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Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

27. **Awnings over Footpaths - Risk Management Policy and Procedures**
Building Code, Risk Management

335

Cr Luff

Cr Marshall

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

Current Status: Risk Management advised visiting Council 28 October 2002 to progress this matter.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. **Proposed Tweed Natural High Campaign**
Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Endorses the proposed Tweed Natural High Campaign
2.
 - a. Forms an Advisory Committee to formulate such a campaign.
 - b. Appoints Councillor Polglase to be on the Committee
 - c. Requests the nominated Councillor, relevant staff and a representative of the Queensland Alcohol and Drug Foundation to meet to bring back to Council a recommended Advisory Committee membership.

Current Status: The above campaign should coincide with the Tweed Coolangatta Crime Plan launch. This has been delayed due to the need to appoint a new consultant. Now expected in December.

Schedule of Outstanding Resolutions

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon (Ppty No: 1640.430)

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

1. This item be deferred until the Bilambil Sports Fields purchase is finalised and Council is certain what it is going to cost to bring the whole area into good condition.
2. Council supports, in principle, the preservation of the Doon Doon Hall.

Current Status: Estimates are being prepared for the works to be carried out at the Bilambil Sportfields.

5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

RESOLVED that a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

Current Status: Draft report prepared.

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 5. Draft Tweed Local Environmental Plan 2000 Amendment - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development**

GT1/LEP/2000/26 Pt1; GT1/DCP/40 Pt1; LEP – 26; DCP

793

Cr Beck

Cr Marshall

RESOLVED Council regarding Item 14 – Deferred Areas, not proceeds with the rezoning of Lot 1 DP803772 and Lot 1 DP810063, Cudgen Road, Cudgen to 1(a) Rural and requests the Director Development Services to bring forward a report on the possibility of rezoning these two lots to Residential 2(a).

Schedule of Outstanding Resolutions

Current Status: Report will be provided after Tweed Rural Land Use Study has been evaluated..

3 APRIL 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Land East of Old Bogangar Road, Cudgen**

GT1/LEP/A113 Pt6; LEP

852

Cr Marshall

Cr Boyd

RESOLVED that this matter be deferred pending a report from the Director Development Services after the release of the Rural Land Use Study from the Tweed Economic Development Corporation.

Current Status: Report to be prepared.

19 JUNE 2002

ORDERS OF THE DAY

2. **Complying Development Applications**

Notice of Motion; Building Code; DW678238

1126

Cr Lawrie

Cr Youngblutt

RESOLVED that Council requests staff to:-

1. Investigate rationalisation of its Complying Development Application process from the need for five (5) separate applications involving duplication of information, to one (1) detailed application.
2. Conducts a survey of other applications for the purpose of like rationalisation.

Current Status: Being investigated.

QUESTION TIME

Census Population Data

Population Statistics

Cr Boyd

What is the population of Tweed Shire?

The General Manager advised that the Strategic Planning Unit would provide a report to Council on the recently released census population data.

Schedule of Outstanding Resolutions

Current Status: Report to Council Meeting November 2002.

3 JULY 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Development Application 0689/2000DA - Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point DA1180/425 Pt1; 1180.425**

10

Cr James

Cr Davidson

RESOLVED that this item be deferred to have the opportunity to obtain further information from Fisheries NSW.

Current Status: Awaiting response from NSW Fisheries.

21 AUGUST 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

7. **Erection of an Advertising Sign at Lot 1 DP 121377 No. 363 Carool Road, Carool DA02/1111 Pt1; 960.730**

190

Cr Beck

Cr Youngblutt

RESOLVED that that Development Application DA02/1111 for the erection of a advertising sign on Lot 1 DP 121377 No. 363 Carool Road, Carool be deferred pending determination of the application and request the applicant to provide additional information within 28 days to meet the statutory compliance requirements.

Current Status: Awaiting applicant's further submission.

Schedule of Outstanding Resolutions

9. **Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553 Winders Place, Banora Point**

188

Cr Boyd

Cr Marshall

RESOLVED that this matter be deferred on the request of the applicant.

Current Status: Awaiting applicant's further submission.

2 OCTOBER 2002

QUESTION TIME

Tweed Heritage Caravan Park

DA02/1421 Pt1; 4030.2170; Caravan Parks-Tweed Heritage

Cr Beck

Enquired has there been a Development Application submitted for the Tweed Heritage Caravan Park.

The General Manager responded that a Development Application had been received and that it would be reported to Council on 6 November 2002.

Current Status: Report being prepared.

Tendering Process

Local Preference Policy-Procurement/Tender Process

Cr Beck

Asked could details be provided regarding the tender, as detailed in a letter provided.

The General Manager will investigate and report back to Council.

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Tweed CBD Task Force

Street Scaping Tweed Heads

A request has been received from the Tweed CBD Task Force for an elected member to take up a position on the Committee.

It is recommended that Councillors elect a Councillor to be represented on this Committee

2. ABC Presentation “Behind The News”

Daylight Saving

3 October -Conducted an interview with ABC Presenter, Dhana Quinn, on problems faced by a family living on the border coping with Daylight Saving.

3. Body Corporate Services

Councillors’ Invitations

3 October - Opened new office of Body Corporate Services in Griffith Plaza Coolangatta.

4. Speed on Tweed

Speed on Tweed

3 October - Hosted a thank you function for Council volunteers who worked on Speed on Tweed

5. Private Citizenship Ceremony

GC6/5 Pt.5

4 October – Presented Citizenship Certificate to Mr. Robert Crooks

Mayoral Minute

6. Wommin Bay Hostel

Councillors' Invitations

4 October – attended opening of new 30 Bed Ageing-In Place facility at Wommin Bay Hostel Kingscliff

7. Science Art Centre

Councillors' Invitations

5 October – attended the opening of “Castle ON The Hill” B & B at Uki

8. UDIA's Launch On The Tweed Champagne Breakfast

Councillors' Invitations

8 October – attended UDIA's Breakfast at Casuarina Beach

9. Launch Casuarina Mainwaring Precinct

Councillors' Invitations

8 October – attended Media Conference to launch \$20 Million Mainwaring Precinct at Casuarina.

10. Work for The Dole Graduation & Celebration

Work for the Dole

8 October – attended the Work for the Dole Graduation & Celebration at Greenhills organised by Tweed Training & Enterprise

11. Small Business

Councillors' Invitations

8 October – had a brief discussion with Senator Steven Conroy, Shadow Minister for Small Business

12. Wommin Bay Hostels Ltd

Councillors' Invitations

10 October - Wommin Bay Hostels Ltd. AGM at Kingscliff

Mayoral Minute

13. Coats & Wreckair Hire

Councillors' Invitations

10 October – Open new premises of Coats & Wreckair Hire at South Tweed Heads

14. Citizenship Ceremony

GC6/5 Pt.5

11 October – Conducted Citizenship Ceremony at Tweed Heads Civic Centre

15. NBN Telethon

Youth Matters

12 October – participate in NBN's Telethon at Seaworld for Starlight Children's Foundation

16. ClubsNSW Conference

Councillors' Invitations

13 October – attend ClubsNSW Conference Dinner at Movieworld

17. Coastal Council

Coastal Protection

14 October – Travel to Sydney to meet with Professor Thom and Richard Adams at Coastal Council

18. Country Energy

Electricity

15 October – meet with Council General Manager and Executives from Country Energy

INVITATIONS ACCEPTED:

- 18 October – Open new office Ray White Tweed Heads
- 18 October – Fulton Trotter & Partners – 20 year cocktail celebration at Tweed Heads
- 19 October – Open Chillingham's Bean Tree Walk
- 19 October – Murwillumbah Hospital Fete
- 19 October - Casuarina Cocktail Function (presentation of \$30,000 donation to SLSNSW)

Mayoral Minute

- 20 October – Casuarina Surf Classic & Presentation of Awards
 - 22 October – Tweed Training & Enterprise Co. Breakfast Murwillumbah
 - 23 October – Plumbers Information Night Club Banora
 - 25 October – Cystic Fibrosis Bowls Dinner & Music Night Condong Bowls Club
 - 26 October – Cooloon Children’s Centre Kids Fest Tweed Heads
 - 26 October – Tweed Coast Community Baptist Church Community Dinner Cabarita
 - 27 October – National Australia Day Walk Kingscliff
 - 27 October – Honda Indy – Gold Coast
 - 28 October – Volunteering Tweed First Birthday Celebrations Murwillumbah
 - 30 October – Opening of Community Technology Centres at Uki and Tyalgum
 - 4 November – Opening of Coast to Coast Conference – Cr. George Davidson to deputise
 - 4 November – Civic Reception Alan Border Walk – Cr. George Davidson to deputise
 - 2-7 November – Attending National General Assembly of Local Government in Alice Springs
-

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

- Orana Trade & Investment Expo – 30 October to 2 November at Dubbo
-

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

Name	Period	Location	Details
DCS	17 October 2002	Beaudesert Shire Council	South ROC Meeting
DDS	14 October 2002	Tweed Heads Civic Centre	Tweed Heads Task Force
DECS	16 October 2002	Coffs Harbour	Waste 2002 Conference
GM	21 October 2002	Ballina	GMs' Sub-Regional Group Meeting

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:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/20 Pt5 - LEP - Kings Forest

REPORT TITLE:

National Parks and Wildlife Act 1974, Amended Interim Protection Order, Kings Forest

SUMMARY OF REPORT:

On 2 August 2002 the Minister for the Environment gazetted an Interim Protection Order pursuant to the National Parks & Wildlife Act 1974 on a part of Kings Forest (copy attached to this report).

That Order was revoked on 27 September 2002 and replaced with an amended order. The amended order adjusts the affected lands and corrects a typing error in the list of those affected lands.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

On 2 August 2002 the Minister for the Environment gazetted an Interim Protection Order pursuant to the National Parks & Wildlife Act 1974 on a part of Kings Forest.

That Order was revoked on 27 September 2002 and replaced with an amended order. The amended order adjusts the affected lands and corrects a typing error in the list of those affected lands.

Reports from Director Development Services

8466

OFFICIAL NOTICES

27 September 2002

NATIONAL PARKS AND WILDLIFE ACT 1974 INTERIM PROTECTION ORDER

IN PURSUANCE of section 91B of the National Parks and Wildlife Act 1974, I BOB DEBUS, the Minister for the Environment, having considered a recommendation by the Director-General of National Parks and Wildlife, DO HEREBY MAKE AN INTERIM PROTECTION ORDER in respect of the land described as Lot 38B in DP 13727, Lot 1 in DP 129737, Lot 1 in DP 781633, Lot 7 in DP 875447, Lot 37A in DP 13727, Lot 76 in DP 755701, Lot 272 in DP 755701, Lot 323 in DP 755701, Lot 6 in DP 875446, Lot 326 in DP 755701, part Lot 2 in DP 819015, Lot 40 in DP 7482 and Lot 38A in DP 13727 depicted as the hatched and crosshatched area on the attached map marked "Diagram A" to prohibit the damaging or despoiling of the land or any part of the land, the carrying out of any activity which would constitute the carrying out of a development in relation to the land, the damaging or destruction of any tree or vegetation on the land or the removal of any tree or vegetation from the land, or the carrying on of any activity of the following type:

- disturbing the surface of the soil;
- undertaking earthworks;
- clearing, slashing, damaging or destruction of any tree or any native vegetation;
- application of herbicides or pesticides;
- dumping of spoil;

- removal of pine (*Pinus spp.*); and
- grazing of cattle or other domestic stock.

or any other activity that may affect the preservation, protection or maintenance of the land or any threatened species population or ecological community or its habitat within the meaning of the Threatened Species Conservation Act AND I DO FURTHER ORDER that the Interim Protection Order shall have effect for a period of 12 months.

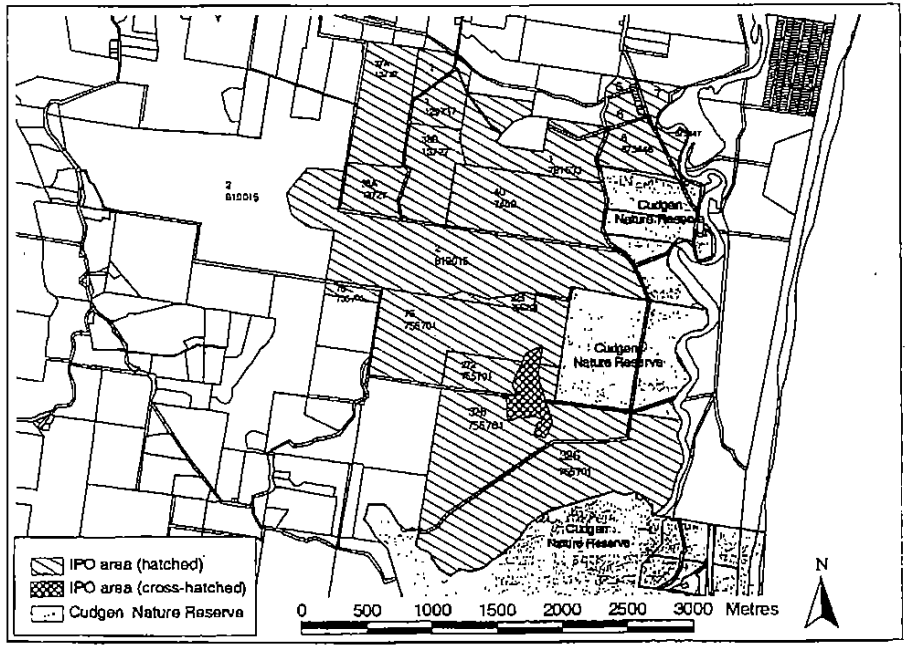
This Order does not prohibit the watering of tea trees in that area of land within part Lot 76 in DP 755701, part Lot 326 in DP 755701 and part Lot 272 in DP 755701 as indicated by crosshatching on the attached map marked "Diagram A" (that area being the same area excluded from the 17 September 2001 Stop Work Order). Watering shall be limited to watering by means of either hand watering or watering from a water tanker. Watering by means of irrigation from the dam on Lot 326 in DP 755701 is not permitted.

In this order, "development" means:

- (a) the erection of a building;
- (b) the carrying out of a work, in, on, over or under land;
- (c) the use of land or of a building or work in, on, over or under land;
- (d) the subdivision of land; and
- (e) the clearing of vegetation.

BOB DEBUS, M.P.
Minister for the Environment

DIAGRAM "A"



NEW SOUTH WALES GOVERNMENT GAZETTE No. 134

Reports from Director Development Services

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Reports from Director Development Services

- 2. ORIGIN:** Acting Director Development Services
FILE REF: GT1/LEP/2000/20 Pt5 - LEP - Kings Forest

REPORT TITLE:

Kings Forest Draft LEP

SUMMARY OF REPORT:

Council has recently received from National Parks & Wildlife Service an extensive additional submission in respect of the exhibition of the Kings Forest Draft LEP. The Service have noted that this further submission arises from further investigations undertaken by the Service largely as a result of investigations into the alleged unauthorised clearing of threatened species and threatened species habitat. The Service recommends that additional areas be zoned environmental protection, which are set out in the Service submission.

The recommendations of the Service have significant implications for Kings Forest and a meeting or relevant Service, PlanningNSW & Council officers and Consultants is being arranged to discuss those implications.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

Council has recently received from National Parks & Wildlife Service an extensive additional submission in respect of the exhibition of the Kings Forest Draft LEP.

The draft LEP was exhibited for a period of 38 days between 4 April 2001 and 11 May 2002, during which period the Service made a submission to Council dated 30 May 2001. Following that exhibition the processing of the Draft LEP was held in abeyance pending the outcome of the Bulford Inquiry. Following the release of the Bulford Report Council recommenced work on the Draft LEP, with Council's consultants revising the submissions received during the exhibition period. That work has yet to be completed.

The Service have noted that this further submission arises from further investigations undertaken by the Service largely as a result of investigations into the alleged unauthorised clearing of threatened species and threatened species habitat.

The Service consider that "these investigations have revealed the Kings Forest lands support more extensive natural values that originally identified in the LES, EIS, SIS and NPWS's initial inspections". As a consequence and, notwithstanding the current urban zoning of the significant parts of this land, the Service recommends that additional areas be zoned environmental protection, which are set out in the Service submission (copy attached to this agenda).

The Service did indicate in its original submission that "further fauna survey is likely to identify other areas of threatened species habitat over the Kings Forest lands outside the areas identified for conservation by the Draft LEP."

The details of the submission have yet to be examined. However, initial estimates indicate that the zone map recommended by the NPWS will increase the area of environmental protection zone by approximately 301 hectares compared to the exhibited draft LEP (Amendment No. 20). The total area of environmental protection zones under the NPWS map would therefore be 656 hectares with 263 hectares set aside for 2(c) Urban Expansion compared to 355ha environmental protection and 564ha 2(c) Urban Expansion zone under the exhibited draft LEP.

The recommendations of the Service have significant implications for Kings Forest and a meeting of relevant Service, PlanningNSW & Council officers and Consultants is being arranged to discuss those implications.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: PF1431/190 Pt4

REPORT TITLE:

Proposed Amendment to Tweed Local Environmental Plan 2000 - Lot 156 DP 628026 Creek Street, Hastings Point

SUMMARY OF REPORT:

The subject site located at the end of Creek Street, Hastings Point is zoned 2(e) Residential Tourist and 7(a) Environmental Protection (Wetlands). Of the land zoned 2(e) Residential Tourist, approximately 30% has characteristics of an estuarine wetland dominated by mangroves and salt marsh affected by tidal processes. The potential for developing this land is therefore highly restricted.

This report sets out the justification to prepare a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to rezone parts of this property to 7(a) Environmental Protection (Wetland).

RECOMMENDATION:

That :-

1. Council informs the Director-General of PlanningNSW, pursuant to Section 54 of the Environmental Planning and Assessment Act that it intends to prepare a draft Local Environmental Plan, to rezone parts of Lot 156 DP 628026, Creek Street, Hastings Point identified in Figure 3 from 2(e) Residential Tourist Zone to 7(a) Environmental Protection (Wetland).
2. The Director-General of PlanningNSW be advised that in Council's opinion an Environmental Study pursuant to Section 57 of the Environmental Planning and Assessment Act 1979 will be required.

Reports from Director Development Services

REPORT:

The subject land, Lot 156 DP 628026, has an area of 17.7 hectares, is accessible by Creek Street, Hastings Point, and fronts Christies and Cudgera Creeks along it's southern boundary. The land also contains a large tidal pond, which was constructed from previous dredging activities on the land during the 1980's. (See Figure 1 – Site Plan). Approximately 10.16 hectares of the site is zoned 2(e) Residential Tourist with the remaining 7.8 hectares Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest). (Figure 2 – Extract from Tweed LEP 2000)

FIGURE 1 – SITE PLAN



A large portion of the property in the south east corner is zoned 2(e) Residential Tourism, but is an area dominated by mangroves, marshland, and tidal flats - likely to provide important habitat for estuarine flora and fauna. (See Figure 3 – Area of Investigation). The area is also congruous and contiguous to wetlands found within Cudgera and Christies Creek, some of which have been identified under State Environmental Planning Policy No. 14 Wetlands.

Part of the property, identified as the Area of Investigation in Figure 3, is not considered suitable for urban/tourist development because development would require removal and destruction of marine vegetation and fishery habitats. Any development of this part of the property would also require the acceptance of various government agencies including National Parks and Wildlife Service, NSW Fisheries and the Department of Land and Water Conservation. Approximately 3.5 hectares of land currently zoned 2(c) is inappropriately zoned. This area should be zoned Environmental Protection Zone

History

The subject property has had along history with the land being dredged and filled during the 1980's by previous owners. The evidence of these works are still present on the site a large pond in the

Reports from Director Development Services

centre of the property, and minor canals and holes are evident in the south east corner of the property which are affected by the tidal movements of Christies and Cudgera Creek.

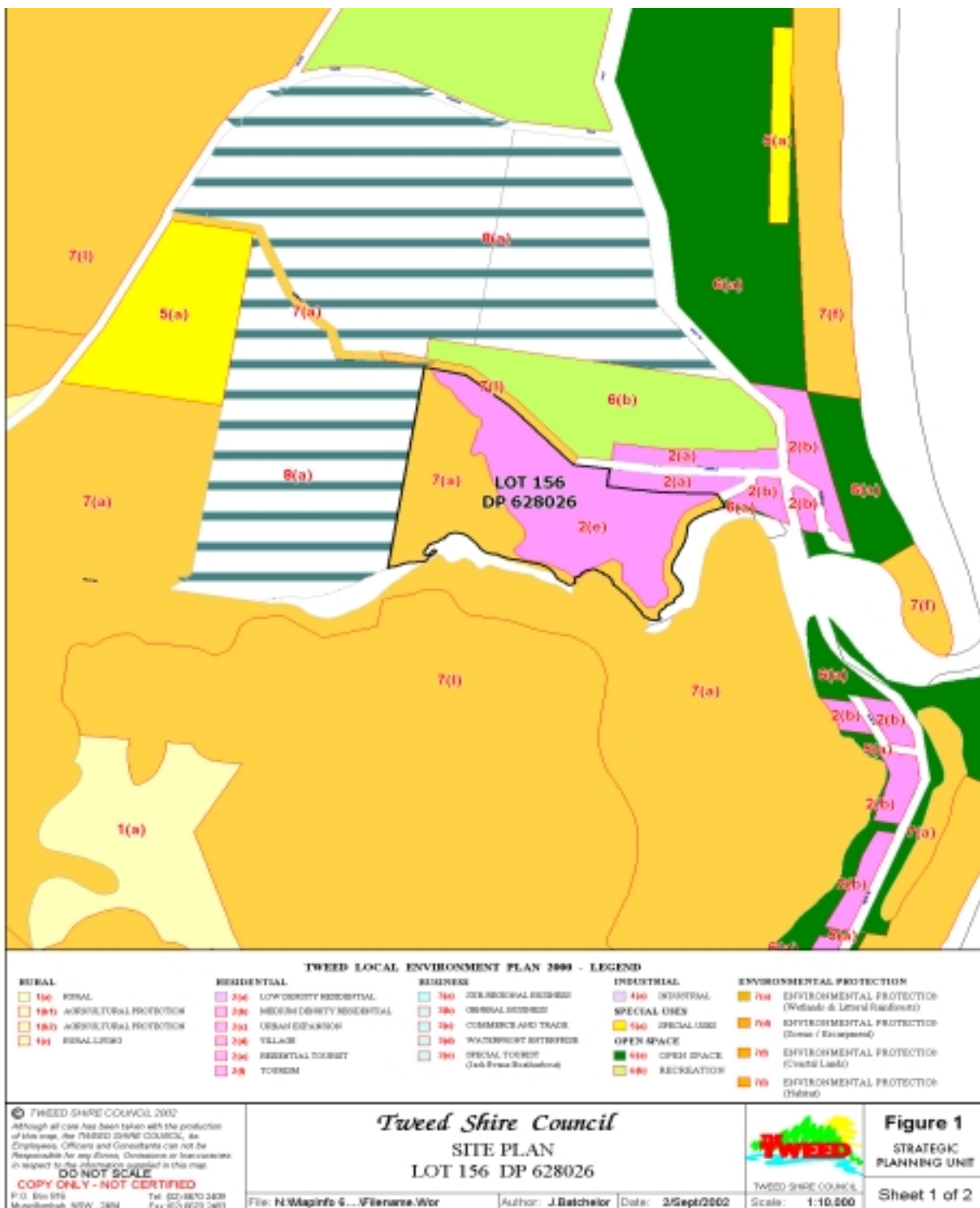
Under Tweed Local Environmental Plan 1987 the land was zoned part zoned 7(a) Environmental Protection (Wetlands), 7(l) Environmental Protection Habitat, 2(a) Residential "A" Zone and 6(b) Proposed Open Space. Under Tweed LEP 1987 Amendment No. 24 Council rezoned the land part 7(a) Environmental Protection (Wetlands) Zone and 2(e) Residential Tourist Zone. These zones have been carried through with the gazettal of Tweed Local Environmental Plan 2000

Over the past 12 months Council staff have had reason to inspect the subject land on at least five occasions following complaints from concerned residents in relation to clearing activities, earthworks and stocking the property with goats, including the clearing of a lightly timbered area in the north west corner of the property over the 2002 Australia Day Weekend, and more recently slashing of an area of wetland adjacent to the western boundary. During these inspections it has become apparent that part of the property and in particular the south east corner of the land has attributes of a coastal wetland and is affected by the tidal processes of the local waterways. The detailed planning history that follows:

1. The area was severely disturbed by previous landowners from dredging activities during the 1980's. Aerial photographs in Council's possession show the area as being near devoid of vegetation in 1984. A photograph taken three years later indicates the vegetation had started to return. The area has now been substantially rehabilitated with mangroves and other estuarine species.
2. The Local Environmental Study prepared by James Warren for Amendment No. 24 of Tweed LEP 1987 incorrectly mapped part of this area as Open Forest being "trees to 14 metres in height with a shrub understorey to 2 metres high and grasses and ferns as ground cover". It is considered this description is erroneous. Aerial photos in Council's records dated 31/8/84 show the area as disturbed by clearing activities. The aerial photo dated 6/8/87 show the area as starting to rehabilitate with natural regrowth of mangroves. Such a description would have given Council and the Minister for Planning in 1990 the wrong perception of the natural and physical attributes of the area. A more suitable description based on this aerial photo would have identified this area as Mangrove Re-growth, Rushlands and Sedgeland, making the area worthy of protection by way of an appropriate environmental protection zoning.
3. Further the LES conclusion identified this area as being highly disturbed and of low conservation value. This may have been a correct assumption considering the level of activity on the site during the 1980's, and as evidenced from the two aerial photos. However as the area began to regenerate, it is considered to have a much higher conservation value as habitat for fish stocks, bird life and other estuarine species of flora and fauna.

Reports from Director Development Services

FIGURE 2 – ZONING EXTRACT TWEED LOCAL ENVIRONMENTAL PLAN 2000



Reports from Director Development Services

PLANNING MATTERS

North Coast Regional Environmental Plan 1988

Under Clause 14 of the REP wetlands, fishery habitats and sufficient land to act as a buffer to separate adjoining land uses, should be included in an environmental protection zone. Such a zone would also include provisions requiring consent for development such as agricultural uses, the clearance of vegetation, the filling or draining of land. The 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone under Tweed LEP 2000 includes such provision.

A 2(a) zone would also provide a suitable buffer between Christies and Cudgera Creeks to the existing residential development along Creek Streets and any future residential development of the remainder of the land.

Clause 29 Plan preparation—natural areas and water catchments

Under Clause 29 of the REP significant areas of natural vegetation including wetlands and potential wildlife corridors should be included in environmental protection zones. The subject land includes a significant area of natural vegetation being a wetland in an environmental protection zone, and is consistent with Clause 29 of the REP.

Tweed LEP 2000

The exact location of the new zone boundaries would need to be confirmed by way of Local Environmental Study, which would include as minimum a flora and fauna analysis of the area and survey of the high water mark on the property. The rezoning of the land would then provide the necessary statutory protection under Tweed Local Environmental Plan 2000.

STRATEGIC PLANNING UNIT WORK PROGRAM

Vegetation Management Plan – Tweed LEP 2000 (Amendment No. 21)

No provision has been made in the current work program adopted by Council for the review of the zoning arrangements for the subject land. The decision to review rezoning for this land has resulted from a number of complaints from adjoining residents about clearing activities and the like occurring on the land over the past 12 months, and subsequent site inspections carried out by Council Officers, which has resulted in this irregularity being discovered.

CONCLUSION

Current zoning under the TLEP 2000 over subject land does not reflect the environmental constraints for the land (wetlands). The wetland areas within the subject site currently zoned 2(c) Residential/Tourist should be amended to 7(a) Environmental Protection (Wetland/Littoral Rainforest) zone.

Reports from Director Development Services

FIGURE 3 – AREA OF INVESTIGATION (HATCHED)



Reports from Director Development Services

Environmental Study

It is considered an environmental study is required in accordance with State Government Policy. The exact siting of the future 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone boundaries needs to be properly surveyed and this would be achieved by way of a flora and fauna analysis, a survey of the high water mark within the south-east corner of the property, and the provision of appropriate buffer zones. The area of investigation is indicated as the hatched area in in Figure 3 (approximately 3.5 hectares in size). The zone boundary between the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone and the 2(e) Residential Tourist Zone would be amended in accordance with the recommendations with the Environmental Study.

CONCLUSION

A proposed LEP amendment is recommended to zone those areas of this property which have wetlands and are unsuitable for urban/tourist development from 2(e) Residential Tourist to 7(a) Environmental Protection (Wetlands and Littoral Rainforest). It is recommended Council proceeds with the preparation of a draft LEP and Environmental Study.

Reports from Director Development Services

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Reports from Director Corporate Services

4. ORIGIN: General Manager
FILE REF: GT1/LEP/2000/3 Pt 7

REPORT TITLE:

Termination of Agreement with McInnes Group for the Preparation of a Local Environmental Study and Draft Local Environmental Plan in Respect of Land at Seaside City

SUMMARY OF REPORT:

The Local Environmental Study and Draft Local Environmental Plan in respect of land at Seaside City being prepared by the McInnes Group, was suspended by Council, prior to their completion on the direction of the Minister for Local Government pending Robert Bulford's investigation under Section 430 of the Local Government Act, 1993, regarding Tweed Shire Council. The subsequent report included a recommendation that: -

"Council should immediately take action to terminate the McInnes Group as consultant to Council".

Council at its meeting of 17 July 2002, resolved that it: -

"Authorises the General Manager, in conjunction with Tony Smith (Stacks the Law Firm) to negotiate finalisation of the contract with the McInnes Group and any outstanding payments"

Negotiations were entered with the McInnes Group to terminate the agreement. Council and the McInnes Group have now reached an agreement to amicably terminate the contract.

The negotiations included payment of outstanding fees and an agreed statement for publication by Council regarding the work undertaken by the McInnes Group in respect of the Study and Draft Plan.

RECOMMENDATION:

That: -

1. Council notes that the contract with the McInnes Group has been terminated and the details of the termination being contained in a Deed of Termination.
2. Council publishes in The Australian, The Gold Coast Bulletin, The Courier Mail and The Daily News, the agreed Statement.
3. The Deed of Termination is to be signed under the Common Seal of Council.

Reports from Director Corporate Services

REPORT:

The Local Environmental Study and Draft Local Environmental Plan in respect of land at Seaside City being prepared by the McInnes Group, was suspended by Council, prior to their completion on the direction of the Minister for Local Government pending Robert Bulford's investigation under Section 430 of the Local Government Act, 1993, regarding Tweed Shire Council. The subsequent report included a recommendation that: -

"Council should immediately take action to terminate the McInnes Group as consultant to Council".

Council at its meeting of 17 July 2002, resolved that it: -

"Authorises the General Manager, in conjunction with Tony Smith (Stacks the Law Firm) to negotiate finalisation of the contract with the McInnes Group and any outstanding payments"

Negotiations were entered with the McInnes Group to terminate the agreement. Council and the McInnes Group have now reached an agreement to amicably terminate the contract.

The negotiations included payment of outstanding fees and an agreed statement for publication by Council regarding the work undertaken by the McInnes Group in respect of the Study and Draft Plan.

The agreed Statement is attached.

Reports from Director Corporate Services

5. ORIGIN: Financial & Information Services Unit

FILE REF: Budget

REPORT TITLE:

Quarterly Budget Review - 30 September 2002

SUMMARY OF REPORT:

This report is the first quarter statutory budget review for this financial year and summarises the major expenditure and income changes to the 2002/03 Budget based on current projections to 30 June 2003. This report is prepared in accordance with Local Government Financial Regulations Section 6 and 7. Council will have a balanced budget in the General Fund whilst Water and Sewerage funds are in accordance with budget expectations.

RECOMMENDATION:

That: -

1. The Quarterly Budget Review Statement as at 30 September 2002 be adopted.
2. The expenditure and income as detailed below as voted and adjusted in accordance with the revised total expenditure and income for the year.

Reports from Director Corporate Services

General Fund		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
1.	NSW Fire Brigades – State Levy contribution	93,538	
2.	Murwillumbah Swimming Pool <ul style="list-style-type: none"> • Structural Repairs • Asset Management Reserve – Swimming Pools • Income 	30,000 10,000	30,000
3.	Park Maintenance	75,000	
4.	Asset Management – Parks	20,000	
5.	Bilambil Sports Club – Lease Income		12,000
6.	Public Toilets – Maintenance	10,000	
7.	Building Fees – Increased Income <ul style="list-style-type: none"> • Sewer Plans • Plumbing Inspection Fees 		10,000 10,000
8.	NSW Country SLSC Carnival – Cudgen 2003	5,000	
9.	Boyd's Bay – Removal of Public Jetty	40,000	
10.	Car Park Pottsville	15,000	
11.	Financial Assistance Grant		185,420
12.	Telephone costs	15,000	
13.	Bank charges	15,000	
14.	Administration Officer	18,500	
15.	TACTIC funding	6,200	
16.	TEDCO funding	3,500	
17.	Section 603 Rate Certificate Income		25,000
18.	Revenue/Rates Officer	25,000	
19.	Legal Costs	7,000	
20.	Records System Software upgrade	10,000	
21.	Office Equipment	5,000	
22.	Tweed Link – Savings carried forward		62,000
23.	Superannuation – Employer Costs	48,000	
24.	Projector Equipment	8,000	
25.	Building and Development Services – Income carried forward		108,946
Sewerage Fund			
	Sewerage Charges		85,000
	Bank charges/Payroll Tax	\$39,000	
	Reserve for Future Works	\$46,000	

Reports from Director Corporate Services

REPORT:

BUDGET REVIEW 30 SEPTEMBER 2002 (QUARTERLY BUDGET REVIEW)

The following Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations Sections 6 and 7 and shows details of Council's financial position for the period ending 30 September 2002 and estimated end of year financial position as at 30 June 2003.

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

PROPOSED BUDGET CHANGES

General Fund		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
1.	NSW Fire Brigades – State Levy contribution	93,538	
2.	Murwillumbah Swimming Pool Structural Repairs	30,000	
	Asset Management Reserve – Swimming Pools Income	10,000	30,000
3.	Park Maintenance – Increased Costs	75,000	
4.	Asset Management – Parks	20,000	
5.	Bilambil Sports Club – Lease Income		12,000
6.	Public Toilets – Maintenance	10,000	
7.	Building Fees – Increased Income Sewer Plans Plumbing Inspection Fees		10,000 10,000
8.	NSW Country SLSC Carnival – Cudgen 2003	5,000	
9.	Boyds Bay – Removal of Public Jetty	40,000	
10.	Car Park Pottsville – dust problem	15,000	
11.	Financial Assistance Grant – Increased Income		185,400
13.	Telephone Costs - increase costs	15,000	
14.	Bank charges – increase costs	15,000	
15.	Administration Officer	18,500	
16.	TACTIC funding – CP1 Cost	6,200	
17.	TEDCO funding – CP1 Cost	3,500	
18.	Section 603 Certificate Inc. Revenue/Rates Officer	25,000	25,000
19.	Legal Costs	7,000	
20.	Records System Software upgrade	10,000	
21.	Office Equipment	5,000	
22.	Tweed Link – Savings carried forward from 2001/02		62,000
23.	Superannuation – Employer Costs	48,000	
24.	Projector Equipment	8,000	
25.	Building and Development Services - Income carried forward		108,946
26.	Workers Compensation Contingency Reserve		16,392
		459,738	459,738

Reports from Director Corporate Services

General Fund		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
Sewerage Fund			
	Sewerage Charges		85,000
	Bank charges/Payroll Tax	\$39,000	
	Reserve for Future Works	\$46,000	

**Statutory Statement – Local Government Financial Regulations
(Sections 6 & 7) by “Responsible Accounting Officer”**

The responsible accounting officer of a council must: -

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

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

*(2) (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and
(b) if that position is unsatisfactory, recommendations for remedial action.*

Statutory Statement

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



**R. R Norvill FCPA
“Responsible Accounting Officer”
Manager Financial and Information Services
Tweed Shire Council**

Reports from Director Corporate Services

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993
SCHEDULE 1 - FORMS
FORM 1

Summary of Estimates of Income and Expenditure for the Year ended 30 June 2003
Revised as at 30 September 2002

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	12176	1107	12321	1132	11,069	11189
Public Order & Safety	1291	824	1384	824	467	560
Health	573	82	573	82	491	491
Community Services & Education	616	211	616	211	405	405
Housing & Community Amenities	11372	12911	11402	12911	(1,539)	(1509)
Water Supplies	7707	4473	7707	4473	3,234	3234
Sewerage Services	9782	19114	9821	19199	(9,332)	(9378)
Recreation & Culture	6594	3957	6714	3969	2,637	2745
Mining, Manufacturing & Construction	1319	1599	1319	1619	(280)	(300)
Transport & Communication	14527	11337	14582	11337	3,190	3245
Economic Affairs	3947	3956	3956	3956	(9)	0
General Purpose Revenues		27487	0	27672	(27,487)	(27672)
	69904	87058	70395	87385	(17154)	(16990)

Add Expenses not involving flow of funds

Depreciation

Increase in employees leave entitlements

Sub-total

Original	Revised	Original	Revised
(18,183)	(18,183)		
(18,183)	(18,183)	(35,337)	(35,173)

Add non-operating funds employed

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

Sub-total

(1,174)	(1,174)		
(4,706)	(4,706)		
(5,880)	(5,880)	(41,217)	(41,053)

Subtract funds deployed for non-operating purposes

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

Estimated Budget Result - Surplus

63,115	63,148		
	0		
	0		
3,965	3,965		
67,080	67,113	25,863	26,060

Reconciliation with Program Budget:

Add Transfers to Reserves

8,583 8,629

Add Transfers from Reserves

(37,591) (37,792)

Subtract Interest on restricted funds not used in budget

3,145 3,145

Add/(Deduct) net increase/(decrease) in externally restricted assets (contributions)

- -

Program Budget Deficit/(Surplus)

- 42

Comprising:

General Fund

- 42

Water Fund

- -

Sewerage Fund

- -

- 42

Reports from Director Corporate Services

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Reports from Director Corporate Services

6. ORIGIN: Administration Services Unit

FILE REF: DA3780/1200 Pt1

REPORT TITLE:

Assignment of Air Space Lease

SUMMARY OF REPORT:

Council at its meeting of 5th September 2001 resolved to enter into a lease with Ms Dianne Boyle for lease of air space at Lot 1 DP101294, 1402 Numinbah Road Chillingham. The lease was in relation to the balcony which has been constructed over the road reserve and required the lessor to pay an annual rental fee of \$52.00 as well as to produce a copy of a public liability insurance policy in the sum of \$ 5 million

An application has been received requesting Council consent to assign the lease as the property has been sold.

The assignment form requires signing under the Seal of Council.

RECOMMENDATION:

That :-

1. Council approves the assignment of the lease.
2. The Deed of Assignment be signed under the Common Seal of Council.

Reports from Director Corporate Services

REPORT:

As per Summary.

Reports from Director Corporate Services

7. ORIGIN: Director
FILE REF: Councillors, Conferences

REPORT TITLE:

National General Assembly of Local Government

SUMMARY OF REPORT:

The National General Assembly of Local Government is to be held for the first time outside of Canberra. Alice Springs has been chosen as the venue for the Assembly to be held from 3 to 6 November 2002.

The Mayor's attendance was authorised at the meeting of Council on 2 October 2002.

Councillor Luff has formally expressed an interest in attending the National General Assembly of Local Government.

RECOMMENDATION:

That Cr Luff be authorised to attend the National General Assembly of Local Government from 3 to 6 November 2002 in Alice Springs.

Reports from Director Corporate Services

REPORT:

The National General Assembly of Local Government is to be held for the first time outside of Canberra. Alice Springs has been chosen as the venue for the Assembly to be held from 3 to 6 November 2002.

Council at its meeting on 2 October 2002 authorised the attendance of the Mayor, Cr Polglase, to the National General Assembly.

There was an indication that other Councillors had an interest in attending the Assembly. Councillor Luff has formally confirmed on 9 October 2002 her desire to be authorised to attend. At the time of the preparation of this report no other Councillor has confirmed their initial interest.

Reports from Director Corporate Services

8. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Report - July/August 2002

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for July and August 2002 is provided in accordance 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 requires as detailed in Clause 5.1. The details are provided for the months of July and August 2002.

Due to our recent TACTIC accommodation changes for the Tweed Heads Tourism Centre there was a delay in reporting.

5.1.1 The number and category of financial members of TACTIC:

As at August 2002	
Corporate Members	4 (Covering eleven businesses)
TACTIC Members	144
Service Members	21
Total	169

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre during July & August 2002

Murwillumbah: July 2403 (including 170 from bus groups)

August 2079 (including 325 from bus groups)

Tweed: July 1123

There are no figures for Tweed in August due to temporary closure.

Murwillumbah Visitor Information Centre

Tweed Heads Visitor Information Centre

July

July

<i>Murwillumbah Visitor Information Centre</i>				
July 2002				
<i>Type of Enquiry</i>	<i>No. of Enquiries</i>	<i>%</i>	<i>Variance from 2001</i>	
Tourism	616	52	392	
National Parks	320	27	3	
Street Directions	116	10	51	
Bus Timetables	9	1	36	
Other	127	10	58	
TOTAL	1188		540	

<i>Tweed Heads Visitor Information Centre</i>				
July 2002				
<i>Type of Enquiry</i>	<i>No. of Enquiries</i>	<i>%</i>	<i>Variance from 2001</i>	
Tourism	468	71	983	
<i>National Parks</i>	6	1	165	
Street Directions	59	9	81	
Bus Timetables	29	5	8	
Other	94	14	107	
TOTAL	656		1344	

Reports from Director Corporate Services

<i>Murwillumbah Visitor Information Centre</i>				
August 2002				
<i>Type of Enquiry</i>	<i>No. of Enquiries</i>	<i>%</i>	<i>Variance from 2001</i>	
Tourism	616	58	926	
<i>National Parks</i>	259	24	182	
Street Directions	79	7	99	
Bus Timetables	4	1	14	
Other	104	10	81	
TOTAL	1062		1302	

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

Internet Site

- A review of the website has shown that an average of 2000 hits per day are received however people are not staying on the site for very long. It is believed that the current work of the webmaster will rectify this in part as the pages and member information are developed further.

Review operations of the Tourist Information Centre

- A meeting was held with NPWS, TACTIC and Tweed Shire Council regarding the MOU
- Under the Gateway Project a Datatrax Tourism Touchscreen will be placed in both the Murwillumbah and Tweed Heads Visitor Centres in mid August. The Murwillumbah touchscreen will provide 24/7 information.
- The Tweed Heads Visitor Centre has been closed temporarily from mid August-mid September until completion of the booth for Tweed Mall. Tentative operational date for the booth is 23 September and is being built with funds from TNSW and the Gateway Project.

Strategic Plan

- The Strategic Plan was presented to and adopted by the TACTIC Board of Directors in July and will be presented to Tweed Shire Council in August. Implementation of the plan is currently underway with a new structure being applied.

Reports from Director Corporate Services

Networking

- The next Network Night will be held in conjunction with the launch of the Strategic Plan on 12 September at the Tweed Heads Bowls Club in the Opal Room.

Group Bookings

Accommodation is currently being coordinated for:

- Speed on Tweed (September 2002)
- 2002 District Rotary Conference (December 2002)
- NSW Veterans Golf Championships (2004)

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

See attached year to date and monthly profit and loss statement and balance sheet attached.

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

See attached bank reconciliation for August for the General account attached

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

The Australian Tourism Exhibition Trade Shows will be held in July 2003

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC (further to 5.1.3)

TACTIC Marketing Committee

- The next Marketing Committee meeting will be held mid July to discuss the recommendations from the Strategic Plan with a draft plan to be discussed at the next meeting in September.

Shopping Centre Promotions

- The Carindale Shopping Centre promotion was well received with TACTIC staff promoting the various events that will be on in the area over the next few months as well as displaying members information.

Advertising

- Advertising has been booked until the end of September and ongoing media/advertising campaign will be determined at the next marketing meeting.

Domestic Marketing

- Future marketing strategy is being developed within the Strategic Plan and will be discussed at the next marketing committee meeting.

Familiarisations

- Familiarisations have been conducted within the industry with journalists from Sydney Morning Herald and the Courier Mail. Assistance has also been provided to Prime for Creek to Coast and Great South East Lifestyle programs.

Reports from Director Corporate Services

5.1.8 The amount of retail sales:

Monthly Sales Figures*

WHRC & THVC	Profit Retail	Tours Comm.	Accomm Comm.	Total Income	Variance from 2001	%	No. of Bookings
July	1534.00	253.90	1225.13	3013.03	2724.41	10.59	63
August	1743.73	220.10	625.89	2589.72	1990.12	23.15	22
Total	3277.00	474.00	1851.02	5602.75			
YTD	3277.00			5602.75			85

**All figures are in dollars*

5.1.9 The number and value of the booking system growth:

Total Income earned for TACTIC from shop sales and bookings commission.

Booking numbers per month.

July	\$3013.03	63
August	\$2589.72	22

5.1.10 Next meeting is on Thursday 3rd October 2002

Reports from Director Corporate Services

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Reports from Director Corporate Services

9. ORIGIN: Financial & Information Services Unit

FILE REF: Financial Reporting

REPORT TITLE:

Financial Report for Period Ending 30 September 2002

SUMMARY OF 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.

RECOMMENDATION:

That this report be received and noted.

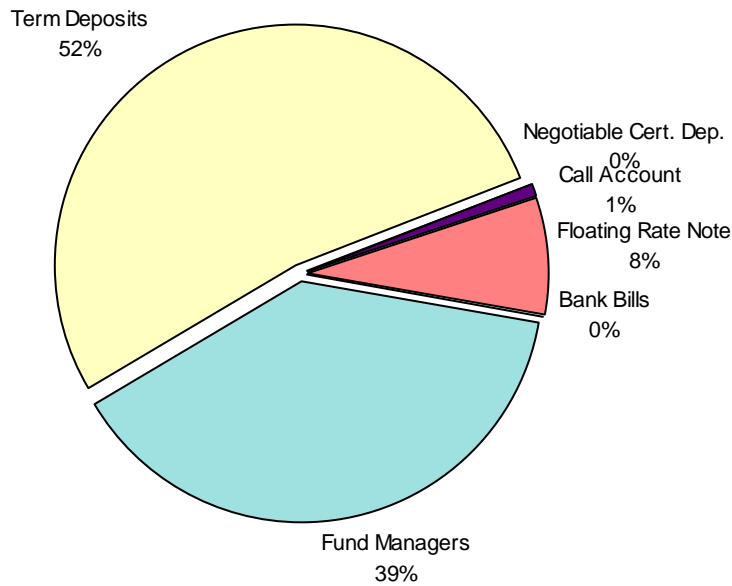
Reports from Director Corporate Services

REPORT:

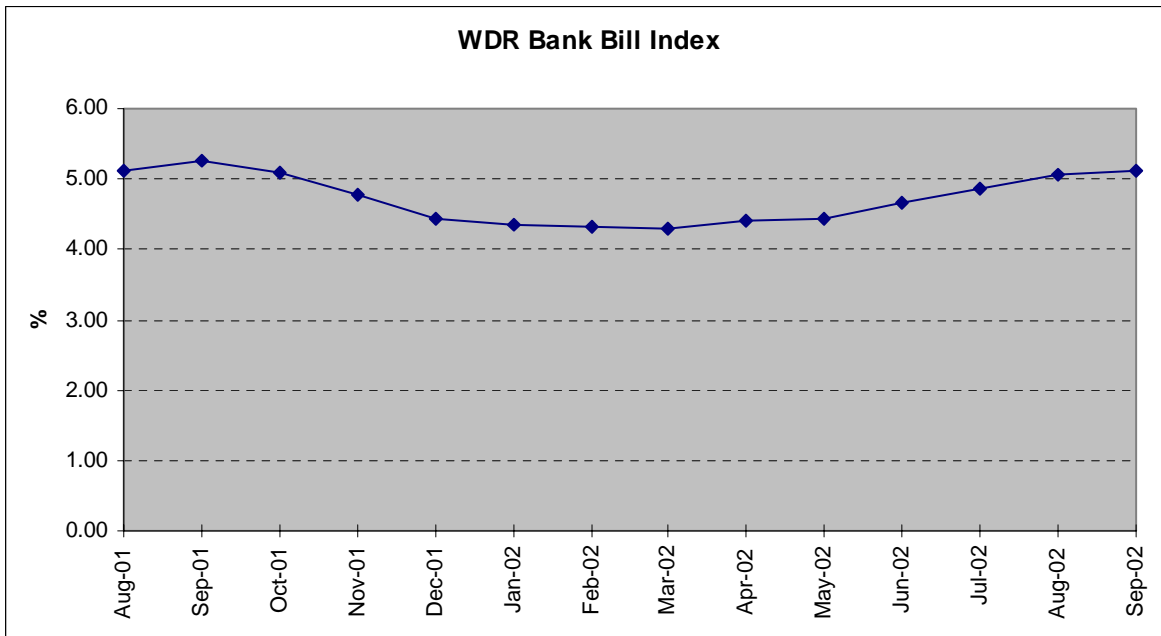
This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

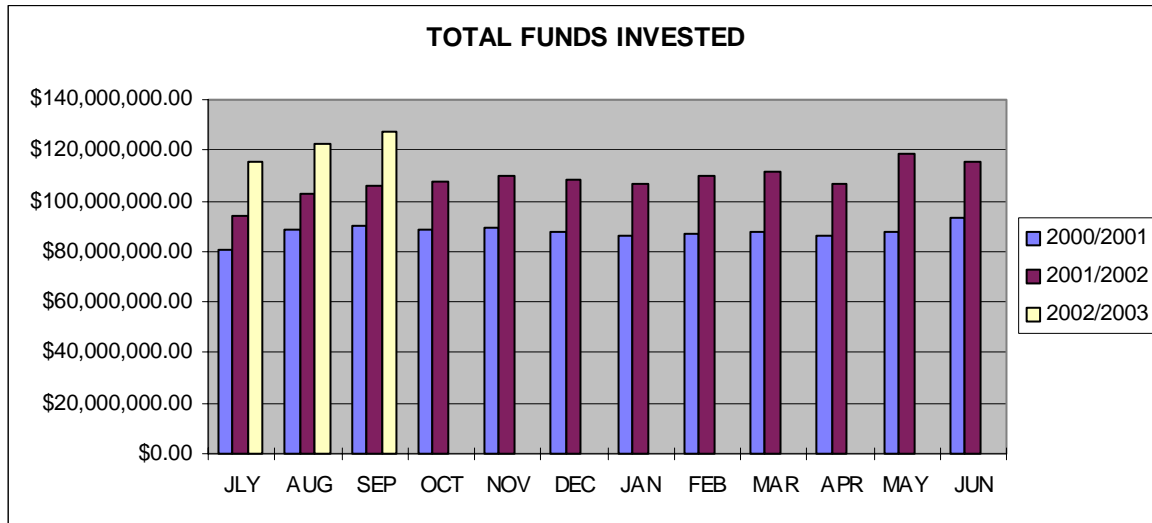


Reports from Director Corporate Services

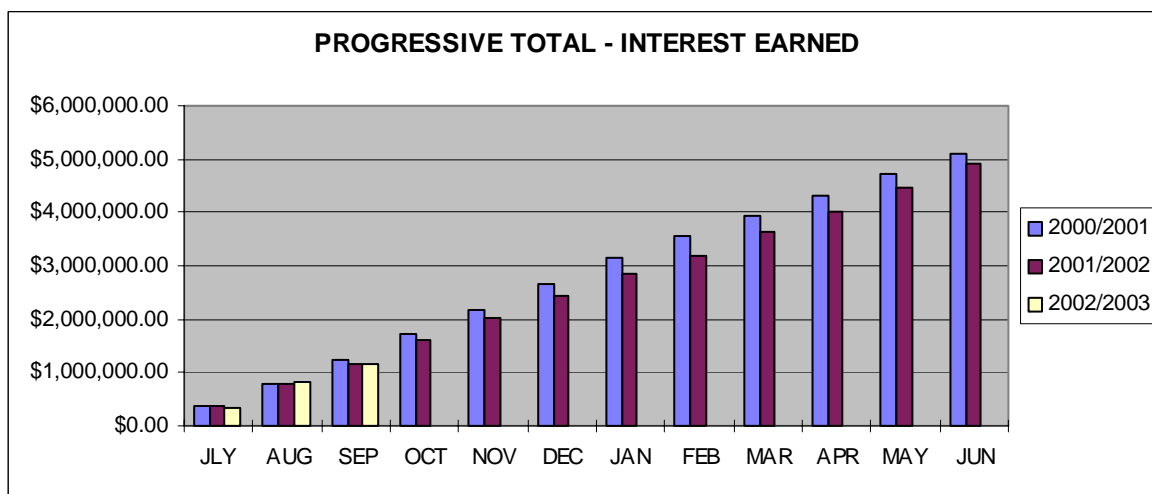
3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

Fund	30 Days %	90 Days %	1 Year %
ANZ	4.91	5.03	4.63
Alliance	4.93	5.62	4.71
Deutsche	4.47	4.39	4.75
Macquarie Diversified	5.44	5.12	4.92

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



Reports from Director Corporate Services

6. MARKET COMMENTARY

The main drivers of our interest rate markets continue to be the perceived weakness of the US economy and the uncertainty of the impact of a conflict with Iraq on the global economy.

The October decision of the Reserve Bank of Australia to leave interest rates unchanged is a clear underlining of this fact, given that the majority of recent domestic activity indicators are showing continued strength.

7. INVESTMENT SUMMARY AS AT 30 SEPTEMBER 2002

GENERAL FUND

BANKS	38,989,500.00	
FUND MANAGERS	5,400,722.08	
LOCAL GOVT. FIN. SERVICES	6,000,000.00	
CALL	1,025,603.37	51,415,825.45

WATER FUND

BANKS	9,500,000.00	
FUND MANAGERS	27,409,797.58	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	40,909,797.58

SEWERAGE FUND

BANKS	10,500,000.00	
FUND MANAGERS	16,443,191.07	
LOCAL GOVT. INV. SERVICE	8,000,000.00	34,943,191.07

TOTAL INVESTMENTS **127,268,814.10**

It should be noted that the General Fund investments of \$51.4 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 investments policies.



R R Norvill CPA
Responsible Accounting Officer
Manager Financial & Information Services

Reports from Director Engineering Services

10. ORIGIN: Design Unit

FILE REF: R2630

REPORT TITLE:

Subdivision of Lot 30 in DP 240589 for Road Widening at Tumbulgum Adjacent to Pacific Highway (Tweed Valley Way)

SUMMARY OF REPORT:

A plan of subdivision for road widening has been prepared with regard to Council land at Tumbulgum, adjacent to the Pacific Highway, soon to be re-named "Tweed Valley Way".

Council is the owner of the subject Lot.

RECOMMENDATION:

That:-

1. Council approves the subdivision of Lot 30 in DP 240589 for road widening;
2. All necessary documentation be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

A plan of subdivision for road widening has been prepared with regard to Council land at Tumbulgum, adjacent to the Pacific Highway, soon to be re-named "Tweed Valley Way".

Council is the owner of the subject Lot.

A copy of the proposed plan of subdivision follows:-

Reports from Director Engineering Services

REGISTER

C.A: 9541-2-N-2#

Title System: 9541-2-N-2#

Purpose: PLAN OF SUBDIVISION OF LOT 70 DP 240589

Ext. Map: 9541-2-N-2#

Leaf Plan: 9541-2-N-2#

Lengths are in metres. Reduction Ratio: 1:500

LOA: TWEED
Locality: TUMBULGUM
Parish: CONDONG
County: ROUS

This is made up of Lot 70

Survey Certificate
COLIN JOHN LUTTON
CIVIC ENGINEER
Licence No. 1055
Licence Expires: 16/08/2002

Plans used in preparation of survey/completion:
DP 1011315
DP 240589
DP 1227

PANEL FOR USE ONLY for statements of
intention to create roads or create
public reserves, drainage easements or
restrictions on the use of land or positive
covenants.

**IT IS INTENDED TO DEDICATE
THE ROAD WIDENING TO THE
PUBLIC.**

REFERENCE MARKS

① 134°52'40" 4.185 RPHW FD (DP1011315)
② 99°07' 4.135 RKCFP FD (DP1011315)
③ 99°07' 4.155 RKCFP FD (DP1011315)
④ 167°15' 9.845 RPHW
⑤ 207°50' 0.44 RKCFP
⑥ 114°43' 0.455 RH-CMCK BLK FD (DP240589)
⑦ 127°23' 1.235 RKCFP FD (DP1011315)
⑧ 259°26' 3.395 RKCFP FD (DP1011315)

SURVEY PRACTICE REGULATIONS 2001 CLAUSE 72 (2)

MARK	M G A	CO-ORDINATES	R	L	H CLASS	V CLASS	C	S	F
PH 67917	545802.446	687248.1466	1	-525	B	LB	0	999626	
PH 40637	545550.902	687244.286	1	-362	B	LB	0	999625	
PH 40636	545451.881	687249.15	1	-569	B	LB	0	999625	

SOURCE: SCIMS 16/08/2002

FORM 2
SEALS ONLY

OPION SEAL OF TWEED SHIRE
IL WAS HERETO AFFIXED ON
.....IN PURSUANCE
RESOLUTION PASSED AT ITS
IG HELD ON ?? ?????? 2002.

MAJOR

GENERAL MANAGER

Crown Lands Office Approval

Subdivision Certificate
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Reports from Director Engineering Services

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Reports from Director Engineering Services

11. ORIGIN: Design Unit

FILE REF: Sportsfields - Stan Sercombe Oval

REPORT TITLE:

Consolidation of Land Comprising Stan Sercombe Oval and Barrie Smith Hockey Fields

SUMMARY OF REPORT:

The Murwillumbah Mustangs Football Club has lodged a development application for the construction of a gymnasium on land owned by Council which is bounded by Nullum, Hartigan and Brisbane Streets, Murwillumbah. A development application for the gymnasium, to be located within proposed Lot 1 in the draft plan of consolidation, has been lodged with Council. Council has approved funding towards the construction of the gymnasium.

During the application process it was highlighted that Stan Sercombe Oval and the Barrie Smith Hockey Fields are comprised of 71 separate Lots and it is considered expedient to consolidate these Lots to form 2 parcels to simplify the development application and any future actions in relation to the land.

RECOMMENDATION:

That:-

1. Council approves the plan of consolidation; and
2. All necessary documentation be endorsed under the common seal of Council.

Reports from Director Engineering Services

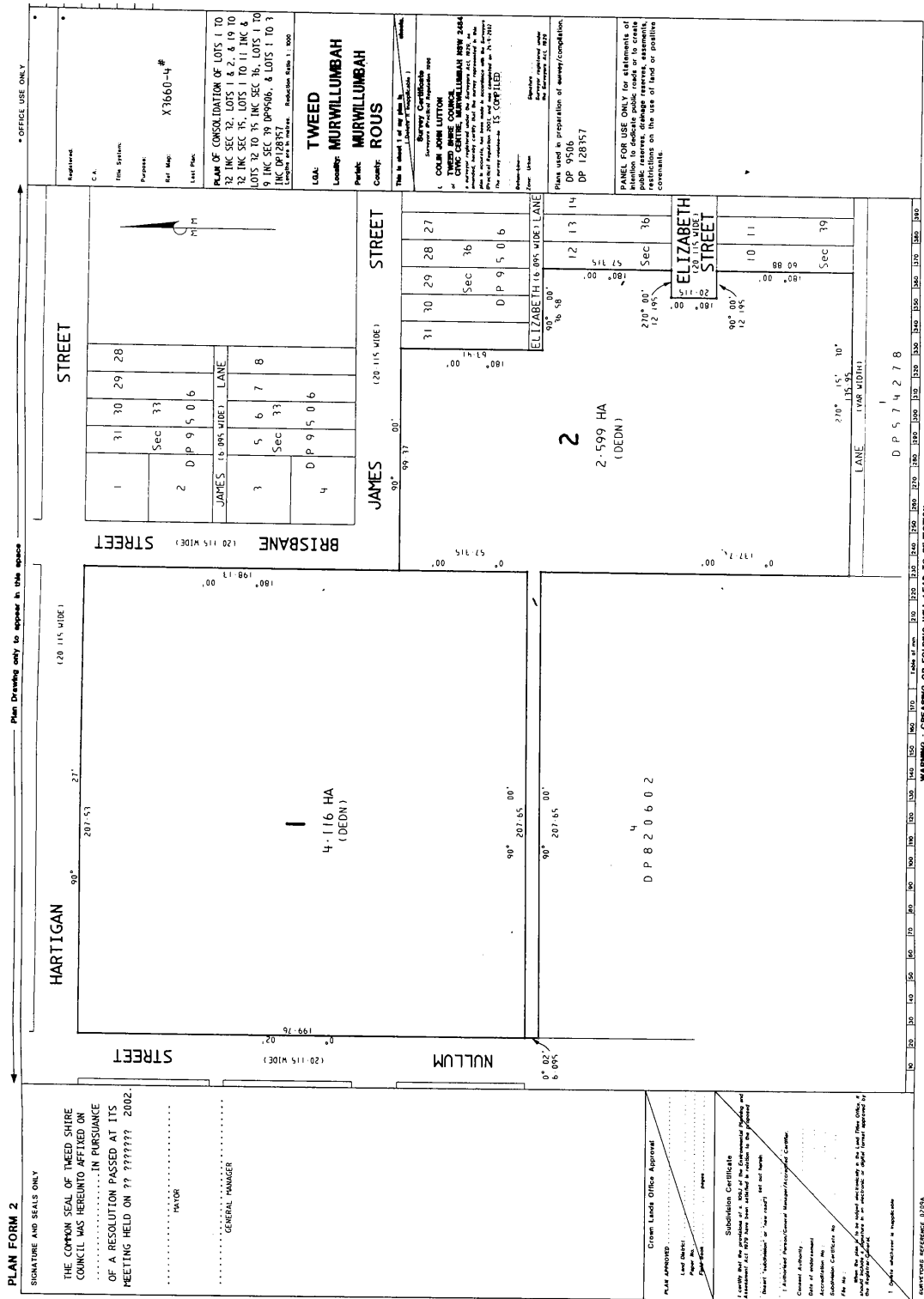
REPORT:

The Murwillumbah Mustangs Football Club has lodged a development application for the construction of a gymnasium on land owned by Council, which is bounded by Nullum, Hartigan and Brisbane Streets, Murwillumbah. A development application for the gymnasium, to be located within proposed Lot 1 in the draft plan of consolidation, has been lodged with Council. Council has approved funding towards the construction of the gymnasium.

During the application process it was highlighted that Stan Sercombe Oval and the Barrie Smith Hockey Fields are comprised of 71 separate Lots and it is considered expedient to consolidate these Lots to form 2 parcels to simplify the development application and any future actions in relation to the land.

A copy of the draft plan of consolidation follows;-

Reports from Director Engineering Services



Reports from Director Engineering Services

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Reports from Director Engineering Services

12. ORIGIN: Design Unit

FILE REF: GG2/1 Pt5-Geographical Names Board

REPORT TITLE:

Cultural Designations within Tweed Local Government Area

SUMMARY OF REPORT:

The Geographical Names Board has invited Council to participate in the re-assignment of cultural features within the Tweed local government area.

The Board has submitted a list of cultural features for re-assignment under additional designations that have been created by the address locality process. The re-assignment forms part of a proposed model for cultural designation.

RECOMMENDATION:

That Council approves:-

1. The re-assignment by the Geographical Names Board of cultural features within the Tweed Local Government Area, as proposed by Tweed Shire Council, and the subsequent gazettal of the re-assignment by the Board.
2. The designation of some localities within the Tweed Local Government Area as either a town or a village and the subsequent gazettal of these localities as designated.

Reports from Director Engineering Services

REPORT:

The Geographical Names Board has invited Council to participate in the re-assignment of cultural features within the Tweed local government area.

The Board has submitted a list of cultural features for re-assignment under additional designations that have been created by the address locality process. The re-assignment forms part of a proposed model for cultural designation.

The information provided by the Board included definitions of the new designations together with an explanation of the proposed Model for Reintroduction of Cities, Towns and Villages.

All correspondence received from the Board follows, together with Council's proposed designations for the re-assignment.

As well as seeking confirmation of some of the localities as such, the Board is seeking to verify the status of some of these localities as either towns or villages.

Bearing in mind the definitions of both towns and villages, some of the localities within the list have been attributed as either a town or a village.

Reports from Director Engineering Services

	A	B	C	D
1		STATUS OF CULTURAL DESIGNATIONS IN TWEED		
2		LOCAL GOVERNMENT AREA		
3		Place Name	Designation	
4				
5		BARNEYS POINT	Point	
6		BEANTREE CROSSING	Historical Site	
7		BLACK SCRUB	Historical Area	
8		BOAT HARBOUR	Historical Area	
9		BYRRILL	Historical Locality	
10		COCKATOO HILL	Hill	
11		CRABBES SWAMP	Swamp	
12		CROOKS VALLEY	Rural Place/Historical Area	
13		DUROBY CREEK	Historical Area	
14		FIVE WAYS	Historical Site	
15		FROGS HOLLOW	Historical Area	
16		GLEN WARNING	Historical Site	
17		GREENBANK ISLAND	Historical Area	
18		HALLS CREEK CROSSING	Historical Site	
19		NATURELAND ZOO	Historical Site	
20		NUMBER FOUR CROSSING	Historical Site	
21		OPHIR GLEN	Rural Place	
22		RED CUTTING	Road Cutting	
23		ROCKY CUTTING	Road Cutting	
24		SEXTONS HILL	Hill	
25		SHARPS CROSSING	Creek Crossing	
26		STOTTS ISLAND	Island/Nature Reserve	
27		UPPER BILAMBIL	Rural Place	
28		UPPER DUNGAY	Rural Place	
29		WALLABY VALE	Historical Area	
30		BACK CREEK	Locality/Rural Place	
31		BANORA POINT	Locality/Suburb	
32		BILAMBIL	Locality/Village	
33		BILAMBIL HEIGHTS	Locality/Village	
34		BOGANGAR	Locality/Village	
35		BRAY PARK	Locality/Suburb	
36		BRAYS CREEK	Locality/Rural Place	
37		BUNGALORA	Locality/Rural Place	
38		BURRINGBAR	Locality/Village	
39		BYANGUM	Locality/Rural Place	
40		BYRRILL CREEK	Locality/Rural Place	
41		CABARITA BEACH	Locality/Village	
42		CAROL	Locality/Rural Place	
43		CASUARINA	Locality	
44		CEDAR CREEK	Locality/Rural Place	
45		CHILLINGHAM	Locality/Village	
46		CHINDERAH	Locality/Suburb	
47		CHOWAN CREEK	Locality/Rural Place	
48		CLOTHIERS CREEK	Locality/Rural Place	
49		COBAKI	Locality/Rural Place	
50		COBAKI LAKES	Locality	
51		COMMISSIONERS CREEK	Locality/Rural Place	
52		CONDONG	Locality/Urban Place	
53		CRABBES CREEK	Locality/Rural Place	
54		CRYSTAL CREEK	Locality/Rural Place	

Reports from Director Engineering Services

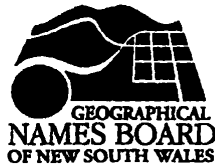
	A	B	C	D
55				
56		STATUS OF CULTURAL DESIGNATIONS IN TWEED		
57		LOCAL GOVERNMENT AREA		
58		Place Name	Designation	
59				
60		CUDGEN	Locality/Suburb	
61		CUDGERA CREEK	Locality/Rural Place	
62		DOON DOON	Locality/Rural Place	
63		DULGUIGAN	Locality/Rural Place	
64		DUM DUM	Locality/Rural Place	
65		DUNBIBLE	Locality/Rural Place	
66		DUNGAY	Locality/Rural Place	
67		DURANBAH	Locality/Rural Place	
68		DUROBY CREEK	Locality/Rural Place	
69		EUNGELLA	Locality/Rural Place	
70		EVIRON	Locality/Rural Place	
71		FARRANTS HILL	Locality/Rural Place	
72		FERNVALE	Locality/Rural Place	
73		FINGAL HEAD	Locality/Village	
74		GLENGARRIE	Locality/Urban Place	
75		HASTINGS POINT	Locality/Village	
76		HOPKINS CREEK	Locality/Rural Place	
77		KIELVALE	Locality/Village	
78		KINGS FOREST	Locality	
79		KINGSCLIFF	Locality/Town	
80		KUNGHUR	Locality/Rural Place	
81		KUNGHUR CREEK	Locality/Rural Place	
82		KYNNUMBOON	Locality/Urban Place	
83		LIMPINWOOD	Locality/Rural Place	
84		MEBBIN	Locality/Rural Place	
85		MIDGINBIL	Locality/Rural Place	
86		MOOBALL	Locality/Village	
87		MOUNT BURRELL	Locality/Rural Place	
88		MOUNT WARNING	Locality/Mountain	
89		MURWILLUMBAH	Locality/Town	
90		NOBBYS CREEK	Locality/Rural Place	
91		NORTH ARM	Locality/Rural Place	
92		NORTH TUMBULGUM	Locality/Rural Place	
93		NUMINBAH	Locality/Rural Place	
94		NUNDERI	Locality/Urban Place	
95		PALMVALE	Locality/Rural Place	
96		PIGGABEEN	Locality/Rural Place	
97		POTTSVILLE	Locality/Urban Place	
98		PUMPENBIL	Locality/Rural Place	
99		RESERVE CREEK	Locality/Rural Place	
100		ROUND MOUNTAIN	Locality/Rural Place	
101		ROWLANDS CREEK	Locality/Rural Place	
102		SLEEPY HOLLOW	Locality/Rural Place	
103		SMITHS CREEK	Locality/Rural Place	
104		SOUTH MURWILLUMBAH	Locality/Urban Place	
105		STOKERS SIDING	Locality/Village	
106		STOTTS CREEK	Locality/Rural Place	
107		TANGLEWOOD	Locality/Rural Place	

Reports from Director Engineering Services

	A	B	C	D
108		STATUS OF CULTURAL DESIGNATIONS IN TWEED		
109		LOCAL GOVERNMENT AREA		
110		Place Name	Designation	
111				
112		TERRAGON	Locality/Rural Place	
113		TERRANORA	Locality/Rural Place	
114		TOMEWIN	Locality/Rural Place	
115		TUMBULGUM	Locality/Village	
116		TWEED HEADS	Locality/Town	
117		TWEED HEADS SOUTH	Locality/Town	
118		TWEED HEADS WEST	Locality/Urban Place	
119		TYALGUM	Locality/Village	
120		TYALGUM CREEK	Locality/Rural Place	
121		TYGALGAH	Locality/Rural Place	
122		UKI	Locality/Village	
123		UPPER BURRENBAR	Locality/Rural Place	
124		UPPER CRYSTAL CREEK	Locality/Rural Place	
125		UPPER DUROBY	Locality/Rural Place	
126		URLIUP	Locality/Rural Place	
127		WARDROP VALLEY	Locality/Rural Place	
128		WOYUNG	Locality/Rural Place	
129		ZARA	Locality/Rural Place	

Reports from Director Engineering Services

Your Reference:
Our reference: 4780****
Contact Officer: Kevin Richards
Telephone No: 02 6332 8215
Facsimile: 02 6332 8217



PO Box 143
Bathurst NSW 2795
BOARD
Tel (02) 6332 8214
Fax (02) 6332 8217

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

TWEED SHIRE COUNCIL	
FILE NO.	GEOGRAPHICAL NAMES
DOCUMENT No.	[] [] [] [] [] []
REC'D	16 NOV 2001
BOOK No.	[] [] [] []
ASSIGNED TO	TURNBULL, N.
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

gnb@ditn.nsw.gov.au
http://www.lpi.nsw.gov.au

ATTENTION: Nela Turnbull

Dear Nela

Re: Cultural Designations within Tweed Local Government Area.

The Geographical Names Board, (the Board), is presently undertaking a program of re-assigning cultural features in local government areas that have been through the address locality process. This is being undertaken to correct a defect in the address locality process that saw the names of Towns, Villages and other named localities either discontinued or redesignated as historical localities.

The Geographical Names Board is now inviting Tweed Shire Council to participate in this process. Mr Jack Devery, who represents the New South Wales Geographic Society on the Geographical Names Board, will be in Murwillumbah for two weeks from the 21st November.

Mr Devery has offered to represent the Board and make time available to assist council staff with any questions regarding the cultural designation process. If it is thought necessary, Mr Devery would be happy to address a meeting of Council to explain the process.

Mr Devery has a vast knowledge of the Tweed Shire area and the cultural designations process which would be of great assistance to council, Mr Devery will contact council staff on his arrival in Murwillumbah

The Board looks forward to working closely with Council on this project and will assist in any way possible. If Council have any queries regarding this letter please contact either Kevin Richards (02 6332 8215) or Greg Windsor (02 6332 8214).

Yours Faithfully

Chairman,
Geographical Names Board of New South Wales

13 November, 2001

Reports from Director Engineering Services

GEOGRAPHICAL NAMES BOARD OF NSW CULTURAL DESIGNATION GUIDELINES FOR THE REINTRODUCTION OF CITIES, TOWNS, VILLAGES

The Geographical Names Board resolved on the 19 October 2000 that the following model to define Cities, Towns and Villages be adopted as policy.

That the designations of **City, Town, Village, Urban Place, Rural Place, Historical Area and Historical Site** be introduced as point features:

These features have position/location but with the exception of *City*, have no specified boundaries.

City: A populated place, accorded the legal right to call itself a city under the Local Government Act or a metropolis not designated under the Local Government Act but encompassing a number of Local Government Authorities, some of which may be designated as cities in their own right..

Town: A commercial nucleus offering a wide range of services and a large number of shops, often several of the same type. Depending on size, the residential area can be relatively compact or (in addition) dispersed in clusters on the periphery.

Village: A cohesive populated place which may provide a limited range of services to the local area. Residential subdivisions are in urban lot sizes.

Urban Place: A place, site or precinct in an urban landscape, the name of which is in current use, but the limits of which have not been defined under the address locality programme.

Rural Place: A place, site or precinct in a rural landscape, generally of small extent, the name of which is in current use, but the limits of which have not been defined under the address locality programme.

Historical Area: An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

Historical Site: A specific place or site which has at one time been the site of an event or purpose.

The above designations are all point features and are not to be used as an address.

Historical Site and Historical Area designations will be aligned with National Parks and Wildlife's designations where possible.



Reports from Director Engineering Services

CULTURAL DESIGNATIONS WITHIN TWEED SHIRE COUNCIL AREA

The following twenty five **Historical Localities** assigned in Tweed Shire Council as part of the Address Localities Program now need to be redesignated as one of the new cultural designations. Advice is sought on which new designation Council would like these features to be assigned as.

Barneys Point, Bean Tree Crossing, Black Scrub, Boat Harbour, Byrrill, Cockatoo Hill, Crabbes Swamp, Crookes Valley, Duroby Creek, Five Ways, Frogs Hollow, Glen Warning, Greenbank Island, Halls Creek Crossing, Natureland Zoo, Number Four Crossing, Ophir Glen, Red Cutting, Rocky Cutting, Sexton Hill, Sharps Crossing, Stotts Island, Upper Bilambil, Upper Dungay, Wallaby Vale.

The following ninety one **Localities** assigned in Tweed Shire Council as part of the Address Localities Program must remain **Localities** for addressing purposes, however some are clearly Villages or Towns as well as address localities. Advice is now sought on which Towns and Villages Council wish to have assigned as point features. Council may also wish to have a **Rural Place** or one of the other new designations assigned as a point feature with the same name as an address locality, please advise if this is the case.

Back Creek, Banora Point, Bilambil, Bilambil Heights, Bogangar, Bray Park, Brays Creek, Bungalora, Burringbar, Byangum, Byrrill Creek, Cabarita Beach, Carool, Casuarina, Cedar Creek, Chillingham, Chinderah, Chowan Creek, Clothiers Creek, Cobaki, Cobaki Lakes, Commissioners Creek, Condong, Crabbes Creek, Crystal Creek, Cudgen, Cudgen Creek, Doon Doon, Dulguigan, Dum Dum, Dunbible, Dungay, Duranbah, Duroby, Eungella, Eviron, Farrants Hill, Fernvale, Fingal Head, Glengarrie, Hastings Point, Hopkins Creek, Kielvale, Kings Forrest, Kingscliff, Kungur, Kungur Creek, Kynnumboon, Limpinwood, Mebbin, Midginbil, Mooball, Mount Burrell, Mount Warning, Murwillumbah, Nobbys Creek, North Arm, North Tumbulgum, Numinbah, Nunderi, Palmvale, Piggabeen, Pottsville, Pumpenbil, Reserve Creek, Round Mountain, Rowlands Creek, Sleepy Hollow, Smiths Creek, South Murwillumbah, Stokers Siding, Stotts Creek, Tanglewood, Terragon, Terranora, Tomewin, Tumbulgum, Tweed Heads, Tweed Heads South, Tweed Heads West, Tyalgum, Tyalgum Creek, Tyalgah, Uki, Upper Burringbar, Upper Crystal Creek, Upper Duroby, Urliup, Wardrop Valley, Wooyung, Zara.

If Council has any information regarding the origin and history of any names within Tweed Shire Council that can help enhance our records and record history before it becomes lost, the Board would be very appreciative.

Please see attached list for descriptions and details of the above **Historical Locality** and **Locality** names.

If you have any queries or concerns regarding the above information please contact Kevin Richards on 02 6332 8215 during normal working hours.

Kevin Richards
Statutory Officer
13 November, 2001

Reports from Director Engineering Services

PROPOSED MODEL FOR REINTRODUCTION OF CITIES, TOWNS, VILLAGES

That the designations of **City, Town, Village, Urban Place, Rural Place, Historical Area and Historical Site** be introduced as point features:

These features have position/location but with the exception of *City*, have no specified boundaries.

City: A populated place, accorded the legal right to call itself a city under the Local Government Act.

Town: A commercial nucleus offering a wide range of services and a large number of shops, often several of the same type. Depending on size, the residential area can be relatively compact or (in addition) dispersed in clusters on the periphery.

Village: A cohesive populated place which may provide a limited range of services to the area. Residential subdivisions are in urban lot sizes.

Urban Place: A place, site or precinct in an urban landscape, the name of which is in current use, but the limits of which have not been defined under the address locality programme.

Rural Place: A place, site or precinct in a rural landscape, generally of small extent, the name of which is in current use, but the limits of which have not been defined under the address locality programme.

Historical Area: An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

Historical Site: A specific place or site which has at one time been the site of an event or purpose.

The above designations are all point features and are not to be used as an address.

Historical Site and Historical Area designations will be aligned with National Parks and Wildlife's designations where possible.

Implementation:

1. Set guidelines and policy in consultation with councils
2. Provide data to councils to be verified within specified guidelines
3. Advertising /public consultation and re-gazettal where necessary
4. Update data in GNR

Reports from Director Engineering Services

ADDRESSING MODEL

The adoption of the *Address Locality Program* to define the limits of all areas for legal addresses. It is to encompass the designations of *Suburb and Locality*.

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

Suburb: A bounded area within the landscape that has an "Urban" Character

Locality: A bounded area within the landscape that has a "Rural" Character

All councils will use the term *Suburb* for an address locality with an "Urban" character and *Locality* for address locality with a "Rural" Character.

All councils will decide on which designation an address locality is given using guidelines provided by the Board.

Implementation:

The only change from the above system and what is in place now would be giving councils the choice between *Suburb* and *Locality* as a designation for their address localities.

REPORT ON THE INTRODUCTION OF THE TOPOGRAPHIC MAP EXAMINATION PROCEDURE

LPINSW has embarked on a program to update every topographic map with in the State. This process involves limited field revision and data capture through data sharing arrangements. As a result of this exercise new place names may be recorded.

To comply with section 15 of the "Geographical Names Act 1966", (Names in geographical manuscripts, tourist publications, maps and other publications) and to ensure a coincidental relationship between the Geographical Names Register and the Digital Topographic Data Base, the Secretariat has introduced an examination process for all new topographic publications.

This process endeavors to uncover any unofficial recorded placenames, check the approximate spatial accuracy of placenames and check the spelling of placenames published on the new series of topographic maps.

The procedure has been documented and is part of LPINSW quality system and as such is compliant to the Australian Standard AS9001.

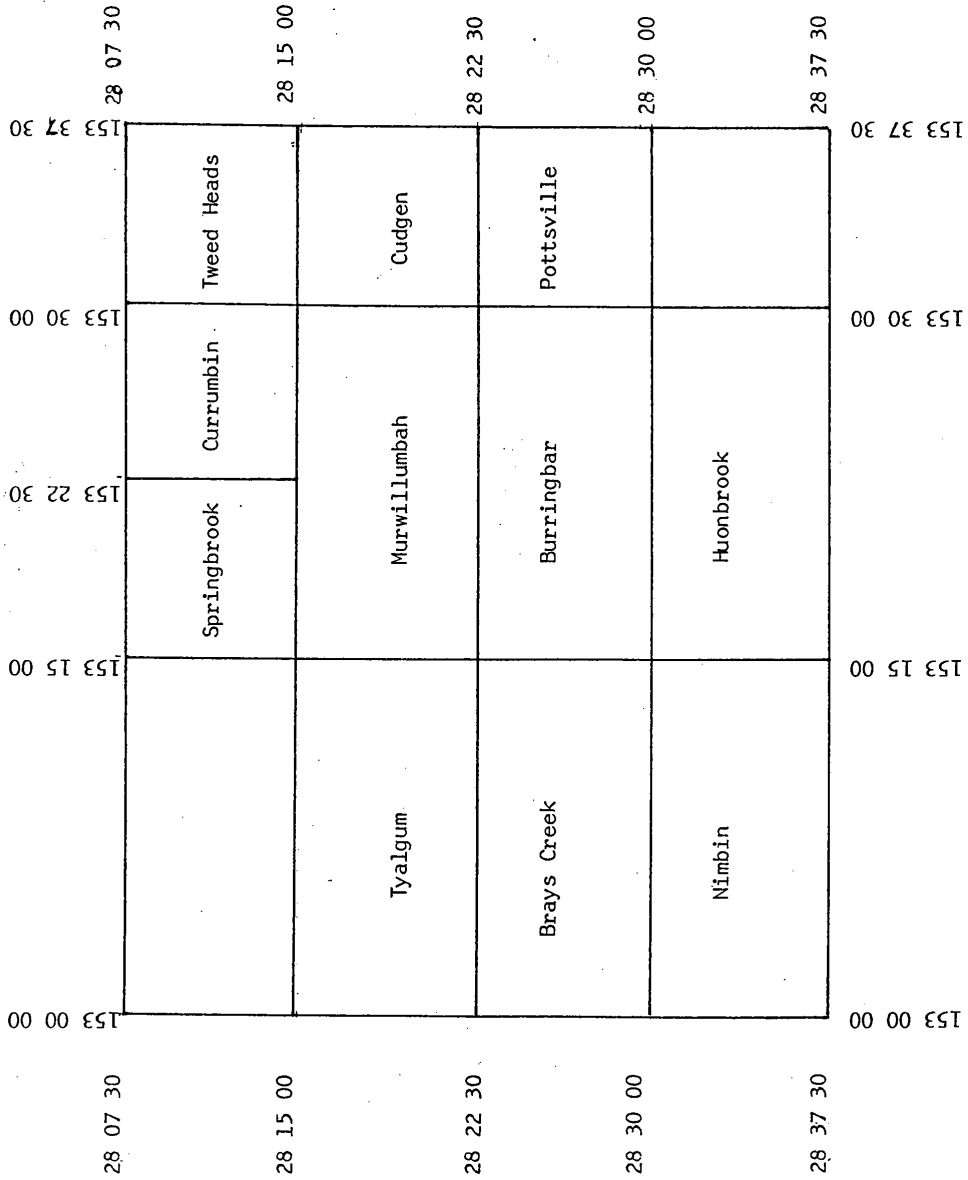
Since the introduction of the procedure on the 26 October 2000, over 1850 names from 12 separate topographic maps have been checked. From this total, twenty-five anomalies have been found, eight of which are corrections within the register.

All anomalies are recorded and where necessary will be raised at Board level.

Reports from Director Engineering Services

SCALE 1 : 25000

MAPSHEETS OF TWEED SHIRE



Reports from Director Engineering Services

13. ORIGIN: Planning & Infrastructure Unit

FILE REF: GT1/S94/4 Pt4

REPORT TITLE:

Tweed Road Contribution Plan, Tourist Resort Amendment

SUMMARY OF REPORT:

Draft version 4.5 of the Section 94, Tweed Road Contribution Plan No. 4 contains amendments to add trip generation rates for tourist resort developments. The draft plan has been exhibited and no submissions have been received. It is proposed to adopt the draft plan as exhibited.

RECOMMENDATION:

That Council, in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000 approves the draft Tweed Road Contributions Plan (Contributions Plan No 4 - Version 4.5) in the form it was publicly exhibited.

Reports from Director Engineering Services

REPORT:

1. BACKGROUND

The current version of Tweed Road Contribution Plan No 4 - *Version 4.4* was adopted by Council to include trip generation rates for SEPP5 development (housing for older people and people with disabilities) and fast food outlets. It was adopted by Council on 17 October 2001 taking effect on 30 October 2001.

Council at its meeting on 3 April 2002 resolved the following:-

“...that a report be prepared on the need to adjust the Tweed Road Contribution Plan in light of the significant reduction in trips assumed for resort tourist development approvals at Casuarina Beach. The report should include an outline of options available to adjust the Plan so that there is no adverse effect on overall contributions collected for the program of works proposed in the plan”.

At this meeting Council accepted lower trip generation (and therefore contribution) rates for tourist accommodation compared to the standard trip generation rates for permanent accommodation. The development proponent used a report from Epell Consulting to support the arguments for the lower trip generation rates.

This report analyses the Epell Consulting report and uses it as a basis for establishing trip generation rates for tourist resorts.

Characteristics of Tourist Resorts

Resorts are a very difficult land use to accommodate under a single category due to the extensive range of variables that exist and the extent to which the resort facilities are available to the public. For example, if a golf course, shopping facilities or marinas are available for use by the general public, the generation rates for visitors increase significantly.

Queensland Main Roads commissioned a study and report on the subject prepared by Epell Consulting and published in February 1989. The aim of the report was to be able to categorise resorts and identify traffic generation rates and parking demand.

The above report has been used to develop traffic generation rates that are applicable to Tweed Shire utilising research and formulae developed by Epell Consulting.

The first step is to categorise the resort based on proximity to urban areas, day trip attractions and on site facilities.

Based on the definitions in the Epell Report resorts within Tweed Shire exhibit the following characteristics and could be adopted as generic for the Shire:

- Urban or Fringe Urban locations
- Facilities mainly accommodation with restaurant, pools, tennis courts, gym, etc.
- Modest scale being 0 to 400 rooms/units
- Within Gold Coast region
- Moderate car usage between 40-70% of all arrivals
- For all resorts 80% of staff travel by car.

Reports from Director Engineering Services

2. Trip Generation Components

Having categorised Tweed Shire resorts as above the traffic generation rates can be determined for generation components.

The components are:-

- Staff trips
- Service Vehicle Trips
- Guest trips
- Bus trips
- Day Visitor Trips

The Eppell report is aimed at determining peak traffic flows for network design purposes but does provide information on determining average traffic generating conditions.

2.1 STAFF TRIPS

Based on the resort group of mainly accommodation and the formula in Figure 7.6 of the Eppell Report:-

$$\text{Staff trips/day} = 2.32 + 0.78 \times \text{number of staff}$$

and

$$\text{No. of Staff} = \text{factor from Table 7.3} \times \text{number of rooms.}$$

from Table 7.3 of the Eppell Report for mainly accommodation type resorts the factor is 0.7.

thus

$$\text{No. of Staff} = 0.7 \times \text{number of rooms.}$$

therefore

$$\text{Staff Trips/day} = 2.32 + 0.78 \times 0.7 \times \text{number of rooms}$$

Deleting the constant figure of 2.32 which will have only a minor impact:-

$\text{Staff Trips/day} = 0.55 \times \text{number of rooms.}$
--

2.2 SERVICE VEHICLES/TRIPS

From the of the Eppell Report and its Figure 7.7 it was found that the number of service vehicle trips for resorts is directly related to the number of staff and is described by the equation:-

$$\text{No. of Service Vehicle Trips/day} = 0.61 \times \text{number of staff}$$

from above:

$$\text{No. of Staff} = 0.7 \times \text{number of rooms}$$

therefore

$$\text{No. of Service Vehicle Trips} = 0.61 \times 0.7 \times \text{number of rooms}$$

Reports from Director Engineering Services

$$\text{Service Vehicle Trips/day} = 0.43 \times \text{number of rooms.}$$

2.3 GUEST TRIPS

The Eppell Report finds that guest trips are higher for resorts with a limited range of on site facilities. Figure 7.4 displays a linear regression line that is described by the equation:

$$\text{Guest Trips} = -019 \times 1.49 \times \text{occupied rooms}$$

However, it is difficult to use due to the large negative constant.

Based on the resort category adopted with low to moderate facilities and moderate car arrivals ranging between 40 to 70% Table 7.2 provides design trip rates of between 1.5 and 2.5.

Adopting the average trip rate of 2 is considered appropriate.

Therefore:-

$$\text{No. of Guest Trips/day} = 2 \times \text{occupied rooms.}$$

From p47 of the Eppell Report, it was found that annual average occupancy rates are 60% of the total rooms.

$$\text{Occupied Rooms} = 0.60 \times \text{number of rooms}$$

$$\text{No. of Guest Trips/day} = 2 \times 0.60 \times \text{number of rooms}$$

Therefore:-

$$\text{No. of Guest Trips/day} = 1.2 \times \text{number of rooms.}$$

2.4 BUSES

Bus trip generation varies depending on location but from Eppell Report p43 the “fringe urban/tourist region” category best describes the Tweed Area and has a range of 0.5 – 0.6 trips/occupied room. The bus trips are generated from transport of guests, staff and sightseeing tours.

Therefore, based on a 60% occupancy:-

$$\text{Bus trips/day} = 0.5 \times 0.6 \times \text{number of rooms}$$

$$\text{Bus Trips/day} = 0.3 \times \text{number of rooms.}$$

2.5 VISITOR TRIPS

The most difficult of the traffic generating components is assessing day visitor usage.

Resort category is the key factor and for the purpose of this report it has already be explained that the resorts for Tweed Shire are assumed to have a moderate to low range of on site facilities (from Table 8.2 of the Eppell Report).

For these resorts it is usual that only the restaurant is open to use by the general public. The Eppell Report p64 states that usage varies from 25% upwards but 30% should be used for design case. Given that for the TRCP average rates are used, 20% is adopted for the TRCP purposes.

$$\text{Visitor Trips/day} = 0.2 \times \text{restaurant rate}$$

$$\text{From TRCP Restaurant rates} = 60/100\text{m}^2 \text{ GLA (Gross Lease Area)}$$

Reports from Director Engineering Services

Therefore, Visitor Trips/day = $0.2 \times 60/100m^2$ GLA

Visitor Trips/day = $12/100m^2$ GLA of Restaurants

It is to be noted that if no public access is available then the above does not apply. If the Resort is fully integrated, that is, contains a golf course and/or bowling greens and/or sporting facilities (pools/squash/tennis) and/or retail space and/or marina and/or an entry point to or within a national park, that are by their scale and nature a traffic attractor and are open to the public to use the above facilities, then the traffic generation will need to be based on a detailed traffic study for the particular proposal.

3. PROPOSED TOURIST RESORT TRIP GENERATION RATES

It is proposed that for a resort meeting the above descriptions, that the traffic generating components can be combined as follows:-

- Resort Daily Trip Rates = Staff Trips/day + Service Vehicle Trips/day + Guest Trips/day + Day Visitor Trips/day + Bus Trips/day
(substituting previously defined rates)

Resort Daily Trips Rates = $(0.55 \times \text{no. of rooms}) + (0.43 \times \text{no. of rooms}) + (1.2 \times \text{no. of rooms}) + (0.3 \times \text{no. of rooms}) + (12 \text{ trips}/100m^2 \text{ of restaurant})$.

therefore:-

Resort Daily Trip Rates = $(0.55 + 0.43 + 1.2 + 0.3) \times \text{no. of rooms} + \text{Visitor trips/day} = 12 \text{ trips} \times 100m^2 \text{ restaurant GLA}$.

Resort Daily Trip Rate/day = $2.48 \times \text{number of rooms}$.
Day Visitor Trips/day = $12 \text{ trips}/100m^2 \text{ GLA of restaurants}$

4. DRAFT VERSION 4.5 AMENDMENTS TO SECTION 94 CONTRIBUTION PLAN NO. 4 - TWEED ROAD CONTRIBUTION PLAN

The following amendments are proposed for draft version 4.5 of the above plan:-

- (a) Amend Table 7.1 - Trip Generation Rates by Land Use by inserting the following:-

No.	Land Use	Daily Trip Rate	Unit Per
35	Tourist Resort	2.48 plus 12	Room or Unit 100m ² GLA of restaurant

- (b) Amend the notes to Table 7.1 by adding the following additional note:-

“e) A *TOURIST RESORT* is defined as a tourist accommodation facility with integrated reception area, common servicing and management of up to 400 rooms or units; featuring mainly accommodation with restaurants, pools, tennis courts, gym, conference facilities and moderate rates of arrival by car of 40 to 70%; and being in an Urban or Fringe Urban location within the Tweed Region.

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If the Tourist Resort has a golf course/bowling greens/retail shopping/marina or is within a National park and is open to day visitors then category use No 35 does not apply and a Traffic Management Report will be required.”

5. IMPACT ON INCOME FOR THE TWEED ROAD CONTRIBUTIONS PLAN

As a comparison, permanent residential accommodation has the following trip generation rates in Table 7.1 of the TRCP:-

No.	Land Use	Daily Trip Rate	Unit Per
1	Detached Housing	6.5	Household
2	Unit Development	3.9	Unit

The proposed trip generation rates for tourist resorts are significantly lower than those for permanent residential accommodation and therefore contributions will also be proportionally lower.

Whilst this will lower the income into the plan, the reduction in percentage income is not expected to be significant.

The TRCP is a user pays plan and as it can be demonstrated that trip generation is lower for tourist resorts than permanent accommodation, then the plan recognises that contributions should also be lower. Further, as tourist resorts have a lower trip generation rate than permanent accommodation, there will be a correspondingly lower impact on consumption of available road capacity.

6. PUBLIC EXHIBITION

The Draft Contribution Plan was placed on public exhibition from 10 September 2002 for a period of 28 days. No submissions have been received.

Reports from Director Environment & Community Services

14. ORIGIN: Environment & Health Services Unit

FILE REF: On Site Sewage Management Strategy

REPORT TITLE:

Tweed Shire Council On-Site Sewage Management Strategy Options Report

SUMMARY OF REPORT:

On-site sewage management systems are intended to enable residences and businesses in unsewered areas to dispose of wastewater in a way that does not threaten public health, damage the environment or create a nuisance.

Unfortunately a proportion of on-site sewage management systems are not operating as well as they should, with surveys and research showing that the percentage of systems not meeting performance standards may be as high as 90%.

The failure of on-site sewage management systems has serious implications for public health and the environment.

In 1998, the New South Wales government determined to address the shortcomings in on-site sewage systems by introducing a requirement that all owners of on-site systems obtain an approval to operate their systems and that this operation meet health, environmental and community amenity standards.

The responsibility for issuing approvals to operate and checking operating standards was given to local government throughout New South Wales. These responsibilities and requirements were made law and are binding both for the community and local government.

Failure by Council to implement the reforms means non-compliance with the requirements of the Local Government Act and the potential for Council to have shared liability for any incidents that arise from the malfunction of on-site sewage management systems.

Council has sought a means by which the requirements can be implemented with minimum burden to Council and the community, while achieving maximum benefits for the environment, public health and amenity. The draft Tweed Shire Council On-Site Sewage Management Strategy sets out a process to achieve this.

RECOMMENDATION:

That Council: -

Reports from Director Environment & Community Services

1. Adopt the draft Tweed Shire Council On-site Sewage Management Strategy, including the recommended options from Sections 9.1, 9.2, 11.17, 13.7, and 15.11:-
 - i) Section 9.1 Funding - that funding be provided by fees and charges based on the services (such as issuing an approval to operate or performing an inspection) provided by Council.
 - ii) Section 9.2 Fees and Charges - that the fees and charges associated with on-site sewage management fee as set out in Section 9.2.
 - iii) Section 11.17 Period of Approvals to Operate - that approvals to operate be issued for the following periods; High Risk 2 years, Medium Risk 4 years and Low Risk 6 years.
 - iv) Section 13.7 Frequency of Inspections - that inspections of systems occur at the following frequency; High Risk once every 2 years, Medium Risk once every 4 years and Low Risk once every 6 years.
 - v) Section 15.11 Compliance in the Cases of Financial Hardship - until sale of a property, significant change in occupancy, or change in financial status occurs and enables sufficient finances to be raised to fully address the required works, only such measures and upgrading that are needed to bring a system to manageable standards are carried out.
2. Undertake to release the Draft Tweed Shire Council On-site Sewage Management Strategy (within recommended options integrated) for public comment in accordance with Section 7.0 of the Strategy.
3. Give in-principle approval to the appointment of two full time appropriately qualified staff to implement the Strategy.

Reports from Director Environment & Community Services

REPORT:

On-site sewage management systems are intended to enable residences and businesses in unsewered areas to dispose of wastewater in a way that does not threaten public health, damage the environment or create a nuisance.

Unfortunately a proportion of on-site sewage management systems are not operating as well as they should, with surveys and research showing that the percentage of systems not meeting performance standards may be as high as 90%. In Tweed Shire, a 1996 survey of 103 aerated waste treatment systems returned a 92% failure rate for faecal coliforms. In the New South Wales Great Lakes Shire in 1997, one of the most famous public health disasters associated with on-site sewage management failure occurred when sewage contaminated oysters farmed from Wallis Lake were implicated in 440 cases of Hepatitis A.

The failure of on-site sewage management systems has serious implications for public health and the environment. The most common causes of failure relate to incorrect design, operation and maintenance.

In 1998, the New South Wales government determined to address the shortcomings in on-site sewage systems by introducing a requirement that all owners of on-site systems obtain an approval to operate their systems and that this operation meet health, environmental and community amenity standards.

The responsibility for issuing approvals to operate and checking operating standards was given to local government throughout New South Wales.

These responsibilities and requirements were made law and are binding both for the community and local government. Failure by local government to implement the on-site sewage management reforms may result in it sharing liability for any failure incidents.

Council has sought a means by which the requirements can be implemented with minimum burden to Council and the community, while achieving maximum benefits for the environment, public health and amenity. The draft Tweed Shire Council On-Site Sewage Management Strategy sets out a process to achieve this.

The proposed means of balancing benefit and burden is to use risk management. Risk management assigns a risk; low, medium or high, to all systems and directs greater attention towards the higher risk systems than those presenting lesser or little risk.

The frequency at which approval renewal and inspections occur (both of which attract charges) will be based on the risk assigned to a system. Charges are proposed as only being incurred for services received, and set at a cost recovery level, creating a user pays system.

Low risk systems will have infrequent renewals and inspections, creating a minimal cost to the consumer and interaction with Council. High-risk systems will have more frequent approval renewals and inspections and incur slightly higher costs.

There is potential, which will be encouraged, that the extra attention paid to high-risk systems will result in system modification and operational improvements that will result in a drop in risk category from high to medium or low. Over time there should be a gradual shift towards minimised risk, cost and administration. A flowchart of the process is contained in attachment A.

Reports from Director Environment & Community Services

The Strategy proposes an approval fee of \$30 and an inspection fee of \$77.50 (N.B. these are basic charges only). Using the recommended options contained in the Strategy for the timing of approval renewals and inspections, basic costs incurred by the community would be:

Risk	Frequency of approval renewal and inspection	Total cost	Annual cost
High	2 yearly	\$107.50 every 2 years	\$53.75
Medium	4 yearly	\$107.50 every 4 years	\$26.87
Low	6 yearly	\$107.50 every 6 years	\$17.91

The draft Strategy addresses issues of resourcing (particularly financial), fees and charges, the issuing of approvals, system inspections, enforcement procedures, education and maintenance. Where the Strategy addresses issues of importance, options are presented and discussed for consideration by Council. The relevant sections of the Strategy are:

- 9.1 Funding;
- 9.2 Fees and Charges;
- 11.17 Period of Approvals to Operate;
- 13.7 Frequency of Inspections; and
- 15.11 Compliance in Cases of Financial Hardship.

Education

Information and education material to assist the community in learning about on-site sewage management system operation, how to meet operational standards and how to fulfil their statutory responsibilities will be developed by Council as part of Strategy implementation. Providing community with the information they want is a key component of engaging their support and ensuring the success of the Strategy.

Staffing issues

It is believed that there are approximately 4,000 on-site sewage management systems in Tweed Shire. A single professional would be able to organise, attend and perform 700 on-site sewage system inspections per year as well as fulfilling Council responsibilities regarding the evaluation of applications for approval to operate, issue of approvals to operate, system evaluation and risk assignment, renewal issuing, advice provision, education and other duties associated with these 700 systems.

If the recommended option for inspection frequency in the draft Strategy is adopted, there will be an estimated 1,420 inspections (and associated tasks) to be performed each year when the Strategy is first implemented. To achieve this, the implementation of the Strategy will require 2 professional officers and additional associated administrative support. With 1,400 inspections and approval renewals being required each year, income generated from associated charges will be approximately

Reports from Director Environment & Community Services

\$150,500. This figure will cover the costs associated with the appointment of 2 professional officers, administrative support, supply of a vehicle and the production of education and administrative resources.

As a number of systems in the high-risk category lowers over time (as they move to medium or low risk), income and workload will reduce to some extent as renewals and inspections are required less frequently. This presents an opportunity for one of the professional officers to dedicate any excess capacity to Council's food surveillance and safety program. Please refer to the Food Surveillance and Safety Program report also included in these business papers.

Conclusion

Though creating an additional administrative burden on Council and raising concerns in the community, the on-site sewage management reforms have been created with the intention of protecting the community, public health and the environment.

Failure by Council to implement the reforms means non-compliance with the requirements of the Local Government Act and the potential for Council to have shared liability for any incidents that arise from the malfunction of on-site sewage management systems. The potential for this liability to arise is significant.

The proposed Strategy presents a way forward for Council in which statutory and supervisory obligations are fulfilled while minimising the impact on the community.

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15. ORIGIN: Environment & Health Services Unit

FILE REF: Pure Food Act

REPORT TITLE:

Tweed Shire Council Food Hygiene and Surveillance Program

SUMMARY OF REPORT:

Council has carried out a food hygiene and surveillance program for many years. This program seeks to reduce the incidence and burden of food borne illness in Tweed and fulfil the community expectation that Council manages food safety.

Due to expanded workload in other areas of responsibilities of the Environment and Health Services Unit, including advice on the increased number of development applications, there has been a significant drop in time allocated to the food hygiene and surveillance program. This creates concern as to public safety and Council liability.

To fully conduct the food hygiene and surveillance program additional professional and administrative resources are required. The Environment and Health Services Unit does not presently have the funds to achieve this.

Extra funds could be drawn from general revenue or from an increase in fees and charges. These options have limitations.

An option would be to share a professional officer and an administrative officer between the food hygiene and surveillance program and the implementation of the On-site Sewage Management Strategy with this position of the salary being paid by user charges. This would contribute towards meeting the needs of both programs while maximising use of funding.

RECOMMENDATION:

That Council endorses: -

- (a) the 60/40 sharing of a full time professional officer between the Tweed Shire Council On-Site Sewage Management Strategy Program and the Tweed Shire Council Food Hygiene and Surveillance Program.
- (b) the funding of the full time professional officer from charges levied within the respective programs.
- (c) an increase to food premises inspection fees as follows, subject to statutory advertising:-

Existing charge	Proposed charge
\$41.00 minimum (per 15 minutes)	\$80.00 for general premises e.g. takeaways, cafes, bakeries
\$77.50 per hour	\$150.00 for large premises e.g. hotels, clubs, small clubs, supermarkets, factories

This endorsement is conditional to Council also resolving to adopt the Draft Tweed Shire Council On-Site Sewage Management Strategy.

Reports from Director Environment & Community Services

REPORT:

Council's Environment and Health Services Unit has conducted a food hygiene and surveillance program for a number of years. The program presently covers approximately 470 retail food businesses and is growing as Tweed Shire develops.

Council's food hygiene and surveillance program reflects a significant community expectation that local government manages food hygiene and safety. Apart from food inspections, Council's program includes the approval of food premise design as a component of Development Applications, responding to queries on food management matters, education and training, and investigation of food complaints.

Unfortunately the time allocable to food hygiene and surveillance has been reducing as the wide span of other duties performed by Council's Environmental Health Officers increases. These other duties are related to the growth in population and development in the Shire and include evaluating environment and health components of Development Assessment, complaint and nuisance investigation and regulatory enforcement duties.

Over the period 1999-2001, the deflection away from Council's food hygiene and surveillance program resulted in the performance of 95 inspections, representing 20% of the total number of food premises that should be subject to Council inspection. There was no training or education undertaken.

Council's reduced involvement in food premises inspection raises concern regarding risk to the community and resulting liability. Food borne illness still occurs at a significant rate in Australia (more than four million Australians get food poisoning every year creating an estimated cost burden of \$2.6 billion) and this illness is predominantly related to food purchased from the type of premises within Council's inspection program (60 to 80% of all food-borne illness is linked to hotels, restaurants, take-away and other food outlets).

The impact of food borne disease also goes beyond illness to negative impacts on perceptions of tourism destinations and damage to the food production industry.

A program of continued food surveillance and food hygiene education is a significant factor in ensuring public safety. Tweed Shire Council is not presently achieving a fully effective program and this may contribute to the risk of food borne illness and financial loss and damage to Tweed tourism and industry.

If Council is to fully meet its obligations under the existing food inspection and surveillance program then additional staff resources are required.

The estimated minimum numbers of inspections that should be performed are 470 routine inspections per year plus associated repeat visits to half the premises (to check on required works), a total of 705 inspections per year. These inspections and other associated tasks such as DA approvals, administrative tasks, community education, and food handler training, would require a full time professional officer and portion of an administrative officer's time.

Council presently charges a minimum of \$41.00 per food inspection, with a maximum hourly charge of \$77.50. There are approximately 57 large premises in Tweed Shire e.g. clubs, supermarkets, that would attract the \$77.50 hourly charge and 413 general premises e.g. cafes, restaurants, that would attract the \$41.00 charge. If a full time professional officer performed the number of inspections per year described above (705) the likely maximum earnings is \$32,000.

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To resource a professional officer, administrative support and the food hygiene and surveillance program the following funds would be required:

- a Grade 6 professional food officer with vehicle - approximately \$55,500 per annum;
- administrative support would cost \$20,000 per annum; and
- income from existing inspections by Environmental Health Officers is \$4,250 per annum (which would need to be made up by a Food Officer).

A total of approximately \$80,000.

This total is presently not within the Environment and Health Services Unit budget and cannot presently be funded from charges raised for inspection services.

There are two potential options for obtaining additional funding. The funds can be provided from general revenue or can be raised by introducing higher fees and charges.

General Revenue

This option would place an additional burden on Council's existing income base and require funds to be redirected away from services in other areas. It may also be considered inappropriate that the cost of supervising food businesses, which have a legal obligation to meet food standards, is transferred to the general community.

Increased Fees and Charges

Tweed Shire Council's food hygiene and surveillance program does presently have low fees and charges relative to other Councils in the region.

Other Council's in the region charges are contained in the below table:

Lismore	\$205 for large premises (clubs, supermarkets) \$95 for general premises (cafes, restaurants) \$50 small premises (shops that don't prepare food)* \$140 pre-purchase inspections
Ballina	\$200 for supermarkets \$90 for general premises (cafes, restaurants) \$50 small premises* Nil - schools
Byron Bay	\$85 per hour (minimum charge)
Gold Coast	\$132 to \$302 for yearly registration that includes one inspection and one reinspection (if required). Charge is based on m ² of business \$300 pre-purchase inspection/health search
Kyogle	\$85 per inspection

*Note: Tweed Shire does not presently inspect small premises that do not prepare food.

These charges would indicate that Council could justifiably raise its fee and charges. Using an example of \$80.00 for general types of premises and \$150.00 for large premises (roughly double existing charges), the projected income would be as follows:

Reports from Director Environment & Community Services

Large		General	
Hotels, clubs, small clubs, supermarkets, factories.		Cafes, restaurants, bakeries, shops etc	
Estimate number in Shire	57	Estimate number in Shire	413
50% reinspection rate	28	50% reinspection rate	207
Total inspections	85	Total inspections	620
Suggested fee	\$150	Suggested fee	\$80
Sub-total income	\$12,750	Sub-total income	\$49,600
TOTAL INCOME \$62,350			

Though an increase in the fees and charges schedule produces an approximate income of \$ 62,350 a funding shortfall of approximately \$17,000 remains. It is also important to note that the income is based on increased fees, funds raised from inspections and an optimal number of inspections occurring.

It may be considered that either the funds which could be raised at present charges (\$32,000) or raised with a doubling of present charges (\$62,350) will be unable to produce enough resourcing for the food and surveillance program to be self funding.

Alternate Option - Shared Resourcing

The report to Council on the draft Tweed Shire Council On-site Sewage Management Strategy (also included in these business papers) recommends that two professional officers be appointed to implement the Strategy. These positions are fully funded by the income derived by the Strategy.

Though these two officers are primarily intended to implement the On-Site Sewage Management Strategy the staffing resources they provide could be maximised by allocating 40% (2 days per week) of one officer’s capacity to the food hygiene and surveillance program. This option obviously does not fully address the staffing shortfall within the food program, however the new officer would focus on higher risk food businesses (those serving large numbers of customers or selling potentially hazardous foods) and this would contribute to minimising Council’s liability. The existing Environmental Health Officers would also continue to perform food hygiene and surveillance duties rather than the entire program being left to the new officer alone.

It would be inappropriate for this portion of the officer’s time to be funded from on-site sewage management charges and due to the low level of income presently raised by current food based fees and charges and due to the low level of income presently raised by current food based fees and charges, the need to increase food charges to a level where they can fund the food program portion of an officer’s time remains.

The following charges are recommended, it can be seen that they remain lower than those of other Councils in the region:

Existing charge	Proposed charge
\$41.00 minimum (per 15 minutes)	\$80.00 for general premises e.g. takeaways, cafes, bakeries.
\$77.50 per hour	\$150.00 for large premises e.g. hotels, clubs, small clubs, supermarkets, factories.

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The implementation of the On-Site Sewage Management Strategy and the Food Hygiene and Surveillance Program also requires administrative support. As with the professional officer, an administrative officer could be appointed and shared between these two areas.

Initially the optimal number of food inspections may not be achieved however the level of supervision will substantially improve in comparison to existing levels and presents the clearest way forward for advancing Council's Food Surveillance and Hygiene Program.

It is important to note that due to the low level of income presently raised by current food based fees and charges that it would remain necessary to increase fees and charges to some extent.

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16. ORIGIN: Environment & Health Services Unit
FILE REF: PF4040/1650 Pt3 - Caravan Parks - Homestead

REPORT TITLE:

Application for Placement of Structures - Homestead Caravan Park - Sites 59, 65 and 112

SUMMARY OF REPORT:

Council has received application to place three rigid annexes attached to structures on sites 59, 65 and 112 at the Homestead Caravan Park, Chinderah. The applications have been made by the Park owner, Mr John Willmott, and the applications state that the annexes will be attached to registrable moveable dwellings.

A similar structure was previously installed on site 93 and is subject to a separate report to Council in the confidential section. In that case the annexe is believed to have been attached to an unregistrable moveable dwelling (UMD).

Homestead Caravan Park is a high hazard flood prone park. Installation of UMD's is restricted under Council Policy E2.29. This restriction is intended to protect long term residents and their property from exposure to flood conditions, lessen flood damage impacts and reduce the demands on SES resources.

It is recommended that the Policy not be varied and the applications be refused. If this action is not taken it may set a precedent whereby approvals may be sought for the placement of UMD's in flood prone parks.

RECOMMENDATION:

That Council not approve the applications for placement of rigid annexes attached to unregistrable moveable dwellings on sites 59, 65 and 112, Homestead Caravan Park, as the structures do not conform to Council Policy E2.29 which reflects Council's responsibility and liability for management of activities in flood prone caravan parks in accordance with the requirements of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 1995 and the Flood Plain Management Manual.

Reports from Director Environment & Community Services

REPORT:

Council has received application to place three rigid annexes attached to structures on sites 59, 65 and 112 at the Homestead Caravan Park, Chinderah. The applications have been made by the Park owner, Mr John Willmott, and the applications state that the annexes will be attached to registrable moveable dwellings (RMD).

Officers have inspected similar structures which were previously installed on site 93 and are of the opinion that the annexes are proposed to be attached to an unregistrable moveable dwelling (UMD). Approval was issued for site 93 on the basis or understanding that the rigid annexe on that site would be attached to a RMD ('caravan').

Homestead Caravan Park is a high hazard flood prone park (as defined by Council policy). Installation of UMD's in such parks is not permissible under Council Policy E2.29, unless certain requirements are met. This restriction is intended to protect long term residents and their property from exposure to flood conditions. UMD's are permitted to be installed on short term sites provided the floor height are 300 millimetres above the design flood level and the structure or cabin is owned by the Park for use as a Park van, not owned by a private person.

A letter dated 15 July 2002 was forwarded to the Park owner, Mr John Willmott (refer attachment 1) regarding the completed structures on site 93 and the proposed structures on the subject sites.

That letter outlines Council's Policy and how it applies to the structures in question. Mr John Willmott responded to Council's letter on 8 August 2002 (refer attachment 2).

Having considered the information provided by Mr John Willmott, the rigid annexes were considered to be attached to a UMD and not a RMD or 'caravan'. A letter was issued on 26 August 2002 (refer attachment 3), which advised Mr John Willmott that the structures were considered to be UMD's and that a report would be put to Council recommending refusal.

Mr John Willmott replied in detail on 23 September 2002, as follows:

Reports from Director Environment & Community Services

**RE: Installation of Structures (Rigid Annexes)
Sites 93, 112, 65 & 59 Homestead Caravan Park**

Further to your letter 26/08/02 and my letter 8/08/02 I wish to advise that I resent the implication that I endeavoured to mislead Council, when the original application to Council clearly stated that the structure was a “registrable moveable dwelling (caravan).”

The relevant Acts define a registrable moveable dwelling, caravan and enclosed trailer to be one and the same thing and I accordingly quote the following: -

- The Local Government (Caravan Parks Camping Grounds and Moveable Dwellings) Regulation 1995 defines
“Caravan- as a moveable dwelling that is designed so as to be registrable as a trailer under the Traffic Act 1909”

“Moveable dwelling as any tent or any caravan or other portable device (whether on wheels or not) used for human habitation.”
- The Oxford dictionary defines the meaning of design as:
“a preliminary plan or sketch for the making of the production of a building”
“a plan purpose or intention”
“the general arrangement and layout of a product”
- The Traffic Act defines “Caravan” as an enclosed trailer which is intended for use as a mobile home or living quarters when parked”

Reports from Director Environment & Community Services

- The structure installed on site clearly meets the requirements of a registrable moveable dwelling as it was designed specifically to meet the principal criteria as specified by the Traffic Act namely:
 - (a) Structure has its own chassis
 - (b) Wheels and axle attached
 - (c) Drawbar and coupling for towing attached
 - (d) Width max 2500mm
 - (e) Height max 4.3 metres
 - (f) Length max 12.5 metres
 - (g) Weight max 4-5 tonnes

As the structure meets this criteria I am somewhat amazed that Council has chosen to ignore the facts, instead determining that the structure is a UMD simply because it does not look like their perception of what constitutes a caravan and/or registrable moveable dwelling. I am also somewhat disappointed that Council has ignored the facts contained in my letter 8/08/02 in that they have not formally responded or commented and therefore I wish to list the relevant details contained in my letter 08/08/02.

I acknowledge receipt of your letter 16th July 2002 and wish to respond on the basis of, having been the owner of the park for many years and during that time my understanding of Council Policy, advice from Council officers in regard to their Policy and the approvals given over this period.

SITE 93

1. The placement of Unregistered Moveable Dwellings (UMD's) are to be installed with their floor level at 3.500 metres AHD. (Australian Height Datum)
2. Any floor installed less than this height shall be of water resistant grade material.
3. The placement of Registrable Moveable Dwellings (RMD,s) do not require Council approval.
4. Registrable Moveable Dwellings are to be maintained in a mobile state i.e. wheels axle and draw bar are attached at ground level.
5. Council advice and interpretation of their policy has always been that with the wheels and axles attached to the RMD and positioned on the ground establishes the height of the floor of the RMD and in the event that the said height is not 300 mm above the design flood level of 3.200 metres AHD then the floor level of the annexe is not to be below the floor level of the RMD to which it is attached.
6. Council based on the above has given numerous approvals.
7. Installation of the RMD with its wheels suspended up to 1.200 metres above the level of the ground was considered to render the RMD as not being in a mobile state.
8. Condition 10 of the approval letter refers to "moveable dwelling" when there are quite different rules applicable to RMD's and UMD's.
9. Condition 13 of the approval letter by implication accepts that the floor levels will be less than 300mm above the designed flood level.

The N.S.W. Roads and Traffic Authority do not issue written opinions as to the registrability of a moveable dwelling. A RMD/Caravan is classified as a trailer for registration purposes. Trailers up to 4.5 tonnes are not subject to certification. There is a National Code of Practice Building Small Trailers and it is the responsibility of the manufacturer to ensure that the trailer meets the requirements of the code. The code states that the trailer must not exceed 2.500 metres in width; however there is provision for a trailer not meeting this and

Reports from Director Environment & Community Services

other dimensional limits may be allowed to operate with prior approval from the RTA. People are not permitted to be inside a trailer/caravan when it is travelling on a road, hence the far more stringent requirements pertaining to the registrability of a motor home as distinctive from a registrable moveable dwelling.

I wish to advise the following in regard to this matter,

- 1 The structural width of the RMD is 2.500 metres, which complies with the code. The owner chose a vinyl wall cladding with a weatherboard profile, which increased the width by 30 mm to 2.530 metres. In the unlikely event that they wish to register the RMD they would remove the offending cladding and replace it with flat sheet vinyl thus overcoming the problem.*
- 2 The "as constructed" levels show the adjacent roadway to be at level of 2.550 metres and the floor level of the RMD and attached structure are approximately .880 metres above that level, making the floor level 3.430 metres AHD. This puts the floor 230 mm above the design flood level and 70 mm below the adopted minimum floor level*
- 3 Council has held drawings documenting the levels of both the Homestead and Hacienda for several years however, they were mislaid and further copies were provided more recently.*

I have always strived to maintain high standards within the Park and accordingly met the high standards expected by our permanent and non-permanent residents and customers. Management has always sort relevant approvals from Council and in the process held discussions with relevant officers to ensure that we complied with the legislation and policies that govern us.

I wish to avail myself of your offer to hold a meeting on site in order to resolve the matters of concern to Council, perhaps this could be arranged as soon as Tuesday the 13th of August at a time convenient to yourself.

The facts contained in the above letter 08/08/02 are supported by several Council approvals issued for the installation of structures in both the Homestead, Hacienda and other surrounding parks over a period of 15 years, hence precedents have already been clearly established.

If Council insists the position they are now adopting is correct then I respectfully suggest they address the compliance and legality of previously approved installations. This in turn would expose Council to numerous legal actions.

I also request that Council take into account Clause 11A of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation which states in part "the council must have regard to the principals contained in the Flood Plain Development Manual NSW Government" and Tweed Shire Council Development Control Plan No 5. I refer you to the Flood Plain Development Manual New South Wales Government and the index table 1, which by definition of criteria classifies the area as low hazard, flood fringe being the least hazardous category.

Reports from Director Environment & Community Services

Criteria stated by the Flood Plain Development Manual for Low Hazard Flood Fringe.

Nature of Flooding

1. Water depth less than 800mm.
2. People and possessions can be evacuated by truck.
3. Adults/little difficulty in wading
4. Damage potential low.

PLEASE NOTE: Levels in the Parks range from 2550mm to 3000mm AHD thereby the ground being inundated between 200-650mm

High Hazard Flood Fringe

1. Water over 1000mm depth.
2. Evacuation routes cut early.
3. Many buildings inundated.
4. Evacuation difficult may need boat or helicopter.
5. Social disruption and financial loss can be high.
6. May be danger to life and limb.

Tweed Council Control Plan No 5. - Development of Flood Liable Land.
Section 3 Clause 3 of Development Control Plan No 5 identifies the location of the Homestead and the Hacienda Caravan Parks as being in a "flood fringe area"

* This is the only section that does not have a clause identifying caravan parks as inappropriate development.

Whilst I strongly believe that the structure meets both the legal requirements and the intent of both State and Local Government Regulations, Council should also look further as to the fact there is a large community need for affordable accommodation (especially for the older members of our community) and this satisfies that demand.

Bear in mind the following: -

- (a) 1:100 year flood level is 3200mm in AHD
- (b) Floor level of RMD and rigid annex is above this level. Site 93.
3430mm in AHD (230mm) above
- (c) In event of a major flood only surrounding ground will be inundated.

I request Council also consider the consequences of not allowing RMD's/Caravans and rigid annexes in the Park as the future viability of the Park in its present form leaves only 3 options.

- (1) Continue to improve installation of new RMD's and rigid annexes to enable high standards to be maintained which is socially desirable.
- (2) Not allow installation of new RMD's and rigid annexes and witness the deterioration of standards and amenities as existing units fall into disrepair

Reports from Director Environment & Community Services

and only become suitable for emergency housing and all the associated problems therewith.

(3) Force the removal of numerous structures which council would classify as non-complying and accordingly the social upheaval, hardship and financial burden that would logically follow.

I trust I have presented the facts clearly and I believe they demonstrate the legitimacy of the structures and therefore Council should not issue orders requiring their removal or demolition. Furthermore, such orders would mean that the owner of the structure already installed on site 93 would incur many thousands of dollars in unnecessary costs. The owners of the structures for which 3 applications are also before Council have to endure considerable stress and financial hardship, whilst this matter is being resolved.

Simply put,

- (1) These structures have been specifically designed to meet the criteria of registrable moveable dwellings.
- (2) RMD's must be kept in a mobile state (i.e. having the wheels on the ground).
- (3) Council has previously approved similar structures.

We strongly urge Council to approve the structure on site 93 already installed and the already built structures awaiting installation on sites 59, 65 and 112.

Reports from Director Environment & Community Services

Council Policy E2.29 – Unregistrable Moveable Dwellings and Annexes on Flood Liable Land

Council's existing Policy E2.29 is reproduced in full at the end of this report. The Policy objective is 'To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security'.

Part k of the Policy relates to the placement of UMD's, and states the following:

In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that: -

- E1. The floor level of the unregistrable moveable dwelling shall be at least 300 millimetres above the designed flood level but not more than 1200 millimetres above ground level.**
- E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.**

The Policy is intended to prevent persons placing UMD's on long term sites within flood prone parks, as the structures would be exposed to flooding. This situation places the occupants and their possessions at risk, may incur liability for Council and requires considerable SES resources.

The Policy does however permit UMD's to be placed on short term sites where the structures are owned by the Park and used as a Park van. The structures are required to achieve certain minimum floor levels. In this situation the occupants are short term occupants (holiday makers) and in the case of a flood warning they can collect their belongings and vacate the site.

Sites 59 and 65 are long term, and therefore officers are unable to approve the installation of rigid annexes attached to UMD's. Site 112 is a short term site and therefore an approval may be issued subject to certain requirements regarding floor heights and the UMD being a 'park van' as per Policy (k) E2 above. Discussions with the Park Owner indicate the structures are to be sold by the Park to a private person, at which time the structures would not conform to the approval issued by Council. This potentially exposes them and their property to flood conditions, which the Policy is specifically intended to prevent.

The current Policy restrictions have operated since about 1989.

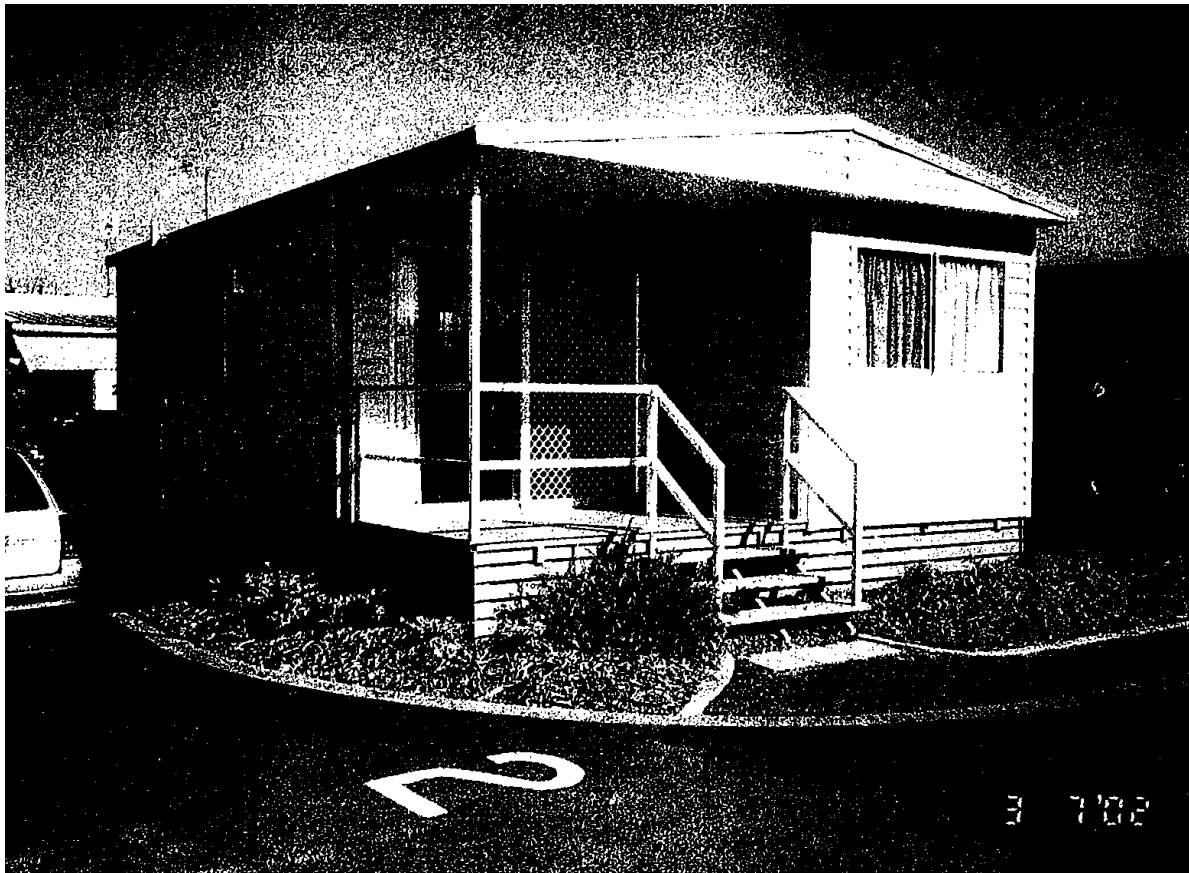
UMD versus RMD

Mr John Willmott has made a case that the annexes will be attached to registrable moveable dwelling (RMD's). Officers have offered to Mr John Willmott to demonstrate this by providing documentary evidence from the Motor Registry that the structures are registrable in New South Wales. Mr John Willmott has not provided this evidence.

The structures have been specifically manufactured for installation on the sites. Officers believe that the structure was manufactured specifically to endeavour to overcome the policy limitations on placing UMD's within flood prone caravan parks.

The original application to Council for site 93 clearly indicated that the rigid annexe would be attached to a 'caravan'. The structures (as installed already on site 93) appear as follows. Officers do not believe that the annexe is attached to a RMD or a caravan.

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

Conclusion

Application has been made to Council for the placement of rigid annexes attached to structures on three sites at the Homestead Caravan Park.

The Park owner, Mr John Willmott, has put forward a case that the annexes are to be attached to registrable moveable dwellings or caravans, and therefore can be approved under Council Policy.

Officers contend that the annexes will be attached to unregistrable moveable dwellings and under private ownership. This is not permissible under the relevant Policy provisions. If the structures are approved this may result in exposure of the cabins/annexes and their occupants to flood conditions in future, and set a precedent whereby approvals may be sought for the placement of UMD's in flood prone parks.

Importantly, Council resolved on 7 August 2002 to refuse an application for placement of a UMD on site 28, Drifters Van Park, Chinderah.

Policy E2.29 - Unregistrable Moveable Dwellings and Annexes on Flood Liable Land

Objective

To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.

Policy

- a. Unregistrable moveable dwellings and rigid annexes will not be permitted in any caravan park or addition to caravan park on flood liable land constructed after 1 December 1986.
- b. Unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks that are located on flood liable land within flood fringe and non-critical flood storage areas where the park is filled above Council's design flood level for the locality and where Council's investigations have shown that filling will not have any significant adverse impact on the flood pattern.
- c. In caravan parks not excluded by Clause (a), unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregistrable moveable dwelling whilst maintained in a mobile state shall be at least 300 millimetres above the design flood level.
- d. In no instances shall the floor level be more than 1200 millimetres above the ground level.
- e. Low hazard for the purpose of this policy shall mean that the site and normal surrounding ground and road levels shall be not more than 800 millimetres below the design flood level and that there shall be access which will be not more than 800 millimetres below the design flood level from the moveable dwelling site to flood free land considered by Council to be a suitable refuge.
- f. In high hazard caravan parks, except Greenhills Caravan Park, Tweed Ski Lodge Caravan Park and any park excluded under Clause (a) rigid annexes, may with the approval of Council, be attached to registrable moveable dwellings on long term sites provided: -

Reports from Director Environment & Community Services

- E1. Where levels permit, the annexe floor level shall be in accordance with Clauses (c) and (d) of this policy.
 - E2. Where Item 1 cannot be complied with, the floor level of the annexe is not below the floor level of the registrable moveable dwelling to which it is attached.
 - E3. Any flooring fitted less than 300 millimetres above the designed flood level for the site shall be of hardwood or water resistant grade material.
 - E4. The method of attachment to the registrable moveable dwelling shall be such as to allow disconnection within one hour.
 - g. Short term sites will not be allowed to be converted to long term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.
 - h. The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand floodwater and wind loadings and adequate design and documentation is to be submitted to Council to allow it to determine compliance with this clause.
 - i. No unregistrable moveable dwelling or annexe is to be placed upon flood liable land without prior approval of Council.
 - j. Each application for approval under this policy is to be made upon the approved form and be accompanied by a fee to be as determined by Council.
 - k. In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that: -
 - E1. The floor level of the unregistrable moveable dwelling shall be at least 300 millimetres above the designed floor level but not more than 1200 millimetres above ground level.
 - E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with Clause (h) of this Policy.
 - l. A fee of \$50.00 will apply for applications to place unregistrable moveable dwellings or rigid annexes on flood liable land will apply from 4 June 1992 for the remainder of 1992.
 - m. Council's Environment and Community Services Division will ensure that each park has an approved evacuation plan and means of communication to all tenants.
-

Reports from Director Environment & Community Services

17. ORIGIN: Environment & Health Services Unit

FILE REF: Cultural Development-Funding

REPORT TITLE:

Fifth City of the Arts

SUMMARY OF REPORT:

Council has resolved to submit a tender to the NSW Ministry for the Arts for the Fifth City of the Arts Program, staff are currently preparing an application for this award.

Council's tender is being developed around the theme 'Distinctiveness'. The proposal aims to enhance and promote the Tweed's unique regional distinctiveness and projects will be developed that enable us to define our regional positioning between the tourist hubs of Byron Bay and the Gold Coast.

As the proposed new gallery is due to be in place by mid 2003, it is considered that an In Principal agreement to use the existing building as a venue/base to house the City of the Arts two-year cultural program would very much benefit and increase Council's chances of winning the Fifth City of the Arts award. It is envisaged that this inclusion would add substance to Council proposal, giving a tangible structure to build an innovative program of community and cultural events.

RECOMMENDATION:

That Council agrees in Principal that the former gallery building be the designated home for the Fifth City of the Arts two-year program.

Reports from Director Environment & Community Services

REPORT:

Council on 19 June 2002 has resolved to submit a tender to the NSW Ministry for the Arts for the Fifth City of the Arts Program. Council's cultural development officer, in collaboration with the Community Cultural Development Advisory Committee, is currently preparing an application for this award.

The basic aim of the Program is to help stimulate the cultural life of people living in country areas by providing a focus for regional cultural initiatives. Under The City of the Arts Program, the designated Local Government Authority will receive assistance of up to \$150,000 per year for the two years July 2003 – June 2005 in order to:

- Coordinate a two-year program of cultural activities and projects;
- Strengthen existing arts services and resources in the community; and
- Stimulate the development of an active arts community in the region.

As this award is extremely competitive Council's submission will be a sophisticated and innovative proposal summarising our vision and proposed plan as the Fifth City of the Arts.

Council's submission is being developed around the theme 'Distinctiveness'. The proposal aims to enhance and promote the Tweed's unique regional distinctiveness and projects will be developed that enable us to define our regional positioning between the tourist hubs of Byron Bay and the Gold Coast.

As the proposed new gallery is due to be in place by mid 2003, it is considered that an In Principal agreement to use the existing building as a venue/base to house the City of the Arts two-year cultural program would very much benefit and increase Council's chances of winning the Fifth City of the Arts award. It is envisaged that this inclusion would add substance to our proposal, giving us a tangible structure to build an innovative program of community and cultural events.

It is envisaged that a two-year Venue Management Plan would be developed in accordance with the City of the Arts Program and a budget from the City of the Arts would be able to fund the ongoing management costs of the building for the two-year term.

If approved by Council it is proposed that this well-known Federation building would be a major focal point for visitors as a City of the Arts Information Centre. It would be used as an administrative and creative facility, increasing the potential for local artists, local community and cultural groups to be involved in the two-year Program. The venue has suitable space and facilities to house a number of initiatives that will be included in our proposal, such as:

- Workshops and professional development opportunities for our community in all aspects of the arts including, visual arts, performing arts, literature and film projects;
- Program and project launches;
- Forums and debates;
- Exhibitions.

Council's submission would also be strengthened if it were to be able to commit a monetary contribution to the Fifth City of the Arts Project. If successful an amount of \$30,000 per year would enhance the possibility of success.

Reports from Director Environment & Community Services

18. ORIGIN: Environment & Health Services Unit
FILE REF: DA3488/12 Pt 2 (692745) - New Art Gallery

REPORT TITLE:

Request for Survey in the Tweed Link

SUMMARY OF REPORT:

A request has been received for a survey to be carried out in the Tweed Link for support or otherwise for the Art Gallery Proposal.

Council has already, on two different occasions, sought public input on this proposal at subdivision & Development Application lodgement. It has also approved both applications, let a tender for bulk earthworks with works having commenced and resolved to go to selective tendering for the building with tenders to close on 23 October 2002. The Art Gallery proposal is also included in the Management Plan which was advertised prior to adoption.

RECOMMENDATION:

That Council advises the writer of the process already taken to allow public input.

Reports from Director Environment & Community Services

REPORT:

Council has received a letter as set out below requesting a survey be held in the Tweed Link regarding the Art Gallery.

Council is advised that public comment was sought prior to the adoption of the Management Plan as well as when the subdivision application was lodged and further comment was sought when the Development Application was lodged. Also during this time there have been numerous media articles concerning this proposal.

To date Council has adopted the Management Plan, approved the subdivision and the transfer of the land for the purpose of the construction of the Art Gallery. It has also approved the issue of the development consent and has accepted a tender for the bulk earthworks with such works now commenced. Also it has resolved to proceed on a selective tender basis to obtain prices for the construction of the gallery. This tender will close on the 23 October 2002.

Accordingly it is recommended that the writer be advised as above.

Reports from Director Environment & Community Services

BARRY & ELIZABETH SPINKS

4 Philip Street
Pottsville Beach, NSW 2489
Telephone (02) 6676 1119

Art Gallery - General

TWEED SHIRE COUNCIL	
FILE No.	DA3488 112 P 2
DOCUMENT No.	
RECD	29 AUG 2002
BOX No.	
ASSIGNED TO	G. Griffin, J.
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

August 27, 2002

Dr John Griffin
General Manager
Tweed Shire Council
P.O Box 806
Murwillumbah
NSW 2484

Dear Dr. Griffin

Re Art Gallery Proposal

I recently had a letter published in the Daily News in relation to assertions made by the pro Gallery group that there was "massive" public support. I questioned this support and suggested that a "yes" no "no" survey in the next Tweed Link would provided an accurate assessment of ratepayer sentiment

The response to, and support for the letter has been huge My telephone at home and at work has been running hot since the letter was published As a result I have been asked to form and lead a lobby group to more formally represent opposition to the Gallery investment Whilst I have done some work with local groups and associations I am not personally comfortable with protest activities I would much prefer a more professional approach to conflict resolution based upon realistic and achievable outcomes

I am therefore writing to you to determine if it would be possible to include a response slip in the next issue of the Tweed Link in relation to the Gallery proposal ?

I am in the process of collating the feedback and sentiments being expressed to me and would be happy to share this information with Council as some stage. I have also indicated to the community of interest that there are other options in relation to feedback however, it is my view that the Tweed Link option would be the most appropriate.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

19. ORIGIN: Environment & Health Services Unit

FILE REF: Workplace Management System

REPORT TITLE:

Workplace Management System (Incorporating Occupational Health and Safety and Environmental Risk Management)

SUMMARY OF REPORT:

Many organisations (including local governments) are faced with the challenge of managing workplace safety and environmental risks in line with increasing legislative requirements and community expectations.

Tweed Shire Council is seeking to manage workplace safety and workplace environmental risks in an efficient and effective manner by integrating workplace environmental management into its existing Occupational Health and Safety Management System.

The processes and objectives of Councils proposed Environmental Management System (EMS) are essentially the same as those of the existing Occupational Health and Safety (OHS) Management System. By integrating the two systems, practical advantages related to routine processes, record keeping, staff training, monitoring and review etc can be achieved.

The integrated management system shall be known as the '**Workplace Management System**'.

The commitment to the development and implementation of a Workplace Management System will be achieved through the OHS Policy and the Workplace Environmental Management Policy.

RECOMMENDATION:

That Council:-

1. Adopts the Occupational Health and Safety (OHS) Policy provided in the report.
2. Adopts the "Workplace Environmental Management Policy" Provided in the report.
3. Endorses the implementation of the Occupational Health and Safety (OHS) Policy and workplace Environmental Management Policy through a Workplace Management System.

Reports from Director Environment & Community Services

REPORT:

COUNCILS LEGAL OBLIGATIONS – OHS MANAGEMENT

From 1 September 2001 important new workplace safety laws were introduced in New South Wales.

The NSW Government introduced the *Occupational Health & Safety Act 2000 (OHS Act 2000)* and the *Occupation Health & Safety Regulation 2001 (OHS Regulation 2001)* to update and simplify laws relating to occupational health & safety (OHS) in all NSW workplaces.

Participation in the CouncilSafe II program will assist Council to meet the new legislative requirements by updating the Occupational Health and Safety component of the Workplace Management System.

DEMONSTRATING OHS DUE DILIGENCE:

OHS due diligence means taking every precaution reasonable in the circumstances to protect the health, safety and welfare of all workers and visitors in a workplace.

Evidence of due diligence is one of the defences available to Council, a Director or person concerned with the management of corporations charged with an offence under Section 26 of the *OHS Act 2000*.

Breaches of the *OHS Act 2000* could mean a maximum penalty for a conviction of \$550,000 for a corporation, \$55,000 for a manager/supervisor or \$3,300 for an employee for a first offence.

However, the maximum penalties increase to \$825,000 for a corporation, \$82,5000 (or 2 years imprisonment) for a manager/supervisor or \$4,950 for an employee for a second offence.

Examples of prosecutions for breaches of the *OHS Act* are provided below:

COURT CASES:

Kyogle Council was fined \$159,500 following a fatal fall by a worker.

NorthPower was fined \$160,000 over an electrical injury to a worker.

Tweed Shire Council was fined \$35,000 following the death of a member of the public.

Botany Bay Council was fined \$41,000 following the death of a worker in a fire.

COUNCILS LEGAL OBLIGATIONS - ENVIRONMENTAL MANAGEMENT:

The *Local Government Act, 1993* requires the following of Council:

Section 8(1) contains the Council's charter, which includes "Council must properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

Section 439 requires Councillors, staff and delegates to exercise a 'reasonable degree of care and diligence' in carrying out their functions.

DEMONSTRATING ENVIRONMENTAL DUE DILIGENCE:

Environmental due diligence or 'duty of care' is defined as 'taking reasonable and practicable measures to prevent environmental damage that an organisation can create by its activities, products and services.'

Reports from Director Environment & Community Services

Section 118 of the *Protection of the Environment Operations Act (POEO Act) 1997*, states that demonstrated due diligence is a defence against prosecution under the *POEO Act*.

Penalties for breaches of the *POEO Act* can be as high as \$1,000,000 for corporations.

Recent examples of where demonstrated due diligence has reduced the financial penalties are provided below.

COURT CASES:

EPA v Norco

- 2 spills of contaminated water occurred resulting in a breach of licensing requirements.
- Norco had a good EMS and were installing a new system.
- \$30,000 fine imposed, but may have been \$100,000 – reduction due to mitigating circumstances, especially the EMS.

EPA v Byron Shire Council

- Water pollution of local creek occurred due to malfunction of the Water Treatment Plant backwash facility.
- Council was directed to carry out a specific environmental project in lieu of penalty.
- The specified occurrence may have cost as much as \$112,000 however it was reduced to \$30,000 in consideration of Councils previous efforts to introduce a new backwash system.

EPA v Tenterfield Shire Council

- Water pollution occurred due to discharge from Sewerage Treatment Plant.
- Penalty reduced from \$20,000 to \$15,000 due to Councils existing control measures and a commitment to ensure that all necessary actions continue to be taken to prevent a further occurrence.

WHY DO COUNCILS NEED AN ENVIRONMENTAL MANAGEMENT SYSTEM?

Councils have increasing legal, leadership and public relations obligations with regard to the environment. Compliance with the *Local Government Act* is a key issue for all Councils, and community relations are also paramount. In addition, prosecutions and penalties for breaches under the *Protection of the Environment Operations Act* (particularly for water pollution) are continuing to increase. An EMS provides assurances that Councils legal, social and environmental obligations are being met in the best possible outcome.

BACKGROUND ON TWEEDS EMS:

Tweed Council is proactively addressing environmental pressures resulting from its operations through the development and implementation of an Environmental Management System. The EMS will help ensure a systematic approach to environmental performance and continual improvement for all Council's facilities and operations.

Reports from Director Environment & Community Services

INTEGRATING THE ENVIRONMENTAL MANAGEMENT SYSTEM WITH THE EXISTING OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT SYSTEM:

The processes and objectives of the EMS and the OHS Management System are essentially the same. By integrating the two systems practical advantages related to routine processes, record keeping, staff training, monitoring and review etc can be achieved.

A combined meeting between the EMS Steering Committee and the Workplace Safety Management Committee has recommended the integration of the two management systems. The Executive Management Team has endorsed this recommendation.

The integrated management system shall be known as the 'Workplace Management System'.

TWEED SHIRE COUNCIL WORKPLACE MANAGEMENT SYSTEM:

The commitment to the development and implementation of a Workplace Management System will be achieved through the OHS Policy and the Workplace Environmental Management Policy.

A pictorial representation of the Workplace Management System is provided below.

The Occupational Health and Safety Policy and the Workplace Environmental Management Policy are also detailed below.

Reports from Director Environment & Community Services

TWEED SHIRE COUNCIL WORKPLACE MANAGEMENT SYSTEM

Council has a legal obligation to provide a safe working environment and to manage its impact on the environment. A Workplace Management System that incorporates Occupational Health and Safety and Environmental Management provides assurances these obligations are being met. The diagram below is a pictorial representation of the Tweed Shire Council Workplace Management System.



Reports from Director Environment & Community Services

Tweed Shire Council



OHS Policy

Our Objective:

To make the protection and safeguarding of health and safety of all an integral part of all Council planning and operations by adopting a risk management approach.

Executive Management

The promotion and maintenance of OHS (Occupational Health & Safety) is primarily the responsibility of the Executive Management. Executive Management are responsible and accountable, in consultation with its employees, for ensuring:-

- Resources are made available for procedures to be developed and reviewed
- Development of hazard and incident reporting systems
- Development and implementation of emergency procedures
- Development of Contractor management procedures
- Allocating a budget for OHS
- Resources are available for the purchase of safe equipment
- Resources are available for appropriate training of employees in OHS procedures
- Having Workers Compensation insurance and procedures
- Ensuring housekeeping resources are provided

Operational Management

Each Operational Manager is to ensure that this policy and the OHS Program is developed and effectively implemented in their areas of control and support supervisors by:-

- Developing and reviewing operating procedures
- Fixing hazards that are reported and acting on incident reports
- Helping to manage emergency procedures
- Develop procedures for Managing Contractors and Sub-Contractors
- Providing resources for supply of PPE
- Ensuring equipment required for safe work is available in consultation with supervisors
- Ensuring Staff receive training in OHS procedures
- Ensuring suitable duties are available and RTW (Return To Work) plan is developed
- Ensuring cleaning equipment is provided

Reports from Director Environment & Community Services

Supervisors

Each first line supervisor is responsible and will be held accountable for taking all practical measures by:-

- Ensuring standards operating procedures are in place and followed
- Fixing hazards or reporting hazards to the Manager
- Investigating incidents and accidents
- Ensuring Staff are trained in emergency procedures
- Managing Contractors and Sub-Contractors
- Ensuring PPE is supplied and worn
- Ensuring equipment is safe and properly maintained in consultation with employees
- Ensuring that staff are trained in OHS procedures
- Identifying suitable duties and supervising RTW program
- Ensuring work areas are clean

Employees

All employees are required to co-operate with the OHS Policy and Programs to ensure their own health & safety and the health & safety of others within the workplace by:-

- Following standard operating procedures
- Identifying and reporting hazards and incidents
- Initiating/Following emergency procedures
- Wearing appropriate PPE
- Using equipment properly
- Follow training in OHS procedures
- Receive medical treatment and return to work on suitable duties
- Keeping work areas clean

Contractors and Sub-Contractors

All Contractors and Sub-Contractors engaged to perform work on Council's premises or locations are required, as part of their contract, to comply with the occupational health and safety policies, procedures and programs of the organisation and to observe directions on health and safety from designated officers of the organisation. Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

Mayor

/ /
Date

General Manager



Reports from Director Environment & Community Services

Tweed Shire Council



Workplace Environmental Management Policy

Our Objective:

To ensure all Tweed Shire Council operations have either a beneficial impact on the environment, or minimise the potential for adverse environmental impacts resulting from those operations.

Our Responsibilities:

The processes and objectives of environmental risk management and OHS are essentially the same. As such, the levels of responsibility for Executive Management, Operational Management, Supervisors, Employees, Contractors and Sub-Contractors set out in the associated OHS Policy also apply to environmental management.

Our Environmental Management Commitment:

Tweed Shire Council is responsible for providing and maintaining services to the Tweed community including roads, water, sewer, waste management services, community and cultural facilities as well as recreational areas. In all of its operations Tweed Shire Council:

Will identify, implement and promote best practice environmental management systems and operations.

Is committed to operating in an ecologically sustainable manner by preventing pollution, reducing waste and minimising the use of energy and resources.

Will comply with all applicable environmental laws, regulations and agreements.

Will provide an environmentally sound workplace, and implement environmentally sound work practices.

Will work closely with its employees, contractors, suppliers, clients and the community to develop and implement agreed environmental initiatives.

Will develop a monitoring program to assess its environmental performance, communicate its environmental management through the annual State of the Environment Report, and implement a process of continuous improvement.

_____	_____/_____/_____	_____
Mayor		Date
General Manager		



Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Pure Food Act

REPORT TITLE:

Proposed Release of Genetically Modified Canola by Monsanto

SUMMARY OF REPORT:

Council is advised by the Gene Technology Regulator, that it is prepared by Monsanto to release a genetically modified canola that is tolerant to glyphosate the active ingredient in the herbicide Roundup.

RECOMMENDATION:

That Councillors advises any comments they may wish to provide.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the letter as set out below has been received concerning the preposed commercial release of genetically modified canola. The letter has been forwarded by the Gene Technology Regulator and provides Council with an opportunity to comment or make submission on the proposal.

The canola in question has been genetically modified to be tolerant to glyphosate the active ingredient in the herbicide Roundup.

A Department of Agriculture officer advises no knowledge of canola being grown commercially within Tweed although individuals may have grown it as a rotational crop.

It has been grown in a limited fashion at various times in the Richmond Valley.

It is recommended that Councillors advise any comments they wish to provide.

Reports from Director Environment & Community Services



Office of the Gene Technology Regulator
Health and Ageing

Office of the Gene Technology Regulator
THERAPEUTIC GOODS ADMINISTRATION
PO Box 100 Woden ACT 2606 Tel 1800 181 030 Fax 02 6271 4202

Dr John Griffin
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

TWEED SHIRE COUNCIL	
FILE No	PURE FOOD ACT
DOCUMENT No	[] [] [] [] [] []
RECD	26 SEP 2002
BOX No	[] [] [] []
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HARD COPY	<input checked="" type="checkbox"/>
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Ref DIR 020/2002
Monsanto Australia Ltd

Dear Dr Griffin,

**REQUEST FOR ADVICE ON APPLICATION DIR 020/2002
FROM MONSANTO AUSTRALIA LTD FOR THE COMMERCIAL RELEASE OF
GENETICALLY MODIFIED CANOLA**

On 4 June 2002, Monsanto Australia Ltd. lodged an application under section 40 of the *Gene Technology Act 2000* (the Act) for a licence for dealings involving the intentional release of genetically modified (GM) canola (DIR020/2002) in the environment. Following initial assessment of the application, I am now writing to seek your advice on matters relevant to the preparation of the Risk Assessment and Risk Management Plan for this application.

I am aware that this may be the first time your council has received a request for advice in respect of a licence application under the Act. Background information on the Act and the national scheme for the regulation of genetically modified organisms (GMOs) is provided at **Attachment A**. Comprehensive information on the operation of the Act and the regulatory system is provided on the Office of the Gene Technology Regulator (OGTR) website (www.ogtr.gov.au). Specific queries may be directed to my Office on the toll-free number, 1800 181 030.

The application

The licence application (DIR 020/2002) made by Monsanto is for approval for **commercial release** of genetically modified (GM) Roundup Ready® canola into the environment wherever it is suitable to cultivate canola in Australia. **Roundup Ready®** canola has been genetically modified to be tolerant **glyphosate**, the active ingredient in the herbicide Roundup®. I have enclosed a summary of the application at **Attachment B**.

The Act sets out the processes which I, as the Gene Technology Regulator, must follow in considering an application. This is summarised below.

Reports from Director Environment & Community Services

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Consultation

Under section 50 of the Act I am required to seek the advice of a wide range of expert groups and key stakeholders, comprising State and Territory Governments, prescribed Commonwealth agencies and departments, the Gene Technology Technical Advisory Committee, the Commonwealth Environment Minister and **appropriate local councils** on matters relevant to the preparation of the Risk Assessment and Risk Management Plans that are prepared in respect of each license application, (ie risks to the human health and safety or to the environment).

I am also required, under section 52 of the Act, to consult again with the same agencies and authorities, as well as members of the public, when the plans have been prepared.

The Act also permits me to take any other actions I consider appropriate for the purpose of considering the application. In this context, I will also consult with the following Commonwealth organisations and departments which, while not prescribed in the legislation, have maintained a strong interest in its implementation: Agriculture, Fisheries and Forestry Australia; the Department of Foreign Affairs and Trade; the Department of Industry Tourism and Resources; and Environment Australia.

If the Regulator considers that the dealings with GM organisms proposed in the application may pose significant risks to human health and safety and/or the environment, under section 49 of the Act, the public must also be consulted on both the application and the Risk Assessment and Risk Management Plan.

Following a preliminary assessment of the matters set out in section 49 of the Act, I believe that the dealings proposed by this application are *not* likely to pose significant risks to either the health and safety of people or to the environment. Therefore, the public will be asked for comment at the time when the Risk Assessment and Risk Management Plan (RARMP) has been prepared. My main reasons for reaching this conclusion are:

- since 1997, there have been five limited and controlled releases of Roundup Ready® canola in Australia approved under the previous voluntary system and there have been no reports of adverse effects on human health or the environment resulting from the releases. One limited and controlled release of Roundup Ready® canola (DIR 011/2001) has been assessed under the Act and a licence was issued in August 2002.;
- information provided in the application and available from research and from previous releases suggests that the potential risks of toxicity, allergenicity, pathogenicity, weediness and out-crossing to native or cultivated species can be managed in such a way as to protect the health and safety of people and the environment.

It should be noted that this preliminary assessment does not, in any way, pre-empt the outcome of the detailed RARMP.

Although not required to by the Act, in keeping with its intention to promote openness and transparency in relation to decision making, I notified the public of receipt of the application by placing a notice on the OGTR website and advising people on the OGTR mailing list, who have registered their interest in receiving such information. The notification advised that the OGTR will consult with expert groups and key stakeholders on the preparation of the RARMP, that public comment will be sought on the plan, and the anticipated time frame for submissions. In view of the considerable public interest in the commercial release of

Reports from Director Environment & Community Services

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Roundup Ready® canola, the notification also invited interested people and organisations to write to me about matters relevant to the preparation of the Plan.

Consultation with Local Councils

Sections 50(3)(e) and 52(3)(e) of the Act require me to consult with “any local council the Regulator considers appropriate,” both on applications and the Risk Assessment and Risk Management Plans that are prepared in relation to each application. For previous applications for dealings involving intentional release I have consulted with all local councils where the release is proposed to occur, and for all applications to date this has involved a discrete and defined number of local government areas (LGAs).

As this application is for commercial release, Monsanto are seeking approval to grow Roundup Ready® canola wherever it is suitable to grow canola in Australia.

An assessment of the current geographic range within which canola may be cultivated indicates that this potentially encompasses approximately 580 LGAs out of a total of 693. However, it is unlikely that canola would ever be grown in a number of the LGAs that lie within this geographic range, including some that are strictly metropolitan councils where agricultural production does not occur. It may also be possible that under exceptional circumstances canola may be grown outside this range. Therefore, I have decided to extend the consultation on this application to provide ALL Australian LGAs with an opportunity to provide comments and submissions on this application.

Release of GMOs in Tasmania

As you may be aware, the Tasmanian State Government currently has a moratorium on the planting of GM plants in that State, through the *Plant Quarantine Act 1997 (Tasmania)*. Accordingly, in addition to a licence issued under the *Gene Technology Act 2000* and corresponding State laws, any release of Roundup Ready® canola in Tasmania would also require approval from the Tasmanian State Government. The Tasmanian Government has advised me that use of genetically modified crops in Tasmania is currently restricted to approved research trials and that no approval would be considered for any commercial planting.

The scope of the application nevertheless includes potential release in Tasmania. Therefore, I must proceed with the assessment of this application on the basis of assessing the risks to human health and safety or the environment anywhere in Australia.

Timeframe for comments

The Act prescribes a period of 170 working days in which I must make a decision whether to issue, or refuse to issue, a licence for the proposed dealings. This time period does not include weekends or public holidays in the Australian Capital Territory, or periods of time where additional information is being sought from the applicant and the OGTR is unable to process the application further. I am therefore required to make a decision on this application by **10 February 2003**.

In seeking your initial comments on this application, I request your advice on matters relating to the **protection of human health and safety and the environment** that I should consider in preparing the Risk Assessment and Risk Management Plan. **Please note** that issues such as **food labelling, the use and safety of herbicides, marketability and trade implications**

Reports from Director Environment & Community Services

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do NOT fall within the scope of the evaluations conducted under the Act as these are the responsibility of other agencies and authorities. (For further information refer to Attachments A and B).

The regional knowledge of local councils means that their input is an important element of the assessment process and I encourage you to provide comments. However, there is no obligation to provide advice. Please note that if your council does provide comments on the application, I will require your advice by **25 October 2002**. This timeframe is in excess of the 30 day minimum indicated in the relevant parts of the Act in relation to consultation periods.

Please note that if I do not receive your advice by this date, subregulation 8(3) of the Gene Technology Regulations 2001 requires me to proceed without regard to your advice. However, you will have a further opportunity to comment on the Risk Assessment and Risk Management Plan once it has been prepared.

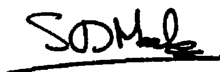
I anticipate circulating the Risk Assessment and Risk Management Plan for comment in **mid-November 2002**. The Act stipulates a minimum of 30 days for consultation on the Risk Assessment and Risk Management Plan. However, in view of the strong public interest in genetically modified canola, I have made a commitment to extend this consultation to a period of eight weeks, and comments would be due **mid-January 2003**. The plan would then be finalised taking into account the feedback received and I would then anticipate making a decision on whether, or not, to issue the licence by **early February 2003**.

However, these dates are indicative only and may change depending on a number of factors including the need to seek additional information from the applicant, or because further research is required as a result of issues raised in submissions received during the consultation process.

Conclusion

I look forward to receiving your comments on Monsanto's application DIR 020/2002. Please consult the OGTR website (www.ogtr.gov.au) for further information on the gene technology regulatory system and if you have specific queries, please contact my Office on the toll-free number, 1800 181 030.

Yours sincerely



(Dr) Sue D Meek
Gene Technology Regulator
19 September 2002

Attachments:

- A Background information on the *Gene Technology Act 2000*
- B Summary of application

Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: Pure Food Act

REPORT TITLE:

Proposed Release of Genetically Modified Canola by Bayer

SUMMARY OF REPORT:

Council is advised by the Gene Technology Regulator, that it is proposed by Bayer to release a genetically modified canola to introduce a hybrid breeding system and to be tolerant to glufosinate ammonium the active ingredient in the herbicide Liberty.

RECOMMENDATION:

That Councillors advise any comments they may wish to provide.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the letter as set out below has been received concerning the proposed commercial release of genetically modified canola. The letter has been forwarded by the Gene Technology Regulator and provides Council with an opportunity to comment or make submissions on the proposal.

The canola in question has been genetically modified to introduce a hybrid breeding system and to be tolerant to glufosinate ammonium the active ingredient in the herbicide Liberty.

A Department of Agriculture officer advises no knowledge of canola being grown commercially within Tweed although individuals may have grown it as a rotational crop.

It has been grown in a limited amount at various times in the Richmond Valley.

It is recommended that Councillors advise any comments they wish to provide.

Reports from Director Environment & Community Services



Office of the Gene Technology Regulator
THERAPEUTIC GOODS ADMINISTRATION
PO Box 100 Woden ACT 2606 Tel 1800 181 030 Fax 02 6271 4202

Ref DIR 021/2002
Bayer CropScience

Dr John Griffin
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	PURE FOOD ACT
DOCUMENT No.	[] [] [] [] [] []
RECD	26 SEP 2002
BOX No.	[] [] [] []
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Dear Dr Griffin,

REQUEST FOR ADVICE ON APPLICATION DIR 021/2002 FROM BAYER CROPSCIENCE FOR THE COMMERCIAL RELEASE OF GENETICALLY MODIFIED CANOLA

Bayer CropScience Pty Ltd (Bayer, formerly Aventis CropScience Pty Ltd, Aventis) have lodged an application under section 40 of the *Gene Technology Act 2000* (the Act) for a licence for dealings involving the intentional release of genetically modified (GM) canola (DIR 021/2002) into the environment. Following initial assessment of the application, I am now writing to seek your advice on matters relevant to the preparation of the Risk Assessment and Risk Management Plan for this application.

I am aware that this may be the first time your council has received a request for advice in respect of a licence application under the Act. Background information on the Act and the national scheme for the regulation of genetically modified organisms (GMOs) is provided at **Attachment A**. Comprehensive information on the operation of the Act and the regulatory system is provided on the Office of the Gene Technology Regulator (OGTR) website (www.ogtr.gov.au). Specific queries may be directed to my Office on the toll-free number, 1800 181 030.

The application

The licence application (DIR 021/2002) made by Bayer is for approval for **commercial release** of genetically modified (GM) **InVigor**[®] canola wherever it is suitable to cultivate canola in Australia. InVigor[®] canola has been genetically modified to introduce a hybrid breeding system and to be tolerant to **glufosinate ammonium**, the active ingredient in the herbicide Liberty[®]. I have enclosed a summary of the application at **Attachment B**.

The Act sets out the processes which I, as the Gene Technology Regulator, must follow in considering an application. This is summarised below.

Reports from Director Environment & Community Services

2

Consultation

Under section 50 of the Act I am required to seek the advice of a wide range of expert groups and key stakeholders, comprising State and Territory Governments, prescribed Commonwealth agencies and departments, the Gene Technology Technical Advisory Committee, the Commonwealth Environment Minister and **appropriate local councils** on matters relevant to the preparation of the Risk Assessment and Risk Management Plans that are prepared in respect of each licence application, (ie risks to human health and safety or to the environment).

I am also required, under section 52 of the Act, to consult again with the same agencies and authorities, as well as members of the public, when the plans have been prepared.

The Act also permits me to take any other actions I consider appropriate for the purpose of considering the application. In this context, I will also consult with the following Commonwealth organisations and departments which, while not prescribed in the legislation, have maintained a strong interest in its implementation: Agriculture, Fisheries and Forestry Australia; the Department of Foreign Affairs and Trade; the Department of Industry Tourism and Resources; and Environment Australia.

If the Regulator considers that the dealings with GM organisms proposed in the application may pose significant risks to human health and safety and/or the environment, under section 49 of the Act, the public must also be consulted on both the application and the Risk Assessment and Risk Management Plan.

Following a preliminary assessment of the matters set out in section 49 of the Act, I concluded that the dealings proposed by this application are *not* likely to pose significant risks to either the health and safety of people or to the environment. Therefore, the public will be asked for comment at the time when the Risk Assessment and Risk Management Plan (RARMP) has been prepared. My main reasons for reaching this conclusion are:

- since 1996, there have been eleven limited and controlled releases of InVigor[®] canola lines in Australia approved under the previous voluntary system and there have been no reports of adverse effects on human health or the environment resulting from the releases. One limited and controlled release of InVigor[®] canola has been assessed under the Act (DIR 010/2001) and a licence was issued in July 2002;
- information provided in the application and available from research and from previous releases suggests that the potential risks of toxicity, allergenicity, pathogenicity, weediness and out-crossing to native or cultivated species can be managed in such a way as to protect the health and safety of people and the environment.

It should be noted that this preliminary assessment does not, in any way, pre-empt the outcome of the detailed RARMP.

Although not required to by the Act, in keeping with its intention to promote openness and transparency in relation to decision making, I notified the public of receipt of the application by placing a notice on the OGTR website and advising people on the OGTR mailing list, who have registered their interest in receiving such information. The notification advised that the OGTR will consult with expert groups and key stakeholders on the preparation of the RARMP, that public comment will be sought on the plan, and the anticipated time frame for submissions. In view of the considerable public interest in the commercial release of canola,

Reports from Director Environment & Community Services

3

the notification also invited interested people and organisations to write to me about matters relevant to the preparation of the Plan.

Consultation with Local Councils

Sections 50(3)(e) and 52(3)(e) of the Act require me to consult with "any local council the Regulator considers appropriate," both on applications and the Risk Assessment and Risk Management Plans that are prepared in relation to each application. For previous applications for dealings involving intentional release I have consulted with all local councils where the release is proposed to occur, and for all applications to date this has involved a discrete and defined number of local government areas (LGAs).

As this application is for commercial release, Bayer are seeking approval to grow InVigor[®] canola wherever it is suitable to grow canola in Australia.

An assessment of the current geographic range within which canola may be cultivated indicates that this potentially encompasses approximately 580 LGAs out of a total of 693. However, it is unlikely that canola would ever be grown in a number of the LGAs that lie within this geographic range, including some that are strictly metropolitan councils where agricultural production does not occur. It may also be possible that under exceptional circumstances canola may be grown outside this range. Therefore, I have decided to extend the consultation on this application to provide ALL Australian LGAs with an opportunity to provide comments and submissions on this application.

Release of GMOs in Tasmania

As you may be aware, the Tasmanian State Government currently has a moratorium on the planting of GM plants in that State, through the *Plant Quarantine Act 1997* (Tasmania). Accordingly, in addition to a licence issued under the *Gene Technology Act 2000* and corresponding State laws, any release of InVigor[®] canola in Tasmania would also require approval from the Tasmanian State Government. The Tasmanian Government has advised me that use of genetically modified crops in Tasmania is currently restricted to approved research trials and that no approval would be considered for any commercial planting.

The scope of the application nevertheless includes potential release in Tasmania. Therefore, I must proceed with the assessment of this application on the basis of assessing the risks to human health and safety or the environment anywhere in Australia.

Timeframe for comments

The Act prescribes a period of 170 working days in which I must make a decision whether to issue, or refuse to issue, a licence for the proposed dealings. This time period does not include weekends or public holidays in the Australian Capital Territory, or periods of time where additional information is being sought from the applicant and the OGTR is unable to process the application further. I am therefore required to make a decision on this application by **10 February 2003**.

In seeking your initial comments on this application, I require your advice on matters relating to the **protection of human health and safety and the environment** that I should consider in preparing the Risk Assessment and Risk Management Plan. **Please note that issues such as food labelling, the use and safety of herbicides, marketability and trade implications do NOT fall within the scope of the evaluations conducted under the Act** as these are the

Reports from Director Environment & Community Services

4

responsibility of other agencies and authorities. (For further information refer to Attachments A and B).

The regional knowledge of local councils means that their input is an important element of the assessment process and I encourage you to provide comments. However, there is no obligation to provide advice. Please note that if your council does provide comments on the application, I will require your advice by **25 October 2002**. This timeframe is in excess of the 30 day minimum indicated in the relevant parts of the Act in relation to consultation periods.

Please note that if I do not receive your advice by this date, subregulation 8(3) of the Gene Technology Regulations 2001 requires me to proceed without regard to your advice. However, you will have a further opportunity to comment on the Risk Assessment and Risk Management Plan once it has been prepared.

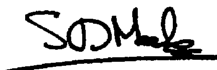
I anticipate circulating the Risk Assessment and Risk Management Plan for comment in **mid-November 2002**. The Act stipulates a minimum of 30 days for consultation on the Risk Assessment and Risk Management Plan. However, in view of the strong public interest in genetically modified canola, I have made a commitment to extend this consultation to a period of eight weeks, and comments would be due by **mid-January 2003**. The plan would then be finalised taking into account the feedback received and I would then anticipate making a decision on whether, or not, to issue the licence by **early-March 2002**.

However, these dates are indicative only and may change depending on a number of factors including the need to seek additional information from the applicant, or because further research is required as a result of issues raised in submissions received during the consultation process.

Conclusion

I look forward to receiving your comments on Bayer's application DIR 021/2002. Please consult the OGTR website (www.ogtr.gov.au) for further information on the gene technology regulatory system and if you have specific queries, please contact my Office on the toll-free number, 1800 181 030.

Yours sincerely



(Dr) Sue D Meek
Gene Technology Regulator

19 September 2002

Attachments:

- A Background information on the *Gene Technology Act 2000*
- B Summary of application

Reports from Director Environment & Community Services

22. ORIGIN: Recreation Services Unit

FILE REF: GT1/S94/1 Pt1 - Section 94 Plans, DCP

REPORT TITLE:

Contribution Plan No. 1 - Structural Open Space

SUMMARY OF REPORT:

Contribution Plan No. 1 (CP1) is a public open space contribution plan that applies to residential development on land affected by Development Control Plan No. 3 (DCP3) - Banora Point/Tweed Heads South.

Within DCP 3 the active open space is divided into 7 distinct areas. This report relates to area 1 and 2 being the Dave Burns and Ron Wilkinson playing fields on Fraser Drive, South Tweed (figure 1).

The works program for area 1 as resolved at Councils meeting of 19 January 2000, is as follows:

Seal car park	\$80,000
Irrigation	\$40,000
Access	\$132,000

The sealing of the car park and installation of irrigation have been completed. The 'access' item was to allow for potential future car parking. However, the purchase of the South Tweed Leagues Club by Twin Towns Services Club, the planned widening of Leisure Drive and expanding requirements of the sporting organisations using the facilities have altered the priority for utilisation of these funds.

RECOMMENDATION:

That Council notes the amendment to the works program of Contribution Plan No. 1 area 1 to reallocate \$132,000 from 'access' to 'facilities' and votes the expenditure.

Reports from Director Environment & Community Services

REPORT:

Contribution Plan No. 1 (CP1) is a public open space contribution plan that applies to residential development on land affected by Development Control Plan No. 3 (DCP3) - Banora Point/Tweed Heads South.

Within DCP 3 the active open space is divided into 7 distinct areas. This report relates to area 1 and 2 being the Dave Burns and Ron Wilkinson playing fields on Fraser Drive, South Tweed (figure 1).

The works program for area 1 as resolved at Councils meeting of 19 January 2000, is as follows:

Seal car park	\$80,000
Irrigation	\$40,000
Access	\$132,000

The sealing of the car park and installation of irrigation have been completed. The 'access' item was to allow for potential future car parking. However, the purchase of the South Tweed Leagues Club by Twin Towns Services Club, the planned widening of Leisure Drive and expanding requirements of the sporting organisations using the facilities have altered the priority for utilisation of these funds.

The facilities on Fraser Drive are currently heavily utilised by the following organisations:

South Tweed Junior Rugby League Club
South Tweed Senior Rugby League Club
South Tweed Touch Association
Banora Point Soccer Club
Colts Cricket Club and;
Local Schools.

Each of these organizations are growing rapidly with the development of the Banora Point/South Tweed area and their requirement for upgraded and expanded facilities at the site is immediate.

Additionally, Twin Towns Services Club have recently purchased and refurbished the old Leagues Club at the site to develop Twin Towns Juniors. Several of the Junior and Senior Rugby League facilities including the canteen and storage areas were located within the club land and have subsequently been removed.

Consequently, Council has received several requests to erect various structures across the site for canteens, storage areas, dressing rooms etc. To rationalise facilities, combine resources and plan for future requirements at the site, Council facilitated several meetings between the stakeholders. A resultant plan for facilities was finalised and agreed upon.

The resultant plans involve three separate components:

1. **Junior and Senior Rugby League**

The current building consists of two change rooms. This building is to be extended and converted to include canteen areas, storage areas a covered area and public toilets.

2. **Banora Point Soccer and Colts Cricket Club**

The current building houses a canteen for junior soccer and a small storage area. This building is to be extended to provide more storage area for soccer, a storage area and future canteen for cricket and a covered area.

Reports from Director Environment & Community Services

3. Change rooms, referees room and ground keepers area

This will be a new building to cater for the requirements of all the users of the facilities.

As noted above, the plans for the proposed improvements have been developed by all stakeholders of the facilities and agreement reached. Twin Towns Services Club have offered to assist the clubs in funding items 1 and 2 of the above. Consequently, the clubs have indicated that with Twin Towns assistance, they are able to complete these works.

It is recommended that Council utilise the \$132,000 identified for 'access' to fund the change rooms' facility.

Within the planned widening of Fraser Drive, there is an opportunity to provide additional nose in parking that will alleviate the immediate need for additional parking facilities at the fields. Additionally, the various sports have undertaken to liaise with regard to scheduling of games to avoid conflict.

The various organisations were advised of the \$132,000 designated for access and all agreed the funding would be more beneficial in contributing to the planned facilities.

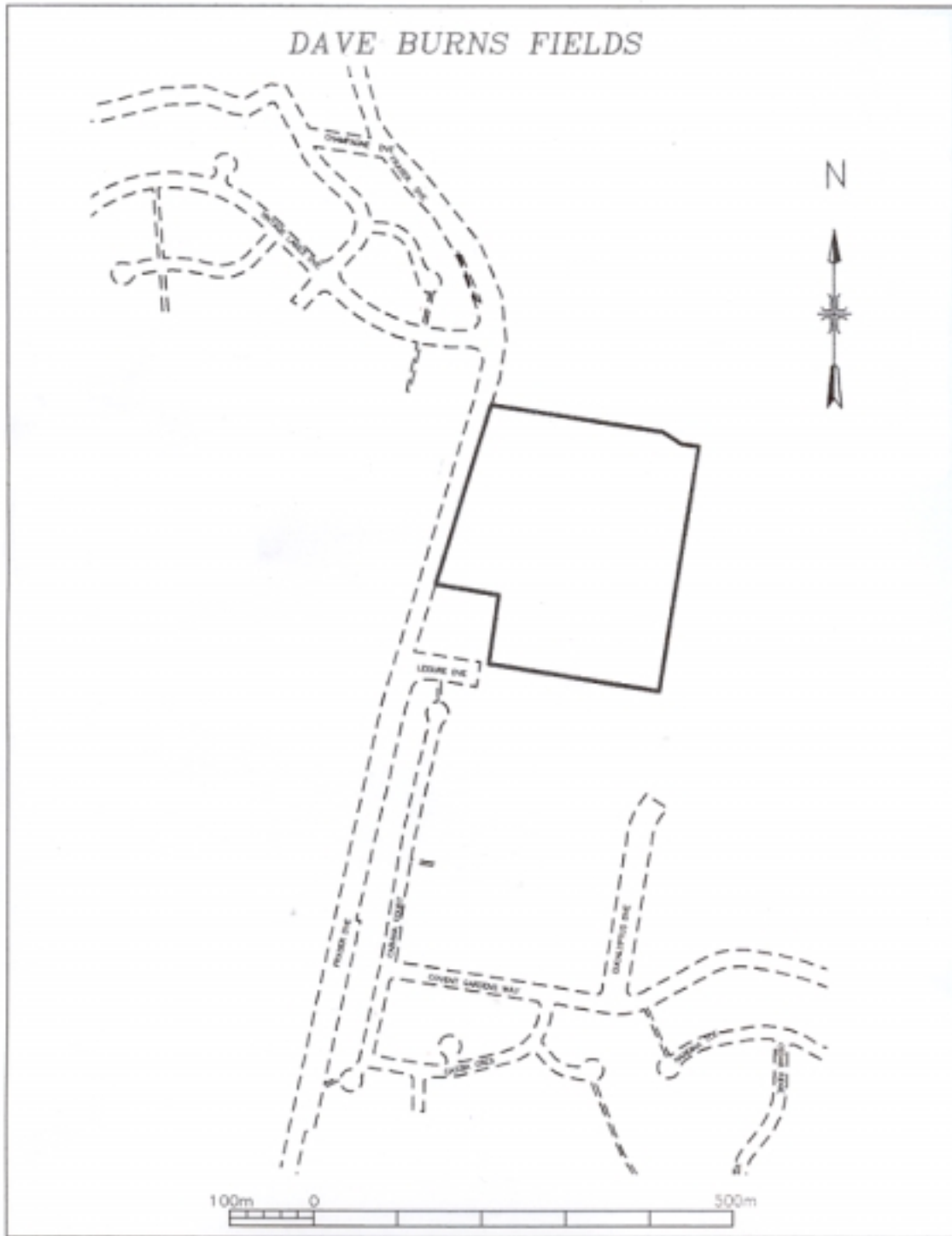
Councils Section 94 committee has considered the issue and endorsed the proposal.

Should Council resolve to vote the expenditure of these funds toward the facility upgrade, it is anticipated works will be completed to a functional stage by commencement of the 2003 winter sports season.

The current balance of CP1 – Active Open Space is \$1,732,556.

Consequently, it is recommended that Council note the amendments to the works program of Contribution Plan No. 1 area 1 to reallocate \$132,000 from 'access' to 'facilities' and votes the expenditure.

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

Ron Wilkinson & Dave Burns Fields Fraser Drive, South Tweed



- Banora Point Soccer Club, Jun & Sen League, Cricket - Ron Wilkinson Field
- South Tweed Rugby League & Cricket - Dave Burns Field
- training nets x 3 wickets
- Synthetic Wicket
- Turf Wicket
- Soccer Canteen
- Toilet
- Light Poles

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: 4030/2635 Pt 4; - Caravan Parks - Banora Point

REPORT TITLE:

Banora Point Caravan Park – 2 Pacific Highway, Banora Point

SUMMARY OF REPORT:

Subsequent to an inspection of the above caravan park on 30 April and 1 May 2002 by Council officers a number of issues dealing with the conduct of the Park were noted. As well several additional inspections have been carried out including one with Council's legal advisor on 1 October 2002 in an exhaustive process to deal with the issues associated with this park.

The inspection was carried out in accordance with Council's responsibility to respond to Application for Caravan Park or Camping Ground Inspection lodged by Mr W. Tschannen, Owner of the Park and also in response to a number of complaints received by Council from Park residents, visitors to the Park and Government bodies.

This report deals with the current status of action being taken by Council.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Subsequent to an inspection of the above caravan park on 30 April and 1 May 2002 by Council officers a number of issues dealing with the conduct of the Park were noted. As well several additional inspections have been carried out including one with Council's legal advisor on 1 October 2002 in an exhaustive process to deal with the issues associated with this park.

The inspection was carried out in accordance with Council's responsibility to respond to Application for Caravan Park or Camping Ground Inspection lodged by Mr W. Tschannen, Owner of the Park and also in response to a number of complaints received by Council from Park residents, visitors to the Park and Government bodies.

This report deals with the current status of action being taken by Council.

The Development Assessment Unit identified the following works as undertaken without development consent:

1. Fourteen (14) additional sites created without Council's consent.
2. The use of the internal road system for the placing of caravans and their subsequent use for habitable purposes. During the site inspection on 1 May 2002 approximately 20 caravans were located on the internal road system.
3. Open space located at the northern end of the site used for storage purposes. Items being stored include a number of caravans, rigid annexes (dismantled), building materials and a pontoon.
4. The placement of earth fill along the western boundary of the land and into the adjoining Crown Public Road to the west owned by the Department of Land and Water Conservation. The Crown Road is zoned 7(a) Environment Protection (Wetlands and Littoral Rainforest) and is also affected by State Environmental Planning Policy No. 14 – Coastal Wetlands.
5. The placement of earth fill and rock along various sections on the bank of the Tweed River and into the river.

The above matters were referred to Stacks the Law Firm following a report to Council on 3 April 2002 at which time Council resolved as follows:-

RESOLVED that Council seeks resolution of the following by instituting legal action under Section 124 of the Environmental Planning and Assessment Act in the Land & Environment Court:-

1. Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to use Roads & Traffic Authority (RTA)/DLWC land for the placing or siting of caravans thereon and their subsequent use for accommodation purposes.
2. Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to fill portion of Caravan Park land owned by Blackington Pty Ltd.
3. Failure by the proprietors of the Banora Point Caravan Park to obtain consent from Tweed Shire Council to fill portion of land owned by the RTA/DLWC in association with unlawful use of RTA owned land being used for the siting of caravans thereon and their subsequent use for accommodation purposes.

Reports from Director Environment & Community Services

4. *Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to fill portions of the banks of the Tweed River.*

This report appears as an attachment.

The Environment and Health Services Unit identified the following issues relating to the failure to comply with the requirements of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 and the approval conditions placed on the park pursuant to its Approval to Operate under Section 68 of the Local Government Act 1993.

These issues relate to: -

- (a) various non-complying structures and installations.
- (b) non-complying shower, toilet and laundry facilities.
- (c) lack of adequate car parking spaces for residents of the Park and visitors to the Park.
- (d) restricted vehicular access by residents to their respective on-site car parking space where required.
- (e) inadequate fire-fighting equipment i.e. hose reels as provided are insufficient in length to service structures/installations.

Following legal advice from Stacks the Law Firm, Councils Environment and Health Services Unit has proceeded with the issuing of an Order under the Local Government Act 1993 with respect to the provision of toilets, showers, hand basins and laundry facilities for residents of the Park as per Clauses 46, 47, 48, 51 and 53 of Division 6 of Part 3 of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 which are encompassed in the Local Government Act 1993. This process is continuing and the Order expires on 1 November 2002.

Following the provision of detailed information to Stacks the Law Firm, they have advised what further action can be commenced. Council's action to date has been based on their legal advice.

The latest legal advice is dealt with in a more detailed confidential report to this meeting.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit

FILE REF: Garbage-Collection Contractor, Garbage-General

REPORT TITLE:

Extension of Garbage Service

SUMMARY OF REPORT:

Kyogle Road west of Uki is the only major area of the Shire not to have a garbage service available.

After negotiations, Solo Waste has now agreed to provide a service along Kyogle Road and major side roads as far as Mount Burrell Road.

Use of the extended service will be monitored to determine further extensions are necessary.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

As Council is no doubt aware the only significant area of the Shire that does not receive a garbage service is the area west of Uki along Kyogle Road.

Council has been negotiating with its Garbage Contractor, Solo Waste to provide a service to this area for some time.

Advertisements have been placed in the Tweed Link seeking responses from residents and almost 60 residents have indicated that they would use the service.

Solo Waste have now agreed to extend the garbage service along Kyogle Road as far as Mount Burrell Road with the service to commence on Monday, 4 November 2002.

Portions of major side roads have also been included.

Use of the extended service will be monitored to determine whether further extensions are necessary.

Reports from Committees/Working Groups

1. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 September 2002

Disability Access Cttee

VENUE:

HACC Centre, Heffron St. Tweed Heads South

TIME:

1.30pm

PRESENT:

Maggie Groff, Graham Williams, Ross Cameron, Ray Clark, Bill McKennariey, Ron Douglas, Steve Pollitt, Anna Fisher, Stefan Zak, Una Cowdroy.

APOLOGIES:

Cr Max Boyd, Cr Wendy Marshall, Ross Cameron, GailMartin.

MINUTES OF PREVIOUS MEETING:

Moved: Ron Douglas

Seconded: Stefan Zak

RESOLVED that the meeting held Thursday 18 July 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Outdoor Dining Policy

AccessMatters

A memo has been received from the Manager Environment & Health Services informing the Committee that the policy, having been developed, should first be considered by Council. Should Council concur with the general terms of the policy it is obliged to seek public comment and it is considered that at that time the Committee will be able to provide comment. Bill McKennariey expressed concern as Chairperson of the Committee that this issue is taking a long time to reach a resolution.

Reports from Committees/Working Groups

2. Disability Parking at Cudgen Headland Surf Life Saving Club

Access Matters

Signage has been placed as requested.

3. Street lighting Chinderah Bay Drive outside Heritage Caravan Park

Access Matters

Ray informed the Committee the location will be considered in this years street lighting program. Ron stated that lighting is very dark in this area.

4. Parking at Coolangatta Airport

Access Matters

A letter has been received from Gold Coast Airport Ltd explaining that, since the events of 11 September 2002 in the US, no vehicles may be left unattended at the kerb front of a terminal in any security designated airport in Australia. Disabled passengers accompanied by other persons still have the option of setting down in front of the terminal at the kerbside. The disability parking has been relocated into the short-term car park at the closest point to the terminal next to the pedestrian walkway.

Maggie was invited by Dennis Chant, MD Gold Coast Airport, to visit Coolangatta Airport, and view disability access. Maggie gave a favourable verbal report to the Committee. She was shown extensively round the airport facilities, including disability parking, and taken through the Qantas passenger transfer vehicle, which is used to transport the aged and people with disabilities from the terminal onto an aircraft. While Maggie was at the airport many people were assisted from their vehicles at the kerbside as well as transported on to aircraft.

Moved: Stefan Zak

Seconded: Una Cowdroy

RESOLVED that the Committee accepts the explanation from Gold Coast Airport Ltd on relocation of disability parking, and sends a letter of thanks to Mr Dennis Chant for organising for a Committee member to view the disability access at Coolangatta Airport.

RECOMMENDATION:

That Council is aware of the reason for relocation of disability parking at Coolangatta Airport, and sends a letter to Mr Dennis Chant thanking him for organising for a Committee member to view disability access.

Reports from Committees/Working Groups

5. International Day of People with a Disability

Access Matters

The Committee was notified that Council endorses and supports International Day of People with a Disability and authorises the organised events as an activity of Council. The working party has been notified.

6. Beach Wheelchair Pottsville Creek - storage

Access Matters

Storage was discussed. Maggie is investigating storage at Pottsville Beach Holiday Park. The Committee thought the wheelchair needed to be out of sight. A small shed or lawn locker would be preferable to building onto the kiosk. Richard Adams to be consulted to see if this is acceptable. If so we will purchase a shed, possibly a second-hand one.

Moved: Steve Pollitt

Seconded: Stefan Zak

RESOLVED that the Committee purchase a small shed to house the beach wheelchair within the Pottsville South Holiday Park.

7. MLAK keys

Access Matters

Discussion was held on guidelines for who will be able to purchase keys from Council at a discount. The MLAK guidelines will be used and the keys will be available to people at a discount who are residents of Tweed Shire, have a permanent disability that is apparent, or otherwise a letter from a doctor, disability organisation or Community Health Centre. Information on locations will be forwarded to DAISI and AQA.

8. Access Budget

Access Matters

There has been no expenditure so far this financial year. Balance is \$10000.

CORRESPONDENCE:

Reports from Committees/Working Groups

9. Cerebral Palsy House, Banora Point

Access Matters

A letter has been received from Paul Mauchline requesting better access to Club Banora. Mr Mauchline lives in Riversdale St and cannot access the drive at Club Banora without going onto the road. Una accesses Club Banora from the side road by the tennis courts. Maggie has been out to see if there is sealed access via Golf Club. As Leisure Drive is under review it was decided to write to Mr Mauchline and arrange a meeting on site to see if we can provide alternatives in the interim.

10. Report on Survey of Council Access Committees

Access Matters

Tweed Disability Access Committee was not involved in this survey. The report was discussed. No further action.

11. Crabbes Creek Community Hall Inc.

Access Matters

A letter was received requesting assistance for hall upgrading. The Committee requires more information on this issue. This item is referred to Ross Cameron for investigation before further discussion.

12. Accessible Public Transport

Access Matters

A media release was received from the Attorney General. The Disability Standards for Accessible Public Transport have been tabled in Parliament setting out formal requirements for accessibility to public transport in Australia. The standards take effect on 15 October 2002.

13. Guide Dogs Association

Access Matters

A letter was received requesting a safer accessible crossing on Darlington Drive for people living south of Leisure Drive. This matter was discussed. Nothing can be done until a decision has been made on upgrading of Leisure Drive. The Local Traffic Committee are dealing with this issue.

Reports from Committees/Working Groups

14. List of Access Representatives

Access Matters

Bill has received a list of Access representatives. If anyone wishes to view the list please contact Bill McKennarley.

GENERAL BUSINESS:

15. National Day of Action

Access Matters

Anna noted that 25 September is National Day of Action on Parking Issues. This is too short notice for the Committee to be involved.

16. Pedestrian Access and Mobility Plan

Access Matters

Council has been requested by the RTA to develop a pedestrian access and mobility plan. Ray distributed draft copies of his draft plan on proposed work schedule – pedestrian facilities for comment and guidance from the Committee. Copies will be attached to minutes. Please have recommendations ready for next meeting.

17. Regional Access Meetings

Access Matters

The benefits of regional meetings were discussed. Bill noted they have good educational benefits. There is also the potential to lobby on issues on a regional basis. Maggie to email Ann at Lismore to inform her that Tweed Disability Access Committee is interested in a regional meeting if there is a future date organised.

18. Proposed Property at Elanora Avenue Pottsville

Access Matters

Cr Marshall expressed concern on disability access to this proposed building. The matter was discussed. We have been notified that the current BCA does not require access for the disabled in a residential building of this class. At this point in time Council has only a draft policy on adaptable housing for the disabled and while the applicant will be advised of this Council cannot insist on the provision of access for the disabled.

Reports from Committees/Working Groups

19. Taxi Rank Wharf St Tweed Heads

Access Matters

The relocation of the taxi rank was discussed. The Committee supports the Local Traffic Committee in their actions on addressing access issues to the Taxi Service. The Committee will be further advised on this issue.

20. Election of Chair

Access Matters

Bill noted that election of the Chairperson of the Disability Access Committee will be held at the next meeting.

21. Access Committee Decision Making

Access Matters

Bill noted his concern that the Access Committee are not involved in making decisions on major public buildings and developments in Tweed Shire. He would like more participation in consultations. The matter was discussed. Bill requested that Council Officers attending Committee meetings bring to the attention of the Committee any Development Applications that would have a relevant access issue.

NEXT MEETING:

The next meeting will be held 21 November 2002 at 1pm at the HACC Centre, Tweed Heads South

The meeting closed at 3.30pm

Director's Comments:

1. *Adopts the recommendation under Item 4.*
2. *Supports the recommendation under Item 6 subject to the agreement of the Manager Business Undertakings*
3. *Regarding Item 21, Council is advised that Building and Planning staff assess these matters for statutory compliance and further referrals could extend processing times.*

[document2]

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

4. Parking at Coolangatta Airport

Access Matters

Committee Recommendation:

That Council is aware of the reason for relocation of disability parking at Coolangatta Airport, and sends a letter to Mr Dennis Chant thanking him for organising for a Committee member to view disability access.

Director's Recommendation: <i>That Council adopts the Committee's recommendation.</i>
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Reports from Committees/Working Groups

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

2. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 August 2002
 3. Minutes of the Aboriginal Advisory committee Meeting held Friday 6 September 2002
 4. Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 26 September 2002
-

Orders of the Day

1. Notice of Motion - Cr James

Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701

LEP; 1180.9000; 1190.1258; 1190.1237; Notice of Motion

That Council:-

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, prepares a draft Local Environment Plan to rezone Lot 517 DP 729286, Lot 201 DP 1030080 and Lot 7032 DP 755701 to 7(l) Environmental Protection (Habitat).
 2. Advises the Secretary of Planning NSW of the resolution.
 3. Advises the Secretary of Planning NSW that in Council's opinion a Local Environment Study is not required.
-

2. Notice of Motion - Cr Polglase

Tweed Local Environmental Plan 2000

LEP; Notice of Motion

That Council asks the Director Development Services to take immediate steps to amend the Tweed Local Environmental Plan 2000 to preserve existing dwelling entitlements in all zones by addition of variation to the Land Use Table in Clause II and/or Clause 57 which relates to protection of existing entitlement.

Orders of the Day

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