintenance (\$15,000).		40,000
14. Credit/Debit card costs for Sundry Debtors (same arrangements as rate payments).	2,500	
15. Financial Assistance Grant – increased allocation. Details provided to Council 19/7/00		261,000
16. Superannuation Costs – (see Council report Item 19 – 19/7/00)	157,000	
17. Internal Auditor appointment to support organisational operational effectiveness and authoritative independent audit of operations Funded by Consultancy Fees – 1999/01 carry over & 2000/01 allocation	25,000	
Audit Fee Savings		20,000
18. Carryover of income reserve		5,000
19. Library contributions Section 94 for \$2M capital works – partial funding of loan servicing costs		27,160
		22,000
	\$507,160	\$507,160
B. Water Fund		
1 Water Treatment Plant – Sludge Handling		50,000
2 Sludge Lagoons – Stage 4 Upgrading		400,000
3 ARR/CCr/Revenue	450,000	
Sewerage Fund		
1 SRM replaced cement – Beryl Street		20,000
2 SRM – new construction – Powell Street extension		18,000
3 ARR/CCR/Revenue	38,000	

Note: There has been a total of \$108,000 committed by Council in General Fund over the last three (3) months without first determining the source of funding (Items 5, 6, 8 & 9)

Reports from Director Corporate Services

**STATUTORY STATEMENT - LOCAL GOVERNMENT FINANCIAL REGULATIONS
(SECTIONS 6 & 7) BY "RESPONSIBLE ACCOUNTING OFFICER"**

The responsible accounting officer of a council must:-

- (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.*
- 9.(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 (including the sub-estimates) 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) 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".



R Norvill CPA
"Responsible Accounting Officer"
Manager Financial Services
Tweed Shire Council

Dated 10 October 2000

Reports from Director Corporate Services

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993

SCHEDULE 1 - FORMS

FORM 1

Summary of Estimates of Income and Expenditure for the Year ended 30 June 1999

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	10657	595	10867	595	10,062	10272
Public Order & Safety	1016	684	1039	995	332	44
Health	709	68	709	68	642	642
Community Services & Education	386	213	411	213	173	198
Housing & Community Amenities	10067	9367	10067	9367	700	700
Water Supplies	6554	14002	6554	14002	(7,449)	(7449)
Sewerage Services	9011	18961	9011	18961	(9,951)	(9951)
Recreation & Culture	5349	2140	5473	2124	3,209	3349
Mining, Manufacturing & Construction	1196	1367	1196	1367	(170)	(170)
Transport & Communication	13202	7552	13202	7582	5,650	5620
Economic Affairs	3182	3467	3182	3467	(286)	(286)
General Purpose Revenues		24605	0	24605	(24,605)	(24605)
	61328	83021	61710	83346	(21693)	(21636)

Add Expenses not involving flow of funds

Depreciation

Increase in employees leave entitlements

Sub-total

Original	Revised	Original	Revised
-16,685	-16,685		
(16,685)	(16,685)	(38,378)	(38,321)

Add non-operating funds employed

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

Sub-total

(1,742)	(1,742)		
(7,572)	(7,572)		
(9,314)	(9,314)	(47,692)	(47,635)

Subtract funds deployed for non-operating purposes

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

Estimated Budget Result - Surplus

41,633	41,145		
	0		
	0		
4,721	4,721		
46,354	45,866	-1,338	-1,769

Reports from Director Corporate Services

Reconciliation with Program Budget:

Add/(Deduct) net increase/(decrease) in externally restricted assets (contributions)	(1,600)	(1,169)
Deduct Interest on restricted funds not used in budget	2,938	2,938
Program Budget Deficit/(Surplus)	<u>0</u>	<u>0</u>

Comprising:

General Fund	-	-
Water Fund	-	-
Sewerage Fund	-	-
	<u>-</u>	<u>-</u>

Reports from Director Corporate Services

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Reports from Director Corporate Services

9. ORIGIN: Administration Services Unit

FILE REF: Ombudsman, Insurance - General

REPORT TITLE:

Establishment of an Insurance Ombudsman to Resolve Disputes

SUMMARY OF REPORT:

The Bourke Shire Council recently passed a resolution seeking Council's support for the establishment of an Ombudsman's position to specifically resolve insurance disputes.

RECOMMENDATION:

That Council determines this report.

Reports from Director Corporate Services

REPORT:

Advice has been received from Bourke Shire Council, that it has passed the following resolution at a recent meeting of Council:

“487/2000 Resolved that Bourke Shire Council contacts all Councils in NSW requesting that they write to their local Federal Member and the Prime Minister supporting Premier Carr’s initiative to have the Federal Government establish an Ombudsman’s position to specifically resolve insurance disputes.”

For Council’s determination.

Reports from Director Corporate Services

10. ORIGIN: Director

FILE REF: Councillors - Conferences

REPORT TITLE:

2000 Local Government Multicultural Forum - 6 November 2000

SUMMARY OF REPORT:

The Department of Local Government has extended an invitation to Council to attend the 2000 Local Government Multicultural Forum, which is being hosted by Rockdale City Council on Monday, 6 November 2000.

RECOMMENDATION:

That Councillors interested in registering:

1. Be authorised to attend the Local Government Multicultural Forum on Monday, 6 November 2000.
2. Contact the Mayor's Secretary.

Reports from Director Corporate Services

REPORT:

The Department of Local Government has extended an invitation to Council to attend the 2000 Local Government Multicultural Forum, which is being hosted by Rockdale City Council on Monday, 6 November 2000.

The theme for this year's Forum will focus on accessing ethnic communities and developing cross-cultural partnerships. The format has been structured to include a series of interactive workshops on specific interest areas. All participants will be invited to discuss practical applications on:

- How to negotiate and plan developments that incorporate the social and religious needs of a culturally diverse community.
- How to create public spaces which reflect the living nature of local communities including their ethnic diversity.
- How to work collaboratively with other local service providers to plan and deliver culturally appropriate services.
- How to meaningfully involve culturally and linguistically diverse families in the development and delivery of children's services.

PROGRAM

- 9.30-10.00am Registration
- 10.00-10.15am Welcome and outline of the program: Stephen Blackadder, General Manager, Rockdale City Council
- 10.15-10.30am Aboriginal Elder Welcome: Allan Madden, Cultural and Education Officer, Metropolitan Land Council
- 10.30-10.45am Address by Neville Roach, Chairman, Council for Multicultural Affairs
- 10.45-11.00am Morning Tea
- 11.00-11.30am Making Services Accessible and the Importance of Cross Cultural Training: Greg Hawken, Consultant to Local Government on Ethnic Affairs and Former Community Relations Policy Officer at the Local Government and Shires Associations.
- 11.30-12.00am Community Harmony Project – How a partnership between the Girl Guides and the Ethnic Communities Council created the Community Harmony Badge. Helen Thurtell, Multicultural Liaison Officer, Guides NSW Australia and Paul Nicolaou, Chairperson, Ethnic Communities Council.
- 12.00-1.00pm Lunch
- 1.00-2.30pm Workshops

Reports from Director Corporate Services

- A. Planning with People in mind:** The development of the Hindu Temple at Mays Hill. Aleks Milinkovic, Acting Development Services Coordinator, Environment & Planning Services, Holroyd City Council.
- B. Living Streets Project – Creating a Sense of Place:** Martha Jabour, Living Streets Coordinator, Liverpool Migrant Resource Centre and Tony Bardon, Manager Community Services, Liverpool City Council.
- C. The Development of a Multicultural HACC Service:** Astrid Perry, St George Migrant Resource Centre.
- D. Care for Kids in a Culturally Diverse Way:** Lotta Jackson, Children's Services Development Coordinator, Parramatta City Council and Jian Zheng, SUPS Worker, Hornsby Shire Council.

2.30-2.45pm Afternoon Tea

2.45-3.15pm Workshop Feedback and lucky door prize draw

COST

\$55.00 per person – GST inclusive

Reports from Director Corporate Services

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Reports from Director Corporate Services

11. ORIGIN: Director

FILE REF: Centenary of Federation

REPORT TITLE:

Centenary of Federation Project 2001

SUMMARY OF REPORT:

A letter has been received from Operation Pilgrimage Group inviting Council to contribute to the "Treasure Chest Time Capsule" to help celebrate the three (3) major birthdays in our history:

- Centenary of Federation 1901 – 2001
- Centenary of The Australian Army
- Bi centennial of Matthew Flinders epic circumnavigation of Australia 1801 – 2001.

RECOMMENDATION:

That Council determines this report.

Reports from Director Corporate Services

REPORT:

A letter has been received from Operation Pilgrimage Group inviting Council to contribute to the "Treasure Chest Time Capsule" and is reproduced below for Councillors information:

"I would like to take this opportunity to introduce the Operation Pilgrimage Group who are committed to celebrating three (3) major birthdays in our history:

- *Centenary of Federation 1901 – 2001*
- *Centenary of The Australian Army*
- *Bi centennial of Matthew Flinders epic circumnavigation of Australia 1801 – 2001.*

Federal Government & authorities always get recognition in state & national events however we believe the rich heritage that made this country is to be found in local Government. So we are collecting information about these areas for inclusion in a "Treasure Chest Time Capsule 2001" which will be a snapshot of life in the FIRST year of the Twenty-First Century.

The Operation Pilgrimage Group invites council to contribute to the "Treasure Chest Time Capsule". Details on insert contents & costs are attached.

The burial location will be on the foreshore of Sydney Harbour (close to the Australian National Maritime Museum) & marked with a plaque secured into a rock which will then be positioned over the site.

Instructions within the capsule will insure the insert is sent to your council or local museum & will be a window for the people of 2101 of what life was like in 2000-2001 in your area. Space is limited as all Australian councils are being invited to submit an insert.

The cost for having this insert included in the Treasure Chest Time Capsule is \$300. All income will be used to offset the cost of Operation Pilgrimage 5.

If you wish to participate we would appreciate your reply no later than 1 January 2001.

Yours sincerely,

Allan Miles, Chief Planner"

FINANCIAL IMPLICATIONS

The balance of the donation allocation is \$3,488.00. This amount is for the stage two allocation/distribution in March 2001 as in accord with the Donations Policy.

Any donation would reduce the amount available for the March disbursement.

Details on insert contents, cost and supporting documentation are attached to this report.

For Council's consideration.

Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: Councillors - Conferences

REPORT TITLE:

Australian Local Government Women's Association National Biennial Conference from 2-4 November 2000

SUMMARY OF REPORT:

The Australian Local Government Women's Association invites Council to register for the Australian Local Government Women's Association National Biennial Conference in Sydney from 2-4 November 2000.

RECOMMENDATION:

That Councillors interested in registering:

1. Be authorised to attend the Australian Local Government Women's Association National Biennial Conference from 2-4 November 2000
2. Contact the Mayor's Secretary.

Reports from Director Corporate Services

REPORT:

The Australian Local Government Women's Association invites Council to register for the Australian Local Government Women's Association National Biennial Conference in Sydney from 2-4 November 2000.

The theme of the conference ON THE EDGE – A NEW CENTURY OF “EMPOWERMENT” reflects the increasing numbers of women in local government and the positive role women play in political decisions and their growing self-empowerment.

PROGRAM

Thursday, 2 November

7.00-8.30pm Civic Reception, Elizabeth Farm - Host: Lord Mayor of Parramatta

Transport to and from Courtyard Marriott Hotel provided.

Friday, 3 November

8.00am Registration opens, Courtyard by Marriott Hotel (tea and coffee served)

9.00am Traditional Welcome by Ms Lillie Shearer, Elder Dharug Tribe

Welcome – Lord Mayor of Parramatta

Traditional Aboriginal Dance

9.30am Keynote Addresses

Senator the Hon Amanda Vanstone, Federal Minister for Justice and Customs

Hon Dr Carmen Lawrence, MP, Shadow Minister for Industry, Innovation and Technology; Shadow Minister for the Status of Women

11.00am Morning Tea

11.30am National Packaging Covenant: Two Perspectives

Mr Peter Shmigel, Veritas Consultants

Cr Peter Woods, President, Local Government Association of NSW

12.45pm Lunch

“Business Woman of the Year Award” hosted by the Sydney Business Review, Pacific International Hotel, Parramatta

2.15pm Overview of Workshops

2.30pm Concurrent Workshops

Session One

Reports from Director Corporate Services

- A Community Planning: A case study in Local Government's involvement in Community Social Issues. Facilitator: Cr Ross Irwin, Lismore City Council.
- B A Salty Tale: How can Local Government assist with Environmental Degradation? Facilitator: To be advised
- 3.30pm Afternoon Tea
- 4.00pm **Session Two**
- C Leadership. Facilitator: Judy Wauchope, Local Government Planning Law, Solicitor. Sponsored by: PricewaterhouseCoopers Legal.
- D Achieving goals through Partnership: An effective strategy for women to achieve success in being elected to Local Government. Facilitator: Helen Hopner, President, Victorian Branch ALGWA.
- 5.30pm Close
- 6-7.45pm Dinner at one of three restaurants in Parramatta prior to Torchlight Cemetery Tour
- A Courtyard Marriott Hotel Restaurant
- B Encore Restaurant, Riverside Terrace
- C The Sicilian
- 8.00pm First Group start Torchlight Cemetery Tour
- 8.30pm Second Group start Torchlight Cemetery Tour
- 10.00pm First Group finish Torchlight Cemetery Tour
- 10.30pm Second Group finish Torchlight Cemetery Tour
- Saturday, 4 November**
- 8.00am Registration Opens, Courtyard by Marriott Hotel
- Ballot Box open at Registration for Venue Voting for 2002 ALGWA Conference
- 9.00am The Status of Women in Urban Local Government in Asia and the Pacific – United Nations Report presented by Councillor Ros Irwin, Lismore City Council
- 9.15am Bullying
- Ms Robyn Henderson, Director-General, NSW Department of Women, NSW
- 10.30am Morning Tea
- 11.00am The Benefits of a Two Tiered System of Government
- Mrs Kate Carnell, MLA, Chief Minister of the Australian Capital Territory
- 12.00pm Lunch

Reports from Director Corporate Services

1.00pm Australian Local Government Women's Association Annual General Meeting

3.00pm Historical Tour of Parramatta. Bus departs Courtyard by Marriott

Tour encompasses a visit to Old Government House, Governor's bathhouse, Boer War Memorial, Salter's Cottage, Queens Wharf, the Harris Park precinct, Camellia artwork, the Parramatta Gaol and the Female Factory.

Tour includes afternoon tea

5.30pm Close

7.00pm Conference Dinner, Parramatta Riverside Theatre, Church Street

COST

Full conference fee is \$410 (excluding GST), one day program which includes meals and tours of the day, \$205 (excluding GST) and Partner's program \$140 (excluding GST).

Councillors interested in attending be authorised to attend.

Reports from Director Corporate Services

13. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - July 2000

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc. (TACTIC) monthly performance report for July 2000 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of July 2000.

5.1.1 The number and category of financial members of TACTIC;

	May 2000	June 2000	July 2000
Ordinary Members	150	153	All invoices were sent out to members for renewal of membership for the 2000/01 membership year at the end of July when the TACTIC ABN was received.
Service Members	25	26	
Total	175	179	

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre;

	May 2000	June 2000	July 2000
World Heritage Rainforest Centre	1893	1690	2105
Tweed Heads Visitors Centre	2043	2043	2582
Total	3936	3733	4687

Currently the two centres are undertaking surveys on the type of enquiries received:

World Heritage Rainforest Centre:

Type of Enquiry	No. of Enquiries		Variance from June
		%	
Tourism	625	64	Nil
National Parks	118	12	-2%
Street Directions	106	11	Nil
Bus Timetables	17	2	+1%
Other	111	11	+1%

Reports from Director Corporate Services

Tweed Heads Tourist Information Centre:

Type of Enquiry	No. of Enquiries	%	Variance from June
Tourism	944	63	+2%
Bus Timetables	118	7	-4%
Directions	251	16	-1%
National Parks	9	1	Nil
Other	200	13	+3%

5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC;

Internet Site

Virtually There Guides have advised that the company is presently up for sale. TACTIC may need to negotiate a new agreement with this group.

Review operations of the Tourist Information Centre

Volunteers

- Volunteer Co-ordinator, Robyn Rae, has instigated a familiarisation program whereby volunteers (as a group) will visit at least one TACTIC member per month to further product knowledge. Staff is also encouraged to join these groups if the familiarisation is held outside their working hours.
- Due to both Queensland and New South Wales school holidays falling in July, no familiarisations were conducted during this month.
- There is a full agenda for familiarisations to member properties for the next 12 months.

Staff

- Sheridan Hargreaves, Jenny Hungerford and Pam Wooster attended GST Seminars to become familiar with the next tax system. Sheridan Hargreaves has arranged for a GST Field Officer and Signposting Officer to visit TACTIC to give specific advice on the TACTIC system.
- Staff were very interested to know how the proposed amalgamation between TACTIC, the TEDC and TTSC was progressing and to know what their situation/position would be post amalgamation.
- Kelly Garrety will complete her traineeship with TACTIC on 23 August 2000, and is happy to continue working with TACTIC.
- A staff meeting is planned for early September to help keep staff informed on correct procedures and any changes that may need to be followed. The two Councillors have also been invited to this meeting to meet the staff and have an informal discussion on the direction of TACTIC.
- We have only had a couple of hiccups with the implementation of the GST. These have all involved members who have not been as informed as they could (or should) have been prior to the implementation of GST. Otherwise our stock prices and all procedures have all been successfully updated and implemented.

Reports from Director Corporate Services

Strategic Marketing Plan

- To determine which edition of the Open Road enquiries are coming from, no advertising was placed in the May/June or July/August editions of this publication. However, we have booked advertising space in the September-October edition of this publication.
- Mini-T Maps is currently undertaking a range of activities in the Tweed region. At this stage there will be three Tweed mini maps. These will be the Tweed Valley, the Tweed Coast and Tweed Heads and Coolangatta publications. At this stage we have ordered 5000 copies for the Tweed Valley publication.
- We have submitted editorial to the Regional Tourism Organisation and will also submit a graphic icon to be included in a regional motivational brochure that is being produced. There is no charge for this publication as it is being done through the Regional Tourism Organisation with funding allocated for a regional publication.
- TACTIC has begun the production of a comprehensive Calendar of Events for Tweed and the Surrounding area. This will be the first such publication that has been done on such a comprehensive level and will be produced on a quarterly basis at first, with the first edition being the Spring Edition. The Murwillumbah print Spot has offered to include this in their publication and also run another 500 copies off so we can circulate these to TACTIC Members and also use them in the 2 Tourist Information Centres. At this stage there is a considerable amount of Community organisations holding events, but no major events for the first edition.

Networking

- The TACTIC Network night was held at the North Star Holiday Resort on 11 July. There were approximately 65 people in attendance for the Network night discussion, held to help inform members of the proposed amalgamation, with all staying for Network Night nibbles at Café Portofino next door to the North Star Holiday Resort. The meeting was very well attended by TACTIC members and the majority of the members have an active interest in the proposed amalgamation.

Central Reservations System (CRS)

- Final upgrades to the CRS have been made, and this is fully operational on one of the computers at the Tweed Heads Visitors Centre. Upgrading the computers in both centres is currently being undertaken and the computers should be installed by mid August. The new systems will allow the CRS to be utilized from both the Tweed Heads Visitors Centre and the World Heritage Rainforest Centre. Staff training in the correct use of this system, including the understanding of its full potential is needed.

5.1.4 The comparison between quarterly profit and loss statement and the budget;

See attached Profit and Loss Statement for July 2000.

Reports from Director Corporate Services

- 5.1.5 The provision by TACTIC to Council on a monthly bank reconciliation;
See attached reconciliation statement for July and the general account for the period ending 19 July and the for the trust account for the period ending 28 July.
- 5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows;
- a) **International Marketing**
- b) **Domestic Marketing**
Sheridan Hargreaves attended Talkabout 2000 in Melbourne from Sunday 30th July to Wednesday 2 August. This trade event was held at Melbourne and Olympic Parks in Melbourne and was very well attended. Seven TACTIC Member properties were represented at this Trade event as part of the Tropical NSW stand, which was shared with the Twin Towns Resort to help minimise costs. TACTIC attended this event on behalf of the whole Northern Rivers Region and also represented 4 properties from other sub-regions of the Northern Rivers Region. Interest is currently being sought from interested operators, with three confirmations. Travel Agents from both Australia and New Zealand will be in attendance of this show.
- 5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC;

Shopping Centre Promotions

The Australia Fair Shopping Centre promotion was the final shopping centre promotion for the 1999-2000 financial year. The 2000-2001 Marketing Calendar is currently in preparation, and will include shopping centre promotions again. These will commence in late 2000.

Advertising

- Advertising in the September-October edition of the Open Road Magazine has been booked.
- TACTIC will be supporting the Mini-T Maps that will be produced for the Tweed Region over the next month. The first in a series of three maps for the Tweed will be the Tweed Valley map, with a Tweed Coast and Tweed Heads-Coolangatta map to be produced in the near future. These will be distributed throughout South-East Queensland and Northern NSW.

Domestic Marketing

- Initial preparations for the 2000 Rainforest Festival (previously Rainforest Week) are underway, with interest being sought from operators and groups in the area to provide activities with a Rainforest theme for the public to enjoy. The dates for the event have been put back to 7 to 15 October so that the event does not clash with school holidays and the Sydney 2000 Olympics. A professional event organiser, Stephen Nelson, has been appointed to help with the coordination of the event.

Reports from Director Corporate Services

- The need for a coordinated calendar of events for the Tweed region has been identified, and TACTIC is endeavouring to produce such a publication. As event organisers do not always know the exact dates of their specific event a year in advance, a quarterly publication will be produced to coincide with the seasons.
- The 2000-2001 Marketing Calendar is currently under review.

Trade Events

- Unfortunately the Getaway Show in Brisbane was cancelled due to time clashes with the Olympics.

Upcoming Promotions

- Shopping centre promotions to commence in October.
- Talkabout in Melbourne 29 July to 2 August.
- TACTIC AGM in early October.
- Rainforest Festival 7 to 15 October.

Familiarisations

On Saturday 8 July Sheridan Hargreaves met with Susan McLaughlan, the conference organiser for the Tourism NSW conference. Initial property inspections conducted in May for the immediate Tweed area, with this follow up familiarisations being undertaken to visit properties who were a little further from Twin Towns Resort, and also properties with a higher star rating. Suitable properties in the area will be included in the brochures for the NSW Tourism Conference. 11 properties were visited, including; Twin Towns Resort, Cabarita Garden Lakes Resort, Treetops Environment Centre, Hillcrest B&B, Lodon Lodge, Crystal Creek Rainforest Retreat, Durobby Retreat, Wangaree B&B, City Lights Motel, Bayswater Motor Inn and Las Vegas Motor Inn. Comments made by the conference organiser indicated that the standard of accommodation properties in the area and the value for money in the area were both very good.

5.1.8 The amount of retail sales:

May 2000	June 2000	July 2000
\$2,596.86	\$2,123.25	\$1,826.47

Reports from Director Corporate Services

5.1.9 The number and value of the booking system growth;

	May 2000	June 2000	July 2000
Number	68	57	58
Accommodation bookings	\$14,873.85*	\$7,624.35*	\$4,637.70
Tours	\$1,500.75*	\$1,026.00*	\$3,848.35
Commission	\$1,819.40*	\$961.15*	\$942.90
Total	\$18,194.00*	\$9,611.50*	\$9,428.95

(NB: Accommodation and tour bookings totals do not include commission amounts)

* These figures are higher than average due to bookings taken for the National Party Conference in June.

5.1.10 The level of attendance at Board meetings by the members of the Board of TACTIC;

TACTIC Board meeting held 11 July 2000:

Present: James McKenzie, Clive Parker, Lyndal Dennis (on behalf of Dennis Chant), Phil Taylor, Gervase Griffith, Cr Warren Polglase and Cr George Davidson.

TACTIC Emergency Board meeting held 26 July 2000:

Present: Gervase Griffith, James McKenzie, Clive Parker, Dennis Chant, Phil Taylor, Cr Warren Polglase and Cr George Davidson.

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - July to September 2000

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for July to September 2000 is detailed in the report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with the terms of the agreement between Tweed Shire Council and 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 2000:-

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT

5.1.1 The TEDC Strategic Plan continues to be reviewed in light of funding applications pending for a number of TEDC projects.

- The TEDC, in partnership with Tweed Shire Council, has applied for funding to carry out the Agricultural Land Viability and Sustainability Study as identified in the Strategic Plan and indications are that funding will be forthcoming through the Regional Solutions Programme.
- Work continues to be carried out on the development of a master plan for the Tweed Heads CBD.
- The Tweed River Link Project and the benefits for the whole of the Tweed need to be fully incorporated into the Strategic Plan – noting that funding applications for this project have been submitted to the Regional Tourism Program and the Regional Solutions Program.
- Amalgamation of the Tweed Town Centres Program has been successfully carried out and the Program is operating smoothly.
- Investigation of the marketing of the Tweed as a conference/convention destination continues.
- Investigate the possibilities of establishing a Community Development Fund so that investors wishing to contribute to the TEDC and the Tweed community are able to do so in an organised, fully accountable process.
- The Coolangatta Airport Enterprise Precinct Feasibility Study is now scheduled for completion in October 2000 – much valuable information has already been forthcoming from this study.

5.1.2 Referrals to Tweed Shire Council: The TEDC continues to facilitate meetings between investors and TSC, including meetings in regard to Chinderah Bay Marina, Cameron Property, Carool Road Winery, industrial land, Dickinsons, et al.

5.1.3 New Business:

- Tweed Town Centres Program – Patricia Jacobson has been appointed Tweed Town Centres Program Manager. Her contract will run until 30 June 2001, and any extension is subject to availability of funding.
- This quarter has seen the consolidation of work from the previous financial year including industrial land issues, the public announcements of the Tweed River Link Project, funding applications for a number of projects, including Tweed River Link, have been submitted.

5.1.4 Potential jobs: Total 625 to 975 jobs

Industrial land – Gold Coast	(conservatively)	300 to 600 jobs
Industrial land – south of Murwillumbah	(conservatively)	300 to 1,000 jobs
Chinderah Bay Marina and related businesses		170 jobs

Reports from Director Corporate Services

Carool Road Winery 8 jobs
Tweed River Link project (unable to estimate at this time)

5.1.5 Financial Statements for the quarter ended 30 September 2000 are yet to be ratified by the Board and will be forwarded as soon as possible. The audited 1999/2000 Statement of Accounts is with the Auditor for signature and will be forwarded to Council upon return.

5.1.6 Financial Statements for the quarter ended 30 September 2000 are yet to be ratified by the Board and will be forwarded as soon as possible.

Meetings Held 1 July 2000 to 30 September 2000

New Business	7
Existing Client	10
Government & Government Agency	3
Tweed Shire Council	16
Community Organisations	3
Total	39

Note: This list does not include undocumented, one off or "off the street" meetings, or meetings conducted or attended by the Tweed Town Centres Program Manager.

Documented Phone Calls Between 1 July 2000 to 30 September 2000

July	142
August	103
September	98
Total	343

Note: This list does not include undocumented phone calls or casual requests for general information.

Number and Category of TEDC Members for FY2000/2001

Standard Members	35
Sponsors	2
In Kind Sponsors	3
Original Subscribers still on TEDC Board	6

Reports from Director Corporate Services

Dates of Board Meetings for 2000

It is proposed that TEDC Board meetings will be held on:
AGM 26 October 2 November 7 December, 2000
25 January 2001.

Monthly reports will be sent to TSC as soon as practical following the end of each, non-quarter, month.

Financial Statements will need to be ratified by the TEDC Board following the end of the quarter before being forwarded to Tweed Shire Council.

CEO'S REPORT TO THE TEDC BOARD FOR THE MEETING OF 28 SEPTEMBER 2000:

1. Town Centres Program Update. The position of Program Manager was advertised and resulted in 31 initial enquiries, from which nine applications were received. The selection committee met and short-listed three applicants for interview. All interviews were conducted on Monday 11 September 2000. The selection committee recommended to the Tweed Town Centres Committee (TTCC) that Patricia Jacobson be appointed as the Town Centres Program Manager. The TTCC met on Wednesday 13 September and endorsed the appointment of Ms Jacobson, subject to final endorsement by the TEDC Board. (TEDC Board endorsed the appointment at its meeting on 28 September 2000.)

The Program is running smoothly and now that Ms Jacobson has been appointed full time, I believe the situation will continue to settle down and improve.

- 2.** TEDC attended a Development Application Process (DAP) meeting with the proponents of a tourist project on the old Tweed Rowing and Aquatic Club site. The proposal is to develop tourist units and to re-establish the original club. TEDC suggested the proponents also consider including in the proposal, the development of watercraft berthing facilities to complement their proposed resort and also take advantage of Chinderah Bay Marina and Tweed River Link projects.
- 3.** I met with David Broyd to discuss various industrial land issues. One issue is sewerage treatment works buffer zones and an inconsistency in allowed uses in the buffer zones. There is an apparent inconsistency between the uses allowable at Kingscliff in comparison to the Banora Point plant.
- 5.** TEDC met with Professor Chris Cooper, Foundation Professor of Tourism, Department of Tourism and Leisure Management, University of Queensland. The meeting was attended by Cr George Davidson (as a Director of both TEDC and TACTIC), John Griffin, Greg Redmond (General Manager, Daily News) and myself. Cr Warren Polglase was an apology. Prof. Cooper has an expansive background in Europe and the UK and has a strong commercial background. The meeting resulted out of an initial contact with Prof. Cooper prior to recent TACTIC upheaval. TEDC initially approached Prof. Cooper with the view to being engaged to review economic development generally, including tourism.

Reports from Director Corporate Services

Prof. Cooper's view is that tourism is very much part of economic development and should not be considered separately. He has submitted a brief on how he and the University can assist the Tweed.

6. John Foster (Chairman, TEDC Tweed River Link Advisory Group) and I met with Paul Davies, senior adviser from Federal Government's Regional Tourism Program regarding the Tweed River Link funding proposal.
7. TEDC met with representatives of the Broad construction company from Perth. They are the fourth largest construction company in Perth and have now established an office in Brisbane/Gold Coast. TEDC was able to make a valuable connection by introducing the company to the proponents of a large development planned for Tweed Heads.
8. A further meeting of the Industrial Land Task Force was held to review the Draft prior to going to Council. Doug Jardine and Mark Tickle (TSC) have done a great job and the Task Force Committee endorsed the draft. There was good news on the proposed Enterprise Park at Murwillumbah (land owned by Dickinson brothers). DUAP has given the green light on the rezoning application and advised that there is no need for any environmental studies on the portion of land identified for industrial purposes.
9. TEDC met with Deborah Souter, Mariko Hyland and Mr Tetsuya Terasaki, who represents a Japanese company interested in tourism/business project on the Tweed.
10. TEDC met with Lesley Buckley (TSC) and Patricia Jacobson (Town Centres Program) re various events and festivals planned for the Tweed. It was resolved to investigate opportunities to source funds to appoint a specific Events Co-ordinator for the Tweed.
11. TEDC met with the proponents of a carbon project. The proponents are holding discussions with Condong Sugar Mill.
12. I attended the Gold Coast Airport Forum organised by Margaret May, Member for MacPherson. Mrs May had arranged for Senator Ron Boswell (Parliamentary Secretary to the Minister for Transport & Regional Services) and Bill McKinley (Policy Adviser, Aviation Transport to the Minister for Transport and Regional Services, John Anderson, Deputy PM) to attend the meeting to discuss the importance of Coolangatta Airport to the Gold Coast/Tweed region. There were some 25 key stakeholders present and presentations were made by the Manager of Economic Development Gold Coast City Council, the Transport Engineer of Gold Coast City Council and Dennis Chant of Gold Coast Airport Ltd.

TEDC was the only representative from the Tweed present although Tweed Heads Chamber of Commerce was also invited, but was unable to attend. From the factual presentation of the EDU of Gold Coast City Council it is very clear that the airport is the backbone of the Gold Coast/Northern NSW economy, from both a tourism and business perspective and not only from an historic and current status point of view, but also looking to the future. On reviewing the facts as presented, and with an eye to the future, it is extremely critical that the Coolangatta Airport be supported in its endeavours as outlined in the New Master Plan. Interestingly there are many times more residents in the flight path to the north, in Queensland, than there are to the south in the Tweed Shire, and those to the north are not complaining.

TEDC voiced strong support, from an economic perspective, for Gold Coast Airport Ltd's new master plan, which incidentally only asks for the reservation of a corridor for future potential, not for approval to extend the current runway in the near future.

Reports from Director Corporate Services

TEDC was also invited to take a helicopter flight over northern New South Wales and South East Queensland to observe the broader region of the airport and the adjoining land, which incidentally is part of the industrial land study. The flight also inspected the north end of the NSW motorway, the sites of the proposed Tweed Coast resorts and flew up to Norvell to the north and covered the greater part of the Gold Coast region.

13. TEDC attended a meeting at Pottsville of the NSW Gateway Steering Committee.

14. TEDC attended a function at ARITC's Tanglewood campus.

15. **Tweed River Link update.** The Tweed River Link has gathered momentum and an application for funding through the Regional Tourism Program is being finalised. It has now been arranged for funds approved for a pontoon adjacent to the Murwillumbah World Heritage Rainforest Centre to be re-allocated to the proposed berthing facility in front of the Tweed Art Gallery. The Tweed River Charter Operators Association supports the re-allocation of funds as they see the benefits for both themselves and the town. The pontoons at the Rainforest Centre will be established as a later stage to the overall development.

The re-allocation of these funds now allows the TEDC application to reflect both in kind and cash contributions up front of approximately \$210,000 and in view of the \$1 for \$1 criteria; the grant application could be successful for between \$100,000 to \$130,000. This would allow the establishment of stage one, which is the boardwalk in front of the gallery, the 8 to 10 boat berthing facilities and a land-based structure.

Stage two of the Tweed River Link project will be subject to a grant application under the Regional Solutions Program.

16. **Regional Solutions Program update.** The TEDC has applied for \$100,000 under the Regional Solutions Programme to conduct the Tweed Agricultural Land Viability and Sustainability Study. I am optimistic of a successful result for this funding application. The study arose out of the TEDC LEP Advisory Group and, amongst other things, will address the 40-hectare minimum lot size, etc.

TEDC also submitted the Tweed River Link project to the Regional Solutions Programme as a potential pilot project.

17. TEDC has organised a meeting at which it is proposed to invite key stakeholders to meet with Jason Fuller of the NSW Convention Bureau to investigate the possibilities of marketing the Tweed as a conference/convention destination.

18. I will be attending a meeting in Grafton on 9 October with Regional Development Trust and Deutsche Asset Management, fund managers and investment arm of the Local Government Superannuation Scheme. The reason for attending is the potential source of investment funds for infrastructure projects in regional areas.

19. I was a guest at the board meeting of the Air Freight Council of Queensland. I spoke briefly on economic/commercial development opportunities in the Tweed.

20. The Auditors' Report is now available and the Annual General Meeting will be held on the evening of Thursday 26 October 2000.

For the Board's information following is a list of the projects, etc. undertaken by the TEDC in the last year. This list will form part of the Annual Report. Note: they are in no special order.

Reports from Director Corporate Services

1. The Chinderah Bay Marina and dry stack project. Land-based accommodation and 29 boat marina approved; EIS on larger marina in progress; dry stack approval in progress.
2. Carool Road winery and tourist resort. Approved.
3. Tweed River Link Project – making good progress. Stage one costs \$200-250,000. Funds being sourced from Regional Tourism Program \$100-130,000. Stages two and three will follow on from stage one completion – funds required \$300-500,000 – potential source is the Regional Solutions Programme.
4. Coolangatta Airport Enterprise Park Feasibility Study. Total cost \$65,000; study will be finalised in October 2000. Jointly funded by NSW Department of State and Regional Development, Tweed Shire Council, Gold Coast City Council, Southern Corridor Regional Development Organisation, Queensland State Development Department (\$55,000) with \$10,000 in kind from TEDC.
5. Industrial Land Task Force established as a result of TEDC industrial land initiatives. Now identified and prioritised sites across Tweed Shire for current and future development.
6. Industrial land/Enterprise Park proposal for Murwillumbah. An application has been lodged to rezone and develop 200 acres (approx. 90 hectares) for large lot industrial land. Subject to TSC approval available in next 12 months.
7. TSC and TEDC Strategic Working Group established to develop economic development strategies.
8. The Tweed Agricultural Land Viability and Sustainability Study – funds applied for under the Regional Solutions Programme. Study has the potential to be recognised as a pilot study.
9. Successful amalgamation with the Tweed Town Centres Program – now managed and administered by the TEDC.
10. TEDC continues to produce quarterly newsletters with a distribution of approximately 26,500 copies. This newsletter has become a vehicle for expressing and explaining the need for change in the investment and economic growth climate of the Tweed. Feedback indicates a strong community acceptance.
11. The TEDC CEO continues to write a regular column in the *Daily News* and the *Around Tweed Valley* magazine. Again the feedback is positive acceptance.
12. The TEDC was unsuccessful in accommodating Kingfisher Boats – who located in Yatala because of the availability of appropriately zoned, ready to use land. 35 jobs lost and much TEDC time.
13. Australian Native Wines project still in progress.
14. \$400,000 negotiated for Tweed Shire Council with RTA and State Government for the revetment of the riverbank at Chinderah along the old Pacific Highway.
15. The TEDC CEO is involved as an active member of the following committees:
 - Tweed Town Centres Committee;
 - Industrial Land Task Force;
 - TSC Strategic Working Group;
 - Gold Coast Innovation & Technology City Group;
 - Gold Coast/Tweed Alliance for a Sustainable Future;
 - NSW Tourist Gateway Project;

Reports from Director Corporate Services

- Abigroup – Murwillumbah Bypass Gateway Statement Committee;
 - Association of Independent Regional Development Organisations (AIRDO);
 - TEDC LEP Special Advisory Group;
 - TEDC Tweed River Link Advisory Group; and
 - Gold Coast Airport Advisory Committee.
16. Produced the Demographic Profiles for Tweed Heads, Chinderah/Kingscliff and Murwillumbah regions.
17. Future projects:
- Investigate potential to market the Tweed as a conference destination and establish a working group to source funds to appoint a conference organiser;
 - Investigate potential to engage an events co-ordinator;
 - Forge closer links with tourism in the Tweed;
 - Encourage TSC to develop incentives packages to attract business and industry to the Tweed;
 - Begin a marketing campaign to attract industry when appropriate industrial land becomes available.
-

Reports from Director Corporate Services

15. ORIGIN: Financial Services Unit

FILE REF: Budget

REPORT TITLE:

Investment Report

SUMMARY OF REPORT:

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

RECOMMENDATION:

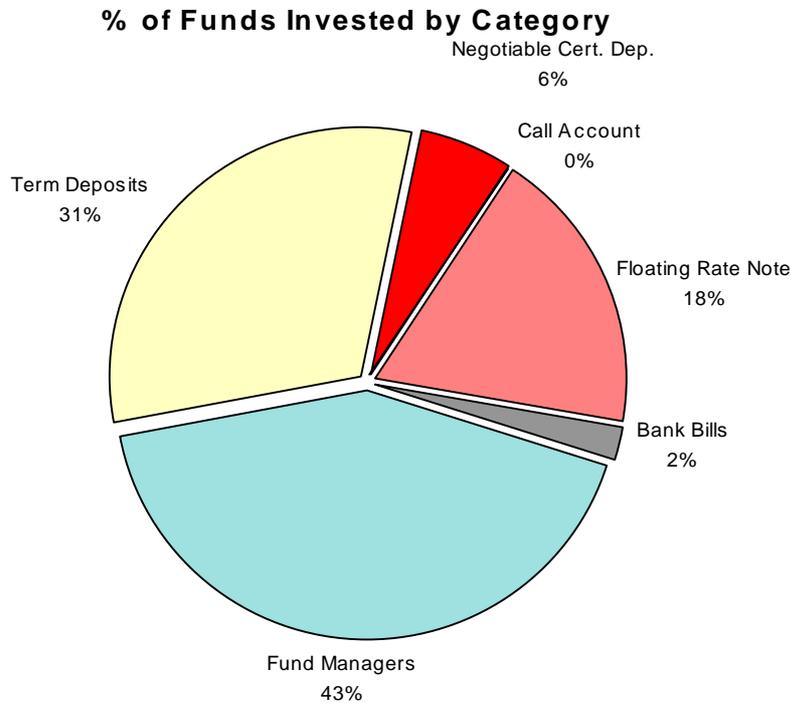
That this report be received and noted.

Reports from Director Corporate Services

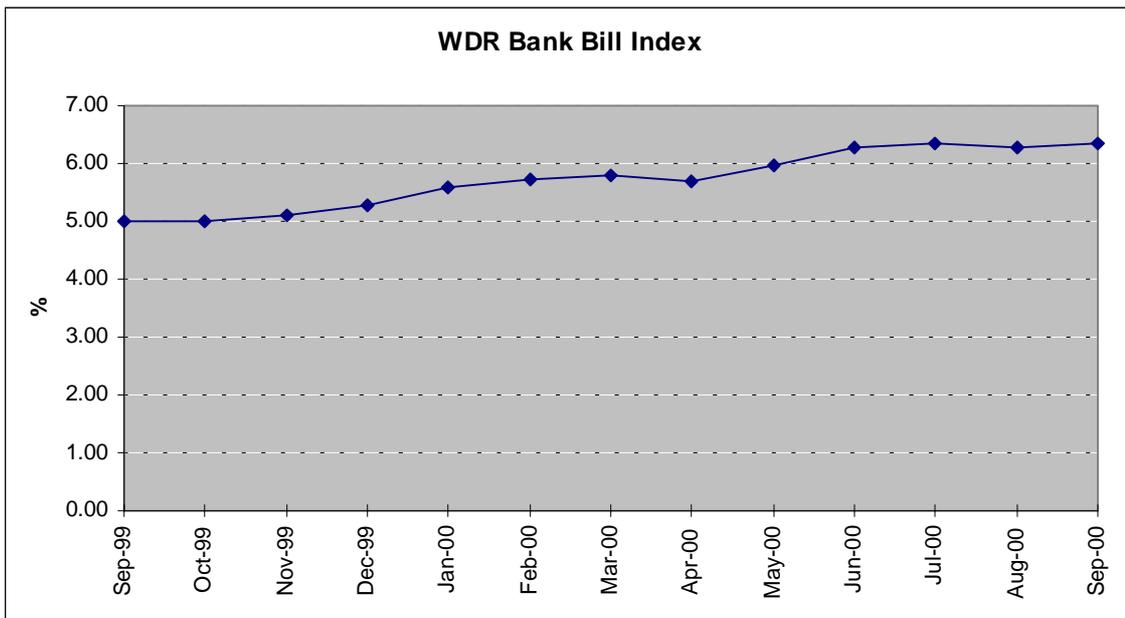
REPORT:

The following financial information is provided for the period ending 30 September 2000:-

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



2. INVESTMENT RATES – 90 BANK BILL RATE (%)

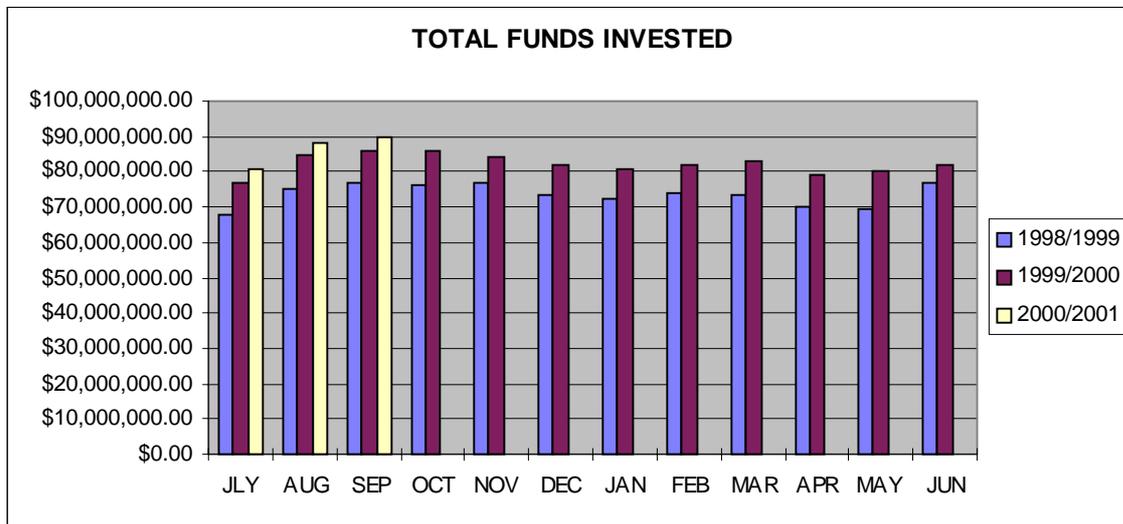


Reports from Director Corporate Services

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

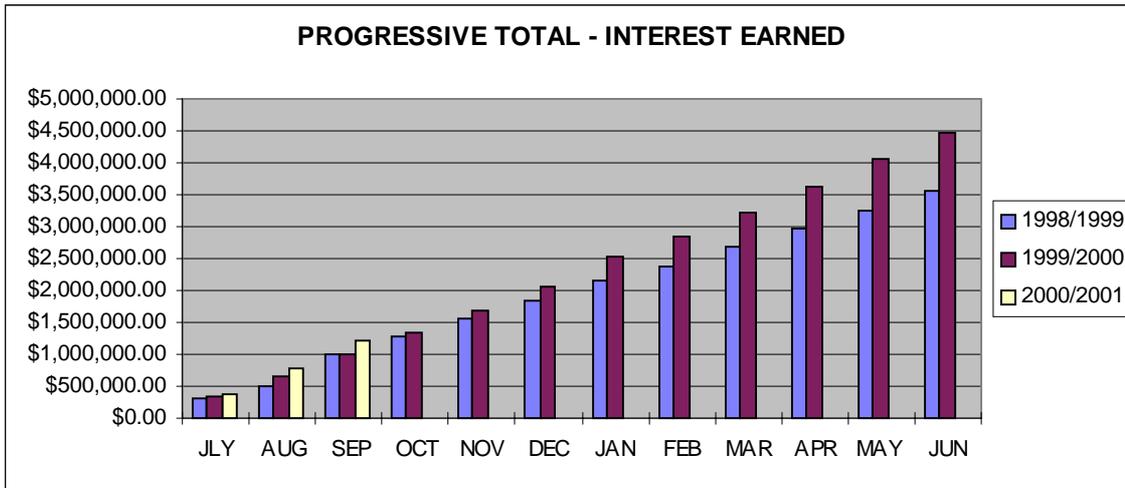
Fund	30 Days %	90 Days %	1 Year %
ANZ	6.45	6.60	6.12
Bankers Trust	6.47	6.45	5.76
Macquarie	6.86	5.87	5.47
National Mutual	6.70	6.47	5.95

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Director Corporate Services

5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

Data released for Australia during September was evenly balanced with GDP growth for the June quarter weaker and August employment growth stronger than market expectations.

US data continued to confirm moderating growth with minimal inflationary fears.

The Australian market rallied strongly in price in early September in line with the US to hit lows in yield. Prices then fell for the remainder of September, with yields ending the month almost unchanged.

Reports from Director Corporate Services

7. INVESTMENT SUMMARY AS AT 30 SEPTEMBER 2000

GENERAL FUND

BANKS	28,155,000.00	
FUND MANAGERS	222,236.47	
LOCAL GOVT. FIN. SERVICES	1,500,000.00	
CALL	21,180.54	29,898,417.01

WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	25,513,263.36	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	33,513,263.36

SEWERAGE FUND

BANKS	2,056,000.00	
FUND MANAGERS	12,022,588.41	
LOCAL GOVT. INV. SERVICE	12,496,368.50	26,574,956.91

TRUST

FUND MANAGERS	50,000.00	50,000.00
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TOTAL INVESTMENTS	90,036,637.28
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It should be noted that the General Fund investments of \$29.9 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

STATUTORY STATEMENT - LOCAL GOVT FINANCIAL MANAGEMENT REGULATIONS (SEC.19)

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



R R Norvill CPA
 Responsible Accounting Officer
 Manager Financial Services

Reports from Director Corporate Services

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Reports from Director Corporate Services

16. ORIGIN: Administration Services Unit

FILE REF: TEDC

REPORT TITLE:

Membership of the Tweed Economic Development Corporation

SUMMARY OF REPORT:

The Tweed Economic Development Corporation Articles of Association provide for two Councillors and one staff member to be on the Board. The staff member was the General Manager who vacated the position in August 1999 and has not been replaced.

RECOMMENDATION:

That Council determines this report.

Reports from Director Corporate Services

REPORT:

The Tweed Economic Development Corporation Articles of Association provide for two Councillors and one staff member to be on the Board. The staff member previously on the Board was the General Manager, however in August 1999 the General Manager resigned from the Board.

The options now available to Council are:

1. To appoint another staff member to the Board of the Tweed Economic Development Corporation.
2. Request the Board of the Tweed Economic Development Corporation to amend its Articles of Association to delete the staff member from the Board.

For Council's determination.

Reports from Director Engineering Services

17. ORIGIN: Works Unit

FILE REF: Sports & Recreation – General, Roads – General, Works Program

REPORT TITLE:

"Speed on Tweed" Event

SUMMARY OF REPORT:

Council has had presentations from a group organising a "Speed on Tweed" event to be held in Murwillumbah in 2001. The types of vehicles used in this event require an asphalt surfaced road and a reasonable profile (i.e. no major defects).

In order to achieve this, works will be required on roads that in the main are included in the forward Works Program.

RECOMMENDATION:

That Council supports the "Speed on Tweed" event and advances proposed roadworks by deferring Reserve Creek Road and Ewing Street and including Queensland Road, Murwillumbah Street and Rous Street in the 2000/2001 Works Program.

Reports from Director Engineering Services

REPORT:

Council has had presentations from a group organising a "Speed on Tweed" event to be held in Murwillumbah in 2001. The types of vehicles used in this event require an asphalt surfaced road and a reasonable profile (i.e. no major defects).

The route proposed is to commence at the Showground entrance and travel via Mooball Street, Rous Street, Ewing Street, Queensland Road, Murwillumbah Street and back down Mooball Street to the start. This route has been inspected with representatives of the organising committee and the following work would be required:-

ROAD	WORK REQUIRED	ESTIMATED COST \$
Mooball Street (Queensland Road to Rous Street)	Stabilisation & AC surface	25,000
Rous Street	Reconstruction & AC surface	54,000
Ewing Street	AC Resurface (part only)	3,000
Queensland Road	Reconstruction & AC surface	150,000
Murwillumbah Street	Reconstruction & AC surface	120,000
Mooball Street (Murwillumbah Street to Queensland Road)	AC Resurface	28,000
	Estimated Total:	380,000

The promoters are proposing that the event be held in September/October 2001. For this to occur Council would need to complete the necessary roadworks in June/July 2001. This would necessitate deferring works from the current program next year.

Upgrading of Queensland Road and Murwillumbah Street is included in Council's forward Works Program for 2002/2003 and 2001/2002 respectively.

The resurfacing of Mooball and Ewing Street (\$56,000) can be accommodated from the 2001/2002 resealing program which would leave work to the value of \$322,000 to be deferred. As the funding for these roads is included in different programs, the works deferred should correspond to those programs. This would require \$150,000 to be deferred from the FAG Program and \$174,000 from the Revenue Program.

If Council were to support the concept and defer works the following options are available:-

1. FAG Program - Defer Reserve Creek Road \$150,000 in favour of Queensland Road.

Reports from Director Engineering Services

2. Revenue Program - Defer the Ewing Street project which is adjacent and in the following year's program for Murwillumbah and Rous Streets.

Following is a copy of the "Speed on Tweed" proposal.

Reports from Director Engineering Services

ROGER & MARGARET EALAND
"WOLLUMBIN PALMS"
6 MOUNT WARNING ROAD
MOUNT WARNING
MURWILLUMBAH NSW 2484
PHONE & FAX 0266-795278

'SPEED ON TWEED'



2001

September 22nd and 23rd

Reports from Director Engineering Services

SPEED ON TWEED 2001

Historic Motor Event
around the streets of Murwillumbah

BACKGROUND

Motor Racing is used as a focal event to attract tourists and re-image cities in Australia, i.e. Melbourne (Grand Prix), Canberra (V8 Super Cars), Adelaide (Le Mans), Surfers Paradise (Indy Cars). These cities pay tens of millions for the right to host these events because they have a proven success record in boosting the local economy.

Around Australia there are many highly successful, smaller motor events taking place in local communities. New England GP, Leyburn Sprints, Noosa Hill Climb etc. These events are now on the Motor Racing Calender and attract full grids and thousands of spectators.

In the 1940's and 50's Motor Races were held on closed public roads or temporary circuits around a town - not a dedicated circuit as they are today.

Reports from Director Engineering Services

SPEED ON TWEED 2001

The Committee are planning to recreate the sound, smells and excitement of a 1940 Grand Prix around the streets of Murwillumbah on the 22nd and 23rd September, 2001.

The circuit, based near the showground with it's permanent facilities, is 1.4 kilometres long, and the adjacent sports fields will be the circuit infield. The circuit has had it's initial inspection to make sure that it is possible for it to meet the strict Australian Safety Standards.

The cars will be Historic Sports and Racing Cars and Motor Bikes between 30 and 80 years old. We would confidently expect to be attracting 150 to 200 competitors.

Reports from Director Engineering Services

WHO IS ORGANISING THE EVENT

Three local Historic Motor Racing enthusiasts have formed this organising Committee and have undertaken the initial feasibility study, talking to Council, the Confederation of Australian Motor Sports (CAMS), the Police, and Local Residents affected by the circuit.

The Committee has engaged John Jones and his team who are professional Motor Racing Organisers, to run the event. They currently run Indy at Surfers and Lakeside Motor Racing Circuit. They will be responsible for the Circuit Marshals, Fire Marshals, Ambulance, Competitors, Safety and Crowd Control. They will also be responsible for competition timing, results etc.

This expertise will make the event run smoothly and their contacts within CAMS and racing circles will streamline the organisation.

Reports from Director Engineering Services

WHY MURWILLUMBAH?

Murwillumbah is a fabulous, attractive, country town. It has an enthusiastic council who can see the benefit of such an event. It is soon to be by-passed by the highway and therefore needs a boost and an identity.

Murwillumbah is ideally situated and the event will attract spectators from the Gold Coast, Brisbane, Toowoomba and Warwick and south to Grafton and Coffs Harbour. We would expect at least 10,000 spectators over two days.

Southern competitors from Melbourne and Sydney will love to 'thaw out' after the winter and many will combine it with a two week holiday, as Lakeside Historic Races are a fortnight later.

PURPOSE OF THE EVENT

All proceeds from the event are to go to equipping the Operating Theatre at the Murwillumbah Hospital. Our purpose therefore is for the event to have a fun, exciting two days, to show off The Tweed, give the town a lift, but most of all raise \$50,000 to donate to the Hospital.

The one thing that every resident will agree on is that we have an excellent Hospital. The hospital will be the back bone of the event and will be used in all promotional material.

Reports from Director Engineering Services

ADDITIONAL ACTIVITIES

There will be many opportunities to involve the town in the event.

Example:

- 1) Host a driver. We would like the visiting drivers to stay with local families on an agreed Homestay Scheme.
- 2) Schools. Art Competition to design the Poster.
- 3) Expo of Murwillumbah. Success Stories.
- 4) Shop front competition for the display that best captures the spirit of the event.
- 5) Food Fest - so that at the event food will show off the best of Tweed Fare - Seafood Fruit, Coffee & Tea etc.
- 6) Musical entertainment by local bands and groups

Reports from Director Engineering Services

PROMOTION

Channel 10 has been very enthusiastic about promotion the event for us. We feel confident that a major sponsor will see the benefit of linking with us to make the “Speed on Tweed” an exceptional success.

There will be many opportunities for national and local businesses to take advantage of the excitement and atmosphere and link with the event to promote themselves and their products.

Reports from Director Engineering Services

18. ORIGIN: Water Unit

FILE REF: Roads – Closure - General

REPORT TITLE:

Cabarita Half Ironman Triathlon

SUMMARY OF REPORT:

Approval is sought to stage the Cabarita Half Ironman Triathlon on Sunday 3 December 2000 which will involve the temporary closure of a number of streets and roads in Cabarita, Eviron and the Nunderi areas.

The event was successfully run last year.

RECOMMENDATION:

That approval be given for the staging of the Cabarita Half Ironman Triathlon subject to Council's standard temporary road closure conditions being adhered to.

Reports from Director Engineering Services

REPORT:

Following the success of last year's Inaugural Cabarita Half Iron Triathlon the event organiser has sought Council permission to conduct the same event on Sunday 3 December 2000.

The event, starting and finishing at the Cabarita Gardens Lake Resort, involves a 1.9km swim in the Tamarind Avenue Canal and Cudgen Lake, a bike leg of 2 x 45km laps out and back along Clothiers Creek Road, Eviron Road and Norths Lane and a run of 2 x 10.5km laps out and back along Clothiers Creek Road to Tanglewood flats. The event is programmed to start at 6:00am (DST) with the last competitor to finish at 1:00pm (DST).

Between 350 – 450 competitors are expected to participate in the event.

As part of approval conditions for last year's event the organisers were requested to letterbox drop all properties affected by the temporary road closures and to provide advance warning signs along the cycle and run routes advising motorists of the proposed temporary closure times and dates.

Similar requirements will be included in approvals for this year's event.

Feedback to Council following last year's event was very positive with accommodation and restaurants in Cabarita and surrounding Tweed Coast Villages supported by visiting competitors and spectators.

Only one (1) complaint was received against the staging of the event.

It is recommended that the staging of the Cabarita Half Ironman Triathlon on Sunday 3 December, 2000 be supported, subject to Council's standard temporary road closure conditions being adhered to.

Reports from Director Engineering Services

19. ORIGIN: Planning & Design Unit

FILE REF: GS4/94/141 Pt2

REPORT TITLE:

Proposed Road Closure & Purchase Adjacent to Lot 1 DP 629387 Camphor Laurel Road, Cobaki

SUMMARY OF REPORT:

An application has been received from Colin Pywell Pty Ltd, Consulting Engineers, to close and purchase unnecessary public road following the realignment and reconstruction of Camphor Laurel Road at Cobaki.

The road closure site, shown hatched on the following diagram and comprising 390.9 sq m, is well clear of the existing road formation and it is intended that the purchase price be waived in lieu of land dedicated as road widening shown as "A" and "B" on the diagram.

RECOMMENDATION:

That:-

1. Council approves the application to close part of Camphor Laurel Road adjacent to Lot 1 DP 629387.
2. The Title to the closed road be consolidated with the adjacent land.
3. The applicant bears all legal and survey costs involved, and
4. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application has been received from Colin Pywell Pty Ltd, Consulting Engineers, to close and purchase unnecessary public road following the realignment and reconstruction of Camphor Laurel Road at Cobaki.

The road closure site, shown hatched on the following diagram and comprising 390.9 sq m, is well clear of the existing road formation and it is intended that the purchase price be waived in lieu of land dedicated as road widening shown as "A" and "B" on the diagram.

Reports from Director Engineering Services

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Reports from Director Engineering Services

20. ORIGIN: Director

FILE REF: Water Quality - Catchment

REPORT TITLE:

Management of Giardia and Cryptosporidium in Tweed's Water Supply

SUMMARY OF REPORT:

The 1998 Sydney water crises was a highly publicised event attracting wide community, media and political attention. The events have been well documented including the government inquiry conducted by Peter McClellan, QC. As a result of the McClellan inquiry the Sydney Catchment Authority was established to ensure catchment activities give the highest consideration to the protection of Sydney's water supply.

It is incumbent on all water authorities to understand the issues surrounding the Sydney water crises and pursue and address their own operational and management practices to ensure the maximum level of public health is afforded to its community.

The management of Giardia and Cryptosporidium in raw water catchments is the key issue to be addressed by water authorities largely as an outcome of the Sydney crises. This report provides an overview of contemporary industry practice in relation to the management of Giardia and Cryptosporidium in town water supplies. It concludes by recommending that Council undertakes a hazard identification and risk assessment of the Tweed District Water Supply Catchment with a view to establishing protocols consistent with responsible operational and land use activity to afford the maximum public health protection of our community.

RECOMMENDATION:

That Council proceeds to undertake a hazard identification and risk assessment of the Tweed District Water Supply Catchment generally as detailed in the report.

Reports from Director Engineering Services

REPORT:

PROVISION OF WATER SUPPLY SERVICES BY LOCAL GOVERNMENT COUNCILS

Pursuant to the Local Government Act 1993, local government councils (including county councils) have been delegated operational responsibility for the provision of water supply (and sewerage) services in NSW country towns. There are currently over 120 councils providing reticulated water supplies to more than 1.6 million people in 375 towns, in NSW.

Council has no responsibility with respect to the provision of drinking water services including the planning, construction, operation and maintenance of these services in a manner which is cost-effective, meets community needs, provides drinking water that is safe for human consumption, meets regulatory requirements, and achieves sustainable environmental outcomes.

Council also has statutory responsibilities for local planning and approvals processes which can have implications for the management of water supply services.

THE NEED FOR GOOD QUALITY DRINKING WATER

With regard to microbiological contaminants, two pathogens of current concern are Giardia and Cryptosporidium.

In recent times there have been a number of incidents overseas and in Australia (Sydney) involving the contamination of drinking water supplies with Giardia and Cryptosporidium. Although there was no increase in diarrhoeal diseases associated with the Sydney incident, significant public health effects have arisen overseas, the most infamous being the outbreak in Milwaukee which resulted in over 400,000 cases of Cryptosporidiosis and 54 deaths.

It is a fundamental responsibility of Council to maintain good drinking water supplies to ensure that public health is protected.

CATCHMENT MANAGEMENT, PLANNING AND APPROVALS

The McClellan Report (1998) and the Australian Drinking Water Guidelines (NHMRC/ARMCANZ, 1996) both emphasise that the most effective approach to keeping Giardia and Cryptosporidium from a water supply is to adopt a multiple barrier approach. This is also true for other pathogens with the potential to contaminate water supplies. Catchments are the first and most critical barrier in a multiple barrier approach that is required to protect drinking water quality for rural communities. This was recognised in the McClellan Report (1998) which stated I "*The most effective element in the multiple barrier approach to water quality is effective catchment management.*" While this does not eliminate the need for water treatment, it does provide a first barrier to contamination.

Every effort should be made to prevent pathogens from entering catchment waters to limit the potential of water supply contamination. It is recognised that deteriorating catchments can result in increased risks to human health. The lower the quality of source water the greater the reliance on water treatment processes to protect human health. McClellan also recognised that no level of treatment should be relied upon to counter the impact of continually deteriorating raw water quality.

The Australian Drinking Water Guidelines (NHMRC/ARMCANZ, 1996) refer to catchment management as an activity central to maintaining good water quality, and strongly recommend

Reports from Director Engineering Services

control of land use activities within the catchment. Together with inspections and monitoring, it may form part of an effective total catchment management program.

FACTS ABOUT GIARDIA AND CRYPTOSPORIDIUM

At present the National Health and Medical Research Council and NSW Health do not recommend routine testing of drinking water for Giardia and Cryptosporidium and no health-based guideline value has been set, largely due to the lack of a method to identify human infective organisms in drinking water.

Giardia and Cryptosporidium are small protozoa that inhabit the gastrointestinal tract of humans, domestic and native animals. They cannot multiply outside a host. They both produce infective cysts (called oocysts for Cryptosporidium) which are shed in faeces in large numbers. Infected calves can produce up to 10 billion oocysts daily for up to 14 days.

Giardi and Cryptosporidium have been detected throughout Australia in raw water supplies at low levels.

Boiling water for 1 minute will inactivate the parasites. Currently there are no NATA certified methods for testing, or laboratories accredited to undertake testing for Giardia and Cryptosporidium. There are several laboratories undertaking routine testing for the parasites but recovery rates vary between laboratories. Results obtained by current methods do not determine infectivity and, depending on test method, viability is not necessarily known either.

CATCHMENT MANAGEMENT

The Tweed water supply catchment is the first and most critical barrier in a multiple barrier approach that is essential to protect drinking water quality for our community. The lower the quality of raw water the greater the reliance on water treatment processes to protect public health. It is accepted that no level of treatment should be solely relied upon to counter the impact of continually deteriorating raw water quality.

Consequently, to provide good drinking water quality it is essential that catchment management practices promoting clean raw water supplies be implemented. Appropriate catchment management techniques and planning controls will assist council to reduce the risk of water borne pathogens such as Giardia and Cryptosporidium.

The best approach is to firstly safeguard and improve the environmental health of the catchments and secondly identify and control potential sources of contamination so that pathogens generated in the catchment are prevented from entering raw water supplies.

RISK MANAGEMENT ASSESSMENT

The goal of all drinking water supply providers should be to provide supplies clear of infective pathogens including Giardia and Cryptosporidium. A number of planing and management practices can be put into place to help reduce the potential for Giardia and Cryptosporidium incidents.

DLWC in conjunction with a steering committee of industry representatives including the NSW Local Government Water Industry Directorate have prepared protocols to assist councils to manage their water supply services in a way which will lessen the likelihood of pathogens, particularly Giardia and Cryptosporidium, being introduced into drinking water supplies. The Protocols provide

Reports from Director Engineering Services

practical advice on a range of planning, management, operation and maintenance procedures, and education and awareness practices that can be integrated into councils’:

- existing management system for water services;
- local planing and approvals processes; and
- environmental and public health related activities.

APPROACH TO THE MANAGEMENT OF GIARDIA AND CRYPTOSPORIDIUM

The main elements of the approach taken in developing the Protocols are:

- multiple barriers to contamination from the catchment through to the consumer;
- risk analysis and management; and
- monitoring at critical control points.

The process of risk management is employed to evaluate critical elements of the water supply system and determine those events which may be of significant risk to community health, with regard to protozoans Giardia and Cryptosporidium. Action plans are suggested for high risk events. Advice on incident management is also set out.

The multiple barrier approach is one, which reduces the risk of an incident occurring by managing and optimising the barriers, at all points throughout the water supply system. By shoring up several barriers through the system the overall risk of an incident is significantly reduced.

The barriers addressed in the Protocols include:

- catchment management, planning and approvals processes;
- water storage and extraction management.

DUTY OF CARE

Although there are no legislative standards relating to the supply of potable water, the common law will, in appropriate cases, enable customers, who may be harmed or who may suffer ill effects as a consequence of using or drinking affected water, to commence proceedings to recover damages.

Council will have to satisfy a court, if it is to successfully defend any actions, that it took all reasonable and appropriate steps and actions to either warn consumers of the problem or to remove the problem.

IDENTIFICATION OF SOURCES OF CONTAMINATION

The major sources of pathogenic contamination that put human health at risk are associated with animal and human faecal matter. Consequently, activities that result in human or animal faecal contamination of water supplies are those that present the greatest risk to public health.

Under the DLG’s on-site sewage management program, councils are encouraged to adopt a catchment management approach to assess and monitor localised sewage pollution and to supervise the operation of on-site sewage management systems. Councils are also encouraged to conduct

Reports from Director Engineering Services

sanitation reviews to identify and assess sewage pollution risks in environmentally sensitive areas such as drinking water catchments and shellfish harvesting areas, and to generate, evaluate and document practical options to minimise those risks.

SOURCES OF CONTAMINATION OF WATER SUPPLIES WITHIN CATCHMENTS

	RISK CONDITIONS	
	Higher	Lower
Animal Sources		
Livestock grazing.	<ul style="list-style-type: none"> ▪ unrestricted grazing adjacent to water courses. ▪ poorly vegetated riparian zone. ▪ close to water supply abstraction points and storages. 	<ul style="list-style-type: none"> ▪ fenced waterways and vegetated banks providing a buffer between grazing animals and water supplies.
Intensive agricultural activities (dairies, feedlots, piggeries, sale yards, poultry).	<ul style="list-style-type: none"> ▪ waste management poorly managed and failing to implement environmental controls adequately. 	<ul style="list-style-type: none"> ▪ well managed concerns with best practice management systems.
Stormwater discharges containing faecal material from domestic animals.	<ul style="list-style-type: none"> ▪ during reasonable rainfall events following dry periods. 	<ul style="list-style-type: none"> ▪ following extended rainfall periods.
Native animals within catchment.	<ul style="list-style-type: none"> ▪ high numbers of native species within small catchment areas. 	<ul style="list-style-type: none"> ▪ low numbers of native species and large catchment areas.
Human Sources		
Septic tank effluent discharge.	<ul style="list-style-type: none"> ▪ poorly managed and maintained systems. 	<ul style="list-style-type: none"> ▪ well managed and maintained systems.
Sewage effluent river discharge.	<ul style="list-style-type: none"> ▪ poorly managed and maintained systems. 	<ul style="list-style-type: none"> ▪ well managed and maintained systems.
Sewage effluent reuse and biosolids applications.	<ul style="list-style-type: none"> ▪ poorly managed schemes. 	<ul style="list-style-type: none"> ▪ well managed schemes.
Landfill sites.	<ul style="list-style-type: none"> ▪ poorly contained and managed sites. 	<ul style="list-style-type: none"> ▪ well contained and managed sites.
Sewage overflows.	<ul style="list-style-type: none"> ▪ associated with extreme rainfall events. 	<ul style="list-style-type: none"> ▪ associated with short-term rainfall events.
Boating/shipping on navigable waterways.	<ul style="list-style-type: none"> ▪ wastes discharged directly to waterway. 	<ul style="list-style-type: none"> ▪ wastes contained and treated prior to disposal.

Table 3.1: Sources of Contamination of Water Supplies Within Catchments

Reports from Director Engineering Services

LIVESTOCK GRAZING

Young cattle and sheep are primary reservoirs of *C. parvum*. Consequently, dairying and lambing carry a high risk of *Cryptosporidium* contamination.

Where animals have direct access to raw water supply waterways and deposit faecal material in or next to waterways, there is the potential for pathogenic contamination of raw water supplies. The highest risks are associated with unrestricted grazing adjacent to unfenced waterways that are not well vegetated and are close to raw water supply offtakes or storages.

The more barriers that are in place between water supply waterways and significant number of grazing livestock, the lower the contamination risk.

OPTIONS FOR COUNCIL

To limit potential risks associated with grazing industries, council may consider implementing or encouraging the creation of buffer zones between grazing areas and raw water supply waters by encouraging landholders to:

- vegetate riparian zones to increase infiltration during rainfall events, preventing pathogens from entering waterways;
- water animals away from creeks and riverbeds by providing dams and/or troughs; provide shade trees for stock away from riparian areas, and
- fence waterways, particularly those identified as important to water quality. While the fencing of all water bodies in a catchment is likely to be an expensive option, at the minimum, the inner catchment for water supplies should be well controlled to exclude stock.

WATER CONTAMINATION RISK MANAGEMENT

The new guidelines recommend a risk assessment be undertaken within the catchment. In a general sense this review would:-

- monitor and research aspects of the catchment to assess the state of the catchment, identifying and qualifying where possible risks to the integrity of drinking water supplies within the catchment. The state of the catchment regarding pathogens can be measured indirectly using a number of criteria, including faecal coliforms and turbidity. Identification of risks may involve reviewing land uses and types of agricultural industries, as well as considering sewage disposal facilities within the catchment;
- prioritise the risks identified;
- determine a plan of action dealing with each risk, considering the catchment as a whole and involving the various parties with concern and responsibilities for the catchment;
- implement the actions; and

Reports from Director Engineering Services

- develop landuse planning policies with consideration of risks to the catchment. Catchment management plans and LEPs should be used as tools to assist in developing and implementing best practice management.
-

Reports from Director Engineering Services

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Reports from Director Engineering Services

21. ORIGIN: Works Unit

FILE REF: R2000 Pt1 R3130

REPORT TITLE:

McAllisters Road, Farrants Hill Road Sealing

SUMMARY OF REPORT:

Council has previously considered the sealing of McAllisters Road and Farrants Hill Road. Responses have been received from residents of both areas regarding any contribution towards the upgrading.

RECOMMENDATION:

That Council approves the sealing of Farrants Hill Road and defers the Fingal Road project.

Reports from Director Engineering Services

REPORT:

At its meeting on 2 August 2000, Council resolved that:-

- “1. Council considers the allocation of \$200,000 from within the existing roads construction budget for the sealing of McAllisters Road and Farrants Hill Road from the end of the bitumen seal to the school bus turnaround. The Director Engineering Services to bring forward a report on how this can be achieved.*
- 2. In setting priorities the Chief Engineer takes into account circumstances where residents have offered to contribute to the seal.”*

Subsequently, letters were forwarded to a representative of each road advising of the resolution and requesting advice from them on residents making a contribution towards the proposed works.

A response has been received from both areas and these are reproduced below. The residents from Farrants Hill Road have offered a contribution of \$25,000 while the residents of McAllisters Road have offered reasons for not making a contribution.

Following further inspections on site with representatives of both roads more detailed estimates of roadworks have been made. These are:-

McAllisters Road	-	1.65km	\$146,000
Farrants Hill Road	-	2.07km	\$230,000
			(\$205,000 Council)

McAllisters Road requires no earthworks and the project involves additional gravel, some concreting of table drains and a 6.0 metre bitumen seal.

Farrants Hill Road will require extensive earthworks on the unsealed section east of the bus turnaround. This will involve six corners being widened to provide better sight distance and a two lane road.

Under Council's current policy on sealing gravel roads with resident's contributions the following roads have been sealed in recent years:-

Byrill Creek Road	100m
Rowlands Creek Road	(100m completed & another 100m paid for)
Blakeney's Road	2.6km
Blissetts Road	1.5km
McDonalds Road	0.95km
Midginbil Road	0.32km
Upper Duroby Creek Road	1.66km
Geles Road	1.12km

Reports from Director Engineering Services

Snake gully Road	1.23km
Ophir Glen Road	0.14km
Loders Road	0.78km
Ryans Road	0.36km
Pinnacle Road	0.48km
Fernvale Road	0.42km
McAuleys Road	1.04km
Old Lismore Road	0.72km
Farrants Road	0.15km
Nolans Road	2.7km
Melaleuca Road	0.65km
Cranneys Road	1.17km
Total:	18.2 kilometres

As the residents of Farrants Hill Road have offered contributions and the road is not as safe as McAllisters Road and is a through road it should be given preference in any upgrading. To allow funding for this work to proceed it will be necessary to defer an existing project from the current Works Program. It is recommended that the Fingal Road project be deferred.

Should Council still desire to complete the seal on McAllisters Road one of the following uncompleted rural road projects would need to be deferred:-

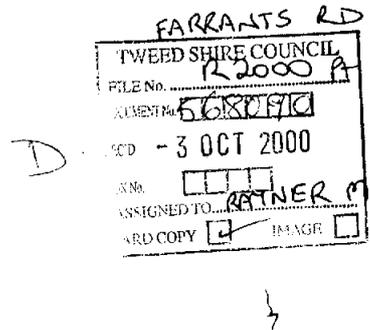
Cudgen Road	\$150,000
Piggabeen Road	\$90,000
Clothiers Creek Road	\$198,000

Reports from Director Engineering Services

FARRANTS ROAD RATEPAYERS AND RESIDENTS
C/- 292 FARRANTS ROAD
CONDONG NSW 2484
Telephone: 02/66777297

3 October 2000

Tweed Shire Council
Works Department
Tumbulgum Road
MURWILLUMBAH 2484



Dear Sir,

Re: Sealing of Farrant's Road

After consultation with our residents, we hereby make a submission to Council, to contribute to the sealing of Farrant's Road, at a rate half of that which was quoted to us by Mr M. Rayner.

We believe that if Council was to accept our submission, we would be able to raise the \$25,000 necessary.

In considering our submission, we implore Council to consider special factors, which we believe, reduce our obligations to contribute at the standard rate previously applied to 'non through roads'.

These factors are:

1. Our well-recognised 'black spot' status
2. Our significant 'through road' usage which includes heavy vehicles and small tour buses
3. Our strategic 'scenic drive' status, linking much of our local tourism infrastructure

Hoping you will give your favourable consideration to this request, we look forward to your reply in due course.

Yours sincerely,

P. G. DIXON
on behalf of Farrant's Road Ratepayers/Residents

Reports from Director Engineering Services

20 September, 2000.

Ms. Barbara Hayward,
PO Box 917,
Tweed Heads. NSW. 2485.

McALLISTERS RD Tel/Fax # 07/5590 9462

Mr. Mike Rayner,
Director, Engineering Services,
Tweed Shire Council,
PO Box 816,
Murwillumbah. NSW. 2484.

TWEED SHIRE COUNCIL	
FILE No.	R 3130 Pkl
DOCUMENT No.	5706139
REC'D	21 SEP 2000
BOX No.	
ASSIGNED TO	RAYNER M
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>



Dear Mr. Rayner,

By Fax to # 02/6672 0483

Sealing of McAllisters Road.

I acknowledge receipt of your letter of 9 August, 2000 asking for contributions from McAllisters Road residents towards the sealing of the road. I have now consulted the residents and their overwhelming response is that it is both unfair and unjust to be asked to contribute towards something they are entitled to, on the following grounds:-

1. The Council's policy for rural residents does not apply in our case. Bilambil Heights is approx. 15 minutes from the town centre, and a residential suburb of West Tweed; and not as Council suggests, a rural area such as those found in the outlying areas of the Tweed shire. The first kilometre of McAllisters Road is residential and sealed, while the remaining 1.7km is urban and gravel, this being the section to be sealed.
2. Since 1989, when Council designated this area 'future residential' under 2(c) zoning, the 70 plus residents living on McAllisters Road have paid residential rates of \$115,500 p.a. at last count, totalling approximately \$1 million over the past 11 years. Our rates have gone to build and maintain other roads in the shire, whilst our road has been sadly neglected. This led to our road becoming unsafe, as traffic on the road increased and the road deteriorated. The loss of our services ensued. There is no other case in the shire, where this number of residents are paying this amount of "residential rates" on a gravel road.
3. In mid 1990, after the Tweed LEP 1987 was gazetted, Helen Manning and Mark Herringe were appointed to prepare a Development Control Plan to provide detailed provisions for the development of Bilambil Heights area as to roads, water, sewerage, facilities etc. This led to Council workshops and meetings with Bilambil Heights residents in 1994, when the Bilambil Heights Landowners' Group was formed to actively pursue the development of our area. However, the group was unable to continue when the Lakes Drive project failed and Council could not provide the necessary road infrastructure. To date residents have expended significant time and money on this project.
4. The impending development had a major impact on the lives of the McAllisters Road residents. Although development had been talked about for 20 years, it now appeared to be happening. Naturally this affected every choice and decision that residents made in regard to their property. Those who had considered moving, now decided to stay to achieve a better price. This also affected their decision in terms of what improvements, if any, would be carried out. Some of our older

Reports from Director Engineering Services

residents, held out thinking they would have a better retirement and died waiting. We have lost four of our residents in the past couple of years. This is why we tolerated the bad state of our road and went on paying high "residential" rates, because we thought we would get something for it in the end.

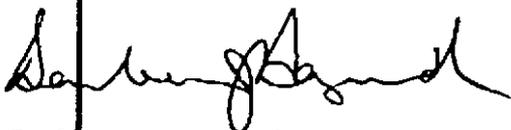
However, the reality has been very different. It is known throughout the shire that it will take forever for Bilambil Heights to be developed, so developers are not interested. Owners cannot achieve the best price for their property, in spite of the magnificent views, as any real estate agent will tell you that once prospective purchasers see the state of the road, they are not interested.

5. The majority of the people living on this road are retired/semi-retired and do not have the kind of funds that you are asking for which I estimate to be in the vicinity of \$40,000.00. They struggle to pay their rates in any case, which have spiralled every year.

I understand that your engineering department costed the sealing of McAllisters Road at \$150,000.00, and taking into account your own figures, I have estimated the sealing of Farrants Hill Road to cost \$12,000 (for 500 mtrs) which I understand they will be paying for being in a rural area. Out of the Council allocation of \$200,000.00, that leaves \$40,000.00 for earthworks for Farrants Hill Road. I suggest that Council's allocation will cover these works and that McAllisters Road residents are entitled to have their road sealed from this allocation based on the reasons above and their belief that they have paid for this work through their contribution of rates.

I would be interested in meeting with Mr. Bob Missingham and yourself to discuss this project and perhaps you could telephone me on the above number to make a mutual time.

Yours faithfully,



Barbara J. Hayward
Spokesperson for McAllisters Road residents.

c.c Warren Polglase Fax # 5590 7850.

Reports from Director Engineering Services

22. ORIGIN: Planning & Design Unit

FILE REF: Crown Land, Reserves Trust, Sewerage - Capital Works - General

REPORT TITLE:

Acquisition of Easements for Sewerage Purposes within Reserves Nos. 140037 and 74096 and Transfer of Crown Public Road, Centennial Drive, Pottsville

SUMMARY OF REPORT:

The Reserves Trust at its meeting held on the 11 October 2000 approved the acquisition of easement for sewerage purposes through the Pottsville Environmental Centre (being Reserve No. 140037 – Lot 501 DP 728234) under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

A further easement needs to be acquired through a Reserve for Sanitary Purposes and Rubbish Depot (being Reserve No. 74096 – Lot 507 DP 728257) which is not under the corporate management of the Reserves Trust.

The easements are required to accommodate a sewer rising main being infrastructure approved by Council in the development known as Seabreeze Estate situated within Lot 4 DP 803030, Pottsville Road, Pottsville. The main is planned to follow Crown Public Road (Centennial Drive) between the Reserves and a formal application should be lodged with the Department of Land and Water Conservation for the transfer by gazettal of the Crown Road to Council.

RECOMMENDATION:

That:-

1. Council approves the acquisition of easements for sewerage purposes within:
 - a) Reserve No. 140037 (Lot 501 DP 728234), and
 - b) Reserve No. 74096 (Lot 507 DP 728257)under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
2. The developers of the Seabreeze Estate (Lot 4 DP 803030) bear all legal and survey costs involved including compensation as negotiated between Council and the developer.
3. Council applies to the Department of Land and Water Conservation to transfer Crown Public Road (Centennial Drive) to Council under Sec. 151 of the Roads Act, 1993, and
4. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

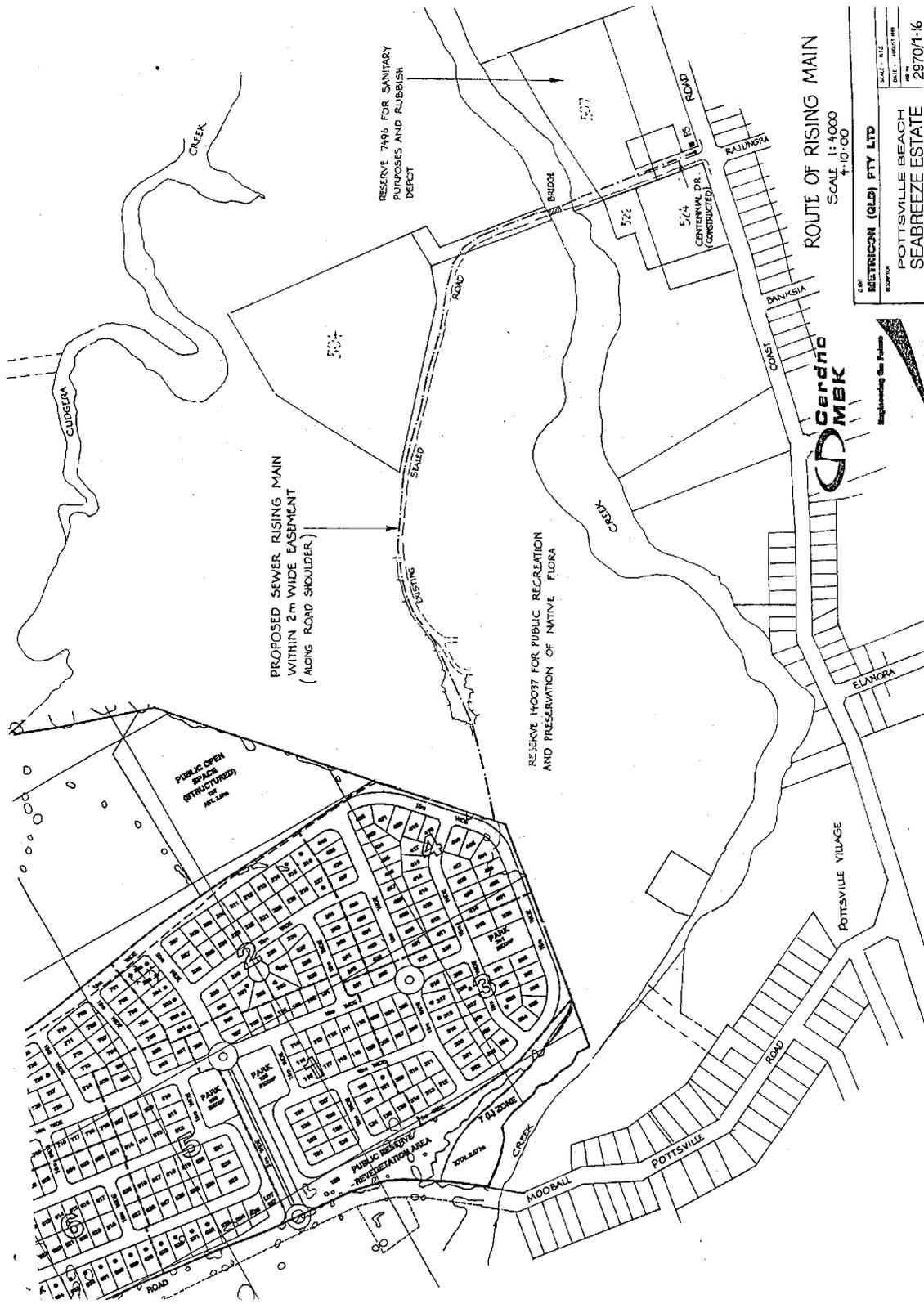
REPORT:

The Reserves Trust at its meeting held on the 11 October 2000 approved the acquisition of easement for sewerage purposes through the Pottsville Environmental Centre (being Reserve No. 140037 – Lot 501 DP 728234) under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

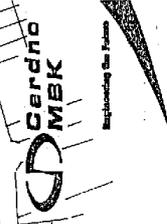
A further easement needs to be acquired through a Reserve for Sanitary Purposes and Rubbish Depot (being Reserve No. 74096 – Lot 507 DP 728257) which is not under the corporate management of the Reserves Trust.

The easements are required to accommodate a sewer rising main being infrastructure approved by Council in the development known as Seabreeze Estate situated within Lot 4 DP 803030, Pottsville Road, Pottsville. The main is planned to follow Crown Public Road (Centennial Drive) between the Reserves and a formal application should be lodged with the Department of Land and Water Conservation for the transfer by gazettal of the Crown Road to Council.

Reports from Director Engineering Services



ROUTE OF RISING MAIN
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 4/10/00
MBK METRICON (OLD) PTY LTD
 SCALE: 1:15
 DATE: 10/01/00
 DRAWN BY: [unintelligible]
POTTSVILLE BEACH SEABREEZE ESTATE
 2970/1-16



Reports from Director Engineering Services

23. ORIGIN: Planning & Design Unit

FILE REF: R1181 Pt10

REPORT TITLE:

Additional Car Parking Commercial Area Cabarita Beach Bogangar

SUMMARY OF REPORT:

The provision of additional car parking in the commercial area of Cabarita Beach Bogangar has been investigated in accordance with Council's Resolution No. 1601 at its meeting on 3 May 2000. It is recommended that additional parking be constructed in Pandanus Parade and the south of Pandanus Parade on the Coast Road as shown on Council's Plan No. A1-1382/03.

RECOMMENDATION:

That:-

1. Detailed design plans be prepared for the provision of car parking as shown on Council Plan No. A1-1382/03 but car spaces numbered 20 to 24 be excluded.
2. The project be funded from developer contributions for car parking of \$58,000 previously allocated for the Hastings Road car park.
3. The car parking be constructed.

Reports from Director Engineering Services

REPORT:

Council at its meeting on 3 May 2000 resolved the following:-

- “1. The draft Plan of Management for the use of Lot 6 DP 872039, Lot 3 DP 842350 and Lot 2 DP 831562 in Hastings Road, Bogangar as public car park be formally adopted.*
- 2. Lot 6 DP 872039, Lot 3 DP 842350 and Lot 2 DP 831562 be classified as “Community Land” and categorised as “general community use”.*
- 3. The proposed construction of public car park on Lot 6 be deferred indefinitely until other alternatives for public car parking in the Bogangar/Cabarita Beach CBD have been investigated and that the current allocation of \$58,000 from the car parking developer contributions be retained for expenditure in Bogangar/Cabarita Beach.”*

Accordingly, other public car parking alternatives have been investigated and are discussed in this report.

The three areas investigated were:-

Option (A) The area between Pandanus Parade and Palm Avenue containing an existing car park.

Option (B) Pandanus Parade – increasing car parking by better utilisation of the existing road.

Option (C) Coast Road – east side adjacent to the Cabarita Beach Hotel/Motel.

Inspections of the commercial areas adjacent to the Coast Road and the Pandanus Parade car park showed that during the week and cooler months weekends, car parking spaces were always available and the Pandanus Parade/Palm Avenue car park was poorly utilised with only 2 to 4 cars parked there during the week..

It was found that Pandanus Parade could easily be altered to convert the existing parallel parking to 90° angle parking on the northern side to gain an extra nine spaces.

The area on the eastern side of the Coast Road adjacent to the Cabarita Hotel/Motel is also under utilised but is relatively close to the commercial premises on the Coast Road.

A public meeting was held on 28 August 1999 at the Cabarita/Bogangar Bowls Club to discuss the above proposals.

It was unanimously agreed at the meeting that car parking in Pandanus Parade (Option B) be constructed which creates 9 additional spaces. However, the recommended construction of additional car parking on the Coast Road adjacent to the Hotel/Motel was not unanimously supported. The meeting was advised from an attendee that 28 extra spaces could be constructed on the land between Pandanus Parade and Palm Avenue (Option A). A submission received on this issue is reproduced at the end of this report.

Generally, the utilisation of the Coast Road south east of Pandanus Parade (Option C) was supported which creates 23 additional spaces. Some concerns over vehicle occupants not walking the short distance to the pedestrian crossing to cross the Coast Road were raised. The plan provides a convenient footpath to access the pedestrian crossing. The possibility of providing a pedestrian

Reports from Director Engineering Services

refuge has been investigated but is not feasible as car spaces would be deleted to provide the statutory 'No Stopping' zones. It was also requested that speed bumps and extra landscaping be provided, both of which can be incorporated into the detail design of the project.

A letter of support from the Cabarita Beach Bogangar Residents association for Option B and Option C has been received and a copy is reproduced at the end of this report. The only changes requested are the deletion of spaces 20 to 24 (5 spaces) adjacent to the war memorial and that the direction of traffic flow through the bottle shop be further investigated. Both requests are considered reasonable and can be accommodated.

Reports from Director Engineering Services

CABARITA BEACH BOGANGAR RESIDENTS ASSOCIATION INC.
(President Mick Morgan, Secretary Terry Purcell, Treasurer Cath Lynch)
2 POINCIANA AVE, BOGANGAR 2488 (02 6676 2274)

12 September 2000

Dr John Griffin
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH 2486

COAST RD

TWEED SHIRE COUNCIL	
FILE No.	R1181 P10
DOCUMENT No.	[] [] [] [] []
REC'D	13 SEP 2000
BOX No.	[] [] [] []
ASSIGNED TO	MORGAN
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Dear Dr Griffin

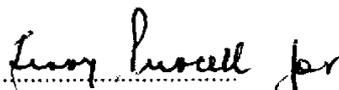
**FOR URGENT ATTENTION OF
MR DON McALLISTER - PLANNING AND DESIGN.
CAR PARKING - COAST ROAD CABARITA BEACH.**

Subsequent to the public meeting held at the end of August to consider the proposal developed by Council, a meeting of this Association on 11th September, discussed the plan and, with minor variations, agreed that it was the better alternative.

Members were concerned that the placement of the five carparks numbered 20 to 24 on the plan would reduce the space available for attendees at ceremonies at the memorial and removed some coveted grassy area, the main reason for the rejection of the original suggestion. Further, they were concerned that the traffic flow indicated on the plan may cause bottlenecks for vehicles entering and leaving the takeaway bottle area at the hotel and cause dangerous conditions for traffic on Coast Road.

Consequently, members voted to support the plan, providing spaces numbers 20 to 24 were removed and Council revisited the direction of flow of traffic in the carpark and in and out of the bottle shop.

We hope this result reaches you in time to be considered when the decision is being made.


Mick Morgan

Secretary

Reports from Director Engineering Services

I am here to represent the Cabarita Beach Tourist and Progress Association. The purpose of addressing this meeting is to provide information relevant to Tweed Council's legal and moral obligations to honour a Cabarita Beach car park agreement.

The following is a brief history of the car park.

The Cabarita Beach Hotel is located in Pandanus Parade. When the Hotel opened for business in 1960, car parking was available on two blocks of land across the road from the Hotel and on two blocks of land in Palm Avenue which back onto the Pandanus Parade blocks. The surface of these blocks was not sealed.

Ownership of the two Pandanus Parade blocks and one of the Palm Avenue blocks did not pass to Council until 1974 when the then owner of the Cabarita Beach Hotel sold them to Council for the very nominal sum of \$10,000 per block because each block had a parking covenant on it. These three blocks are now worth hundreds of thousands of dollars.

In 1986 when Council was preparing to provide sealed car parking on only part of the available land, it was contended that there was a parking covenant on three of the four blocks but no documentary evidence was produced. Apparently Council made no effort to test the validity of that contention.

It transpires that in 1986 not only did Council fail to seal all the land with the parking covenant on it but as a result of landscaping it rendered one of the blocks unuseable for the parking of vehicles. It follows that for the last 14 years Council has prevented the public from parking in an area on which it had a legal entitlement to park.

Moving forward to recent events, Council called a public meeting on 14 March this year to consider a proposal for spending an available \$58,000 on a car park accessed from Hastings Road and located behind the southernmost shops on the Coast Road. The residents at that meeting rejected a car park in that area because it would be a white elephant but unanimously supported increasing to full capacity the parking on the four blocks of land that constitute the Pandanus Parade car park.

Before the meeting, at the meeting and for several weeks thereafter Councillor Davidson supported the residents' proposal which honoured the covenants.

Les Polglase, the owner of the Cabarita Beach Hotel which controls the covenants on three of the blocks of land, wrote to Council on 23 March requiring Council to honour its obligations under the provisions of the covenants.

So that there could be no questioning the existence of the covenants, copies of the covenants which I had obtained from the Lands Title Office were delivered to Councillor Davidson, Les Polglase as owner of the Cabarita Beach Hotel and Council's Engineering Services Division.

After receiving copies of the covenants, there was a meeting between Councillor George Davidson who is also President of the licensed Cabarita Beach Bowls Club, Les Polglase, owner of the Cabarita Beach Hotel and Mike Rayner, Council's Director of Engineering Services.

Reports from Director Engineering Services

- 2 -

The latest development was Council calling a meeting on 28 August at which Mike Rayner produced copies of a parking plan which increases the roadside parking in Pandanus Parade and provides the bulk of the new parking on the western side of the Hotel. The existing access road to the Hotel's Drive-in Bottle Shop is to provide access to the proposed new parking. Admittedly there are some shops on the other side of the road from the new parking but no provision has been made to cross the very busy Coast Road, not even a painted median strip. No additional parking was provided in the Pandanus Parade car park.

Councillor Davidson supported this new parking plan and the meeting was informed that Les Polglase also supported it.

It would be understandable for Les Polglase to support this proposal because it would provide parking in a favourable position for his Hotel. Assuming that it was brought to his attention that additional parking in the Pandanus Parade car park would help the Surf Club to establish a second licensed club in the village, it would make the new parking plan still more attractive. Furthermore, even by supporting this new parking plan it would still leave him in the position where he could demand the honouring of the covenants once a second licensed club was no longer likely to eventuate and be a threat to his business.

This afternoon I have spoken several times about these parking covenants that Council and its successors agreed to but I have not yet told you how specific they are. I now quote from those covenants - 'lands hereby transferred shall not be used for any purpose other than as a public car parking area for the parking of vehicles by the general members of the public thereon and for pedestrian use..', end of quote. The covenants do not say a 'public car park' but a 'public car parking area' and that leaves planners no scope to introduce landscaping at the expense of car parking spaces. Furthermore specific reference is made to 'pedestrian use' otherwise vehicles could be legally parked on the land but drivers and passengers would not be authorised to leave their vehicles and return to them.

The wording of these covenants gives me reason for saying that Council has a legal obligation to honour them now that it has been made aware of their existence.

In regard to Council's moral obligations I make the following points -

- Council attaches conditions to development approvals.
- Council bought land with a condition on it.
- Council would not be satisfied with part compliance with its DA conditions.

Council loses credibility and exhibits a lack of integrity if it does not honour conditions imposed on it. For this reason alone Council should not delay action until there is a demand for it to comply.

My request to Council is that it should direct Engineering Services Division to replace the proposed car parking on the western side of the Cabarita Beach Hotel with the upgrading of the four blocks of land that constitute the Pandanus Parade car park so that they achieve their full parking capacity.

Reports from Director Engineering Services

NOTES ON PLAN

1. Need for More Parking

The beach side of Coast Road is short of parking spaces during surfing season weekends. A number of surfers are also customers of shops selling food and non-alcoholic drinks. This custom makes some of the shops financially viable.

2. Pandanus Parade Car Park

Pandanus Parade car park is in a central location. Upgrading the car park would provide another 28 spaces compared with the 18 proposed for the Bottle Shop side of the Hotel - a gain of 10.

3. Distribution of Parking on the Coast Road

In the southern commercial area there are 8 shops (including the Bottle Shop). 30 parking spaces are already available and 18 more are proposed - total 48.

In the central and northern areas there are 27 shops with 3 more approved. Available parking spaces are 40 and no more are proposed.

It is just as short a walk from the furthest of the 14 spaces on the same side of the road as the 6 southern shops (see plan) as it is to walk from the nearest of the proposed Bottle Shop spaces to the pedestrian crossing, use the crossing and then walk back to the 6 southern shops.

4. Danger in Crossing Coast Road

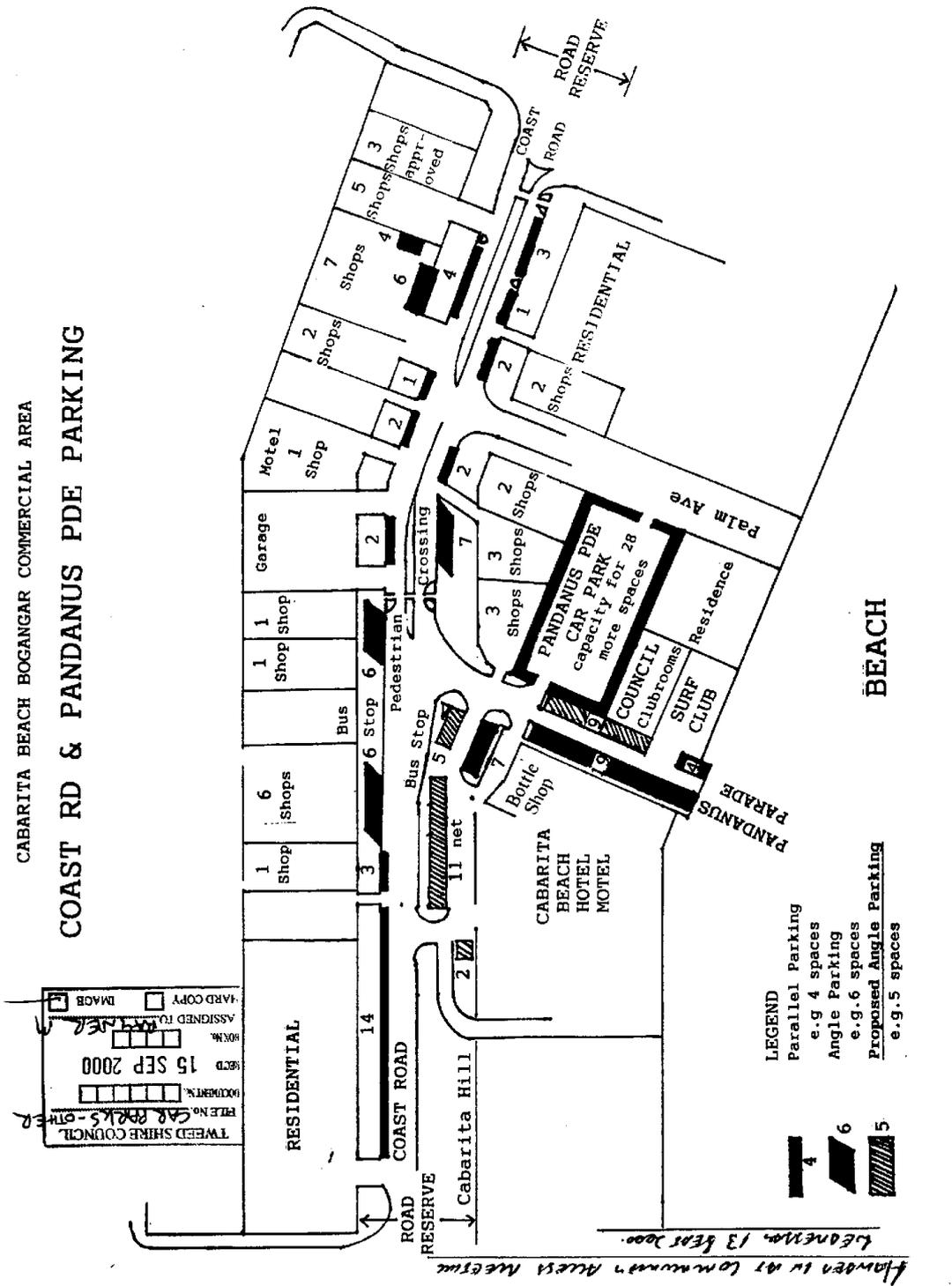
From the proposed Bottle Shop parking, particularly during the weekends, it would be dangerous to cross the Coast Road without the assistance of the pedestrian crossing or at least a sizeable painted median strip.

5. Lifting of the Parking Covenants

As of last night Les Polglase, owner of the Cabarita Beach Hotel, had no intention of releasing Council from the provisions of the covenants.

Reports from Director Engineering Services

CABARITA BEACH BOGANGAR COMMERCIAL AREA COAST RD & PANDANUS PDE PARKING



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24. ORIGIN: Planning & Design Unit

FILE REF: Cycleways – Tweed Coast

REPORT TITLE:

Cycleways/Walkways Program - Cabarita Beach/Bogangar

SUMMARY OF REPORT:

Due to problems constructing the cycleway/walkway in Towners Avenue between the Coast Road and Hastings Road due to topography problems and the projects dependence on the upgrading of this section of road it is proposed to continue the existing cycleway in Hastings Road from Towners Avenue to Banksia Avenue and along Banksia Avenue to the Coast Road. This work in conjunction with the current year's Cycleway Program will complete the cycleway from Cabarita Beach/Bogangar to Hastings Point.

RECOMMENDATION:

That the construction of the Cycleway/Walkway along Hastings Road from Towners Avenue to Banksia Avenue and along Banksia Avenue to the Coast Road be constructed and funded from savings from lower prices for the cycleway between Stingrays Sports Fields and Hastings Point.

Reports from Director Engineering Services

REPORT:

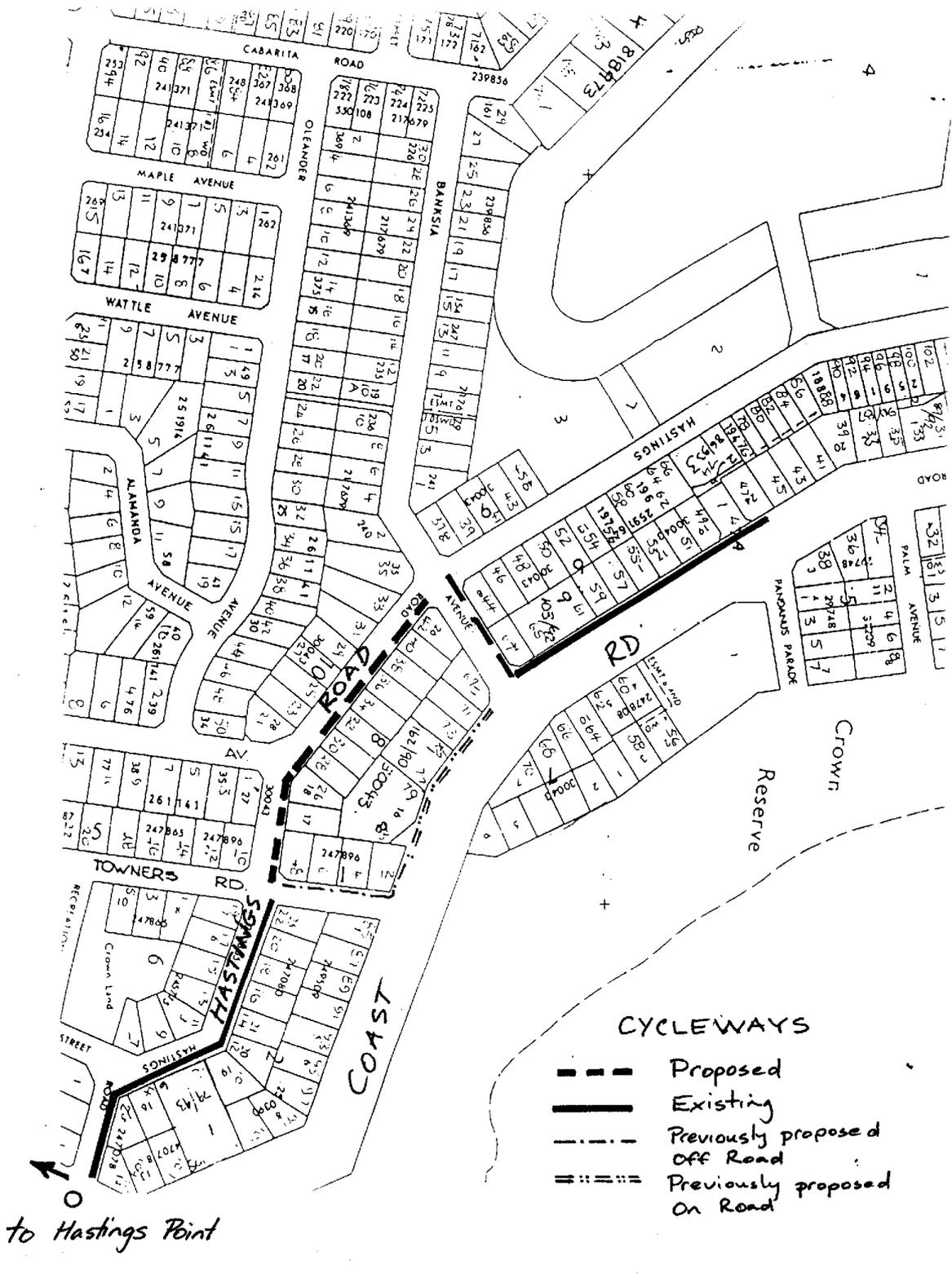
The current years Cycleway/Walkway Program will complete the cycleway between Cabarita Beach/Bogangar commercial area to Hastings Road with the exception of a small section in Towners Road which due to the topography cannot be constructed until the road is upgraded and kerb and guttered.

A secondary problem is that the section up to the Coast Road is very steep and will be difficult for cyclists. This route was chosen as it is cheaper to construct than the alternative flatter route along Hastings Road to Banksia Avenue and along Banksia Avenue to the Coast Road (see diagram below).

The tenders have closed for the current Cycleway/Walkway Program and the prices have been lower than last year's enabling a considerable amount of additional cycleway/walkway to be constructed. (See Confidential report to today's meeting).

It is proposed to utilise some of these funds on constructing the link along Hastings Road from Towners Avenue where it currently terminates to Banksia Avenue and on to the existing cycleway/walkway on the Coast Road thereby completing the cycleway/walkway link between Cabarita Beach/Bogangar and Hastings Point.

Reports from Director Engineering Services



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25. ORIGIN: Planning & Design Unit

FILE REF: R3340 Pt4

REPORT TITLE:

Outdoor Dining Area for Kathmandu Kitchen Restaurant and Zanzibar Cafe - Marine Parade, Kingscliff

SUMMARY OF REPORT:

Requests have been received for the establishment of an outdoor dining area associated with and adjacent to the Kathmandu Kitchen Restaurant and Zanzibar Cafe on Marine Parade, Kingscliff. The proposal raises issues in respect to the loss of car parking space and car parking fee structure/facilities in the Kingscliff area generally (to be explored with the Business Corporation and community groups and brought forward to Council in a separate report). The proposals were supported "in principle" at the meeting of 4 October 2000 and will be recommended for approval subject to the conditions set out in this report.

RECOMMENDATION:

That Council approves the proposed outdoor dining area associated with and adjacent to Kathmandu Kitchen Restaurant and Zanzibar Cafe in accordance with the following conditions:-

1. Detailed design plans shall be prepared by a qualified engineer for the approval of the Director of Engineering Services prior to construction commencing. The plans are to include:-
 - kerb blister
 - details of barriers and in particular the ability of the barrier to withstand the potential for vehicle collision at an appropriate design speed
 - details of awnings and materials proposed
2. The development shall be completed in general accordance with the above Plans and the following conditions.
3. The proposal to comply at all times with Council's adopted Footpath Restaurant Policy except where varied by this approval.
4. Approval is to be obtained under Section 125 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 to use the footpath for the purpose of Outdoor Dining.
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities affected by the development.
6. Colours for wall and awnings to be consistent with current façade colours. (N.B. Stripes will not be acceptable)
7. No advertising permitted on the awning or walls other than identification signage.

Reports from Director Engineering Services

8. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Director, Development Services. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction.
9. 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.
10. 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.
11. An Engineers Design and Certification to be submitted to Council prior to Construction certifying that the retractable awning is structurally sound.
12. All steel sections to be powder coated CHS with connections and anchorages to be certified by a practising structural engineer.
13. Prior to Occupational Use of the awning, a Certificate to be submitted to Council from a practising structural engineer certifying that the whole of the structure is structurally stable.
14. Awning lip to be no closer to carriageway than 450 mm from the face of the Kerb.
15. Proposed awning to be fixed under soffit of the existing awning.
16. Any building work must be carried out in accordance with the Building Code of Australia.
17. All materials and components used in conjunction with this proposal are to comply with the Fire Hazard Properties detailed in Specification C1:10 Building Code of Australia.
18. 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.
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 1742-1991 (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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.

Reports from Director Engineering Services

21. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
22. 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.
23. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. start of work
 - b. completion of work
24. All trade materials, product and plant to be kept within confines of the building at all times.
25. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
26. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
27. 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.
28. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
29. 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.

Reports from Director Engineering Services

REPORT:

Requests have been received for the establishment of an outdoor dining area associated with and adjacent to Kathmandu Kitchen Restaurant and Zanzibar Café on Marine Parade, Kingscliff.

The concept of both proposals is similar to that existing at the Choux Box Café and other existing restaurants at Kingscliff.

The proposal raises issues in respect to the loss of car parking space and car parking fee structure/facilities in the Kingscliff area generally. The issue of car parking fee structure/facilities in the Kingscliff area generally will be explored with the Business Corporation and community groups and brought forward to Council in a separate report. The proposals were supported "in principle" at the meeting of 4 October 2000.

The proposals to convert the existing car park area to an outdoor dining area associated with and adjacent to Kathmandu Kitchen Restaurant and Zanzibar Café on Marine Parade Kingscliff are recommended for approval subject to the conditions set out in this report.

The conditions of approval are as follows:-

1. Detailed design plans shall be prepared by a qualified engineer for the approval of the Director of Engineering Services prior to construction commencing. The plans are to include:-
 - kerb blister
 - details of barriers and in particular the ability of the barrier to withstand the potential for vehicle collision at an appropriate design speed
 - details of awnings and materials proposed
2. The development shall be completed in general accordance with the above Plans and the following conditions.
3. The proposal to comply at all times with Council's adopted Footpath Restaurant Policy except where varied by this approval.
4. Approval is to be obtained under Section 125 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 to use the footpath for the purpose of Outdoor Dining.
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities affected by the development.
6. Colours for wall and awnings to be consistent with current façade colours. (N.B. Stripes will not be acceptable)
7. No advertising permitted on the awning or walls other than identification signage.
8. Prior to commencement of work all required sedimentation and siltation control measures are

Reports from Director Engineering Services

- to be installed and operational to the satisfaction of the Director, Development Services. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction.
9. 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.
 10. 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.
 11. An Engineers Design and Certification to be submitted to Council prior to Construction certifying that the retractable awning is structurally sound.
 12. All steel sections to be powder coated CHS with connections and anchorages to be certified by a practising structural engineer.
 13. Prior to Occupational Use of the awning, a Certificate to be submitted to Council from a practising structural engineer certifying that the whole of the structure is structurally stable.
 14. Awning lip to be no closer to carriageway than 450 mm from the face of the Kerb.
 15. Proposed awning to be fixed under soffit of the existing awning.
 16. Any building work must be carried out in accordance with the Building Code of Australia.
 17. All materials and components used in conjunction with this proposal are to comply with the Fire Hazard Properties detailed in Specification C1:10 Building Code of Australia.
 18. 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.
 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 1742-1991 (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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
 21. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans The landscaping to be completed prior to occupation of the building, to the satisfaction

Reports from Director Engineering Services

of the Director, Development Services.

22. 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.
 23. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. start of work
 - b. completion of work
 24. All trade materials, product and plant to be kept within confines of the building at all times.
 25. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 26. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
 27. 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.
 28. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
 29. 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.
-

Reports from Director Engineering Services

26. ORIGIN: Planning & Design Unit

FILE REF: R0191

REPORT TITLE:

Anne Street, Pottsville - One Way Traffic Flow Trial

SUMMARY OF REPORT:

This report reviews the 6 month trial period of one way traffic in Anne Street from west to east. Traffic survey data shows that the trial has resulted in a reduction of traffic in Anne Street from 1,718 vehicles per day to 482 vehicles per day, which equates to a 71% reduction.

RECOMMENDATION:

That the following arrangements be formally adopted for Anne Street, Pottsville and implemented in the upcoming reconstruction of Anne Street:-

1. Only left and right turns be permitted from Anne Street to Overall Drive and a suitable concrete island and signage be installed to prevent all other traffic movements.
2. Two way traffic flow be permitted in Anne Street.
3. That traffic flows and speeds be monitored to identify if speeding becomes a problem.

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REPORT:

Council at its meeting on 5 April 2000 resolved the following:-

- “1. Given the high level of public submissions Council trial a one-way eastbound traffic flow in Anne Street for a period of six months and be commenced as soon as possible, subsequent to this proposal being notified in the Tweed Link.
2. At the completion of the closure trial and the one way trial a detailed report be brought forward to Council.”

Accordingly, a one way traffic flow from west to east was advertised and implemented for a 6 month trial.

The trial period has expired and the trial assessed.

Traffic volume data was collected from 14 September to 22 September 2000 to enable a comparison with the unrestricted traffic volumes in Anne Street. The traffic volumes are as follows:-

Date	ADT (vpd)
Pre Trial 20/5/1999	1,718
1 Way Trial 22/9/2000	482

ADT = average daily traffic volume

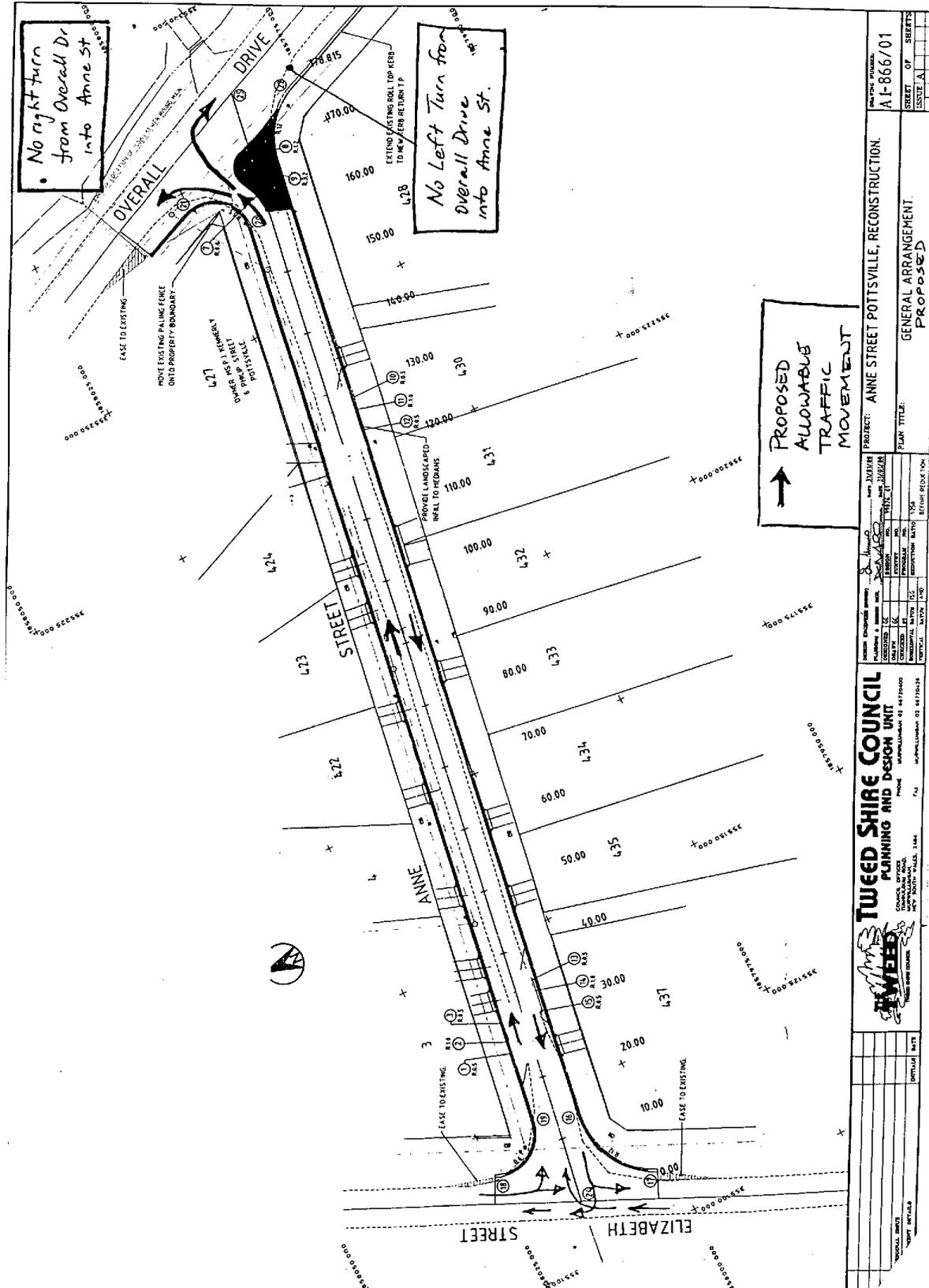
vpd = vehicles per day

As can be seen, the trial had a dramatic impact on through traffic using Anne Street as a short cut reducing the volume of traffic in Anne Street by an average of 1,236 vehicles per day which equates to a reduction of 71%.

As part of the review process, letters were delivered to all Anne Street residents and sent to the Pottsville Progress Association and Chamber of Commerce advising them of the conclusion of the trial and a diagram of the preferred treatment for comment (see diagram 1).

Reports from Director Engineering Services

DIAGRAM 1



Reports from Director Engineering Services

The Anne Street residents made a written submission which is appended to this report. The Chairperson has also been advised verbally that the residents support the proposal but did have concern that the two way flow in Anne Street for residents only may encourage some drivers to illegally enter Anne Street from Overall Drive and that at least one slow point was still considered important in the proposed road upgrade works for Anne Street.

The recommended plan of action for Anne Street is to restrict access at Overall Drive to left and right turns out of Anne Street only, which is in effect what has been happening throughout the trial. This would be done by constructing a concrete island at the intersection to permit these manoeuvres but prevent all other movements.

It is proposed to permit two way flow in Anne Street to facilitate access for the residents of Anne Street by permitting them to utilise either Elizabeth Street or Overall Drive rather than being forced to utilise Overall Drive. It is not considered to be a potential problem of any magnitude greater than the current low level illegal turns into Anne Street from Overall Drive and in fact these should be reduced by the design for the concrete island at the intersection.

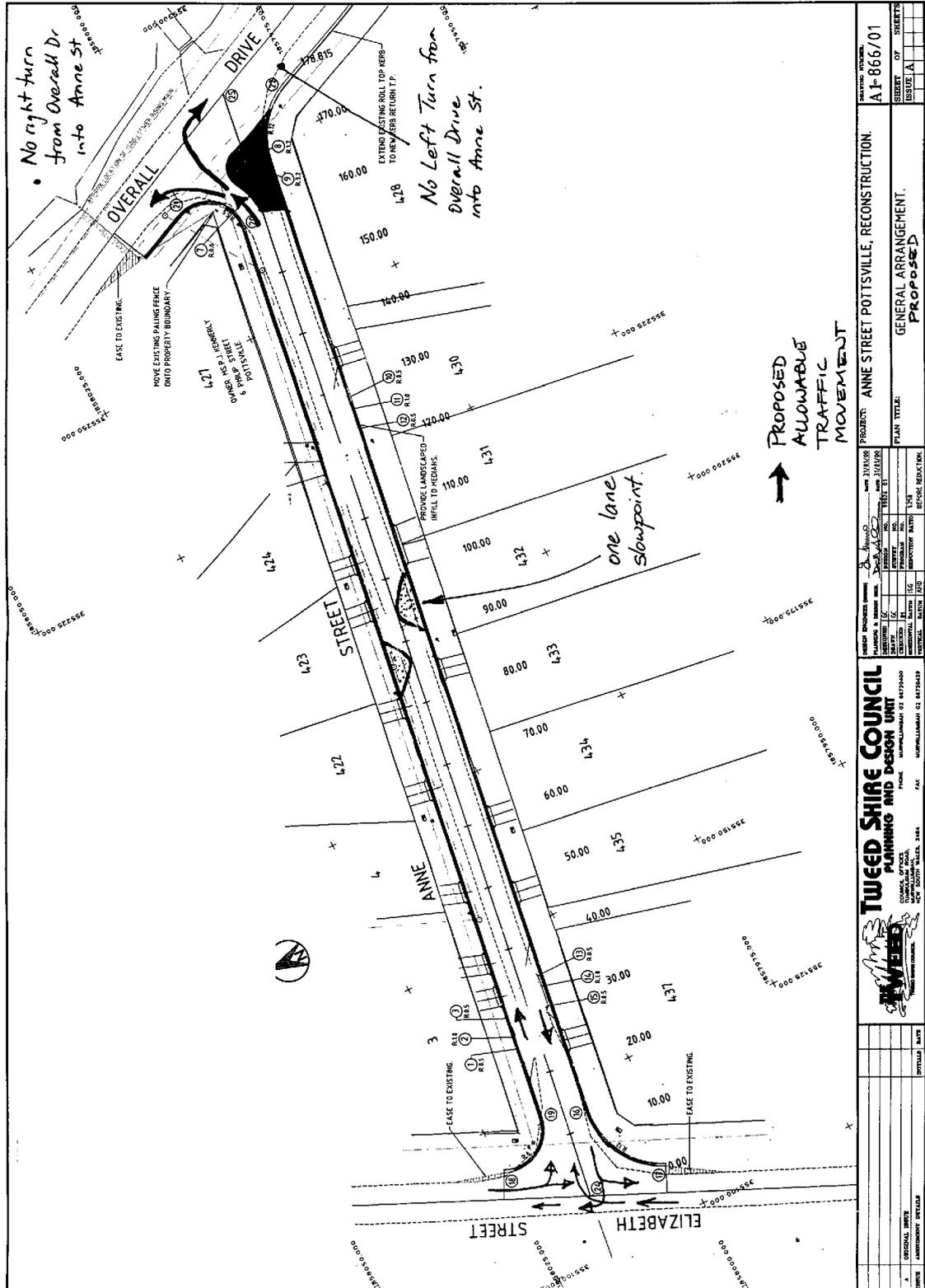
A single mid block single lane slow point has been requested by residents to restrict speed in Anne Street as part of the upgrading works. However, the traffic volume is now low and it is considered that a slow point is not necessary but speeds in the street can be monitored to identify any problems.

The following diagram (Diagram 2) shows the recommended treatment for Anne Street which has the following features:-

- (a) Left and right only access out of Anne Street to Overall Drive.
- (b) Two way traffic flow within Anne Street.

Reports from Director Engineering Services

DIAGRAM 2



<p>TWEED SHIRE COUNCIL PLANNING AND DESIGN UNIT COUNCIL OFFICES 100 WILSON STREET, TWEED HEADS, NSW 2486 PHONE: (08) 9585 2222 FAX: (08) 9585 2222</p>		<p>PROJECT: ANNE STREET POTTSVILLE, RECONSTRUCTION. PLAN TITLE: GENERAL ARRANGEMENT. PROPOSED</p>
<p>DESIGNER: [Signature] CHECKED: [Signature] DATE: 18/10/00</p>	<p>PROJECT NO: A.T-866/01 SHEET OF: 1 SHEET NO: 1</p>	<p>DATE: 18/10/00 SCALE: AS SHOWN</p>

Reports from Director Engineering Services

18 September 2000

Road and Traffic Committee
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	
DOCUMENT No. [] [] [] [] [] []	
RECD 29 SEP 2000	
BOX No. [] [] [] []	
ASSIGNED TO P. MORGAN	
HARD COPY <input type="checkbox"/>	IMAGE <input type="checkbox"/>

*Entered from
letter addressed
to DES
Re: Roads*

To whom it may concern,

Re: Anne Street, Pottsville

The residents of Anne Street wish to express our experiences, opinions and concerns over the future of our street now the one way trial is nearing its six month conclusion.

Just to reiterate, our initial concern relating to Anne Street was not the condition of the road but the steady increase in the number of vehicles utilizing this residential street. Traffic counters verified this number to be an average of 1900 vehicles per day.

The majority of Anne Street residents supported the move for the street to become a cul-de-sac yet there were those within the community who felt that this was unacceptable as people would be forced to do a U-turn in Coronation Avenue. As stated in previous letters, there are many alternative options available to motorists who wish to avoid a U-turn but Anne Street residents did reluctantly agree to a compromise of a one way street running in a west to east direction.

The idea of Anne Street remaining open, although only one way, was to allow motorists to avoid making a turn in Coronation Avenue so therefore this objective has been achieved. This was a compromise by all parties involved.

We as residents are not prepared to compromise our situation further than the current one way street which runs in a west to east direction.

The drive for Anne Street to remain open was fuelled by businesses in Coronation Avenue who appear to be concerned about how their trade may be effected. As residents who must live with the traffic, the vast majority of which is created by people accessing Coronation Avenue shops, we do ask why we must bear the brunt of a lack of infrastructure to deal with traffic associated with the Coronation Avenue businesses.

We believe the trial of a one way street running in a west to east direction has been largely successful and was our second preference to closing the street off entirely. We are prepared to accept this compromise although as stated in previous correspondence, we do not want to remove the possible closure of Anne Street from the agenda entirely. We feel that the ongoing situation requires close monitoring as our street will remain a favourite shortcut, particularly on completion of the new highway and surrounding estates, one of which is to incorporate a major shopping centre. We believe these factors will significantly contribute to an increase in traffic despite the one way status of the road.

Although there are those who out of spite or ignorance insist on travelling the wrong way up the street, the vast majority of people have accepted the change. We believe the problem of those travelling the wrong direction could be virtually eliminated with the instalment of chicanes along the street should the one way direction be retained.

Installation of a stop sign at the Anne Street/Overall Drive junction would also enhance safety, particularly for those on the bicycle track.

Reports from Director Engineering Services

We still strongly feel that a tonnage limit should be imposed on the vehicles using the road as we are still frequently exposed to the regular passage of delivery trucks servicing the shopping areas of Coronation Avenue and Pottsville Waters Shopping Village as well as the tavern. Additionally, trucks involved with the development of Black Rocks estate exploit Anne Street on a daily basis. Add to this the buses which include Anne Street on their regular route and the passage of heavy vehicles quickly tallies.

While we understand we may have to make buses the exception to the rule, we would like to see an end to the remaining heavy traffic abusing Anne Street as a short cut.

It would appear that there are those within the community (particularly those with business interests in Coronation Avenue) who believe that the direction of the street should be reversed so that it runs east to west, the opposite of the trial direction. As residents, we strongly oppose the change of the direction of traffic flow as common sense would clearly indicate that safety would be severely compromised. We have listed the safety issues that most concern us below.

- First and foremost is the cycle way which crosses the eastern end of Anne Street and is heavily utilised by young and old alike. With the current direction of the street, vehicles are decelerating and almost coming to a halt before proceeding into Overall Drive which gives motorists ample opportunity to check for cyclists. This situation is far safer for those using the bicycle track, particularly children who often neglect to check for oncoming traffic. Should the direction of the street be reversed, motorists would have no reason to stop and from past experience, when the street ran in a two way direction, many vehicles, including buses, rounded the corner into Anne Street from Overall Drive at unsafe speeds, often ending up on the grass on the wrong side of the road.
- There has already been one notable accident involving a cyclist and a motorist when Anne Street accepted traffic running from east to west. An elderly gentleman was riding north and was halfway across Anne Street when a car came around the corner from Overall Drive into Anne Street knocking the gentleman from his bike. Fortunately he was not seriously injured but we strongly believe that should the direction of traffic flow be reversed it would only be a matter of time before a serious accident did occur, especially when consideration is given to the rising population of the area and the high number of children riding to and from school.
- As mentioned before, with the street running in the current west to east direction, vehicles are *decelerating* coming down the road to turn into Overall Drive. Should the direction be reversed vehicles will be *accelerating* up the street. When the street ran two ways, a high proportion of vehicles would accelerate up the road well in excess of the 50 km speed limit. Not only does the speeding pose a threat to people and property but creates much more dust, noise and pollution for the residents to endure. If the direction of the street is to be reversed, we would once again be exposed to these problems. The slight rise in the road toward the western end only seems to encourage people to accelerate excessively. Even if there was provision made for traffic calming devices, such as speed bumps, it is highly likely they would only add to the problem of noise.
- If the direction was to be reversed, residents of Anne Street returning home (southbound) would be forced to turn into Anne Street from Overall Drive. This will add to the bottleneck of traffic entering Pottsville Waters along Overall Drive as there is nowhere to overtake and vehicles are forced to bank up behind those waiting to

Reports from Director Engineering Services

turn. This is a dangerous situation as traffic will be forced to queue around a corner. This situation would be nightmarish during the holiday season as there is additional traffic from tourists, particularly on those days when markets are held. Consider also that the boat ramp is located at the end of Anne Street and is heavily used, especially on weekends. While waiting to turn into Anne Street, residents would be forced to deal with traffic exiting Pottsville Waters and it is a well known fact that many vehicles speed around this blind corner as there was a move to install speed bumps in this area.

- The vast majority of people have accepted the street as being one way and running in a west to east direction, changing the direction would create unnecessary confusion and compromise safety.

Another concern shared by the residents, particularly those at the eastern end is that should the direction of the street be reversed, we will once again be overrun with vehicles jostling for parking space when the Pottsville markets are held. There have been numerous occasions in the past when the street ran in a two way direction when residents have been unable to leave their homes as they have been parked in by those shopping at the markets. There would also be competition for parking from cars with boat trailers. We also feel that the reversal of the direction of the street would result in increased vehicle usage. We say this from past experience as the majority of vehicles using Anne Street came from Pottsville Waters rather than going to the estate.

The residents of Anne Street would clearly like to state that we are **totally and utterly opposed** to our street being made into a two way thoroughfare.

Widening the street for two way usage will completely exasperate the problem of traffic, not help to reduce it as was our original concern.

We find the thought of a wider road with two way traffic deeply disturbing as Anne Street will undoubtedly become one of the busiest streets in Pottsville, particularly when the two new estates and the highway have reached completion. Once again Anne Street will be a most favoured shortcut and one could only speculate the amount of vehicles that would utilise the street, we believe three to four thousand per day to be a conservative estimate. If the road was to be widened to accommodate two way traffic, where are residents with insufficient space on their properties to park their vehicles since it is illegal to park on the footpath. Even if every resident had enough room for off road parking, where are visiting friends and family to park their vehicles? If cars were to park on each side of the road this would reduce traffic to a shambles. Traffic travelling in opposing directions would have insufficient space to pass without one vehicle stopping to give way. This would create a bottleneck of traffic as well as posing a very dangerous situation for people and their property, particularly when traffic counters have revealed how busy the road was as a two way street, a situation which would only worsen.

To be forced to deal with two way traffic on a busy street would prove difficult and dangerous for residents trying to reverse out of their driveways, particularly if towing a boat or trailer.

Should the road be widened, another concern residents have is the lack of room for the replacement of existing power/light poles and the positioning of pedestrian access along the street.

If the street was to accommodate two way traffic, the close proximity of the road to our homes would mean an extreme and unrelentless exposure to dust, traffic noise and pollution from passing vehicles.

Most of the houses along this street are thirty to forty years old, built well before any housing estates and are located within metres from the existing road as it is.

Reports from Director Engineering Services

Widening of the road would mean a complete loss of privacy as traffic passes a few metres from our homes as well as potential damage due to a frequent barrage of vehicles, particularly heavy trucks and buses which constantly shake the foundations of these older houses as they pass. Some houses are already exhibiting signs of structural damage. In summing up, the widening of the road to accommodate two way traffic would mean a complete loss of any quality of life for the residents of this once quiet street. Why should our quality of life be compromised for the sake of those wanting a short cut to the shops or the new highway? Why should poor town planning be worn by the residents of Anne Street?

While all the bickering is occurring over Anne Street, the real issue of why is there only one access in and out of Pottsville Waters is being avoided. Anne Street is only a band aid solution for a continual and growing problem. How can the construction of an entire estate be approved with only one access/exit point?

The entire population of Pottsville Waters is expected to filter in and out of Overall Drive which by all accounts is sufficiently wide enough, has a bicycle area and is kerbed and guttered.

One apparent oversight by town planning is that the turn off from the Coast Road to access Overall Drive brings vehicles into Phillip Street, a poorly surfaced, narrow street which lacks kerb and guttering and is closely bordered by the creek on one side and houses on the other.

The few hundred metres of Phillip Street leading into Overall drive has two school bus stops, a local bus stop, a popular swimming and fishing area, a busy boat ramp and four drive ways as well as taking all traffic to and from Pottsville Waters. Should there be an accident on Overall Drive, or more specifically the corner of Anne and Phillip Streets, there is no access in or out of Pottsville Waters regardless of whether Anne Street is one way, two way or closed entirely.

Although this is speculating, when you consider the activity that occurs within this space of a few hundred metres, an accident is unfortunately a high possibility. One could only speculate further the outcome of an accident which prevented access in or out of Pottsville Waters and there was an urgent need for an emergency vehicle in the estate. This may be a worst case scenario but it is far from impossible.

The likelihood of a serious accident on the corner of Anne and Phillip Streets would increase in probability if Anne Street was to accommodate two way traffic or traffic running in an east to west direction due to the location of a blind corner at the junction of Phillip Street and Overall Drive. Past experience has shown that northbound traffic speeding along Overall Drive, around the blind corner, then making a sharp left turn into Anne Street has created a number of near misses for people and property. The house on the corner having already suffered fence damage from speeding and or careless drivers rounding this corner.

We are of the understanding that the original plan of Pottsville Waters estate contained a secondary access yet this did not eventuate. We ask why this is the case as alternative access to Pottsville Waters and now to Black Rocks development is needed urgently.

While we understand that there is provision for alternative access eventually, Anne Street residents do not want to be made scapegoats for lack of infrastructure and sensible town planning in a rapidly growing town, one which already has a population of 3000 people and a projected population of 8000.

Anne Street residents would like to express their thanks to council for their unanimous support on the eastbound, one way trial. The decision made by council regarding the

Reports from Director Engineering Services

future of our street has the potential for *enormous* impact on our lives. We humbly request our current situation be given careful consideration and hope for a favourable outcome for residents of Anne Street.

Yours faithfully,
P. Kennerley
Petrina Kennerley
6 Phillip St
W. Brady.
Will Brady.
6 Phillip St.

Gordon
GORDON DUNLOP.
4 ELIZABETH ST.
Dunlop
LOIS DUNLOP
4 ELIZABETH ST.
CWR ANNE
&
ELIZABETH STS.

~~Robert~~
ROBERT PARMENTER
1 ANNE ST
MARION PARMENTER
1 ANNE ST.

Slater
TERRI-ANNE SLATER
8 ANNE STREET
D. Slater
DAVE SLATER
8 ANNE ST

Bill Millard
6 ANNE ST.
BETTY MILLARD
6 ANNE ST.
AUTHORISED
TO SIGN
ON THEIR
BEHALF
PER
TELEPHONE
~~Robert~~
R. PARMENTER

Kinneally
COLIN KINNEALLY
5 ANNE ST
C. M. Kinneally
CYNTHIA KINNEALLY
5 ANNE ST

Ron Park
RON PARKER
7 ANNE ST

LIZ & BARRY SPANKS
4. PHILLIP STREET
y/s/f/s

C. E. Reeve
C E REEVE
4 ANNE ST
P. M. Reeve
P M REEVE
4 ANNE ST

Anne McLean
7 ANNE ST

CE Sp - R3

D Taylor
D TAYLOR
3 ANNE ST

Dave Endicott
DAVE ENDICOTT
10 ANNE ST

~~W. Taylor~~ W. TAYLOR
3 ANNE ST

Slater

Reports from Director Environment & Community Services

27. ORIGIN: Environment & Health Services Unit

FILE REF: Noxious Insects

REPORT TITLE:

Proposal for Mosquito Workshop, 22 November 2000

SUMMARY OF REPORT:

The following report flags potential mosquito and acidity problems relating to development proposals in the Terranora area.

RECOMMENDATION:

That Councillors and Development Services Planners, be briefed by Council's entomologist at a Workshop on mosquito and acidity problems at Terranora which may affect development proposals in the area, to be held on 22 November 2000.

Reports from Director Environment & Community Services

REPORT:

Following field inspections and discussions with entomology staff in September, the General Manager suggested a workshop for Councillors and appropriate planning staff may be useful regarding mosquito breeding and acidity issues at Terranora.

Extensive mosquito breeding on privately owned degraded wetlands at Terranora, may impact on future development proposal in that area if the property is not managed appropriately. Acidity issues will also have to be carefully addressed to avoid damage to aquatic systems in Terranora Lake.

It is suggested that Council's Entomologist addresses the issues involved at an evening workshop to be held on 22 November 2000.

Reports from Director Environment & Community Services

28. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming

REPORT TITLE:

Naming of Park, Pottsville - "ANZAC Park"

SUMMARY OF REPORT:

Council has received a request from the Returned and Services League of Australia, Pottsville Sub-Branch to name the area between the Pottsville Community Hall and Pottsville Memorial Oval, "ANZAC Park".

RECOMMENDATION:

That Council calls for comments regarding the naming of the area between Pottsville Community Hall and Pottsville Memorial Oval, "ANZAC Park"

Reports from Director Environment & Community Services

REPORT:

Council has received a request from the Returned and Services League of Australia, Pottsville Sub-branch to name the area between the Pottsville Community Hall and Pottsville Memorial Oval "ANZAC Oval". The request and associated plan is as follows:-



RETURNED AND SERVICES LEAGUE

OF AUSTRALIA

PRESIDENT C. HILTON B.E.M. NEW SOUTH WALES BRANCH INCORPORATED
"The Price of Liberty is Eternal Vigilance"

POTTSVILLE

HON. TRES. G. HATTLEY

HON. SEC. W. CLACHER

21st SEPT 00

TWEED SHIRE COUNCIL	
FILE No.	VALKS - Namia
DOCUMENT No.	[] [] [] [] [] []
RECD	- 9 OCT 2000
BOX No.	[] [] [] []
ASSIGNED TO	STEWART BRAWLEY
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IMAGE	<input checked="" type="checkbox"/>

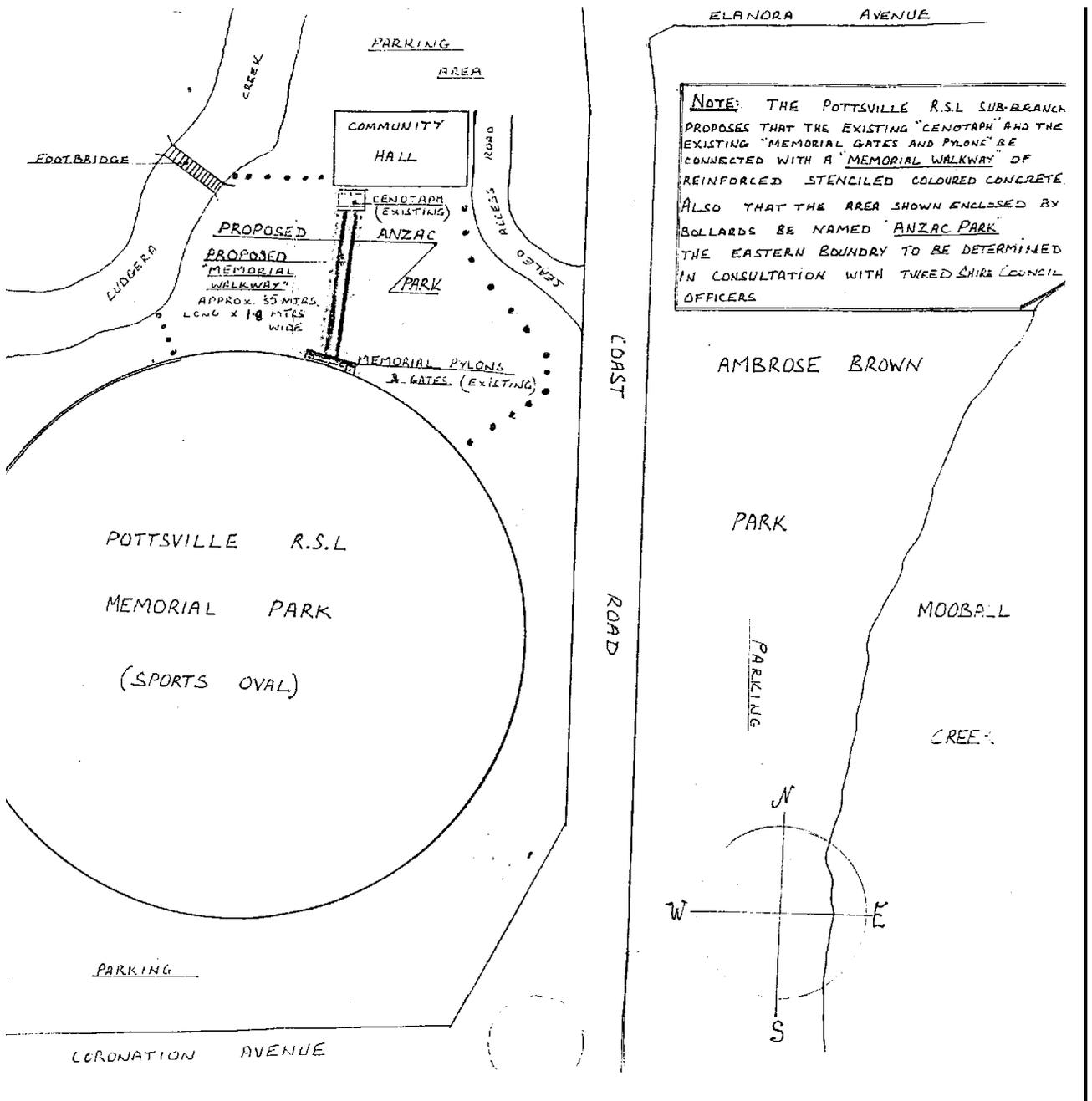
238 NORTH STAR RESORT
HASTINGS POINT
N.S.W. 2489.

Mr STEWART BRAWLEY
MANAGER RECREATION SERVICES
TWEED SHIRE COUNCIL.

DEAR SIR,
ON BEHALF OF THE ABOVE SUB BRANCH I WOULD REQUEST THE COUNCIL'S APPROVAL TO NAME THE AREA BETWEEN THE CENOTAPH AND THE MEMORIAL GATES "ANZAC PARK". WE ALSO INTEND TO BUILD A WALKWAY BETWEEN THESE TWO POINTS. I AM ENCLOSING A PLAN OF EXACTLY WHAT WE INTEND TO DO AND HOPE COUNCIL HAS NO OBJECTIONS TO OUR PROPOSALS. THE R.S.L HAS BEEN ACTIVE IN POTTSVILLE SINCE 1948 AND NOW THAT THE AREA IS GROWING VERY QUICKLY WE ARE HOPING THAT OUR NUMBERS WILL INCREASE.
MYSELF AND PHIL BONNOR MET WITH THE POTTSVILLE COMMUNITY ASSOC AND OUTLINED OUR PLANS TO THEM, THEY GAVE US THEIR FULL SUPPORT. WE ARE ASKING VETERAN AFFAIRS FOR FINANCIAL ASSISTANCE AND HOPE WE CAN COMPLETE ALL OUR DETAILS TO PLACE BEFORE THE LOCAL COMMEMORATIVE ACTIVITIES FUND,S NEXT MEETING AT THE END OF OCTOBER.

YOURS FAITHFULLY
W. Clacher
W. CLACHER HONORARY SEC

Reports from Director Environment & Community Services



Considering this area houses the cenotaph and is the site for ANZAC Day activities, this proposal would appear appropriate.

Whilst details such as the location and alignment of bollards and the proposed path will need to be finalised with Council staff, it is recommended Council calls for comments regarding the naming of the area between the Community Hall and the Pottsville Memorial Oval "Anzac Park"

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

29. ORIGIN: Recreation Services Unit

FILE REF: Memorials

REPORT TITLE:

Murwillumbah Returned Services League Memorial Wall

SUMMARY OF REPORT:

At its meeting held 5 July 2000, Council considered a request from the Murwillumbah Returned Services League (RSL) to add to the existing War Memorial in the Civic Centre grounds. The following resolution ensued

“that:-

- 1. Council supports the Murwillumbah Returned Services League (RSL) Sub-Branch with their proposal to run a competition to design a memorial to those who have served and those who have died in conflicts other than World War I.*
- 2. The winning concept to be presented to Council for approval.*
- 3. The criteria be amended to read “the plaques to be distributed equally on the monument or be otherwise located in an aesthetically pleasing manner”.*”

The RSL subsequently has a design to present to Council for approval.

RECOMMENDATION:

That Council approves the design and construction of a memorial wall to add to the existing War Memorial in the Civic Centre grounds as submitted by the Murwillumbah Returned Services League Sub-branch detailed in this report.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 5 July 2000, Council considered a report on a proposal from the Murwillumbah RSL Sub-branch to add to the existing War Memorial in the Murwillumbah Civic Centre grounds. The report and resulting resolution is as follows:-

“SUMMARY OF REPORT:

The Murwillumbah Returned Services League (RSL) Sub-Branch wishes to add to the existing War Memorial in the Civic Centre grounds to commemorate those who served and died in conflicts other than World War 1. The RSL proposes to run a competition for the design of an appropriate memorial.

RECOMMENDATION:

That:-

- 1. Council supports the Murwillumbah Returned Services League (RSL) Sub-Branch with their proposal to run a competition to design a memorial to those who have served and those who have died in conflicts other than World War 1.*
- 2. The winning concept to be presented to Council for approval.*
- 3. The criteria be amended to read “the plaques to be distributed equally on the monument or be otherwise located in an aesthetically pleasing manner”.*

REPORT:

The Murwillumbah RSL Sub-Branch wishes to add to the existing War Memorial in the Civic Centre grounds. The Sub-Branch proposes to run a competition for the design of the memorial. The details as supplied by the Sub-Branch are as follows:-

“War Memorial Competition

The Murwillumbah RSL Sub-Branch wishes to add to the existing War Memorial by providing a further monument to include the fact that the District’s citizens have served their nation in the Boer War, World War 1, World War 2, Korea, Malaya, Malaysia/Borneo, Vietnam and in peace-keeping forces. The existing memorial pays homage to those who died in the First World War, a small plaque at the base acknowledges the fact that the other conflicts also happened.

Whilst no wanting to detract from the existing memorial, which acknowledges those who have died and also those who served in all conflicts before and after WW1, it is envisaged that a wall on the eastern side of the memorial would be appropriate, however, if a design can be produced, that is not a wall, but is appropriate, it would be given consideration on its merits.

To this end a competition is to be held open to all comers with a prize of \$250 to be awarded to the selected winner. The adjudicators for the competition are Dr John Griffin, Mr George Hanna Jnr and Mr Arthur Flanagan. Their decision after acceptance by the RSL Executive Committee will be final.

Reports from Director Environment & Community Services

FEATURES TO BE INCORPORATED INTO THE DESIGN

- *The completed article should not exceed \$10,000 in costs.*
- *The design to complement the existing memorial.*
- *There will be wording on the new memorial to the effect “In Memory of those who Died and for those who Served Australia”.*
- *The badges of the Army, Navy, Air Force and Merchant Marine will be displayed.*
- *Each conflict will be designed on a plaque approximately the size of an A4 sheet of paper, the wording on the plaques to be the responsibility of the sub-branch.*
- *The plaques to be distributed equally on the monument.*
- *One suggestion is that the reverse side of the monument could be available for unit or organization plaques.*
- *The materials specified to be as maintenance free and vandal free as possible.*
- *The surrounds of the memorial are to be considered, the design to blend in with the park.*
- *The design to be acceptable to the appropriate Council departments.*
- *The design to signify the prestige of the monument.*

The competition is open, with special encouragement to be given to those who are students involved in building and construction.

The competition will close on Thursday, 31 August 2000.

All enquiries should be directed to the RSL Sub-Branch, PO Box 4, Murwillumbah, 2484.”

Provided the final design of the memorial is sympathetic to the surrounds and does not raise liability or maintenance issues, the proposal is recommended.

The only comment on the criteria is that the requirement for “the plaque to be distributed equally on the monument” may not be entirely appropriate as a random placement was for some designs to be more aesthetically pleasing.”

The resolution is as follows:-

“that:-

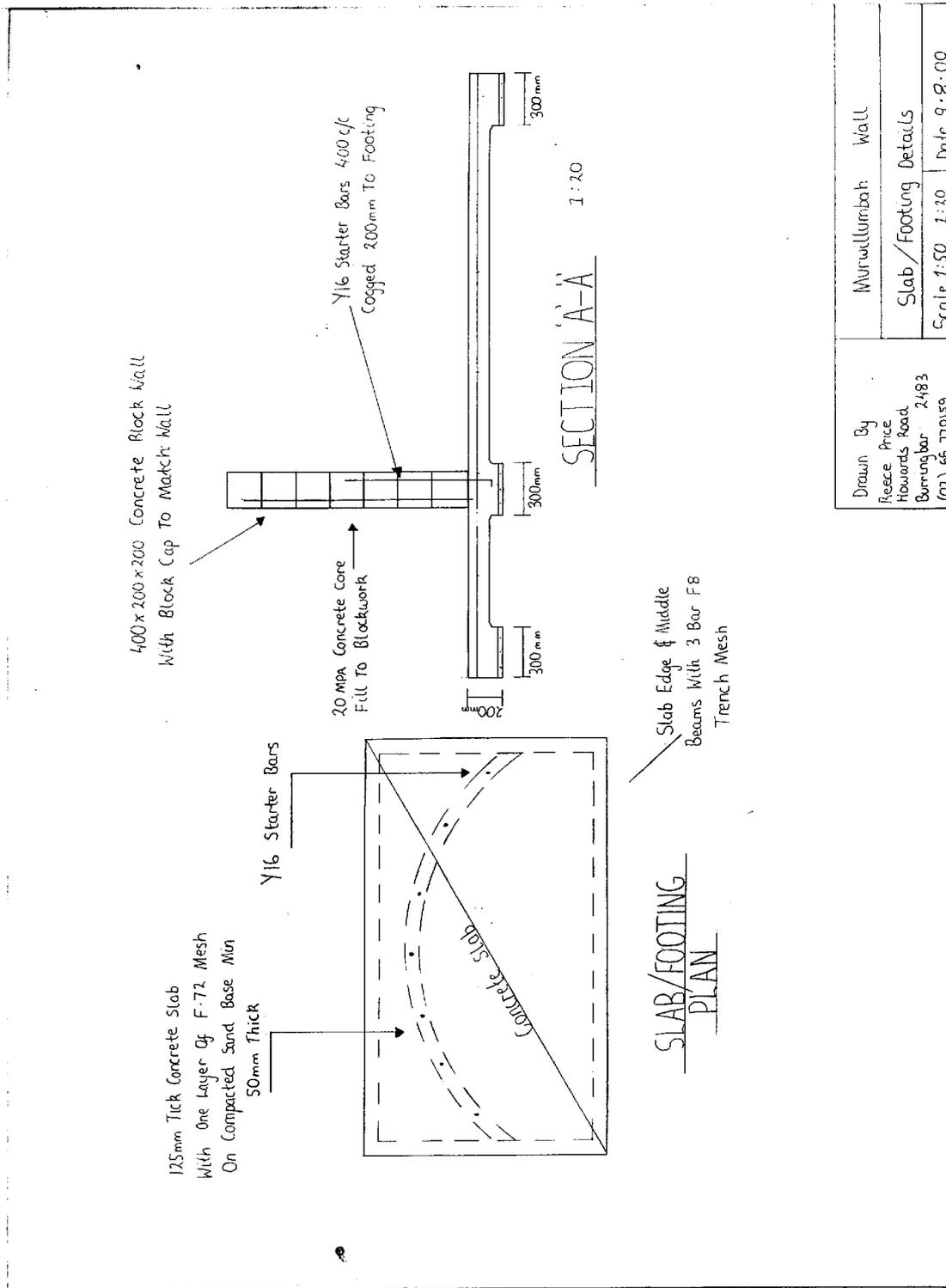
1. *Council supports the Murwillumbah Returned Services League (RSL) Sub-Branch with their proposal to run a competition to design a memorial to those who have served and those who have died in conflicts other than World War 1.*
2. *The winning concept to be presented to Council for approval.*

Reports from Director Environment & Community Services

3. *The criteria be amended to read “the plaques to be distributed equally on the monument or be otherwise located in an aesthetically pleasing manner”.*

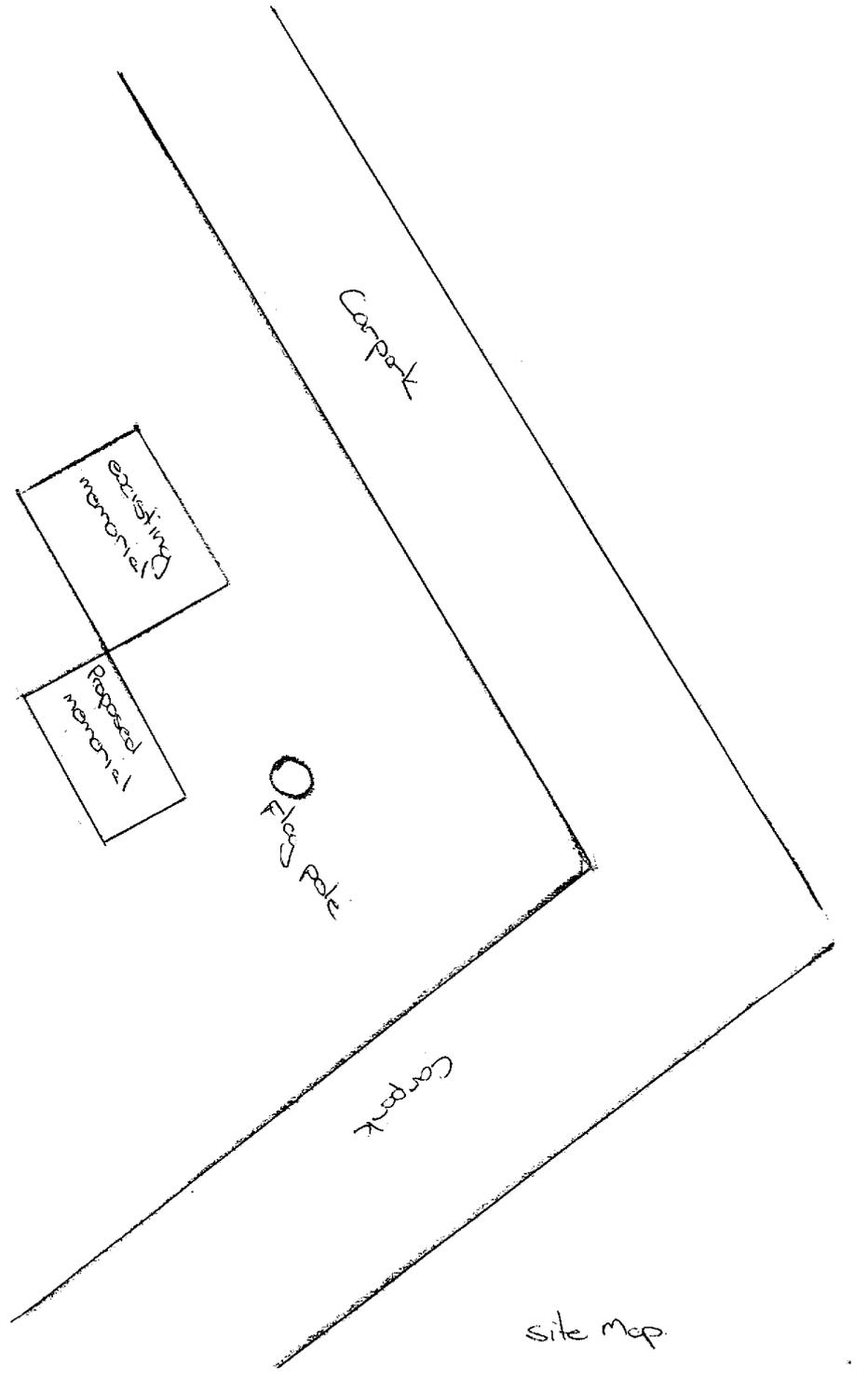
The Sub-branch subsequently approach TAFE students to provide a design and proposal to construct a wall. The adjudicators have selected the following submission for Council’s approval as per point 2 of the above resolution.

Reports from Director Environment & Community Services



Drawn By Reece Price Howards Road Burringbar 2483 (02) 66 70159	Murwillumbah Wall
Slab/Footing Details	
Scale 1:50, 1:20	Date 9-8-00

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

The curved wall is to be “bagged” finish, cream in colour on a slab measuring 6m x 3.5m as per construction and site plans. It is envisaged the wall will be a scaled down version of that in Chris Cunningham Park, Tweed Heads.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

30. ORIGIN: Environment & Health Services Unit

FILE REF: Companion Animals

REPORT TITLE:

Animal Control Policy Review

SUMMARY OF REPORT:

Council has traditionally adopted Policies regarding Animal keeping which provides guidance for residents in respect to the keeping of animals and reduction of the likelihood of community disturbances occurring as a result of the keeping of those animals.

However Section 164 of the Local Government Act 1993 states that where a Policy of Council is more onerous than the Act, then the Policy is void.

Council's current Policies are more onerous than the Act. Several options exist in relation to correcting Council's existing non conforming Policies.

Officers believe that the most suitable arrangement can be met by cancelling the existing policies and adopting a suitable Guideline.

RECOMMENDATION:

That Council:-

1. Deletes the existing Policies being:-

“E11.1.1 Keeping of Dogs in Towns, Urban Areas and Villages

- a) *All dogs kept within the Tweed Council area must be registered with Council.*
- b) *The number of dogs kept on premises, situated in towns, urban areas and villages, other than residential units, shall not exceed two (2).*

The occupier of any unit or flat in a residential flat building, shall not keep a dog without the written permission of the Body Corporate and/or unit owner (such permission is to be submitted to Council in writing) and shall not keep more than one (1) dog.
- c) *Each dog shall have a superficial yard area of four square metres (4m²).*
- d) *Dogs shall be kept at a minimum distance of fifteen (15) metres or such other distance as the Council may allow, from any dwelling, shop, office, school or factory.*
- e) *The floor of each kennel shall be constructed of concrete, seventy-five millimetres (75mm) above the surrounding ground level, finished to a smooth, even surface, properly graded and drained and shall be kept in a satisfactory condition at all times.*

Reports from Director Environment & Community Services

- f) *Sleeping boards shall be raised not less than one hundred and fifty millimetres (150mm) above the floor level and shall be removable to facilitate cleaning.*
- g) *The owners shall, at all times, take necessary measures to prevent dogs from barking or howling.*
- h) *Council issue written notice to dog owners at the time of issue of a dog licence that when a dog is released from the Dog Pound Council will issue an On the Spot Fine upon the owner of the dog.*
- i) *Council will issue a penalty notice to the owner of every dog found not to be registered after 1 March 1992.*

E11.1.2 Keeping of Horses and Cattle

- a) *In any town, village or urban area, no horses or cattle shall be kept closer than thirty metres to any dwelling, school, shop, office, factory, workshop, church, public hall or any premises used for the manufacture, preparation or storage of food.*
- b) *The floors of all stables shall be paved with concrete or mineral asphalt or other equally impervious material and properly graded to drain.*
- c) *The horse yard or cattle yard space shall be so enclosed as to prevent the escape of horses and cattle and prevent them from coming within the distance prescribed in Clause a) of this Policy.*
- d) *When horses or cattle are permitted to be kept under this Policy, it shall be necessary for the person keeping the horses or cattle to comply with these requirements in relation to any new structures erected on any adjacent land at a later date.*
- e) *In the instance of horses being kept on Lots 3 and 4, Section 4, DP 9025 Gray Street, Tweed Heads West at a less distance by previous resolution of Council, the horses are allowed to remain.*

E11.1.3 Keeping of Poultry

In any town, village or urban area, poultry may only be kept under the following conditions:

- a) *Fowls shall not be kept nearer than a distance of ten (10) metres from any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than thirty (30) metres from any dwelling, public hall or school or any premises used as aforesaid.*
- b) *The floors of all poultry houses shall be paved with concrete or mineral asphalt underneath the roosts or perches.*
- c) *The poultry yard space shall be so enclosed as to prevent the escape of poultry.*

Reports from Director Environment & Community Services

- d) *No more than twelve (12) adult fowls to be kept at any one time.*
- e) *The poultry house and yard space to be kept in a condition so as not to create odours or encourage the breeding of flies.”*

2. Adopts the Animal Keeping Guideline being:-

“Draft Animal Keeping Guideline

Aim: This Guideline is intended to provide guidance in respect of the keeping of animals and their proximity to certain activities.

Background:

It is acknowledged that certain requirements exist in Schedule 5 - Standards for the Keeping of Birds and Animals under the Local Government (Orders) Regulation 1993 which can be related to this Guideline. In certain circumstances this Guideline suggests requirements which are more onerous than those specified in Schedule 5.

These more onerous requirements have been developed over many years within Tweed Shire and are offered to residents as the minimum animal keeping practices which are likely to be suitable. They are intended to ensure the well being and safety of the animal and avoid disturbance of adjoining properties.

This Guideline is not intended to be taken as an approval to keep animals. Officers may assess each individual case of animal keeping on its merits and variations to this Guideline may be permissible on this basis. Further, more stringent requirements than are provided in this Guideline may be deemed applicable under certain circumstances, and may be enforced by way of Orders.

Persons choosing to keep animals should also be mindful of their obligations under the Prevention of Cruelty to Animals Act 1979 and the Companion Animals Act 1998.

Animal Keeping Guideline

Objective

To ensure that well being of animals kept in urban areas and to ensure that these animals do not create a health, noise or odour nuisance.

1 Keeping of Dogs in Towns, Urban Areas and Villages

- a) *All dogs kept within the Tweed Council area must be micro chipped and registered.*
- b) *The number of dogs kept on premises, situated in towns, urban areas and villages, other than residential units, should not exceed two (2).*
- c) *Kennels should be kept in a clean and healthy condition at all times.*

Reports from Director Environment & Community Services

- d) *The owners should, at all times, take necessary measures to prevent dogs from barking or howling (Council may offer advice or assistance in this regard).*

(Dog owners are further advised that 88B restrictions may apply to the keeping of dogs at certain premises)

2 Keeping of Horses and Cattle

In any town, village or urban area:

- a) *No horses or cattle should be kept closer than thirty metres to any dwelling, school, shop, office, factory, workshop, church, public hall or any premises used for the manufacture, preparation or storage of food.*
- b) *The floors of all stables should be maintained in a clean and healthy condition at all times.*
- c) *The horse yard or cattle yard space should be so enclosed as to prevent the escape of horses and cattle and prevent them from coming within the distance prescribed in Clause 2a) of this Guideline.*
- d) *When horses or cattle are kept under this Guideline, it shall be necessary for the person keeping the horses or cattle to comply with these requirements in relation to any new structures erected on any adjacent land at a later date.*

(Animal owners shall comply with a development consent or an order issued by Council which require more stringent keeping practices than those above)

3 Keeping of Poultry

In any town, village or urban area, poultry should only be kept under the following conditions:

- a) *Fowls should not be kept nearer than a distance of ten (10) metres from any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than thirty (30) metres from any dwelling, public hall or school or any premises used as aforesaid.*
- b) *The floors of all poultry houses should be paved with concrete or mineral asphalt underneath the roosts or perches.*
- c) *The poultry yard space should be so enclosed so as to prevent the escape of poultry.*

Reports from Director Environment & Community Services

No more than twelve (12) adult fowls should be kept at any one time.

Council discourages the keeping of roosters in towns and urban areas.

f) The poultry house and yard space to be kept in a condition so as not to create odours or encourage the breeding of flies.

(Animal owners shall comply with a development consent or an order issued by Council which require more stringent keeping practices than those above)

Further information or any queries may be directed to Council's Environment and Health Unit on (02) 66 720440.

Existing Policy e11 public health, safety and convenience

E11.1 Animals

Objective

To ensure that the keeping of animals in urban areas does not create a health, noise or odour nuisance.

Policy

E11.1.1 Keeping of Dogs in Towns, Urban Areas and Villages

- a) All dogs kept within the Tweed Council area must be registered with Council.
- b) The number of dogs kept on premises, situated in towns, urban areas and villages, other than residential units, shall not exceed two (2).

The occupier of any unit or flat in a residential flat building, shall not keep a dog without the written permission of the Body Corporate and/or unit owner (such permission is to be submitted to Council in writing) and shall not keep more than one (1) dog.

- c) Each dog shall have a superficial yard area of four square metres (4m²).
- d) Dogs shall be kept at a minimum distance of fifteen (15) metres or such other distance as the Council may allow, from any dwelling, shop, office, school or factory.
- e) The floor of each kennel shall be constructed of concrete, seventy-five millimetres (75mm) above the surrounding ground level, finished to a smooth, even surface, properly graded and drained and shall be kept in a satisfactory condition at all times.

Reports from Director Environment & Community Services

- f) *Sleeping boards shall be raised not less than one hundred and fifty millimetres (150mm) above the floor level and shall be removable to facilitate cleaning.*
- g) *The owners shall, at all times, take necessary measures to prevent dogs from barking or howling.*
- h) *Council issue written notice to dog owners at the time of issue of a dog licence that when a dog is released from the Dog Pound Council will issue an On the Spot Fine upon the owner of the dog.*
- i) *Council will issue a penalty notice to the owner of every dog found not to be registered after 1 March 1992.*

E11.1.2 Keeping of Horses and Cattle

- a) *In any town, village or urban area, no horses or cattle shall be kept closer than thirty metres to any dwelling, school, shop, office, factory, workshop, church, public hall or any premises used for the manufacture, preparation or storage of food.*
- b) *The floors of all stables shall be paved with concrete or mineral asphalt or other equally impervious material and properly graded to drain.*
- c) *The horse yard or cattle yard space shall be so enclosed as to prevent the escape of horses and cattle and prevent them from coming within the distance prescribed in Clause a) of this Policy.*
- d) *When horses or cattle are permitted to be kept under this Policy, it shall be necessary for the person keeping the horses or cattle to comply with these requirements in relation to any new structures erected on any adjacent land at a later date.*
- e) *In the instance of horses being kept on Lots 3 and 4, Section 4, DP 9025 Gray Street, Tweed Heads West at a less distance by previous resolution of Council, the horses are allowed to remain.*

E11.1.3 Keeping of Poultry

In any town, village or urban area, poultry may only be kept under the following conditions:

- a) *Fowls shall not be kept nearer than a distance of ten (10) metres from any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than thirty (30) metres from any dwelling, public hall or school or any premises used as aforesaid.*

Reports from Director Environment & Community Services

- b) *The floors of all poultry houses shall be paved with concrete or mineral asphalt underneath the roosts or perches.*
- c) *The poultry yard space shall be so enclosed as to prevent the escape of poultry.*
- d) *No more than twelve (12) adult fowls to be kept at any one time.*
- e) *The poultry house and yard space to be kept in a condition so as not to create odours or encourage the breeding of flies.*

Local Government (Orders) Regulation 1993 Schedule 5 Standards for keeping birds or animals

Table of Provisions (Clause 18)

Division 1 Keeping of swine

1 Swine not to pollute

- (1) *Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used):*
 - (a) *by a person for drinking or domestic purposes, or*
 - (b) *in a dairy.*

- (2) *Swine's dung must not be deposited in such a place or manner as to pollute any water referred to in subclause (1).*

2 Swine not to be kept near certain premises

- (1) *Without limiting clause 1, swine must not be kept (and swine's dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.*
- (2) *A greater distance determined under this clause applies to a person only if the council has served an order under section 124 of the Act to that effect on the person.*

Division 2 Keeping of poultry

3 Poultry not to be nuisance or health risk

- (1) *Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- (2) *Poultry yards must at all times be kept clean and free from offensive odours.*

4 Poultry not to be kept near certain premises

Reports from Director Environment & Community Services

- (1) *Fowls (that is, birds of the species Gallus gallus) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*
- (2) *Poultry (other than fowls referred to in subclause (1)) must not be kept within 30 metres of any building referred to in subclause (1).*
- (3) *The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:*
 - (a) *that are not within 15.2 metres of a dwelling, public hall or school, or*
 - (b) *that are situated on clean sand.*
- (4) *Poultry yards must be so enclosed as to prevent the escape of poultry.*
- (5) *The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.*

Division 3 Keeping of horses and cattle

5 Horses and cattle not to be kept near certain premises

- (1) *Horses and cattle must not be kept within 9 metres (or such greater distance as the council may determine in a particular case) of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.*
- (2) *The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.*
- (3) *Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.*
- (4) *The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.”*

Reports from Director Environment & Community Services

REPORT:

Council has traditionally adopted Policies E11.1.1 to E11.1.3 regarding animal control which provides guidance for residents in respect to the keeping of animals and reduction of the likelihood of community disturbances occurring as a result of the keeping of those animals. The Policies are reproduced in full at the end of this report. The Policies includes the following:

- E11.1.1 Keeping of Dogs in Towns, Urban Areas and Villages
- E11.1.2 Keeping of Horses and Cattle
- E11.1.3 Keeping of Poultry

There are a number of clauses within the Policies which are more onerous than the provisions under the Act or the Regulations. This is significant in relation to Section 164 of the Local Government Act 1993 which states:

164 Local policy not to be more onerous than this Act or the regulations

- (1) *If a criterion is prescribed by this Act or the regulations in relation to:*
- (a) *a specified aspect of an activity that may be carried out only with the prior approval of the council, or*
 - (b) *a specified aspect of anything for which an order may be given under Part 2, a local policy adopted under this Part by a council, to the extent to which its provisions impose a more onerous criterion in relation to the specified aspect, is void.*

The specific legislation with which the Policies are inconsistent is *Schedule 5 - Standards for the Keeping of Birds and Animals* under the Local Government (Orders) Regulation 1993. This Schedule is also reproduced at the end of this report.

The Department of Local Government legal section has advised that should Council wish to retain the Policies then it should be made consistent with the relevant legislative provisions, and a note made that Council will consider variations to the Policies dependant on the individual merits of the case.

Officers believe that there are several options in relation to correcting Council's existing non conforming Policies. These include:

1. Delete the existing policies and deal with individual cases on their merits and in accordance with the provisions of the Act.
2. Adopt a Policy which is consistent with the relevant legislative provisions, and a relevant Policy note stating that Council will consider variations to the Policy dependant on the individual merits of the case.
3. Delete the existing Policies, and adopt a new Animal Keeping Guideline. The provisions of this Guideline will remain for the greater part consistent with the previous Policy provisions, which have been historically demonstrated as reducing the incidence of health, odour or noise nuisance from animals.

Reports from Director Environment & Community Services

Officers believe that the most suitable arrangement can be met by adopting option 3 above. An appropriate Animal keeping Guideline has been provided at the end of this report.

By maintaining a Guideline (which includes the more onerous requirements) residents can be provided with appropriate information when enquiring about the keeping of animals. In the case where a complaint is received by Council the matter is investigated and determined on its merits and Orders issued for non compliance under Section 124 of the Local Government Act.

Effectively this will negate the current situation where Council's Policies are void by virtue of Section 164.

In the case where the existing Policies are not deleted, officers believe that they need to be amended to remove certain clauses which are considered outdated.

For the information of Council, the current inconsistencies can be summarised as follows:

- The Schedule requires that horses and cattle be kept no closer than 9 metres to certain premises. The Policy requires that 30m separation be maintained. The Policy is more onerous.
- The Schedule requires that fowls be kept no closer than 4.5 metres to certain premises. The Policy requires that 10m separation be maintained. The Policy is more onerous.
- Council's Policy requires all poultry houses to be paved with concrete or mineral asphalt. The schedule provides a concession where that yard is not within 15.2 m of a dwelling or school.
- The requirements under the Schedule for poultry, horses and cattle are only applicable where an Order under section 124 has been issued. This should be stated in Council's Policy.

Tweed Shire Council

Environment and Health Services

Draft Animal Keeping Guideline

Aim: This Guideline is intended to provide guidance in respect of the keeping of animals and their proximity to certain activities.

Background: It is acknowledged that certain requirements exist in Schedule 5 - Standards for the Keeping of Birds and Animals under the Local Government (Orders) Regulation 1993 which can be related to this Guideline. In certain circumstances this Guideline suggests requirements which are more onerous than those specified in Schedule 5.

Reports from Director Environment & Community Services

These more onerous requirements have been developed over many years within Tweed Shire and are offered to residents as the minimum animal keeping practices which are likely to be suitable. They are intended to ensure the well being and safety of the animal and avoid disturbance of adjoining properties.

This Guideline is not intended to be taken as an approval to keep animals. Officers may assess each individual case of animal keeping on its merits and variations to this Guideline may be permissible on this basis. Further, more stringent requirements than are provided in this Guideline may be deemed applicable under certain circumstances, and may be enforced by way of Orders.

Persons choosing to keep animals should also be mindful of their obligations under the Prevention of Cruelty to Animals Act 1979 and the Companion Animals Act 1998.

Animal Keeping Guideline

Objective

To ensure that well being of animals kept in urban areas and to ensure that these animals do not create a health, noise or odour nuisance.

1 Keeping of Dogs in Towns, Urban Areas and Villages

- a) All dogs kept within the Tweed Council area must be micro chipped and registered.
- b) The number of dogs kept on premises, situated in towns, urban areas and villages, other than residential units, should not exceed two (2).
- c) Kennels should be kept in a clean and healthy condition at all times.
- d) The owners should, at all times, take necessary measures to prevent dogs from barking or howling (Council may offer advice or assistance in this regard).

(Dog owners are further advised that 88B restrictions may apply to the keeping of dogs at certain premises)

2 Keeping of Horses and Cattle

In any town, village or urban area:

- a) No horses or cattle should be kept closer than thirty metres to any dwelling, school, shop, office, factory, workshop, church, public hall or any premises used for the manufacture, preparation or storage of food.
- b) The floors of all stables should be maintained in a clean and healthy condition at all times.
- c) The horse yard or cattle yard space should be so enclosed as to prevent the escape of horses and cattle and prevent them from coming within the distance prescribed in Clause 2a) of this Guideline.
- d) When horses or cattle are kept under this Guideline, it shall be necessary for the person keeping the horses or cattle to comply with these requirements in relation to any new structures erected on any adjacent land at a later date.

Reports from Director Environment & Community Services

(Animal owners shall comply with a development consent or an order issued by Council which require more stringent keeping practices than those above)

3 Keeping of Poultry

In any town, village or urban area, poultry should only be kept under the following conditions:

- a) *Fowls should not be kept nearer than a distance of ten (10) metres from any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than thirty (30) metres from any dwelling, public hall or school or any premises used as aforesaid.*
- b) *The floors of all poultry houses should be paved with concrete or mineral asphalt underneath the roosts or perches.*
- c) *The poultry yard space should be so enclosed so as to prevent the escape of poultry.*
- d) *No more than twelve (12) adult fowls should be kept at any one time.*
- e) *Council discourages the keeping of roosters in towns and urban areas.*
- f) *The poultry house and yard space to be kept in a condition so as not to create odours or encourage the breeding of flies.*

(Animal owners shall comply with a development consent or an order issued by Council which require more stringent keeping practices than those above)

Further information or any queries may be directed to Council's Environment and Health Unit on (02) 66 720440.

Existing Policy e11 public health, safety and convenience

E11.1 Animals

Objective

To ensure that the keeping of animals in urban areas does not create a health, noise or odour nuisance.

Policy

E11.1.1 Keeping of Dogs in Towns, Urban Areas and Villages

- a) *All dogs kept within the Tweed Council area must be registered with Council.*
- b) *The number of dogs kept on premises, situated in towns, urban areas and villages, other than residential units, shall not exceed two (2).
The occupier of any unit or flat in a residential flat building, shall not keep a dog without the written permission of the Body Corporate and/or unit owner (such permission is to be submitted to Council in writing) and shall not keep more than one (1) dog.*
- c) *Each dog shall have a superficial yard area of four square metres (4m²).*

Reports from Director Environment & Community Services

- d) Dogs shall be kept at a minimum distance of fifteen (15) metres or such other distance as the Council may allow, from any dwelling, shop, office, school or factory.
- e) The floor of each kennel shall be constructed of concrete, seventy-five millimetres (75mm) above the surrounding ground level, finished to a smooth, even surface, properly graded and drained and shall be kept in a satisfactory condition at all times.
- f) Sleeping boards shall be raised not less than one hundred and fifty millimetres (150mm) above the floor level and shall be removable to facilitate cleaning.
- g) The owners shall, at all times, take necessary measures to prevent dogs from barking or howling.
- h) Council issue written notice to dog owners at the time of issue of a dog licence that when a dog is released from the Dog Pound Council will issue an On the Spot Fine upon the owner of the dog.
- i) Council will issue a penalty notice to the owner of every dog found not to be registered after 1 March 1992.

E11.1.2 Keeping of Horses and Cattle

- a) In any town, village or urban area, no horses or cattle shall be kept closer than thirty metres to any dwelling, school, shop, office, factory, workshop, church, public hall or any premises used for the manufacture, preparation or storage of food.
- b) The floors of all stables shall be paved with concrete or mineral asphalt or other equally impervious material and properly graded to drain.
- c) The horse yard or cattle yard space shall be so enclosed as to prevent the escape of horses and cattle and prevent them from coming within the distance prescribed in Clause a) of this Policy.
- d) When horses or cattle are permitted to be kept under this Policy, it shall be necessary for the person keeping the horses or cattle to comply with these requirements in relation to any new structures erected on any adjacent land at a later date.
- e) In the instance of horses being kept on Lots 3 and 4, Section 4, DP 9025 Gray Street, Tweed Heads West at a less distance by previous resolution of Council, the horses are allowed to remain.

E11.1.3 Keeping of Poultry

In any town, village or urban area, poultry may only be kept under the following conditions:

- a) Fowls shall not be kept nearer than a distance of ten (10) metres from any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than thirty (30) metres from any dwelling, public hall or school or any premises used as aforesaid.
- b) The floors of all poultry houses shall be paved with concrete or mineral asphalt underneath the roosts or perches.
- c) The poultry yard space shall be so enclosed as to prevent the escape of poultry.
- d) No more than twelve (12) adult fowls to be kept at any one time.

Reports from Director Environment & Community Services

- e) *The poultry house and yard space to be kept in a condition so as not to create odours or encourage the breeding of flies.*

Local Government (Orders) Regulation 1993

Schedule 5 Standards for keeping birds or animals

Table of Provisions

(Clause 18)

Division 1 Keeping of swine

1 Swine not to pollute

- (1) *Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used):*
- (a) *by a person for drinking or domestic purposes, or*
 - (b) *in a dairy.*
- (2) *Swine's dung must not be deposited in such a place or manner as to pollute any water referred to in subclause (1).*

2 Swine not to be kept near certain premises

- (1) *Without limiting clause 1, swine must not be kept (and swine's dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.*
- (2) *A greater distance determined under this clause applies to a person only if the council has served an order under section 124 of the Act to that effect on the person.*

Division 2 Keeping of poultry

3 Poultry not to be nuisance or health risk

- (1) *Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- (2) *Poultry yards must at all times be kept clean and free from offensive odours.*

4 Poultry not to be kept near certain premises

- (1) *Fowls (that is, birds of the species Gallus gallus) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*
- (2) *Poultry (other than fowls referred to in subclause (1)) must not be kept within 30 metres of any building referred to in subclause (1).*
- (3) *The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:*
- (a) *that are not within 15.2 metres of a dwelling, public hall or school, or*
 - (b) *that are situated on clean sand.*
- (4) *Poultry yards must be so enclosed as to prevent the escape of poultry.*
- (5) *The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.*

Division 3 Keeping of horses and cattle

5 Horses and cattle not to be kept near certain premises

- (1) *Horses and cattle must not be kept within 9 metres (or such greater distance as the council may determine in a particular case) of a dwelling, school shop,*

Reports from Director Environment & Community Services

- office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.*
- (2) *The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.*
 - (3) *Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.*
 - (4) *The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.*
-

Reports from Director Environment & Community Services

31. ORIGIN: Environment & Health Services Unit

FILE REF: Markets – Bay Street

REPORT TITLE:

Proposed Markets - Bay Street, Tweed Heads

SUMMARY OF REPORT:

Attached to this Business Paper is a letter from the Tweed Heads Chamber of Commerce which has been received regarding use of part of Bay Street, Tweed Heads as a market.

Issues to be considered by Council include:-

- (a) disruption to traffic
- (b) affect on existing markets conducted by the Police Citizens Youth Club
- (c) access for emergency services

RECOMMENDATION:

That Council considers the options as outlined in this report.

Reports from Director Environment & Community Services

REPORT:

Attached (to this Business Paper) is a proposal by the Tweed Chamber of Commerce Inc to conduct a market in Bay Street, Tweed Heads on the first Sunday of each month on the southern side of Bay Street between Sand and Enid Streets during the hours of 7.00am and 2.00pm. Access is required by the organisers and stall holders from 6.00am for the erection of temporary traffic barriers, associated signage and the setting-up of stalls. The possibility of a twilight market during the Christmas period is included in the proposal. Various issues pertaining to this proposal need to be addressed and are as follows.

The area required for use is un-zoned land and on advice from Council's Development Control Unit it would be a requirement of Council that a Development Application be submitted by the proponent. Should Council be in favour of this proposal, Council's representative would be required to sign any such application.

Advice from of Council's Planning and Design Unit indicates that matters for consideration include:-

- i. access for emergency services (access to street and/or premises);
- ii. disruption and possible congestion to normal traffic, viz
 - (a) the transit terminal – McCaffertys etc
 - (b) pick-up and drop-off points for patrons of Surfside buses;
 - (c) the operation of the Taxi rank although the rank is now in Wharf Street;
 - (d) general traffic flow including adequate signage
- iii. Any matters relative to NSW Police.

It is recommended that a traffic management plan be submitted for appraisal by the proponent.

At this stage the proposal does not include the sale of food; the existing shops/cafes etc opening during the market operating times being sufficient to cater for the needs of patrons.

Some pre-packaged foods may be sold however and the manufacturing, processing, packaging, safe transport, storage and sale of these will need to meet the requirements of Councils and Environment and Health Services Unit and the Food Regulations. Also compliance with Council's management plan for markets will be required.

Presently the Police Citizens' Youth Club (PCYC) conduct a market each Sunday in Recreation Street which is approximately 500m from the site of this proposal.

Senior Constable Karen Hutchinson who is responsible for the conduct of the markets conducted by the PCYC was contacted and advised that her organisation is opposed to any proposal for additional markets in the area. The reasons for this are outlined in her correspondence to Council dated 9 October 2000, a copy of which is attached.

Reports from Director Environment & Community Services

Prior to any advice to the applicant regarding the submission of a Development Application and taking into consideration the issues raised Council would need to indicate whether it supported this proposal as landholder.

The issue of disturbance in the area by noise early of a Sunday morning will also need to be addressed.

If approval is granted it may be necessary for Council to provide traffic signage and it is estimated that this may amount to approximately \$1,500.00 which would need to be redeemed from the applicant.

There would appear to be at least three options available to Council at this stage:-

1. Agree to the submission of a development application being lodged and the issues be addressed as part of the consideration of the application.

This has the disadvantage that the application decision is appealable in court whereas once full details are considered, Council may not wish the market to proceed for reasons other than Environmental Planning & Assessment Act issues.

2. Request additional details and a more detailed report on the additional information submitted before determining if an application should be signed by Council.
 3. Determines that because of the issues raised in this report, Council does not agree to sign the development application.
-

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

32. ORIGIN: Environment & Health Services Unit

FILE REF: Surf Life Saving

REPORT TITLE:

Annual Agreement with Surf Life Saving Services Pty Ltd

SUMMARY OF REPORT:

A proposed Agreement for the provision of beach life saving services over the 2000/2001 Christmas period has been received from Surf Life Saving Services Pty Ltd.

RECOMMENDATION:

That :-

1. The Agreement with Surf Life Saving Services Pty Ltd for the provision of beach life saving services over Christmas 2000/2001 period be approved at the contract price of \$47,277.40 for the following beaches:
 - Cudgen Beach
 - Cabarita Beach
 - Fingal Beach
 - Duranbah Beach
 - Hastings Beach
 - Pottsville Beach
2. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

Once again Council will be providing beach surf life saving services on Tweed beaches over the Christmas period between Saturday 16 December 2000 and Sunday 28 January 2001. The service has in previous years been provided at the following beaches:

- Cudgen Beach
- Cabarita Beach
- Fingal Beach
- Flagstaff Beach
- Hastings Beach
- Pottsville Beach

A proposed Agreement for the provision of these services over the 2000/2001 Christmas period has been received from Surf Life Saving Services Pty Ltd. The total cost of the proposed contract is \$47,277.40 (excluding GST). This contract amount exceeds the allocated amount in Council's budget being, \$44,300.

The proposed contract fee of \$47,277.40 represents a 5% increase from the previous years contract amount.

Last year the contract sum also exceeded the budget allocation. Officers recommended to Council that patrols not be provided at Flagstaff Beach to achieve budget compliance, however Council resolved that all the above beaches be patrolled.

Should Council resolve that all beaches to be patrolled this year at the proposed cost of \$47,277.40, then the over expenditure of \$2,977.40 will require consideration at budget review time.

The conditions of Agreement are similar to that entered into during previous years and the Agreement requires execution under the common seal of Council.



DAVID BROYD
ACTING GENERAL MANAGER

Reports from Sub-Committees

**MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING
A COUNCIL DECISION**

- 1. Minutes of the Companion Animal Committee Meeting Held Monday 9 October 2000**
-

Reports from Sub-Committees

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Delegate's Reports

1. ORIGIN: Cr M Boyd – Northern Rivers Catchment Management Board

FILE REF: Total Catchment Management

REPORT TITLE:

Northern Rivers Catchment Management Board Update to 3 October 2000

RECOMMENDATION:

That this report be received and noted.

Delegate's Reports

REPORT:

**AN UPDATE ON THE ACTIVITIES OF THE NORTHERN RIVERS CATCHMENT
MANAGEMENT BOARD (NRCMB) TO 3rd OCTOBER 2000**
from Diana Roberts, Chairperson

**Progress on development of the draft
catchment management plan:**

The NRCMB held its first meeting on Tuesday, 3rd October 2000 in Lismore.

- Meeting procedures have been adopted.
- An extensive inventory of community consultation undertaken over the past 5 years on natural resource management issues has been compiled and will be updated as new information comes to hand.
- A stocktake of Natural Resource & Environment Management (nrem) problems, threats and opportunities has been compiled based on existing documents together with input from Board members, local government and government agencies. This document is to be further refined.
- Draft first order nrem objectives have been discussed. These are to be further refined and presented to the November Board meeting for adoption.
- A draft communication strategy has been discussed and will be further refined for adoption at the November Board meeting.
- A draft corporate plan has been discussed and will be presented to the November Board meeting for adoption. The draft corporate plan will also include the communication strategy and is to be submitted to the Minister by early December.

Other Activities undertaken to date:

Training workshop held over 2 days in July to outline the purpose of the NRCMB, the role of Board members and the process to be followed in compiling a draft catchment management plan for nrem in our region. A Catchment Management Board Support package has been produced by DLWC to guide this process.

Process of integrating NRCMB tasks with work of Northern Rivers Water Management Committee (NRWMC) and Richmond Regional Vegetation Committee (RRVC) determined with Jeff Spash representing Board on NRWMC and Paola Wilson

representing Board on RRVC. Correspondence with Clarence Regional Vegetation Committee entered into.

All correspondence has been dealt with in a timely manner.

Proposed activities:

- A workshop with local government representatives is to be auspiced by NRCMB and will be held on 23rd October 2000. This workshop will also cover the roles of the NRWMC, the RRVC and Estuary, Coastal & Floodplain/Drainage Committees together with the role of local government in natural resource management.
- NRCMB members will undertake preliminary cultural awareness training on Thursday, 26th October 2000.
- The Board has agreed to prepare a "skeleton" regional profile.
- The November meeting will commence discussion on catchment targets in conjunction with consideration of management actions.
- The NRCMB has established a Northern Rivers Reference Panel that will set priorities for natural resource and environment management projects in our area should that be required for the next round of NHT funding.
- The NRCMB has agreed to establish a web site.

Future meetings

To be held on the first Monday and/or Tuesday of every month except January. The next meeting of the NRCMB will be held on Tuesday, November 7th in Murwillumbah.

Feedback or for further information contact

Diana Roberts
Chair
NRCMB
PO Box 56
NIMBIN NSW 2480
dianar@nor.com.au

Outstanding Inspections

1. Council Land - Mt Nullum

12. Use of Land - Mt Nullum

Land Development – Mt Nullum

819

Cr Boyd

Cr Luff

RESOLVED that a Council inspection of the Mt Nullum site be held at an appropriate time.

Current Status: Inspection set for 29 March 2000. Inspection cancelled due to weather conditions. Further date to be determined.

RESOLUTION OF MEETING HELD 6 SEPTEMBER 2000:

287

Cr Polglase

Cr Boyd

RESOLVED that an inspection of Mt Nullum be conducted on Wednesday 11 October 2000 commencing at 12.30pm after lunch at 12 noon.

Outstanding Inspections

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Orders of the Day

1. Notice of Motion - Cr Boyd

Albert Mainard Scholarship

Civic Awards, Professional Assoc - RAPI, Notice of Motion

That Council invites David Kanaley, Chief Town Planner, Byron Shire Council to make a presentation covering his report as the 1999 recipient of the Albert Mainard Scholarship.

2. Notice of Motion - Cr Boyd

Clarrie Hall Dam

Clarrie Hall Dam - General, Water Charges, Notice of Motion

That Council officers bring forward a report on the feasibility of increasing the minimum water rate by say \$10 specifically for the purpose of sealing gravel roads in the catchment of the Clarrie Hall Dam in order to reduce the amount of silt and pollution entering the dam.

3. Notice of Motion - Cr Boyd

Industrial Development

Industrial Development - General, Notice of Motion

That Council seeks the support of all local government bodies in Australia in requesting the Federal Government to enact legislation as expeditiously as possible, which is comparable to that used in setting up the European Union so as to provide all Australians with a level of prosperity and standard of living commensurate with that enjoyed by the people of the European Union member nations. (See attachment to this business paper.)

4. Notice of Rescission - Cr Beck, Cr Brinsmead and Cr Polglase

Bush Fires, Hastings Point

Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission

That Council resolution at Minute No 371 in relation to Item 7 of the Meeting held 4 October 2000 being:-

".....that Council:-

Orders of the Day

1. *Mounts an investigation to determine who was responsible for the fire in the SEPP 26 Littoral Rainforest at Hastings Point.*

2. *Takes appropriate action on the outcome of the investigation.*

be rescinded."

5. Notice of Motion - Cr Polglase

Local Environment Plan Committee

LEP-2000, GT1/LEP/2000, Notice of Motion

That Council reconvenes the LEP Committee to review the LEP document.
