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Brothel/Escort Agency at Lot 9 DP 964880 No. 13 Wharf Street, Tweed Heads - Deemed
Refusal Appeal in Land and Environment Court 5**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning
litigation, or advice that would otherwise be privileged from production in legal proceedings on the
ground of legal professional privilege 5*

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*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning
litigation, or advice that would otherwise be privileged from production in legal proceedings on the
ground of legal professional privilege 7*

Items for Consideration of Council

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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.

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.

Schedule of Outstanding Resolutions

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.

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.

Schedule of Outstanding Resolutions

Current Status: Meeting to be arranged.

18 OCTOBER 2000

REPORTS FROM DIRECTOR CORPORATE SERVICES

8. Quarterly Budget Review - 30 September 2000

Budget

403

Cr Marshall

Cr Youngblutt

RESOLVED that a report be brought forward to enable consideration of the remaining 9 months of the current budget, and the Councillors communicate to the General Manager items to be considered in the review.

Current Status: Report to be finalised.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

4. Bush Fires, Hastings Point

Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission

Cr Beck

Cr Brinsmead

PROPOSED that Council resolution at Minute No 371 in relation to Item 7 of the Meeting held 4 October 2000 being:-

".....that Council:-

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."

The Motion was **Lost**

Current Status: Investigation Progressing.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Centenary of Federation 2001 Celebrations

Centenary of Federation

An invitation has been received from the National Council for the Centenary of Federation to participate in the Centenary of Federation 2001 Celebrations.

2. Proposed Closure of Some Rural Banking Services

Banking

West Wimmera Shire Council Edenhope Victoria has requested Council to support a change in banking licence conditions to provide for a community service obligation that ensures that where there is an existing banking presence, that that presence will remain with full services.

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 2 AUGUST 2000

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 Pt2

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.

This item is the subject of a further report at Item 3 of the Agenda.

2. **ORIGIN: Development Control Unit**

FILE REF: DA3346/40 Pt2

REPORT TITLE:

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

SUMMARY OF REPORT:

This report relates to the deferred item No. 4 from the meeting of 21 June 2000. The applicant has now submitted a management plan which aims to address the concerns raised by Council in the previous report.

Should Council accept that a Management Plan is sufficient to control adverse affects from the development a list of appropriate conditions of consent are attached. It is considered that a Management Plan could partially overcome issues raised in the previous report. However, various amendments are required to the Plan before it could be accepted as being adequate. It is proposed to recommended a “deferred commencement consent” with final approval of the Management Plan being required prior to the consent becoming operable.

RECOMMENDATION:

That Development Application K00/389 for eleven (11) “swing moorings” at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads be approved by way of “deferred commencement” consent subject to the following conditions:-

Items Deferred

“Deferred Commencement”

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

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

SCHEDULE “A”

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

1. A management plan is to be submitted to and approved by the Director of Development Services prior to commencement of use of the swing moorings. This management plan is to detail the method by which parking and mooring of dinghy’s is to be controlled within the Anchorage Islands development. Operation of the swing moorings is to be carried out in accordance with the approved management plan at all times and the management plan is to only be amended or varied with the approval of the Director of Development Services.

SCHEDULE B

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

1. The development shall be completed in general accordance with Plan No. 11520D prepared by B & P Surveys dated 15 March 2000, except where varied by these conditions.
2. Of the 11 swing moorings, a maximum of 6 moorings are to be leased to persons residing outside of the Anchorage Islands development at any one time. The remaining moorings are to be available for use of the residents only.
3. Dinghy’s and vessels used to access boats moored at the moorings are not to be parked on beaches or a public reserve within the Anchorage development for more than a one hour period.
4. Motor vehicles used to access the swing moorings are not to be parked in Quayside Court or Navigators Way.
5. The licence/lease agreement for the pontoons is to be submitted to and approved by the Director Corporate Services prior to any work commencing on the development. The terms of the licence/lease are not to be altered without the prior approval of Council. The licence/lease is to include the following:
 - a. a prohibition on subleasing of the structure

Items Deferred

- b. that the licence/lease holder maintain insurance for the vessel, and for public liability (minimum \$10,000,000)
 - c. regular maintenance of pontoon and boats moored in harbour (to overcome potential leaks, spills etc.)
 - d. compliance with the conditions of this development consent
6. No repairs on boats are to occur from the pontoons.
7. Sullage pump out from any boats moored at the pontoons is to occur only at an approved facility and not into the harbour.
8. A clear navigational channel of not less than 20m (measured between vessels on any opposite pontoons) is to be maintained at all times.

Items Deferred

REPORT:

BACKGROUND

This report relates to the deferred item No. 4 of Councils meeting of 21 June 2000 regarding Development Application K00/389 for the erection of 11 swing moorings at Lot 268 DP 865924 Mariners Drive East, Tweed Heads (The Anchorage Harbour).

The original report presented to the meeting of 21 June is included in the deferred items section of this business paper.

The application was recommended for refusal for reasons relating to compatibility of development with adjoining residential development, the lack of land based facilities associated with the proposal, that the proposed parking arrangements were not considered adequate, that the proposal will have an adverse affect on the amenity of the area and that the proposal is not in the interests of the public.

The applicant requested deferral of this item at the Council meeting. A meeting has now been held between the applicant and representatives of Council where it was recommended that the applicants submit a management plan to address the issues raised in the recommendation for refusal.

A copy of the Swing Mooring Management Plan is attached.

The Management Plan provides, in relation to parking, to prohibit vehicles parking in Quayside Court or Navigators Way and specifies that the available car parking locations in the vicinity of the harbour are at the end of Island Drive adjacent to the Anchorage Islands jetty, on Island Drive, and in Keith Compton Drive between Island Drive and Brett Street. With regard to dinghy storage, it is specified that no provision is made for dinghy storage within the Harbour and that the storage of dinghy's on the Harbour beach is strictly prohibited. It specifies that dinghy's may be carried by hand to the Harbour foreshore beaches for launching purposes via public access points or alternatively public boat ramps are to be used for launching purposes.

The Management Plan would partially assist in overcoming problems likely to arise from the moorings, such as parking in Navigators Way/Quayside Court. However, various amendments are considered necessary to the Plan before it can be considered adequate.

It is considered that the concerns identified in the previous report could also be alleviated by the imposition of conditions restricting use of the moorings, so that a maximum of 6 of the moorings are leased to persons residing outside of the Anchorage. This would reduce the number of vehicles and dinghy's being landed from the public area.

Should Council resolve to approve the application it is suggested that final approval of the management plan be delegated to the Director of Development Services as a "deferred commencement" condition, with final approval being required prior to the consent becoming operable.

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: DA4600/80 Pt1

REPORT TITLE:

Section 96 Application to Modify Development Consent K99/141 - Proposed Subdivision into Two Lots at Lot 2 DP 831044 Rayles Lane, Terranora

SUMMARY OF REPORT:

An application has been received to amend the consent for a two lot subdivision at Lot 2 DP 831044 Rayles Lane, Terranora. The application relates to a request to delete condition No. 7(iv) of Consent K99/141 which states:-

"A restriction requiring that no dwelling shall be erected on proposed Lot 2 unless it is demonstrated that the location is satisfactory in respect of health and safety of the occupants due to the location of the electricity transmission line corridor".

It is considered that with available information on the health effects associated with electromagnetic fields from power lines, that this condition cannot be complied with as research concludes that to date all that can be said is that on balance, the scientific evidence does not indicate that exposure to 50Hz Electro-Magnetic Fields found around the home, the office or near power lines is a hazard to human health.

RECOMMENDATION:

That Condition 7(iv) of Consent K99/141 be amended as follows:-

"A restriction shall be created requiring that no structures shall be erected on proposed Lot 2 within the easement for electricity as indicated on Plan No T03114/11606C dated 4 September 2000 prepared by B & P Surveys. This restriction is for the purposes of maintenance and for health and safety reasons."

Reports from Director Development Services

REPORT:

BACKGROUND

Development Consent was issued on 1 April 2000 for a two lot subdivision at Lot 2 DP 831044 Rayles Lane, Terranora. The subject site is located south of Rayles Lane and east of Carrington Court. An application has been received under Section 96 of the Environmental Planning and Assessment Act, 1979 seeking to modify Development Consent K99/141. The applicant seeks to delete condition 7(iv) which is as follows:-

"A restriction requiring that no dwelling shall be erected on proposed Lot 2 unless it is demonstrated that the location is satisfactory in respect of health and safety of the occupants due to the location of the electricity transmission line corridor".

The electricity transmission corridor runs parallel to the western boundary of Proposed Lot 2. The applicant is seeking the modification for reasons summarised as follows:-

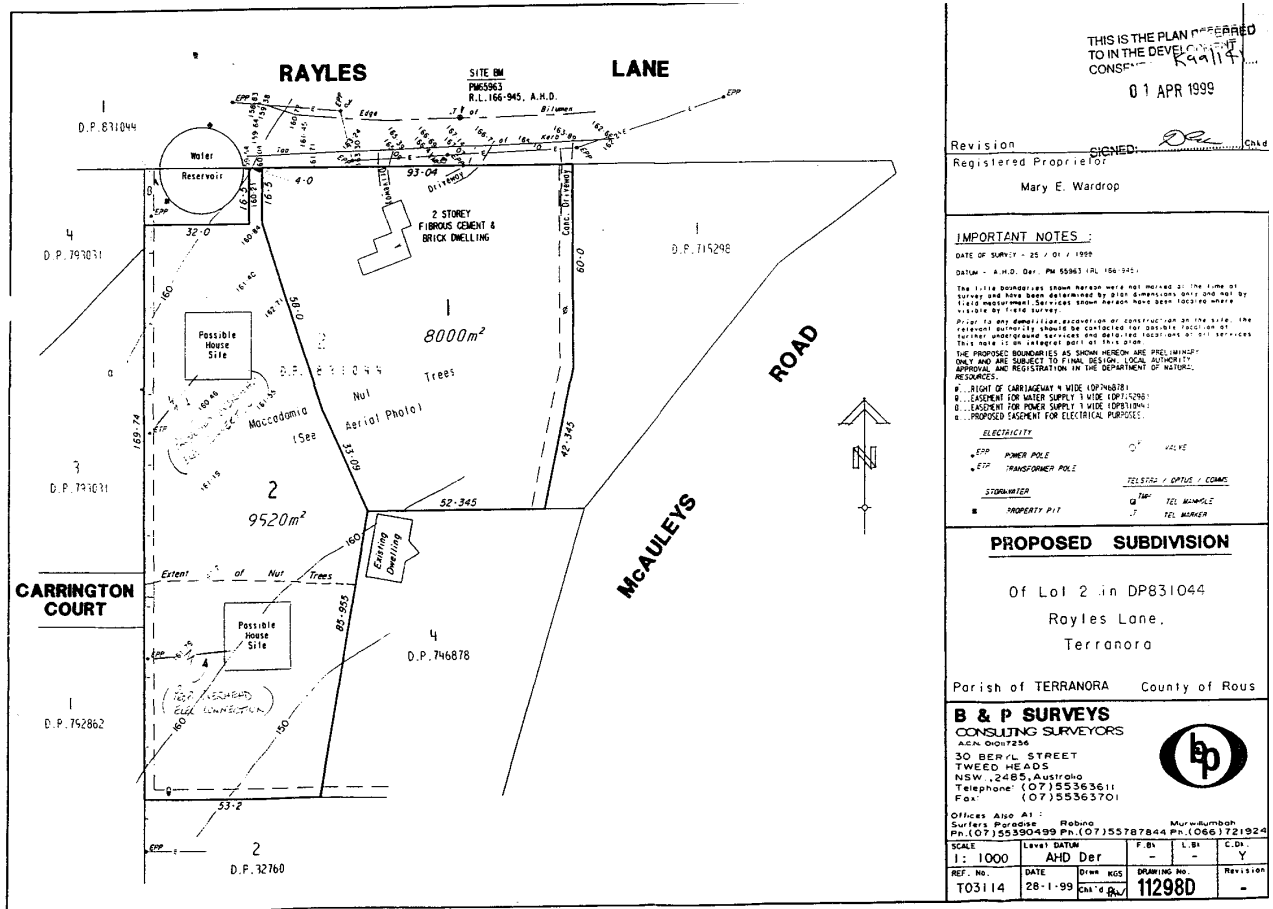
"The subject condition which we request to be deleted calls for a restriction on the use of the land to prohibit the erection of a dwelling unless it is demonstrated that there is no health and safety risk to potential occupants due to the location of the nearby electricity line corridor. The report from ARPNSA titled "The controversy over Electro-Magnetic Fields and Possible Adverse Health Effects" indicates the recommended magnetic field exposure limit for members of the public (24 hour exposure) is 1000mG. The highest reading observed by NorthPower in around the subject power lines was 20.2mG. Hence it can be easily concluded that the location of the existing electricity lines is satisfactory in respect of health and safety issues of potential dwelling occupants. In light of the above information we request that Condition 7(iv) be removed from the conditions of consent".

FIGURE 1 - SITE DIAGRAM LOCATION



Reports from Director Development Services

FIGURE 2 – SUBDIVISION CONSENT PLAN



ASSESSMENT UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

The proposed development has been assessed under Section 79C and the majority of the heads of consideration remain unchanged. The proposed development is considered to be substantially the same development as previously approved by Council officers.

Council's Environment and Health Unit comments are as follows:-

"An application has been received to amend the consent for a two lot subdivision at the abovementioned premises.

The application relates to a request to delete Condition No. 7(iv) of Consent K99/141. Condition 7(iv) states:-

"A restriction requiring that no dwelling shall be erected on proposed Lot 2 unless it is demonstrated that the location is satisfactory in respect of health and safety of the occupants due to the location of the electricity transmission line corridor".

In support of the request, the applicant has provided Electro-Magnetic Field (EMF) test results conducted by NorthPower of EMF emissions associated with the power lines, together with information from the Australian Radiation Protection and Nuclear Safety

Reports from Director Development Services

Agency (ARPNSA). Which from advice from NorthPower apparently is the Agency set up in Australia investigating and reporting on EMF studies associated with Powerlines and other matters.

The NorthPower test results relate to two sets of readings along the length of the power lines along the western boundary of Lot 2 as indicated on the attached Survey Plan Drawing No. 11298D. The first set of readings were taken directly beneath the powerlines and the second set were taken approximately 10 metres to the east of the powerlines. The first set of readings showed EMF levels ranging between 6.6 and 20.2 milligrams (mG), the second set indicated levels ranging between 6.4 and 11.3mG. It can be seen that the highest level dropped off with the increase in distance from the powerlines.

The ARPNSA document entitled "The Controversy Over Electro-Magnetic Fields and Possible Adverse Health Effects" (attachment one) contains the following statements:-

"The easiest way to reduce exposure to magnetic fields is to increase the distance from the source There is no evidence that these fields (magnetic fields) cause immediate, permanent harm. We do not know if, in the long term, they may have an effect on the incidence of cancer or other adverse health effects. It is for these reasons that the majority of scientists and Australian radiation health authorities in particular, do not regard chronic exposure to 50Hz electric and magnetic fields at the levels commonly found in the environment as a "proven" health risk. Moreover the evidence we have is inconclusive and does not allow health authorities to decide whether there is a specific magnetic field level above which chronic exposure is dangerous or compromises human health. Also, there are currently no Australian standards regulatory exposure to these fields. The National Health and Medical Research Council (NH&MRC) has issued Interim guidelines on limits of exposure to 50/60Hz electric and magnetic fields. These guidelines are aimed at preventing immediate health effects resulting from acute exposure to these fields. The recommended magnetic field exposure limit for members of the public (24 hour exposure) is 1,000 mG and for occupational exposure (whole working day) is 5,000 mG. It should be noted that the above NH&MRC limits do not apply to the avoidance of cancer risk resulting from chronic exposure to 50Hz magnetic fields. The conclusion reached in the ARPNSA document is that "On balance, the scientific evidence does not indicate that exposure to 50Hz EMP's found around the home, the office or near powerlines is a hazard to human health"."

Further discussions on 13 October 2000 with a representative of NorthPower revealed that the powerlines are classed as Distribution lines (lower voltage) as opposed to transmission lines (high voltage). The lines are approximately 11kv only and 50Hz.

Another document contained in the ARPNSA web site entitled "Comments on Recent News (August 1997) Powerline Electromagnetic Fields and Cancer" related studies conducted to see if any association existed between acute lymphoblastic leukaemia (ALL) and exposure to magnetic fields associated with high voltage lines. This study failed to show either an association with distance from the nearest powerline (within 40 metres) or with living within 40m of a high voltage line (attachment two).

Reports from Director Development Services

It would therefore seem that on the basis of studies so far concluded, it cannot be said that it can be demonstrated that the location of any dwelling on Lot 2 is satisfactory in respect of health and safety of the occupants due to the location of the powerlines. Rather there is at present no evidence to suggest that any adverse health effects result due to being in proximity to powerlines. The NorthPower test results are well below the 1,000 mG interim exposure level for the public.

Therefore, it is extremely unlikely that the applicant can actually satisfy the current requirement for Condition 7(iv) as it stands based upon available evidence to date. Therefore, the condition itself is flawed. Investigations and studies associated with EMF's and likely health effects have in the past recommended the concept of "prudent avoidance" ie. not placing dwellings for example under powerlines, but allowing some distance between the two so as to reduce long term exposure. Using the concept together with the NorthPower test results and ARPNSA information supplied and gathered, it seems that a separation distance from the easement of at least 10 metres could be possible on the site and still leave enough available land for the erection of a dwelling.

It is noted that Condition 7(i) requires the creation of an easement in favour of NorthPower for overhead power lines extending from the western boundary of proposed Lot 2 and 10 metres east of the existing power pole lines. From discussion with a representative of B & P Surveys the power lines are very close to the western boundary, therefore with the 10m easement, the reality is that the actual distance that a dwelling on Lot 2 could be erected from the powerlines themselves would be approximately 12.0 metres.

As the EMF study by NorthPower showed that the maximum reading recorded for measurements taken 10m to the east of the powerlines was approximately half the maximum reading recorded directly below the powerlines and both of these readings are well below the ARPNSA reported level as specified by the NH&MRC level of 1000 mG Interim Guideline level only. Deletion of Condition 7(iv) could be considered.

In any decision to delete Condition 7(iv) the following extracts from the ARPNSA are important:-

Australian Exposure Guidelines

*There are currently no Australian standards regulating exposure to these fields. The National Health and Medical Research Council has issued Interim guidelines on limits of exposure to 50/60 Hz electric and magnetic fields. These guidelines are aimed at preventing immediate health effects resulting from acute exposure to these fields. The recommended magnetic field exposure limit for members of the public (24 hour exposure) is 1,000 mG (0.1 milliTesla) and for occupational exposure (whole working day) is 5,000 mG (0.5 milliTesla)**

The NHMRC notes that "although there are limitations in the epidemiological studies that suggest an increased incidence of cancer among children and adults exposed to 50/60 Hz fields, the data cannot be dismissed. Additional study will be required before these data can serve as a basis for risk assessment". In other words, because the research data do not indicate an exposure level at which a cancer risk

Reports from Director Development Services

exists (assuming that such a risk exists at any level), it is simply not possible to determine an exposure limit below which that risk would disappear. Hence, the above NHMRC limits do not apply to the avoidance of cancer risk resulting from chronic exposure to 50 Hz magnetic fields.

Residential Exposures

Exposure levels to EMFs around the home are in the range of 0.1-2.5 mG. For homes near powerlines, these levels may be as high as 5-10mG. Immediate under the powerline, magnetic field levels of 60-100 mG may be found.

Conclusion

On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near power lines is a hazard to human health."

CONCLUSION

Given the above information it can be concluded that there are no definitive research conclusions about the risk of electro-magnetic fields and their possible adverse effects. It would therefore be unreasonable to refuse the application and it is recommended that the condition be amended rather than deleted to reinforce the potential hazard associated with electro-magnetic fields.

It is considered that even with a 12 metre easement, there will be sufficient area available for a future house as the width of the block ranges from 34m to 53.2m.

Reports from Director Development Services

2. ORIGIN: Development Assessment Unit

FILE REF: DA5115/170 Pt2

REPORT TITLE:

Proposed Two (2) Lot Subdivision, Football Playing Field and Club House at Lot 24 DP 858902 Bilambil Road, Bilambil

SUMMARY OF REPORT:

Council has received a development application for a two lot subdivision and the establishment of a recreational area on one of the proposed lots at Lot 24 DP 858902 Bilambil Road, Bilambil. The proposed subdivision is accompanied by an objection to the minimum lot size development standard and will result in Lot 1 accommodating the existing dwelling and Lot 2 accommodating the recreational area.

The proposed recreational area will include a single storey clubhouse facility and playing field for the Bilambil Jets Rugby League Club. The proposal meets an urgent community need through the provision of a playing field required since the demise of the Terranora Lakes Country Club, the previous landlord for existing ground.

There is no opportunity for the Bilambil Junior Rugby League Club to obtain tenure over the existing grounds. The subject site appears to be suitable for the proposed development with the provision of a Type B intersection. Engineering plans detailing the extent of cut and fill and the creation of easements for drainage will be required prior to any work commencing. Residents concerns regarding noise and lighting can be overcome through the imposition of conditions including limiting hours of operation and requiring further approval for any installation of lighting for the field.

RECOMMENDATION:

That Development Application K99/1542 for a two lot subdivision, playing field, clubhouse and associated facilities at lot 24 DP 858902, Bilambil Road, Bilambil be approved subject to the following conditions:

PRE-REQUISITES – conditions that must be complied with prior to the release of the 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.

Reports from Director Development Services

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: \$29,076.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights – Commercial)

(ii) Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b. Extensions to Council Administration Offices

& Technical Support Facilities \$69.00

S94 Plan No. 18

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

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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: \$10,770.00

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.

3. Prior to any work commencing on site and prior to release of a construction certificate the subdivision or building, a detailed stormwater management plan is to be submitted to, and approved by the Director Engineering Services. The plan is to address:
 - * The adequacy of the existing culvert under Bilambil Road
 - * The proposed earthworks and embankment created by the earthworks to determine channel routing and grades
 - * Whether the infrastructure is to be private or public
 - * Proposed easements and restrictions to ensure appropriate maintenance
 - * Downstream discharge rights
 - * Stormwater detention prior to discharge into road culvert
 - * Management of operation phase
 - * Sediment and erosion control details
4. The use being restricted to the floor area designated on the approved plan.
5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
6. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

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7. **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.
8. 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 building & subdivision work.

(i) Building Work

In the case of an application for a construction certificate for **building work**:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed plans and specifications

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

Where the proposed building works involves a modification to previously approved plans and specifications the general plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply

Reports from Director Development Services

- state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:
 - details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
- d) evidence of any accredited component, process or design sought to be relied upon
- e) except in the case of an application for, or in respect of, a class 1a or class 10 building:
 - a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.
- f) Engineering plans and specifications for all civil engineering works required by this consent.

The list must describe the extent, capability and basis of design of each of the measures concerned.

(ii) 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

Reports from Director Development Services

- 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.

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.

9. 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.

GENERAL

10. The development shall be completed in general accordance with Plans prepared by Peter Knott dated September 1998, and the subdivision shall be completed in accordance with plans prepared by Brown & Pluthero Pty Ltd Drawing No. 11284D dated 7/12/98, except where varied by these conditions.
11. This approval does not relate to any lighting of the field. Separate approval is required for any floodlighting.
12. Hours of operation of the Club premises are restricted to the hours specified in the application. That is: 4pm to 10pm Fridays and 4pm to 7pm on Tuesdays. No amplified music is permitted at the Club.
13. Use of the field is not to occur beyond 8.30pm.
14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. 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.
16. The provision of thirty three (33) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. A detailed parking plan is to be submitted for approval prior to issue of a construction certificate. Overflow parking is to be provided on the grassed area in accordance with the approval.

Reports from Director Development Services

17. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
18. 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.
19. No soil, sand, gravel, clay or other material shall be disposed of off the site.
20. 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.
21. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
22. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1542 have been complied with.
23. 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.
 2. Easement to drain water.
 3. Easement to restrict direct access for Lot 1 to Bilambil Road, except where formal driveway is constructed.

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

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
24. 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.
25. 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.
26. 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

Reports from Director Development Services

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.

27. 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.
28. 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.
29. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.
Please note: Timber retaining walls will not be accepted.
30. 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.
31. 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.
32. 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
33. 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.

Reports from Director Development Services

- 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.

PRESCRIBED (BUILDING)

- 34. 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.
- 35. 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.
- 36. The building is not to be occupied or a final Occupation Certificate issued until a fire safety certificate has been issued for the building to the effect that each essential fire safety measure listed in the schedule below has been designed and installed in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 80GB of the Environmental Planning and Assessment Regulation 1994.

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Fire Safety Schedule Essential Fire Safety Measure

Emergency Lighting

Minimum Standard of Design Installation and Maintenance

AS2293-1998
“Emergency Lighting
Evacuation Lighting in
Buildings” Part 1 - Design &
Installation
Part 2 - Inspection &
Maintenance”

Exit Signs

AS2293-1998
“Emergency Evacuation
Lighting in Buildings. Part 1
Design & Installation.
Part 2 Inspection &
Maintenance”

Portable Fire Extinguishers

AS2444-1995
“Portable Fire Extinguishers
Selection & Location”

37. 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).
38. 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.
39. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)

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40. 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.

DISABLED (BUILDING)

41. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
42. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
43. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

FURTHER APPROVALS

44. 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

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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
- (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.

45. 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 - 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

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- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement
- 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

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".
- 46. 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.

47. Prior to the issue of a **Subdivision Certificate** a maintenance 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.

48. 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.

ROADS/STREETS

49. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work

- i. Bitumen sealing of accesses from the road carriageway to the property boundary of each proposed lot.
- ii. Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot to the satisfaction of the Director Development Services.
- iii. Provision of standard vehicular crossings to each proposed lot.

50. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. The construction of a Type B intersection to gain access into the proposed Lot 2 in accordance with Austroads. The design is to make provisions for bus turning movements.
- ii. The construction of a bus bay/stop on Bilambil Road OR alternatively, within the site with the consent of bus service providers.
- iii. Bus turning movements and parking provision within Lot 2.
- iv. Construction details of the all weather car park including but not limited to drainage, pavement.
- v. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

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- vi. Bulk earthworks details including batter treatment and landscaping.

DRAINAGE/FLOODING

51. Prior to the issue of a Construction Certificate a detailed stormwater analysis addressing the following issues is required:
 - i. adequacy of existing culvert under Bilambil Road.
 - ii. Proposed earthworks and embankments created by earthworks to determine channel routing and grades.
 - iii. Whether infrastructure created is intended as public or private.
 - iv. Proposed easements and restrictions to ensure proper maintenance of systems.
 - v. Downstream discharge rights.
 - vi. Stormwater detention prior to discharge into road culvert.
 - vii. Management of operation phase.
52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
53. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abutts 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.
54. The Engineering Plans required by Condition 50 shall include details of settling ponds and the method of discharging the return water from the site. The design shall comply with the requirements of "*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", 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".
55. 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.
56. 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

Reports from Director Development Services

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*.

57. 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.

58. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.
59. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2-1998.

SERVICES

Water

60. 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

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

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Electricity

62. 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.

ENVIRONMENT PROTECTION

63. Full effluent disposal design details are to be submitted and approved by Council prior to construction works commencing on site. Such details are to specify the capacity of the aerated treatment system to be used, how wet weather storage will be managed as a component of the effluent disposal system, how effluent will be delivered and disposed of into the evapotranspiration beds to ensure even distribution is achieved to avoid ponding of effluent and the design of the effluent evapotranspiration beds.
64. A construction certificate is to be submitted to Council by the Engineer overseeing the construction of the evapotranspiration beds, which certifies the final area (m²) of the beds, and that the beds have been constructed in accordance with any design details submitted to and approved by Council.
65. An area of minimum 660m² is to be made available for the construction of the primary effluent evapotranspiration disposal area. Such area is to be clear of all car parking areas, site boundaries, building and public recreation or circulation areas. A turfed apron or envelope of minimum 1.0 metre in width is to be constructed around the evapotranspiration beds.
66. The evapotranspiration beds are to be sewn with a cover of kikuyu grass in accordance with the requirements of the report by IGC and Associate Pty Ltd dated 26 August 2000 and the grass is to be maintained for the life of the evapotranspiration area.
67. A management plan is to be submitted to and approved by Council which clearly specifies how the kikuyu grass cover crop over the evapotranspiration areas will be managed in order to satisfy the provisions of the requirements of the report by IGC and Associates dated 26 August 2000 in relation to nutrient removal.
68. A reserve effluent disposal area of approximately 1,000m² is to be made available clear of site boundaries, buildings and public recreation and circulation areas. Such area is to be levelled and made available for connection to the effluent disposal system if required.
69. Surface water is to be diverted from all evapotranspiration areas so as not to impede the functioning of the areas.
70. A copy of the certificate of accreditation for the proposed aerated waste treatment is to be supplied to Council prior to the installation of the system.

Reports from Director Development Services

71. The watercourse in the immediate vicinity of the primary effluent disposal area is to be piped in accordance with the requirements of Council's Director of Engineering Services.
72. The watercourse in the immediate vicinity of the reserve effluent application area is to be piped to the satisfaction of Council's Director of Engineering Services if ever the reserve area is to be utilised for the disposal of effluent.
73. 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.
74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. 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.
76. 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.
77. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
78. 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.
79. 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.
80. 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.
81. 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.
82. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

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83. 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.
84. The burning of builders waste on site by open fire is prohibited.
85. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication “Managing Urban Stormwater Soils and Construction” prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
86. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

PLUMBING & DRAINAGE

87. 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.
88.
 - a. A 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.
89. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
90. Council is to be notified, in writing, of any proposed changes to the waste treatment device.

Reports from Director Development Services

REPORT:

Applicant: M W Allen & Assoc.
Owner: Mr E Ross
Location: lot 24 DP 858902, Bilambil Road, Bilambil Heights
Zoning: 1(a) Rural and 7(d) Environmental Protection (Scenic Escarpment)
Est Cost: \$100,000

PROPOSED DEVELOPMENT

Council received a development application for a two lot subdivision and recreational area at Lot 24 DP 858902, Bilambil on the 29th October, 1999. Further information was required from the applicant to progress the assessment, including:

- Extensive investigation into on site effluent disposal, and
- A submission under State Environmental Planning Policy No.1 – Development Standards.

The proposed subdivision involves creating two lots, being Lot 1 with an area of 25.07 hectares that accommodates the existing dwelling house, and, Lot 2 with an area of 1.903 hectares that will accommodate the proposed recreational area.

The proposed recreational area will include the construction of a single storey, concrete block and colourbond roof, clubhouse with a floor area of approximately 325m². The clubhouse will house a canteen, pavilion with servery, change rooms and toilet facilities. The proposal includes the construction of a playing field that will require cut and fill of approximately 6 metres due to the variable ground levels on the subject site. These works would need to be detailed in engineering plans submitted for the approval of Council prior to works commencing on the site.

The proposed recreational area will be accessed from Bilambil Road, a Council designated road under the provisions of the Local Environmental Plan. Engineering Services Division have advised that a Type B intersection will be required. The proposal includes sealed car parking for 33 vehicles with an overflow area identified on submitted plans accommodating a total of 112 vehicles.

A copy of the plan of proposed subdivision and plan of clubhouse and playing field will be made available in the Council Chambers for the meeting.

Reports from Director Development Services

EVALUATION

The following matters are required to be addressed under S79C of the Environmental Planning and Assessment Act:

(a) (i) Any Environmental Planning Instrument

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is partly zoned 1(a) Rural and 7(d) Environmental Protection under the provisions of the Tweed Local Environmental Plan 2000. The application was lodged under the previous planning instrument, Tweed Local Environmental Plan 1987. While the land did not change in zone, the current planning instrument requires an assessment under Clause 8(2), a provision not previously required. In addition, the proposal utilises a Council designated road for access thereby necessitating an assessment under Clause 22(4).

The proposed development is permissible with the consent of Council in the area of the subject land zoned 1(a) Rural providing the development is consistent with the primary objective of the zone. The proposal is not considered to compromise the primary zone objectives, these being:

- “* *to enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development*
- * *to protect rural character and amenity.”*

The proposed development is permissible with the consent of Council in the area of the subject land zoned 7(d) Environmental Protection providing the provisions of Clause 8(2) are satisfied. In considering the application under Clause 8(2) Council needs to be satisfied that:

- “a) *the development is necessary for any one of the following reasons:*
 - (i) *it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,*
 - (ii) *it meets an identified urgent community need,*
 - (iii) *it comprises a major employment generator, and*
- b) *there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and*
- c) *the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and*

Reports from Director Development Services

- d) *the development would be consistent with the objectives of this plan and at least one of the objectives of the zone within which it is proposed to be located.*"

The applicant has submitted that the proposed development meets an urgent community need through the requirement for a playing field since the demise of the Terranora Lakes Country Club. The Club has advised that they have extensively searched for suitable grounds in the area and that the site chosen is the only available land they can identify as suitable for their purposes.

The visual amenity of the locality will not significantly change through the addition of a playing field and clubhouse facility. The site is located opposite the Bilambil Primary School and playground, east of the 2(d) Village zone. The scale of the proposed development is consistent with the adjoining development.

The proposed development is not considered to be in conflict with the objectives of the Local Environmental Plan. The primary objective of the 7(d) zone is:

"To protect and enhance those areas of particular scenic value to the area of Tweed, minimise soil erosion from escarpment areas, prevent development in geologically hazardous areas, and maintain the visual amenity of prominent ridgelines and areas."

The proposed development is considered to be relatively consistent with the zone objective. The proposal encroaches into the 7(d) zone land through the construction of the north eastern corner of the playing field. The applicants geotechnical engineer has advised:

"There is no evidence of recent landslip on the site, which can be described as stable and slip free.....This excavation does not result in any stability risk and can be accommodated by a retaining wall or earth batters of 2H:1V....To summarise, the site and immediate surrounds are stable and slip free and the proposed material change of use to sporting fields is acceptable. Drainage of the toe of the landslip to the north of the site may be appropriate to reduce the risk of further movement towards the site."

Conditions of consent will require works to be undertaken in a manner to ensure the primary objective of the zone is not undermined. In summary it is considered that the proposed development has satisfied the requirements of Clause 8(2) and therefore Council may consider the application.

The Tweed Local Environmental Plan 2000 has identified Bilambil Road as a Council Designated road. As the development relies on a designated road for its sole means of vehicular access an assessment under Clause 22(4) is required.

Council's Engineering Services Division has assessed the proposal and concluded that a Type B intersection is required and that in so providing it is considered that the proposal is unlikely to materially reduce the capacity or efficiency of the road.

Reports from Director Development Services

With parking arrangements and adequate area for traffic movement being provided on site it is considered that traffic movement on the designated road will not be impeded. A Type B intersection includes pavement marking and a right turn facility with adequate width for passing traffic. In providing this intersection the future improvements of the designated road are not likely to be compromised.

With Bilambil Road being the most suitable access to the site, commercial advantage is not considered to be a basis for locating the proposed access. Alternative access is not available to the site and it is not considered that the development will detract from scenic values from the point of view of road users. As the proposed use for the subject land is not sensitive to traffic noise, noise impact ameliorative measures are not required.

The proposed clubhouse is setback a minimum of 35 metres from Bilambil Road and accordingly satisfies the requirements of Clause 24(3) of the LEP.

Generally the proposal and new intersection design are consistent with the provisions of Clause 22(4).

State Environmental Planning Policy No.1 – Development Standards

The development application is supported by an objection under the provisions of State Environmental Planning Policy No.1 – Development Standards. The application proposes to vary the minimum lot size requirement within Clause 20(2) of the Tweed Local Environmental Plan 2000. The following table details the variation.

Proposed Lot	Development Standard	Proposed	% Deviation
Lot 1	40 hectares	25.07 hectares	37 %
Lot 2	40 hectares	1.903 hectares	95 %

As the existing parcel of land is undersized the proposed subdivision was not able to achieve the development standard. In assessing the application referral to the Department of Urban Affairs and Planning was undertaken for concurrence. The Department issued concurrence on 13th January 2000 as the subdivision does not create an additional dwelling entitlement and the agricultural use of the land is unlikely to be affected by the subdivision.

North Coast Regional Plan 1988

The North Coast Regional Environmental Plan 1988 specifies that Council shall not grant consent to the development of sporting fields or other specialised recreational facilities unless it has considered the need for access by the community to the facilities and included relevant conditions in its approval to achieve an acceptable level of public access.

Conditions of consent would be imposed to ensure the site was adequately accessed and that the provisions of the Regional Plan were addressed.

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(ii) Development Control Plans (DCPs)

Development Control Plan No.2 – Site Access and Parking applies to the proposed development. The DCP requires the provision of parking for an Outdoor Sports Ground at the rate of 0.5 spaces per staff member and 1 space per 5 participants and spectator capacity. The application proposes to provide a total of 33 parking spaces to cater for the development. This is based on the attendance of 30 participants and 100 spectators at the site requiring 26 spaces, and the operation of the canteen area requiring an additional 6 spaces. The application identifies that the likely usage pattern of the field is as follows:

- Training sessions, twice weekly, on Tuesday and Thursday afternoons between 4.30pm and 6.00pm.
- Home games, once a fortnight between 9.00am and 2.00pm on Saturdays
- Club activity and Club trading at the clubhouse between the hours of 4.00pm – 10.00pm Fridays and 4.00pm – 7.00pm intermittently on Tuesdays.

It appears that the construction of 33 car parking spaces would be sufficient to cater for the demand generated by the club. It should be noted that additional grassed area would be available for overflow parking, and could be converted to sealed parking spaces should demand for additional spaces arise.

Site access has been assessed by Council's Engineering Services Division who have advised that a Type B intersection will be required as Bilambil Road is a distributor road and is expected to increase in traffic volume to 3300 vehicles per day. For safety and capacity reasons a Type B intersection is required. Conditions have been recommended requiring detailed engineering plans to be submitted and approved for the intersection construction and that work be completed to Councils satisfaction prior to use of the premises.

(b) Environmental, Social and Economic Impacts

It is considered that any anticipated environmental impact of the proposal can be adequately controlled by conditions of consent. The main potential for impact exists from the earthworks required to construct the playing field. Sediment and erosion control measures will be required to ensure that runoff to waterways does not occur. Detailed engineering plans would be required in this regard prior to any work commencing on the site.

Positive social impacts are likely to stem from providing a permanent facility for the Junior Rugby league Club in Bilambil. The proposed club trading between 4pm to 10pm on Fridays and intermittently on Tuesdays between 4pm and 7pm, subject to liquor licencing.

Adverse social or economic effects are not anticipated.

Reports from Director Development Services

(c) Suitability of the Site for the Development

The site is generally suitable for the construction of a playing field and associated facilities. Cut and fill will be required in the construction of the playing field. The site has sufficient area to accommodate the proposed bitumen sealed car parking spaces as well as an overflow parking area when needed.

Access to the site can be constructed to the Type B intersection required by Council's Engineering Services Division.

Concern has been raised regarding the ability of the site to adequately accommodate on site effluent disposal, and the applicant has now submitted a third proposal for disposing of effluent. The application has been assessed by the Environmental Health Unit who have advised that:-

“Conceptually the effluent generated by the development can be sustainably disposed of on site by application via an accredited aerated treatment system to evapotranspiration areas totalling approximately 660m². A reserve effluent application area is available totalling minimum 1000m².....It is also important, that should Council approve the application then it does so with full realisation that under certain climatic conditions ie prolonged periods of heavy rain, then off site discharge of effluent is likely to occur. It is also likely however that during such climatic events, it would be reasonable to assume that the playing field itself would be saturated beyond the point to sustain competitions. However the facilities of the clubhouse could still be used by patrons so effluent generation could still be expected but perhaps at reduced generation quantities.”

A number of conditions of consent are recommended to ensure the effluent generated is appropriately treated and disposed.

(d) Any Public Submissions

The application was advertised in accordance with Clause 14 of the Local Environmental Plan 1987 (the planning instrument current at the time of exhibition), this being the provisions for development which must be advertised. Accordingly the development application has been notified in the manner required under Clause 8(3) of the Tweed Local Environmental Plan 2000.

The application was advertised from Monday 29th November 1999 to 13th December 1999 in which period twenty eight submissions were received. Twenty five of the submissions were in support of the application while three submissions raised the following issues as grounds for objection.

Reports from Director Development Services

ISSUE	ASSESSMENT	COMMENT
Concern was raised on noise generation from recreational activities	<p>The applicant proposes the clubhouse hours of operation to be Fridays between 4.00 pm and 10.00 pm and intermittently on Tuesdays until 7.00 pm.</p> <p>Noise generated from the use of the field will occur during home game matches played on Saturdays on average every two weeks and concluding at 2.00 pm. Training times are held twice a week and conclude at 6.00 pm.</p>	<p>It is considered that this issue does not warrant refusal of the application.</p> <p>The following conditions to be imposed address the concern raised:</p> <p>13 & 14</p>
Concern was raised on safety of traffic/access from Bilambil Road	As the present standard of the road would not be suitable for the proposal a, Type B intersection would ensure safe access to the site.	<p>It is considered that this issue does not warrant refusal of the application.</p> <p>The following conditions to be imposed address the concern raised:</p> <p>52 & 53</p>
Concern was raised on lighting of recreational area	The proposal does not include the installation of lighting.	<p>It is considered that this issue does not warrant refusal of the application.</p> <p>The following conditions to be imposed address the concern raised:</p> <p>12</p>
Concern was raised with changes in rural amenity	The proposal involves the construction of a playing field and 33 car parking spaces as well as a relatively small clubhouse facility.	<p>The proposal is not considered likely to significantly change the rural amenity of the locality.</p> <p>It is considered that this issue does not warrant refusal of the application.</p>
Concern was raised that trees would be removed	The proposal has not included detailed engineering plans for the cut and fill. Depending on the extent of the cut and fill a row of trees located on the western boundary may require removal.	It is considered that the cut and fill in this area will be minimal and may allow for the retention of the trees.

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(e) **Public Interest**

It is considered that it would be in the interest of the public to secure a playing field for Bilambil Junior Rugby League Club. The applicant has submitted a request that the application not be conditional upon S94 Contributions being paid. The submission states:-

“Although our club has been stripped of all its fixed assets, it retains its rights to all non fixed assets that may have been assigned or due to it prior lease or termination. It is submitted that non fixed assets particularly include entitlements under section 94 contribution plan No. 4 that pre-existed at the date of lease termination. We regard this to be a portable asset of the club that can be re-assigned to any reasonably proximate location to which we can relocate.”

The application also states that the club is not seeking an increase in the scale of its activities but is simply relocating to a new ground in close proximity to the existing home ground on this basis no S94 charges should apply.

In response to this submission, S94 contributions are not transferable development rights, and continue with the land to which the use is being undertaken. Further Council resolved at its ordinary meeting of the 5th May 1999 (minute 1089):-

“That unless exempted by legislation, development applications for works of public benefit submitted by or for charities, community groups, public bodies and religious organizations, which generate a demand for provision of increase in public amenities and services as identified in an adopted Section 94 Contribution Plan will be liable for the payment or contribution as set out in such plan.”

As such, charges apply to the new site and are included in the recommended conditions of consent. Council’s Engineering Services Division has also advised that existing rights are not transferable and therefore the Section 94 contribution applies.

CONCLUSION

There is no opportunity for the Bilambil Junior Rugby Club to obtain tenure over the existing grounds. The subject site appears to be suitable for the proposed development with the provision of a Type B intersection. Engineering plans detailing the extent of cut and fill and the creation of easements for drainage will be required prior to any work commencing. Residents concerns regarding noise and lighting can be overcome through the imposition of conditions including limiting hours of operation and requiring further approval for any installation of lighting for the field.

OPTIONS

The following options are available to Council:

1. Approve the application with various conditions of consent including payments of S94 contributions.

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2. Approve the application with various conditions, but not including a requirement to pay S94 Contributions.
3. Refuse the application.

LEGAL/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with the outcome of the development application a right of appeal to the Land and Environment Court would exist.

Financial implications may arise if Council were to waive the road contribution, in the order of \$29,076.00.

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3. ORIGIN: Development Assessment Unit

FILE REF: DA3346/40 Pt2

REPORT TITLE:

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

SUMMARY OF REPORT:

This report relates to a matter which has previously been considered by Council being Development Application K00/389 for eleven (11) swing moorings at Lot 268 DP 865924 (The Anchorage Harbour) Mariners Drive East, Tweed Heads. Council in consideration of the application resolved that the 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. This report addresses these issues.

RECOMMENDATION:

That Development Application K00/389 for eleven (11) "swing moorings" at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with Plan No. 11520D prepared by B & P Surveys dated 15 March 2000, except where varied by these conditions.
2. Of the 11 swing moorings, a maximum of 6 moorings are to be leased to persons residing outside of the Anchorage Islands development at any one time. The remaining moorings are to be available for use of the residents only.
3. Dinghy's and vessels used to access boats moored at the moorings are not to be parked on beaches or a public reserve within the Anchorage development for more than a one hour period.
4. Motor vehicles used to access the swing moorings are not to be parked in Quayside Court or Navigators Way.
5. The licence/lease agreement for the pontoons is to be submitted to and approved by the Director Corporate Services prior to any work commencing on the development. The terms of the licence/lease are not to be altered without the prior approval of Council. The licence/lease is to include the following:
 - a. a prohibition on subleasing of the structure
 - b. that the licence/lease holder maintain insurance for the vessel, and for public liability (minimum \$10,000,000)

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- c. regular maintenance of pontoon and boats moored in harbour (to overcome potential leaks, spills etc.)
 - d. compliance with the conditions of this development consent
6. No repairs on boats are to occur from the pontoons.
 7. Sullage pump out from any boats moored at the pontoons is to occur only at an approved facility and not into the harbour.
 8. A clear navigational channel of not less than 20m (measured between vessels on any opposite pontoons) is to be maintained at all times.
 9. The operation of the swing moorings is to be carried out in accordance with the Plan of Management dated July 2000 (as amended), except where varied by conditions of this consent.

Reports from Director Development Services

REPORT:

Council has previously considered reports relating to the development application for the establishment of 11 swing moorings within the Anchorage Harbour, Tweed Heads on 21 June and 2 August respectively. These reports are attached.

When considering the report relating to the Council meeting on Wednesday 2 August, Council resolved as follows:-

“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.”

With regard to this resolution, the applicant has advised that:-

“With regard to the ongoing monitoring of the swing moorings we are proposing to use the services of PRD Coolangatta who are situated on the site once Council has approved the application.”

Additionally, the applicant has submitted an amended swing mooring management plan which is appended to this report.

The amended plan addresses issues previously outstanding. With regard to the part of the resolution of Council deferring the item to establish what consultation has been held with residents, the applicant has advised:-

That the residents in and around Anchorage Harbour have not been consulted on an individual basis, however, this proposed development has been publicly advertised in accordance with Council’s Local Environmental Plan requirements. It is considered that this advertising period has given all residents the opportunity to examine the proposal and put forward their views accordingly.”

The report submitted to Council on 2 August contained draft conditions of consent. Condition 2 stated:-

“Of the eleven (11) swing moorings, a maximum of six (6) moorings are to be leased to persons residing outside of the Anchorage Islands development at any one time. The remaining moorings are to be available for use of the residents only.”

The applicant has submitted two letters advising that they consider this condition to be unreasonable. They base this claim on the fact that the number of Anchorage residents utilising the swing moorings varies from time to time depending on the seasons and their individual holiday/leisure arrangements. They state that hence it is fully expected there will be occasions when less than half the swing moorings will need to be occupied by the Anchorage residents and that it is Lend Leases’ intention to grant the Anchorage residents preference over the swing moorings berths however, to deny public access to a vacant swing mooring position which is located within Council property would be difficult to justify.

This condition was recommended on the basis that it would minimise the number of vehicles likely to depart from adjacent streets accessing the site and will also minimise the likelihood of dinghy’s and launch boats utilising the beaches within the Anchorage. It was considered preferable to retain

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the moorings for use by residents of the Anchorage rather than have them removed completely and allow only a total of say 5 or 6 moorings within the Harbour. It is recommended this condition be retained.

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4. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/3 Pt8

REPORT TITLE:

Amended Development Control Plan No. 3 - Banora Point West - Tweed Heads South

SUMMARY OF REPORT:

Council resolved on 21 June, 2000, that an amendment be made for Development Control Plan No. 3 - Banora Point West-Tweed Heads South relating to "Sullivan's land" along Fraser Drive. This amendment has been exhibited for 28 days. There was one objection received. In light of the issues raised in the submission and other advice received, additional modifications have been made to address stormwater drainage issues.

RECOMMENDATION:

That Council:-

1. In accordance with Clause 30 of the Environmental Planning and Assessment Regulations 1994 approves amendment No. 9 to Development Control Plan No. 3 - Banora Point West/Tweed Heads South, as advertised - with the following additions:-
 - i. Amendments to the DCP3 map which moves the intended location of the Local Shopping centre as shown on.
 - ii. A new paragraph added:

“13.4 Special Requirements – Sullivans Land

 - a. This clause relates to land west of Fraser Drive, South of James Road.
 - b. Any development application for the residential subdivision of the land shall maximise the opportunity to retain the vegetation directly to the east of SEPP 14 Area 18B, subject to being able to provide adequate water quality devices and subject to adequate buffering of the vegetation”.
 - iii. A new paragraph added into Clause 11 Drainage as 11.6:-

“Any development of land that directs stormwater runoff through a Stormwater Treatment Area into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native vegetation within the buffer are incorporated into an approved water quality control plan which fully satisfies the Tweed Urban Stormwater and Management Plan”.

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2. Gives public notification of its decision in accordance with the Environmental Planning and Assessment Regulations 1994 specifying that the amended plan will come into effect at that date.
3. Requires that a flora investigation of the area identified in Diagram 2 be subject to a flora investigation as part of any Development Application for the area identified within this DCP3 amendment.
4. Requires that any public open space within the SEPP14 boundary not contribute to the public open space contributions associated with the development.

Reports from Director Development Services

REPORT:

This report replaces the item deferred at the Council meeting held on 4 October, 2000.

DRAFT AMENDMENT

The draft amendment outlines the changes to the structure planning of the subject land (Figure 1) incorporated into Development Control Plan No. 3 Banora Point West / Tweed Heads South. The key changes are that the land has been reclassified to "Res A" which restricts the residential densities to detached housing and duplex housing and redefines the lake system initially included in the plan to incorporate an appropriate control for an area recently gazetted as State Environmental Planning Policy No. 14 Wetlands.

The purpose of this amendment is to revise Tweed Development Control Plan No 3 to reflect the following detailed planning for the subject area:-

- Deletion of the proposed lake perimeter open space and designation of this area as Residential A.
- Change of designation of the land presently shown as Residential B to Residential A.
- Designation of the land now covered by State Environmental Planning Policy 14 Wetlands as Public Open Space.
- Indication of controlled access from Fraser Drive.
- Ensuring the Local Shopping precinct deleted from the lake perimeter is still preserved within the site but denoted in general location terms.

OBJECTIONS

There has been 1 objection received to the draft amendment from the Lakes Drive Bridge Action Group and Terranora Wetlands Protection Committee Inc. Their concern related to the flood and storm water runoff draining directly into the State Environmental Planning Policy No. 14 protected wetlands located within the area. The principle concern related to sediment run off which would cause pollution concerns for the seagrass beds and mangroves where the outfall would be located.

On review of this objection the concerns associated with sediment run off into protected wetlands are valid. However it is considered that DCP 3 is not the correct planning instrument to address these issues. The nature of DCP 3 is to present a structure plan for future development within a specific locality beyond the controls offered through the Tweed Local Environmental Plan 2000.

In April 2000 Council adopted the Tweed Urban Stormwater and Management Plan that outlines management issues for stormwater within urban areas. Associated with the development of this report was a draft DCP to incorporate stormwater run off management issues into a planning policy. This policy will determine stormwater management issues at a development application stage and identify specific controls that developers will need to undertake to satisfy this policy.

However, considering the sensitive nature of the SEPP 14 Wetlands, buffering has been included and provisions associated with that buffering to assist in determining stormwater management controls.

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Due to the sensitive nature of the SEPP 14 Wetlands a specific clause has been included to ensure sediment and runoff management are adequately identified in the development application stage and the following addition has been added to ensure the quality of stormwater runoff.

A new paragraph is recommended to be added appropriate for clause 11 Drainage –

“Any development of land that directs stormwater runoff through a Stormwater Treatment Area into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native vegetation within the buffer are incorporated into an approved water quality control plan which fully satisfies the Tweed Urban Stormwater and Management Plan”.

Following the exhibition of the draft Amendment, concerns have been raised about existing native vegetation on the eastern boundary of the wetland. This area is outside the SEPP14 Wetland boundary and therefore does not attract the restrictions the SEPP imposes.

Consultants engaged by Council to investigate the vegetation have concluded that:

“The particular site was mapped in 1992 by Murray and James (Polygon Number 030180) and allocated a vegetation description of Melaleuca quinquenervia +/- Casuarina glauca midhigh to tall open forest. The site adjoins a SEPP 14 wetland.

Examination of the site and relevant literature indicates that the area has a number of important ecological attributes with the potential to influence proposed development plans viz:

Regional Ecological Status – *On the basis of objective criteria applicable to the entire NSW north coast the area falls into the highest ecological category. This is primarily because the vegetation community is considered Vulnerable and is not adequately represented in the formal reserve system.*

Threatened Species – *Two significant species of plant are known to occur on the site: Stinking Cryptocarya (Cryptocarya foetida) which listed as Vulnerable under the Threatened Species Conservation Act (1995) (ROTAP code 3VCi) and Palm Lilly (Cordyline congesta) (ROTAP code 2RC-).*

Proximity to SEPP 14 wetland – *The site is adjacent to a SEPP 14 wetland and given its relatively small size (<10ha) provides an important a buffer to this State recognised wetland.*

It is recommended that measures be taken to both conserve and manage the area in the context of any future development”.

The proponents have responded to this in the following terms:

“I refer to the recent meeting between myself and Mr Paul Bolster representing Metricon (Qld) Pty Ltd and yourself, Douglas Jardine and the Mayor, Cr Beck.

Reports from Director Development Services

*This is to confirm our advice that our client is extremely concerned about proposals to include the vegetation association (*Melaleuca quinquenervia* +/- *Casuarina glauca*, mid high to tall open forest) immediately west of SEPP 14 wetland No.18b, within a mapped conservation area.*

As discussed, our clients concerns relate to:

1. History of advice:

There has been a lengthy history of consultation with Council (refer attached chronology and documents). Prior to the Director Development Services report to Council of 4 October 2000, at no time has there been any indication that the vegetation would be mapped in the DCP for retention.

In fact, our client has reached general understandings with Council officers relating to stormwater control and management, which would have implications for the retention of the vegetation.

Further, our client had reached an agreement with Council officers in relation to the map amendment to DCP 3 (refer Council Report 20.9.2000), including an agreement that our client would be advised in the unlikely event that any changes were proposed to that agreed position.

Despite this history, our client subsequently only became aware of the proposal to map the vegetation within a conservation area, upon reviewing Council's Business Paper for the meeting of 4 October 2000.

2. Implications for subdivision layout and development application timing:

Our client retains an option to purchase the property which expires on 24 February 2001. The vendor will not extend the option. It is therefore critical that a development application be submitted with Council as soon as possible, to allow sufficient time for the application to be assessed and determined by 24 February 2001.

On the basis of the consultations(s) with, and advice of Tweed Shire Council up until this matter arose, Metricon has proceeded to complete its environmental investigations. Development application documentation is substantially advanced.

The proposal to now include the vegetation within a mapped conservation area, together with the associated development controls proposed by Council, would have consequences for the subdivision scheme developed for the site, both in terms of water quality management and lot layout and yield (buffering issues). Our client advises that any further loss of lots is commercially untenable. Clearly, Metricon would have little choice but to object to the proposed inclusion of the vegetation within a conservation area under the DCP.

More significantly, in order to adequately assess the potential impacts upon its development planning and to respond to the basis for Council's proposal to include the vegetation within a conservation area, Metricon would need to divert its

Reports from Director Development Services

consulting team from development application preparation. This would only serve to further delay the submission of a development application.

Metricon therefore finds itself placed in a difficult position as a result of the Council's "eleventh hour" proposal.

In the circumstances, Metricon believes that the conservation value of the vegetation is an issue which would be more reasonably and appropriately addressed at the development application stage.

However, as discussed, in order that this matter may be advanced in a manner which enables Metricon to complete its development application documentation, it would agree to the addition of a clause in the DCP which provides for retention of the vegetation as far as practicable, having regard to the need to adequately control and treat stormwater and provide adequate buffering of the vegetation.

Metricon would hope that this would enable a report on the proposed DCP amendments to be completed for the next available Council meeting. As discussed, Metricon would request that it be given the opportunity to review any final recommended clause, prior to the report being submitted to the Council business paper.

I trust this appropriately reflects our recent discussions and clarifies our clients position. Please feel free to ring me if I can be of any further assistance".

It is clear that consideration needs to be given to this native vegetation. This needs to be addressed in a water quality control plan presented to Council as part of any development application process. At that stage more site specific information will be available to make a proper assessment of stormwater management and the existing native vegetation.

At this stage Council must determine how the matter is to be detailed in the DCP. The options include:

- (1) Nominating the area as a specific habitat zone as set out in the previous report to Council;
- (2) Rely on the general provision in the DCP which requires that:
"Existing trees should be preserved wherever possible. The siting and layout of a development at the initial design stage should consider the location of trees with a view to their preservation".
- (3) A less prescriptive notation to option (1) which specifically nominates the area of the native vegetation to be investigated in accordance with option (2).

In view of the fact that the potential conservation value of this area has been identified, option 3 is acceptable.

PROPOSERS' MASTER PLAN

The proponents have already prepared a draft Master Plan for the proposed subdivision of the area identified in this amendment. This has incorporated the open space, collector/distributor network and drainage networks. Consideration has been given to establishing these networks into the DCP.

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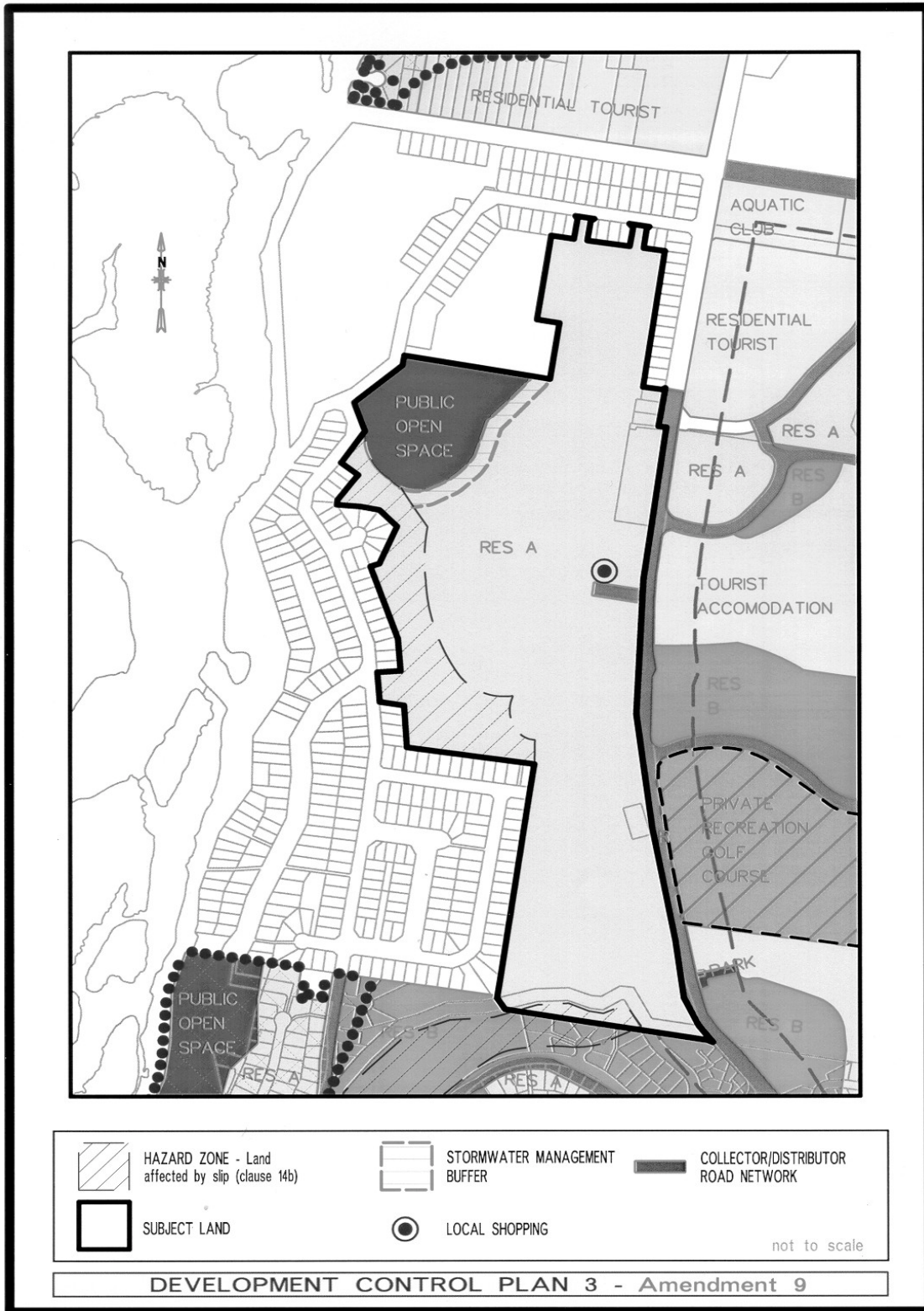
However, it is considered contrary to the objectives of DCP3. Also, this is at a draft planning stage and any agreed alterations to the Master Plan by Council and the proponents will require further amendments to the DCP.

CONCLUSION

Alterations from the exhibited draft are warranted and include;

- Added objectives to address stormwater run-off into environmentally sensitive areas.
- The location of the local shopping area has been moved to take better advantage of the collector/distributor road network.
- Added objectives to address the conservation values of the vegetation adjoining the eastern boundary of the SEPP 14 wetland.

Reports from Director Development Services



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5. ORIGIN: Strategic Town Planning Unit

FILE REF: PF4280/500

REPORT TITLE:

Acquisition of 108 Philp Parade, Tweed Heads South.

SUMMARY OF REPORT:

A request has been received for Council to acquire 108 Philp Parade, Tweed Heads South (Lot 27, Sec 18, DP 28390). The property is zoned 6(a) Open Space, and therefore in the terms of Tweed Local Environmental Plan 2000 Council is required to purchase the property if requested.

A valuation of the property was undertaken by the State Valuation Officer earlier this year. This valued the property at \$8,000. The owner has verbally indicated that this is acceptable.

RECOMMENDATION:

That Council makes an offer of \$8,000 for the acquisition of 108 Philp Parade, Tweed Heads South. If this is accepted by the owner, the transfer of the property be completed under the Common Seal of Council. Council to pay for all legal expenses in the transfer.

Reports from Director Development Services

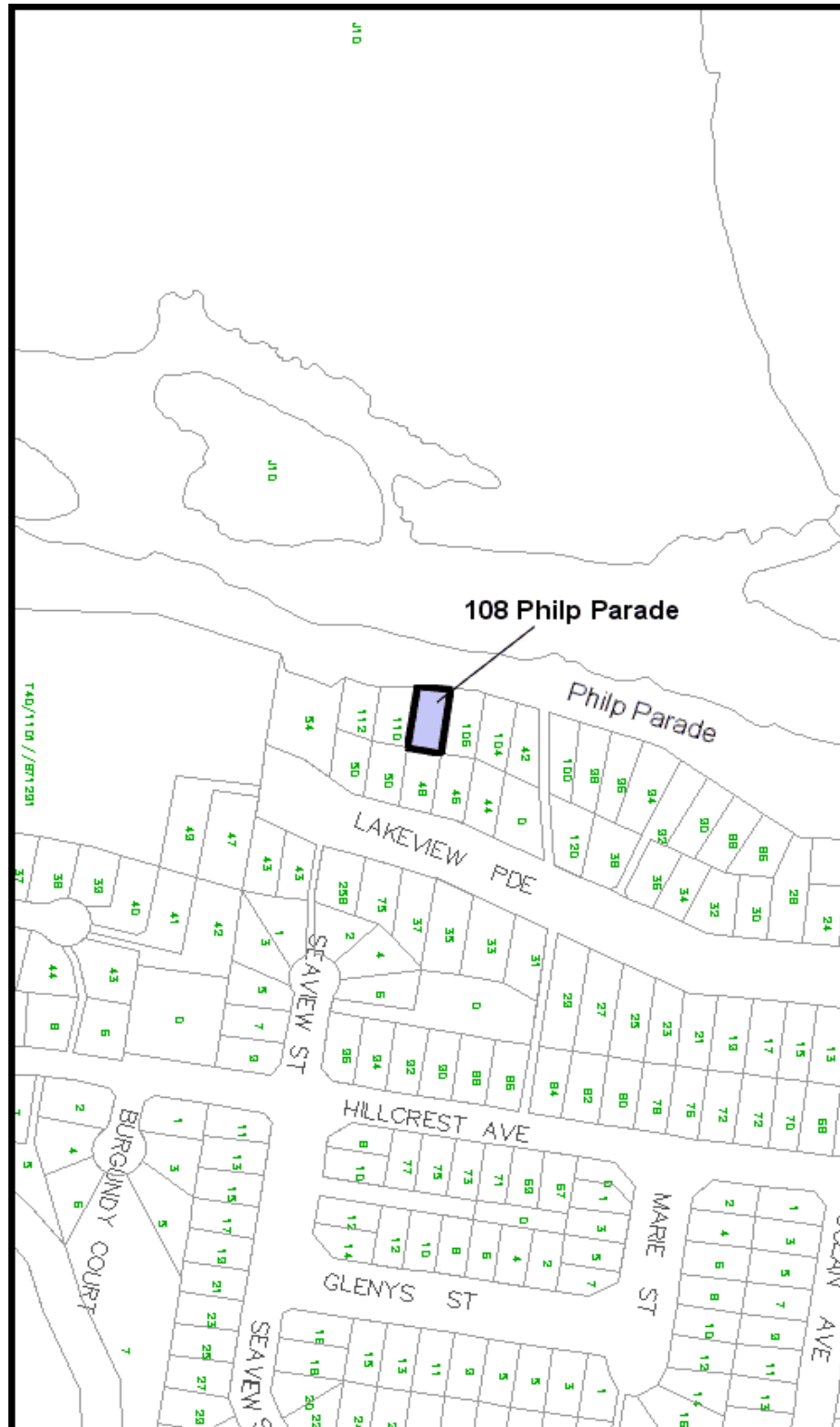
REPORT:

A request has been received for Council to acquire 108 Philp Parade, Tweed Heads South (Lot 27, Sec 18, DP 28390). The property is zoned 6(a) Open Space, and therefore in the terms of Tweed Local Environmental Plan 2000 Council is required to purchase the property if requested.

A valuation of the property was undertaken by the State Valuation Officer earlier this year. This valued the property at \$8,000. The owner has verbally indicated that this is acceptable.

The Manager Financial Services has noted that there are adequate funds held in reserve to cover the purchase cost.

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6. ORIGIN: Development Assessment Unit

FILE REF: GS4/97/93 Pt2

REPORT TITLE:

Application to Modify Development Consent S97/93 & K99/675 - Request to Vary the Number of Car Parking Spaces Required to be Provided - Lot 2 DP 881169 Gollan Drive, Tweed Heads West (New Seagulls Club)

SUMMARY OF REPORT:

New Seagulls have requested amendments to existing consents to reduce the number of car parking spaces required to be provided on Lot 2 from 808 to 579. Council currently holds a bond for \$263,000 for the outstanding works. The amendment of the relevant consents would allow the release of this bond. Justification for the reduction is based on the revised provisions of Development Control Plan No. 2 – Site Access and Parking Code.

RECOMMENDATION:

That :-

1. The Section 96 application to amend Development Consent S97/93 be approved by the amendment of Condition No. 12 as follows:-
“12. The Lot 2 car park shall provide 579 spaces to Council’s satisfaction.” ; and
the inclusion of the following condition:-
“39. Provision of bicycle bays to accommodate 100 bikes to the satisfaction of the Director of Development Services.”
2. The Section 96 application to modify Development Consent K99/675 be approved by the amendment of Condition No. 13 to read as follows:-
“13. The buildings are not to be occupied until the extension to the car parking area on Lot 2 DP 881169 to create 579 spaces has been completed to the satisfaction of the Director, Development Services”.
3. Subject to compliance with Condition 12 of Development Consent S97/93 and Condition 13 of Development Consent K99/675, Council agree to release the bond held for the outstanding works.
4. Upon request from New Seagulls Council agree to amend the Deed of Agreement in accordance with the above recommendations subject to the applicant paying all costs associated with any amendment.

Reports from Director Development Services

REPORT:

BACKGROUND

- On 6 February 1998, conditional development consent (S97/93) was granted for a 3 lot subdivision of Lot 1 DP 700873 Scenic Drive, Tweed Heads West (Seagulls site).

Condition 12 of the consent required the car park on the newly created Lot 2 to be reconstructed to provide 808 spaces in conjunction with development on Lot 3.

- On 6 September 1999, conditional development consent K99/675 was granted for the erection of 33 townhouses and a managers residence on the new Lot 3.

Condition 13 prohibited the occupation of the new buildings until the car parking area on Lot 2 was extended to create 808 spaces.

- On 6 September 1999, conditional development consent K99/865 was granted for the expansion of the car parking area on Lot 2.

Condition 7 of this consent required provision of 811 car parking spaces (including the existing car parking area).

- On 21 June 2000, Council resolved that:-

“An uncompleted works bond of \$263,000 be accepted for a period of 6 months in lieu of completing additional car parking spaces as required by Development Consent S97/93; K99/675; K99/681 and K99/865.”

Council accepted a bond for the outstanding works on the basis that it was intended the Club would carry out a review of car parking requirements in light of the provisions of Development Control Plan No. 2 – Version 1.1. It was argued by the Club that the requirements for car parking under this Plan was less stringent than the previous Development Control Plan No. 2 under which the original application was assessed.

PROPOSAL

Master Planning Services on behalf of North Sydney Leagues Club Pty Ltd trading as New Seagulls has undertaken a review of parking requirements under the provisions of Development Control Plan No. 2 – Version 1.1. Based on the review New Seagulls request Council adjustment and relaxation of total car parking requirements. It is requested that Development Consent K99/675 and S97/93 be amended to reduce the car parking requirement from 808 spaces to 579 spaces.

Master Planning have carried out a review of parking requirements based on the provisions of Development Control Plan No. 2 – Version 1.1 which was adopted by Council on 16 November 1999. The following table provided by the applicant shows the parking requirements under the revised plan.

Reports from Director Development Services

Use	GFA (approximate)	Parking Code	Spaces Required
Bar/gaming	1040m ² (measured)	1/4m ²	260
Lounge/dining	2480m ² (measured)	1/7m ²	352
Auditorium	1220m ² (scaled)	1/15m ²	82
Gym	225m ² (scaled)	6/100m ² + 0.5/staff	14
Staff	91m ²	0.3/staff	27
Total			735
Reduce to 80%			588

The applicant submits *“the above review scenario demonstrates that in applying the reduction incorporated in Development Control Plan No. 2- Version 1.1, that the existing 579 car parking spaces satisfy the parking code and that the previous 811 requirement should be amended.*

Since commencing trading in February 1998, Club trading has continued to improve and total staff levels have risen from 122 to a current 172 employees.

The requirement to construct the balance 232 car parks will cost in excess of \$210,000 and in order to maintain a bond for the uncompleted works freezes funds available to the Club.

To improve the bolster the Club’s trade. New Seagulls prefer to use these funds for internal renovations and updating the Club’s facilities.

In recent times Tweed Shire Council supported and assisted the Club in its restructuring. This assistance has paid positive dividends to Tweed community as demonstrated by increasing trade and employee numbers. The reductions incorporated in Development Control Plan No. 2- Version 1.1 provide Council with the ability to lower the total car parking requirements previously placed on the Club. The above reviewed scenarios provide a comparative analysis to demonstrate that the Club’s car parking requirements under Development Control Plan No. 2- Version 1.1 can be satisfied with the 579 existing spaces.

New Seagulls request Council’s consideration and favourable resolution to amend the previous requirement of 811 spaces to 579 spaces so that the bond can be released to enable those capital funds to be injected into the Club. With Council support, New Seagulls will maintain and control the adjoining lands for green open space use and overflow car parking. It is in the Club’s trading and membership interest to maintain this area and to prevent it from being degraded. Equally, if at some future time additional car parking is required, the area can be constructed as required.

ASSESSMENT

The application to reduce the number of car parking spaces has been submitted in accordance with Section 96(2) of the Environmental Planning and Assessment Act, 1979.

Development Consent S97/93 approved a three (3) lot subdivision with Lots 1 and 3 being further developed for further residential development and Lot 2 containing the existing “New Seagulls

Reports from Director Development Services

Club". The reduction in car parking spaces required to be provided on Lot 2 will not substantially change the consent issued and therefore can be considered by Council under the provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979.

Development Consent K99/675 granted approval for the erection of 33 townhouses and a managers residence on Lot 3 created from the original 3 lot subdivision. This consent reinforced the requirement for the provision of additional car parking on the "New Seagulls Club" site being Lot 2. Condition 13 of this consent restricted the occupation of any townhouses under this consent prior to the construction of the 808 car parking spaces on Lot 2. This consent therefore requires amendment in addition to the original subdivision consent.

Development Consent K99/675 was as previously mentioned, for the erection of townhouses. Therefore, the amendment of Condition 13 which related to an ancillary lot to that of the development lot would not substantially change the original consent issued and therefore can be dealt with under the provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979.

Development Consent K99/865 was granted for the expansion of the car parking area on Lot 2. This consent was granted to enable compliance with the requirements of the subdivision approval and the townhouse approval previously mentioned above. It is considered that this consent does not require modification or surrender as it places no requirement on the New Seagulls to actually construct the additional car parking.

It is considered that it would be in the interests of Seagulls to retain this consent as it provides an approval to Seagulls to construct an additional 232 car parking spaces should it be required in the future. Should Council support the reduction in car parking spaces, Seagulls proposes to landscape the area approved for additional car parking. The development consent would lapse in 2004 should no physical commencement occur in relation to this consent.

Development Control Plan No. 2 Provisions – Site Access and Car Parking

One of the principles of revised Development Control Plan No. 2 was to encourage:-

- Ecological sustainability
- Consolidation of higher order retailing and commercial centres
- Encouraging reduced car dependence
- Reducing traffic by giving priority to public transport, walking, cycling and revising parking policy

As a result the revised Plan in many cases reduced the required number of car parking spaces as shown in the applicants review. The review uses the generation rates from Table 4.D of Development Control Plan No. 2. The numbers determined in this analysis comply with Development Control Plan No. 2 with the exception of a shortfall of 9 spaces. However, to ensure compliance with the principles of the revised Development Control Plan, the Plan requires other issues to be dealt with in exchange for the reductions. These issues include such things as the provision of bicycle parking areas and bus stop seating.

Reports from Director Development Services

The applicant indicates that New Seagulls provides a coach transportation service that runs hourly from 9.30am to close of business each day. A bus stop is located on Scenic Drive in close proximity to the Club. This is consistent with the principle of encouraging reduced dependency on the motor vehicle through provision of access to public transport.

The applicant has not indicated, however, the number of bicycle spaces currently provided on site or proposed to be provided. It is considered that a minimum of 100 bicycle spaces provided in 4 to 5 bays around the Club should be provided on site should Council agree to the reduction in car parking spaces requested. Under the provisions of Development Control Plan No. 2, 152 bicycle spaces would be required. This number appears excessive and has previously been reduced to a more realistic number for other applications. Therefore, it is considered reasonable to only require 100 as mentioned above.

CONCLUSION

A review of car parking requirements based on the amended Development Control Plan No. 2 – Site Access and Parking Code (effective 16/11/99) demonstrates that fewer car parking spaces are required under this plan for the New Seagulls Club. Based on this review it is considered reasonable to modify the relevant consents reducing the required parking requirements to 479 spaces. It is also considered reasonable to release the bond subject to compliance with the amended consents.

OPTIONS

1. Approve the requested modification.
2. Refuse the application and require New Seagulls to construct 808 car parking spaces on Lot 2 as required by the existing consents.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the Section 96(2) applications a Right of Appeal exists to the Land and Environment Court.

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7. ORIGIN: Development Assessment Unit

FILE REF: GT1/DCP/3 Pt8

REPORT TITLE:

Proposed Amendment to Development Control Plan No 3 - Banora Point West - Tweed Heads South (DCP No 3)

SUMMARY OF REPORT:

At its meeting of 6 September 2000 Council resolved to adopt the amended Development Control Plan No 3 (DCP No 3) as exhibited. However Clause 20(2) of the Environmental Planning and Assessment Regulations requires that the Council must give public notice of its decision in a local newspaper within 28 days after the decision is made. The public notice inadvertently missed the required 28 day time period and an updated resolution from Council is now required to enable the adoption of the amended DCP No 3 as exhibited.

RECOMMENDATION:

That Council:-

- A. Adopts the Development Control Plan No. 3 amendment as exhibited subject to inclusion of the following principles in the Plan relating to development of the "Neighbourhood Business" site with Flame Tree Park Estate Stage 4 (Lot 433):-
 1. Orienting the proposed service station and shop layout so that at least one of the businesses capable of providing a suitable "public area" located on the (quiet) side road frontage. It should be set back sufficiently to allow an intervening treed outdoor area that has no included parking between the development and the street, the parking for it being off the service station concourse. Freestanding frontage advertising is acceptable subject to obtaining any necessary consents.
 2. Providing an integrated public transport stop and shelter.
 3. Integrating safe separated pedestrian and cycle movement into and through the site.
 4. Controlling design, façade design advertising and lighting to minimise the adverse visual impact of the development on Fraser Drive and providing effective landscaping on the perimeter and through the site.
 5. Confining security lighting spill within the site.
- B. Gives public notice of the amendment in accordance with the Act and Regulations.

Reports from Director Development Services

REPORT:

At its meeting of 3 March 1999 Council resolved to prepare a draft amendment to Development Control Plan No 3 – Banora Point West/Tweed Heads South (DCP No 3).

The purpose of the draft amendment is to alter the land use designations as follows:-

1. Alter the public open space and residential land use designations to the north of the existing drain on the eastern side of Minjungbal Drive, Tweed Heads South (Egg & I site).
2. Alter the Residential “A” area on the corner of Fraser Drive and the unformed section of Leisure Drive at Flame Tree Park to “*neighbourhood business*”.
3. Alter the public open space and lake land use designations at Vintage Lakes to Residential “A” consistent with Amendment No 70 of the Tweed Local Environment Plan 1987.

At its meeting of 6 September 2000 Council considered the two submissions received and resolved as follows:-

“A. *That Council adopts the Development Control Plan No. 3 amendment as exhibited subject to inclusion of the following principles in the Plan relating to development of the “Neighbourhood Business” site with Flame Tree Park Estate Stage 4 (Lot 433):-*

1. *Orienting the proposed service station and shop layout so that at least one of the businesses capable of providing a suitable “public area” located on the (quiet) side road frontage. It should be set back sufficiently to allow an intervening treed outdoor area that has no included parking between the development and the street, the parking for it being off the service station concourse. Freestanding frontage advertising is acceptable subject to obtaining any necessary consents.*
2. *Providing an integrated public transport stop and shelter.*
3. *Integrating safe separated pedestrian and cycle movement into and through the site.*
4. *Controlling design, façade design advertising and lighting to minimise the adverse visual impact of the development on Fraser Drive and providing effective landscaping on the perimeter and through the site.*
5. *Confining security lighting spill within the site.*

B. *Gives public notice of the amendment in accordance with the Act and Regulations.”*

Clause 20(2) of the Environmental Planning and Assessment Regulation 1994 is as follows:-

“20 Approval of development control plans

- (2) The council must give public notice of its decision in a local newspaper within 28 days after the decision is made.”

Reports from Director Development Services

The public notice inadvertently missed the required 28 day time period and an updated resolution from Council would be required to enable the adoption of the amended DCP No 3 as exhibited.

CONCLUSION:

The adoption of the recommendation would allow the amendment of DCP No 3 – Banora Point West/Tweed Heads South.

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8. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000 Pt1 Tourist Office-Tweed Heads

REPORT TITLE:

Tweed Local Environmental Plan 2000, Proposed Amendment - Tourist Information Centre, Tweed Heads.

SUMMARY OF REPORT:

A proposal has been received to increase the Local Environmental Plan height restriction for this property from three storeys to five storeys.

RECOMMENDATION:

That Council advises the property owner of the Tourist Information Centre at Tweed Heads that there is no justification to proceed with an Amendment to the Tweed Local Environmental Plan in the manner proposed.

Reports from Director Development Services

REPORT:

The previous report on the Strategic Planning Work Program included in the list of proposed LEP Amendments an item for the increase in height restriction for the former Tourist Information Centre, Tweed Heads. Following that report, when it was resolved not to include it in the Program, the proponent has submitted further information.

BACKGROUND

The subject land is indicated by Figure 1. It is included in Jack Evans Boatharbour. In the Tweed LEP 1987 the property was zoned 5(a) Tourist Information with a height restriction to 50m AHD. At the time of the gazettal of that Plan, the property was owned by the State Government. It was subsequently disposed of and acquired by the current owner.

The Tweed LEP 2000 rezoned the property 3(e) Special Tourist (Jack Evans Boatharbour) with a three storey height restriction. An objection to those arrangements was submitted, which was reported to Council in the following terms:

“Lot 1, DP 553728, Wharf Street, Tweed Heads – Tweed Heads Tourist Information Centre Building

Height Limit and Zoning

Objection is raised to the proposed reduction in height limit from 50m AHD to three (3) storeys and that the property is not included in the 3(e) Special Tourist Zone. It is requested that the existing 50m AHD height limit be retained, and that the property be included in the 3(e) zone.

It is contended that other buildings in the vicinity such as Seascape and Twin Towns have been developed in accordance with the 50m AHD height limit. The 1982 Commission of Inquiry into building heights at Tweed Heads required height to be measured in metres, not storeys.

Objection is raised to the way the issue has been handled, and that public exhibition occurred over the Christmas period. The proposed height limit and zoning mean that the land cannot be developed as part of Jack Evans Boatharbour precinct.

Assessment

Zoning

The land is zoned 5(a) Tourist Information under both the TLEP 1987 and DLEP 1998. The land is no longer publicly owned. The 5(a) zone is generally reserved for public facilities only. Locationally, the land is part of the Jack Evans Boatharbour precinct. The land would therefore more appropriately be zoned 3(e) Special Tourist (Jack Evans Boatharbour).

Height Limit

TLEP 1987 imposes a 50m AHD height limit over the land. Under the DLEP 1998, a three storey height limit would apply. The three storey height limit was imposed in recognition of the Open Space zoning of surrounding land and the limited size of the subject site

Reports from Director Development Services

(922m² in area and 24.4m wide). It is considered that in order to comply with the building setback requirements of the Tweed Heads Strategy and the development control provisions of NCREP relating to the overshadowing of open space (Cl 32B), it would be unlikely that a building higher than three storeys could be erected on the land.

To ensure that false expectations about the development potential of the land do not arise, it is considered that the three storey height limit should remain.

The 1982 Commission of Inquiry – “The desirability, location and design of high-rise development in the Tweed Shire” by commissioners Simpson and O’Connell (Nov 82) dealt primarily with buildings higher than 9 metres above natural ground level. One of the report’s recommendations was that building height “should be expressed as a measurement of actual vertical height above natural site level rather than in “storeys””.

For a commercial building a three storey building will generally result in a building with a maximum height of approximately 9m. Therefore, there is no need to convert “storeys” into “metres” in order to comply with the Commission’s recommendations. In any event, Council has since 1987 used ‘storeys’ as the height standard in all cases except where the 50m AHD Standard applies”.

Council resolved:

“That Lot 1, DP 553728, Wharf Street, Tweed Heads be zoned 3(e) Special Tourist (Jack Evans Boatharbour”.

REZONING PROPOSAL

Subsequently the proponents have requested the height limit be amended to five (5) storeys. In support of this, a scheme has been submitted indicating how such a development could be accommodated on the site, together with a shadow diagram across the adjoining Jack Evans Boatharbour. The reason for the shadow diagram was to assess the impact of the proposal against the requirements of the North Coast Regional Environmental Plan. This states that:

“(4) The council shall not consent to the carrying out of development –

- (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches and adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time); or
- (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 4pm midwinter (standard time) or 7pm midsummer (daylight saving time)”.

The proposal overshadows the adjoining Jack Evans Boatharbour, as indicated by Figure 2. This is contrary to the North Coast REP. In response to this, the proponent has responded as follows:

“Further to our recent discussions regarding compliance of the proposal with Clause 32B (4) of the North Coast Regional Environmental Plan, we submit the following information:

Reports from Director Development Services

- *Clause 32B (4) (a) refers to urban land within Tweed Heads, of which this property is part. However, this proposal complies with Clause 32B (4) (a) since it does not result in beaches and adjacent open space being overshadowed.*
- *Clause 32B (4) (b) does not apply as it refers to property elsewhere in the North Coast region.*

Whilst there will be some overshadowing of public open space as a result of this proposal, it is not the type of open space referred to in Clause 32B (4) (a). Furthermore, the overshadowing will be of a minor nature in mid-summer and in mid-winter will occur in the afternoon in an area occupied by toilets and a large chess board. The chess board could be re-located at minimal cost.

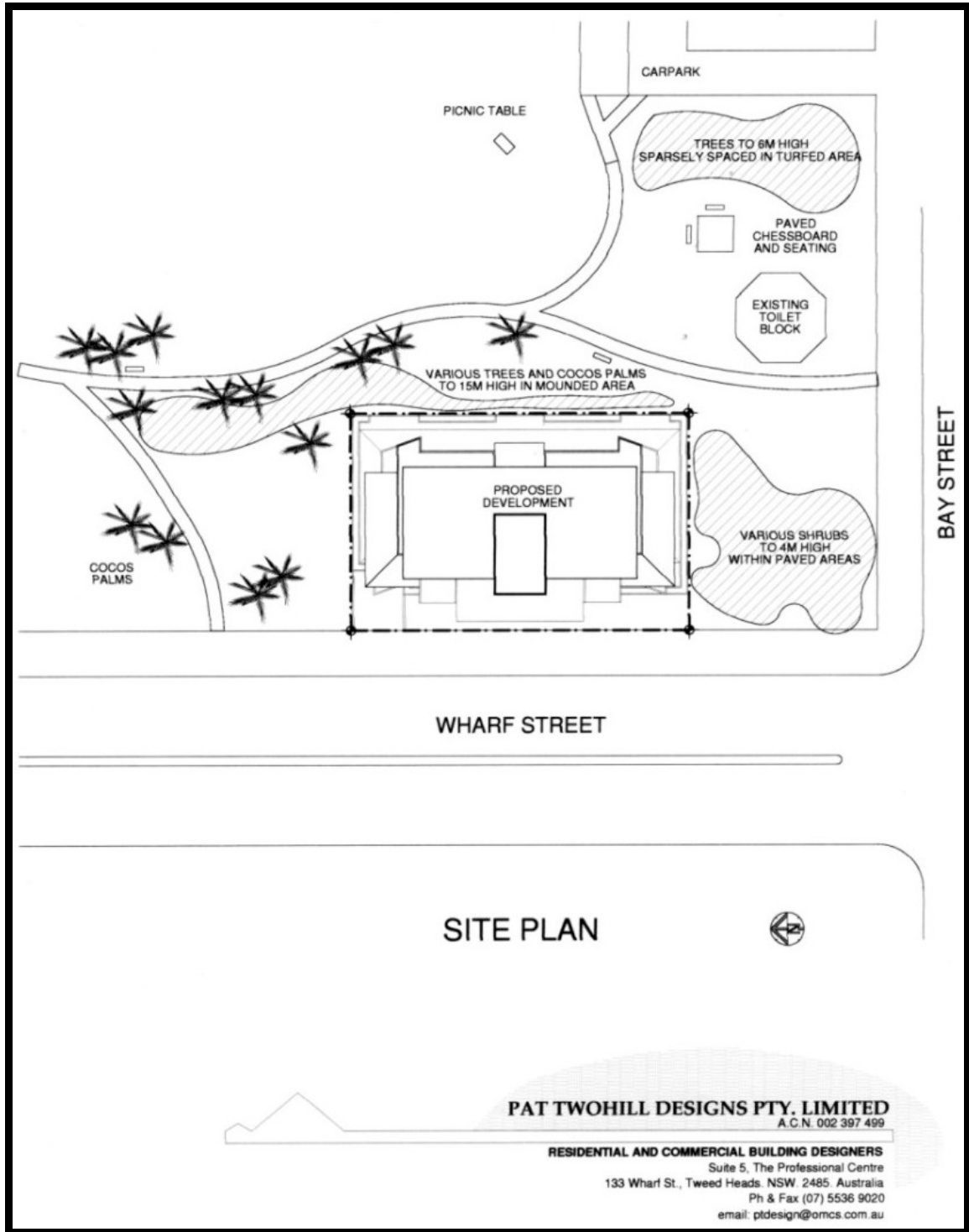
It would appear that any overshadowing of public open space by this proposal would be of a lesser nature than that of the nearby Twin Towns Services Club building which has recently been granted development approval (K2000/268) for major additions of six storeys in height”.

CONCLUSION

Given all relevant planning policies of Council and the above appraisal there is no justification to proceed with an Amendment to the Tweed LEP in the manner proposed.

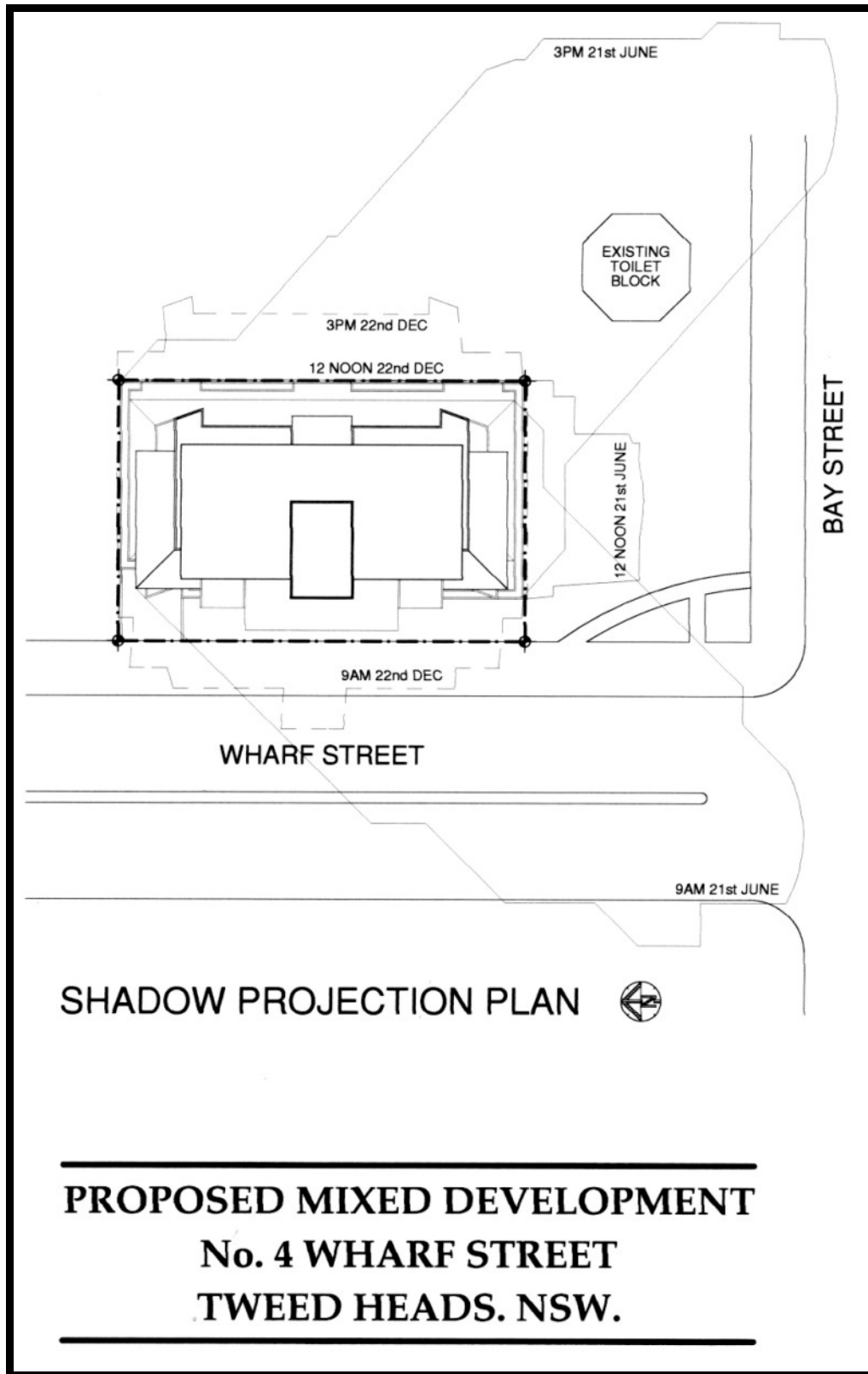
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Figure 1



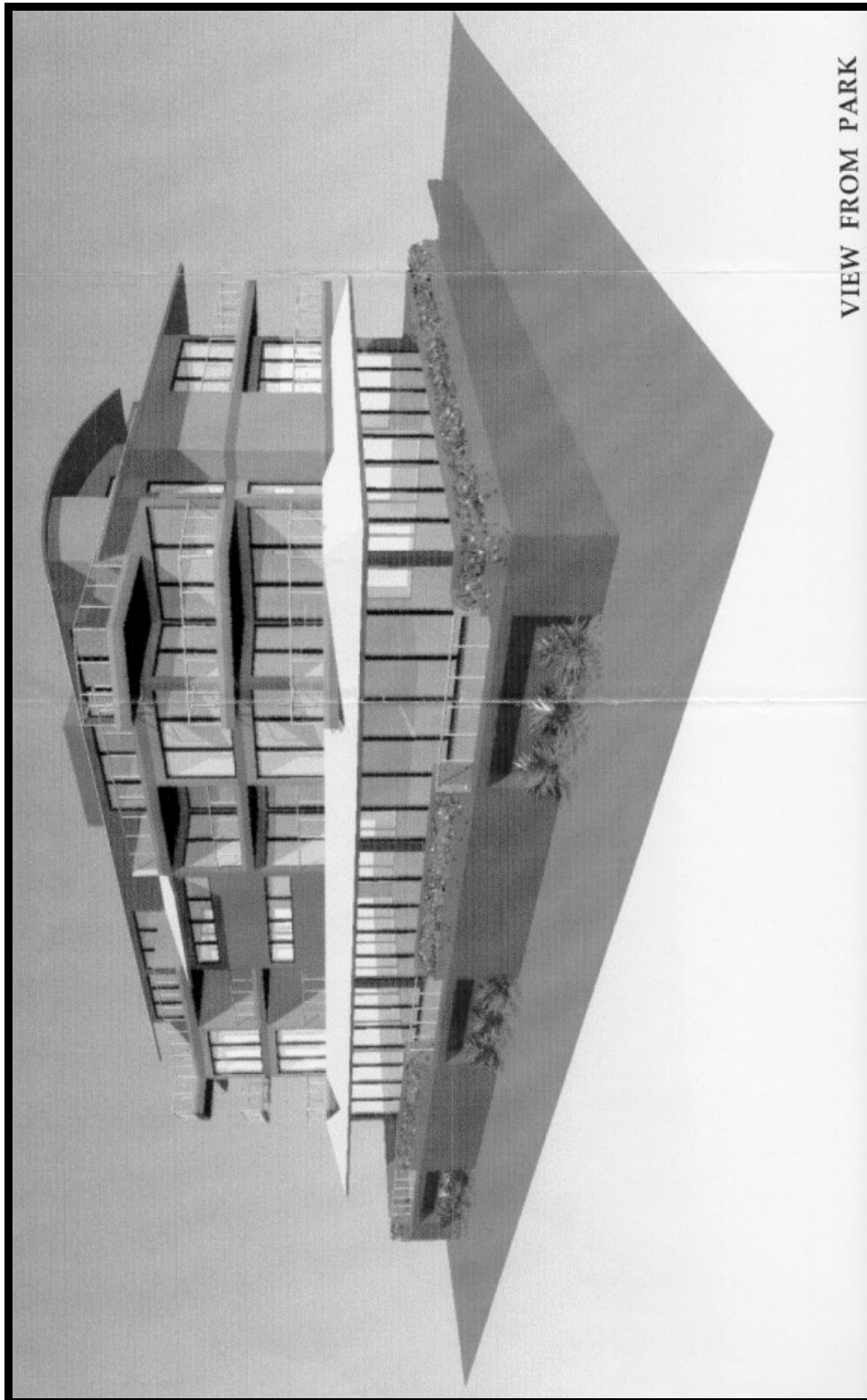
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Figure 2



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Figure 3



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9. 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:

This report provides conditions of approval should Council wish to approve a development application for the erection of a dwelling house at Lot 58 DP 237806 Pacific Highway, Tweed Heads. This report should be read in conjunction with the report to Council on 18 October 2000 (items deferred section).

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:

BACKGROUND

Council at its meeting of 18 October 2000 considered a report recommending refusal of an application for a dwelling at Lot 58 DP 237806 Pacific Highway, Tweed Heads.

Council resolved that:-

- “1. The Director of Development Services brings forward a report on Mr Glazebrook’s comments; and*
- 2. Conditions of approval be brought forward for Council’s consideration.”*

In relation to Part 1 of the resolution a letter was sent to Jim Glazebrook and Associates on 4 September 2000 responding to the issues raised by Mr Glazebrook and a copy of that letter is attached to this agenda for the information of Councillors.

In response to the second recommendation above, the following conditions are provided as appropriate conditions of approval should Council wish to approve the application.

GENERAL

1. The development shall be completed in general accordance with Plan No 1318/2000 prepared by Ian Webb and dated May 2000, except where varied by these conditions.
2. 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.
3. 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.
4. 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.
5. 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. completion of work
6. 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

Reports from Director Development Services

- (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 meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

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

7. 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.
8. 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.

PRESCRIBED (BUILDING)

9. 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

Reports from Director Development Services

- (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.
10. 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).
11. 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:
 - (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.
12. 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

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- 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.
13. 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.

ENGINEERING (BUILDING)

14. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings and floor slab, prior to work being commenced on that part.

ENVIRONMENT PROTECTION

15. 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.
16. 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.

PLUMBING & DRAINAGE

17. 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.
18. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

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- 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.
19. 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.
20. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
21. 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.
22. Prior to commencement of works arrangements are to be made with Council's Engineering Services Division for the relocation of the existing sewer junction point.

COMMENTS ON THE LETTER FROM JIM GLAZEBROOK AND ASSOCIATES

The officer concerned cannot recall the specific telephone conversation in April/May referred to by Jim Glazebrook but recalls having some discussions early this year about a "dwelling" for Harry Moore on a commercial site at Tweed Heads and a reference to an existing dwelling at his "motor showroom" on the cnr of Pacific Highway and Brett Street, Tweed Heads. No pre-lodgement discussions were conducted with Ian Webb on this matter.

Responses to Jim Glazebrook's views on the LEP provisions are contained in a letter to him dated 4 September, 2000 (Confidential Annexure 1) and the report to Council on 18 October, 2000.

Reports from Director Development Services

10. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/7 Pt1

REPORT TITLE:

Report on the Local Environmental Study Prepared for the Bogangar Release Area (Amendment No 2000/7 of Tweed Local Environmental Plan 2000).

SUMMARY OF REPORT:

This is a status report on the Local Environmental Study (LES) prepared for the proposed rezoning of land to west of Bogangar. A further report will be submitted to Council for consideration, pending further assessment of environmental issues.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

BACKGROUND

This rezoning request has a long history. Correspondence on this matter dates back to the 1980s. A report to Council in 1997 details the history of the application as follows:

“In 1989, Council resolved to proceed with the rezoning of the land from:-

- a. Crown Reserve No 84395 from 7(l) Environmental Habitat to accommodate 9 hole golf course.*
- b. 1(d) Development Investigation indicated by Figure 1 to Part 2(c) Residential Tourist Zone and Part 2(a) Residential ‘A’ Zone,*

in accordance with the applicant’s submission.

The rezoning submission was supported by Council based on the applicant’s submission and the preceding studies cited by the applicant.

At the time, Council did not consider that a formal Local Environmental Study was required because the proposed rezoning did not intend to change any environmental zones on the site. However, government departments raised issues which they felt had not been dealt with by the applicant’s submissions. This included the impact of development on the (then) proposed Cudgen Nature Reserve. Some further work was undertaken by an environmental consultant on behalf of Council.

Subsequently, Council prepared a consultant’s brief and obtained quotes for the preparation of a Local Environmental Study pursuant to the then Department of Planning requirements.

GHD was chosen as the preferred consultant in early 1992. Since that date, Council has been awaiting from the proponent the necessary funding for the completion of the study. Agreement to provide that funding has now been provided.

In the meantime, the Lake Cudgen Nature Reserve has been created, including the Crown Reserve included in this proposed Amendment. The Strategic Plan has also been adopted which, inter alia, states in paragraph 117 that there is no need for any major rezonings of new urban release areas in the short to medium term. However, in view of the fact that Council has agreed to prepare a study in respect of this land which furthermore, will canvas relevant issues, if Council wishes to support the completion of the study it should do so on the strict understanding that:-

- 1. Crown Reserve No 84395 be deleted from the Amendment.*
- 2. A decision to proceed with any rezoning is subject to compliance with the Strategic Plan and the outcome of the study,*
- 3. That decision will be made by Council following completion of the study, and*
- 4. The brief for the study will be reviewed by Council and further quotes sought.*

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These terms should be made clear to the proponent at the outset to ensure that there is no misunderstanding of the fact that Council may decide not to proceed with any rezoning of the land”.

Council adopted this recommendation. Revised quotations were sought. Following evaluation of tenders and resolution of method of payment for the Study, GHD Consultants were appointed to complete the LES.

The LES was received in April, 2000 has been evaluated by Council’s officers.

LOCAL ENVIRONMENTAL STUDY

The Local Environmental Study (LES) addressed:

- flora and fauna;
- soil capability and presence of acid sulphate soils;
- water quality;
- flooding and hydrology;
- visual impact of future development;
- infrastructure, including roads, drainage and community services;
- cultural heritage.

The critical findings of the study’s assessment of environmental impacts includes:-

Flora And Fauna

- Three species of conservation significance use the site. They include the Wallum Froglet, Latham’s Snipe and the Koala;
- Buffer zones are required to protect habitat, reduce the impact of weed invasion into the surrounding Cudgen Nature Reserve, reduce the impact of pollutants and sedimentation from future development and to act as a noise barrier from Clothiers Creek Road. In addition, management strategies should be adopted to educate future residents on fire hazard reduction and weed infestation;
- A Covenant should be used to exclude dogs and cats from the site;
- Buffer zones should be managed to ensure that the objectives of the buffers are attained.

Soils

- Acid sulphate soils are present on the site. Minimal disturbance is expected, due to the need to fill the site to achieve flood immunity. All fill should be imported onto the site from areas free of acid sulphate soils to achieve desired finished levels;
- Soil type is not an impediment to future development;
- The soil is not contaminated.

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Flooding and Hydrology

- The site is flood prone and would require extensive filling to enable development in accordance with Council's requirements for flood prone land. Very conservative estimates have concluded that achieving a finished level of 3.4m AHD would lead to an increase in flood levels of approximately 40mm. Further assessment of the impacts on hydrology will be required once a development concept is finalised;
- In addition to filling the site, flood free access is required from Bogangar. As a result the road would need to be raised by 1.4m to the intersection of Kauri and Rosewood Avenues. If the road were not raised, access to the site would be denied for approximately two days in a 1 in 100 year flood event.

Water Quality

- Provided acid sulphate soils are managed and sediment and erosion controls are incorporated into future development, the potential impacts on water quality would be low.

Visual Impacts

- Vistas to Round Mountain should be retained;
- Cudgen Lake edge should remain undeveloped;
- A buffer should be maintained along Clothiers Creek Road to reduce visual impact of the development from road users.

Infrastructure

- Assessments of impacts on current infrastructure are based on an estimated yield of 200 lots. Existing water and sewerage networks only have capacity for approximately 20 additional lots. The existing sewerage pump station at Willow Avenue may need to be upgraded and an additional pump station would be required for the western and southern side of the development. As such, upgrading of this infrastructure would need to be investigated;
- Electricity and telephone services will need to be extended to cater for the development;
- There will be little or no impact on community services in the area.

Traffic Impacts

- 34,000 tonnes of fill is required to develop the site. Transporting this fill would require 3,400 20 tonne truck movements, or 4,850 14 tonne truck movements. Access would be via Clothiers Creek Road. The proposed development would result in an increase of over 10% of average traffic volumes. There would also be additional vehicle movements of other heavy vehicles and workers to the site. This will have implications for road condition and safety;

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- The Pacific Highway Realignment includes an interchange to link Clothiers Creek Road to the Highway and provide direct access to Bogangar. This link is likely to increase traffic using Clothiers Creek Road;
- Line of sight from accesses to the development would be limited, which increases road safety concerns, especially relating to heavy vehicles. The final intersection designs would therefore need to incorporate turning lanes and be located to maximise the line of sight along Clothiers Creek Road;
- Future residents will permanently increase traffic volumes on Clothiers Creek Road. A detailed traffic assessment for the site should be required to be submitted with any development application.

Cultural Heritage

- A stove tool located towards Clothiers Creek Road should be collected prior to disturbance of the area;
- The swamp edges and sandy soils in tea tree swamps were frequently used for burials. The coordinator of the Tweed Byron Local Aboriginal Land Council should be contacted should any material be exposed during construction.

Conclusion

The Consultant concluded that any potential environmental impacts can be satisfactorily managed by appropriate mitigation measures, including:

- undertaking each element of an Environmental Management Plan (EMP) as detailed in the LES;
- hydraulic design to minimise the impact on the hydrology of Cudgen Lake;
- incorporation and maintenance of the buffer zones and environmental corridors;
- noise statement report including proposed noise mitigation measures;
- Best Practice stormwater management to reduce pollution loads into Cudgen Lake;
- exclusion of dogs and cats from the site as part of a covenant agreement;
- no plants to be introduced to the site as part of the landscaping program other than those set out in the landscaping section of the EMP;
- traffic calming devices as detailed in the EMP;
- a sediment and erosion control plan for the site should be prepared as detailed in the EMP;
- the retention and maintenance of the visual buffer along Clothiers Creek Road;
- education of construction staff as to their responsibilities under the EMP including complaints monitoring and the Cultural Heritage component; and

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- educational material, as detailed in the Environmental Management Plan, which will provide new residents with environmental information including the protection of buffer vegetation, dumping of garden wastes, fires and living with native fauna.

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) COMMENTS ON LES

The LES was referred to NPWS for comment. NPWS have indicated that further assessment is required, particularly in relation to threatened fauna species and buffer design.

Given the location of the site adjacent to Cudgen Nature Reserve and the identification of threatened species on the site, it is considered that these issues should be further investigated prior to proceeding with the proposal to rezone this land.

These are issues that the Strategic Town Planning Unit will pursue with the Consultants who prepared the LES.

DISCUSSION

The land has a number of constraints, however the Consultant has concluded that these constraints can be adequately addressed, and will not preclude development of the site.

In relation to the identified need to upgrade infrastructure, both water and sewer can be made available to the site.

Council's Water Unit Manager has indicated that water is available to the site, and the connection point for the site would be to the 250mm diameter water main in Hastings Road. The existing water reticulation mains west of Hastings Road would need to be upgraded to ensure that sufficient capacity is available to the site.

Council's Engineering Department has indicated that future sewer capacity at the Hastings Point Sewerage Treatment Plant can be made available to accommodate development of this site.

In terms of road capacity, the upgrading of Clothiers Creek Road is an issue which Council will need to address in response to the Tweed Coast Motorway, regardless of whether or not the rezoning of Hansen's land proceeds.

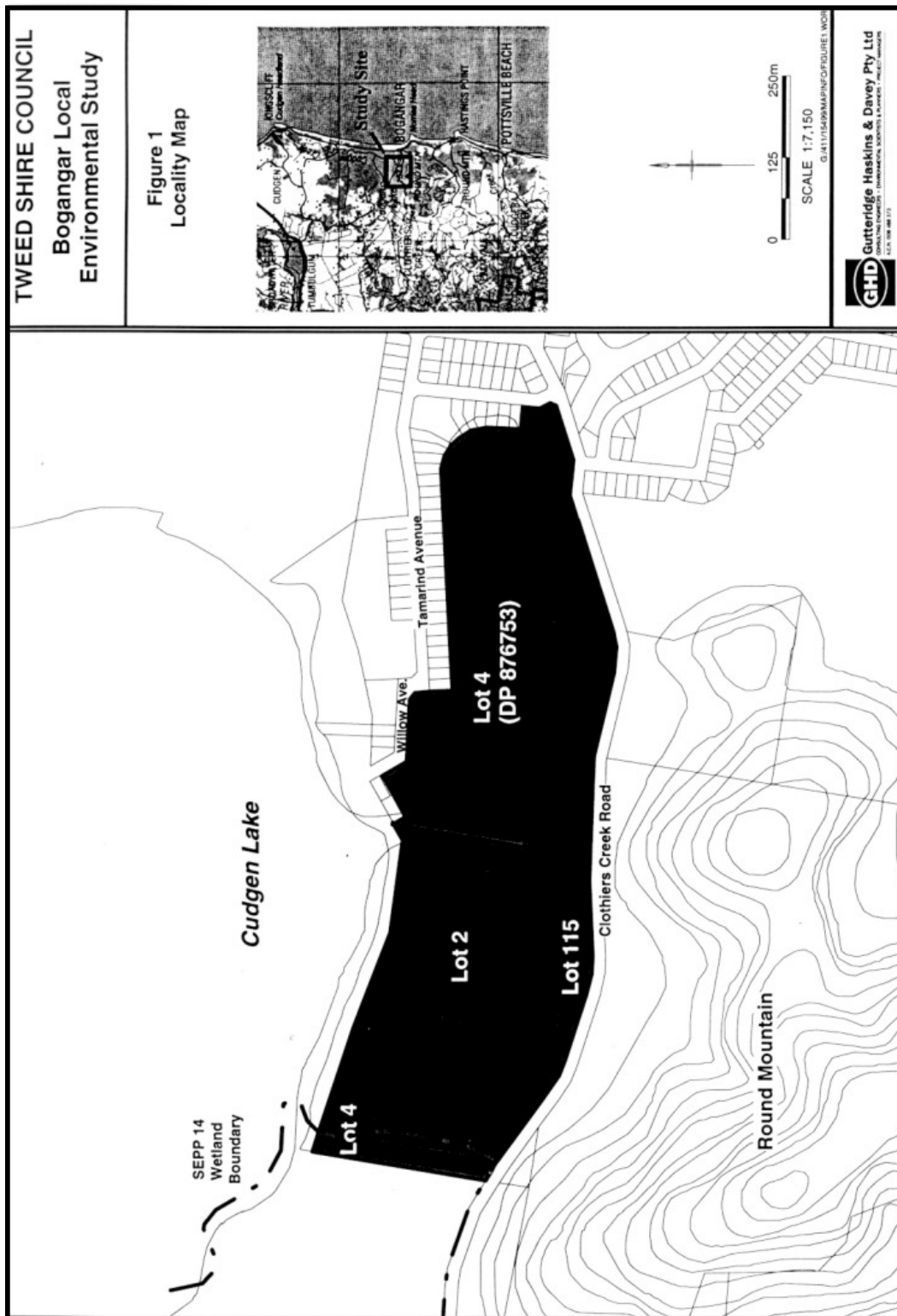
CONCLUSION

The subject site has a number of constraints, however current knowledge, technology and practices indicate that the majority of these constraints can be overcome by appropriate site design and management techniques.

The NPWS has indicated that the potential impact on threatened fauna species is an issue which needs further consideration. The Strategic Planning Unit will liaise with GHD Consultants to further investigate this issue (see National Parks and Wildlife Service letter – Annexure 1).

There are a number of issues which need to be addressed further before a definitive recommendation can be made to Council as to whether this rezoning proposal should be endorsed or not for public exhibition.

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11. ORIGIN: Administration Services Unit

FILE REF: Geographical Names Board

REPORT TITLE:

Point Danger Signage (Cook's Point Danger)

SUMMARY OF REPORT:

A letter has been received from the Lower Tweed River Historical Society Inc. expressing their disappointment with Council's decision to the signage at Point Danger and Fingal.

RECOMMENDATION:

That this report be received and noted.

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REPORT:

The following letter has been received from the Lower Tweed Historical Society Inc. in relation to the signage at Point Danger and at Fingal:

“The members of our Society were very disappointed and upset recently to discover that Councillors had on the 6th September, 2000 rescinded the Resolution it had passed at their meeting held on the 16th August, 2000 (Minute No. 170 in relation to Item 27) in relation to the signage at Point Danger and at Fingal.

Our members at our general meeting held on 19th September, 2000 instructed me to write to Council and request in the strongest possible terms that the resolution (No. 288 and 289) passed on the 6th September, 2000 be rescinded for the following reasons:-

- 1. Many of our members wrote individually to Council in response to its request for public comment and, we understand, most, if not all, objected to all four propositions proposed by Council and instead requested that Council display those plaques recommended by the Geographical Names Board of NSW, the expert authority on the subject. We understand that approximately 30 individuals responded to Council’s request for public comment. Why have these been ignored?*
- 2. Our members strongly object to the proposed location of a new plaque at Point Danger. We consider it most inappropriate that the “inscription be placed on the south panel inside the memorial”. This would require the removal of the existing plaque bearing an extract of Cook’s Journal relating to this area. Under no circumstances should this plaque be removed. We believe that Council has made a mistake in recording the location of the plaque which it desires to remove. We understand that the plaque which Council desires to remove and replace with a new plaque is, in fact, located on the outside of the eastern column.*
- 3. Our members object to the reference in the proposed inscription relating to a supposed decision of the Geographical Names Board of NSW in 1971, as we understand that no decision was made by that Board in that year.*
- 4. With regard to the statements proposed about the re-enactment voyage “authorised by the NSW Geographical Names Board” undertaken in November, 1989, that:-*
 - (a) the persons who participated were not “experts”;*
 - (b) they were not experienced mariners;*
 - (c) they made several errors, which bring into question their finding;*
 - (d) we question whether in fact they were officially “authorised” by the Board to carry out the re-enactment.*
- 5. The statement proposed in the sentence:*

“In a further review of 22nd October, 1998, the NSW Geographical Names Board adopted a different view and reported the following conclusions.”

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Trivialises the fact that the Board's conclusions were reached as a result of report delivered by a select committee, who had studied all original documents recorded on the "Endeavour" as well as all contemporary reports over a period of two years. The Boards' conclusions were widely published before adoption, and all interested parties (including this Society and your Council) were asked for comment. Both this Society and your Council wrote to the Geographical Names Board of NSW and agreed with its conclusions.

6. *In view of the fact that you propose to quote facts and statements attributed to the Geographical Names Board of NSW we recommend in the strongest terms that before any wording is adopted by Council THAT YOU CHECK WITH THE GEOGRAPHICAL NAMES BOARD OF NSW THAT THE INFORMATION YOU ARE QUOTING IS CORRECT. We believe that some of it is inaccurate, to say the least.*
7. *Mr Jack Devery, a member of the Geographical Names Board of NSW recently was a Guest Speaker at a general meeting of members of our Society, when he devoted his entire address to the research he had conducted as a member of that Board over many years. The copy documentation he used as part of his address was provided to our Society for our records. As a result of Mr Devery's address to our members, our members are strongly convinced about the authenticity of Cook naming the present Point Danger as Point Danger.*
8. *We understand that Mr Devery also personally addressed Councillors at a Council meeting during that visit to the Tweed area. At the conclusion of that meeting Mr Devery made certain recommendations to Council regarding the wording of any proposed plaques. It appears that the recommendation of this expert have subsequently been ignored or overlooked by Council.*
9. *It appears that your Council has not properly consulted with the Gold Coast City Council regarding the proposed wording of the latest proposed inscriptions. We would ask that, at least, any proposal to proceed be postponed until the Gold Coast City Council is consulted.*

As previously requested, please rescind the resolutions passed at Council's meeting on 6th September, 2000 (Minute Nos. 288 and 289)."

For Council's determination.

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12. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

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

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for August 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 August 2000.

5.1.1 The number and category of financial members of TACTIC:

	June 2000	July/August 2000
Ordinary Members	153	All invoices were sent out to members for renewal of membership for 2000-20901 Membership year at the end of July when the TACTIC ABN was received.
Service Members	26	
Total	179	

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

	June 2000	July 2000	August 2000
World Heritage Rainforest Centre	1690	2105	1737 (including 268 from bus groups)
Tweed Heads Visitors Centre	2043	2582	2459
Total	3733	4687	4196

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

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from July	Type of Enquiry	No of Enquiries	%	Variance from July
Tourism	537	65	+1%	Tourism	944	63	+2%
National Parks	97	12	Nil	National Parks	9	1	Nil
Street Directions	120	14	+3%	Street Directions	251	16	-1%
Bus Timetables	9	1	-1%	Bus Timetables	118	7	-4%
Other	65	8	-3%	Other	200	13	+3%

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

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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 of operations of the tourist Information Centre

Volunteers

- Volunteer coordinator, 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 are also encouraged to join these groups if the familiarisation is held outside their working hours.
- Staff visited 7 properties during August. These were Cabarita Gardens Lake Resort, Beachfront Hideaway, Pottsville Beach Motel, Froggies Cafe, Currumbin Wildlife Sanctuary and Regent Court Apartments. It was also planned to visit Tondio Terrace, however the property became fully booked just prior to the famil.
- There is a full agenda for familiarisations to member properties for the next 2 months.

Staff

- Staff were very interested to see that the progress on the proposed amalgamation has been halted, as media had commented that employed persons at TACTIC would be reappointed and re-advertised.
- Kelly Garrety completed 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 2 Councillors have also been invited to this meeting to meet the staff and have an information discussion on the direction of TACTIC.
- TACTIC is still experiencing the occasional minor problem with the implementation of the GST, still with problems stemming from operators who are not entirely familiar with the new tax system.

Strategic Marketing Plan

- Advertising space has been booked in the September-October edition of the Open Road 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. The Tweed Valley edition of the publication has been completed, with work commencing on the Tweed coast publication commencing. 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. This publication should be available at some stage during October.
- The first edition of the TACTIC Calendar of Events for Tweed and the surrounding area will be the Spring Edition. All members have been asked to forward any information they

Reports from Director Corporate Services

may be aware of relating to a calendar to TACTIC. As has the general public, with notices being placed in the Tweed Link, the Around Tweed Valley publication and in a mail-out to approximately 150 various community, sporting and special interest groups. 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.

Networking

- The next TACTIC Networking event will be the TACTIC Annual General Meeting (AGM), to be held in early October.

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 Visitor 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 utilised from both the Tweed Heads Visitor 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, but cannot be undertaken until late October, when the developer of the system is available.

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

See attached Profit and Loss Statement for August 2000.

5.1.5 The provision by TACTIC to Council on a monthly bank reconciliation:

See attached reconciliation statement for August and the general account for the period ending 17 August 2000 and the for the trust account for the period ending 29 August 2000.

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 30 July to Wednesday 2 August. This trade event was held at Melbourne and Olympic Parks in Melbourne and was very well attended. Seven (7) 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 3 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

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is being compiled and includes 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.
- Mini-T Maps have produced a publication for the Tweed Valley, which is proving to be very popular. Work on the Tweed Coast and Tweed Heads-Coolangatta maps has begun, and these should be available by the end of 2000. These will be distributed throughout South-East Queensland and Northern NSW. ATCTIC will also be helping with the production of these maps.

Domestic Marketing

- 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 October 7 to 15 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.

5.1.8 The amount of retails sales:

June	July 2000	August 2000
\$2,123.25	\$1,826.47	\$2,312.89

5.1.9 The number and value of the booking system growth:

	June 2000	July 2000	August 2000
Number	57	58	68
Accommodation bookings	\$7,624.35*	\$4,637.70	\$5,415.03
Tours	\$1,026.00*	\$3,848.35	\$3,965.94
Commission	\$961.15*	\$942.90	\$1,042.33
Total	\$9,611.50*	\$9,428.95	\$10,423.30

(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 Board Meeting Minutes for August – to follow shortly.

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13. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

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

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for September 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 September 2000.

5.1.1 The number and category of financial members of TACTIC:

	July/August 2000	September
Gold Members	All invoices were sent out to members for renewal of membership for 2000-20901 Membership year at the end of July when the TACTIC ABN was received.	1
Ordinary Members		66
Service Members		12
Total		79

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

	July 2000	August 2000	September
World Heritage Rainforest Centre	2105	1737 (including 268 from bus groups)	2050 (including 78 from bus group)
Tweed Heads Visitors Centre	2582	2459	2274
Total	4687	4196	4324

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

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from August	Type of Enquiry	No of Enquiries	%	Variance from August
Tourism	674	67	+2%	Tourism	864	65	+3%
National Parks	96	10	-2%	National Parks	10	1	Nil
Street Directions	105	10	-4%	Street Directions	226	17	+1%
Bus Timetables	20	2	+1%	Bus Timetables	112	8	-2%
Other	107	11	+3%	Other	126	9	-2%

Reports from Director Corporate Services

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 of operations of the tourist Information Centre

Volunteers

- Volunteer coordinator, 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 are also encouraged to join these groups if the familiarisation is held outside their working hours.
- As the busy School Holidays period this year covered 3 weeks during September, no famils were conducted.
- There is a full agenda for familiarisations to member properties for the next 2 months.

Staff

- A volunteer drive was conducted in early September, resulting in almost 20 new volunteers and work for the dole people between the 2 centres. The last Volunteer drive was conducted in August 1999, and several of the volunteers from the drive have had to move on.
- A staff meeting was held on 12 September to help keep staff up to date with the progress of TACTIC and to ensure that the new volunteers are welcomed to the organisation and shown around the correct procedures. The 2 Tweed Shire Councillors on the TACTIC Board were invited to this meeting to meet staff and let staff put a face to a name.

Strategic Marketing Plan

- Advertising space has been booked in the September-October edition of the Open Road publication. Numerous phone calls have been received.
- 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. The Tweed Valley edition of the publication has been completed, with work commencing on the Tweed coast publication

Networking

- The next TACTIC Networking event will be the TACTIC Annual General Meeting (AGM), to be held on 10 October at Calypso Plaza Resort. The guest speaker for the evening is Mr Geoff Buckley, Director for Strategy and Alliances.

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 Visitor 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 utilised from both the Tweed Heads Visitor Centre and the World Heritage Rainforest Centre. Staff training in the correct use of this system,

Reports from Director Corporate Services

including the understanding of its full potential is needed, but cannot be undertaken until late October, when the developer of the system is available.

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

See attached Profit and Loss Statement for September 2000.

5.1.5 Please find the bank reconciliations for the period ending 19 September for the general account. A bank reconciliation for the Trust Account will follow shortly.

5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows:

a) **International Marketing**

b) **Domestic Marketing**

- 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 October 7 to 15 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.
- The need for a coordinated calendar of events for the Tweed region has been identified, and TACTIC has produced the first edition of the calendar that covers this need. 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 Spring Edition came out in the first week of September and was delivered to 22000 households in the Tweed.
- The 2000-2001 Marketing Calendar is currently under review.

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 being compiled and includes shopping Centre Promotions again. These will commence in late 2000.

Advertising

- The Tweed-Coolangatta Visitors Guide and also The guide are currently being sold in the Tweed area. Rob Holland from the Guide spent several hours with Sheridan Hargreaves assisting him to locate several properties in the Tweed Valley.
- Advertising in the September-October edition of the Open Road Magazine has been booked.
- Mini-T Maps have produced a publication for the Tweed Valley, which is proving to be very popular. Work on the Tweed Coast and Tweed Heads-Coolangatta maps has begun, and these should be available by the end of 2000. These will be distributed throughout

Reports from Director Corporate Services

South-East Queensland and Northern NSW. ATCTIC will also be helping with the production of these maps.

Trade Events

- No trade events are scheduled until next year.

Familiarisations

- Sheridan Hargreaves welcomed Joel Dullroy to the Tweed on 8 September. He writes for the Courier Mail and was writing a feature on outdoor activities. Properties visited whilst in the Tweed were Sullivans Pioneer Country, Tweed Endeavour Cruises, Ecoasis, the Imperial Hotel (for dinner!) and Midginbil Hill Country Resort. Joel was very impressed with the variety of products available in the area, and was also surprised that it is so close to Brisbane.

Upcoming Promotions

- Shopping centre promotions to commence in late 2000.
- TACTIC AGM in early October.
- Rainforest Festival 7-15 October.

5.1.8 The amount of retails sales:

July 2000	August 2000	September
\$1,826.47	\$2,312.89	\$2,211.13

5.1.9 The number and value of the booking system growth:

	July 2000	August 2000	September
Number	58	68	38
Accommodation bookings	\$4,637.70	\$5,415.03	\$6,090.66
Tours	\$3,848.35	\$3,965.94	\$1,488.60
Commission	\$942.90	\$1,042.33	\$842.15
Total	\$9,428.95	\$10,423.30	\$8,421.41

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

5.1.10 No Board Meeting was held in September.

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: General Manager

FILE NO: Quarterly Report

REPORT TITLE:

Quarterly Corporate Report

SUMMARY OF REPORT:

The Quarterly Corporate Report covering the period to 1 July 2000 to 30 September 2000 is presented for Council's information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with Section 407 of the Local Government Act the General Manager must report to Council each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Quarterly Corporate Report is still being developed and is currently at a stage of development where the information is being collected and expressed, in some instances, in graph form. As it is further developed it will be used as a management tool to gauge the performance of Council's activities. These Quarterly Reports will be combined on a yearly basis and included in the Annual Report so as to advise the community of Council's activities and to compare such activities to the Management Plan for that year.

Reports from Director Corporate Services

Development Services Quarterly Report

REPORT FOR THE PERIOD

1 JULY 2000 TO 30 SEPTEMBER 2000

DEVELOPMENT ASSESSMENT

STRATEGIC TOWN PLANNING

Reports from Director Corporate Services

DEVELOPMENT ASSESSMENT

SUB PROGRAM:	D01., D05. Development Assessment, Subdivision Assessments
PRINCIPAL ACTIVITY:	4. DEVELOPMENT / BUILDING CONTROL
RESPONSIBILITY:	Acting Manager Development Assessment - Garry Smith
SUB PROGRAM OBJECTIVE:	<p>1. To facilitate the development and use of land within the legislative framework and achieve quality of development and environment commensurate with community expectations and which is environmentally sustainable.</p> <p>2. To achieve high quality processes, assessment and outcomes by the following action plan.</p>

Main Functions	Performance Target	Performance Report
Continuous improvement in the processing and assessment of development applications		<ul style="list-style-type: none"> Ongoing.
Continuous improvement in the processing and assessment of certificate applications <ul style="list-style-type: none"> a. construction certificates b. subdivision certificates c. strata subdivision applications 	Achieve performance targets referred to in Performance Assessment Measures	<ul style="list-style-type: none"> Ongoing.
Implementation of Application Determination Policy		<ul style="list-style-type: none"> Being implemented.
Development of Protocol with stakeholders on provision of service - involving "Focus Group"	Completion of jointly endorsed document	<ul style="list-style-type: none"> Focus Group selected – meeting to be organised.
Provision of timely accurate and courteous advice	Surveys show high level of customer satisfaction with the service	<ul style="list-style-type: none"> Survey to be conducted.

Reports from Director Corporate Services

Main Functions	Performance Target	Performance Report
Response to outcomes of DA customer survey	All agreed actions implemented	<ul style="list-style-type: none"> • Subject to survey.
Implement Complaints and Work Request Policy and required Enforcement.	Response times achieve targets within Policy	<ul style="list-style-type: none"> • Subject to review.
Construction monitoring to ensure compliance with approvals and adequate supporting infrastructure	Full compliance achieved with approvals and conditions to achieve efficient and quality outcomes with discretion exercised as appropriate	<ul style="list-style-type: none"> • Ongoing
Prompt issue of planning certificates	5 day turnaround - 2 days maximum for “urgent” certificates	<ul style="list-style-type: none"> • Target being met.

Reports from Director Corporate Services

Corporate Services Quarterly Report

REPORT FOR THE PERIOD

1 JULY 2000 TO 30 SEPTEMBER 2000

ADMINISTRATION SERVICES

BUSINESS UNDERTAKINGS

FINANCIAL SERVICES

HUMAN RESOURCES

Reports from Director Corporate Services

ADMINISTRATION

SUB PROGRAM:	A01. Administration Services
PRINCIPLE ACTIVITY:	1. Corporate Support
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To develop and maintain an effective administration service system to ensure optimum performance to the organisation.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Administrative support to the organisation 	<ul style="list-style-type: none"> The provision of secretarial and administrative services for the Council's Standing and Ad Hoc Committees for the Council and for the organisation 	<ul style="list-style-type: none"> Currently being done.
<ul style="list-style-type: none"> Records Management Services 	<ul style="list-style-type: none"> Provision of an accurate and comprehensive Records Management System for the Corporation 	<ul style="list-style-type: none"> Ongoing.
<ul style="list-style-type: none"> Printing and Photocopying Services 	<ul style="list-style-type: none"> Provision of effective and efficient printing and photocopying service to organisation 	<ul style="list-style-type: none"> Ongoing.
<ul style="list-style-type: none"> Operational services for the Council 	<ul style="list-style-type: none"> Provision of secretarial services to the Council 	<ul style="list-style-type: none"> Ongoing.
<ul style="list-style-type: none"> Democracy and Civic activities 	<ul style="list-style-type: none"> Provision of service and facilities for civic activities 	<ul style="list-style-type: none"> Ongoing.
<ul style="list-style-type: none"> Corporate Management 	<ul style="list-style-type: none"> Regular review of Council's Policies and Delegations 	<ul style="list-style-type: none"> Policies and delegations reviewed on a regular basis.
<ul style="list-style-type: none"> Communication Consultation 	<ul style="list-style-type: none"> Annual Report and Tweed Link Liaison with Council Executive 	<ul style="list-style-type: none"> Tweed Link produced weekly. Community report finished. Report to the Department currently being finalised.
<ul style="list-style-type: none"> Local Government Liaison 		
<ul style="list-style-type: none"> Elections 	<ul style="list-style-type: none"> Provision of staff and facilities Organisation of elections in conjunction with the Returning Officer 	<ul style="list-style-type: none"> Finalised next election 2003.

Reports from Director Corporate Services

SUB PROGRAM:	A02. Information Technology
PRINCIPLE ACTIVITY:	1. Corporate Support
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To provide first class technological assistance to staff to enable the delivery of effective, efficient and customer focussed services.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Main Computer Systems 	<ul style="list-style-type: none"> • Provide access to Genasys Council Information Systems • Minimal interruption to service • Perform regular updates to CIS systems • Ensure accurate and efficient processing of data • Encourage use of all systems, sub-systems and features • Ensure systems meet needs of users 	<ul style="list-style-type: none"> • Currently being achieved. In the process of replacing Council's financial systems.
<ul style="list-style-type: none"> • Management Services from other Functions 	<ul style="list-style-type: none"> • Cost of Services for printing, telephone and office space rental 	<ul style="list-style-type: none"> • Services being provided on an economical basis.
<ul style="list-style-type: none"> • Network Systems 	<ul style="list-style-type: none"> • Provide access to shared systems, data and peripherals • Minimal interruption to service • Provide solutions to users needs in regard to network facilities 	<ul style="list-style-type: none"> • Currently being achieved.
<ul style="list-style-type: none"> • Geographic Information Systems 	<ul style="list-style-type: none"> • Encourage use of Genamap GIS System and interface/integration feature including Property Information 	<ul style="list-style-type: none"> • Currently being achieved.
<ul style="list-style-type: none"> • Personal Computer Systems 	<ul style="list-style-type: none"> • Provide access to personal computer based systems • Provide solutions to users needs • Provide support to users in regard to hardware and software problems 	
<ul style="list-style-type: none"> • Asset Management Systems 	<ul style="list-style-type: none"> • Encourage use of centralised Total Asset Management System(s) with appropriate features and interface/integration 	<ul style="list-style-type: none"> • Currently being achieved.

Reports from Director Corporate Services

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Management Information Systems 	<ul style="list-style-type: none"> Develop effective solutions to the information needs of management Provide support to users in use of management information systems 	<ul style="list-style-type: none"> Dataworks system installed. Ongoing training for staff.
<ul style="list-style-type: none"> Communication Systems 	<ul style="list-style-type: none"> Attend to requirements in regard to telephones 	<ul style="list-style-type: none"> Currently a new telephone system is being installed.

SUB PROGRAM:	A06. Risk Management
PRINCIPLE ACTIVITY:	1. Corporate Support
RESPONSIBILITY:	Manager Administration - Brian Donaghy
SUB PROGRAM OBJECTIVE:	To insure Council's exposure against claims/damages/losses is minimised.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Insurance Fidelity Guarantee Public Liability Risk Management Program 	<ul style="list-style-type: none"> The continuation of Risk Management practices Adequate Public Liability Insurance Advice/administration help to Council Insurance (NSW) State Organisation 	<ul style="list-style-type: none"> Ongoing. Ongoing. Ongoing.

Reports from Director Corporate Services

BUSINESS UNDERTAKINGS

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B05. Business Undertakings (Airfield)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To provide a facility for small aircraft operation and associated industry that meets exiting needs and through improvement will create greater usage.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Advise Council on matters affecting the airfield and its development. 	<ul style="list-style-type: none"> Provide meaningful and timely reports. 	<ul style="list-style-type: none"> Report to Council as required
<ul style="list-style-type: none"> Act as Secretary of the Airfield Management Committee. 	<ul style="list-style-type: none"> Generation of initiatives that promote and encourage positive action. 	<ul style="list-style-type: none"> Convened and acted as secretary for committee. Took minutes, distributed same and implemented agreed actions
<ul style="list-style-type: none"> Co-ordinate airfield development. 	<ul style="list-style-type: none"> Establish private aircraft hangarage improve facilities. 	<ul style="list-style-type: none"> Liaised with current and incoming leaseholders regrading assignment and/or creation of new leases.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B01. Business Undertakings (Land Development)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To manage and develop existing holdings and undertake land transactions so as to maximise commercial and community benefit.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Property management for existing Council houses. 	<ul style="list-style-type: none"> Maximise rental return and maintain property in rentable condition. 	<ul style="list-style-type: none"> Liaised with RE Agents to ensure properties are let at best achievable rate and maintenance performed
<ul style="list-style-type: none"> Co-ordinate land development as directed by Council. 	<ul style="list-style-type: none"> To deliver the project on time, within budget and suitable for purpose. 	<ul style="list-style-type: none"> Act as Chairman of Land Development Committee reviewing options for specific opportunities
<ul style="list-style-type: none"> Conduct land transactions as directed. 	<ul style="list-style-type: none"> To purchase/sell target properties within schedule and financial requirements. 	<ul style="list-style-type: none"> Liaised with RE Agents in relation to sale of Stage 2 Piggabeen Sports Complex, and with solicitors in preparation of contracts of sale.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B04. Business Undertakings (Saleyards)
PRINCIPLE ACTIVITY:	3. Business Undertakings
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To facilitate the transfer of operational management to private enterprise and ensure that agreed maintenance and necessary improvements are carried out.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Liaison between Council, industry and operator/ manager of the facility. 	<ul style="list-style-type: none"> Improve communication and input by all parties. 	<ul style="list-style-type: none"> Reporting to Council and liaising with Saleyards Manager as required
<ul style="list-style-type: none"> Advise Council on matters affecting the Saleyards. 	<ul style="list-style-type: none"> Provide meaningful and timely reports. 	<ul style="list-style-type: none"> Liaison with Saleyards Manager with respect to repairs and maintenance requests Engaged contractor to clear build up of material in treatment system and organised on-going process.

Reports from Director Corporate Services

SUB PROGRAM:	BUSINESS UNDERTAKINGS
BUDGET SUB PROGRAM:	B03. Business Undertakings (Caravan Parks)
PRINCIPLE ACTIVITY:	11. Business Activities
RESPONSIBILITY:	Manager Business Undertakings - Richard Adams
SUB PROGRAM OBJECTIVE:	To manage, develop and promote the Tweed Coast Holiday Parks as an attractive tourist destination using sound commercial practice and providing an appropriate return on investment.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Manage the Tweed Coast Holiday Parks Reserve Trust as a discreet operating entity. 	<ul style="list-style-type: none"> • Meet budget forecast and achieve all practical goals. 	<ul style="list-style-type: none"> • Preparation of detailed operating reports for submission to the Trust. • Organising regular external audits.
<ul style="list-style-type: none"> • Develop plans for upgrading parks and improvements within parks. 	<ul style="list-style-type: none"> • Deliver a high level of service to end users thus improving occupancy rates. 	<ul style="list-style-type: none"> • Co funder of Coastal Hazards Study to provide a “scientific” understanding of proposed development sites suitability’s. • Developed R&M schedules and liaise with Holiday Parks Supervisor in there implementation.

Reports from Director Corporate Services

Main Functions	Performance Targets	Performance Report																						
<ul style="list-style-type: none"> Undertake professional administration and marketing of the parks. 	<ul style="list-style-type: none"> Deliver a high level of service and meaningful response/plans to end user and the Tweed Reserves Trust. Star ratings of the following Parks are retained:- <table data-bbox="491 510 938 801"> <tr> <td>Boyds Bay</td> <td>3.5</td> </tr> <tr> <td>Fingal</td> <td>3</td> </tr> <tr> <td>Kingscliff North</td> <td>-</td> </tr> <tr> <td>Kingscliff Beach</td> <td>3</td> </tr> <tr> <td>Hastings Point</td> <td>-</td> </tr> <tr> <td>Pottsville Beach Nth</td> <td>3</td> </tr> <tr> <td>Pottsville Beach Sth</td> <td>3</td> </tr> </table> User satisfaction levels are maintained above 90%. Maintain as a minimum the occupancy levels for the various forms of accommodation at the Caravan Parks viz: <table data-bbox="491 1070 938 1205"> <tr> <td>On-site Vans</td> <td>54%</td> </tr> <tr> <td>Powered Sites</td> <td>40%</td> </tr> <tr> <td>Tent Sites</td> <td>20%</td> </tr> <tr> <td>Cabins</td> <td>69%</td> </tr> </table> 	Boyds Bay	3.5	Fingal	3	Kingscliff North	-	Kingscliff Beach	3	Hastings Point	-	Pottsville Beach Nth	3	Pottsville Beach Sth	3	On-site Vans	54%	Powered Sites	40%	Tent Sites	20%	Cabins	69%	<ul style="list-style-type: none"> Monitor operations, capital expenditure and planned maintenance in concert with Parks Supervisor Review marketing program to maintain presence Occupancy levels achieved were marginally in excess of budget and superior to previous year.
Boyds Bay	3.5																							
Fingal	3																							
Kingscliff North	-																							
Kingscliff Beach	3																							
Hastings Point	-																							
Pottsville Beach Nth	3																							
Pottsville Beach Sth	3																							
On-site Vans	54%																							
Powered Sites	40%																							
Tent Sites	20%																							
Cabins	69%																							

Reports from Director Corporate Services

Economic Development

SUB PROGRAM:	ECONOMIC DEVELOPMENT
BUDGET SUB PROGRAM:	I01. Commerce and Industrial Development and Tourism Promotion
PRINCIPLE ACTIVITY:	2. Economic Development
RESPONSIBILITY:	Director Corporate Services - Ian Carpenter
SUB PROGRAM OBJECTIVE:	To foster economic development and diversification in this Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Act for Council on various boards and committees dealing with economic development and tourism promotion. 	<ul style="list-style-type: none"> Generation of initiatives that promote and encourage positive action. 	<ul style="list-style-type: none"> Attend various meetings as required by Director
<ul style="list-style-type: none"> Review and report on concepts and ideas put forward for consideration. 	<ul style="list-style-type: none"> Provide timely and meaningful analysis to facilitate decision making. 	<ul style="list-style-type: none"> Review Council landholdings with Director of Engineering Services to determine opportunities.
<ul style="list-style-type: none"> Support two independent jointly funded bodies operate in the Shire to promote industrial/ economic development and tourism promotion. 	<ul style="list-style-type: none"> Tweed Economic Development Corporation meets agreed funding criteria and targets. TACTIC meets funding criteria and targets. 	<ul style="list-style-type: none"> Attendance at regional tourism organisation board meetings in progressing tourism in the Shire.

Reports from Director Corporate Services

HUMAN RESOURCES

SUB PROGRAM:	A07. Human Resource Management
PRINCIPLE ACTIVITY:	1. Corporate Support
RESPONSIBILITY:	Manager Human Resources - Joyce Lillyin
SUB PROGRAM OBJECTIVE:	To develop and implement policies, procedures and systems which will maximise excellent practice in the management of Council's human resources.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Policy Development 	Policy <ul style="list-style-type: none"> Develop, publish and implement new policies. Review existing policies. Provide equity in employment practice. 	<ul style="list-style-type: none"> Development of policy initiatives as requested. Advice provided as needed.
<ul style="list-style-type: none"> Human Resources 	<ul style="list-style-type: none"> Work with line management to maintain effective and harmonious industrial relations. 	<ul style="list-style-type: none"> Implementation advice provided as required.
<ul style="list-style-type: none"> Industrial Relations advice 	<ul style="list-style-type: none"> Co-ordinate formal and ad hoc employee/management consultative processes. Maintain agreed customer service standards. 	<ul style="list-style-type: none"> 3 Consultative Committee meetings resourced and co-ordinated. 3 Industrial Relations sub-committee meetings resourced and co-ordinated.
<ul style="list-style-type: none"> Recruitment & Selection 	Recruitment <ul style="list-style-type: none"> Carry out timely and effective recruitment and selection activities. 	<ul style="list-style-type: none"> 49 vacancies listed 43 position descriptions posted 524 "hits" on Web adverts 51 job applications received 31 vacancies filled 1.9% (11) quarter LTO
<ul style="list-style-type: none"> Training Delivery & Co-ordination 	Training <ul style="list-style-type: none"> Develop training plans. Develop and deliver in-house training programs for field and office-based staff. Co-ordinate attendance by staff at training course. 	<ul style="list-style-type: none"> Courses developed and delivered as required.

Reports from Director Corporate Services

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Occupational Health & Safety Advice 	<p>OHS</p> <ul style="list-style-type: none"> • Conduct regular program of safety inspection/audit. • Develop and deliver OHS regulation/specific issue training. • Reduction in number of workplace accidents. 	<ul style="list-style-type: none"> • Inspections carried out on regular basis. • Workplace Safety Management system under training of staff combined. • 41 incidents ytd. • 39% of target at 25% of year.
<ul style="list-style-type: none"> • Workers Compensation Administration 	<ul style="list-style-type: none"> • Reduction in workers compensation claims. • Reduction in hours lost per injury. • Reduction in cost per claim. 	<ul style="list-style-type: none"> • 9 claims ytd. • 16% of target @ 25% of year.

Reports from Director Corporate Services

Engineering Services Quarterly Report

REPORT FOR THE PERIOD

1 JULY 2000 TO 30 SEPTEMBER 2000

PLANNING & DESIGN

WATER

WORKS

Reports from Director Corporate Services

PLANNING AND DESIGN

SUB PROGRAM:	T16. Streetscaping
PRINCIPLE ACTIVITY:	12. Infrastructure Planning
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To enhance the social, economic welfare and tourist experience in the commercial centres of the shire principal towns

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Consultation 	<ul style="list-style-type: none"> • Bottom-up driven instigation 	<ul style="list-style-type: none"> • No new 2000 programs
<ul style="list-style-type: none"> • Concept Design 	<ul style="list-style-type: none"> • Goal related concepts and estimates generated 	<ul style="list-style-type: none"> • No new 2000 programs
<ul style="list-style-type: none"> • Details design and documentation 	<ul style="list-style-type: none"> • Detailed drawings, specifications and estimates 	<ul style="list-style-type: none"> • Additions to M'bah streetscaping prepared for Oct2000 construction.

SUB PROGRAM:	P09. Infrastructure Planning
PRINCIPLE ACTIVITY:	12. Infrastructure Planning
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To prepare strategic concept plans and financial recoupment plans for Council's infrastructure needs.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Infrastructure Planning. • Financial Strategies. • Planning Division Liaison. • Policy and Communication. 	<ul style="list-style-type: none"> • Strategies Devised. • Stakeholders Apprised. • Policies integrated with land use plans and forward budgeting. 	<ul style="list-style-type: none"> • New DCP16 draft revision issued as TSC AUSSPEC 2000 for industry comment.

Reports from Director Corporate Services

SUB PROGRAM:	P02. Engineering Design
PRINCIPLE ACTIVITY:	12. Infrastructure Planning
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To provide a quality civil engineering design consultancy service to the Tweed Shire Council.

Main Functions	Performance Targets	Performance Report
Concept design reports. Civil Engineering Design. Works and Stores Tender documentation and management. Development Control advice. Graphic Design, printing and publishing. Technical archives and library for Division.	Quality Customer Service program. QA design. Standardised and automated tendering procedures. Prompt turnaround development application documents. Full pre-construction management service to clients. Easy archive retrieval.	<ul style="list-style-type: none"> • Drawing office design program on schedule • Client Service Agreement reached with DDS on D/A advice response times. • CD archiving practice implemented

Reports from Director Corporate Services

SUB PROGRAM:	P03. Traffic
PRINCIPLE ACTIVITY:	12. Infrastructure Planning
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To plan, design and monitor safe, efficient, affordable traffic and transport facilities for all modes of travel in the Shire.

Main Functions	Performance Targets	Performance Report
Network policies, planning and design. Safety Programs. Development Control. Traffic Committee. Line marking and traffic management devices. Network monitoring.	DevCon policies in place. Multi-modal strategies adopted. Safer streets. Responsiveness to community concerns. Current comprehensive databases.	<ul style="list-style-type: none"> Contribution Plan No. 4 amended to facilitate development.

SUB PROGRAM:	P04. Stores, Purchasing and Division Support
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To provide administrative support to the Engineering Division, and necessary material to the Works, Water and Recreation Services Units.

Main Functions	Performance Targets	Performance Report
Administrative Support. Quality Customer Service evaluation framework in place.	Quality Customer Service. Store management procedures reviewed and structural changes in place.	<ul style="list-style-type: none"> (This role now assigned to Manager Water)

Reports from Director Corporate Services

SUB PROGRAM:	P01. Engineering Survey
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Planning and Design - Don McAllister
SUB PROGRAM OBJECTIVE:	To provide the organisation with a quality land survey consultancy services.

Main Functions	Performance Targets	Performance Report
Survey. GIS cadastre maintenance. Survey Archives. Council land asset register, purchase and transfer services. Rural addressing.	Efficient responsive professionally conducted land and engineering surveys. Current, accessible, spatial and textual survey and land asset databases. Prompt and accurate property services.	<ul style="list-style-type: none"> Land & Engineering Survey Services to clients maintained on or earlier than demand schedule.

Reports from Director Corporate Services

WORKS

SUB PROGRAM:	T01., T02., T03., T15. Council Roads
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Tweed Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Road Maintenance. 	<ul style="list-style-type: none"> Provide and maintain a program to ensure each road in the Shire is attended to at least four times per year. 	<ul style="list-style-type: none"> Ongoing.
<ul style="list-style-type: none"> Road Construction. 	<ul style="list-style-type: none"> To provide a five year rolling plan in accordance with Council's Pavement Management System. 	<ul style="list-style-type: none"> Completed.

TABLE 1

The following works have been commenced or completed to 30 September 2000.

Project	Budget (\$)	Actual Expenditure (\$)	% Complete
Broadwater Espl.	195,000	16,140	10
Duranbah Rd	120,000	15,000	20
Cane Rd	150,000	25,000	30
Racecourse Rd	75,000	38,000	50
Dulguigan Rd	105,000	68,000	100
Tyalgum Rd	150,000	52,000	30
Chinderah Rd	150,000	48,000	90
Kyogle Rd	483,000	485,000	100
Queensland Rd	200,000	179,000	90
Fingal Rd	300,000	21,000	10

Reports from Director Corporate Services

TABLE 2

The following expenditures have been incurred under Council's Maintenance Program to 30 September 2000.

(a) Local Roads

Description	\$ Expenditure	\$ Pro rata budget	\$ Variation
General Maintenance	615,964	616,917	953
Slashing	12,170	16,700	4,530
Kerb & Gutter	5,080	6,250	1,170
Bridges	39,453	43,750	4,297
Stormwater Drains	45,341	49,500	4,159
Footpaths	17,981	20,000	2,019
Weed Spraying	15,874	9,175	-6,699
Reseals	14,920	23,213	8,292
Street Cleaning	47,393	46,250	-1,143
Bus Shelters	3,478	4,125	647
Carparks	2,244	9,675	7,431
Roadside Parks	8,397	10,000	1,603
Urban Rehabilitation	0	0	0
Life Education Van	4,857	0	-4,857
Streetscape Maintenance	5,190	4,650	-540
Western Drainage	3,478	18,750	15,272
TOTAL	841,820	878,955	37,134

Reports from Director Corporate Services

b. Regional Roads

Description	\$ Expenditure	\$ Pro rata budget	\$ Variation
Main Road 7733	16,049	32,314	16,265
Main Road 141	4,280	9,645	5,364
Main Road 142	83,455	72,267	-11,188
Main Road 143	4,705	10,975	6,270
Main Road 399	23,833	23,841	8
Main Road 450	23,485	24,731	1,246
Main Road 541	31,698	18,800	-12,898
Total	187,505	192,573	5,067

SUB PROGRAM:	T04. Bridges
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide and maintain a safe and effective bridge system for the transportation of goods and people throughout the Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Bridges - Maintenance and Construction. 	<ul style="list-style-type: none"> Provide a five year rolling program to replace timber bridges. Provide a program of scheduled maintenance of all bridges. 	<ul style="list-style-type: none"> Completed. Ongoing.

BRIDGE CONSTRUCTION

Project	Budget	Actual	% Complete
Smiths Creek Road	560,000	196,000	40

Reports from Director Corporate Services

SUB PROGRAM:	T05. Drainage
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To minimise property damage by ensuring all built up areas have adequate stormwater drainage.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Management Services 	<ul style="list-style-type: none"> To provide co-ordination of activities within this Budget Sub Program. 	<ul style="list-style-type: none"> Ongoing
<ul style="list-style-type: none"> Planning. 	<ul style="list-style-type: none"> Ensure new areas are adequately drained and existing problems are alleviated. 	<ul style="list-style-type: none"> Ongoing

SUB PROGRAM:	T06. Foot & Cycle Ways
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and cyclist movement to, from and within the Tweed Shire.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Foot and Cycle Ways. 	<ul style="list-style-type: none"> Construct a foot and cycle system to link the major area in the urban centres. 	<ul style="list-style-type: none"> Cycleway program for 2000/2001 Contract let.

Reports from Director Corporate Services

SUB PROGRAM:	T08. Plant
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a cost effective plant fleet which enables Council to efficiently undertake its capital and maintenance works program.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Plant Operations. 	<ul style="list-style-type: none"> Develop an eight year plan replacement program. 	<ul style="list-style-type: none"> Ongoing.

The following plant and vehicles have been purchased to 30 September 2000:-

Item	Changeover Cost	
	Budget	Actual
Miscellaneous Plant	10,000	5,428
Jetpatcher Road Unit	160,000	156,298
Crew Cab Utility	4000	899
Flowcon Patching Unit	87,625	110,853
13 Tonne Tipping Truck	82,500	74,158
Mobile Caravan	0	15,750
All terrain Crane	180,000	147,527
8 vehicles 9cars, wagons)	64,000	36,201
	588,125	547,114

SUB PROGRAM:	T09. Depot
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide a clean, safe, adequate sized and Budget Sub Program depot for the storage of plant, materials and as a work base for outdoor employees.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Works/Depots 	<ul style="list-style-type: none"> Provide future development plan for Murwillumbah and Tweed Heads Depots. 	<ul style="list-style-type: none"> Ongoing.

Reports from Director Corporate Services

SUB PROGRAM:	T10. Quarries
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To provide sufficient quality materials for Council's road maintenance and construction program.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Operations. 	<ul style="list-style-type: none"> Provide adequate road making material for current and future demands. 	<ul style="list-style-type: none"> All material supplied has met standards required.

QUARRIES

The following transactions had taken place in Council's quarries to 30 September 2000:

- Material sold 47,150
- Income \$232,300
- Expenditure \$205,000
- Stock on hand 188,000 tonnes
- Value of stock on hand 1,090,000

SUB PROGRAM:	T07. Car Parks
PRINCIPLE ACTIVITY:	14. Transport and Drainage
RESPONSIBILITY:	Manager Works - Bob Missingham
SUB PROGRAM OBJECTIVE:	To optimise traffic flow and pedestrian safety by providing adequate kerb side and off street car parking facilities.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Car Parks 	<ul style="list-style-type: none"> Maintain the existing assets to a set design standards. 	<ul style="list-style-type: none"> Maintenance program for Barry Smith Field car park.

Reports from Director Corporate Services

Environment & Community Services Quarterly Report

REPORT FOR THE PERIOD

1 JULY 2000 TO 30 SEPTEMBER 2000

BUILDING SERVICES

ENVIRONMENT & HEALTH SERVICES

RECREATION SERVICES

Reports from Director Corporate Services

<ul style="list-style-type: none"> • Integrated Development Assessment Legislation. 	<ul style="list-style-type: none"> • To refine assessment processes involved with new legislation 1 July 1998, with an emphasis on improved customer service. • To develop and improve inspection processes and service to customers. • To provide an effective regulatory role as statutorily required. • To provide an effective administration process to respond to new obligations for registering, documenting, storing and retrieving information. • To develop and introduce effective processes for complying development. 	<ul style="list-style-type: none"> • Target achieved • New legislation processes implemented and being further refined • Target achieved. • Inspection process has improved particularly with present ability to give and make appointment times via the use of mobile phones and therefore giving improved customer service. • Target achieved. • Regulatory roles carried out as required under relevant legislation • Target achieved. • Effective registering, documenting, storing and retrieving information achieved via the use of “Approve” and “Dataworks” systems. • Target achieved. • Effective “Complying Development” process implemented.
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Reports from Director Corporate Services

ENVIRONMENT & HEALTH

SUB PROGRAM:	C02. Civic Buildings
PRINCIPLE ACTIVITY:	10. Community Services
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To ensure community access to well maintained civic and community buildings, at a reasonable cost whilst minimising the reliance on Council General Fund.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Management of Civic buildings. 	<ul style="list-style-type: none"> Undertake maintenance as required. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Utilisation of auditoriums. 	<ul style="list-style-type: none"> Greater use of auditoriums. 	<ul style="list-style-type: none"> Cultural Development Officer involved in promotion

SUB PROGRAM:	C03. Libraries/Arts
PRINCIPLE ACTIVITY:	10. Community and Cultural Support
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To support the cultural enrichment of the community by providing libraries and art gallery facilities.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Regional Library Service. 	<ul style="list-style-type: none"> Supply a library service. A library service which meets the needs of students and recreational readers. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Regional Art Centre 	<ul style="list-style-type: none"> Provide community access to art gallery. 	<ul style="list-style-type: none"> Access provided
	<ul style="list-style-type: none"> Maximise cultural grants coming into Shire from all sources. 	<ul style="list-style-type: none"> On-going

Reports from Director Corporate Services

SUB PROGRAM:	C04. Community Development
PRINCIPLE ACTIVITY:	10. Community and Cultural Support
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To provide co-ordination and funding to support services facilities and networks, relative to the special needs of the aged and disabled, and other individuals who have a special need for community service.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Assist the aged and disabled. 	<ul style="list-style-type: none"> Co-ordinate services and implement recommendations from the advisory committee. Ensure Council buildings and facilities comply with the Disability Discrimination Act. Community Options progress. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Community Planning 	<ul style="list-style-type: none"> Develop plan for community facilities. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Children 	<ul style="list-style-type: none"> Day Care Centres in Murwillumbah and Tweed Heads operate satisfactorily. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Youth 	<ul style="list-style-type: none"> Contract Tweed Valley Family and Youth Support Service for one day service per week. Seek the opinion of Youth on issues likely to affect young people. 	<ul style="list-style-type: none"> 12 month contract entered into Input sought
<ul style="list-style-type: none"> Seniors 		<ul style="list-style-type: none"> On-going

Reports from Director Corporate Services

SUB PROGRAM:	HEALTH AND COMMUNITY PROTECTION
BUDGET SUB PROGRAM:	H00. Waste Management
PRINCIPLE ACTIVITY:	HEALTH AND COMMUNITY PROTECTION
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To provide a modern cost effective waste collection and disposal service for the Shire residents.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Waste depots. 	<ul style="list-style-type: none"> Manage all waste depots in an environmentally acceptable manner. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Domestic waste/recycling collection. 	<ul style="list-style-type: none"> Weekly kerb side collection for urban areas and selected rural routes. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Organise twice yearly "Household Rubbish Collection". 	<ul style="list-style-type: none"> Provide a "hard" rubbish collection. 	<ul style="list-style-type: none"> First collection service organised for November.
<ul style="list-style-type: none"> Waste minimisation. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">

Reports from Director Corporate Services

SUB PROGRAM:	H01. Commercial Waste
PRINCIPLE ACTIVITY:	7. HEALTH AND COMMUNITY PROTECTION
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To provide a commercial business with an appropriate waste collection service.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Commercial waste collection 	<ul style="list-style-type: none"> Disposal of commercial./industrial waste (excluding liquid waste) in accordance with Council's Waste Management Policy 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Asset Management 	<ul style="list-style-type: none"> Commercial/industrial waste disposal fees equitably contribute to organising asset management of Council's tips 	<ul style="list-style-type: none"> On-going

Reports from Director Corporate Services

SUB PROGRAM:	H02. Cemeteries
PRINCIPLE ACTIVITY:	7. HEALTH AND COMMUNITY PROTECTION
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To provide a cost effective and discreet service which caters for the Tweed communities needs.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Internments. 	<ul style="list-style-type: none"> • Timely internments as requested by Funeral Directors to Public Health standard. 	On-going
<ul style="list-style-type: none"> • Cemetery Maintenance. 	<ul style="list-style-type: none"> • Maintain cemeteries in a pleasant condition. 	On-going

Reports from Director Corporate Services

SUB PROGRAM:	H02 Health Services
PRINCIPLE ACTIVITY:	7. HEALTH AND COMMUNITY PROTECTION
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To protect and promote the health and well being of the Tweed community by health and public safety measures.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Food premises inspection. 	<ul style="list-style-type: none"> All food premises inspected. 	<ul style="list-style-type: none"> Premises inspected as resources allow
<ul style="list-style-type: none"> Immunisation Clinics. 	<ul style="list-style-type: none"> Conduct monthly clinics. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Health, safety and complaint investigation. 	<ul style="list-style-type: none"> Investigate and act on complaints where applicable. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Public Swimming Centres. 	<ul style="list-style-type: none"> Provide safe public swimming complexes. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Sustaining the Tweed Agenda 21. 	<ul style="list-style-type: none"> Commence implementation. 	<ul style="list-style-type: none"> On-going

SUB PROGRAM:	H02. Ranger
PRINCIPLE ACTIVITY:	7. HEALTH AND COMMUNITY PROTECTION
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To protect the community and environment by regulating stray animals, fire hazards, roadside activities and vehicles on beaches.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> Beach safety. 	<ul style="list-style-type: none"> Only permitted vehicles to drive on beaches. 	<ul style="list-style-type: none"> Permits issued
<ul style="list-style-type: none"> Companion Animal Act. 	<ul style="list-style-type: none"> Implement new Act. 	<ul style="list-style-type: none"> Act requirement implemented
<ul style="list-style-type: none"> Fire Control- 	<ul style="list-style-type: none"> Ensure all potential fire hazards are removed. 	<ul style="list-style-type: none"> On-going
<ul style="list-style-type: none"> Roadside activities. 	<ul style="list-style-type: none"> Ensure roadside is free of hazards. 	<ul style="list-style-type: none"> On-going

Reports from Director Corporate Services

SUB PROGRAM:	E01., E02., E04. Environment Protection
PRINCIPLE ACTIVITY:	6. Environment
RESPONSIBILITY:	Manager Environment & Health Services - Geoff Edwards
SUB PROGRAM OBJECTIVE:	To provide a range of services which help protect the environment, such catchment management pollution control, flora and fauna protection.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Co-ordinate between Council and Total Catchment Management Committee. 	<ul style="list-style-type: none"> • Co-ordinate activities to reduce overlap. 	<ul style="list-style-type: none"> • Total Catchment Management Committee has ceased to exist
<ul style="list-style-type: none"> • Pollution control. 	<ul style="list-style-type: none"> • No development application to create unacceptable pollution. 	<ul style="list-style-type: none"> • On-going
<ul style="list-style-type: none"> • Protect flora and fauna. 	<ul style="list-style-type: none"> • Ensure rare species are noted and propagated for distribution. 	<ul style="list-style-type: none"> • On-going

Reports from Director Corporate Services

EMERGENCY SERVICES

Sub PROGRAM:	C01. Disaster Co-ordination
PRINCIPLE ACTIVITY:	9. Emergency Support Services
RESPONSIBILITY:	Local Emergency Management Officer – Geoff Edwards
SUB PROGRAM OBJECTIVE:	To minimise the loss of life and property and lessen the suffering and hardship caused by emergencies and disasters.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Improve emergency response to calls. 	<ul style="list-style-type: none"> • Develop capital acquisition plan for term of managerial draft. 	<ul style="list-style-type: none"> • Advice from Co-ordinator
<ul style="list-style-type: none"> • Emergency Control and Communications Network. 	<ul style="list-style-type: none"> • Source PC based mapping system to interface flood levels with GIS maps. 	<ul style="list-style-type: none"> • Advice from Co-ordinator
<ul style="list-style-type: none"> • Disaster Planning. 	<ul style="list-style-type: none"> • High level of consultation at Sub-Rescue Committee level with varying agencies to faster improvements in standard and effectiveness of disaster plans at Local Government and Regional levels. 	<ul style="list-style-type: none"> • Meeting held and On-going

Reports from Director Corporate Services

RECREATION

SUB PROGRAM:	R01. Active Recreation
PRINCIPLE ACTIVITY:	8. Recreation
RESPONSIBILITY:	Manager Recreation Services - Stewart Brawley
SUB PROGRAM OBJECTIVE:	To provide and maintain a standard of sporting facility based on a realistic estimate of anticipated needs..

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> General Maintenance. 	<ul style="list-style-type: none"> To maintain sportsgrounds to the standard required by the individual site in keeping with sporting characteristics. 	<ul style="list-style-type: none"> Required maintenance standards achieved.
<ul style="list-style-type: none"> Pricing. 	<ul style="list-style-type: none"> To implement a pricing system for the use of sportsgrounds by users in structured recreation. 	<ul style="list-style-type: none"> Pricing system in place.
<ul style="list-style-type: none"> Planning. 	<ul style="list-style-type: none"> Provide sufficient open space facilities throughout the Shire in relation to demographic needs. 	<ul style="list-style-type: none"> Current review of S94 Open Space contribution plan to ensure adequate facilities in relation to demographic needs.
<ul style="list-style-type: none"> Grass cutting. 	<ul style="list-style-type: none"> Undertake seasonally adjusted mowing of fields. 	<ul style="list-style-type: none"> Fields mowed on a seasonally adjusted basis.
<ul style="list-style-type: none"> Fertilising. 	<ul style="list-style-type: none"> Undertake fertilising of grounds as required. 	<ul style="list-style-type: none"> Fertilisation undertaken as required.
<ul style="list-style-type: none"> Spraying. 	<ul style="list-style-type: none"> Undertake spraying of broadleaf weeds as required. 	<ul style="list-style-type: none"> Broadleaf weeds sprayed as required.
<ul style="list-style-type: none"> SDI 	<ul style="list-style-type: none"> Undertake continued Risk Management practices in accordance with Tweed Shire Council Management Plan 1994/95 	<ul style="list-style-type: none"> Risk Management practices undertaken in accordance with TSC Management Plan 1994/95.
<ul style="list-style-type: none"> Irrigation. 	<ul style="list-style-type: none"> Automatic irrigation systems are being placed in according to Council budget. 	<ul style="list-style-type: none"> Irrigation systems installed in accordance with Council budget.
<ul style="list-style-type: none"> Sports Advisory Committee. 	<ul style="list-style-type: none"> Undertake monthly meetings of Advisory Committee. 	<ul style="list-style-type: none"> Monthly meetings undertaken.

Reports from Director Corporate Services

SUB PROGRAM:	R02 Passive Recreation
PRINCIPLE ACTIVITY:	8. Recreation
RESPONSIBILITY:	Manager Recreation Services - Stewart Brawley
SUB PROGRAM OBJECTIVE:	To provide and maintain a satisfactory standard or environmentally sound and aesthetically pleasing parkland for the health and enjoyment of residents and visitors.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Planning. 	<ul style="list-style-type: none"> • Provide sufficient open space and suitable facilities for casual recreation throughout the Shire in relation to demographic needs. • Assess open space provisions on all development applications. 	<ul style="list-style-type: none"> • Open Space infrastructure policy being developed to provide guidelines in providing open space and facilities. • S94 open space contributions plan under review.
<ul style="list-style-type: none"> • General Maintenance. 	<ul style="list-style-type: none"> • To maintain and improve the visual amenity of parklands. 	<ul style="list-style-type: none"> • Parks maintained within budget.
<ul style="list-style-type: none"> • Mowing. 	<ul style="list-style-type: none"> • Undertake seasonally adjusted mowing of grassed areas. 	<ul style="list-style-type: none"> • Seasonally adjusted mowing of grassed areas undertaken.
<ul style="list-style-type: none"> • SDI. 	<ul style="list-style-type: none"> • Undertake continued risk management practices in accordance with Tweed Shire Council Management plan 1994/95. 	<ul style="list-style-type: none"> • Risk Management practices undertaken in accordance with TSC Management Plan 1994/95.
<ul style="list-style-type: none"> • Litter. 	<ul style="list-style-type: none"> • Undertake regular litter collection. 	<ul style="list-style-type: none"> • Litter collected regularly.
<ul style="list-style-type: none"> • Pruning. 	<ul style="list-style-type: none"> • Undertake tree prunings as necessary. 	<ul style="list-style-type: none"> • Tree pruning undertaken as necessary.
<ul style="list-style-type: none"> • Nursery. 	<ul style="list-style-type: none"> • Have available for Council and community use, trees and shrubs of rare and endangered species suitable for Tweed. 	<ul style="list-style-type: none"> • Rare and endangered species propagated and available per Council and community use.

Reports from Director Corporate Services

SUB PROGRAM:	R04. Dunecare
PRINCIPLE ACTIVITY:	8. Recreation
RESPONSIBILITY:	Manager Recreation Services - Stewart Brawley
SUB PROGRAM OBJECTIVE:	To maintain a safe environment on beaches to enable their recreational use whilst endeavouring to preserve the coastal system from environmental degradation.

Main Functions	Performance Targets	Performance Report
<ul style="list-style-type: none"> • Dunecare Groups. 	<ul style="list-style-type: none"> • Undertake assistance to Dunecare groups. 	<ul style="list-style-type: none"> • Dune Care groups provided assistance.
<ul style="list-style-type: none"> • Dunecare Advisory Committee 	<ul style="list-style-type: none"> • Undertake bi-monthly meetings of the Committee. 	<ul style="list-style-type: none"> • Bi-monthly meetings of committee held.
<ul style="list-style-type: none"> • Fencing/Walkways. 	<ul style="list-style-type: none"> • Undertake construction & maintenance of fences & walkways to beaches from Council parks. 	<ul style="list-style-type: none"> • Fences and walkway constructed and maintained as required.
<ul style="list-style-type: none"> • SDI 	<ul style="list-style-type: none"> • Undertake regular safety inspections of walkways & fences. 	<ul style="list-style-type: none"> • Walkways and fences inspected regularly.

Reports from Director Engineering Services

15. ORIGIN: Planning & Design Unit

FILE REF: GT1/S94/4 Pt4

REPORT TITLE:

Tweed Road Contributions Plan CP No. 4, Provision for Annual Payment of TRCP Contributions

SUMMARY OF REPORT:

To assist small businesses establishing in rented premises it is proposed to initiate a development approval system that provides for these businesses being able to pay TRCP contributions by annual instalments.

RECOMMENDATION:

That:-

1. Council uses the provisions of s. 80A (1) (d) of the Environmental Planning & Assessment Act (1979) to include a condition of development consent for Eligible Business Enterprises (EBE) that permits annual payment of Tweed Road Contributions Plan (Section 94 Plan No. 4) contributions. This condition will also provide for consent and the development activity to cease on non payment of due annual payments.
2. Eligible Business Enterprises are defined as retail, commercial and light industrial activities to be established in rented premises with a GFA of not more than 1,000 m². Professional chambers are not included in the definition. Final determination of the eligibility of a business into this category will be at the discretion of the Director Development Services.
3. Annual payments for "1. will be calculated by ensuring the net present value (NPV) of all the annual payments will be approximately equal to the full contribution.

Reports from Director Engineering Services

REPORT:

1. INTRODUCTION

At the Council meeting 20 May 1998 it was resolved

“That Council Officers prepare a report examining options for phasing payments to the Tweed Road Development Fund and Parking Contributions in cases where Council wishes to encourage and facilitate the entry of new industries/commercial ventures and where the size of the contribution may create temporary hardship for businesses changing location and/or type of operations. This report will be relevant to future operation of TEDCO, changing business mixes as part of the Main Street programs and general support for business without losing the overall imperative to properly fund roads and parking.”

There is concern that current Tweed Roads Contribution Plan (TRCP) payments may adversely impact on small businesses who rent premises, because:-

- They may not have the security required for a bank guarantee to take up Council’s deferred payment option.
- They may pay in full (or submit a bank guarantee). If they then fold or for expansion or other purposes need to relocate to other premises they lose all benefit of the payment (or redeemed bank guarantee) to the landlord. When relocating the payment cannot be credited to another site.
- The relatively high cost of the up front TRCP contribution, and the fear of losing credit for contributions paid (in cases of future relocation of if business closes down) may discourage small business entrepreneurs.

The TRCP currently has the following deferred payment option:

“Deferred Payments: Council accepts staged payment of commercial contributions: four equal payments over three years consisting of an initial payment and three subsequent payments together with a bank guarantee as security, although other options that protect Council’s interest may be acceptable.”

In response to Council’s resolution of 20 May 1988:

- The issue of car parking was addressed by amendments to DCP2 in November 1999.
- At the Council meeting held 6 October 1999, action to assist small business was taken by deleting item c) iii) from Tweed Development Program Policy Statement c) below:-

“ c) Council allows a forty percent (40%) concession (reviewed on a tri-annual basis) for all commercial developments with the exception of:

i) coastal development between Kingscliff and Bogangar (Sector 7): Kings Beach, Kings Forest, Sahben, and the “Tourist Property” (Lot 490 DP 47021; and

ii) developments in Bilambil Heights and Cobaki;

iii) developments which utilise “existing rights use” (ie lawful uses); and

Reports from Director Engineering Services

iv) local area contributions.”

(The deletion of c) iii) above, meant that for redevelopment, businesses could gain both the 40% concession and the benefit of “existing use” exemption from their TRCP contribution.)

Whilst the above changes and policy have eased some of the burden of TRCP contributions on small businesses, there remains a problem for small businesses who establish in rented premises, who wish to later relocate to other premises or cease operation. Currently these businesses are required to pay the TRCP contribution (as reduced by 40% and existing use concessions) but if they relocate they are unable to get credit for their previous TRCP payments on the new site. This credit stays with the original site on which consent was granted. Similarly, if a small business in rented premises folds, the tenant receives no refund but the landowner benefits as the consent (with TRCP credit) stays with his land.

2. HOW SIGNIFICANT ARE TRCP CONTRIBUTIONS FROM SMALL BUSINESSES?

Table 1 - TRCP Commercial Compared with Total TRCP Contributions 1998 to 2001

YEAR	TOTAL TRCP RECEIPTS	TRCP COMMERCIAL RECEIPTS
1998	1,455,412	363,903
		25.00%
1999	1,085,652	415,290
		38.25%
2000	1,724,032	359,566
		20.86%
2001	ytd 44,151	ytd 9,023
		20.44%

The majority of TRCP contributions come from subdivision and unit developments. Commercial contributions appear to be around 21% of the total. Contributions by small businesses would be a much smaller percentage. Concessions to small businesses are unlikely to significantly undermine the income stream of the TRCP and its ability to fund the future arterial road network of Tweed Shire.

3. ELIGIBLE BUSINESS ENTERPRISES (EBE)

In accordance with Council’s resolution of 20 May 1998 this report targets possible concessions for small businesses in rented premises.

For the purpose of this report, Eligible Business Enterprises (EBE) are defined as retail, commercial and light industrial activities to be established in rented premises with a GFA of not more than 1,000 m². Professional chambers are not included in the definition.

Reports from Director Engineering Services

4. OPTIONS FOR EBES THAT RELOCATE OR CEASE OPERATION

4.1 Transfer of TRCP Credits to other Land ?

When EBES relocate, an ability to take their TRCP credits with them to the new site would enable the business to not lose the benefit of TRCP contributions already paid.

Unfortunately the Environmental Planning and Assessment Act attributes development consent to the land, not the applicant or even the owner. If land is sold the consent stays with the land and the new owner can continue the approved development activity on that site. The vendor may benefit by receiving a higher price for the land because of the approval.

An EBE tenant who has paid the TRCP for his business to be established on one site and later relocates to another site, will receive no credit for his previous TRCP payment when applying for a DA on the new site. The first approval the tenant has obtained (by paying the TRCP contribution) remains with the land. The first landowner will benefit as he can relet the premises with an existing approval. It could be that some landowners would recognise this benefit and pay the value of the TRCP contribution to the departing tenant but this is considered unlikely.

Even if the EP&A Act provided for transfer of s94 contribution credits to other land, the administration of such a system of credits would be very difficult. Rules would have to be established determining ownership of the credits and determining the value of partly used approvals. There could even be a need/demand for trading of credits as businesses that cease operation would not benefit from portability of TRCP credits and to receive some benefit would need the ability to sell them.

This option is therefore considered impractical.

4.2 Surrender of Consent in Return for TRCP Refund

It may be possible for Council to institute a system for surrender of an approval when an EBE relocates in return for refund of part of the "unused" TRCP contribution. As only the landowner (not the tenant) can surrender the consent, this option would require the goodwill and cooperation of the landowner. This may not always be the case. Nevertheless the option is available.

4.3 Unsecured Deferred Payment

The current policy provides for deferred payments of four instalments over three years provided a bank guarantee is submitted for the whole amount. This requirement can still be onerous, as banks usually require security on the guarantee and payment of interest. The policy could be amended to allow deferred payments for EBES with no security (ie delete the requirement for a bank guarantee). This approach would be helpful to establishing small businesses but would then expose Council to a significant risk of debt default. It would ease the up front cash flow problems for small businesses but does not address the issue of TRCP credits for relocating businesses. Relocating businesses would be faced with an additional TRCP debt for the new site and remain liable for the debt on the old site.

This option is considered impractical.

Reports from Director Engineering Services

4.4 Use Terminating Consents and Pro-Rata TRCP Contributions

EBEs could be entitled, at their election to obtain a terminating (or “sunset”) consent for activities to be conducted on a property. Renewal or extensions could be effected by a s.96 (DA amendment) application prior to the expiry of the period of permitted use.

TRCP charges for the terminating consents would be applied pro-rata assuming say an infrastructure asset life of say twenty years. In addition the calculated pro-rata charges would be increased in accordance with an adjustment as in the table below, to defray the borrowing costs for Council in financing the shortfall in infrastructure funding.

4.5 Use s. 80A (1) (d) of the EP&A Act

s. 80A (1) of the EP&A Act provides:-

“A condition of consent may be imposed if:

(a) ...

(d) it limits the period during which development may be carried out with the consent so granted, or”

This section of the act could be used by including the following standard condition on EBEs:-

“Condition Number #

In accordance with s80A(1) (d) of the Environmental Planning & Assessment Act 1979, the period during which the development, being the subject of this consent may be carried out is limited as follows:

- a. If the Tweed Road Contribution Plan contribution is paid in full prior to the commencement of the use stage of development, the period during which the development may be carried out is not limited by this condition.*
- b. If an amount being, the Tweed Road Contribution Plan contribution divided by 8 is paid prior to the commencement of the use stage of development, the period during which the development may be carried out shall be for one year from the date of such payment.*
- c. The period referred to in b. above may be extended year by year by the payment (prior to the expiration of the previous period) of the Tweed Road Contribution Plan contribution divided by 8, with each such payment extending the period during which the development may be carried out by one year.*
- d. The consent for the use stage of this development will not commence until payment has been made in accordance with a. or b. above.*
- e. The consent for the use stage of this development will cease to operate (and the use stage of the development must cease) within a period of 90 days after the expiration of the annual period for which payment has been made under b. or c. above unless payment has been made under c. for the following year.*

Reports from Director Engineering Services

- f. *If 10 consecutive annual payments have been made in accordance with c. the TRCP payment will be considered to be paid in full and the period during which the development may be carried out will not be further limited by this condition."*

Note: The annual payment is based on the full amount being approximately equal to the net present value (NPV) of 1/8 of the full amount payment up front and an additional 10 years payment of 1/8 of the full amount each year at a discount rate of 8%.

Advantages of this proposal are:-

- There is only one consent and no need for submission of s96 applications to vary the term.
- Yearly payments mean that small businesses that may fold or relocate are only putting one years TRCP payment at risk year by year.
- If payments are discontinued consent ceases automatically, cessation of use can be enforced.
- Only a small portion of future TRCP income is at risk.

Disadvantages are:-

- Resources will be required for tracking and follow up of the status of the consent/debt.
- If consent ceases due to non-payment, enforcement of cessation of development activity may be difficult.
- Use of s. 80A (1) (d) of the act in this way has not been tested.

5. PREFERRED OPTION

The preferred option is to use s. 80A (1) (d) of the EP&A Act as in 4.5 above. Whilst this option results in some administrative and possible enforcement impositions on Council, it provides the relief small businesses in rented premises need. At start up they only have to find one eighth of the TRCP amount. They pay as they go and if they wish to relocate they have only paid the amount of TRCP contribution proportional to the number of years they have been at the first site. Council is protected as once TRCP payment stops the consent for that site also ceases. Landowners of tenanted businesses do not get windfall benefits (of TRCP credits) from businesses that relocate or cease operation.

Reports from Director Engineering Services

16. ORIGIN: Planning & Design Unit

FILE REF: GS4/95/5 Pt12

REPORT TITLE:

Classification of Land as Operational - Proposed Lot 207 Franklin Street, Banora Point

SUMMARY OF REPORT:

In a further stage of Flametree Park Estate, Banora Point, it is proposed to dedicate land as a drainage reserve.

The land, described as Proposed Lot 207 in a subdivision of Lot 274 DP 1015373, should be classified as Operational under Section 31 of the Local Government Act 1993.

RECOMMENDATION:

That Council classifies the proposed Lot 207, being a subdivision of Lot 274 DP 1015373, as Operational land.

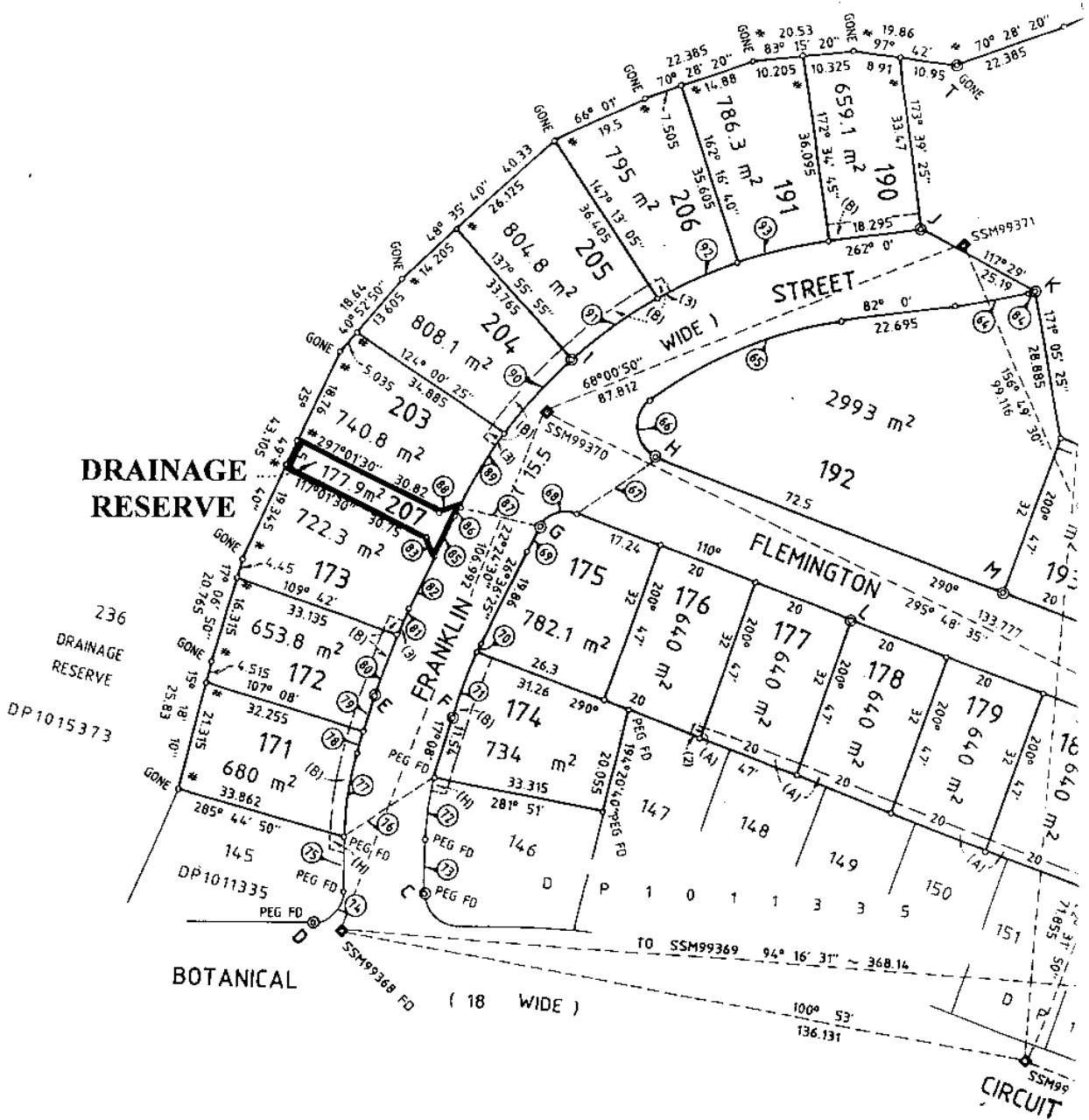
Reports from Director Engineering Services

REPORT:

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The land, described as Proposed Lot 207 in a subdivision of Lot 274 DP 1015373, should be classified as Operational under Section 31 of the Local Government Act 1993.

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17. ORIGIN: Water Unit

FILE REF: Floodplain Management - Programs

REPORT TITLE:

Floodplain Management - 2000/2001 Construction Program

SUMMARY OF REPORT:

An offer of a grant of \$57,000 on a 2:1 funding basis has been received from the Minister for Land and Water Conservation for the replacement and upgrading of a flood mitigation outlet at North Tumbulgum.

RECOMMENDATION:

That the project be funded by revising the current flood subprogram in the 2000/2001 adopted budget to provide Council's contribution of \$28,500 from within the allocated \$40,000.

Reports from Director Engineering Services

REPORT:

In February 1997 an application was submitted to the Department of Land & Water Conservation (DLWC) for funding for the replacement and upgrading of a 3 cell x 1200mm culvert at North Tumbulgum. This culvert is in very poor condition, its enlargement has been sought for some years by the Drainage Union and the fitting of a winch to one of the gates will open up large lengths of drains for fish habitat and water quality improvement. The replacement culvert is estimated to cost \$85,000 and will comprise a 3 cell x 1500mm culvert.

Recent advice from the Minister for Land & Water Conservation has offered to Council a grant of \$57,000 for this project in 2000/2001 on a 2:1 basis under the New South Wales Floodplain Management Program. No other funds have been offered to date under this program.

The current budget provides for a Council contribution for floodplain management subsidised works of \$40,000. The budget funding was allocated to:

	Council Contribution
Voluntary Purchase Scheme – River Street (4:1)	\$25,000
Flood Mitigation Construction	\$10,000
Flood Warning System	\$5,000

As no offer has been received for works on the Flood Warning System nor Voluntary Purchase Scheme, it is considered that \$28,500 can be transferred to this project. Currently there are no outstanding works on the flood warning system nor have any eligible properties been offered to Council under the Voluntary Purchase Scheme.

Reports from Director Environment & Community Services

18. ORIGIN: Environment & Health Services Unit

FILE REF: Surf Lifesaving Section 94 Plans,GT1/S94/16

REPORT TITLE:

Proposed New Clubhouse - Cabarita Beach Surf Life Saving Club

SUMMARY OF REPORT:

A working party consisting of Councillors, staff, surf club members and Residents' Association members is pursuing the above. From the last meeting discussion arose over possible funding options. Following from this the surf club has now requested Council to indicate its position in relation to borrowing money against projected Section 94 contribution.

RECOMMENDATION:

That Council determines this matter.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the letter, as set out below, has been received:-

“Following discussions & recommendations at the recent Cabarita Beach SLSC building working party meeting held on 10.10.00, The Board of Cabarita Beach Surf Life Saving club Inc. request a response from council on the following;

- 1. Is council willing to borrow money against projected future section 94 contributions? (to allow the projected funds allocated for building a new surf club to be utilised prior to funds coming into council)?*
- 2. Under what circumstances can section 94 funds be used on land that is not owned by council?*

The Cabarita Beach Surf Life Saving Club Inc Board of Directors would like to thank the council officers & councillors for their ongoing participation in the working party meetings. Their valuable expertise in assist us to move towards attaining a favourable outcome (new surf club) for both council & the Cabarita Beach Surf Club Inc. We are also appreciative of the improved communication between the CBSLSC & council.

While the answer to item 2 will be provided by Manager Strategic Planning, Council needs to indicate its response to item 1.

Item 1 is in relation to the proposed amendment to Section 94 Contribution Plan No 16 – Emergency Facilities (Surf Life Saving) which includes a proposed amount of \$500,000 for a new surf life saving clubhouse in the Cabarita Beach area.

Council cannot commit to borrowing in advance of adoption of the contributions plan. However, if the plan is adopted one of the options that could be canvassed in that report could be the implications of borrowing the funds for the Club.

It is possible to borrow against projected future contribution income, but to do so will incur an interest payment which should also be reflected in the plan and would result in increased contribution rates. It is intended to report to the next Council meeting the results of the exhibition of the draft amendments.

Reports from Director Environment & Community Services

19. ORIGIN: Environment & Health Services Unit

FILE REF: Disability Matters

REPORT TITLE:

International Day of People with a Disability

SUMMARY OF REPORT:

Council Community Worked Aged and Disability is involved in the co-ordination of activities to be held to mark the International Day of People with a Disability, 3 December 2000. The Community Worker works with a group of service providers and people with disabilities who have volunteered from the Disability Interagency Forum and the Tweed Shire Council Disability Access Committee. There are two activities organised to mark the day:-

1. Friday, 1 December 2000 - A Celebration Concert at the Tweed Civic Centre Auditorium;
2. Monday, 4 December 2000 – A special Christmas shopping day for people with disabilities.

To add to the validity of the events it is requested that Council endorses the International Day of People with A Disability activities as organised by the working party.

RECOMMENDATION:

That Council :-

1. Authorises the International Day of People with Disability as an activity of Council.
2. Waives the hire fee charged on the Tweed Civic Centre Auditorium for the concert on Friday, 1 December 2000.

Reports from Director Environment & Community Services

REPORT:

Council Community Worker Aged & Disability is involved in the coordination of activities to be held to mark the International Day of People with a Disability, 3 December 2000. The Community Worker works with a group of service providers and people with disabilities who have volunteered from the Disability Interagency forum and The Tweed Shire Council Disability Access Committee.

There are two activities to be held to mark the International day of People with a Disability Celebrations on the Tweed:-

On Friday morning, 1 December there will be a celebration concert at the Tweed Civic Centre with performances by a variety of differently abled people. A highlight of the concert will be a group of wheelchair dances trained by the Australian Wheelchair Dance Academy from Nerang. A number of school groups and groups from day programs, residential facilities and respite services will also be performing. The concert will be followed by a free sausage sizzle provided by the Tweed Heads Bowls Club. COOL FM are also assisting with cooking the BBQ and Maggie -Anne is the Master of Ceremonies for the day. The concert is aimed at people with disabilities their friends and families.

On Monday, 4 December there will be a special Christmas shopping day for people with a disability at Tweed City Shopping Centre. This event is a joint project between Tweed Shire Council the working party and Tweed City Centre Management. The idea of the specified day is so that shop keepers make sure that their isles are clear of obstructions and that staff are specially instructed to be aware of anyone needing extra assistance. The day is also an opportunity to increase the awareness of shop keepers and the general public about people with disabilities and access issues. Volunteers are being recruited to help people with their Christmas shopping if they request this assistance. Training has been organised for shopping day volunteers and will be facilitated by the Department of Community Services Disability Support Team. Volunteers will not be expected to assist with toileting, personal care or anything that would put the volunteer at risk of injury.

Both the events have a high level of community involvement and it will reflect positively on council to endorse the activities.

Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Vending of Food on Public Reserves, Streets and Roads

REPORT TITLE:

Markets on Public Land - Sale of Food and Drinks

SUMMARY OF REPORT:

At the council meeting of 19 July, Council resolved to consider reviewing its Policy on Vending of Food, and to *"call for a report on options with a view to placing proposals on public exhibition of comment."*

To achieve the Policy Objective of causing *"minimum financial impact to nearby retail outlets"* the Policy has restricted the sale of more *"commercial"* or conventional fast foods at markets, such as soft drinks and takeaway foods.

Several options for varying the Policy were identified and reported to Council. Public comment was subsequently sought and received regarding these options, and is reproduced in this report.

RECOMMENDATION:

That Council determines whether modifications are necessary to the current Policy E10.10 Vending of Food on Public Reserves, Streets and Roads, being:-

"E10.10 Vending of Food on Public Reserves, Streets and Roads

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

Policy

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

- 1. Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council's "Code for the Vending of food at Markets and One-Day Events".*
- 2. Where Council approval has been granted for the conducting of a Market or similar on a regular basis on a reserve only "home made" or "home grown" produce may be sold, provided "home made" products are correctly pre-packaged and labelled and their sale complies with the "Code for the Vending of Food at Markets and One Day Events".*

Reports from Director Environment & Community Services

3. *Where Council approval has been granted for the conducting of market or similar, on a regular basis on a reserve, then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be affected and the sale of drinks complies with the requirements of the “Code for the Vending of Food at Markets and One Day Events”.*

Reports from Director Environment & Community Services

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Several options for varying the Policy were identified and reported to Council. Public comment was subsequently sought and received regarding these options, and is represented in this report.

The Policy currently includes an Objective “*to cause minimum financial impact to nearby retail outlets*”. The Policy permits the sale of “home made or home grown” produce at markets and the sale of drinks “provided there are no nearby retail outlets that may be affected”. Effectively, the Policy has restricted the sale of more ‘commercial’ or conventional fast foods at markets, such as soft drinks and takeaway foods which are deemed to be available from local retailers.

Foods and drinks which have been available at markets include freshly squeezed fruit juices, ice cream confections, fresh produce and home made cakes and preserves. However other foods and drinks which have not been permitted include soft drinks, tea, coffee, hamburgers, hot dogs, ‘sausage sizzles’ etc.

The relevant Policy states:

“E10.10 Vending of Food on Public Reserves, Streets and Roads

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

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- 3. Where Council approval has been granted for the conducting of market or similar, on a regular basis on a reserve, then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be*

Reports from Director Environment & Community Services

affected and the sale of drinks complies with the requirements of the "Code for the Vending of Food at Markets and One Day Events".

Council has considered a number of reports on the sale of food at markets in the last two years. Council considered a report on the Policy on 5 July 2000, involving a request to sell food at the Knox Park Murwillumbah Market.

In the past, Council has resolved to maintain the Policy as there are retail outlets which sell food and drink products in reasonable proximity to the relevant markets and which could be affected by an amendment to the Policy. The restriction is no doubt considered restrictive by the Market Managers and stall holders, who would like to expand the market products.

The possibility of expanding the markets may be offset against the interest of permanent local retailers who have established businesses, employ people and are likely to work long hours, seven days per week (particularly in the take away food trade).

The current market operators applied to operate the markets knowing that the sale of food and drink is restricted because the markets are on public land. Further, had the markets been offered with approval to sell food and drink then the submissions received from prospective operators may have been quite different.

Market is defined under the Tweed Local Environmental Plan 2000 as:

'a temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets'

ADVERTISED POLICY OPTIONS

The various options which were identified and advertised to the community include:

- Maintain the existing Policy and restrictions.
- Withdraw the Policy, permitting an unlimited number of food and drink traders to operate at the markets, subject to compliance with relevant food safety standards.
- Vary the existing Policy to permit the sale of 'exotic' foods and drinks (asian, oriental etc) which are not commonly available from local retailers, subject to compliance with relevant food safety standards.
- Vary the existing Policy to permit a restricted number of approved food vans (say two) selling any type of food and drinks, subject to compliance with relevant food safety standards.
- Vary the existing Policy to permit the sale of food and drinks by existing permanent local food retailers or charitable groups who are approved by the Market Manager, subject to compliance with relevant food safety standards.
- Consider any other options which may be proposed through the public comment process.

PETITIONS AND LETTERS

The submissions received by Council are summarised as follows, and are reproduced in full as an attachment.

Reports from Director Environment & Community Services

- Cover letter from Margaret Kiss and petition with 100 signatures supporting a 'drink and ice-cream van and a refreshment stall' at the Kingscliff Markets.
- A letter from a resident of Currumbin Waters supporting the sale of drinks at markets.
- A letter from a resident of Tweed Heads west supporting the sale of food and drinks.
- A letter from a resident of Chillingham supporting the sale of food and drinks.
- A letter from the PCYC supporting the operation of two food vans at the markets.
- A letter from operators of a takeaway at Pottsville objecting to the sale of food and drinks.
- Cover letter from Margaret Kiss and petition with 168 signatures supporting the operation of two food vans at the markets.
- A petition with 67 signatures supporting the sale of food and drinks.
- A letter objecting to the sale of food and drinks from five shop owners at Pottsville.
- A petition which included 77 signatures supporting the sale of food and drinks at the Markets at Pottsville.
- 69 signed copies of a standard letter supporting the sale of food and drinks at the Markets at Pottsville.

Whilst there appears to be a great deal of support for the sale of food and drinks, the position of retailers objecting to a modification of the Policy was well put by Nicole Cameron and Karen Bates, of the 'Beach Bakehouse at Pottsville':

Reports from Director Environment & Community Services

Nicole Cameron & Karen Bates
"The Beach Bakehouse"
Shop 10, 5 Coronation Ave,
Pottsville Beach, NSW 2489
Ph: (02) 667 63767

Tweed Shire Council,
Environment and Health Department
Mr Peter Ainsworth

8th October, 2000

Dear Mr Ainsworth,

We would like to comment on the council's proposal to vary its current policy regarding the sale of food at markets.

We are the owners of "The Beach Bakehouse" in Pottsville. We purchased the business in January this year and are trying very hard to build a profitable business while providing the best possible service to local residents and tourists to our area.

When we purchased the business one of the obvious points was that the markets held every second Sunday provide a much-needed injection of funds to the business. Since taking over that has proven to be the case. If the policy for sale of food at the market were changed it would affect our business considerably.

We don't believe there is a need to sell food at the Pottsville market in particular because of the close proximity of local food shops. Our Bakehouse is open from 6:30am and provides stall holders and market patrons with excellent tea, espresso coffee, fresh cooked rolls, toasted sandwiches, pies, cold drinks, milk shakes etc. There are also 2 take away food shops and the 727-grocery shop. All of these shops are right next the market.

There is already a caravan selling drinks and there are juice bars operating at the market. This would seem enough to ensure that market patrons can access needed refreshments while walking around without creating health and safety concerns.

We believe that the existing policy regarding sale of food at markets should remain in place where local businesses are situated in very close proximity.

Yours truly,



Nicole Cameron &
Karen Bates
"The Beach Bakehouse" Pottsville Beach

Should Council choose to vary the Policy and permit the sale of food and drinks, then it is the position of officers that only two food vans per market be permitted. This would provide food and drink products to any persons seeking them, whilst also making the monitoring and inspection of such vans much a simpler process. The choice of food vans should be left for the market manager to determine, although Council may wish to specify that these vans may only be operated by charitable groups, which appeared to be an important consideration during the recent selection of market operators.

Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: Public Toilets

REPORT TITLE:

Works Program for Toilet Block Construction Purposes

SUMMARY OF REPORT:

Council has allocated \$150,000 in the current budget for construction works associated with public toilet blocks.

The Works Program as set out below is recommended.

RECOMMENDATION:

That Council:-

1. Adopts the following construction works program for public toilets:
 - Hastings Point refurbishment
 - Cudgen Headland toilet service provision
 - Pioneer Park toilets sewer connection
 - Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection
 - Knox Park, Murwillumbah Community Centre toilet replacement
2. Uses any remaining funds for planning purposes for toilets at Fingal, Chinderah, Tumbulgum and Stokers Siding.

Reports from Director Environment & Community Services

REPORT:

Council in its current budget has allocated \$150,000 for construction purposes associated with public toilets. To allow the expenditure of these funds the following works program is suggested:

Hastings Point Toilet
Est \$40,000

These toilets have been the subject of many representations concerning the need for refurbishment. They are used by campers on the headland as well as day visitors. Due to their location with a SEPP 26 area it is considered that refurbishment is the correct action to take including the addition of a disabled toilet. Development Consent has been granted for the proposed works.

Cudgen Headland Toilet
Services Est \$25,000

The funding for these toilets is to be provided by the Sandmining Company as part of the rehabilitation of this site. However the agreement was for Council to provide the services.

Pioneer Park, Kennedy Drive, Tweed Heads
Sewer Connection Est \$10,000

These public toilets are located in an environmentally sensitive area and currently require connection to the sewer.

Boyd's Bay Bridge Boat Hire & Tweed Heads Rowing Club
Sewer Connection Est \$22,000

The Boat Hire premises are located on part of Minjungbal Drive while the Rowing Club is located on the Boyd's Bay Caravan Park Reserve. Both are environmentally sensitive areas and require connection to the sewer.

Knox Park, Murwillumbah next to Community Centre
Est \$45,000

The toilet block has been the source of much complaint due to its age, construction type and location. It was originally used as part of the sporting fields of Knox Park but currently is nearing the end of its useful life and should be replaced with a much smaller facility.

Other areas where toilets require refurbishment include beside the surf clubhouse at Fingal where the possibility of providing toilets in the public change rooms beside the Kiosk and thereby removing the existing aged block should be explored. As well the existing toilet block located in Wommin Lakes Crescent and beside the old Boatharbour require attention.

In regard to new blocks, requests have continually been received for the foreshore area at Tumbulgum, the boat ramp at Chinderah and the village of Stokers Siding.

As all of the above will require funding for investigation and planning, it is considered that after the completion of the listed works, any left-over funds be used for these planning and design purposes.

Reports from Director Environment & Community Services

22. ORIGIN: Building Services Unit

FILE REF: DA4000/670 Pt1

REPORT TITLE:

Alterations and Additions to an Existing Building – Oyster Point Road, Banora Point

SUMMARY OF REPORT:

An application has been received by Council for a three (3) storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point.

RECOMMENDATION:

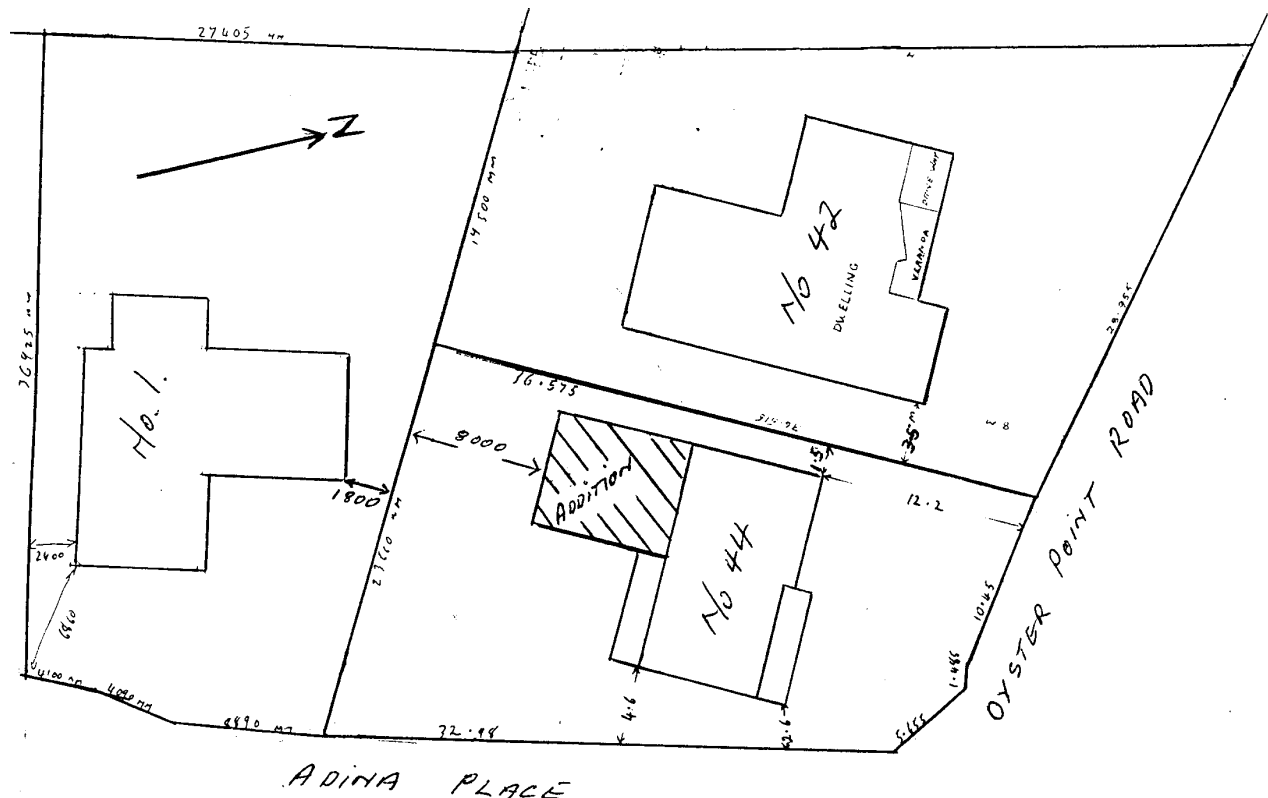
That the application for the three storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point:-

1. Not be approved due to the visual impact affect on the amenity of the adjoining sites and the affect on natural light available to the adjoining property.
2. The applicant be invited to submit an amended application for Council's consideration.

Reports from Director Environment & Community Services

The existing dwelling on the site is dark brick with a concrete tiled roof and is partly 2 and partly 3 storeys in height.

A site plan is provided below, which was taken from original building approvals, to identify the setbacks and orientations of the proposal in relation to the adjoining sites.



In relation to the submission by the owners of No 1 Adina Place, the main point of concern relates to the likely over-shadowing caused by the proposal.

A site inspection identifies that the property is on the low side of No 44 and has a row of small trees along the boundary line.

The northern end of the dwelling is occupied by a garage which stands approximately 9.8 metres away from the proposal at its nearest point and while it is acknowledged that some over-shadowing will occur to the northern end of the building and property, the proposal is not considered unreasonable from this aspect due to the setback of the proposal from this boundary and the orientation of the sites.

In regard to the issues raised on behalf of the owners of No 43 Oyster Point Road, the submission from Jim Glazebrook and Associates has been reproduced below for Council's information:

"Re: 0933/2000DA – Lot 16 DP 244426 No 44 Oyster Point Road, Banora Point

Alterations & Additions to an Existing Dwelling

Reports from Director Environment & Community Services

We advise that we act for Mr Norman & Mrs Gloria Hill who own property at No 42 Oyster Point Road, Banora Point which is adjacent to the proposed development site. Mr & Mrs Hill reside in the dwelling on this land.

We have had the opportunity to review the plans for the proposed addition and wish to make a submission by way of objection to the proposed development on behalf of Mr & Mrs Hill. Specifically, our objection relates to the following matters;

- (i) Mr & Mrs Hill's dwelling is located to the west of the subject land and therefore the critical elevation of interest to Mr & Mrs Hill is the west elevation. A review of the plans indicates that this elevation, and in fact none of the elevations, contain a scale or any written dimensions. Additionally the plans do not contain any existing or proposed levels. This information is essential to enable neighbours to determine the exact extent of the likely impact of the proposal upon them and is also essential to enable Council's officers to properly assess and consider the application.*
- (ii) The development application was not accompanied by a Statement of Environmental Effects. The applicant indicated on the development application form that "the proposed development is considered to have negligible effect". The proposal is for a 3 storey addition to an existing dwelling in an existing residential area and, given the size of the lots in the locality, an addition of this size has the potential to impact on adjacent properties. Therefore, a Statement of Environmental Effects should be submitted to demonstrate how the applicant has considered the impact that the proposal will have adjacent developments, particularly in relation to the amenity of neighbouring dwellings.*
- (iii) Regardless of the deficiencies identified in the development application documentation, as outlined in (i) and (ii) above, the Hills object to the proposed addition on a number of grounds relating to the potential impact that an addition of the size proposed would have on their enjoyment of their property. In particular, the Hills believe that they will be significantly affect by loss of views, potentially affected by loss of privacy and also affected by loss of natural sunlight and south easterly breezes to the sitting/living room and second bedroom. These issues are discussed in the point below.*

(iv) Loss of views

The proposed dwelling addition measures approximately 8 metres x 7 metres, is three storeys in height, and is adjacent to the rear of the Hill's dwelling. The Hill dwelling in this location is two storeys in height and the land level is slightly lower than that of the development site. The proposed addition is adjacent to a bedroom and garage/workshop on the ground level and adjacent to a bedroom and sitting room on the upper level of the Hill's dwelling. Mr & Mrs Hill presently enjoy views of the Tweed River, Kingscliff and Fingal from their sitting room. The pleasant views which are currently enjoyed will be intercepted by a three storey wall.

Reports from Director Environment & Community Services

(v) Loss of privacy

The western elevation contains six (6) windows. Due to the fact that there are no levels or scale shown on the plans, the location and size of these windows in relation to the Hill residence is difficult to determine. The Hills consider that the proposed addition has the potential to impact on their privacy, although the extent can not be determined without the plan information described above.

(vi) Sunlight

The lower level bedroom and garage/workshop, and the upper level second bedroom and sitting room, are located on the eastern side of the house. Therefore, these rooms receive sunlight in the morning. In the afternoon they received little natural light at all. The construction of a three storey structure, adjacent to the windows in these rooms, will significantly reduce the amount of natural light which they receive during the favourable AM daylight hours.

(vii) Breezes

South easterly sea breezes provide relief during the hot summer months in this location. The Hills use the sitting room to relax and capture these breezes as the other living room in their house does not have the location advantage of this room. Mr & Mrs Hill believe that construction of a three storey addition as proposed will significantly impact on these cooling summer breezes and consequently, unacceptably diminish the amenity and enjoyment of the living room and bedrooms on the eastern side of their house.

In conclusion, we submit that this development application is deficient in terms of the information provided on the plans and the fact that a Statement of Environmental Effects was not submitted. Furthermore, due to the size and location of the proposed addition, the Hill's enjoyment of their home will be significantly diminished and an objective assessment of the merits of the application indicate that the proposal should either, not be approved or, that it should be modified to ameliorate, as far as possible, potential impacts on the Hill's property.

Mr & Mrs Hill have written to a number of Councillors requesting that the development application be report to Council for its determination."

Concerning (i) amended plans have now been submitted to Council by the applicant which identify scales and indicate the roof line of the proposal will match that of the existing three storey portion of the building.

These plans have been viewed by the owners of No 42.

Concerning (ii) a "Statement of Environmental Effects" has now been submitted by the applicant together with further information in respect of the proposal.

Concerning (iii) these issues are covered individually below.

Concerning (iv) the views identified in the submission will be lost in the event that the proposal is approved and constructed. However it should also be noted that the construction of a two (2) storey

Reports from Director Environment & Community Services

proposal in the same location and site coverage would have the same effect with respect to views from the sitting room and second bedroom.

Concerning (v) as indicated in the submission a certain amount of privacy will be lost as a result of the proposal being constructed. The submission from the applicant indicates that trees could be utilised along the boundary to provide some shielding, however while sufficient space between the dwellings may exist to provide trees, it would be extremely difficult to screen the outlook from windows, particularly from level 3.

Concerning (vi) the amount of sunlight and natural light for the eastern side of No 42 will be reduced with the construction of the proposal as indicated. It should also be noted that with the use of dark brown coloured bricks to match the existing building the possibility of any reflected light will be minimised.

Concerning (vii) the submission identifies that south east breezes will be affected by the proposal and while it is acknowledged that breezes from this direction will be affected it must also be acknowledged that the finished ground level of the proponents site is higher than that of No 42 and therefore a proposal two (2) storeys in height and in the same location would have a similar impact on breezes from this direction.

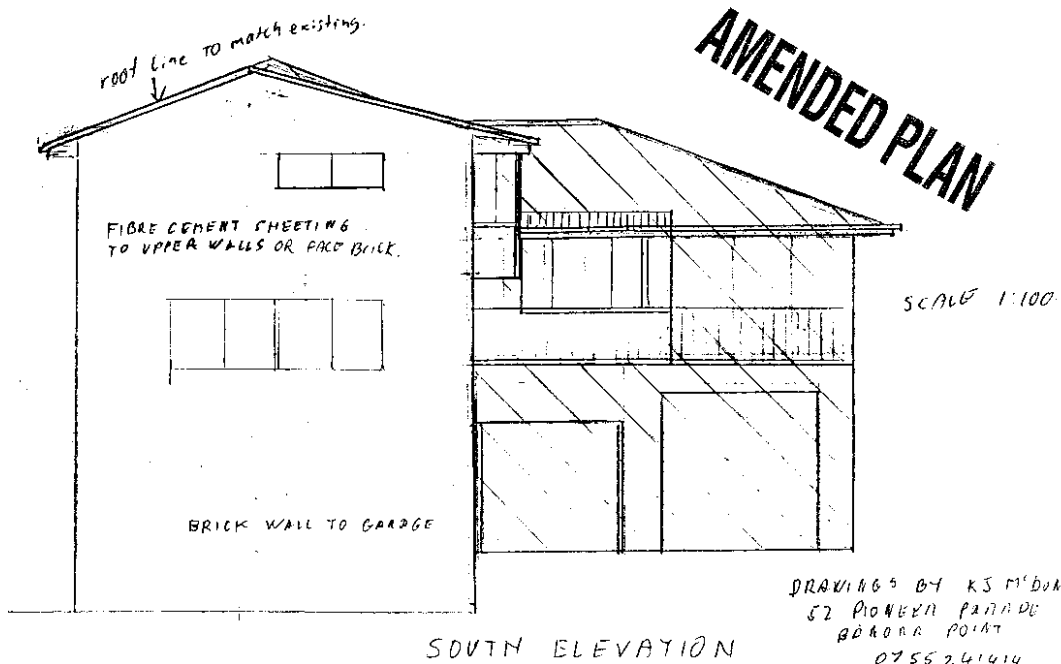
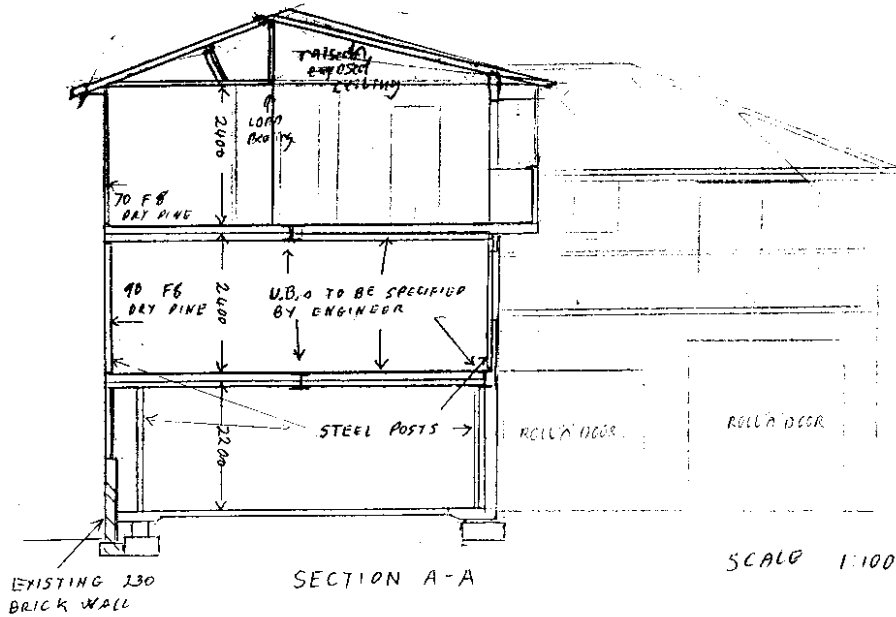
In conclusion Council is advised that the impact of the proposal and each of the issues raised by the adjoining property owners have been considered and while the position of the proposal, considering the setbacks identified, is not unreasonable, the visual appearance when viewed from these properties in relation to the intended height and bulk has an undesirable impact on amenity.

It is also considered that the colour and overall height of the proposal will substantially affect the amount of natural light available to the eastern side of number 42 Oyster Point Road and therefore it is recommended that the current proposal not be approved by Council and that the applicant considers amending the proposal to address these issues in an effort to minimise the impact on the adjoining properties.

Elevations of the proposal follow for council's information.

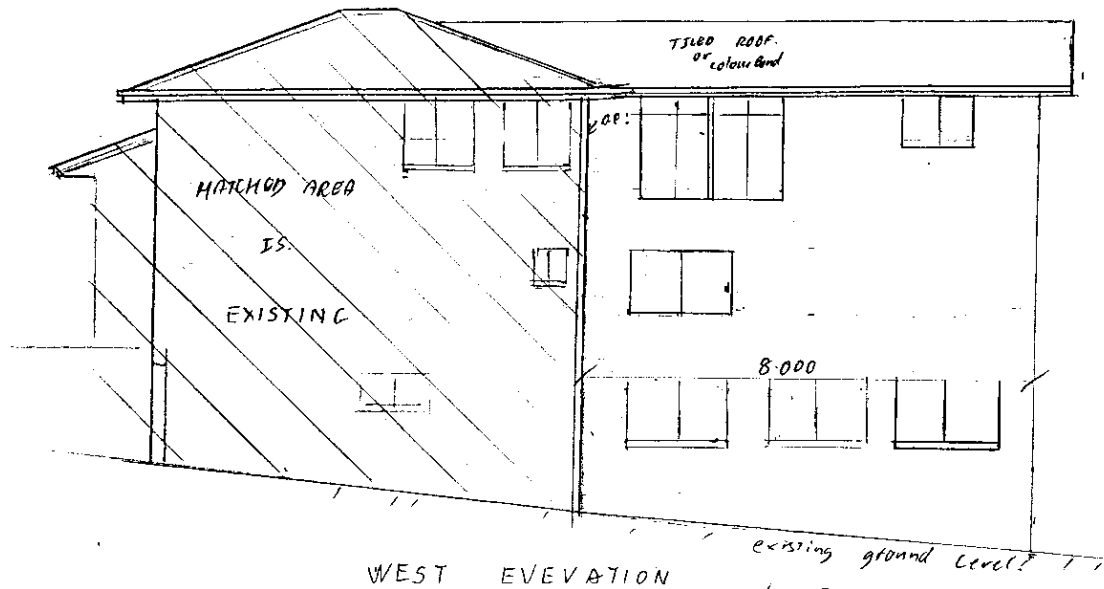
Reports from Director Environment & Community Services

PROPOSED EXTENSIONS TO RESIDENCE AT LOT 16 OYSTER POINT RD
BARORA POINT FOR KS + BJ McDONALD

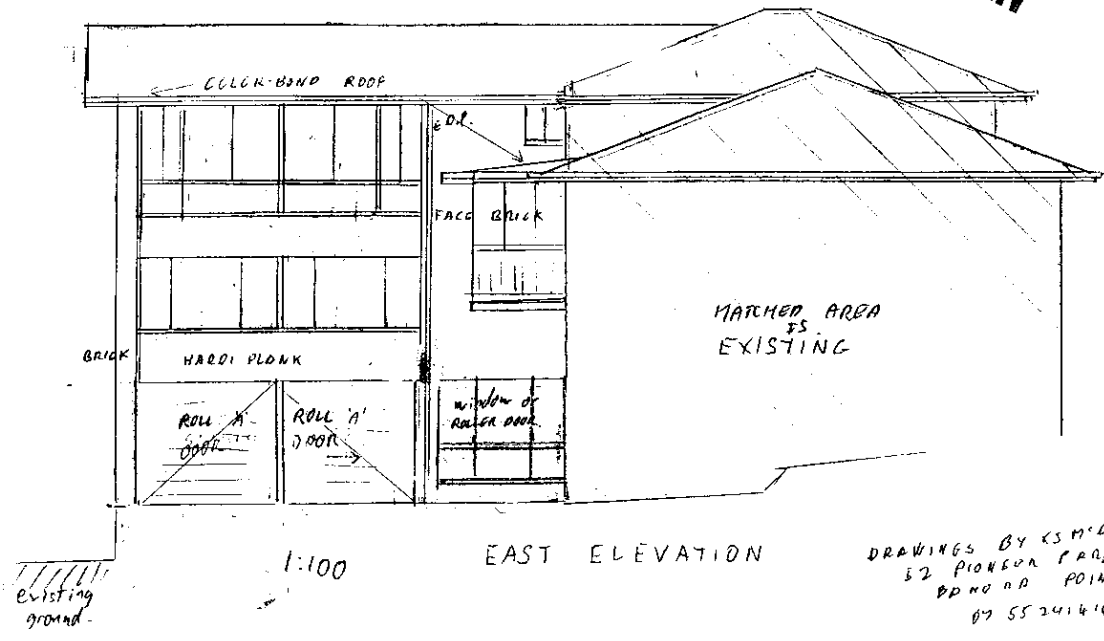


Reports from Director Environment & Community Services

PROPOSED EXTENSIONS TO RESIDENCE AT LOT 16 OYSTER POINT RD
BANORA POINT FOR KJ + BJ McDONALD



1:100
SCALE
AMENDED PLAN



DRAWINGS BY KJ MCDONALD
52 PIONEER PARADE
BP BANORA POINT
BY 55 241 418

Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: Community Options Project

REPORT TITLE:

Successful Tender for Residential Respite in the Far North Coast

SUMMARY OF REPORT:

On the 5 April 2000 Council indicated its support for Tweed Shire Community Options project to participate in a consortium bid to tender for funding through Ageing and Disability Department for Residential Respite Services.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

The Tweed Shire Community Options project along with Ballina Community Options, Clarence Valley Community Options, Tweed Valley Respite Service and North Coast Head Injury Service otherwise known as the Short Time Out Project (STOP) consortium have been successful in receiving \$360,000 recurrent and approximately \$110,000 one off capital funds.

The STOP consortium will be managed through the Clarence Valley Local Council.

The co-ordinator of the STOP will be situated in Lismore, co-locating with The Disability and Aged Information Service.

The project covers the area from Tweed Heads to Grafton and envisages assisting approximately 50 families with planned out of home respite each year.

Reports from Committees/Working Groups

1. Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party Meeting held Tuesday 10 October 2000

File No: Surf Lifesaving, Cabarita Headland

VENUE:

Cabarita Beach Surf Lifesaving Club

TIME:

6.00pm

PRESENT:

Cabarita Beach Surf Life Saving Club – Peter Skaines (Chairman) Fred Perlenfein, Anita Raftery, Bruce Douglas (alternate delegate).

TSC Councillors – Cr George Davidson, Cr Henry James.

TSC Staff – Don Buckley (Director Environment & Community Services), Geoff Edwards (Manager Environment & Health Services), Kerrie McConnell (Minutes Secretary).

Far North Coast Surf Life Saving Branch – Wilson Cregan (President)

Cabarita Beach Bogangar Residents' Association Inc – Tim Smerd, Terry Kane.

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Wilson Cregan

Seconded: Cr George Davidson

RESOLVED that the Minutes of the Cabarita Beach SLSC Clubhouse Working Party meeting held Tuesday 19 September 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Nil

Anita Raftery arrived at 6.10pm.

Reports from Sub-Committees

AGENDA ITEMS:

1. Report from Richard Harry Engineering Services Pty Ltd Surf Lifesaving, Cabarita Headland

A copy of the report from Richard Harry Engineering Services Pty Ltd (August 1999) was posted to the members following the last meeting.

Geoff Edwards circulated a letter received from Richard Harry Engineering Services Pty Ltd dated 9 October 2000 outlining the current structural adequacy of the awning structure of Cabarita Beach Surf Lifesaving Club.

Geoff Edwards advised that, following the recommendations from the Richard Harry Engineering Services Pty Ltd report, a quote was obtained and the estimated cost of repair work to the awning was approximately \$20,000, with a further cost of approximately \$4,800 for coating to prevent rusting. These quotes were reported to the Executive Management Team (EMT) which resolved that costs for the removal of the awning be obtained. An estimate was obtained from a demolisher of between \$8-10,000 to remove the awning. This price was reported back to the EMT in November 1999. The EMT meeting requested Council's Design Engineer to prepare a report on the viability of propping the awning.

Council have propped the awning, as well as some propping of the entrance inside the building.

Mr Richard Harry and Mr Peter Rigney of Tweed Formwork Pty Ltd inspected the building on Saturday, 7 October 2000 and agree with the propping of the building, however it would require regular checks (suggest monthly) *"being made of the stability of the propping as well as checks being made of the general and specific condition of the supporting structural members of the building including the brickwork."*

It was suggested that:-

1. The temporary use of the building continues, with the props in position, and a monthly inspection be undertaken in consultation with the Consultant Engineer.
2. Quotes be obtained for:
 - the barcading of the outside of the building to ensure that no-one goes under the awning; and
 - other areas to be supported within the building.

Moved: Tim Smerd

Seconded: Cr George Davidson

RECOMMENDATION:

That:-

1. The Cabarita Beach SLSC Clubhouse Working Party pursue all avenues to temporarily maintain the existing Surf Club premises for continued usage of the facility up to the end of the surfing season in April 2001, and the continued use be reviewed in April.

Reports from Sub-Committees

2. Costs be obtained with a view of making the club safe (eg. propping, boarding as per compliance with Richard Harry Engineering Services Pty Ltd report and letter) and if in the view of Council that the cost is reasonable, the work proceeds.

2. Plans for New Club

Surf Lifesaving, Cabarita Headland

At the Cabarita Beach SLSC Clubhouse Working Party meeting of 19 September 2000, it was resolved:

“that the Cabarita Beach Surf Lifesaving Club considers the various options for siting the new Clubhouse on all or either Crown land, SLSC land, or Council land and provides options for discussion at the next meeting.”

Fred Perlenfein circulated the Cabarita Beach SLSC’s siting options for a new clubhouse and other options for discussion.

The Club’s Board considered the following options:-

- Option 1 – Development of a Clubhouse on the club-owned land.
- Option 2 – Development of a Clubhouse across Club, Council and Crown land.
- Option 3 – Development of a Clubhouse within a Commercial Development.
- Option 4 – Development of a Clubhouse on the Crown Reserve.

The Club’s Board is of the view that Option 2 is the best for the Club and the community.

Decision: That the Cabarita Beach SLSC Clubhouse Working Group:-

1. Asks the Manager Strategic Planning under what circumstances the Section 94 funds for a new clubhouse at Cabarita could be spent on the land presently owned by the Club (eg. a long-term lease).
2. Advises Council, in writing, of the amount required for the construction of a new clubhouse.
3. Asks the Manager Development Assessment what concession in parking numbers would be provided by the existing building.

Roy Parker attended the meeting at 7.15pm.

Mr Roy Parker displayed the sketches of the proposed new clubhouse.

If the new club were built on club land it would be have approximately 75% site coverage.

Moved: Cr Henry James

Seconded: Wilson Cregan

Reports from Sub-Committees

RECOMMENDATION:

That Council

1. Requests the Land Development Committee to determine, without a commitment from either party, the option of a commercial benefit for development as well as parking options for the sites.
2. Determines the availability of its land (Lot 6 DP 29748) for the construction of the Cabarita Beach Surf Lifesaving Club and leaving the Club's land (Lot 7 DP 29748) as open space.

GENERAL BUSINESS:

Nil.

NEXT MEETING:

The next meeting of Cabarita Beach SLSC Clubhouse Working Party will be held 7 November 2000.

The meeting closed at 8.10pm.

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

1. **Report from Richard Harry Engineering Services Pty Ltd**
Surf Lifesaving, Cabarita Headland

Committee Recommendation:

That:-

1. The Cabarita Beach SLSC Clubhouse Working Party pursues all avenues to temporarily maintain the existing Surf Club premises for continued usage of the facility up to the end of the surfing season in April 2001, and the continued use be reviewed in April.
2. Costs be obtained with a view of making the club safe (eg. propping, boarding as per compliance with Richard Harry Engineering Services Pty Ltd report and letter) and if in the view of Council that the cost is reasonable, the work proceeds.

Director's Recommendation:

From consideration of the engineering report and initial cost estimates, subject to compliance with the recommendations of the report, it is considered that the recommendation under Item 1 be adopted.

Reports from Sub-Committees

2. Plans for New Club

Surf Lifesaving, Cabarita Headland

Committee Recommendation:

That Council

1. Requests the Land Development Committee to determine, without a commitment from either party, the option of a commercial benefit for development as well as parking options for the sites.
2. Determines the availability of its land (Lot 6 DP 29748) for the construction of the Cabarita Beach Surf Lifesaving Club and leaving the Club's land (Lot 7 DP 29748) as open space.

Director's Recommendation:

Point 1. That this recommendation be adopted.

Point 2. That Council determines its position regarding the future use of Lot 6 DP 29748 notwithstanding that the result of the previous recommendation may use the land in a way other than directly for the erection of the surf club.

Reports from Sub-Committees

2. Minutes of the Sports Advisory Committee Meeting held Tuesday 17 October 2000

GS9/2/3 Pt3 116 398

VENUE:

Tweed Heads Civic Centre

TIME:

5.00 pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Warren Polglase, Cr Phil Youngblutt, Mr Merve Edwards, Ms Leanne Sharp, Mr Ken Baldwin, Mrs Glennys Kenny, Mr Andrew Walker, Mr Stewart Brawley

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Peter Moschogianis, Ross Conlon

CONFIRMATION OF MINUTES:

Moved: Max Boyd

Seconded: Philip Youngblutt

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 19 September 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

4. Department of Sport & Recreation - Sports Club Workshops (Business Arising)
Sport & Recreation

Stewart Brawley advised that as a result of the article in the Tweed Link 3 October 2000, fifteen individuals expressed interest in some form of an information workshop. This information has been collated and forwarded onto the Department of Sport & Recreation.

4. Les Burger Boundary Alterations (General Business)

Les Burger

Stewart Brawley advised that National Parks and Department of Land and Water Conservation are currently reviewing the proposed boundary alterations. In the interim a temporary licence for the road access will be given.

Reports from Sub-Committees

5. Les Burger Building

Les Burger

Max Boyd enquired about the cost to bring the building up to a satisfactory standard and if the funds could come from another source and rather than wait until the Section 94 funds are available.

Moved: Max Boyd
Second: Philip Youngblutt
Motion carried.

RECOMMENDATION:

That Council request a report outlining the funding options available to upgrade the building at Les Burger Field.

CORRESPONDENCE:

1. Pottsville Cricket Club

Pottsville Oval

The club request financial assistance in the cost of erecting new training nets at Pottsville Oval. The current estimated cost is \$10,000.00.

General discussion on previous assistance given to clubs from the Sports fields Assets Reserves Fund.

RECOMMENDATION:

That Council contribute financially towards training nets for the Pottsville Cricket Club on a dollar for dollar basis, to an amount no greater than \$5,000.00 from the Sportsfield Assets Reserve Funds.

GENERAL BUSINESS:

2. Les Burger Lighting

GS9/2/3 Pt3 116 398

Tweed Coast Junior Rugby League and Tweed Coast Touch Football Association request financial assistance in the costs of upgrading the lighting to competition standard for night games (100 lux). Estimated costs for installation and supply are currently are \$5,000 to \$6,000.

Moved: Merve Edwards
Second: Max Boyd
Motion carried.

Reports from Sub-Committees

RECOMMENDATION:

That Council contribute financially towards the installation and supply of lights at the Les Burger Sports Field on a dollar for dollar basis, from the Sports Field Assets Reserves Fund.

3. Chillingham Sports Grounds

Sport & Recreation – General Land - Purchase

Max Boyd advised the committee that there are no sporting facilities at Chillingham and residents have to travel to Crystal Creek. Currently there is flat vacant land for sale on the left hand side going towards the ticket gates. Stewart Brawley investigate.

4. Sports field Assets Reserves Trust Funds

Sports Advisory Committee, Govt Grant: Sports and Recreation

The committee discussed the need to establish funding guidelines and an application form for all sporting clubs to complete prior to requesting financial assistance from the Sports Advisory Committee and Council.

Stewart Brawley to review what has been done in the past and prepare draft guidelines and application form for discussion at the next meeting.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 21 November 2000.

The meeting closed at 5.55pm

Director's Comments:

- In relation to Item 5, Les Burger Building, this information is to be included in report to Council on proposed Skate Park location.*
- It is recommended Council adopts the recommendation of Item 1, Pottsville Cricket Club and Item 2, Les Burger Lighting.*

DIRECTOR'S RECOMMENDATIONS:

5. Les Burger Building

Les Burger

Committee Recommendation:

That Council request a report outlining the funding options available to upgrade the building at Les Burger Field.

Reports from Sub-Committees

Director's Recommendation:

That the information outlining funding options available to Council to upgrade Les Burger Fields be included in a report to Council on the proposed skate park facility at Cabarita.

1. Pottsville Cricket Club

Pottsville Oval

Committee Recommendation:

That Council contribute financially towards training nets for the Pottsville Cricket Club on a dollar for dollar basis, to an amount no greater than \$5,000.00 from the Sportsfield Assets Reserve Funds.

Director's Recommendation:

As per committee resolution.

2. Les Burger Lighting

GS9/2/3 Pt3 116 398

Committee Recommendation:

That Council contribute financially towards the installation and supply of lights at the Les Burger Sports Field on a dollar for dollar basis, from the Sports Field Assets Reserves Fund.

Director's Recommendation:

As per committee resolution.

Reports from Sub-Committees

3. Minutes of the Local Traffic Committee Meeting held Friday 20 October 2000

Traffic Committee

VENUE:

Oxley Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Lance Vickery, Roads and Traffic Authority; Mr Neville Newell, MP, Member for Tweed,

Non-Voting: Chairman: Mr Paul Morgan, Cr Wendy Marshall, Mr Ray Clark and Maree Morgan, Tweed Shire Council.

APOLOGIES:

Mike Baldwin, RTA; Snr Constable Chris Damic, NSW Police;

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Friday 22 September 2000 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

2. Murwillumbah Street, Murwillumbah

R3640 Pt2 DW560621

At the Council meeting held on 4 October 2000 it was noted that the recommendation of Item 2 was inconsistent with that presented.

The recommendation from the Local Traffic Committee read as follows:-

“Request received for a 10 minute “Loading Zone” in front of “Sew What” as since the streetscaping and change of bus zone shop owners are finding it difficult to receive and load deliveries.

Also buses are not pulling into the stop completely and are making it difficult for car drivers to drive through past a parked bus.

Representatives from Wrights Dry Cleaners and the Music Shop in The Plaza addressed the Committee.

The problems being encountered by them using the new “No Parking” zone in Queensland Road some 25 metres further away were that it was difficult receiving dry cleaning deliveries as they are at times very heavy and when it rains it would be an added problem as the dry cleaning needs to be kept dry. During times of rain it was stated that the only

Reports from Sub-Committees

alternative to receive deliveries would be to drive on the footpath. It was noted that the shops in this location do not have rear access.

The music shop owner stated that he had heavy musical items which were picked up and delivered. He noted that the "No Standing" zone previously allowed delivery people to park there. Now that it is around the corner they can't get the trucks in as easily because it is only one spot and is around the corner. It is claimed that this is impractical to use. He also stated that Sew What Sewing has a lot of sewing machine repairs and it is difficult for people to carry sewing machines longer distances.

It was stated that previously bus drivers could go around the clock safely if done correctly, however it was common for buses to reverse over the pedestrian crossing, which is illegal and unsafe. The Committee was advised that there are only 6 Kirklands buses in the daytime and 8 buses in a 24 hour period. It was requested of the Committee if there was a possibility of it being a bus zone only between certain times. Logistical problems with this were not practical and it was pointed out that the bus zone is used for town bus services as well.

It was also claimed that the buses are not on occasions pulling into the spot correctly and when this happens it is difficult for traffic to get through.

Allowing vehicles to drive into the plaza was discussed. At the time of renting the shops it was noted that there was a "Loading Zone" outside. Concerns were raised that the emphasis on beautification of Murwillumbah and placement of shrubs and trees may not be correct if inconvenience and parking for shoppers was in conflict.

Mr McAllister advised that the bus zone was moved because of an illegal situation, which had to be dealt with and was not a reduction in parking but a rearrangement. He stated that everything done in Main St is a balance of prosperity, safety and beauty for the businesses. The Chairperson advised that buses reversing over the pedestrian crossing was the main issue and very dangerous and the request to move the bus zone was from the local bus operators to improve the efficiency of public transport to make it more attractive to existing and potential patrons.

It was asked if the pedestrian crossing could have been made safer and if it was necessary that the pedestrian crossing be at that point. The Chairperson advised that it was a matter of convenience for people and statutory limitations have to be adhered to in the provision of a pedestrian crossing.

Reassessment of the bus situation was requested by the shop owners so that the access is not available to the buses all of the time.

The applicants left the meeting.

Mr McAllister left the meeting.

To enable easier access to businesses for deliveries, the possibility of Kirklands being relocated to the Rainforest Centre was discussed. It was unanimously agreed that Council should negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre to enable the

Reports from Sub-Committees

town bus to utilise the Queen Street “No Parking” zone and allow a “Loading Zone” to be reinstated in the current bus zone on Murwillumbah Street. This would also have the advantage of moving heavy buses travelling through the commercial area, which is seen as a conflict of land use and a cause of delay for the Kirklands services.

RECOMMENDATION:

That Council negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre.”

Council believes that this is not an option and has recommended the following:-

“That Council does not pursue the possible relocation of the Kirklands bus service operations to the Rainforest Information Centre.”

The Committee decided to investigate the possibility of obtaining a space for a ‘no parking’ zone nearer the crossing in Murwillumbah Street.

For Council’s information.

20. Sextons Hill, Banora Point

R4031 Pt12

Discussed at Local Traffic Committee Meeting held 22 September, 2000:-

1. *Application for Black Spot funding for Sextons Hill and associated criteria.*
2. *Speed Zonings on Sextons Hill.*

RECOMMENDATION:

That both items be deferred to the next meeting as the RTA Representative needed to leave the meeting early.

RTA representative addressed the issue of the poor lighting over the crest of the Sextons Hill and suggested that it should be consistent between Darlington Drive and Barney’s Point Bridge. This upgraded lighting would assist the pedestrian issues in this location. It was suggested that an application be made through Black Spot Funding or other schemes to secure funds for the works required through the RTA. He also suggested that Council approach the Authority with the view to installing a speed camera at this location.

It was advised that Council officers should obtain a quote from NorthPower for the provision of street lighting to be incorporated in a Funding submission to the RTA.

The closure of the “right turn” lane into Short Street, Banora Point was discussed. The RTA representative was supportive. It was noted that the right turn movement from Short Street onto the Highway is already banned for safety reasons. If and when endorsed by Council this will require local advertising for a three-week period prior to the works being carried out. Left turns into and out of Short Street will remain open. The RSO will also produce an article for the Tweed Link discussing the issue to coincide with the advertising period.

Reports from Sub-Committees

RECOMMENDATION:

That an application be made to the Roads & Traffic Authority for:

1. The installation of additional street lighting between Darlington Drive interchange and Barney's Point Bridge; and
2. A speed camera for the Sextons Hill section of the motorway.
3. Council advertises its intention to support the banning of right turn movements from the Pacific Highway into Short Street and the closure of the central median and seeking public comment.

22. Wharf Street, Tweed Heads

R5901

Discussed at Local Traffic Committee Meeting held 22 September, 2000:-

"Late item. Severe concerns of disabled people trying to cross the road near the old Markwell's site were raised by Cr. Marshall. The Chairperson advised that it is acknowledged and there is a problem because of restricted sight distances. Cr Marshall requested that this be looked at again with the aged people being kept in mind to determine if a better solution is achievable.

The Chairperson undertook to pursue this matter." The site has been investigated and a better crossing point identified utilising the existing splitter island at the intersection.

The RTA representative advised that the signage on the Markwell site blocking vision for pedestrians could be removed under Section 104, Roads Act, 1993. The Chairman advised that once this is done the footway and crossing point could be relocated utilising savings in the current footpaving program.

Move crossing.

RECOMMENDATION:

That the relocation of the advertising sign on the Markwells site be pursued with the owner and the footpath and pram ramps be relocated utilising funds saved in the current footpaving program.

24. Murwillumbah (Main Street) Disabled Parking Issues

R3640 Pt2

Discussed at Local Traffic Committee Meeting held 22 September, 2000:-

Reports from Sub-Committees

“Late item tabled by Cr Marshall. Cr Marshall advised that there is a request at the moment for the disabled access space to be relocated as it is difficult to access because of the steepness of the road. Investigation of the disabled space from the front of Brown & Pluthero Surveyors is to be undertaken. A letter was tabled by Cr. Marshall in support of this.

For Council’s information.”

RECOMMENDATION:

That the disabled car parking space is to be relocated to the front of Brown & Pluthero Surveyors in Murwillumbah Street.

GENERAL BUSINESS:

1. Wharf Street, Tweed Heads

R5901 DW565935

Request received for:-

1. Reversal of the traffic flow at Liquorland Tweed Heads from north to south.
2. Sign posted accordingly installed with “No Entry” signs being located at the Coles Supermarket end of the laneway.

The laneway adjacent to Liquorland is public road and the angle of the park cars is opposed to the traffic flow. Tweed Mall Centre Management should to be notified prior to the change as to whether they wish to meet the cost of rectification or Council will reverse the traffic one way signage.

RECOMMENDATION:

That Tweed Mall Centre Management be advised that the one-way traffic signage between Liquorland and Tweed Mall in Wharf Street, Tweed Heads will be reversed unless the Management wishes to adjust the angle parking. To suit the current signage.

2. Wollumbin Street, Murwillumbah

R5940 Pt2

It is requested that the two hour parking restriction in the J H Williams car parking be enforced. It has been observed that shop owners and staff are parking all day, every day, in the parking area.

Police to be notified of the problem and requesting all parking restrictions be enforced with the sign posted limits for all users in the Murwillumbah Commercial Area.

For Council’s information.

Reports from Sub-Committees

3. Pacific Drive, Banora Point

R4020

Three cars are obstructing vision for drivers at the intersection of Terranora Road and Pacific Drive at Banora Point. These vehicles are at this location on most days. The Committee does not generally support no parking signs in urban areas and from inspections it was noted that oncoming vehicles could be observed if care was taken. Any illegally parked vehicles should be referred to the Police. It was considered that a "stop" sign on Pacific Parade would ensure motorists exercised care at the intersection.

RECOMMENDATION:

That a Stop sign be erected on Pacific Parade at the intersection of Terranora Road.

4. Oceanview Crescent and McPhail Avenue, Kingscliff

R3820 & R3240

Request received from local resident for possible solutions which may reduce the risk involved in making a right hand turn from the southern end of Oceanview Crescent into McPhail Avenue:-

1. A "no right turn" sign from Oceanview Crescent;
2. A turning lane on McPhail Avenue for traffic entering the southern end of Oceanview Crescent;

The problem is caused by a crest in McPhail Avenue that restricts sight distance to oncoming vehicles. The Committee considers that no right turns out of the southern end of Oceanview Crescent be supported as these turns can be made safely at the northern end.

RECOMMENDATION:

That a no right turn sign be erected on Oceanview Crescent at the southern intersection with McPhail Avenue.

5. Traffic Signage Request - Darlington Drive

R1540 Pt2

Request received from local resident for a "Stop Sign" to be erected on Darlington Drive between Amaroo and Ash Drives at the chicane slow point. A Give Way sign already exists along with good sight distance it is considered unlikely that a Stop Sign would make much difference.

It should also be noted that the chicane is programmed to be replaced with a two-way slow point or raised platform in April 2001.

For Council's information.

Reports from Sub-Committees

6. Chinderah Bay Drive

R1071

Chinderah District Residents Association have requested the reopening of the southern access to Chinderah Bay Drive for north bound through traffic.

RTA representative was not supportive as the section of road forms part of the ultimate Yelgun to Chinderah link and it is not acceptable in terms of Motorway Traffic Management. It should also be noted that the cost to Council of constructing a complying off ramp would be in the vicinity of \$200,000. It is also unlikely to encourage any traffic in Chinderah other than traffic that already used the Chinderah Road interchange and would not be approved by the RTA.

For Council's information.

7. Chinderah Road Roundabout

R1075 Pt5

This item advises that a "Wrong Way Go Back" sign installed at the intersection of the northbound off ramp on the Chinderah Bypass at the Chinderah Interchange roundabout is facing the wrong way and should be rectified by the RTA. The RTA representative undertook to arrange the necessary work.

For Council's information.

8. Coast Road, Kingscliff

R1181 Pt10

This late item draws the Committee's attention to the Kingscliff exit on the new section of the Coast Road. Cr Davidson expressed concern as to the dangerous conditions experienced at this intersection.

It was agreed previously that the central island needs to be shortened to allow buses to make right turns from the turn lane and that this needs to be urgently pursued with the developer. The issue of street lighting at this intersection needs to be pursued as part of the current street lighting program.

The RTA representative also drew the Committee's attention to the guardrail on the left hand side. It would appear that the terminal section of this guardrail is too high and vehicle impacts would be directly at the posts. It is suggested that the fill embankment needs to be widened to eliminate this problem and this needs to be pursued with the developer.

For Council's information.

Reports from Sub-Committees

9. Scenic Drive, Bilambil

R4930 Pt2

This late item was tabled by Cr Davidson.

As part of the construction of the "Seagull's Estate" in West Tweed Heads a pathway was to be constructed into to estate to provide pedestrian access to the nearby shopping complex.

The chairman advised that a condition of consent on the Development Application required the construction of a pedestrian refuge on Scenic Drive to link the path to the shops and that timing of construction will be pursued with the developer through Council's Subdivisions Unit.

Council's Subdivision Unit to be notified.

For Council's information.

10. Wollumbin Street, Murwillumbah

R5940 Pt2

This late item was tabled by Cr Marshall.

Cr Marshall advised of complaints surrounding the pedestrian crossing accessing Sunnyside Shopping Mall in Wollumbin Street. It was requested that perhaps pedestrian signals could be installed to regulate both pedestrians and traffic.

The Chairman advised that Council would need to undertake a pedestrian/traffic survey to ascertain as to whether signalisation of this crossing would meet RTA warrants.

A report will be tabled at the next meeting of the Committee.

For Council's information.

NEXT MEETING:

The next meeting is schedule for Friday 17 November 2000

The meeting closed at 10.25 am.

Director's Comments:

Item 4: Recommendation that the proposal be advertised for comment prior to a final recommendation to Council from the Traffic Committee.

Reports from Sub-Committees

DIRECTOR'S RECOMMENDATIONS:

20. Sextons Hill, Banora Point

R4031 Pt12

Committee Recommendation:

That an application be made to the Roads & Traffic Authority for:

1. The installation of additional street lighting between Darlington Drive interchange and Barney's Point Bridge; and
2. A speed camera for the Sextons Hill section of the motorway.
3. Council advertises its intention to support the banning of right turn movements from the Pacific Highway into Short Street and the closure of the central median and seeking public comment.

Director's Recommendation: As per recommendation.

22. Wharf Street, Tweed Heads

R5901

Committee Recommendation:

That the relocation of the advertising sign on the Markwells site be pursued with the owner and the footpath and pram ramps be relocated utilising funds saved in the current footpaving program.

Director's Recommendation: As per recommendation

24. Murwillumbah (Main Street) Disabled Parking Issues

R3640 Pt2

Committee Recommendation:

That the disabled car parking space is to be relocated to the front of Brown & Pluthero Surveyors in Murwillumbah Street.

Director's Recommendation: As per recommendation

1. Wharf Street, Tweed Heads

R5901 DW565935

Committee Recommendation:

That Tweed Mall Centre Management be advised that the one-way traffic signage between Liquorland and Tweed Mall in Wharf Street, Tweed Heads will be reversed unless the Management wishes to adjust the angle parking. To suit the current signage.

Reports from Sub-Committees

Director's Recommendation: As per recommendation

3. Pacific Drive, Banora Point

R4020

Committee Recommendation:

That a Stop sign be erected on Pacific Parade at the intersection of Terranora Road.

Director's Recommendation: As per recommendation

4. Oceanview Crescent and McPhail Avenue, Kingscliff

R3820 & R3240

Committee Recommendation:

That a no right turn sign be erected on Oceanview Crescent at the southern intersection with McPhail Avenue.

Director's Recommendation: As per recommendation

Reports from Sub-Committees

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

4. **Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party held Tuesday 19 September 2000**
 5. **Minutes of the Tweed Shire Council Access Committee Meeting held 21 September 2000**
 6. **Record of Proceedings of the Community Meeting Regarding Skateboard Facility Location for the Tweed Coast held Thursday 5 October 2000**
 7. **Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held Wednesday 11 October 2000**
 8. **Minutes of the Tweed Shire Council Consultative Committee Meeting held Sunday 26 November 2000**
-

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.

2. Motorway Construction

It was decided at Council's meeting held 18 October 2000 to conduct an inspection of the new Motorway construction.

Outstanding Inspections

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Orders of the Day

1. Notice of Rescission - Cr Luff, Cr James and Cr Boyd

McAllisters Road, Farrants Hill Road Sealing

Farrants Hill Rd, R2000 Pt1, McAllisters Rd, R3130 Pt1, Rescission Motion

That Council resolution at Minute No 416 in relation to Item 21 of the Meeting held 18 October 2000 being:-

".....that Council:-

- 1. Approves the sealing of McAllisters Road and Farrants Hill Road.*
- 2. Defers the Fingal Road project and Cudgen Road project to be considered in next year's budget.*

be rescinded."

Orders of the Day

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