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<i>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</i>	5

Schedule of Outstanding Resolutions

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

7. Bush Fires, Hastings Point

Dune Care

372

Cr Luff

Cr James

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

Current Status: Meeting held in December. Plan preparation progressing. Preliminary Plan proposed to be available for presentation to Council April 2001. Implementation costs unknown at this stage.

Schedule of Outstanding Resolutions

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

371

Cr James

Cr Luff

RESOLVED 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.

Current Status: Investigation Progressing.

6 DECEMBER 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

14. Erection of Two (2) Farm Sheds for the Purpose of Fruit Packaging (Bananas) and Timber Milling at Lot 2 DP 262635 Baria Road, Burringbar

DA0425/20 Pt1

556

Cr Brinsmead

Cr Boyd

RESOLVED that this item be deferred on the request of the applicants, to allow the applicant time to ameliorate noise and to allow the Director to arrange an inspection by Councillors.

Schedule of Outstanding Resolutions

Current Status: Awaiting response from applicant. Inspection to be arranged.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES:

- 28. Access Track at End of Bosun Boulevard, Oxley Cove**
Parks – Maintenance, Rubbish – Illegal Dumping

570

Cr Lawrie

Cr Youngblutt

RESOLVED that this item be deferred to allow a further report to be brought forward from staff investigating a suitable location for installing an appropriate barrier.

Current Status: Report proposed to Council meeting 7 March 2001.

OUTSTANDING INSPECTIONS

- 1. Council Land - Mt Nullum**

Land Development – Mt Nullum

596

Cr Boyd

Cr Luff

RESOLVED that this inspection be brought forward at a later date.

Current Status: Date to be determined.

20 DECEMBER 2000

ORDERS OF THE DAY

- 1. Council Pound Facility**

Dog Pound, Notice of Motion

651

Cr Marshall

Cr Youngblutt

RESOLVED that the General Manager be requested to bring forward a report outlining options for the expansion/re-building of the Cattery area of the Council Pound facility as a matter of urgency. The report to detail potential funding from the accumulated funds from the new registration scheme associated with the Companion Animals Act 1998.

Current Status: Report to Council Meeting of 7 March 2001

Schedule of Outstanding Resolutions

24 JANUARY 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. **Tweed Road Contributions Plan CP No 4, Provision for Time Payment of TRCP Contributions**

GT1/S94/4 Pt4

716

Cr Polglase

Cr Lawrie

RESOLVED that a further report be brought forward in regard to the Tweed Road Contribution Plan No. 14 in regard to small business tenants of rented premises of not more than 1,000m².

Current Status: Master to be finalised.

ORDERS OF THE DAY

1. **Cudgen Nature Reserve**

Cudgen Nature Reserve, Reserve Trust, Notice of Motion

738

Cr Beck

Cr Youngblutt

RESOLVED that Council seeks discussion with the Minister for the Environment with a view to the Minister transferring care and control of the Cudgen Nature Reserve to the Tweed Reserves Trust.

Current Status: To be finalised.

2. **Refurbishment - Council Chambers & Councillor Room**

Civic Centre - Murwillumbah, Notice of Motion

739

Cr Marshall

Cr Youngblutt

RESOLVED that:-

1. Consideration be given to the allocation of funds within the 2001/2002 budget for the refurbishment of the Council Chambers and adjoining Councillor room.

Schedule of Outstanding Resolutions

2. A report be brought forward for consideration of costs for the improvement/brightening of the surroundings by way of painting and lighting.

Current Status: Report to be prepared.

Schedule of Outstanding Resolutions

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Items Deferred

ITEM DEFERRED FROM MEETING 20 DECEMBER 2000

3. Proposed Motorcycle Events – Five (5) Events Per Year until 2005 at Murwillumbah Showground - Queensland Road, Murwillumbah

DA4510/10 Pt2

618

Cr Boyd

Cr Luff

RESOLVED that this item be deferred so a representative from the Tweed River Agricultural Show Society can address Community Access on 14 February 2001.

3. ORIGIN: Development Assessment Unit

FILE REF: DA4510/10 Pt2

REPORT TITLE:

Proposed Motorcycle Events – Five (5) Events Per Year until 2005 at Murwillumbah Showground - Queensland Road, Murwillumbah

SUMMARY OF REPORT:

A development application has been received seeking approval for the carrying out of five (5) motorcycle events per year until 2005, at the Murwillumbah Showground. The application is essentially a request to extend a previous consent issued by Council for the carrying out seven (7) motorcycle events at the same venue (Council resolution 2 June 1999).

The primary issue associated with the application is noise generation and loss of amenity in relation to neighbouring residents. A noise report, relevant to events previously held, has been submitted by the applicant and factored into the assessment of this proposal. This report has been assessed by Council's Environment & Health Services Unit, who have raised a number of concerns.

The application has been extensively notified, with a total of eight (8) individual letters of objection received. Several of the grounds for objection outlined in these submissions are of significant concern and highlight the loss of amenity experienced in relation to those events already held.

It should be noted that the applicant has modified their proposal (12.12.2000), in accordance with the submitted noise report, to incorporate five (5) events per year only.

RECOMMENDATION:

That Development Application 0729/2000DA for the carrying out of five (5) motorcycle events per year until 2005 at Lot 167 DP 729468, be refused for the following reason/s: -

Items Deferred

1. The proposal will generate noise levels in excess of NSW Environment Protection Authority (EPA) acceptable limits for Motocross events, which will likely adversely impact on the residential amenity of the locality.
2. The proposal is contrary to the public interest.
3. The proposal is not suitable in the locality.

Items Deferred

REPORT:

Applicant: Murwillumbah District Motorcycle Club

Owner: Murwillumbah Showground Trust / Department Land & Water Conservation

Location: Lot 167 DP 729468, Queensland Road, Murwillumbah

Zoning: 6(b) Recreation (Special Purposes)

PROPOSAL

Council is in receipt of a development application seeking consent to utilise the Murwillumbah Showgrounds for five (5) motor cross meetings per year until 2005. No specific dates have been proposed as part of this application.

The proposal incorporates the use of the same area as that previously consented by Council (Development Consent K99/138), with no further physical amendments proposed to either the design of the existing track or operational details as reflected in the previous consent (see appendix A). In accordance with the previous consent, operating hours are to be limited as follows:-

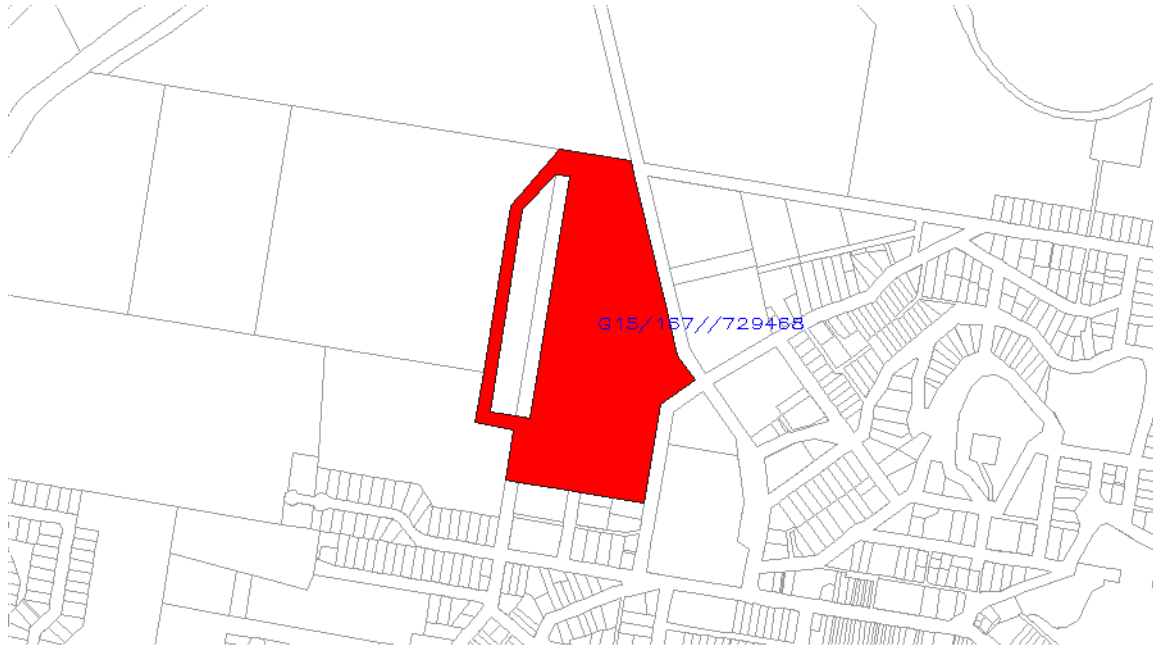
1. 9.00am to 5.00pm, with motorbikes not to be started before 10.00am and operated after 4.30pm.

The proposal also incorporates an undertaking that all events will be held in accordance with Motorcycling Association of Australia GCR guidelines and that strict attention will be paid to ensure that noisy bikes are either promptly repaired or removed from racing.

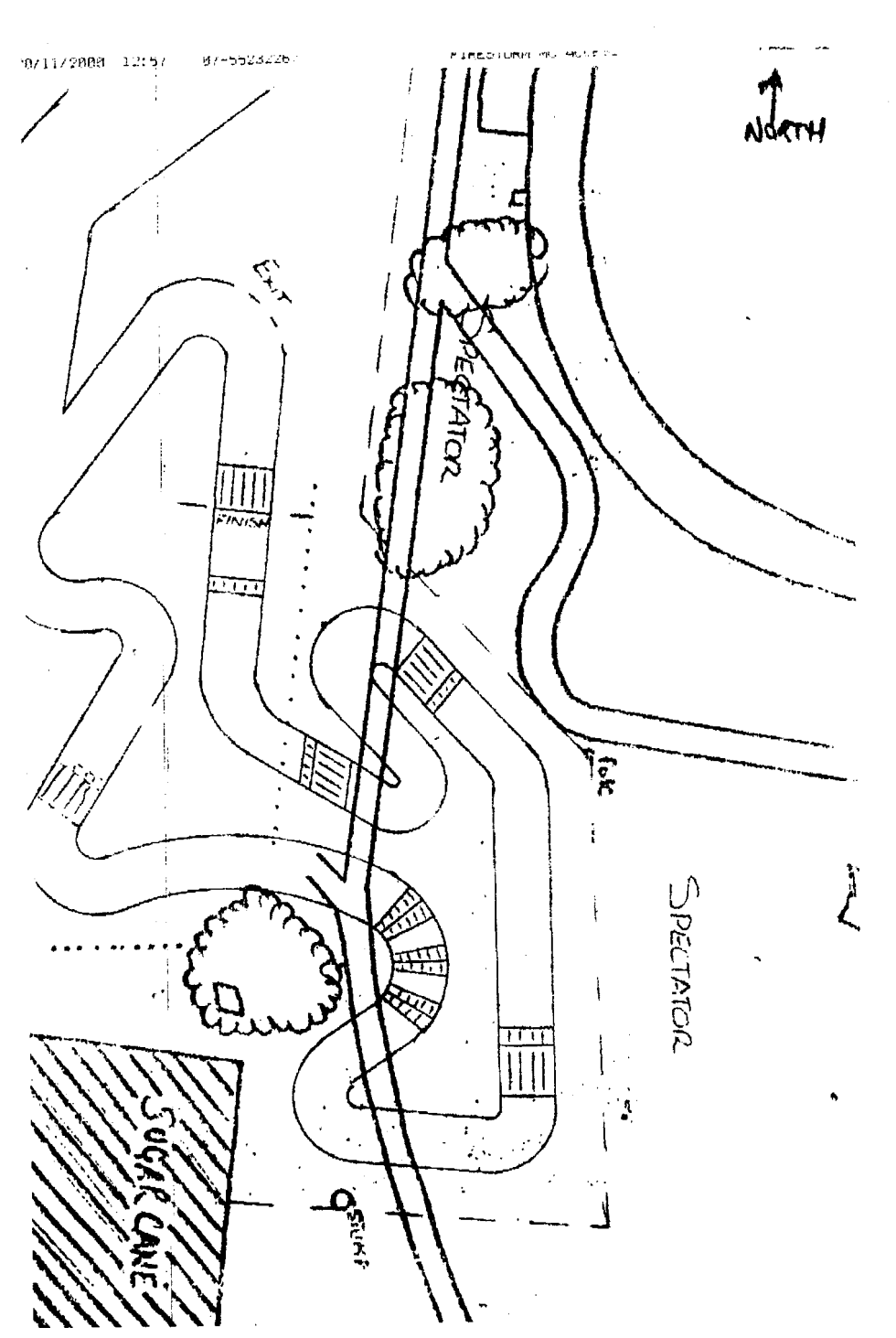
The applicant has argued that although the proposal does not comply with the noise criteria (EPA guidelines) for motocross events, the speedway criteria of the guidelines permit greater levels of noise generation when fewer events are proposed i.e. five (5) events or less per year. The applicant has therefore requested that this criterion be applied, rather than strict application of the motocross provisions. In this regard, speedway events may generate 30dB(A) or more per event if only five (5) events are held (in any one year), whereas the guidelines restrict motocross events to noise levels of 5dB(A) above background at 50 events per year (no allowance is made for less events). The noise report submitted by the applicant identifies that noise levels generated by events at the subject site are in the vicinity of 30dB(A) above background.

Items Deferred

SUBJECT SITE



Items Deferred



HISTORY

Council resolved to grant limited consent for the carrying out of seven (7) motorcycle events at Murwillumbah Showground, at its meeting of 2 June 1999. This consent contained certain provisions limiting hours of operation, restricting noise generation to below 10dB(A) and requiring

Items Deferred

the submission of a noise impact assessment after two (2) events. In this regard, the applicants submitted a basic noise report, which did not adequately assess the noise impacts of events held. At the request of Council officers, the applicants have submitted a further noise assessment carried out by a suitably qualified person. The latter report has been factored into the assessment of the proposal.

CONSULTATION

Having regard to potential noise impacts associated with the proposal, notification letters covering a wide area were forwarded to relevant property owners. In this regard, a total of 120 letters were sent, both informing owners of the application and inviting comments. In response, Council received one (1) letter of support (from Showground Trust) and a total of eight (8) letters of objection. A summary of objections is provided as follows:-

1. Based on past events, the generated noise is unbearable and effectively prohibits basic functions such as sleeping, relaxing and entertaining.
2. The motorcycle events should not be treated in isolation, as the showground also accommodates the annual show and other events, whilst the soccer club and sale yards are also located in close proximity.
3. The carrying out of motorcycle events often creates significant dust problems.
4. Most of the affected residents are elderly and are not able to adjust to or accommodate such noise levels. The events also impact upon the sleeping patterns of younger residents within the area.
5. Events such as those carried out should not be allowed in residential areas.
6. Events are invariably carried out on Sunday, which is a day of rest and relaxation.
7. The existing track provides for an undesirable vista from nearby residences, akin to a desolate scene.
8. The continued use of the showground for motorcycling events is likely to reduce property values.
9. The events make it difficult to provide a suitable environment for tenants. Compensation shall be sought from Council if this continues.
10. The events have incorporated a very audible public address system.

Comments

Given the benefit of actual experience and upon analysis of the submitted noise report, it is evident that neighbouring residents have indeed been subject to adverse noise levels. These adverse impacts appear to have been experienced, despite the best efforts of the applicant to control and restrict excessive noise generation. Indeed, the findings of the noise report submitted to Council are considered to be consistent with those concerns identified by affected residents.

Items Deferred

Although, adverse noise impacts are not considered to be an ever present concern, the cumulative impact of noise emanating from other showground events and the operation of the saleyards and surrounding sporting fields is a genuine, yet difficult to quantify, concern.

Adverse impacts associated with dust generation are considered able to be satisfactorily ameliorated via suitable conditions, however, it should be noted that the placement of relevant conditions in this regard (on previous consent) has evidently been unable to control the generation of excessive dust levels to date. The latter is considered likely to be an issue related to unsatisfactory adherence to existing conditions of consent, rather than being physically unable to be addressed.

Adverse impacts associated with loss of property value are difficult to quantify and as such, it is an issue that has traditionally not formed a significant part of the assessment of applications. Notwithstanding this, the acknowledged loss of amenity associated with adverse noise levels is considered likely to impact upon the desirability of an area as a place of residence.

EVALUATION

The application has been assessed under the matters contained within Section 79C of the Environmental Planning & Assessment Act, 1979. This assessment is contained below.

(a) (i) Environmental Planning Instruments

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 6(b) Recreation under the provisions of TLEP 2000. The proposal is permissible with the consent of Council and is considered generally consistent with the objectives of the zone.

(ii) Any Development Control Plans (DCPs)

DCP No. 2 – Site Access & Parking Code

There are no specific provisions in the DCP for this particular type of development. Parking is available in and around the showground and should satisfactorily service the proposal. No adverse impacts are considered likely in this regard.

(b) Likely Impacts

The proposal will, by its very nature result in noise impacts upon the local area. What needs to be determined is 'what is an acceptable level of impact'. In this regard, Council previously granted consent for the carrying out of seven (7) events, without the benefit of either hindsight or a detailed acoustical report, both of which are now in its possession.

Council's Environment & Health Services Unit have undertaken an assessment of the proposal and provided the following comments in response:-

"The noise assessment carried out by Craig Hill & Associates is unsatisfactory in that the consultant has utilised the incorrect criteria for assessment of motocross events. In this regard, the consultant states that although the previous events have created noise levels in excess of Council requirements

Items Deferred

(10dB(A)), the EPA Noise Control Guidelines permit up to five (5) events (per year), where noise generation is in excess of 30dB(A).

The EPA guidelines do make reference to such a provision; however, this provision is only applicable to the carrying out of speedway motorcycle events, as opposed to motocross or mini-bike events. Speedway events are distinctly different from Motocross events, including the use of different vehicles and track configuration.

The EPA guidelines in relation to the carrying out of Motocross events, make provision for a general restriction of noise generation to be no greater than 5dB(A) above background at the residential boundary.

Based on the noise analysis submitted by the applicant, the events held to date and those proposed, do not comply with the current EPA noise control guidelines (5dB(A) for Motocross) or for that matter, the 10dB(A) criteria set by Council in relation to the previous consent. On this basis, it is evident that the proposed mitigation measures (as proposed by Murwillumbah Motorcycle Club) have been inadequate to ameliorate noise impacts associated with the holding of events.

It is concluded that the development application cannot be supported due to the emissions of offensive noise experienced by nearby residents.”

Comment:

The noise report submitted by the applicant identified noise levels in the vicinity of 30dB(A) above background. Indeed, the applicant’s consultant concludes as follows:

“To reduce noise levels at residential properties it would be necessary to relocate the track to a new location with better separation from residential properties (500m to 1000m and no line of site to operations).”

The current proposal falls well short of the above conclusion, let alone compliance with 10dB(A) requirement as set by Council in the previous consent and the 5dB(A) level required for motocross events (EPA guidelines). Despite, arguing that the speedway criteria (EPA Guidelines) are suitable for use in the assessment of the proposal, the applicants own consultant acknowledges that there is a very real noise concern associated with the carrying out of events at the subject site. In regards to the applicant’s assertion that the speedway guidelines are more relevant to the proposal, it is considered that there are very few similarities between Speedway and Motocross events and accordingly, the motocross criteria of the EPA guidelines are the only relevant criteria.

Furthermore, objections received by Council in relation to the current application, indicate that the carrying out of motorcycle events on the subject site do actually create significant amenity concerns as a result of excessive noise generation. These objections cannot be discounted given the findings of the applicant’s noise report. On this basis it is considered that the subject site is unsuitable for use as a Motocross venue.

Items Deferred

It should also be noted that nearby residents are also, at times subjected to noise generating events such as the show, cattle sales and sporting events. Although difficult to quantify, the proposal may well exacerbate an existing concern.

All other matters are considered able to be satisfactorily addressed via the imposition of relevant conditions of consent.

(c) Suitability of the Site

Whilst the benefits of the subject site are undoubted (space, proximity to services etc), it is evident that the proximity of neighbouring residences is too severe a constraint to overcome. Indeed, the noise report submitted by the applicant supports the view that to overcome the creation of adverse noise impacts, affected dwellings and the venue need a further separation of between 500m and 1000m.

The subject site is considered unsuitable to accommodate the proposed development.

(d) Submissions

Submissions received in response to the notification of the proposal have been addressed earlier in the report under the heading of 'Consultation'.

(e) The Public Interest

As previously discussed, the application has been extensively notified, with a total of eight (8) submissions of objection received. Having regard to the contents of this report and notwithstanding the infrequency of proposed events, the subject application is considered likely to compromise the public interest.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the matter, a right to appeal to the Land & Environment Court is available. There are no third party appeal rights.

OPTIONS

In this instance it appears that Council's options are limited to the following:-

1. Refuse the application as per the recommendation.
2. Approve the application subject to appropriate conditions.

Items Deferred

CONCLUSION

The central issue in relation to the subject application is the generation of excessive noise levels (in relation to both EPA and Council guidelines). Given the findings of the applicant's noise report and the letters of objection received during the submission period, it is considered that the subject site is unsuitable for the proposed use. Whilst it is acknowledged that certain benefits are evident in relation to the use of the subject site, it is evident that despite the best efforts of the club to date, significant adverse impacts have occurred, and are likely to continue, should the subject application be supported. Having regard to the noise report submitted, letters of objections received and the contents of this report, the proposal is considered to warrant a recommendation for refusal.

Items Deferred

ITEM DEFERRED FROM MEETING 24 JANUARY 2001

7. Twelve (12) Lot Subdivision of Lot 166 DP 626372 Overall Drive, Pottsville
DA3975/10 Pt3

666

Cr James

Cr Luff

RESOLVED that this Item be deferred until the second Council meeting in February to allow interested parties to speak at Community Access.

7. **ORIGIN: Development Assessment Unit**

FILE REF: DA3975/10 Pt3

REPORT TITLE:

Twelve (12) Lot Subdivision of Lot 166 DP 626372 Overall Drive, Pottsville

SUMMARY OF REPORT:

This report provides an assessment of a proposed 12 lot residential subdivision at Lot 166 DP 626372 Overall Drive, Pottsville. The site is zoned 2(b) Medium Density Residential and is bounded by Overall Drive to the west and a public reserve ("Hardy Park") to the north, south and east. Mooball Creek is located 27.5 to 31 metres to the east of the site.

The proposal also seeks consent to batter fill into the adjacent public reserve or alternatively, construct a 1.2m retaining wall on the southern, northern and eastern boundaries.

The application was notified and advertised and a significant number of objections have been submitted as detailed in this report. A number of the submissions received relate to the preservation of the land as park land. The subject land does not form part of the public reserve.

The subject site was originally part of Portion 77 Pottsville Waters North. An amendment to Tweed Local Environmental Plan in 1981 rezoned a 20-30m strip of land adjoining Mooball Creek to 6(b) Open Space.

Tweed Local Environmental Plan 1987 reconfigured the open space and residential zones based on the approved subdivision of the land. The residential zoning of the land was amended from "Village or Township" to "Residential 2(b)".

The current zoning of the land under Tweed Local Environmental Plan 2000 reflects the privately owned land and the public open space.

Concerns are also raised in the submissions regarding the alienation of the adjoining park. It is considered appropriate in the circumstances to establish design provisions for the subsequent residential development of the site. It is recommended that Council negotiate the form and content of the design provisions with the owner of the land.

It is concluded that the proposed development will not result in significantly adverse impacts subject to all batters being contained within the property boundaries.

Items Deferred

The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

That Development Application 1301/2000DA for a twelve (12) lot subdivision of Lot 166 DP 626372 Overall Drive, Pottsville, be approved subject to the following conditions:-

PRE-REQUISITES – conditions that must be complied with prior to the release of a construction certificate

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council’s “Contribution Sheet” signed by an authorised officer of Council.

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

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

- a. Tweed Road Contribution Plan: 11 lots @ \$3370 \$37,070.00

S94 Plan No. 4 (Version 4.0)

(Pottsville – Residential)

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:

Items Deferred

- \$Con 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)
\$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. Open Space (Structured): 11 lots @ \$519 \$5,709.00
S94 Plan No. 5
- c. Open Space (Casual): 11 lots @ \$235 \$2,585.00
S94 Plan No. 5
- d. Street Trees: 11 lots @ \$42.90 \$471.90
S94 Plan No. 6
- e. Shirewide Library Facilities: 11 lots @ \$300 \$3,300.00
S94 Plan No. 11
- f. Bus Shelters: 11 lots @ \$23 \$253.00
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: 11 lots @ \$126 \$1,386.00
S94 Plan No. 13
- h. Community Facilities (Tweed Coast): 11 lots @ \$584 \$6,424.00
(South Coast)
S94 Plan No. 15
- i. Emergency Facilities (Surf Lifesaving): 11 lots @ \$201 \$2,211.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities: 11 lots @ \$344.81 \$3,792.91
S94 Plan No. 18

Items Deferred

k. Cycleways: 11 lots @ \$160 \$1,760.00

S94 Plan No. 22

3. 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 Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water: 11 lots @ \$3590 \$39,490.00

Sewer: 11 lots @ \$2970 \$32,670.00

Pottsville/Burringbar Water Levy: 11 lots @ \$1800 \$19,800.00

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.

4. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

GENERAL

5. The development shall be completed in general accordance with Plan No N4780 prepared by McLauchlan Surveying Pty Ltd and dated 2 November 2000, except where varied by these conditions.
6. 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.

Items Deferred

7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. 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.
9. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
10. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1301/2000DA have been complied with.
11. 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. Restriction as to user prohibiting building over or storage of materials or filling in of overland flow path between Lots 4 and 5.
 3. Restriction as to user prohibiting driveways directly opposite the shopping centre driveways.

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.

12. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
13. 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.
14. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

Items Deferred

15. 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.
16. All retaining walls in excess of 1.0 metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
17. 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.
18. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
19. The bus shelter in front of proposed Lot 11 is to remain in its current location.
20. No retaining walls or similar structures are to be constructed over Council's sewer main.
21. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
22. All batters associated with the filling of the land are to be contained within the property. No encroachment into the adjacent public reserve is permitted.
23. No consent is granted for the construction of a retaining wall along the southern, northern and western boundaries.
24. Imposition of a restriction as to user in accordance with Section 88B of the Conveyancing Act limiting the development of Lots 1, 2, 3, 4, 5, 6, 7 and 12 to a single dwelling-house only, and the development of Lots 8, 9, 10 and 11 to dual occupancy. The wording is to be submitted to Council for approval and shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
25. Plans are required to be submitted to Council for approval incorporating bollards, small feature wall or similar clearly defining the boundaries of the land in relation to the reserve.

The plans are required to be approved prior to the release of the **subdivision certificate**.

Items Deferred

26. **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.
27. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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

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

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.

28. Subdivision work in accordance with a development consent must not be commenced until:-

Items Deferred

- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

FURTHER APPROVALS

29. 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, ie. 12 lots @ \$115 = \$1380.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or

Items Deferred

- 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.

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

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

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

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

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base

Items Deferred

- 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".
31. 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;
- (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.

Items Deferred

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

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

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

ROADS/STREETS

35. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 1 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
36. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of an over-land drainage system to convey the flows from major storm events between Lots 4 and 5 and around Lot 12. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
 - ii. Construction of concrete medians in Overall Drive to replace the existing painted medians. The plan shall show the location of the existing painted central island, the shopping centre driveways and shall address traffic and access issues.

Items Deferred

37. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
38. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
39. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

DRAINAGE/FLOODING

40. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
41. No filling is 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.

42. 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.

43. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
44. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
45. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development".

Items Deferred

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*.
46. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
47. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
48. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
49. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill and haul route shall be submitted to the satisfaction of the Director Development Services.
50. Subject to the requirements of Northpower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
51. 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.

52. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.

Items Deferred

SERVICES

Sewer

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

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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

Water

54. 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

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

Electricity

56. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed.

ENVIRONMENT PROTECTION

57. 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.
58. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
59. 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.

Items Deferred

60. 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.
61. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
62. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
 63. 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.
 64. 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.
 65. 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.

Items Deferred

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.

66. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
67. 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.

Items Deferred

REPORT:

Applicant: MJ Iseppi Constructions Pty Ltd
Owner: Garfox 23 Pty Ltd
Location: Lot 166 DP 626372 Overall Drive, Pottsville
Zoning: 2(b) Medium Density Residential
Est. Value: \$100,000

BACKGROUND/SUBJECT SITE

The subject site was created as part of the Pottsville Waters development in 1982.

The site is 8216m² in area and has a 247m frontage to Overall Drive. The eastern, southern and northern boundaries of the site adjoin a public reserve ("Hardy Park"). Mooball Creek is located 27.5 to 31m from the eastern boundary of the property.

The site has been filled and is relatively level, and contains scattered coastal growth vegetation.

The property is located opposite Pottsville Tavern/Shopping Centre and existing medium and low density housing.

Items Deferred

SITE PLAN



Items Deferred

PLAN OF PROPOSED SUBDIVISION

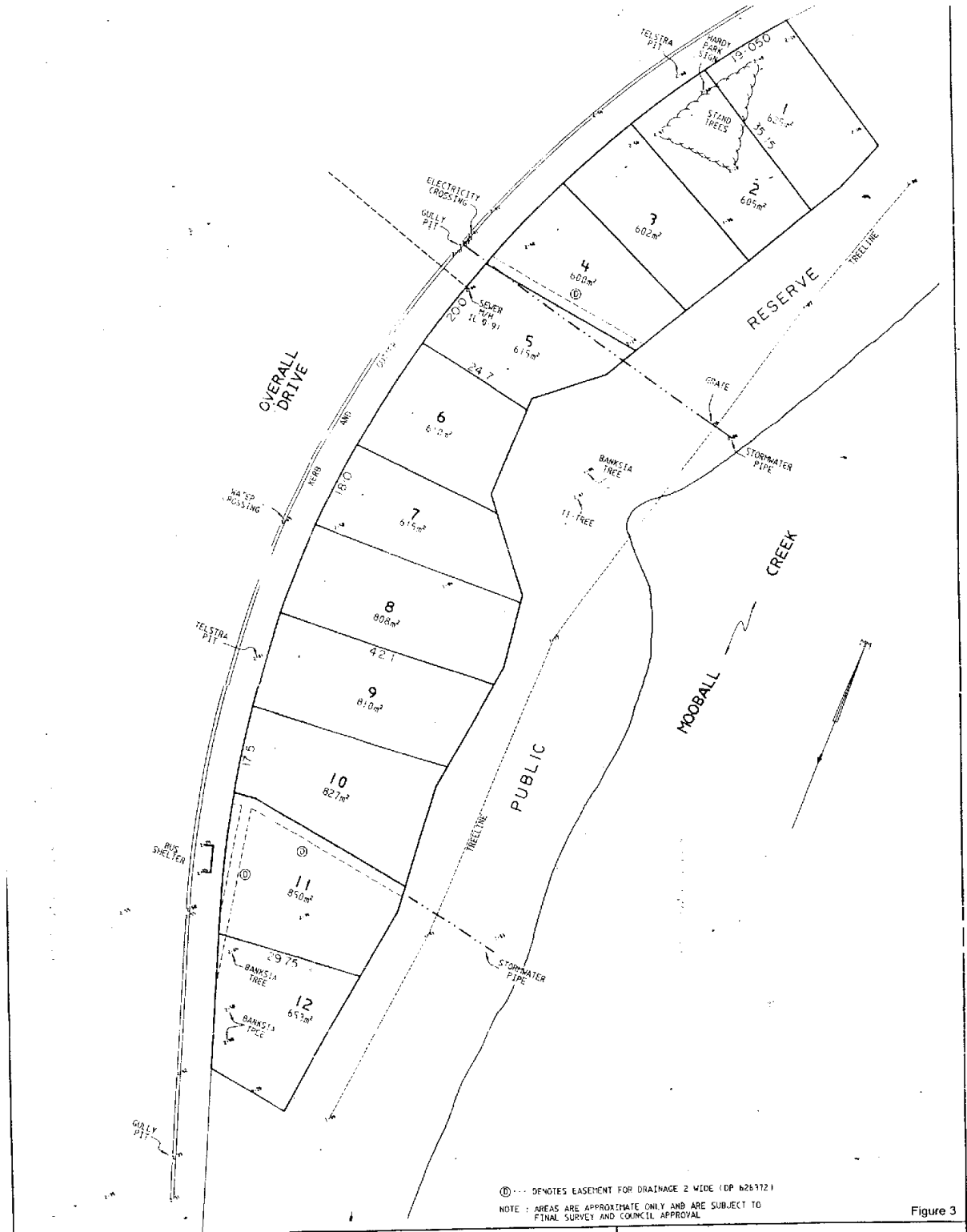


Figure 3

<p>DISCLAIMER IN THE EVENT THAT THIS DOCUMENT AND/OR ANY ATTACHMENT OR ASSOCIATED DOCUMENT AND/OR PART THEREOF IS UTILISED IN ANY MANNER WHATSOEVER OTHER THAN UNDER THE SOLE CONTROL OF MCLAUCHLAN SURVEYING PTY LTD AND FOR THE SPECIFIC PURPOSE FOR WHICH IT WAS PREPARED, THEN MCLAUCHLAN SURVEYING PTY LTD WILL NOT BE LIABLE FOR SUCH USE OR ANY DAMAGES OF WHATEVER NATURE OR EXTENT WHICH MAY RESULT.</p>	<p>PROPOSED SUBDIVISION OF LOT 166 IN D.P. 626372 PARISH: MOOBALL COUNTY: ROUS JOB NUMBER: N4780 DATE: 2-11-2000 SCALE 1:500</p>	<p>McLauchlan Surveying Pty Ltd Consulting Surveyors (ACN 068 883 7051) 32 Boyd Street, Tweed Heads N.S.W. 2485 P.O. Box 710 Tweed Heads N.S.W. 2485 Telephone (07) 55366487 Fax (07) 55367489</p>
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Items Deferred

PROPOSED DEVELOPMENT

The proposed development involves the subdivision of the land into 12 residential allotments ranging in area from 600m² to 850m². Four of the proposed lots (Nos. 8, 9, 10 and 11) are nominated as dual occupancy lots.

The subject land is floodprone and will require up to a further 1.2m of fill to comply with Tweed Development Control Plan No. 5- Development of Flood Liable Land. The application seeks consent to allow filling at the rear of the proposed lots to be battered into the adjacent public reserve (Lot 165 DP 626372) in lieu of the construction of a retaining wall up to 1.2m in height along the southern, eastern and northern boundaries of the property. In the event that Council do not support this option, the applicant has requested that the proposal be considered on the basis of the construction of a retaining wall along the southern, eastern and northern boundaries.

EVALUATION

The following is an assessment of the application under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

(a) (i) The provisions of any Environmental Planning Instrument

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 2(b) Medium Density Residential under TLEP 2000.

The primary objective of the 2(b) zone is:

“to provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes”.

The secondary objectives include:-

“to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre”.

The applicant has submitted the following information in relation to the consistency of the proposed development with the objectives of Zone 2(b).

“The creation of 12 lots including 4 dual occupancy lots results in a yield of 19.5 dwellings per ha. Notionally, the site could accommodate about 30 medium density “town house” type units in a conventional one and two storey building or buildings in the form of traditional residential flat buildings.

“Medium density housing” is not defined in the Local Environmental Plan but as a guide Development Control Plan No. 3 (Tweed Heads South- Banora Point West) sets a target of 24 dwellings per ha in the “Residential B” medium density precincts.

In contrast, the North Coast Regional Environmental Plan and North Coast Urban Planning Strategy identify a target of 15 dwellings per ha generally in urban release areas.

Items Deferred

While the site offers many locational advantages consistent with medium density development, including proximity to a neighbourhood shopping centre, located on a bus route and buffered from other uses by open space and road, those opportunities nevertheless should be balanced against the need to maintain compatibility with the established character and amenity of the area.

The current zoning of adjacent land, to some extent, reflects the existing character and amenity of the locality. The site is surrounded by land zoned 6(a) Open Space to the north, south and east and by Overall Drive in the west (uncoloured land). Overall Drive comprises a 25m road reserve with a 13m carriageway and 2 x 6m footpaths.

To the west of the site, there are three separately zoned areas. The north-western area is zoned 2(b) and existing development comprises mainly 2 storey residential flat buildings with some dwelling houses.

In the central area there is an existing neighbourhood shopping centre and tavern on land zoned 3(b) General Business, while the south-westerly area is zoned 2(a) and is characterised mainly by detached dwelling houses. While the current zones and existing developments identified above contribute to the existing character and amenity of the area, perhaps the most important element is the foreshore open space and Mooball Creek, the bank area of which contains Paper Bark trees and other riparian vegetation.

Overall Drive affords pleasant vistas of the foreshore and creek area generally, however any 2-storey medium density development would significantly disrupt these views and be incompatible with the "open" and relatively low-density character of the existing area.

Having regard to the zone objectives and the current and desirable future character and amenity of the area, it is submitted that this application achieves a reasonable balance (at 19.5 dwellings per ha) between the medium density objectives of the zone and the desirability of maintaining the existing character and amenity of the area and avoiding buildings with significant bulk and scale to the foreshore.

The creation of 12 relatively large lots for dwelling houses and 4 dual occupancies therefore does not result in an under utilisation of the land in the circumstances of this case and accordingly it is considered that the proposal is consistent with the objectives of the 2(b) zone."

The context of the site in relation to existing surrounding development warrants significant consideration in the circumstances of the case. While the density of the proposed development could be increased the proposed development is not considered to represent the under-utilisation of the land having regard for the relatively low-density character of the area and the location of the site adjacent to public open space. The proposal incorporates four dual occupancy sites of appropriate area and is consistent with the primary objective of the zone in terms of seeking to achieve a good urban design outcome.

Items Deferred

Clause 15 – Availability of Essential Services

Water and sewerage services are available to the site and appropriate connection arrangements are able to be made subject to the imposition of conditions.

Runoff will be collected in the existing kerb and gutter and disposed of onto the existing stormwater network.

Clause 17 – Social Impact Assessment

The proposed development is unlikely to have a social or economic effect that is of a scale to warrant the preparation of a social impact statement.

Clause 19 – Subdivision

Subdivision is permissible with development consent in accordance with Clause 19 of TLEP 2000.

Clause 34 – Flooding

Council must not consent to development on land likely to be subject to flooding unless it has considered:-

- (a) the extent and nature of the flooding hazard affecting the land; and
- (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity; and
- (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated; and
- (d) the impact of the development on emergency services; and
- (e) the provisions of Tweed Development Control Plan No. 5- Development of Flood Liable Land and any other relevant development control plan.

The site is required to be filled to the design flood level of RL 2.7m AHD. The site is currently filled to RL 1.96m AHD to RL 2.66m AHD and will therefore require up to 1.2m of fill towards the rear of the lots. The existing Pottsville Waters Estate has been filled and the proposed development is not likely to increase the risk or severity of flooding of other land in the vicinity. The risk and severity of flooding is able to be reasonably mitigated and the proposal is unlikely to have a significant impact on emergency services. The provisions of Tweed Development Control Plan No. 5- Development of Flood Liable Land are addressed later in this report.

Clause 35 – Acid Sulfate Soils

The land is identified as Class 3 on the “Acid Sulfate Soil Planning Maps”. Clause 35 requires development consent for works beyond one metre below the natural ground surface and for works by which the watertable is likely to be lowered beyond one metre below the natural ground surface.

The applicant has submitted the following information in relation to Clause 35:

Items Deferred

“The land has been filled to between RL 1.9 and 2.6m AHD as part of the Pottsville Waters development. It is estimated that the “natural ground surface level” in this area (ie. land level prior to filling) was between RL 1.0 and 1.5m AHD. Therefore between 0.5 and 1.6m of fill has been placed on the land. Up to a further 1.2m of fill will be required to comply with the provisions of Development Control Plan No. 5, which specifies a minimum level of RL 2.7m AHD. The only possible works required which would extend “beyond one metre below the natural ground surface” is the installation of the sewer main extensions, although this is most unlikely as the invert level of the existing manhole adjacent to the site is RL 0.897m AHD.

A new main will be connected to this manhole and the main will decrease in depth in both directions to provide gravitational grading. No excavation beyond 1.0m below natural ground surface is proposed or required to install the gravity sewer main. Similarly, installation of the main in a trench between 1 and 1.7m below finished surface level will not require temporary dewatering and therefore the water table is not likely to be lowered more than 1m beyond natural ground surface.

The water main extension required along the Overall Drive frontage will be laid in a trench approximately 600mm deep from finished surface level. Therefore, water supply and sewer works do not trigger the need for an Acid Sulfate Soil Management Plan under Clause 35(4) of Tweed LEP 2000, nor do any other proposed works.”

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 15 – Wetlands or Fishery Habitats

This clause requires Council to consider the following matters prior to consenting to an application to carry out development within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area or within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat area:

- (a) the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;
- (b) the need to conserve the existing amateur and commercial fisheries;
- (c) any loss of habitat which will or is likely to be caused by the carrying out of the development.

The quality of flows to the creek will be maintained and the increase in quantity is considered relatively minor in the context of the existing catchment. The proposed development is not likely to result in impacts on commercial fisheries or loss of significant habitat.

Items Deferred

Clause 32B – Coastal Lands

This clause requires consideration to be given to the NSW Coastal Policy, the Coastline Management Manual and the North Coast Design Guidelines. The proposed development is not inconsistent with the provisions of these policies.

NSW Coastal Policy 1997 contains a number of strategic actions relevant to development control including the minimisation of the discharge of contaminated stormwater to coastal waters, consideration of acid sulfate soils, and the minimisation of potential impacts of development proposals in or adjacent to estuaries. The proposed development is consistent with the provisions of these strategic actions. The policy also contains design and locational principles for consideration in development control including the protection of waterfront open space from overshadowing and public setback lines for development adjoining estuaries. No buildings are proposed as part of the subject application and an assessment of potential overshadowing will be required to accompany applications for the construction of dwellings. The site is setback 27.5 to 31 metres from the creek and this existing buffer is considered adequate.

The clause also states that Council must not consent to the carrying out of development if the development would result in beaches or waterfront open spaces being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

No assessment of the retaining wall in terms of potential overshadowing has been made. Applications seeking consent for the erection of dwellings on the land will need to be accompanied by information addressing this clause.

Clause 81 – Development Adjacent to the Ocean or a Waterway

This clause requires Council to be satisfied of the following matters prior to granting consent for development on land within 100 metres of the Ocean or any substantial waterway.

- (a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;
- (b) buildings to be erected as part of the development will not detract from the amenity of the waterway; and
- (c) the development is consistent with the principles of any foreshore management plan applying to the area.

A public reserve adjoins the eastern, northern and southern boundaries of the subject site and is 1.691ha in area. The reserve is accessible and open to the public and there are also areas of public open space to the north of the site. No buildings are proposed as part of the subject development application however the scale of the proposal is not likely to be detrimental to the development in the locality. The development is considered consistent with the principles of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks. The existing buffer to the creek will be maintained.

Items Deferred

State Environmental Planning Policies (SEPPs)

No SEPPs are applicable to the proposed development.

(ii) The provisions of any Draft Environmental Planning Instrument

No draft plans are applicable to this proposal.

(iii) Any Development Control Plans (DCPs)

DCP5 – Development of Flood Liable Land

Section 6 requires the land to be filled to the design flood level of 2.70m AHD. As previously noted the current level of the land ranges from approximately RL 1.96m AHD to approximately RL 2.66m AHD. Up to 1.2m of fill is required at the rear of the lots to enable the lots to be graded at 1% fall to the street.

The implementation of the requirements of DCP5 involves the filling of the entire site in normal circumstances. However given the location of the site in relation to the public reserve the subject proposal warrants special consideration. The erection of a 1.2m high retaining wall or the battering of the fill into the public reserve are options which are considered likely to detract from the existing amenity of the reserve.

It is concluded that an exception is warranted in the circumstances to enable the required batter to be accommodated within the boundaries of the subject site.

DCP16 – Subdivisions Manual

Allotments within the 2(b) Medium Density Residential zone are required to be a minimum of 450m² in area and capable of containing a rectangle measuring 10m by 15m. The proposed lots range in size from 600m² to 850m² and are all capable of containing a rectangle measuring 10m by 15m. The proposed development is generally consistent with the provisions of DCP16.

DCP39 – Energy Smart Homes Policy

Section 3 of the DCP relates to subdivision design. The orientation of the proposed lots is somewhat restricted by the size and shape of the existing lot and its frontage to Overall Drive. The lots are orientated on an east-west axis and the width of the lots has been increased to reduce potential shadow effects on lots to the south.

(iv) Any matter prescribed by the Regulations

The NSW Coastal Policy applies to the subject land. The proposed development is not inconsistent with the policy.

(b) The likely impacts of the development, including impacts on the natural and built environment and social and economic impacts in the locality

Context and Setting

The subject land is located on Overall Drive and is bounded by a public reserve (“Hardy Park”) to the north, south and east. Development to the west of the site includes

Items Deferred

medium density residential to the north, Pottsville Shopping Centre/Tavern directly opposite and low density residential to the south-west.

The existing views of the Creek from residences on the western side of Overall Drive will be interrupted however, the proposed single dwelling and dual occupancy proposal is likely to have a lesser impact on vistas than a residential flat building or cluster housing development.

As previously noted the application seeks consent for the fill at the rear of the property to be battered into the adjacent public reserve in lieu of the construction of a retaining wall up to 1.2m in height along the southern, eastern and northern boundaries of the property.

The applicant argues that a retaining wall would detract from the visual amenity of the adjacent passive open space and foreshore area. The applicant has requested that the proposal be processed on the basis of the construction of a retaining wall in the event that the batter option is not acceptable to Council.

The fill would be battered into the adjacent public reserve at a slope not steeper than 4 horizontal to 1 vertical. The batters would extend approximately 5 metres into the reserve and would be grassed and landscaped.

The proposal has been reviewed by the Recreation Services Unit and it is concluded that the batter into the reserve would still allow several metres of flat land for access for the public as well as easy maintenance.

However, the encroachment of the batter into the public reserve will impact on the existing amenity of the reserve and it is concluded that all batters should be contained within the property boundaries.

It is agreed that the construction of a 1.2m high retaining wall would detract from the adjoining reserve.

Access, Traffic and Transport

Overall Drive is a major collector road and a bus route. The application proposes the relocation of the existing bus shelter adjacent to proposed Lot 11, approximately 70m towards the south. This is not supported by the Planning and Design Unit as the shelter has already been relocated to accommodate the turning lanes at the shopping centre and should remain as close as possible to the shops. A further relocation of 70m from the shops is not considered to be in the interests of public transport users.

The new access driveways to the proposed lots have the potential to create problems in relation to the turning lanes into the shopping centre.

Right turns into and out of the blocks adjacent to the painted medians is illegal. A condition is recommended requiring the construction of concrete medians to replace the existing painted ones to avoid illegal turns. Overall Drive is a major collector road and there is insufficient space for vehicles to pass right turning vehicles. No driveways are

Items Deferred

to be approved directly opposite shopping centre driveways however, this will be addressed when the development application(s) are lodged for the dwellings.

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

The subject site is considered suitable for the proposed development. Given the zoning of the land the scale and density of the subdivision are considered an appropriate response to existing surrounding development.

Utilities

Water and sewerage services are available to the subject site as detailed by the applicant:-

“A 200mm diameter water main exists on the western side of Overall Drive. Supply to the subject land could be provided from this main via a new reticulation main under Overall Drive and then along the frontage of the proposed lots.

Council’s “works as executed” plans indicate that an unnumbered manhole exists at the frontage of the land with an invert level of RL 0.897m AHD. A gravity sewer line could be provided along the front or rear of the lots from this manhole to provide reticulated sewer to each lot. The final alignment and detailed design of the gravity main extension will form part of the construction certificate application.”

In relation to the disposal of stormwater, kerb and gutter exists on both sides of Overall Drive. Two easements to drain water are located on the site. These easements are 2m wide and convey stormwater from both sides of Overall Drive to separate outfalls into Mooball Creek.

Runoff from the development will be collected in the existing kerb and gutter and disposed of via the existing stormwater network.

Flora and Fauna

Small stands of vegetation exist on the site together with scattered trees. Filling of the site to comply with Tweed DCP5 – Development of Flood Liable Land will require removal of the vegetation. An assessment in relation to Section 5A of the Environmental Planning and Assessment Act, 1979, was carried out in relation to the subject site by James Warren and Associates Pty Ltd.

No threatened flora species were recorded during site surveys.

It is considered that the proposed development will not significantly impact on any threatened flora species (identified in a search of the NSW NPWS database within a 5km radius of the site) to the extent that it may place a population at risk of extinction. The Section 5A assessment concludes that a Species Impact Statement (SIS) is not required.

Items Deferred

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

Although not statutorily required to be advertised, the development application was advertised and surrounding owners notified of the development.

Public Authorities

The application was referred to the Department of Land and Water Conservation for comment given the property is within 40 metres of Mooball Creek. The comments provided can be summarised as follows:-

* Estuary Management Plan

The proposal is required to be consistent with the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks. In this regard Management Issue H – Buffer zone to development for Mooball Creek North, is considered relevant to the project.

Comment

The Estuary Management Plan contains the following action strategies and performance indicators in relation to management Issue H “Buffer zone to development”.

Action Strategy	Performance Indicator
<ul style="list-style-type: none"> Minimum buffer widths of 50m to be observed 	Retention of buffer zones.
<ul style="list-style-type: none"> Assessment of buffers and rehabilitation/revegetation options with all new applications for development 	Ensure buffers of native plants are included for all new development
<ul style="list-style-type: none"> Rehabilitate areas of existing riparian vegetation. 	
<ul style="list-style-type: none"> Buffers to the creek and riparian vegetation from recreational activities on Council and Crown land. 	
<ul style="list-style-type: none"> Council to investigate implementation via LEP amendments, Regional Open Space and other planning instruments, taking into account existing land use rights. <p>Responsibility: TSC, DLWC, Developer, Community</p>	

Items Deferred

The subject site was originally part of Portion 77 Pottsville Waters North.

Tweed LEP Amendment No. 9 gazetted in 1981, rezoned a 20-30m strip of land adjoining Mooball Creek to 6(b) Open Space.

Tweed Draft LEP 1987 then reconfigured the open space and residential zones on Portion 77 based on the subdivision of the site. The Public Open Space varied from 10-70 metres wide. It would appear that the Residential 2(b) zone placed between Overall Drive and Mooball Creek in the draft plan was based on the approved subdivision of the site.

The Open Space zone was owned by Council and the Residential (b) zone privately owned. There was no change to the draft LEP when Tweed LEP 1997 was gazetted in 1988.

No further amendment to the zoning was made by the gazettal of Tweed LEP 2000 with the zones reflecting privately owned land and Public Open Space.

The existing buffer to the public reserve which is 27.5 to 31m wide adjacent to the subject site will be maintained.

- * In order to address the policy objective and principles for sustainable management of the State Rivers and Estuaries Policy 1996, the optimum protection and enhancement of the public reserve (Lot 165) between Lot 166 and Mooball Creek should be adopted and encouraged. This could include fostering informed, community-based landcare activities.

Comment

Council should foster and encourage community-based landcare activities on the reserve.

- * There should be no intrusion of works onto the adjoining public reserve being Lot 165 DP 626372.

Comment

It is recommended that works be contained within the boundaries of the subject property.

- * A batter not exceeding 1:4 V:H is considered preferable to a retaining wall on the eastern, northern and southern boundaries of Lot 166 DP 626372 and should be constructed wholly within Lot 166.

Comment

It is agreed that a batter not exceeding 1:4 V:H is preferable to a retaining wall. It is also considered that the batter should not encroach on the public reserve. The batter should be contained within the property.

- * If a retaining wall is constructed within 40m of the bank of Mooball Creek, a 3A Permit under provisions of the Rivers and Foreshores Improvement

Items Deferred

Act, 1948 will be required if excavation is to be undertaken in the construction of the wall.

Comment

In the event that Council support the construction of the retaining wall involving excavation within 40m of the creek, the proposal will be required to be referred to the Department of Land & Water Conservation as Integrated Development in accordance with the Environmental Planning and Assessment Act (and additional fees paid), prior to determination of the subject application.

Public Submissions

There is no statutory or Council policy requirement for the advertising of the proposed development, however, the development application was advertised and adjoining owners notified of the development.

All submissions received in relation to the proposed development by 11 January 2001 have been considered. The number and form of submissions can be summarised as follows:-

- 21 individual submissions
- 550 copies of a standard letter
- 717 signatures on a petition titled "Save our Park"
- A sheet containing two comments and 19 signatures from a public meeting held in relation to the application.

The issues raised in the submissions can be summarised as follows:-

Extension of Exhibition Period

- *The exhibition period should be extended for the maximum possible time to enable all parties to investigate a compromise. The exhibition period should be extended until the 14/2/01 when the Pottsville Estuary and Parklands Preservation Committee have arranged for public access to address Council regarding this application.*

Comment: The exhibition period commenced on 13/12/00. The exhibition period was due to end on 29/12/00. It was subsequently extended until 5/1/01. All submissions received by 11/1/01 have been considered. The 40 day period after which an appeal for the deemed refusal of the application may be lodged has lapsed (16/01/01).

Preservation of Park

- *Park needs to be preserved. Any development will spoil this area which is used by all residents. Only large piece of grassland in the area and should be retained for public use. There is a lack of spacious areas for recreational use. Land should belong to Council for the people of Pottsville. Administrators of Tweed Shire Council are pro land developers and are disposing of land designated as public reserve. Small blocks of land in Pottsville Waters called "parks" do not serve the purpose of public recreation areas. Council should swap*

Items Deferred

some land with the developer to preserve what little riverfront land there is. Vandalism in the area is minimal because youth have an area to keep active in.

Comment: The existing public reserve known as Hardy Park (Lot 165 DP 626372) will be retained. The subject site adjoins the reserve and while it may be presently informally used as part of the public reserve the land is privately owned and zoned 2(b) Medium Density Residential. As previously noted an amendment to Tweed LEP in 1981 rezoned a 20-30m strip of land adjoining Mooball Creek to 6(b) Open Space.

The open space and residential zones were then reconfigured under Tweed LEP 1987, and the Residential 2(b) zone between Overall Drive and Mooball Creek appeared to be based on the approved subdivision of the site.

No amendment to the zoning was made with the gazettal of Tweed LEP 2000 and the current zoning of the land reflects the privately owned land and the public open space.

The portion of the reserve to the east of the site (between the site and Mooball Creek) will be retained. The width of this section of the reserve ranges from 27.5 metres to 31 metres. The land is not being disposed of by Council. The basketball courts are located on the public reserve and will be retained.

- *Told when purchasing the land that the site would never be built on. Many residents were under the impression it would never be built on – refer to page 7 of the Pottsville Village Strategy 1998. Told development site existed but would never go ahead.*

Comment: The Pottsville Village Strategy 1998 contains a number of plans including a “generalised land use” plan on page 7. This plan identifies the land as public reserve. It should be noted that the plan title relates to generalised land uses and that page 9 of the Strategy contains the zoning extract for the Pottsville area which indicates the land is zoned 2(b).

- *Hardy Park sign is located on the land.*

Comment: The sign is located on the subject site. It is understood that the previous owner of the land erected the sign.

- *The proposed development will alienate public land as the private property will encroach into the reserve. Landscaping and battering will create the illusion of the property being waterfront when it is not. The illusion that the land is private rather than public will discourage the public from using the area. Some form of wall or fence should delineate the boundaries of the land.*

Comment: The batter into the reserve is not supported. It is considered appropriate to require the boundaries of the subject site to be clearly defined by way of bollards or a low feature wall (c. 0.5 metres in height).

Mooball Creek

- *The Creek frontage should be left as it is. Homes were built in Overall Drive about 2 years ago right on the bank of the creek. There are plenty of home sites with water frontage available. Dwellings along the creek will lead to further erosion of the banks.*

Items Deferred

Comment: The eastern boundary of the subject land is 27.5 to 30 metres from the high water mark of the creek. The proposed lots and subsequent buildings will not be located along the bank of the creek.

- *Current 30 metre buffer to the creek is not sufficient. Most of the buffer would be in the vegetated area making it difficult for a pedestrian walkway along Mooball Creek. Where is the 30 metre buffer measured from – the existing high water mark or that which existed when the original estate was approved? The developer should be required to contribute land to increase the buffer to the creek.*

Comment: The tree line shown on the plan of survey submitted with the application relates to the canopy rather than the trunks of existing trees. The plan of survey was completed in November 2000 and the line of the creek depicted is the present high water mark. There is sufficient area for pedestrian access between the eastern boundary of the subject site and the creek. There are no provisions in the current planning policies applicable to the site to require the dedication of land to increase the buffer to the creek. Section 94 contributions for open space apply to the proposed development.

- *The developer should be required to fund the cost of stabilising the creek bank to eliminate any future erosion.*

Comment: This requirement is considered onerous given the erosion of the existing bank is not related to the proposed development.

- *New residents will have their own walkways to the water. The developer should be required to adequately fence vegetation and construct a formal fenced walkway for the new residents to use. Overcrowding of the remaining small access to the creek will occur. Parents won't allow their children to play in the area between the development and the creek for safety reasons.*

Comment: The existing frontage of the reserve to the creek will remain and there will be no reduction in the number of access points. The existing access points to the creek are clearly defined and it is not considered necessary to fence areas or create more formal pedestrian access pathways at this stage.

- *Tweed Estuary Management Plan should be considered. Development contravenes the Estuary Management Plan as it is within 50 metres of the creek. The development site is shown in the plan requiring easy access to the creek for fishing, swimming etc, and the improvement of existing parkland by the planting of native vegetation and the provision of picnic facilities. Water Act requires 50 metre setback.*

Comment: The Estuary Management Plan contains a number of action strategies including the provision of minimum buffer widths of 50 metres to the creek. The performance indicators for this action strategy include the retention of buffer zones and the inclusion of buffers of native plants for all new development. The plan also acknowledges the need for "...Council to investigate implementation via LEP amendments, Regional Open Space and other planning instruments, taking into account existing land use rights". There is no mechanism to require the dedication of a further 20 metres of the site for a buffer to the creek. Further, this would be inconsistent with

Items Deferred

the action strategy which requires existing land use rights to be taken into account. There is no buffer provision in the Water Act.

- *Residents may wish to launch boats from behind their houses where the bank is already eroded.*

Comment: Any boat ramps or structures for the launching of boats from the reserve would require Council consent.

Density

- *Medium density development is proposed and would significantly affect the pristine and scenic approach to Pottsville Waters and is incompatible with the open and relatively low density housing of existing areas.*

Comment: Given the zoning of the site it is considered that the proposed form of the development is compatible with the existing density of the locality. The subdivision of the site is considered a more sympathetic form of development than a residential flat building or similar.

Impact on Existing Residential Development

- *Home bought with views of the park, trees and water - not a housing development. Development of so many units will be an eyesore. Views will be obscured and property values eroded.*

Comment: The views presently enjoyed from existing residential properties opposite the site will be obscured when the lots are developed. The site is zoned for medium density development and the current valuation of surrounding properties should take into account the potential development of the site.

Stormwater

- *The development will increase stormwater runoff to creek which is already almost depleted of fish due to pollution from overdevelopment. Smell currently permeates from the creek from sludge due to other development in the area.*

Comment: Erosion and sedimentation controls will be implemented during the subdivision works. It is proposed to connect the allotments to the existing stormwater network. The proposed development will not significantly increase stormwater runoff within the existing catchment and appropriate controls will be required in accordance with Council policy when the allotments are developed.

Traffic

- *Overall Drive is the only way in and out for residents of Back Rocks Estate. Traffic is almost unbearable during daylight hours.*

Comment: The existing local road network is capable of catering for traffic generated by the proposed subdivision. Appropriate conditions are recommended to ensure that the proposed access arrangements are adequate.

Items Deferred

- *Pottsville Village Strategy 1998 (page 32) indicates a cycleway in front of Lot 166.*

Comment: A cycleway is provided along Overall Drive.

Environmental Impact

- *EIS should be carried out.*

Comment: The proposed development is not Designated Development and does not generate a need for the preparation of an Environmental Impact Statement.

- *Total protection of the current flora should be a pre-requisite of any approval. Any future construction on the proposed allotments will see pressure to remove or damage existing vegetation on the adjacent creek bank. A stand of trees will be required to be removed. A detailed environmental assessment in relation to flora and fauna should be undertaken.*

Comment: The subject application seeks consent for tree and vegetation removal. An eight point test has been carried out in accordance with the provisions of Section 5A of the Environmental Planning and Assessment Act and it is concluded that the proposed development will not result in a significant impact on threatened flora or fauna species or their habitats. The adjacent creek bank is Council owned and the removal of any trees will require Council consent.

- *Zoning dates back to 1982 prior to Casuarina, Seabreeze and Blackrock developments and the accumulated environmental impact should be considered before the development proceeds.*

Comment: The proposed development is significantly smaller in scale than those referred to above. The proposed development is not considered likely to result in significant environmental impacts.

Fill/Retaining Wall

- *The fill will severely prejudice the natural aesthetics of the area. Would such fill and retaining walls be permitted against a private block of land? Fill will dwarf the park users and make them feel uncomfortable about using the reserve. The dwellings will be raised and be a blot on the landscape.*

Comment: Filling of flood prone land is required in accordance with the provisions of DCP5. Fill and retaining walls are permitted in the case of land adjacent to private blocks of land. The land has been filled in the past and the additional amount of fill required to comply with the DCP is a maximum of 1.2 metres. The amount will vary across the site and is not considered significant in relation to the existing levels of the site and those of the adjacent reserve.

- *An alternative to a retaining wall at the rear of the property is the provision of a batter. Batter should not encroach on public land. Batter raises liability issue if someone falls on uneven ground and exposes ratepayers to claims.*

Comment: It is recommended that the batter be contained within the boundaries of the subject site.

Items Deferred

- *Retaining wall will become a target for graffiti.*

Comment: It is agreed that graffiti may occur on a 1.2 metre high retaining wall.

Other

- *NSW Coastal Policy 1997 guidelines should apply. The coastal policy requires the preservation of coastal estuaries.*

Comment: The provisions of the coastal policy have been examined and it is considered that the proposed development is not inconsistent with the policy.

- *Proposal is inconsistent with Council's Mission to integrate an expanding population with the diverse nature of the Tweed environment whilst affording protection and enhancement of the coast.*

Comment: As previously stated, the subject site is zoned 2(b) Medium Density Development. The proposed development is not considered likely to result in significant impacts on the existing environment.

- *Section 94 funds should be used to compulsorily acquire land.*

Comment: This is a matter for the consideration of Council.

- *DA lodged during Christmas / holiday period. Exhibition period reduced by public holidays.*

Comment: The exhibition period included additional days to cater for the public holidays and all submissions received on or before 11/01/01 have been considered in this report.

(e) The Public Interest

The proposed development is not considered likely to compromise the public interest if the proposed batters are contained within the property boundaries and do not encroach on the public reserve.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

If the applicant is not satisfied with Council's determination they have a right of appeal to the Land & Environment Court.

OPTIONS

Options in this instance appear to be as follows:-

1. Approve the application subject to conditions as per the recommendation.
2. Approve the application subject to conditions with the proposed batters encroaching on the public reserve or with the development incorporating a 1.2m high retaining wall.
3. Refuse the application.

Items Deferred

CONCLUSION

The proposed 12 lot subdivision is consistent with the objectives of the 2(b) Medium Density Residential zone and the provisions of relevant environmental planning instruments. The zoning history of the site reflects the introduction of open space adjacent to Mooball Creek in 1981 and the approved subdivision of the original land parcel (Portion 77).

It is considered appropriate given the sensitive location of the site to establish design provisions for the residential development of the lots regarding issues such as the presentation of the development to Overall Drive and the interface of the development with the public reserve.

It is recommended that Council officers negotiate appropriate design provisions with the developer.

The subdivision is not likely to result in significant adverse impacts on the existing natural or built environment and it is concluded that the application warrants approval subject to the imposition of relevant conditions and all batters being contained within the boundaries of the property.

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: R0990

REPORT TITLE:

The Realignment of Coast Road within Seaside City Estate

SUMMARY OF REPORT:

This report responds to Council's resolution of 6 December 2000:

"...that a full and detailed report be presented to Council with regard to the late report dealing with the realignment of the Coast Road within Seaside City Estate and to cover all matters associated therewith including the following:-

- a. The completeness of the development application.*
- b. The completeness of the Part V application.*
- c. The completeness of the Certificate of Construction application.*

In addition the report should include the difficulty placed upon staff to process this approval in order to meet the deadline of 17 November 2000."

This is also the response to a Question Without Notice at the same meeting.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

INTRODUCTION

Council at its meeting of 6 December 2000 resolved:

“that a full and detailed report be presented to Council with regard to the late report dealing with the realignment of Coast Road within Seaside City Estate and to cover all matters associated therewith including the following:

- a. The completeness of the Development Application.*
- b. The completeness of the Part V Application.*
- c. The completeness of the Construction Certificate Application.*

In addition the report should include the difficulty placed upon staff to process this approval in order to meet the deadline of 17 November 2000.”

At the same meeting Councillor Boyd enquired (regarding Catherine Street):

- “a. In relation to this matter, what document was in fact lodged on 15 November, at what time and where and what information did it contain?*
- b. Did it contain sufficient detail to enable Council staff to proceed with their approval process?*
- c. Has any further detail been supplied in support of that document since 15 November?”*

This report responds to Council’s resolution and Cr Boyd’s question.

HISTORY REGARDING THE DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE APPLICATION FOR CATHERINE STREET

- | | |
|-------------------|---|
| 29 August 2000 | Letter from Cardno MBK stating proposal to construct a new road within the Catherine Street road reserve and confirming advice from Council Officer that an assessment under Part V of the Environmental Planning and Assessment Act 1979 was required to be submitted.

Letter also indicated that it was assumed a development application was required for the connection between the southern end of Catherine Street and the approved Coast Road in Casuarina Beach development. |
| 19 September 2000 | Meeting with Richtech Pty Ltd (Mr Frank Wilson) to discuss need for development application. Advised development application must be lodged for works outside road reserve. |
| 25 September 2000 | Part V submission and plans submitted by Cardno MBK showing significant works outside Catherine Street road reserve and also the connection to the south of Catherine Street which is not within the road reserve. No development application or construction certificate lodged. |

Reports from Director Development Services

- 28 September 2000 Letter forwarded to Cardno MBK from Director Development Services advising that Part V assessment required to be submitted for works within Catherine Street road reserve and development application required for any earthworks outside road reserve and for the connection south of Catherine Street.
- 11 October 2000 Development Application lodged for earthworks outside road reserve. Development Application incomplete as it did not contain an acid sulphate soils management plan.
- 11 October 2000 Development Application lodged for construction of connection road and water main.
- 25-31 October 2000 Numerous meetings and discussions between Cardno MBK and Council Officers regarding the unsatisfactory stormwater drainage design for Catherine Street.
- 31 October 2000 Amended engineering drawings were lodged following agreement. The drawings alone did not form a complete construction certificate application for the following reasons:
1. No construction certificate application form had been completed with owners consent.
 2. No sedimentation and erosion control plan accompanied the application.
 3. No specifications were lodged with the application.
 4. No traffic control plan had been submitted.
- 3 November 2000 Construction Certificate Application forms were submitted with owners consent.
- 8 November 2000 Acid Sulphate Soils Management Plan submitted. This then constituted a complete development application.
- 7-15 November 2000 Assessment of amended plans occurred. Council Officers identified that an overland flow channel was required downstream from the culvert under Catherine Street. The culvert was included as part of the amendments. The plans did not include any traffic calming devices or safety signs.
- 15 November 2000 Amended plans lodged with Council showing overland flow channel.
- 15 November 2000 Late report submitted to Council addressing the strategic issue relating to the re-alignment of Coast Road with the Seaside City land. This report did not provide any assessment of the applications with Council under the provisions of the Environmental Planning and Assessment Act 1979.

Council resolved:

- “1. Council supports approval of the Development Application, Part V Application and Construction Certificate Application for the

Reports from Director Development Services

construction of Catherine Street and associated works including water mains, batters and roadworks through Casuarina Beach. Such work shall be generally in accordance with plans and other documents submitted on behalf of the applicant by Cardno MBK and subject to consent conditions as are normally applicable in similar applications.

2. *The General Manager or the Director Development Services determines the consent conditions mentioned in 1., above under delegated authority on or before 17 November 2000."*

- 16 November 2000 Applicant re-lodges amended engineering drawings. No specification is lodged.
- 17 November 2000 Planning Assessment on applications submitted to Development Assessment Panel for endorsement.
- 17 November 2000 The applicant is requested to provide an engineering specification. Applicant advises that the specification is incomplete and requests that Council Officers accept an undertaking that the specification would be forwarded in several days when complete. The construction certificate was issued on the strength of the agreement. No specification has been forwarded to Council.

RESPONSE TO ISSUES RAISED IN COUNCIL RESOLUTION OF 6 DECEMBER 2000

- a. **The completeness of the development application at the time of the report on the re-alignment of Coast Road went to Council on the 15 November 2000**

The development applications were complete.

It should however be noted that the report to Council did not contain an assessment of the applications under Section 79C of the Environmental Planning and Assessment Act 1979.

- b. **The completeness of the Part V Application**

The Part V submission did not address all the heads of considerations as required under the Environmental Planning and Assessment Regulations. The submission did contain information, particularly in regards to fauna and flora issues, which allowed Council's officers to undertake a full Part V assessment of the works within the road reserve. This assessment was carried out on the 16 and 17 November 2000 and reported to the Development Assessment Panel on the 17 November 2000.

- c. **The completeness of the Construction Certificate Application**

The construction certificate was lodged at the Tweed Heads Civic Centre at 4.30pm on 15 November 2000.

At the time Council considered the subject report the construction certificate application was not complete as it did not include:

1. A sedimentation and erosion control plan.

Reports from Director Development Services

2. A correct specification for the works.
3. Details of traffic calming or road signage proposed.
4. A traffic control plan.

Amended plans were subsequently lodged on the 16 November 2000.

On the 17 November 2000, to satisfy Council's resolution of 15 November 2000, staff were required to issue the construction certificate based on an undertaking from the applicants consultant the required documentation would be provided. This documentation is yet to be provided.

The deadline resulted in extreme pressure being placed on staff to assess the applications, prepare reports to the Development Assessment Panel to carry out engineering assessments, process and negotiate an initially highly inadequate construction certificate. This was further complicated as amended plans for the construction certificate were lodged on the 16 November 2000 and the plans were not accompanied by a specification. All other work which officers had been working on had to be delayed resulting in complaints being received.

The resolution resulted in resources having to be diverted from other projects and a construction certificate being issued which would not normally have been issued on the level of information submitted with the application (eg. No Specifications).

RESPONSE TO QUESTION WITHOUT NOTICE

The document submitted on the 15 November 2000 was a revised set of engineering drawings detailing the overland flow channel.

This document was submitted at the Murwillumbah office. The document contained a full set of revised drawings.

The amended plans did allow officers to continue with the approval process however, additional documentation and details were required to be submitted.

Subsequent plans were submitted on the 16 November detailing proposed traffic signage. An Erosion and Sediment Control Plan was submitted on the 17 November 2000. No correct engineering specification was submitted.

Reference was made during the Council debate on this issue on 15 November 2000 to undertaking by the Director Development Services to issue approvals in the event that Council resolved to support the Development Applications. (The Director Development Services recommended deferred commencement approval pending release of the Construction Certificate for the road in the site immediately to the north). The undertaking related only to the Development Application and Part V Application.

Reports from Director Development Services

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Reports from Director Development Services

2. ORIGIN: Director

FILE REF: Northern Rivers Regional Strategy

REPORT TITLE:

Sustainable Urban Settlement - Guidelines for Regional New South Wales

SUMMARY OF REPORT:

On 18 December 2000 the Hon Andrew Refshauge, MP, released new guidelines on Sustainable Urban Settlement. These guidelines are a joint initiative of the Department of Urban Affairs and Planning and the Northern Rivers Regional Strategy Management Committee. The guidelines are intended to inform planners, councillors, architects, surveyors and developers about how to implement sustainability principles in their various urban development roles. The guidelines contain practical planning diagrams, check lists and a compact disc presentation relating to strategic planning, local environmental planning, site planning and building. The guidelines are an extremely useful contribution.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

On 18 December 2000 the Hon Andrew Refshauge, MP, released new guidelines on Sustainable Urban Settlement. These guidelines are a joint initiative of the Department of Urban Affairs and Planning and the Northern Rivers Regional Strategy Management Committee. The guidelines are intended to inform planners, councillors, architects, surveyors and developers about how to implement sustainability principles in their various urban development roles. The guidelines contain practical planning diagrams, check lists and a compact disc presentation relating to strategic planning, local environmental planning, site planning and building. The guidelines are an extremely useful contribution.

Two copies of the guidelines are tabled at the Council meeting for perusal.

Reports from Director Corporate Services

3. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Monthly Performance Report - January 2001

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's monthly performance report for January 2001 is detailed in the report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with the terms of the agreement between Tweed Shire Council and Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period November 2000.

CHIEF EXECUTIVE OFFICER'S MONTHLY PERFORMANCE REPORT:

“1. *Tweed Shire Rural Land Study*: The TEDC has received and returned signed, the contract for funding under the Regional Solutions Program for the Rural Land Study and on 25 January we were advised that the first half of the funds would be paid. A small steering committee has been formed to oversee the refinement of the Terms of Reference (TOR) for the study and to manage the process. The members of the steering committee are Tom Senti, Bill Stainlay, Jim Glazebrook, Peter Smith, John Williams (NSW Agriculture) and David Broyd. The steering committee interviewed two professionals before deciding to appoint Professor Rod Jensen to refine the TOR for the study and act in the capacity of a “peer review” to oversee the study through its various stages from appointment of consultants to acceptance of reports. Professor Jensen comes highly recommended and is recognised nationally and internationally for his work in regional economic development and particularly in agricultural economics.

A broader industry and community reference group will be consulted as appropriate through the course of the study. TEDC will be working to have the study completed as soon as possible, however the formal completion date is given as November 2001.

2. *On 23 January 2001, TEDC CEO attended a presentation at Queensland University of Technology (QUT) in Brisbane, by the School of Architecture and Urban Design & Planning. A number of students and senior staff are developing an urban design concept for the CBD of Tweed Heads under the guidance of Professor Gordon Holden (Head of School) and Dr Danny O'Hare (Senior Lecturer). Don McAllister (TSC) also attended the meeting.*

The presentation was preliminary and gave the opportunity for constructive input. At this stage, TEDC is optimistic that the project will achieve a document which will allow the marketability of a vision and concept for the revitalisation of the Tweed Heads CBD. TEDC has also introduced the design group to an investor with well advanced plans for a major development in the study area, so that the concept and vision project can synchronise with the reality of the design proposed by the investor. The study project will be completed by March 2001.

3. *On 19 January, TEDC met again with Professor Chris Cooper (Foundation Chair of Tourism Research, University of Queensland). The TEDC has been successful in attracting the interest of the Co-operative Research Centre (CRC) for Sustainable Tourism. The Tweed has been chosen as one of only 3 local government areas throughout Australia to be the subject of a study to identify tourism development opportunities. The study is totally funded by CRC with TEDC contributing by way of providing:*

- *A list of key stakeholders to be interviewed as part of the study;*
- *A desk and office backup during the time the researchers are in the Tweed; and*

Reports from Director Corporate Services

- *Organising a community/stakeholders workshop at the appropriate time.*

Obviously, TEDC will receive copies of all the final reports and documentation.

4. **Industrial Land – Coolangatta Airport Enterprise Park Study:** *The final draft report has as yet not been received, however, the consultant has been reminded that TEDC, TSC, GCCC, SCRDO and DSRD are anxious to receive the final report, as are a number of landowners in the subject area. The delay in production of the final report is in some measure attributable to the change in route of the Tugun Bypass.*
5. **Industrial Land – Dickinson’s Murwillumbah Land:** *A meeting was set up for Wednesday 31st January with the proponents, Mike Rayner, Don McAllister and Doug Jardine of Tweed Shire Council, and Tom Senti and Bill Stainlay of TEDC, to review the status of the rezoning application for the Dickinson’s land. Some concerns have been expressed by the Council’s Engineering Department at the cost of infrastructure (water and sewerage) and the capacity of the treatment works at Murwillumbah. The meeting clarified a number of significant issues.*

Special Note: *The Northern Rivers Organisation of Councils (NOROC) has commissioned a project to begin to promote the NSW North Coast as a destination for the relocation and establishment of the warehouse and distribution industry as part of a push to decentralise industry to regional NSW. The NOROC project aims to take advantage of the Big W distribution centre at Warwick, Queensland. Big W’s philosophy is to encourage its suppliers, manufacturers and distributors to relocate to regional areas. The report suggested that the minimum lot size required is 2.5hectares. **The Tweed Shire has not been listed as a possible destination for relocation due to the unavailability of any suitable, large lot industrial land.***

*The Dickinson’s industrial land project is critical to the Tweed’s future in that it is the **only** large lot parcel of potential industrial land in the Shire. If the Tweed is to begin to change its economic base, then this project should be given every assistance. The question of “incentives” by local government is one that should be looked at urgently and specifically in this case.*

6. **Town Centres Program:** *The Auditors’ Report on the Kingscliff Art Food & All That Jazz festival of May 2000 has been received. The Report draws attention to perceived weaknesses in the financial management of that project and makes a number of recommendations for change, with the view of improving the quality of the internal controls operating (at that time) for the security of the festival funds.*

The festival referred to in the Auditors’ Report was not the responsibility of TEDC at the time. Tweed Shire Council is assured that the financial management and practices governing the Town Centres Program in place at present are sound and professional, and comply completely with all audit and statutory requirements.

Patricia Jacobson continues to act as Program Manager in an interim capacity. The Town Centres Committee will review the direction of the program, subject to budget constraints. A recommendation from Ms Jacobson is to split the role of the Program Manager and have both a Manager and a Co-ordinator. Ms Jacobson has done an admirable job at grass roots

Reports from Director Corporate Services

level and would be prepared to continue in that capacity, however, is reluctant to continue as Program Manager.

The Uki Ratepayers' Association applied through TEDC for funds under the Small Towns Program and were successful in their application for approximately \$13,000. The TEDC sponsored the application but information to hand, received by accident, is that the funds will go directly to the Uki Ratepayers' Association upon their incorporation, rather than through the Town Centres Program as was anticipated when TEDC was requested to sponsor the application.

The Town Centres Program continues to perform well and to the satisfaction of the business communities of the Tweed, is financially sound and from all reports, the Christmas promotion at Murwillumbah and Kingscliff, in particular, received much applause from business and the general community.

7. ***Tweed River Link Project:*** *TEDC has advanced to Phase 2 of the Regional Tourism Program funding application process for Stage One of the Project. No news as yet on the Stage Two application under the Regional Solutions Program. This project continues to generate interest and TEDC is working with another project by private enterprise which is a direct result of the Tweed River Link project and which has the potential to generate enormous economic benefits for Murwillumbah and the Tweed.*

TEDC CEO has been invited to address the Chinderah Ratepayers Association meeting on 6 February to speak on the Tweed River Link project and its benefits to the region.

8. ***Financial Review Article:*** *Property writer for the Financial Review, Jemima White, recently made contact with several parties in relation to the Tweed. TEDC was part of the process and whilst industrial land, the Tweed River Link project and the Rural Land Study weren't referred to in this article, Ms White intends to do a follow up article on the Tweed when appropriate.*
9. *The TEDC continues to receive increasing numbers of inquiries from potential investors about the Tweed. Some of these inquiries relate to dentistry practices, industrial and maritime opportunities, investors interested in projects of from \$1million to \$250million, joint venture, venture capital equity partners or total funding of projects.*
10. *TEDC CEO met with Jenny McAllister on 31 January. Ms McAllister is the Labor Party candidate for the Federal seat of Richmond.*
11. *TEDC has produced the quarterly newsletter for January. The newsletter was distributed, as usual, through The Weekly, which has a circulation of some 26,500 households as well as being mailed out specifically to TEDC's mailing list.*
12. *TEDC's CEO has been officially approached by Gold Coast City Council's Economic Development Unit to be part of the South East Queensland development organisation, REDAC. Deputy Mayor Alan Rickard is the Chairperson and the group is some 40 strong, made up of high profile people from private enterprise, local government and the Queensland State Government. The TEDC Board has endorsed the CEO's acceptance of the offer.*

Reports from Director Corporate Services

13. *The NSW Government has identified the Tweed for a NSW Tourism Gateway project. The proposal is to establish a tourism facility at the proposed BP site at Chinderah as part of the BP complex. BP has submitted a new DA for their site. The proposal is to establish a presence in the BP complex by way of a touch screen information terminal.*

TEDC has always been of the view that there should be an amalgamation of several projects including the AbiGroup Chinderah to Yelgun Bypass impact on Murwillumbah Gateway Proposal, the needs of Tweed tourism and the NSW Gateways Tourism project. It would seem appropriate to take into account the needs of all three projects and combine them to achieve an outcome that would have a positive impact on the needs of Murwillumbah, the Tweed and New South Wales.

Following is a list of TEDC projects so far for 2001:

Note: Where TEDC's contribution is listed as "in kind" this refers to a contribution in time and/or office resources and/or administrative support over and above what would normally be expected within the parameters of TEDC's job, but is not a separate dollar cost, as such, to the TEDC. An example of this is the CRC Study which has already involved two after hours trips to Brisbane by the CEO. TEDC will also provide office space and support to the CRC study team as well as the time contribution in compilation of interview lists and arrangement of community workshops.

In the case of projects with government funding it is a requirement that the "in kind" contribution be estimated in dollar terms and be taken account of in the total project value.

- *Tweed Shire Rural Land Study – underway. Total budget \$133,450 with TEDC's in kind and cash contribution totalling approximately \$35,000 and \$99,000 in funding from the Regional Solutions Program.*
- *Tweed River Link Project – Stage One. Total budget is \$440,000, including in kind contributions and cash from TSC (studies already done plus \$37,500), TRMPAC (\$25,000), DLWC (\$37,500) and TEDC (\$30,000 approx.) and \$130,000 being sought from the Regional Tourism Program. Federal Government funding approval pending.*
- *Tweed River Link Project – Stage Two. Subject to successful funding application.*
- *Coolangatta Airport Enterprise Park Feasibility Study – awaiting Final Report. Total budget is \$65,000, including in kind contribution of \$10,000 from TEDC and funding from TSC, Gold Coast City Council, SCRDO, Qld State Development and DSRD.*
- *Murwillumbah industrial land. TEDC's contribution has been and will be in kind at this time.*
- *CRC for Sustainable Tourism (totally self-funded) – study of tourism development opportunities in the Tweed. Project managed by Prof. Peter Murphy, LaTrobe University and Prof. Chris Cooper, University of Queensland. The TEDC contribution is a substantial in kind contribution.*
- *QUT School of Architecture & Urban Design development of concept for Tweed Heads CBD – available March/April and includes model of concept. Cost to TEDC is \$10,000 to 13,000, plus approximately \$5,000 in kind.*

Reports from Director Corporate Services

- *Working with major developer/investor on Tweed Heads CBD project.*
- *Chinderah Bay Marina/Casuarina Keys – ongoing project. TEDC’s contribution is in kind.*
- *Management of the Town Centres Program. Cost to TEDC is approximately \$11,000 for FY2000/2001 in insurance, equipment, office space, phone, fax, photocopier, financial administration, payroll and additional insurances (Workers’ Compensation, Professional Liability, etc.), plus clerical and reception support. The Town Centres Program will only be charged \$9,000pa due to their budgetary constraints.*
- *Tweed Business Links newsletter. Cost to TEDC is approximately \$8,000pa.*

TEDC’s CEO is a member of the following committees:

- *Town Centres Committee*
- *Gold Coast/Tweed Alliance for a Sustainable Future*
- *REDAC*
- *Tweed LEP Review Steering Committee*
- *TSC/TEDC Industrial Land Task Force*
- *Association of Independent Regional Development Organisations (AIRDO)*
- *Tweed AbiGroup Gateway Project*
- *Coolangatta Airport Regional Advisory Committee*
- *Various other regional committees”*

Attached are the quarterly financial statements for TEDC and the Town Centres Program.

Reports from Director Corporate Services

4. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for October 2000

SUMMARY OF REPORT:

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

5.1.1 The number and category of financial members of TACTIC:

	August 2000	September 2000	October 2000
Gold Members	Invoices	1	2
Ordinary Members	sent out	66	105
Service Members	for renewal	12	18
Total		79	125

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

	August 2000	September 2000	October 2000
World Heritage Rainforest Centre	1737 (including 268 from bus groups)	2050 (including 78 from bus group)	1698 (including 97 from bus groups)
Tweed Heads Visitors Centre	2459	2274	2181
Total	4196	4324	3879

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 September	Type of Enquiry	No of Enquiries	%	Variance from September
Tourism	612	72	+5%	Tourism	822	59	-6%
National Parks	72	9	-1%	National Parks	13	1	Nil
Street Directions	76	9	-1%	Street Directions	273	20	+3%
Bus Timetables	12	1	-1%	Bus Timetables	157	11	+3%
Other	74	9	-2%	Other	130	9	Nil

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.
- No famils were conducted during October due to school holidays and a planned famil being cancelled when the operator became fully booked.
- There is a full agenda for familiarisations to member properties for the next 2 months.
- A volunteer dinner was held on 16 October to help the new volunteers meet other volunteers and staff. 30 people were in attendance for the dinner which was held at Club Banora.

Staff

- All staff and several volunteers attended the TACTIC AGM held on 10 October.

Strategic Marketing Plan

- Advertising space has been booked in the September-October edition of the Open Road publication. Numerous phone calls have been received relating to
- Mini-T Maps is currently undertaking a range of activities in the Tweed region. The concept for 4 maps has been undertaken, being the Tweed Valley, Tweed Coast, Kingscliff and Tweed Heads/Coolangatta publications. The Tweed Valley and Kingscliff edition of the publication has been completed, with work commencing on the Tweed Coast publication commencing.

Networking

- The TACTIC AGM and Networking Evening was held on the 10 October at Calypso Plaza Resort. Approximately 60 members, guests and staff were in attendance of the meeting. The new TACTIC Board of Directors was announced, with early nominations being accepted and further nominations being called from the floor. The new TACTIC Board will be Cr Warren Polglase, Cr Bob Brinsmead, James McKenzie (McKenzies Farm and Mountain), Phil Taylor (Taylor Made Cars), Lee Eyre (Perfectour Company), Barrie Briggs (Gold Coast Airport Limited), Melinda Yates (Tweed Training and Enterprise Company) and Shane Marshall (Pioneer Plantation).
- The guest speaker for the evening was Geoff Buckley, Director for Strategy and Alliances from Tourism NSW.

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. 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 is needed.

Reports from Director Corporate Services

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

See attached Profit and Loss Statement for October 2000.

5.1.5 Please find attached the bank reconciliations for the period ending 31 October and 18 October for the general account.

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

International Marketing

- The next International Marketing Event is the Australian Tourist Exchange (ATE) which is to be held in Brisbane from 26 May to 3 June. Further details will become available as the event draws nearer, as pricing, format, content etc is not yet confirmed for this event.

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 includes shopping Centre Promotions again. These will commence in December 2000, with the "Holiday-at-Home" Shopping Centre Promotion being held at Tweed Mall from 21-22 December.

Advertising

- Advertising in the Tweed – Coolangatta Visitors Guide and The Guide is currently being sold in the Tweed area.
- Advertising in the September-October edition of the Open Road Magazine was booked, with numerous calls being received.
- 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. TACTIC will also be helping with the production of these maps.

Domestic Marketing

- The 2000 Rainforest Festival (previously Rainforest Week) was held 7-15 October in the Northern Rivers Region. Some activities in the Tweed region were well attended while others were poorly attended.

Trade Events

- No trade events are scheduled to begin again in 2001.

Familiarisations

- A visiting journalist from Germany was driving up the Pacific Coast Touring Route and collected a media kit from the World Heritage Rainforest Centre on 25 October.

Reports from Director Corporate Services

Upcoming Promotions

- Shopping centre promotions to commence in late 2000.
- TACTIC Members and Guests Christmas Party in December
- Open the new TACTIC Centre in November

5.1.8 The amount of retails sales:

August 2000	September 2000	October 2000
\$2,312.89	\$2,211.13	\$2,112.68

The amount of commission income from goods on consignment - \$78.73

5.1.9 The number and value of the booking system growth:

	August 2000	September 2000	October 2000
Number	68	38	75
Accommodation bookings	\$5,415.03	\$6,090.66	\$11,949.05
Tours	\$3,965.94	\$1,488.60	\$4,286.52
Commission	\$1,042.33	\$842.15	\$1,804.03
Total	\$10,423.30	\$8,421.41	\$18,040.25

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

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 16 October 2000 are attached.

Present: Cr Warren Polglase, Cr Bob Brinsmead, Barrie Briggs, Lee Eyre, Shane Marshall, James McKenzie, Phillip Taylor, Melinda Yates

Reports from Director Corporate Services

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Reports from Director Corporate Services

5. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for November 2000

SUMMARY OF REPORT:

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

5.1.1 The number and category of financial members of TACTIC:

	September 2000	October 2000	November 2000
Gold Members	1	2	4
Ordinary Members	66	105	117
Service Members	12	18	20
Total	79	125	141

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

	September 2000	October 2000	November 2000
World Heritage Rainforest Centre	2050 (including 78 from bus group)	1698 (including 97 from bus groups)	1581 (including 100 from bus groups)
Tweed Heads Visitors Centre	2274	2181	2073
Total	4324	3879	3654

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 October	Type of Enquiry	No of Enquiries	%	Variance from October
Tourism	591	74	+2%	Tourism	871	67	+8%
National Parks	44	6	-3%	National Parks	4	0	-1%
Street Directions	80	11	+2%	Street Directions	204	16	-4%
Bus Timetables	11	1	Nil	Bus Timetables	133	10	-1%
Other	62	8	-1%	Other	91	7	-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 has been sold. 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 6 properties during November. These were Top Spot Retreat, Misty Mountain, Uki Dreaming, Nirvana B&B, Amnesia Apartments and Tondio Terrace.
- There is a full agenda for familiarisations to member properties for early December and late January.

Staff

- Staff and Volunteers were in attendance of the Official Opening of the new Tweed Heads Visitor Centre to be located in the Tweed Business Centre. All staff and several volunteers attended the TACTIC AGM held on the 10 October.
- A staff meeting is scheduled for mid-December.

Strategic Marketing Plan

- Advertising space will be booked in the Open Road publication throughout 2001, commencing with the March-April edition.
- Mini-T Maps is currently undertaking a range of activities in the Tweed region. The concept for 4 maps has been undertaken, being the Tweed Valley, Tweed Coast, Kingscliff and Tweed Heads/Coolangatta publications. The Tweed Valley, Kingscliff and Tweed Coast editions of the publication have been completed.
- TACTIC had a stand at Twin Towns Services Club from 22–24 November at the NSW Tourism Conference.
- TACTIC has submitted a graphic icon and text to the Regional Tourism Organisation to be included in a regional motivational brochure that is being produced. There is no charge to participate in this production as it is being done through the RTO.
- The next edition of the Tweed and Surrounds Calendar of Events is currently being collated and will be released in the first half of December, to coincide with Summer. This will be delivered to over 22,000 households in the Tweed Region.

Networking

- TACTIC held the official opening of the new location of the Tweed heads Visitor Centre, the Tweed Business Centre on the 23 November. The Hon. Sandra Nori, MP, Minister for Tourism and Small Business officially opened the centre. The new centre will be operational from early 2001.

Reports from Director Corporate Services

- The NSW Tourism Conference was held at Twin Towns Resort and several local venues from 22–24 November. This was a great opportunity to showcase the Tweed region to tourism operators from NSW and beyond.
- The next TACTIC Networking evening and Christmas Party will be held on Thursday, 7 December at the new Tweed Heads Visitor Centre, the Tweed Business Centre.
- The next TACTIC Networking evening will be held in early 2001.

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. 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 is needed.

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

See attached Profit and Loss Statement for November 2000.

5.1.5 Please find attached the bank reconciliations for the period ending 30 November and 17 November for the general account and for the period ending 30 November for the trust account.

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

International Marketing

- The next International Marketing Event is the Australian Tourist Exchange (ATE) which is to be held in Brisbane from 26 May to 3 June. Further details will become available as the event draws nearer, as pricing, format, content etc is not yet confirmed for this event.

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC:

Shopping Centre Promotions

- The next shopping Centre Promotion will be the “Holiday-at-Home Shopping Centre Promotion to be held at Tweed Mall from 22–23 December.

Advertising

- TACTIC has booked advertising space in the 2001 edition of the Tweed - Coolangatta Visitors Guide, including advertising for the 2 information centres and drives that can be done around the area.

Domestic Marketing

- Production of the 2nd edition of the School Mail Out will begin in December, to be mailed to schools in 2001.

Trade Events

- Trade events are scheduled to begin again in 2001.

Reports from Director Corporate Services

Familiarisations

- On 20 November a visiting journalist and photographer from the OK Sunday Mirror and Wharf Magazine came through the area, staying at Mt Warning Forest Hideaway and climbing Mt Warning while in the area.

Upcoming Promotions

- Shopping centre promotions to commence in late 2000.
- TACTIC Members and Guests Christmas Party in December.

5.1.8 The amount of retails sales:

September 2000	October 2000	November 2000
\$2,211.13	\$2,112.68	\$2,216.30

The amount of commission income from goods on consignment - \$132.02

5.1.9 The number and value of the booking system growth:

	September 2000	October 2000	November 2000
Number	38	75	52
Accommodation bookings	\$6,090.66	\$11,949.05	\$6,425.10
Tours	\$1,488.60	\$4,286.52	\$3,244.77
Commission	\$842.15	\$1,804.03	\$1,074.43
Total	\$8,421.41	\$18,040.25	\$10,744.30

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

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 9 November 2000 are attached.

Present: Lee Eyre, James McKenzie, Shane Marshall, Cr Warren Polglase, Cr Bob Brinsmead, Barrie Briggs, Phil Taylor.

Informal: Sherdian Hargreaves

Absent: Melinda Yates

Reports from Director Corporate Services

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Reports from Director Corporate Services

6. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for December 2000

SUMMARY OF REPORT:

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

5.1.1 The number and category of financial members of TACTIC:

	October 2000	November 2000	December 2000
Gold Members	2	4	4
Ordinary Members	105	117	122
Service Members	18	20	21
Total	125	141	147

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

	October 2000	November 2000	December 2000
World Heritage Rainforest Centre	1698 (including 97 from bus groups)	1581 (including 100 from bus groups)	1893
Tweed Heads Visitors Centre	2181	2073	1588
Total	3879	3654	3481

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 November	Type of Enquiry	No of Enquiries	%	Variance from November
Tourism	691	69	-5%	Tourism	622	66	+1%
National Parks	119	12	+6%	National Parks	1	0	-3%
Street Directions	98	10	-1%	Street Directions	185	20	-4%
Bus Timetables	16	2	+1%	Bus Timetables	84	9	+2%
Other	74	7	-1%	Other	94	10	+3%

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 has been sold. TACTIC may need to negotiate a new agreement with this group or an alternative group to ensure TACTIC has a website.

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 1 property during December. This was O'Reilly's Guesthouse in the Lamington National Park.
- There is a full agenda for familiarisations to member properties from late January 2001 onward.

Staff

- A volunteer Christmas Party was held at the Tweed Heads Bowls club on Thursday, 14 December, with over 50 people in attendance. Volunteers were presented with a Certificate of Appreciation and a small gift provided by Tropical Fruit World. This was funded mainly through the volunteers themselves and donations collected in the donation box.
- Several staff and volunteers were able to attend the TACTIC Members Christmas Party / Networking Event held on Thursday, 7 December.
- A staff meeting is scheduled for mid January.

Strategic Marketing Plan

- Advertising space will be booked in the Open Road publication throughout 2001, commencing with the March-April edition.
- The 2001 edition of the yellow Pages for the Northern Rivers Region ((02) 66 area) has been booked. TACTIC will also place ads in the Brisbane and Gold Coast editions of the Yellow Pages over the next 6 months.
- The summer edition of the Tweed and Surrounds Calendar of events was completed and circulated to 22,000 households in early December with "The Weekly" publication
- Mini-T Maps has completed the Tweed Coast edition of the publication. Ray Sperring requested that TACTIC briefly proof the map for him, and make corrections where needed. Most of these were not heeded and hence, several mistakes occur on the maps.
- Advertising space in the Tweed – Coolangatta Visitors Guide and the Joint Tourism Committee's "The Guide" were sold in the Tweed-Coolangatta region from September. TACTIC has taken out a double-page advertisement, pages containing the drives around the area and the TACTIC toll free number on the bottom of each page in the Tweed-Coolangatta Visitors Guide. The Guide has been available from mid-December, and the Tweed – Coolangatta Visitors Guide will be available from mid January 2001.

Reports from Director Corporate Services

Networking

- The TACTIC Members Christmas Party and Networking Evening was held on Thursday, 7 December at the Tweed Heads Business Centre. Approximately 55 members, guests and staff in attendance of the meeting. New TACTIC Members were presented with Membership Certificates. Feedback received indicated that the evening was a success, with new members particularly happy to meet other members, for all Members present to see the location of the new Tweed Heads office, and that the catering was exceptional.
- The next TACTIC Networking Evening will be held at the Imperial Hotel Murwillumbah on Thursday the 8 February 2001. This will need to incorporate an Extraordinary General Meeting so a special Resolution can be passed

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. 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 is needed.

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

See attached Profit and Loss Statement for December 2000.

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

See attached reconciliation statement for the period ending 31 December for the general account.

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

International Marketing

- The next International Marketing Event is the Australian Tourist Exchange (ATE) which is to be held in Brisbane from 26 May to 3 June. Further details will become available as the event draws nearer, as pricing, format, content etc is not yet confirmed for this event.

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC:

TACTIC Marketing Committee

- Members have been approached to join the TACTIC Marketing Committee. The Marketing Committee will consist of Phil Villiers, Twin Towns Resort and Services Club, Lyndal Dennis, Gold Coast Airport Limited, Virginia Willmott, Homestead and Hacienda Caravan Parks, Keith Howie, Banora Point Motor Inn and Phil Usher, Usher-Powell Developments. Lee Eyre from the Perfectour Company will sit in on some Marketing Committee Meetings. The first meeting of the Marketing Committee will be held on the 11th January.

Reports from Director Corporate Services

Shopping Centre Promotions

- The “Holiday-at-Home” Shopping Centre Promotion was held at Tweed Mall on Thursday 21st and Friday 22nd December, with 6 cooperative participants. Extended trading hours over the pre-Christmas week ensured TACTIC had maximum exposure.
- A full itinerary of shopping Centre promotions is scheduled to begin again in February 2001.

Advertising

- TACTIC has booked advertising space in the 2001 edition of the Tweed - Coolangatta Visitors Guide, including advertising for the 2 information centres and drives that can be done around the area.

Domestic Marketing

- The next publication to be produced by TACTIC will be the March edition of the Bus and Coach Mail out.

Trade Events

- Trade events are scheduled to begin again in 2001.

Familiarisations

- On 20 November a visiting journalist and photographer from the OK Sunday Mirror and Wharf Magazine came through the area, staying at Mt Warning Forest Hideaway and climbing Mt Warning while in the area.

Upcoming Promotions

- Open the new TACTIC Tweed Heads Centre – January 2001
- Shopping Centre Promotion – February at Australia Fair
- Shopping Centre Promotion – March at Logan Hyperdome
- TACTIC Network Night – 8 February at Imperial Hotel, Murwillumbah

5.1.8 The amount of retails sales:

October 2000	November 2000	December 2000
\$2,112.68	\$2,216.30	\$2,394.02

The amount of commission income from goods on consignment - \$182.41

Reports from Director Corporate Services

5.1.9 The number and value of the booking system growth:

	October 2000	November 2000	December 2000
Number	75	52	48
Accommodation bookings	\$11,949.05	\$6,425.10	\$8,319.96
Tours	\$4,286.52	\$3,244.77	\$1,465.11
Commission	\$1,804.03	\$1,074.43	\$1,087.23
Total	\$18,040.25	\$10,744.30	\$10,873.30

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

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 14 December 2000 are attached.

Present: Lee Eyre, James McKenzie, Shane Marshall, Cr Warren Polglase, Cr Bob Brinsmead, Barrie Briggs, Phil Taylor, Melinda Yates.

Informal: Sheridan Hargreaves.

Reports from Director Corporate Services

7. ORIGIN: Administration Services Unit

FILE REF: Donations

REPORT TITLE:

Second Round Donations - 2000/2001

SUMMARY OF REPORT:

Council is unable to allocate further funds in the second round of donations from the 2000/2001 budget allocation as no funds remain.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The funds allocated for donations in the current years budget have been fully expended, thus there can be no more donations made from this account for the current financial year.

Reports from Director Corporate Services

8. ORIGIN: Financial Services Unit

FILE REF: Financial Report

REPORT TITLE:

Investment Report

SUMMARY OF REPORT:

Details of Council's investments as at 31 January 2001.

RECOMMENDATION:

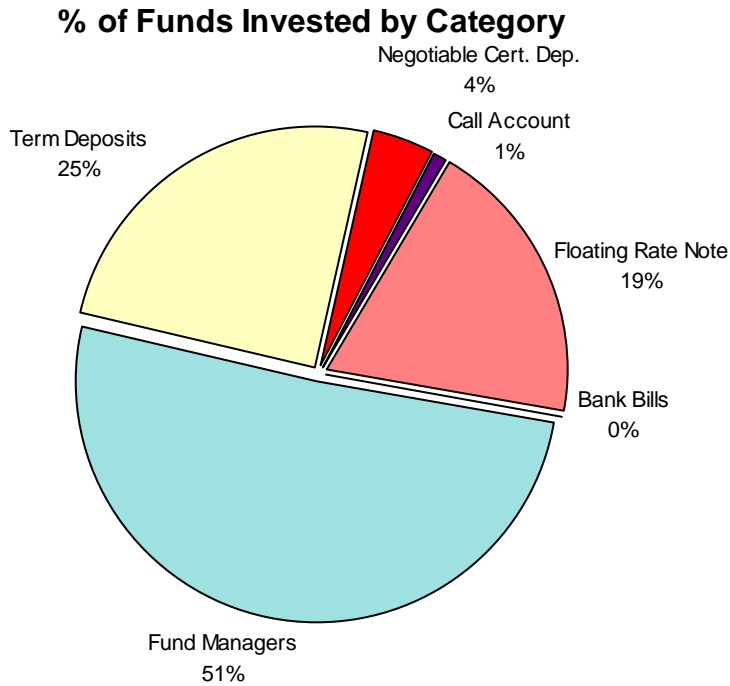
That this report be received and noted.

Reports from Director Corporate Services

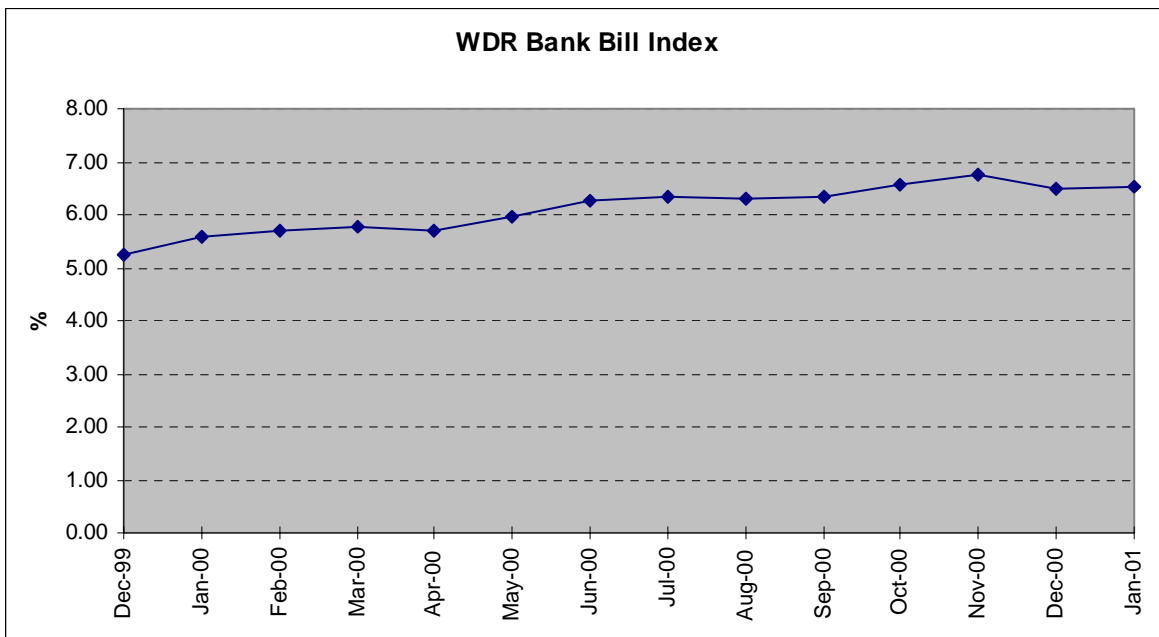
REPORT:

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

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)

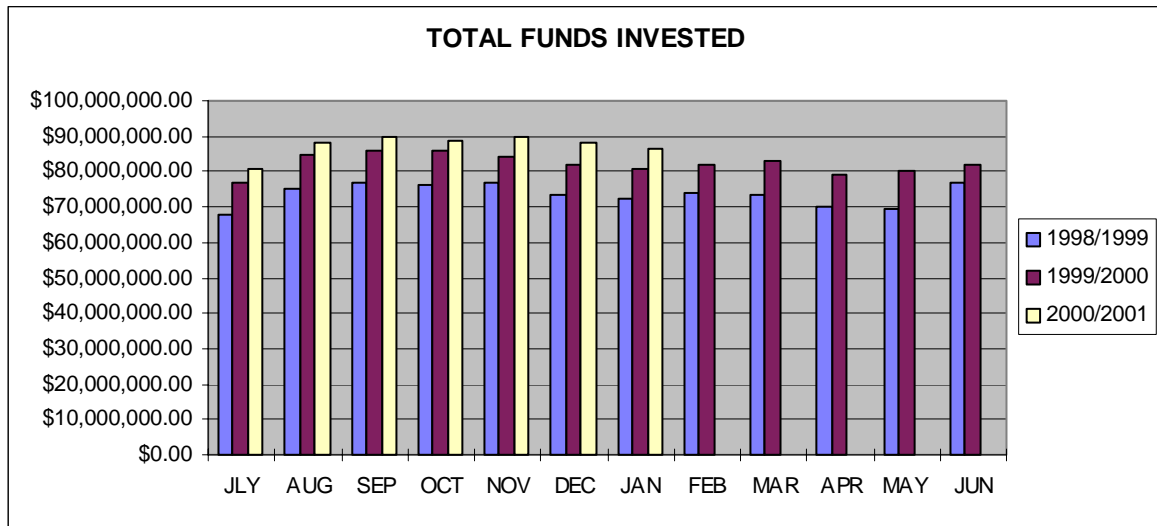


Reports from Director Corporate Services

3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

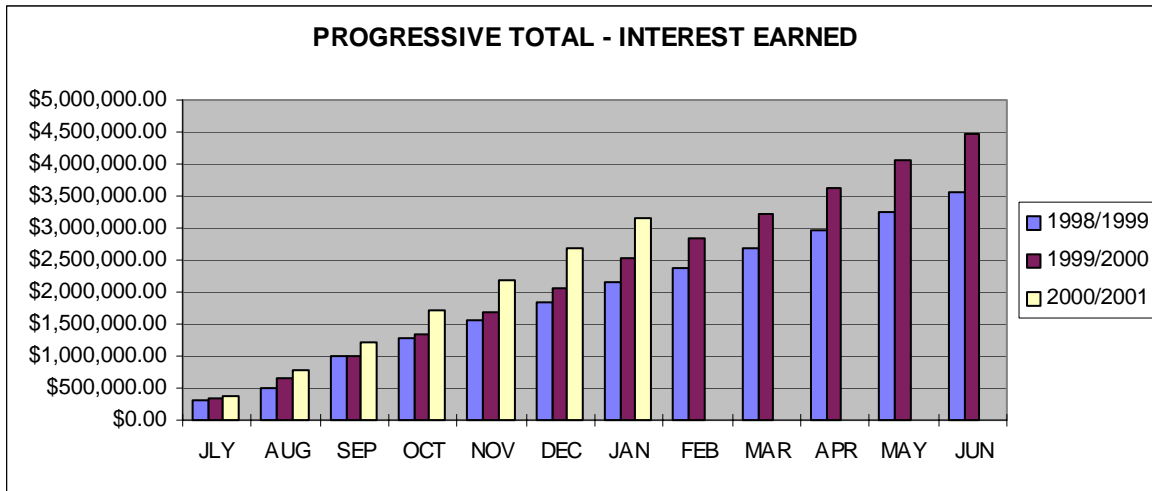
Fund	30 Days %	90 Days %	1 Year %
ANZ	6.61	6.77	6.54
Bankers Trust	6.37	6.16	6.06
Macquarie	7.50	6.58	6.22
National Mutual	6.97	6.93	6.44

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Director Corporate Services

5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

The economic slowdown in the US has triggered a sharp reduction in official rates with more expected to follow. Economists believe that much of the negative predictions have already been priced in to markets.

Locally the market reacted dramatically to the release of the CPI figures for the 4th quarter of 2000, which were much better than expected. As a result, the short end of the yield curve rallied strongly.

7. INVESTMENT SUMMARY AS AT 31 DECEMBER 2000

GENERAL FUND

BANKS	18,113,625.00	
FUND MANAGERS	3,287,206.85	
LOCAL GOVT. FIN. SERVICES	1,000,000.00	
CALL	724,275.11	23,125,106.96

WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	27,075,955.60	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	35,075,955.60

SEWERAGE FUND

BANKS	3,056,000.00	
FUND MANAGERS	13,310,380.15	
LOCAL GOVT. INV. SERVICE	11,605,831.49	27,972,211.64

TRUST

FUND MANAGERS	50,000.00	50,000.00
TOTAL INVESTMENTS		86,223,274.20

Reports from Director Corporate Services

It should be noted that the General Fund investments of \$23.1 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

STATUTORY STATEMENT - LOCAL GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC 19)

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



R R Norvill CPA
Responsible Accounting Officer
Manager Financial Services

Reports from Director Corporate Services

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Reports from Director Corporate Services

9. ORIGIN: Administration Services Unit

FILE REF: Local Government Act

REPORT TITLE:

Local Government Amendment Bill 2000

SUMMARY OF REPORT:

The Local Government Amendment Bill 2000 has passed through both House of Parliament, however, the Bill awaits the Governor's assent. Thus, it is not law until the date of the Governor's assent.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Local Government Amendment Bill 2000 has passed through both houses of Parliament, however, it still awaits the Governor's assent.

The Bill contains four schedules dealing with:-

1. ELECTIONS:

- Electors voting above the line can number one or more group voting squares to indicate their preference for one group or allocate their preferences between the various groups.
- Alternatively, the voter may allocate preferences by numbering the candidates below the line. Whether voting above or below the line, the voter chooses where preferences are allocated.
- Candidates, groups and parties will still be able to give out "How to Vote" cards recommending how voters should allocate their preferences on the ballot papers. However, it will be up to the voters to decide whether to follow any such recommendation when voting above the line or below the line.
- A group of candidates will be able to request that a group voting square for their group be shown above the line on ballot papers. The request is to be made to the returning officer before noon on nomination day instead of by the fourth day after nomination day. This is consistent with the legislative council and will expedite the printing of ballot papers and the issue of postal votes.
- In an undivided area, a request for a group voting square may be made if the number of candidates in the group equals at least half the number of vacancies.
- If an area has wards, a request for a group voting square will be able to be made only if the number of candidates in the group equals at least the number of vacancies in the ward. This will ensure that where a voter, in voting above the line, indicates only one preference, the vote will at least equal the number of vacancies contested and that the use of additional preferences will be made at the discretion of the voter not the groups.
- A group voting square for above the line voting can be printed on the ballot papers only if more than one group has requested a square. This treats all areas consistently and ensures that a voter who marks 2 squares will have voted for at least the number of vacancies whether the electorate is divided or not.
- The formality of votes, where repeated or missed preferences are shown in the group voting squares, will be the same as applies at legislative council elections and will try to give expression to the voters' intentions if possible.

Reports from Director Corporate Services

- Fewer preferences may be shown than there are vacancies to be filled. This will avoid ballot papers being informal in undivided electorates just because they show only one preference number in a group voting square.
- Ballot papers will not be informal just because they contain the name of a candidate whom a court has declared incapable of being elected.
- A Local Government political party must have at least 100 members to be registered, with no overlapping membership permitted. A party with a member who is a member of a council will no longer be able to be registered if it does not have at least 100 members.
- A Local Government party must be registered by the electoral commissioner for at least one year before an election in order to be able to propose candidates for nomination for that election, to have the party's name shown on the ballot papers and to be able to hand out the party's "How to Vote" cards on election day.
- The new party registration requirements will be phased in gradually. Existing parties will continue to be registered under the current requirements so that they may continue to contest any elections before the next ordinary council elections in September 2003. New parties will also be able to register under the current requirements to contest the same elections.
- Existing and new parties will have to meet the new registration requirements, including the need to have at least 100 non-overlapping members, for the next ordinary council elections in September 2003 and beyond.
- A Local Government political party must send to the electoral commissioner an annual return and any other information required to show continued eligibility for registration. A party will not have to pay a registration fee.
- If more than five candidates nominate as a group and pay their nomination deposits at the same time, the deposit for the whole group is capped at five times the deposit for one candidate.
- The Minister has given the assurance that there will be maximum opportunity for existing and new parties to be able to comply with the new requirements for registration so that they will be able to contest the next round of general council elections scheduled for 13 September 2003 under the new arrangements.

2. PECUNIARY INTEREST MATTERS

- Not only must the existence of a pecuniary interest be disclosed but also the nature of that interest. This extended requirement will also apply to a person who, at the request or with the consent of the council, gives advice on any matter at the meeting and to a designated person with an interest in a council matter with which he or she is dealing.

Reports from Director Corporate Services

- A Councillor who has declared a pecuniary interest in a particular agenda item will be requested to actually leave the chamber, including the Public Gallery, while the matter is being dealt with. Many councils already require this as part of their meeting procedures.
- When submitting a written return of interests a contravention of the disclosure provisions in the Act will occur not only when a pecuniary interest is not disclosed in the return but also when the interest disclosed is false or misleading in a material particular. Such a disclosure may also be the subject of a complaint that may be determined by the Local Government pecuniary interest tribunal.
- The Tribunal will have a discretion to dispense with a hearing if the facts are established in the Director-General's report and are admitted or not disputed by the parties, provided that the parties consent, and public interest considerations do not otherwise require.
- The requirement that the tribunal publish full reasons in its written statement of decision will remain, irrespective of whether or not a hearing is held.
- The Bill will allow the Tribunal to directly counsel or reprimand the employee, without affecting an employee's position. It will be up to the council to take any further disciplinary action through the appropriate contractual and industrial channels.
- The Tribunal will retain the discretion it currently has to prohibit the publishing of the name and address of any witness, the complainant, and the person the subject of the complaint, as well as the subject matter of the complaint and any specified evidence. The Director-General's discretion to publish will be subject to any limitation set by the Tribunal.

3. MISCELLANEOUS AMENDMENTS

- Councils, when exercising their functions, shall consider any guidelines prepared by the Director-General.
- Councils will be permitted to classify land as "Operational" within 3 months following its acquisition. Land not classified at the end of this 3 month period will be taken to have been classified as "Community Land". While the land remains unclassified it may not be used for any purpose other than that for which it was being used immediately before its acquisition and the council may not dispose of any interest in the land.
- A council may adopt an amended draft plan of management without public exhibition, if it is of the opinion that the amendments are not substantial.
- The need for a public hearing is removed if land is merely being recategorised from one sub-category of "Natural Area" to another.
- In any public notice a Council gives with respect to a parcel of Community Land, a council shall describe the land by reference to its common description (such as its address,

Reports from Director Corporate Services

or the name by which it is generally known) whether or not the notice also describes the land by reference to a more formal legal description.

- The Minister has given an assurance that the Government does not support compulsory competitive tendering for Local Government.
- Councils are required to call Public Tenders for contracts likely to be more than \$100,000 for 3 further situations. First, the subcontracting by a Council of the doing of work, the performance of a service or the provision of facilities will be subject to tender. This is intended to cover the situation where a council submits a winning tender to do these things for another Council, person or body, and then subcontracts part or all thereof.
- The second matter relates to services provided to the council such as the provision of legal services, computing services and other “Consultancy Type” services. Banking, borrowing and investment services are not considered appropriate for a tendering process and are specifically excluded. Thirdly, goods provided to a council by way of either “Operational” or “Finance” Leasing arrangements are to be included. The amendment makes it clear that a contract for the provision of goods or material is covered, regardless of the type of financing arrangement uses.
- A council is not prevented from tendering for any work, service or facility for which it has invited tenders. Some councils are using “Market Testing” and similar techniques to ensure that their services are provided in the most effective way. This amendment will remove any concern about councils being able to consider and accept “In-House” Tenders.
- Amendments are proposed by consolidating provisions regulating the installation and use of amusement devices.
- Councils are able to issue orders to address various environmental, public health, safety and convenience issues. In particular, an order may be given to require a person to bring a structure into compliance with Legislative Standards. However, a gap exists in the current Legislation whereby a council cannot issue an order if the standards were set under the repealed Local Government Act and the amendments will rectify this.
- Councils are required to adopt a policy concerning the payment of expenses and the provision of facilities to councillors in relation to discharging the functions of Civic Office.

The Minister has indicated that contentious issues include the payment of partner expenses when accompanying a Councillor on official business, such as to a conference; payment of employee expenses where a councillor employs a person to carry on a business while the councillor is on civic business; rights to use accumulated frequent flyer points where council pays for the flights; and payment of various legal expenses incurred by councillors, particularly as plaintiffs pursuing private legal claims.

Reports from Director Corporate Services

The Amendments will clarify that councillors can be paid expenses and provided with facilities only if in accordance with the Council's adopted policy. This item also creates a regulation making power to allow refinement of expenses and facilities that may or may not fairly relate to "Discharging the Functions of Civic Office". Any substantial amendments to the policy must be publicly notified and amendments shall be discussed, considered and adopted in open council meeting, similarly to the making of the policy itself.

- A minor clarifying amendment is proposed to the appointment of staff.
- The time within which the General Manager must report to council on the implementation of council's management plan is extended from 6 weeks to 2 months after the end of each quarter. This brings management reporting and financial reporting into line, so that the two issues may properly be considered as part of the whole planning, accountability and reporting process.
- Annual Waste Management charges are excluded from the calculation of a Council's General income for rate pegging purposes.
- Amendments will clarify that the Minister may attach conditions to special variations to rate pegging limits.
- A number of amendments are made relating to offences in public places.
- It is proposed to increase the maximum penalties that may be imposed with regard to various offences. The penalty increases are to bring the Act into line with other Legislation governing land used by the public, such as Crown Land and National Parks.
- At present, a council can erect a notice in a public place regulating the "use" of a vehicle. An amendment makes it clear that a council can also regulate the taking of a vehicle into the place or the driving or parking of a vehicle in that place. A further amendment limits this power to public places that are not "Roads" or "Road Related Areas" within the meaning of the Road Transport (General) Act 1999. "Owner Onus" provisions in section 651 of the Act are extended to offences arising from the parking of a vehicle in a public place other than a "Road" or "Road Related Area". An Amendment to Section 664
- (2) makes it clear that "Insider Information" offences include the gaining of a "Financial" advantage.
- The Amendments insert a note which link the "Power of Entry" Provisions in part 2 of chapter 8 of the Act to Council's power to give effect to the terms of an order when the person to whom the order relates has failed to do so.
- Currently, the pecuniary Interest Tribunal has available to it a defence of absolute privilege for a publication to or by the Tribunal if the publication is made for the purpose of the Execution or Administration of the Local Government Act. This Amendment extends that defence to the publication of an official report of a decision of the Tribunal or

Reports from Director Corporate Services

of the reasons for the decision, whether by the Tribunal, the Department or by the Director-General.

4. AMENDMENT TO OTHER LEGISLATION

- Minor amendments are made to the uncommenced Occupational Health and Safety Act 2000 as a consequence of the proposed repeal by that Act of the Construction Safety Act 1912.

Upon advice of the Governor's Asset to the Bill, Council will be further advised.

Reports from Director Corporate Services

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10. ORIGIN: Director

FILE REF: Conferences/Seminars, Roads-General

REPORT TITLE:

National Rural Roads Congress 25 to 27 March 2001

SUMMARY OF REPORT:

The inaugural National Rural Roads Congress was held in Moree in 2000. The Mayor, Councillor Beck and Deputy Mayor at the time, Councillor Davidson attended. This year's National Rural Roads Congress is to be held in Mildura from the 25 to 27 March 2001.

RECOMMENDATION:

That Council determines Councillor attendance.

Reports from Director Engineering Services

REPORT:

The inaugural National Rural Roads Congress was held in Moree in 2000. The Mayor, Councillor Beck and Deputy Mayor at the time, Councillor Davidson attended.

The congress is aimed at highlighting and addressing the plight of municipalities in attempting to provide and maintain local rural roads, which are the transportation and economic life line of our communities.

The Congress will build on the considerable technical work which has been undertaken since the Moree event by the Australian Local Government Association to quantify the standard of local roads throughout Australia.

The Congress will be an opportunity for your communities to voice their concerns about the need for a co-ordinated, whole of Government approach to the local roads issue and to respond to the Federal Government's recently announced initiatives for local road infrastructure funding.

This year's Congress will be held on the 25 to 27 March 2001 at Mildura. The Congress details are available from the Director Engineering Services.

Reports from Director Engineering Services

11. ORIGIN: Water Unit

FILE REF: Floods

REPORT TITLE:

Tweed Valley Flooding 2 - 4 February 2001

SUMMARY OF REPORT:

Widespread flooding was experienced across the Tweed Valley during 2 – 4 February 2001. This flood has followed a reasonably long period of 12 years since serious flooding was recorded. To many residents in the Shire, this would have been their first experience of flooding. While an unfortunate event for some people, it was a timely reminder of the need for continued flood awareness and planning.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. Councillors interested in viewing the ENVIROMON Program contact the Manager Water who will arrange demonstrations.

Reports from Director Engineering Services

REPORT:

Widespread flooding was experienced across the Tweed Valley during 2 – 4 February 2001. This flood has followed a reasonably long period of 12 years since serious flooding was recorded. To many residents in the Shire, this would have been their first experience of flooding. While an unfortunate event for some people, it was a timely reminder of the need for continued flood awareness and planning.

The flood, as measured at Murwillumbah at 4.88m, was comparatively small with a statistical recurrence period of 4 – 5 years. The flood was characterised by high rainfall, fortunately over a reasonable time period. As a consequence the flood remained high for a long period and subsequent drainage was slow. The flood was more characteristic of those experienced in the 1970's rather than the higher peak level but shorter duration floods experienced in the 1980's.

Rainfall across the catchment for the flood period was as high as 752mm at Bald Mountain and 700mm at Doon Doon. Eungella and Uki both exceeded 500mm, while Murwillumbah and downstream generally recorded in excess of 400mm.

All levee systems performed well, in accordance with the respective designs. The levee at South Murwillumbah was just overtopped at the peak of the flood, very early on Friday morning, but fortunately the basin behind the levee did not fill. To put the flood in context, the following peak levels were recorded in comparison with historic and statistical levels.

	FEBRUARY 2001	100YEAR	20 YEAR	1974	1954
Uki	9.85			11.4	10.9
Eungella	7.98				
Boat Harbour	6.63				
Murwillumbah	4.88	6.5	5.5	5.82	6.04
Tumbulgum	2.31	4.4	3.3	3.56	3.94
Barney's Point	1.50	3.0	2.2	2.2	2.94
Dry Dock Road	1.38	2.65	-	1.57	2.15

Councillors may recall that Council has operated an ALERT flood monitoring system in partnership with the Bureau of Meteorology since about 1990. This system allows rainfall and river heights to be monitored in real time and provides the data for flood level predications by the Bureau. In this flood the final predictions issued were very accurate. A peak of 4.9m at Murwillumbah was predicted by the Bureau at about 1am on Friday 2 February. The recorded peak was 4.88m at 12.31am.

Reports from Director Engineering Services

In parallel with the ALERT flood warning system a new flood monitoring system named ENVIROMON has been operated since December 2000. ENVIROMON is a new program that is being developed by the Bureau to ultimately replace the ALERT system. While ENVIROMON is currently only at the trial stage, and is only being operated by a limited number of Councils, it performed very well and is much easier for all to use in comparison with the old ALERT system. It is believed that ENVIROMON should be fully operational within 12 months.

Throughout the flood event Council staff were in regular contact with Bureau staff who were operating its flood warning service.

Reports from Director Engineering Services

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Reports from Director Engineering Services

12. ORIGIN: Planning & Design Unit

FILE REF: R5720 Land Acquisitions

REPORT TITLE:

Realignment of Part of Urliup Road, Urliup

SUMMARY OF REPORT:

A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of land following a recent realignment of Urliup Road at Urliup.

The owner of the land affected by the realignment has consented to the acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

RECOMMENDATION:

That:-

1. Council approves the acquisition of Lot 1 DP 1022083 as public road and closes and grants Lot 2 DP 1022083 as compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and
2. All necessary documentation be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

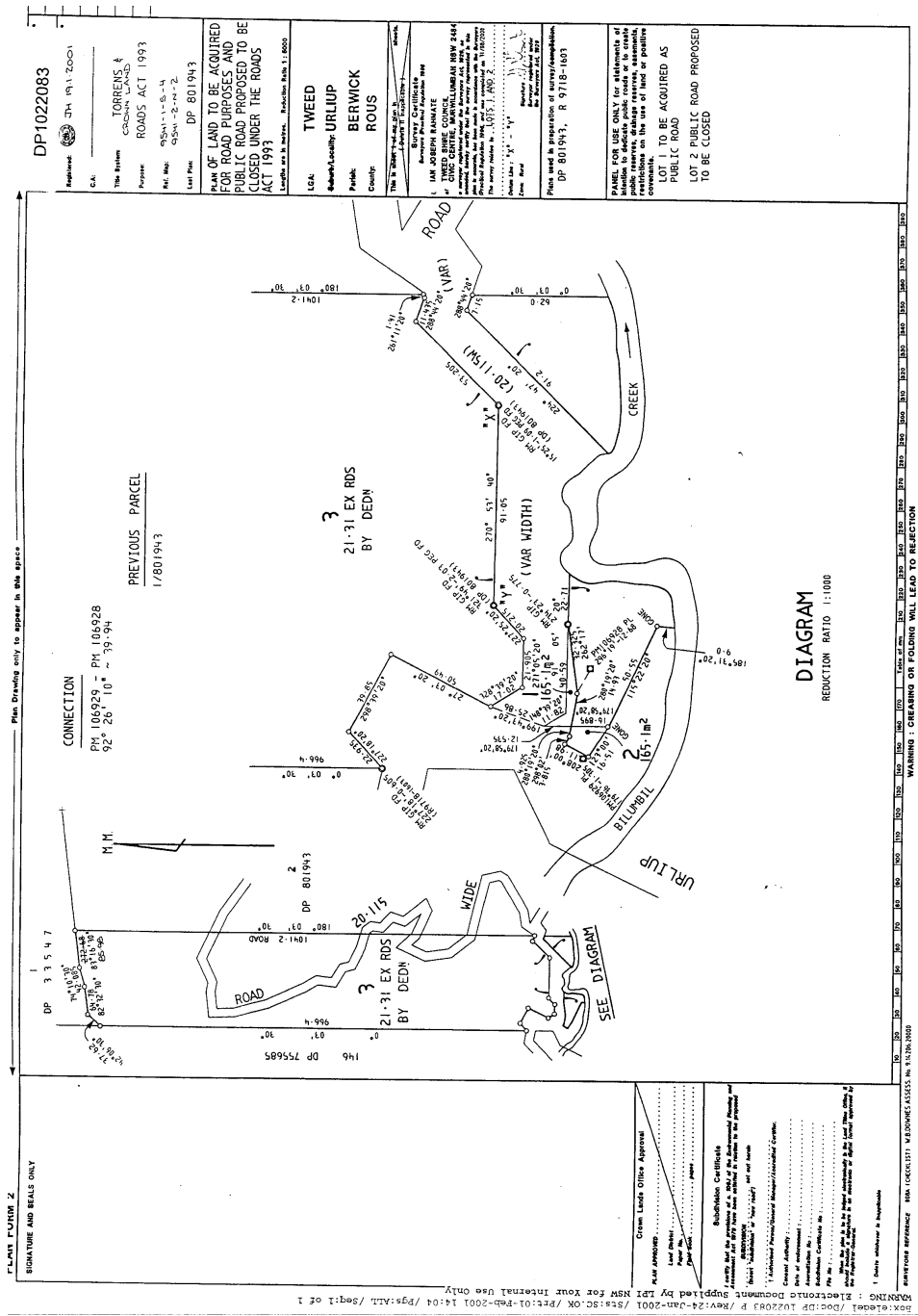
REPORT:

A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of land following a recent realignment of Urliup Road at Urliup.

The owner of the land affected by the realignment has consented to the acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

It is intended that Lot 1 DP 1022083 be acquired as public road and that Lot 2 DP 1022083 be closed and granted as compensation to Wendy Brett Downes, the owner of the affected land described as Lot 1 DP 801943.

Reports from Director Engineering Services



PLAN NUMBER 2
SIGNATURE AND SEALS ONLY

PLAN APPROVED: _____
Lead Clerk: _____
City Engineer: _____

SHOULD BE USED FOR THE PURPOSES OF THE ACT ONLY. THIS PLAN IS NOT VALID FOR ANY OTHER PURPOSES. THE SHIRE OF TWEED IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE CAUSED BY THE USE OF THIS PLAN FOR ANY OTHER PURPOSES.

DATE OF APPROVAL: _____

DATE OF EXPIRY: _____

PREPARED BY: _____

DATE OF PREPARATION: _____

SCALE: _____

PROJECT REFERENCE: _____

WARNING: SIGNATURE OR FOLDING WILL LEAD TO REJECTION

WARNING: Electronic Document Supplied by LPI NSW for your internal use only.

Reports from Director Engineering Services

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Reports from Director Engineering Services

13. ORIGIN: Planning & Design Unit

FILE REF: Geographical Names Board

REPORT TITLE:

Revisions/Naming of Localities

SUMMARY OF REPORT:

At a meeting of Council held on the 6 December 2000 it was resolved that Council:-

- “1. Approves the revision of boundaries to Map GNB3810 and that the amended plan be displayed for public comment; and*
- 2. Adopts, as an interim measure, the creation of two new localities (as embodied in this report) as “South Kingscliff” and “Kings Forest” for display and public comment”.*

Following notification in the Tweed Link (Issue 203 of 19/12/2000) and plan displays in the Murwillumbah and Tweed Heads Civic Centres only three submissions were received.

These submissions were solely concerned with the naming of the new locality of “South Kingscliff” although the Cabarita Beach Tourist & Progress Association supported the revisions of three existing localities and the naming of a new locality of “Kings Beach”.

RECOMMENDATION:

That Council determines this matter.

Reports from Director Engineering Services

REPORT:

At a meeting of Council held on the 6 December 2000 it was resolved that Council:-

- “1. Approves the revision of boundaries to Map GNB3810 and that the amended plan be displayed for public comment; and
2. Adopts, as an interim measure, the creation of two new localities (as embodied in this report) as “South Kingscliff” and “Kings Forest” for display and public comment”.

Following notification in the Tweed Link (Issue 203 of 19/12/2000) and plan displays in the Murwillumbah and Tweed Heads Civic Centres only three submissions were received.

These submissions were solely concerned with the naming of the new locality of “South Kingscliff” although the Cabarita Beach Tourist & Progress Association supported the revisions of three existing localities and the naming of a new locality of “Kings Beach”.

Although the submissions are attached in their entirety an overview of their content is as follows:-

1. Consolidated Properties Pty Ltd (Lauchlan Grantley), the developers of “Casuarina Beach”, have strongly requested Council to adopt that name for the whole of the peninsula from Cabarita Beach/Bogangar to Cudgen Headland.
2. Lenen Pty Ltd (Frank Wilson) supports the locality name of “Casuarina Beach” and the same area of Item 1.
3. Cabarita Beach Tourist & Progress Association (David Colquhoun) requests the locality name to be “Casuarina” being that area being developed by Consolidated Properties with the remainder to retain the name of Kingscliff.

The proposals “Casuarina Beach” and “Casuarina” should be acceptable as being within the Geographical Names Board’s “Guidelines for the Determination of Place Names”.

The name “South Kingscliff” does not comply with the guidelines as “*the use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured.*” However, should Council adopt “South Kingscliff” as the name of the new locality the Geographical Names Board may accept that name based on past decision reflecting “local common usage”.

Reports from Director Engineering Services



30 January 2001

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah

Attention : Dr. J Griffin

Dear Sir

Re: Naming of Locality - "Casuarina Beach"

We refer to the public notification in the Tweed Link regarding the naming of the area between Cudgen Creek and the Pacific Ocean, south of Kingscliff and north of Cabarita, proposed to be known as "South Kingscliff".

This submission proposes the alternative name "Casuarina Beach" for the subject area, as indicated on the attached plan. It is our contention that this name should be approved as an 'Address Locality', and that the facts presented validly support this application.

As the major land holder within the area, we have sought and obtained the support of Lenex Pty Ltd for this application, that company being the entity with the controlling interest in the land to the north of our property, more commonly known as Seaside City and Kings Heath. Lenex Pty Ltd has made a separate submission to Tweed Shire Council, which outlines their support for this application, and the use of the name "Casuarina Beach" for this portion of the coast.

Background

The Geographical Names Board guidelines outline the range of categories for the naming of an area. The subject application is for an 'Address Locality', which is defined as follows:

*"...the chosen generic designation for all legal addresses. A division of the landscape which has defined limits being **Suburb** in urban areas..... It is to be used as the last line of address with postcode number within Australia."*

Examples of 'Address Localities' are Cabarita and Kingscliff, which are both regarded suburbs.

To date we have actioned the application for the use of the name "Casuarina Beach" as follows:

- o An application has been made to the Geographical Names Board seeking the name "Casuarina Beach" for the 3.5 kilometres of beachfront land known as Lots 1-7 on DP 1014470 Coast Road, Bogangar.
- o The Geographical Names Board has advised the name "Casuarina Beach" is too similar to "Bogangar Beach", and that the name "Casuarina" would be more appropriate. The Geographical Names Board outlined that to approve

*Level 12, 344 Queen Street, Brisbane, Queensland 4000
Tel: 07 3229 8350 Fax: 07 3221 7292*

Reports from Director Engineering Services

the name "Casuarina Beach" would require the support of The Tweed Shire Council.

- o A meeting with the Mayor and Senior Planners at Tweed Shire Council agreed that we should seek the name "Bogangar Beach" be changed to "Bogangar", and that we proceed with the "Casuarina Beach" application.
- o In response to this meeting we wrote seeking written approval from Council in support of our application. This led to a report from the Director of Engineering Services that was tabled at the Tweed Shire Council Meeting held on 15 November 2000. The report proposed the name for the subject area as "Cudgen Beach". This was then changed just prior to undertaking public notification to "South Kingscliff". The reasoning behind the name change to "South Kingscliff" is unknown.
- o The process is currently within the public notification period, which enables us to register this formal objection to Council's proposed name of "South Kingscliff", and to propose the alternative name "Casuarina Beach".

Forecast Population

The area we are currently developing, marketed as "Casuarina Beach", has a forecast final population of 5,600 people, as opposed to the 2,200 people as stated in Council's information (Note: this was in fact part of the original Stage 1 Consent Order negotiated with Council officers). The populations of the proposed developments to the north of our development are 1,000 people for Seaside City and 2,000 people for Kings Heath. The forecast population of the area known as The NSW Tourism land is unknown. Based on these projections which are supported by the Stage 1 Consent, the area will support a minimum population of approximately 9,000 people, more than double the current population of Kingscliff, and potentially more than the total population of the whole coastline between Kingscliff and Pottsville. Note: Kingscliff has a population of 4,350 people, and the area between Kingscliff and Pottsville has a total population of 11,200.

With this population base, we see it appropriate that the subject area be given it's own Address Locality, and not merely be an adjunct to a current name. The whole idea of "South Kingscliff" denotes and means an area secondary in size and importance to the current area known as "Kingscliff". However, the facts are that the subject area is far greater in scale than that of Kingscliff, and the population will be more than double that currently located in Kingscliff.

South Kingscliff

The name "South Kingscliff" as proposed by Council does not comply with the Geographical Names Board guidelines. Point 10 of the "Guidelines for the Determination of Place Names" states:

"The use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured."

Based on this definition, we do not believe that the current Council proposal would gain the approval of The Geographical Names Board.

Development and Infrastructure

The development known as "Casuarina Beach" which is currently under construction within the subject area will have its own Town Centre forming the nucleus of the region. The use of higher density residential precincts, and a forecast retail and commercial component of over 5000 square metres, will provide a destination that should not sit as

*Level 12, 344 Queen Street, Brisbane, Queensland 4000
Tel: 07 3229 8350 Fax: 07 3221 7202*

Reports from Director Engineering Services

secondary to the existing developed areas along the coast. This Town Centre will include attractions such as a supermarket, specialty shops, sports and recreation precinct, a School of Arts and a tavern.

This level of amenity is to "stand alone" in its design, and is not under any circumstances provided as a "subsidiary" or a support to existing facilities within Kingscliff. In our opinion the development of the area, including Seaside City and Kings Heath, is of a significant scale, sufficient to support our proposal for the region to be named "Casuarina Beach".

The Notoriety

The subject area is currently being recognised as one of huge opportunity. The current development has been well received by the public, including extensive amounts of positive media coverage. The local communities have already seen the benefits, with advertising of local businesses and developments using the name "Casuarina Beach" to position themselves in a positive way for the future. The area and the name "Casuarina Beach" are now well established in the minds of those in wider regions, including Sydney, Melbourne and Brisbane. By adopting the name "Casuarina Beach" the communities surrounding the subject area will receive ongoing spin-off benefits from the intensive advertising and media focus placed on the development now, and well into the future.

Casuarina

The name "Casuarina" refers to the abundance of Casuarina trees planted by the sand miners after the area had been mined for its minerals. The trees are a significant natural feature of the whole coastline between Kingscliff and Cabarita Beach.

Due to the mass presence of the trees in the region, and the history associated with their planting, we see it fit and appropriate to incorporate "Casuarina" in to the naming of the area.

Casuarina Beach

It was noted earlier that the Geographical Names Board were not recommending the use of the word "Beach" within the name, as it is too similar to the adjoining name of "Bogangar Beach". However, it was highlighted in the meeting with the Mayor and Council officers that the residents of the region do not refer to the area as "Bogangar Beach" but more as simply "Bogangar". The suggestion therefore from the meeting was for the name "Bogangar Beach" to be changed to "Bogangar", and that the name "Casuarina Beach" be pursued as the preferred name for the area.

Point 11 of the Geographical Names Board's guidelines supports the suggestion raised in the meeting. Point 11 reads:

"Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form ..."

Conclusion

Based on the facts presented, we believe that the name "South Kingscliff" does not satisfy the long-term requirements for an area that will be a significant tourist region in its own right. The use of a cardinal point of the compass is not considered appropriate by the relevant naming authority, and the implication that the area is a suburb of Kingscliff fails to convey the importance the area will play in the development of this section of

*Level 12, 344 Queen Street, Brisbane, Queensland 4000
Tel: 07 3229 8350 Fax: 07 3221 7202*

Reports from Director Engineering Services

the northern NSW coast as a major tourist and holiday destination. We trust that the Tweed Shire Council will consider this application in the spirit that it is intended - to facilitate the naming of a new and unique area so as to create a destination that will attract infrastructure, business and jobs into the region, with the obvious flow on effects to the community at large.

We believe that to fully argue the case, it is important that we be given the opportunity to meet with Council, and the Council officers concerned, to discuss the distinct advantages that will come from the use of a new and specific name for the area. This name should be "Casuarina Beach", as per our application to The Geographical Names Board, and we actively seek Councils support for that application.

Should you wish to discuss any matter regarding this submission, please do not hesitate to contact us on (07) 3229 8350. We look forward to hearing from you in the near future, and the opportunity to meet with the Council and discuss this important subject.

Yours faithfully

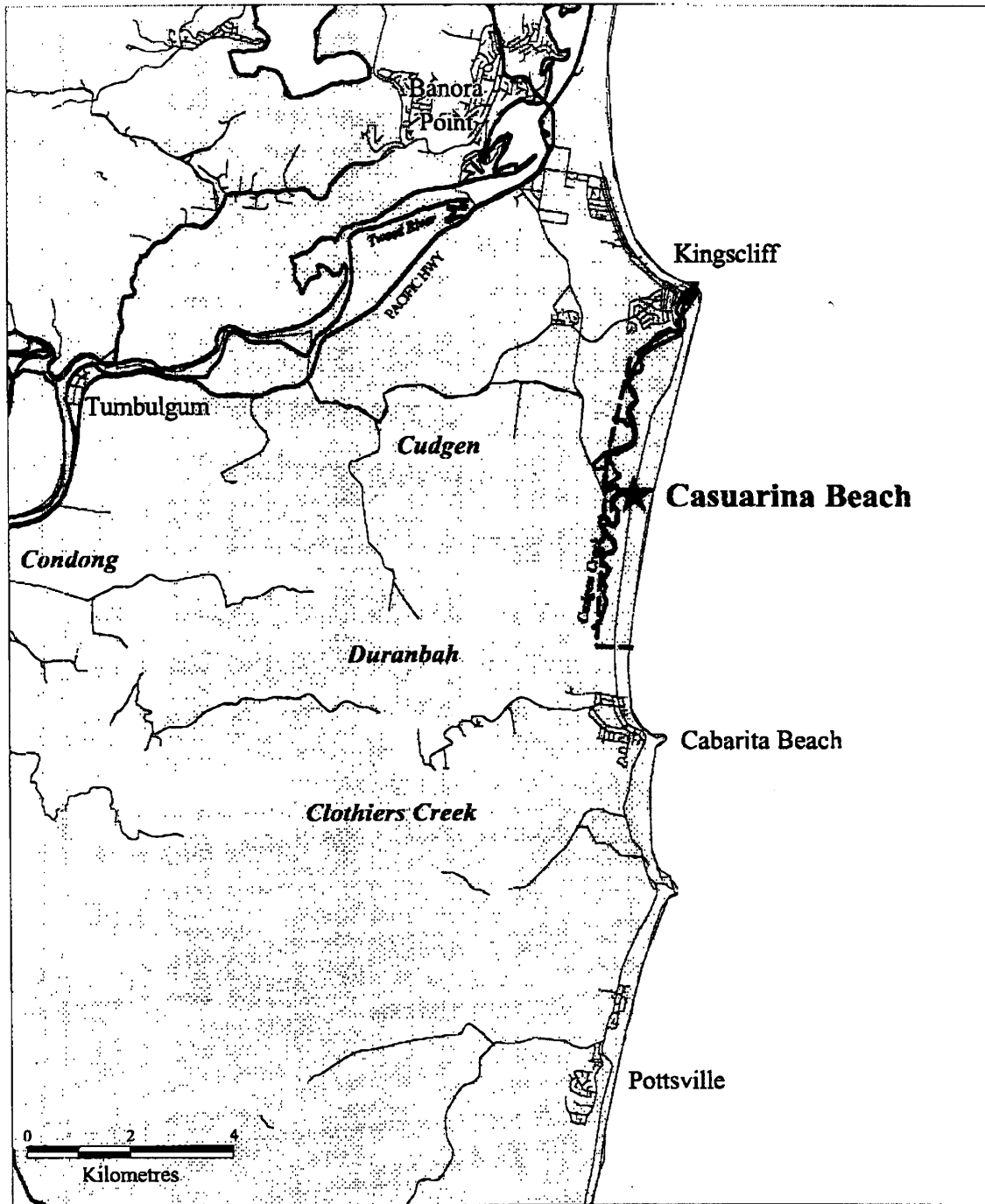


Lachlan Grantley

L185A

Reports from Director Engineering Services

Casuarina Beach and Surrounding Region



Reports from Director Engineering Services



6/1990 Logan Road
Upper Mt. Gravatt
Queensland 4122

Telephone: (07) 3849 2966
Facsimile: (07) 3849 2960
Lenen@BarclayGroup.com.au

SUBD APPL CORRESP
24 November 2000
GEOGRAPHICAL NAMES BOARD

The General Manager
Tweed Shire Council
P O Box 816
Murwillumbah NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	654 96 135 P.17
DOCUMENT No.	57822911
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Re: Change of Place Name - Casuarina Beach - Previously South Kingscliff 2479

Dear Sir,

Following the Council's advertising, we wish to record our desire to change the name of the area south of Cudgen Creek for the section, which extends to Cabarita Beach from the existing name to Casuarina Beach. See enclosed map.

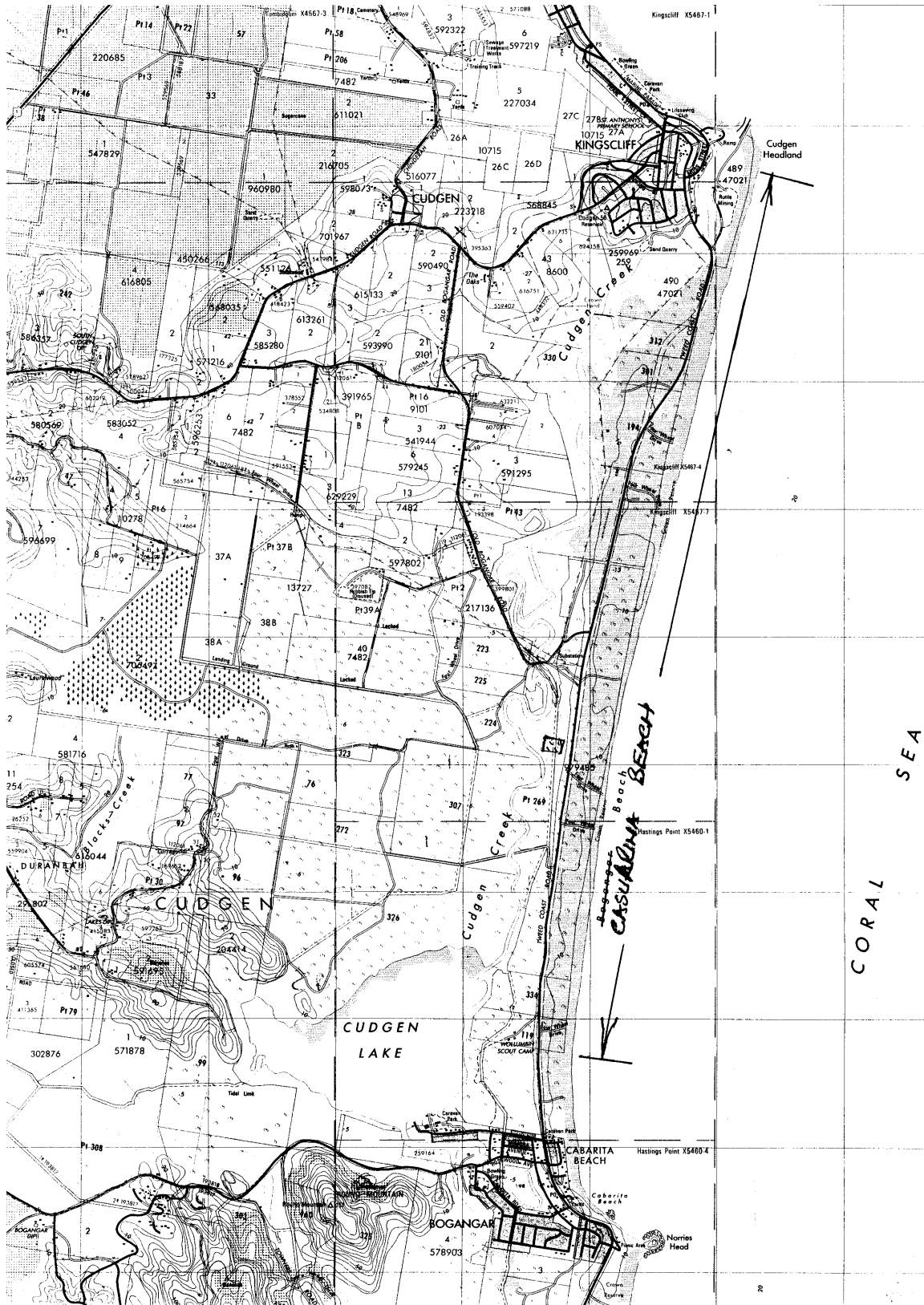
As our company owns a substantial portion of land in this area, we request that Council takes notice of our suggestion as it will have a substantial effect on the quality of future development which occurs in this area.

Our desire is to enhance the area for the future community by fostering the highest quality development which can be achieved and an attractive name will assist in this objective.

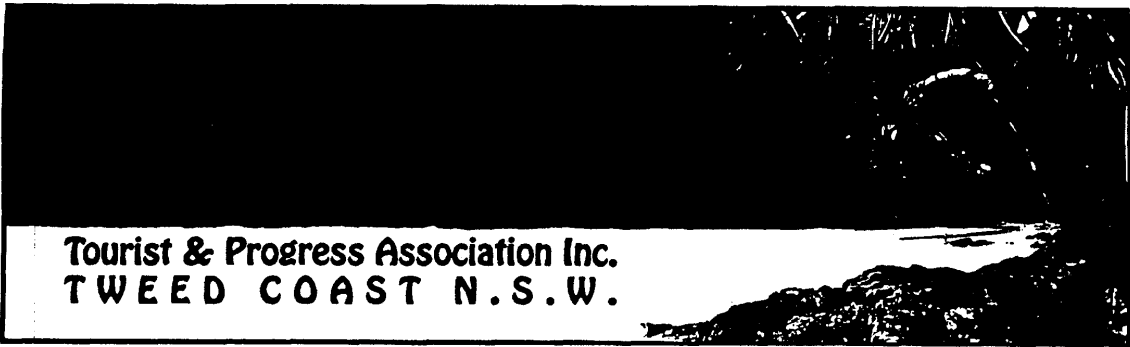
Yours faithfully,
Lenen Pty Ltd

F R Wilson
Manager

Reports from Director Engineering Services



Reports from Director Engineering Services



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

TWEED SHIRE COUNCIL	
FILE No.	GEOGRAPHICAL NAMES
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REC'D	30 JAN 2001
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CORRESPONDENCE TO:
30 COAST ROAD
CABARITA BEACH 2488
(02)66 76 1543
FAX 66763808

27 January, 2001

F.I. SMITH M

Dear Sir,

REVISION AND NAMING OF LOCALITIES

This submission is made in response to your advertisement in the Tweed Link of 19 December, 2000, regarding the revision and naming of localities.

1. 'The revision of the boundaries of Pottsville, Hastings Point and Round Mountain to include the estate known as Koala Beach within the locality of Pottsville.' SUPPORTED.
2. 'The revision of the boundaries of Bogangar and Cabarita Beach to include associated sports fields and the coastal strip within these localities.' SUPPORTED.
3. 'The creation and naming of a new locality within Cudgen and Duranbah to be known as Kings Forest bounded generally by ridges through Cudgen and Duranbah and by Cudgen Lake and Cudgen Creek.' SUPPORTED.

South Kingscliff as a new locality name

For the following reasons it is not considered appropriate that a new locality within Kingscliff should be named South Kingscliff -

- (i) The Geographical Names Board (GNB) recommends the non-use of cardinal points when naming a new locality (Point 10 of GNB Guidelines). As such naming is not favoured, it makes it very unlikely that the GNB would accept South Kingscliff.
- (ii) The new Casuarina Development commences approx. 3.7km along the coastline to the south of Cudgen Headland and has no affinity with Kingscliff.

-/2

Reports from Director Engineering Services

(iii) There does not appear to be anything in the GNB Guidelines that would indicate that the 7km of coastline under consideration should be in one locality.

(iv) With an existing locality of Kingscliff and a proposed locality of Kings Forest, to propose a third locality of South Kingscliff seems to be overworking 'Kings' and could lead to confusion in the minds of tourists,

(v) A strong case can be made for the Casuarina Development to be given its own locality name.

Considerations favouring the Casuarina Development having its own locality name.

The southern boundary of the Casuarina Development is separated from the Cabarita Beach and Bogangar residential areas by a 1.2km stretch of the Cudgen Nature Reserve.

The northern boundary of the Development is 2.6km in a direct line from the nearest Kingscliff residential area.

There are no villages within kilometres to the west of the Development and the sea is to the east.

Although the Development technically lies within the locality of Kingscliff, it has no ties with any existing locality. (One of the reasons for the southern part of this stretch of the Tweed Coast being in the locality of Kingscliff rather than Cabarita Beach and Bogangar was that because of its isolation, when the time came to create a new locality, residents of existing localities would not be complaining about losing territory.)

There is no doubt that the Casuarina Development has all the requisites for having its own locality name, viz.

- * a Town Centre for convenience shopping
- * 407 residential lots of which 202 have been sold
- * provision for - 2 Resort Hotels
 - 2 Resorts
 - 1 Health Spa
 - 1 Reception and Sports Centre
 - 3 Sports fields
- * a large area reserved for resort apartments
- * at least another 100 residential lots that can be developed later.

The number of private homes around the resort sites will provide a stable resident population as distinct from the coming and going of tourists.

No doubt with the passage of time a community spirit will develop and this will give rise to the formation of various community organisations. In other words, all the ingredients are present for the Casuarina Development to become a normal township whose economy is driven by tourism.

-/3

Reports from Director Engineering Services

- 3 -

Casuarina Beach as a locality name ?

The Development is being advertised as 'Casuarina Beach - a New Ocean Front Township'.

Both media advertising in Australia and overseas and on-site signage has for more than twelve months created the belief in the minds of purchasers and the public at large that the geographic name of the new locality, and therefore the new township, will be Casuarina Beach. Irrespective of whether the GNB approves of the name Casuarina Beach, the developer, Consolidated Properties, will not back-down and change its advertising to accommodate a Government approved name. Too much money has been spent on advertising to start all over again with a new name. Furthermore, due to familiarity with the name, there will now be public support for Casuarina Beach (see attached copy of an advertisement).

If Council has learnt from the Cabarita Beach/Bogangar dispute that dragged on through the sixties, seventies and mid-eighties, there will not be a recurrence with Casuarina Beach and a Council imposed name.

Fortunately the way is open to reach a compromise solution.

What should the new locality be called ?

It is our understanding that the GNB would face two difficulties in approving Casuarina Beach as a locality name.

Firstly the GNB would want to avoid the possible confusion caused by the similarity in the names of two adjoining localities - Cabarita Beach and Casuarina Beach. In Cabarita if SU is substituted for B and N for T, Cabarita has been transformed into Casuarina. If Beach is added to both names, the similarity is compounded.

Secondly, the beach extending from the northern boundary of the residential area in Cabarita Beach north to Cudgen Headland already carries the name Bogangar Beach, an aboriginal name. It is understood that the GNB would not look favourably on surrendering any of the beach carrying this name to accommodate the wishes of a developer.

If the so called Casuarina Beach development were simply called Casuarina, the GNB is much more likely to look kindly on such a locality name. Despite the question of similarity, it is understood that the GNB could live with adjoining localities of Cabarita Beach and Casuarina.

In the eyes of the GNB, acceptance of Casuarina would be aided by the fact that it is the name of a genus of trees and shrubs with few species outside Australia. Furthermore, if the sand miners of the fifties, sixties and seventies had not cleared the coastal rainforest and planted casuarinas to consolidate the frontal dunes, there would have been no development in this area. These casuarinas will be largely unaffected by the present development. It follows that as well as being an Australian genus, the name casuarina provides a link with the history of the Tweed Coast.

-/4

Reports from Director Engineering Services

- 4 -

It is further understood that Consolidated Properties could accept 'Casuarina' as the locality name for its development.

How far north should the boundary of Casuarina extend ?

The advice we have received is that there is nothing in the GNB Guidelines that necessitates the whole 7km of coastline between Cabarita Beach and Cudgen Headland bearing the same locality name.

Whilst a strong case can be made for giving the Casuarina Development its own locality name, at this stage there does not seem to be any affinity between Casuarina and the other parcels of land to the north that front the remaining 3.7km of coastline. Rather than saddle this land with a locality name that may not be appropriate in the future, we are of the view that it would be less controversial to let this land remain in the locality of Kingscliff. At a later stage new circumstances could dictate whether the subject land would warrant its own locality name or apportionment between Kingscliff and Casuarina.

RECOMMENDATION

Our Association recommends that all of the Casuarina Development be included in a new locality called Casuarina and that accommodating this recommendation be the only change to the locality of Kingscliff.

Yours faithfully,


(David Colquhoun)
SECRETARY

Reports from Director Engineering Services

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Reports from Director Environment & Community Services

14. ORIGIN: Environment & Health Services Unit

FILE REF: Garbage - Tyalgum Depot

REPORT TITLE:

Tyalgum Waste Depot Operations

SUMMARY OF REPORT:

The operation of the Tyalgum Waste Depot has been causing problems for some time. It is considered there are three options for Council:

1. Close the landfill;
2. Improve operations to an acceptable level;
3. Convert the operations from a landfill to a transfer station.

RECOMMENDATION:

That:-

1. Council seeks submissions from the community on option 1, closure of the landfill and option 3, conversion of operation from landfill to transfer station with the submission to address whether the writer is prepared to pay much higher disposal fees to cover operating costs.
2. That Council charges the garbage administration fee for properties not previously identified as chargeable for that fee from and including the 2001/2002 rate year and the actual pro-rata service fee for those residents in the Tyalgum area who elect to commence use of the garbage service prior to 30 June 2001.

Reports from Director Environment & Community Services

REPORT:

There have been operational problems with Tyalgum Waste Depot for some time. These include odour problems, litter problems, lighting of fires, indiscriminate dumping at the gate, and fly breeding. Council has recently received correspondence from the New South Wales Environment Protection Authority (NSW EPA) concerning the waste depot:-

Our Reference : GR66/02
Contact : Steve Small, 66726134

BURNING OFF

TWEED SHIRE COUNCIL	
FILE No.	GARBAGE - TYALGUM DEPOT
DOCUMENT No.	[] [] [] [] [] [] [] [] [] []
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The General Manager
Tweed Shire Council
P O Box 816
MURWILLUMBAH NSW 2484



14 DEC 2000

Dear General Manager

ALLEGED ILLEGAL WASTE BURNING - TYALGUM REFUSE DEPOT

The Environment Protection Authority (EPA) has received five reports of alleged waste burning being carried out at the above-mentioned premises during the past twelve months. The reports have been forwarded to Council for appropriate action on each occasion.


The wastes are allegedly lit by local persons and cause smoke and odour pollution in the local area. It would appear the site may not comply with appropriate standards for the disposal of waste materials.

As the premises alleged to be causing the pollution is not licensed by the EPA, we would appreciate your investigation of the matter and the implementation of any necessary action to prevent further instances of pollution.

Would you please advise the EPA on the outcome of your investigations.

If you have any inquiries please contact Steve Small on (02) 66726134.

Yours sincerely


JON KEATS
 Head Regional Operations Unit
 North Coast
 for Director-General

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Environment Protection Authority
 PO Box 498 Grafton NSW 2460 Australia Telephone 61 2 6640 2500 Facsimile 61 2 6642 7743 www.epa.nsw.gov.au
 NSW Government Offices 49 Victoria Street Grafton NSW 2460

Reports from Director Environment & Community Services

These problems can only be overcome by a major improvement in operating procedures which is also associated with much higher operating costs. Existing depot operating costs are of the order of \$33,000 per annum, with income from fee collection of approximately \$12,000. Approximately 40 customers use the facility each week.

Taking the correspondence from the NSW EPA into account Council would appear to have 3 options:

1. Close the waste depot
2. Improve depot operations to an acceptable level
3. Convert the operation from a landfill to a transfer station.

Option 1 is the most cost effective, however it may not prove popular with local residents who have become used to the convenience of the facility. This option would also require extensive advertising of Council's intentions to close the landfill and considerable community consultation. The majority of residents in the Brays Creek, Tyalgum, Chillingham areas, however, do have access to the weekly garbage-recycling service. (Those properties not receiving a service only contribute to operational costs through the depot gate charge which is subsidised by those who do receive a service.)

The Tyalgum district is the only area that receives the benefit of a small garbage depot. Historically other areas had garbage depots or transfer stations, however, these were all closed when Stotts Creek opened in the early 1980s and mobile garbage bins were introduced.

Option 2 does not provide a long term solution as space is limited and the topography of the site is not ideal for landfill operation. Weekly operating costs are estimated at \$280 to provide cover material, \$600 for machinery hire and transport costs and \$270 supervision costs, total \$1,150 per week or \$60,000 per annum which is an increase in operating costs of almost \$30,000 per year. In addition Council would need to improve the environmental performance of the landfill by collecting leachate and commencing a ground and surface water monitoring program. The costs of these environmental controls would be at least \$20,000.

Therefore the increase of total operational costs would be of the order of \$50,000 per year and while this would mean an approximate increase of \$2.00 in the garbage rate for all ratepayers paying the garbage rate, it would be extremely difficult to justify the cross subsidisation of the landfill by the majority of ratepayers for the benefit of the few who use the facility. An alternative would be to increase gate fees at Tyalgum to recover these costs, however, an increase of approximately \$30 per load would be required and an increase of this magnitude is not realistic.

Option 3 involves the construction of a transfer station on the site and would require a one off capital outlay of approximately \$75,000 for construction costs, however operating costs should remain similar to those at the present.

The cost of fee collection would remain the same as at present (\$12,000) as no additional supervision is required. Solo Waste has advised that the cost of weekly service for a 15m³ skip would be approximately \$250 or approximately \$13,000 per annum. The fortnightly service of the recycling skip would cost approximately \$8,000 per annum with the total cost similar to the current total operating cost of the landfill of \$33,000 in full.

Reports from Director Environment & Community Services

The one off cost of \$75,000 for the construction of the transfer station could be financed by increasing the existing garbage rate by \$3 next year, however once again the majority of ratepayers would be subsidising a facility for one small sector of the Shire unless gate fees are increased to recover those increased costs. It would be possible to attempt to recover this one off cost over say five years, however, this would require the gate fees to be more than doubled from \$6.00 per load to \$13.50 per load.

A petition from over 300 residents to keep the facility open was presented to the General Manager by the Mayor at the Council Meeting held 24 January 2001.

Historically Tyalgum and its surrounds has had the benefit of a local facility, however, this is difficult to justify given the increased operating costs and the extension of the garbage recycling service to the locality. The majority of residents do have access to this service

Anecdotal evidence suggests that there are four classes of residents who use Tyalgum Garbage Depot:

1. Residents of outlying areas around Tyalgum who do not have access to the garbage/recycling service
2. Residents who have access to the garbage/recycling service who have chosen not to use the service
3. Residents of the Tyalgum area who use the garbage/recycling service and use the depot to dispose of excess waste.
4. Residents of other areas such as Chillingham and even Murwillumbah who have access to the garbage/recycling service and use the depot to dispose of excess waste.

Should Option 3 be chosen and the suggested increase of gate fees could be applied then the actions of these four classes of residents could be expected to change.

Class 1 residents could find the garbage/recycling service far more attractive and could arrange for mobile garbage bins to be left at the garbage truck turnarounds at the end of current service areas as some residents do at present. If significant numbers chose this option then the service areas could be extended.

Class 2 residents could similarly find the garbage/recycling service more attractive and avail themselves of the service.

Class 3 residents could reduce the amount of waste generated by various waste avoidance schemes or arrange for an additional service to be provided. This particularly applies to commercial premises and happens in the remainder of the Shire.

Class 4 residents would almost certainly change their habits to avoid paying the increased fee and use either Murwillumbah or Stotts Creek landfills for their excess waste disposal.

The garbage administration charge (currently \$48.00 per annum) was introduced in 1993 with the new Local Government Act and is levied on both vacant and occupied, properties where a service was available. With the further extension to the service to outlining areas in 1995 some properties which were rendered serviceable were inadvertently not added to the properties being charged the

Reports from Director Environment & Community Services

administration fee. This would appear to apply to most properties within the newly serviced areas which did not elect to receive a service.

These properties are under Council's current policy due to be levied the current years fee plus the previous 2 years. In the circumstances however, as no garbage service has been rendered and Council has not paid the contractor for the service, it is recommended that the administration charge be levied from the 2001/202 financial year although property owners had the benefit of use of the depots which are part funded by the administration fee.

If the properties avail themselves of the service available to them as do other shire residents, they should have little need to use Tyalgum Dump. The current charge is \$48.00 administration plus \$106.00 for the service.

While it is difficult to predict the actual effect that increased fees would have on these four classes of residents, the substantial increase in fees would reduce the number of residents using the landfill and correspondingly increase Council costs which would have to be recovered by increasing the garbage rate or again increasing the gate charge. Once again the majority of ratepayers subsidising the residents of a small sector of the Shire.

Should the Tyalgum Landfill be closed, then Tyalgum residents would need to travel the 25km to Murwillumbah Landfill or the 35km to Stotts Creek.

The residents of other areas such as Kunghur and Midginbil already travel comparable distances. Residents of Burringbar/Mooball travel 29 km to Stotts Creek, while Pottsville residents would travel 27km. Even residents of Tweed Heads travel 20km to Stotts Creek.

Should Option 3 be chosen, the Council could expect pressure from residents of the abovementioned areas for transfer stations to be established in their areas. Establishment costs for each additional transfer station could be of the order of \$200,000 when land purchase costs, approval costs and construction costs are considered and these costs would have a considerable financial impact on the waste budget. The Tyalgum site is topographically suitable for the construction of a transfer station.

No matter which option is chosen Council will still need to rehabilitate the site and this cost will have to be met from current reserves. Similarly the problem of indiscriminate dumping at the gate has not been addressed however, with the closure of other depots an extensive campaign by Council's Rangers has helped eliminate the initial rush of illegal dumping.

Option 2 is not considered a viable long term option.

Option 3 is a long term option with slightly increasing costs due to inflation and pressure from other localities to create similar operations. Each additional transfer station opened would considerably increase operating costs to Council and thus those paying the garbage rate. Option 1 is the most cost effective option and does not depend on other ratepayers subsidising operational costs.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

15. ORIGIN: Building Services Unit

FILE REF: Building Statistics

REPORT TITLE:

2000 Statistics Relating to Applications for Building Certificates, Building Line Variations, Extensions of Time on Building Applications, Variations to Fence Heights

SUMMARY OF REPORT:

During 2000 various applications were approved under authority delegated to Director Environment & Community Services. Set out in this report are details of these applications.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

2000 Statistics Relating to Applications for Building Certificates, Building Line Variations, Extensions of Time on Building Applications, Variations to Fence Heights

Building Certificates

During the period 1 January to 31 December 2000, under authority delegated to the Director Environment & Community Services, 518 building certificates were approved under the provisions of the Local Government Act, 1993 and the Environmental Planning & Assessment Act 1979, as amended.

The following table indicates the number of building certificates approved for the past five years:-

Year	Approved
1996	506
1997	596
1998	635
1999	496
2000	518

Building Line Variations

During the period 1 January to 31 December 2000, under authority delegated to the Director Environment & Community Services, 71 building line variations were approved under the provisions of the Local Government Act 1993 and Council's Building Line Policy.

The following table indicates the number of building line variations approved for the past five years:-

Year	Approved
1996	75
1997	76
1998	87
1999	76
2000	71

Extension of Time on Building Applications

During the period 1 January to 31 December 2000, under authority delegated to the Director Environment & Community Services, 2 extensions of time on building applications were approved under the provisions of the Local Government Act 1993.

The following table indicates the number of extension of time on building applications approved for the past five years:-

Reports from Director Environment & Community Services

Year	Approved
1996	24
1997	17
1998	10
1999	4
2000	2

Fence Height Variations

During the period 1 January to 31 December 2000, under authority delegated to the Director Environment & Community Services, 37 fence height variations were approved under the provisions of the Local Government Act 1993 and Council's Fencing Policy.

The following table indicates the number of fence height variations approved for the past five years:-

Year	Approved
1996	24
1997	24
1998	33
1999	30
2000	37

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Minutes of the Local Traffic Committee Meeting held Thursday 1 February 2001

Traffic Committee

VENUE:

Oxley Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr Wendy Marshall, Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Sgt Bill Darnell, NSW Police; Mr Neville Newell, MP, Member for Tweed.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Cr George Davidson, Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 14 December 2000 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

21. Clothiers Creek Road

R1160

At the meeting held on 22 September 2000 the following (item 21) was discussed:-

“Late item. Cr Davidson queried if trucks could use Clothiers Creek Road to the extent that they are now. It was noted that they could and the Chairperson advised that it is a concern as all semi-trailers crossing the range cross the double centre lines up to 30 times each. Cr Marshall stated that this is illegal and should be stopped as soon as possible.”

Reports from Committees/Working Groups

The Chairperson advised that the cane industry will resist the move but with increasing traffic volumes on Clothiers Creek Road it is becoming a serious safety issue. It was noted that this is being assessed as it will worsen when the motorway opens and increase the rate of accidents. The Police Representative concurred with this.

This item will be listed on the December Agenda.

For Council's information."

Cr Marshall requested that this issue be handled as quickly as possible. Deferred to March meeting to enable traffic survey data to be collected.

For Council's information.

2. Pioneer Parade, Banora Point (Banora Point Primary School)

R4340 Pt2

At the meeting held on 17 November 2000 (item 2) the following was discussed:-

"Request received for the provision of a paid "Lollipop Person" for crossing duties before and after school at the Banora Point Primary School.

It has been stated that parents have reported that child safety problems are escalating which are associated with safe drop off and pick up zones around the school and that near misses have occurred on the roadway after school as large groups of children exit at once.

The RSO reported that in the morning 281 vehicles and 81 pedestrians were reported and in the afternoon 72 vehicles and 72 pedestrians in a 15 minute period. After that the numbers dropped to well below the warrant requirements.

The RTA Representative stated that 5300 counts were needed and then a hazard index performed. The RTA Representative requested more counts prior to a hazard index being performed. It was noted that other issues such as parked cars are a problem at this location and it may be more of a traffic management issue.

Cr Davidson returned.

It was decided that the Engineering Services Division should review the current signage with regard to bus zones, parking and warning signage.

For Council's information."

"At the meeting held on 14 December Business Arising (item 2) the following was discussed:-

To be deferred to the meeting of the Local Traffic Committee in February 2001.

For Council's information."

The School has been contacted by letter but no reply received as yet. To be brought forward when a reply has been received.

Reports from Committees/Working Groups

For Council's information.

GENERAL BUSINESS:

Part A

1. Cudgen Road Intersection with Pacific Highway

R1460 Pt3

Request received for the provision of a "Stop" sign at the intersection of Cudgen Road with the Pacific Highway.

Neville Newell arrived at 9:15am.

The Committee noted that vehicles turning right from Cudgen Road seemed to have problems doing so in a safe manner. The RTA Representative undertook to measure sight distance at this location, take action as required and report back to the next meeting.

For Council's information.

2. Hayes Lane, Murwillumbah

R2404

Request received for provision of traffic calming outside the front of the Hayes Toyota Showroom. Pedestrians on exiting the showroom exit onto Hayes Lane and feel that they are not exiting into an area where vehicles can be travelling.

The Committee noted that Hayes Lane is a public road but is generally used as a private driveway. The Committee supported Hayes Toyota installing a speed bump to Australian Standards and installation of a rail to stop people walking straight out on to the laneway. Alternatively the showroom door could be reconfigured to prevent pedestrians walking directly into the lane. Council staff will meet Hayes management to discuss remedial action if requested.

RECOMMENDATION:

The Committee recommends:-

1. The installation of a speed bump on Hayes Lane, in accordance with Australian Standards.
 2. A pedestrian barrier fence adjacent to the sliding doors to prevent pedestrians walking straight out on to Hayes Lane and
 3. That this work be constructed by Hayes Toyota.
-

Reports from Committees/Working Groups

3. Fraser Drive and Terranora Road

R2150

R5441

Several complaints have been received from the community regarding bicycle groups travelling two abreast along Fraser Drive and Terranora Road. There appears to be limited effort from the riders to allow held up traffic through. This is leading to driver frustration and potentially dangerous situations.

The Committee noted that legislation enables bike riders to travel two abreast and that there is no action that the Police or Council can take regarding this matter.

RECOMMENDATION:

That the applicant be advised that legislation enables bike riders to travel two abreast and that there is no action that the Police or Council can take regarding this matter.

4. Twin Towns Triathlon 18 February 2001-01-22

R0680 R5901 R0470 R1900 R2131 R4430 R2640 R2800

Request received for road closures for the Twin Towns Triathlon to be held on the weekend of 16 – 18 February 2001. The triathlon is scheduled to commence at 7:45am (NSW Daylight Savings Time) on Sunday 18 February 2001 and road closures remain in place until the completion of the cycle event at approximately 9:50am (NSW Daylight Savings Time). The triathlon will start and finish at the Old Border Holiday Park, Boundary Street, Tweed Heads.

Roads requiring closure are:-

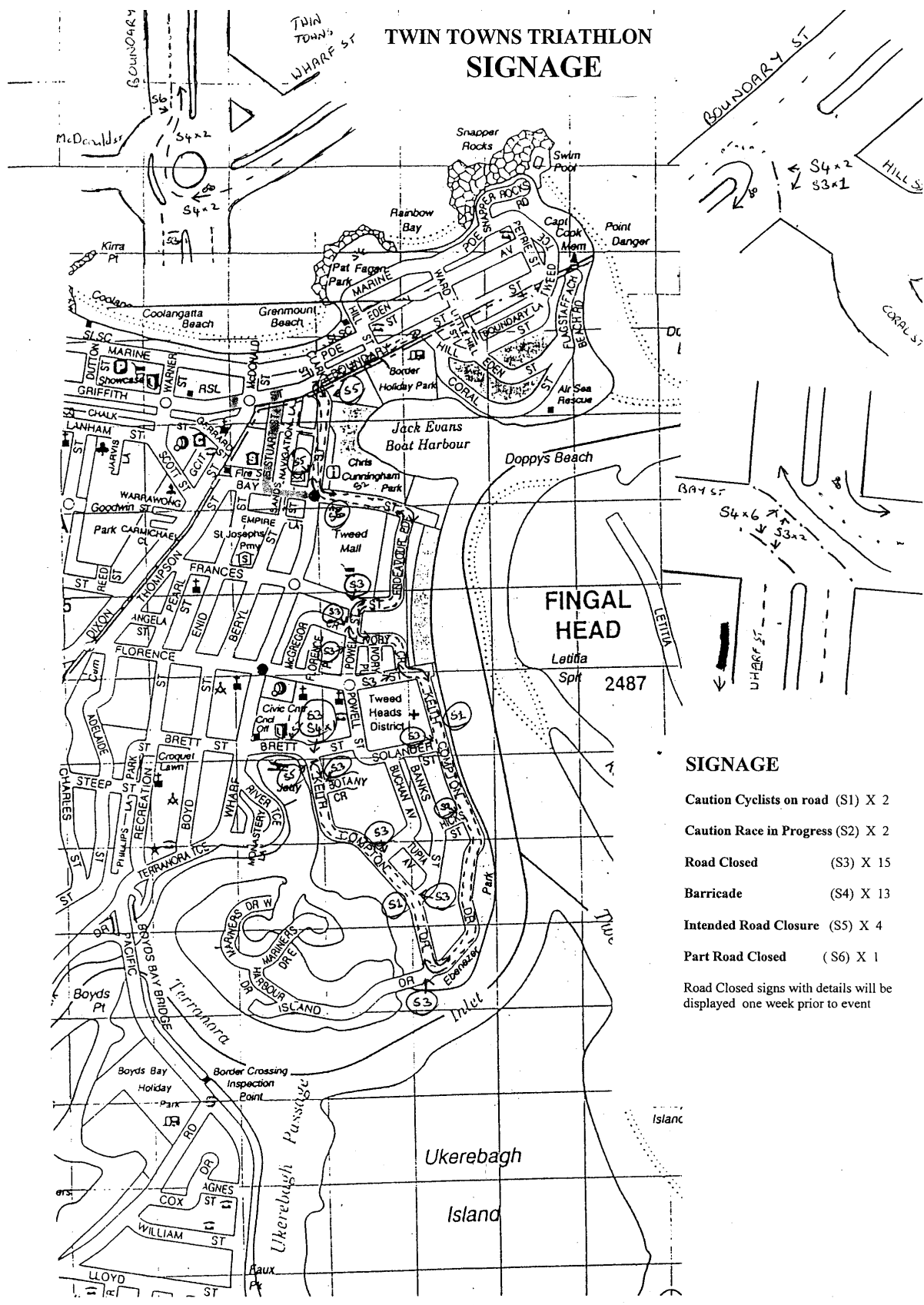
- Boundary Street from Wharf to Hill Street (Qld side)
- Wharf Street from Bay Street to Boundary Street
- Boundary Street from Wharf Street to Hill Street (NSW side)

Parts of the following roads will be closed, with local traffic being allowed in at the discretion of road marshals and police in attendance:-

Bay Street, Endeavour Parade, Frances Street, Powell Street, Ivory Crescent and Keith Compton Drive.

See the following diagrams for signage and marshal details:-

Reports from Committees/Working Groups

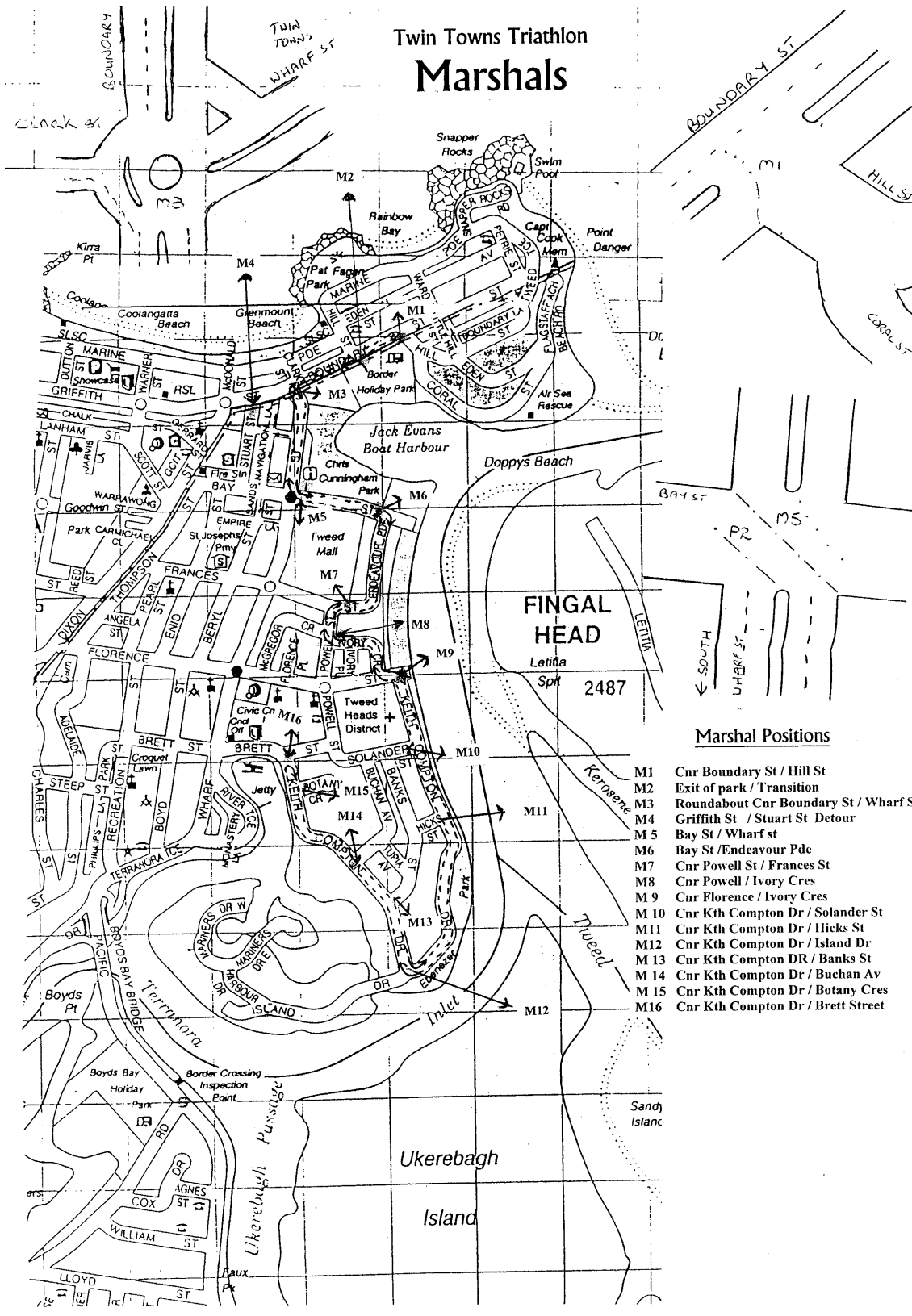


SIGNAGE

- Caution Cyclists on road (S1) X 2
- Caution Race in Progress (S2) X 2
- Road Closed (S3) X 15
- Barricade (S4) X 13
- Intended Road Closure (S5) X 4
- Part Road Closed (S6) X 1

Road Closed signs with details will be displayed one week prior to event

Reports from Committees/Working Groups



Reports from Committees/Working Groups

The Police Representative advised that he had approved the application which should be finished by no later than 10:00am on Sunday morning 18 February 2001.

The Chairman advised that there is a problem with the closure of Wharf Street due to long distance coaches using Bay Street and suggested that the organisers should include signage for buses to do a 3 point turn and advise the Bay Street Transit Centre owner of the arrangements.

The application for road closures for the Twin Towns Triathlon was unanimously agreed to by the Committee subject to the organisers contacting the Bay Street Transit Centre regarding the impact on bus services and methods to enable buses to turn in Bay Street so as not to impact on Boyd and Recreation Streets.

For Council's information.

5. Old Bogangar Road and Cudgen Road

R3840 Pt5

Request received for a review of the traffic lights on Old Bogangar Road – the logic of *“widening the road into two lanes – 80 yards before the lights and then reducing it back to a single lane 80 yards past the lights”* is being questioned. It is also claimed that *“racing motorists vie for the use of the single lane when the two lanes merge.”*

It has been suggested that *“the outside lanes be used as turning lanes only and be marked accordingly.”*

The Chairman advised that this is common practice to maximise the efficiency of the signals and reflects the ultimate four lane configuration. The design also complies with all relevant standards. The RTA Representative suggested that the sign be removed that reads “Left lane ends in 80m” to read “Left lane ends”.

The Police Representative advised that the area is being patrolled.

RECOMMENDATION:

That the applicant be advised that:-

1. The Police are enforcing the speed limit in the area and will continue to do so on an ongoing basis and
 2. Changes to the merging signage will be undertaken to assist in clarifying the merge.
-

6. Murwillumbah Swimming Pool

Pool - Murwillumbah

Request received for the provision of a marked handicapped parking space close to the entrance of the Murwillumbah Swimming Pool. Consultation with Council's Disability Access Committee has identified a suitable location adjacent to the pool.

Reports from Committees/Working Groups

The Committee approved one handicapped parking space as shown on the sketch.

RECOMMENDATION:

That one handicapped parking space be provided adjacent to the entrance to Murwillumbah Swimming Pool.

7. Swifts Road and Tyalgum Ridge Road, Tyalgum

R5350 R5651

Request received for speed or "Give Way" signs on Tyalgum Ridge Road.

The Committee agreed that applicant should be advised that the situation will be monitored and that should vehicle conflicts be identified the situation will be addressed.

For Council's information.

8. Murwillumbah Railway Station Parking

**Railways – General
Traffic – Directional Signs**

Erection of additional directional signs for the Murwillumbah railway station parking area. The Committee unanimously decided that the matter should be further investigated and discussed with the State Transit Authority.

Mr Newell advised that he had received a complaint regarding coaches turning from the station doing a "U" turn over the Pacific Highway to travel north. The RTA Representative undertook to provide signage reading "No "U" turn for vehicles over 6m"

For Council's information.

9. Chinderah Bypass Service Station DA

PF 5400/442 Pt2 260

The following item is reproduced from the minutes of the Local Traffic Committee meeting held on 23 July 1998 and is brought up for further discussion:-

"Late item by Mr Don Beck. Mr Beck reported that he was concerned with the approval of this Development Application as there appear to be problems with semi-trailers coming out accelerating in a left turn lane and requested that it should be called up to the Local Traffic Committee to look at. Mr Beck was advised that the development application was referred to the Regional Traffic Committee to comment on as determined by S.E.P.P. 11 and that it did not need to go to the Local Traffic Committee. The Police Representative reported that at the Regional Traffic Committee all safety aspects and issues were looked and that the location met all requirements. The RTA Representative stated that the RTA

Reports from Committees/Working Groups

requested that the deceleration lanes be increased and the proposal was redesigned to accommodate this.

For Council's information."

Cr Marshall advised that she had received correspondence on this issue and queried why this matter was not put to the Local Traffic Committee at the time.

The RTA representative advised that the plans had been submitted to the Regional Traffic Committee again as the internal layout had been changed.

Cr Marshall left a copy of the correspondence from Mark Stirling with the RTA Representative and Local Traffic Committee for further discussion at the next Local Traffic Committee meeting.

For Council's information.

10. Nullum Street, Murwillumbah

R3770 Pt2

As part of a condition of development consent the following is proposed for Local Traffic Committee endorsement:-

1. Removal of school zone signage from Condong Street.
2. The relocation of school crossings signs from Condong Street to Nullum Street.
3. Provision of a school crossing 30m south of the Sathya Sai School.
4. Creation of a bus zone on the eastern side of Nullum Street 25m south of the Sathya Sai School.
5. Creation of a bus zone directly in front of the Sathya Sai School on the western side of Nullum Street.
6. A 40kph school road patch to be installed on Nullum Street.

The Chairman advised that the costs for this work are being met by the Sathya Sai School.

The Committee supported the above items 1 to 6. The Police Representative advised that the 40kph school road patches in various locations needed to be maintained as they do fade. The RTA Representative acknowledged this and stated that there was a maintenance program in place.

RECOMMENDATION:

That the following changes be implemented on Nullum Street, Murwillumbah on behalf of the Sathya Sai School with costs being met by the school:-

1. Provision of a school crossing 30m south of the Sathya Sai School.

Reports from Committees/Working Groups

2. Creation of a bus zone on the eastern side of Nullum Street 25m south of the Sathya Sai School.
 3. Creation of a bus zone directly in front of the Sathya Sai School on the western side of Nullum Street.
 4. A 40kph school road patch to be installed on Nullum Street.
-

11. Centaur Primary School, Leisure Drive, Banora Point

R3035

Late item by the RTA Representative regarding a request received for a school crossing. The RTA Representative stated that sight distance to the crossing is marginal at 75m. The RTA Representative requested an 85th percentile speed count to ensure that the school crossing is located in accordance with RTA standards.

The Road Safety Officer advised that cars are presently stopping at the refuge.

For Council's information.

12. Northern Region Speed Zone Review ARCVIEW Coverage

Traffic – Speed Zones

The RTA Representative stated that the speed zones have all been mapped and asked the Committee to view it.

The Police Representative and Council Representatives requested a copy of the document when it is available and possibly on CD would be appreciated.

For Council's information

13. Street Vending on Side of Roads

Street Stalls

Late item tabled by the RTA Representative. RTA Technical Direction No. 96/10 and the RTA's booklet "Street Vending" was discussed showing guidelines for Council's use. The RTA Representative stated that street vending is not condoned or encouraged in speed zones over 80kph.

A copy of the book was handed to the Chairman and Mr Neville Newell, MP.

For Council's information.

Reports from Committees/Working Groups

14. Wollumbin Street Murwillumbah

R5940 Pt2

Late item. Cr Marshall asked the RTA Representative what the status is regarding the provision of traffic lights at this location.

Decided that this matter should be brought forward to the next meeting.

For Council's information.

15. Budd Park Toilets – Alma Street

R0080

Late item tabled by Cr Marshall asking for information on why people are allowed to stop in the "No Stopping" zone outside the toilets in Budd Park on Alma Street. Cr Marshall requested lines on the road to ensure people did not stop.

Decided that the matter be referred to Engineering Services for investigation and review of the signage.

For Council's information.

16. Pacific Highway, Banora Point (Speed Cameras)

R4031 Pt11

Late item tabled by Cr Marshall regarding why the provision of speed cameras on Sexton Hill has been halted.

The Police Representative stated that it is a dangerous area and they are called out quite a lot to attend at crashes. The Police Representative undertook to acquire the statistics on accidents on Sexton Hill.

The RTA Representative stated that the accidents are less than what would be expected for the amount of vehicles on that road and that these statistics are what is used in the assessment of locations for speed cameras. Usage of statistics in this way was questioned by the Traffic Committee. The RTA Representative advised that the criteria for a speed camera had to be met before a camera could be installed. The Chairman requested a copy of the data on traffic and speed counts currently being undertaken by the RTA.

The Chairman asked that the Police Representative supply Council with the data that has already been provided for the speed camera.

The Police Representative undertook to supply a report to Council in support of the installation of a speed camera on Sexton Hill to assist Council in pursuing this issue.

For Council's information.

Reports from Committees/Working Groups

17. Seaview Road East Banora Point

R4960

Late item tabled from Cr Marshall regarding a request received from a resident concerned at a town house development in Seaview Road increasing traffic exiting to Laura Street and Minjungbal Drive.

The Traffic Committee noted that the existing road network had adequate capacity to cope with the traffic generated from the development and that traffic would be spread out over the day. Cr Marshall undertook to respond to the applicant.

For Council's information.

18. Cane Road & McCloys Road

R0940 & R3160

Late item tabled by Mr Newell. Mr Newell reported that there is inconsistency with the old and new signs giving priority to the wrong road. The Chairman undertook to investigate and rectify the signage as required.

For Council's information.

19. Short Street Banora Point

R5038

Late item tabled by Cr Marshall. It was noted that there was another accident at this location recently.

The RTA Representative undertook to ensure the closure of Short Street as expeditiously as possible.

For Council's information.

20. Boyd Street Tweed Heads

R0700

Late item tabled by the Police Representative that the Police are finding it difficult exiting the driveway on Boyd Street in an emergency. Requested that "No Stopping" signs be placed 9 metres either side of the driveway. The Committee supported this request.

RECOMMENDATION:

That "No Stopping" signs be installed 9m either side of the driveway entrance to the Police Station in Boyd Street.

Reports from Committees/Working Groups

Part B

1. DA Stage 1 Residential Subdivision Lot 7, DP 1009074 Fraser Drive, South Tweed Heads

DA2150/878 Pt1 0003/2001DA

Request received for Local Traffic Committee assessment and comment on the proposed residential subdivision at Lot 7 DP 1009074 Fraser Drive, South Tweed Heads.

Comments are requested as follows:-

1. Access for stage 1 will be via Fraser Drive and will involve a roundabout type intersection. This application raises the question of whether this is to be a four lane roundabout and if so the cost over and above the basic intersection is requested to be credited against TRCP Contribution.
2. Future stages will involve connections with existing Merlot Court and Acacia Street via a 9m and 11m carriageway.
3. Proposal does not include further upgrading of Acacia Street.
4. Proposal includes the creation of 7 new roads of which Stage 1 includes part of three of these new roads. The proposal includes an 18m wide collector road (Road No. 1) extending from existing Acacia Street to existing Merlot Court.

The Committee viewed plans of the development and noted that this item was dealt with by the Regional Traffic Committee as required by SEPP 11. The Local Traffic Committee endorsed the recommendations made by the Regional Traffic Committee.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Thursday 15 March, 2001.

The meeting closed at 11:40am.

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

2. Hayes Lane, Murwillumbah

R2404

Committee Recommendation:

The Committee recommends:-

Reports from Committees/Working Groups

1. The installation of a speed bump on Hayes Lane, in accordance with Australian Standards.
2. A pedestrian barrier fence adjacent to the sliding doors to prevent pedestrians walking straight out on to Hayes Lane and
3. That this work be constructed by Hayes Toyota.

Director's Recommendation: *Recommendation endorsed.*

3. Fraser Drive and Terranora Road

R2150 Pt2

Committee Recommendation:

That the applicant be advised that legislation enables bike riders to travel two abreast and that there is no action that the Police or Council can take regarding this matter.

Director's Recommendation: *Recommendation endorsed.*

5. Old Bogangar Road and Cudgen Road

R3840 Pt5

Committee Recommendation:

That the applicant be advised that:-

1. The Police are enforcing the speed limit in the area and will continue to do so on an ongoing basis and
2. Changes to the merging signage will be undertaken to assist in clarifying the merge.

Director's Recommendation: *Recommendation endorsed.*

6. Murwillumbah Swimming Pool

Pool - Murwillumbah

Committee Recommendation:

That one handicapped parking space be provided adjacent to the entrance to Murwillumbah Swimming Pool.

Director's Recommendation: *Recommendation endorsed.*

10. Nullum Street, Murwillumbah

R3770 Pt2

Committee Recommendation:

That the following changes be implemented on Nullum Street, Murwillumbah on behalf of the Sathya Sai School with costs being met by the school:-

Reports from Committees/Working Groups

1. Provision of a school crossing 30m south of the Sathya Sai School.
2. Creation of a bus zone on the eastern side of Nullum Street 25m south of the Sathya Sai School.
3. Creation of a bus zone directly in front of the Sathya Sai School on the western side of Nullum Street.
4. A 40kph school road patch to be installed on Nullum Street.

Director's Recommendation: <i>Recommendation endorsed.</i>

20. Boyd Street Tweed Heads

R0700

Committee Recommendation:

That "No Stopping" signs be installed 9m either side of the driveway entrance to the Police Station in Boyd Street.

Director's Recommendation: <i>Recommendation endorsed.</i>

Reports from Committees/Working Groups

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

2. **Minutes of the Local Environmental Plan Advisory Committee Meeting held Tuesday 30 January 2001**
 3. **Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party Committee Meeting held Tuesday 30 January 2001**
 4. **Minutes of the Regional Companion Animal Committee Meeting held 5 February 2001**
-

Orders of the Day

1. Notice of Motion - Cr Boyd

Casuarina Beach Dune Management Plan Review Committee - Membership

Notice of Motion, Dune Care Committee, GS4/96/135 Pt17

That Council appoints Cr Henry James and Rhonda James as Dune Care Advisory Committee community members on the Casuarina Beach Dune Management Plan Review Committee.

2. Notice of Motion - Cr Lawrie

Old Ferry Road, Oxley Cove - Signage

Notice of Motion, Regulatory Signs

That Council investigates the alleged misuse of the dirt track to the left at the end of Old Ferry Road, Oxley Cove, and the possible installation of bollards or other vehicle limiting devices, and the re-positioning of the "No Dumping Rubbish" sign at the end of the sealed portion of Old Ferry Road.

3. Notice of Motion - Cr Lawrie

Council Records

Notice of Motion, Contaminated Soils

That Council considers releasing to Messrs Duyker and Moller the records the subject of the supplementary report of Director Environment and Community Services, Don Buckley, dated 6 November 2000.

4. Notice of Motion - Cr Lawrie

Civic Centre - Hire Fees

Notice of Motion, Civic Centre - Hire - Murwillumbah, Civic Centre - Hire, Tweed Heads

That Council reverts to the prior system of charging for the Civic Centres.

Orders of the Day

5. Notice of Motion - Cr Beck

Tweed Local Environment Plan 2000

GT1/LEP/2000, Notice of Motion

That the Minister for Urban Affairs and Planning be requested to amend the Tweed Local Environment Plan 2000 to include the use of tourist facilities and services within the 7(f) Zone to be allowed with Council consent.

6. Notice of Motion - Cr Beck

Council Owned Land - Wardrop Valley

PF5810/305, Notice of Motion

That Councillors inspect the Wardrop Valley, Council owned land, with a view to allowing the motor bike club to establish a bike track and facilities.

7. Notice of Motion - Cr Boyd

Tweed Valley Regional Art Gallery Foundation Limited

Art Gallery, Notice of Motion

That Council nominates Cr Max Boyd to represent Council as a Governor of Tweed Valley Regional Art Gallery Foundation Limited.
