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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: Draft Policy to be completed in conjunction with Council's Risk Manager.

21 MARCH 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. Dilapidated Structures - Tumbulgum

PF0460/270 Pt1

Confidential Nature of This Item: The Local Government Act 1993

Clause 10A(2)

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

C161

That Council:-

1. Undertakes the work to
 - a) Connect the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum to the council sewer.
 - b) Demolish and remove the dilapidated/illegal ferneries/pergolas situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
-

Schedule of Outstanding Resolutions

- c) Remove waste materials and disused motor vehicles as required from Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
 2. Receives a further report to be submitted on the matter of the repairs/maintenance to the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
 3. Raises a debt against the property to recover all costs.
Current Status: Sewer connection expected to be completed by end of January.
-

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt4

*Confidential Nature of This Item: The Local Government Act 1993
Clause 10A(2)
(a) personnel matters concerning particular individuals*

C188

That Council enters into confidential discussion with each of the occupants of the premises referred to in the report prior to reporting back to council on a proposed course of action.

Current Status: To be completed

3 OCTOBER 2001

ORDERS OF THE DAY

9. Planting & Maintenance of Littoral Rainforest - Former Border Caravan Park and Other Locations

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

RESOLVED that Council officers bring forward a report that considers the planting and maintenance of a stand of littoral rainforest along the Boundary Street side of the former Border Caravan Park and other selected locations within this unused open space, the work to be undertaken with the support of one or more of the following agencies – Tweed Landcare Inc, Greencorps, Green Reserve or Work for the Dole.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

7 NOVEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

31. Crystal Creek Hall

Rural Hall - Crystal Creek 3780.3240

397

Cr Beck

Cr Marshall

RESOLVED that Council:-

1. Indicates its willingness to become the trustee/owner of the Crystal Creek Hall located at Lot 1 DP 342902 Numinbah Road, Crystal Creek.
2. Takes all necessary steps to become trustee/owner and affixes the Common Seal of Council to all necessary documentation.
3. Establishes a local committee to manage the hall on Council's behalf.
4. Classifies the land as community land.

Current Status: To be finalised.

ORDERS OF THE DAY

10. Industry - Tweed Shire

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

RESOLVED that a report be brought forward on what incentives Council could consider to support the relocation or establishment of industry in the Tweed Shire.

Current Status: Report to be prepared.

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
-

Schedule of Outstanding Resolutions

- 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: Action to be commenced early 2002.

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES

30. State Highway Handover - Status Report

R4031 Pt14

571

Cr Davidson

Cr Marshall

RESOLVED that:

1. This report be received and noted.
2. A workshop be held in the new year to discuss the handover.

Current Status: Workshop arranged for 27 February 2002.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon

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.

34. Murwillumbah Civic & Cultural Centre Refurbishment and Entrepreneurial Strategies for Operating the Venue

Civic Centre - M'bah

580

Cr Boyd

Cr Marshall

RESOLVED that Council:

Schedule of Outstanding Resolutions

1. Invites Lyndon and Liz Terrachini of NORPA to meet with Council in a workshop and detail how their achievements have been accomplished.
2. Considers an allocation for stage 2 refurbishment in the 2002/2003 budget.
3. Considers stage 3 refurbishment in the 2003/2004 budget.

Current Status: Workshop to be arranged.

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held Thursday 1 November 2001**

File: Cultural Development Committee

2. **Murwillumbah Auditorium**

Cultural Development Committee; Civic Ctr - Mbah

585

Cr Boyd

Cr Davidson

RESOLVED that Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

Current Status: Report to be completed after the Workshop.

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: Policy to be developed.

Schedule of Outstanding Resolutions

23 JANUARY 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

5. **Forty-nine (49) Lot Rural Residential Subdivision, Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora - Deferred Items from Previous Meeting**
DA5440/680 Pt3

611

Cr Beck

Cr Lawrie

RESOLVED that Council defers further consideration of Development Application K99/1229 for the subdivision of Lot 12 DP 1005206 and Lot 1 DP 327759 Terranora Road, Terranora for a Workshop to be held and that consultants, councillors staff and adjoining landowners be invited to attend.

Current Status: Workshop arranged for 27 February 2002.

4. **Exhibition of Draft Tweed Local Environmental Plan 2000, Amendment No 16 (Greenview Estate)**

GT1/LEP/2000/16 Pt1; LEP Greenview Est Pt2

610

Cr Brinsmead

Cr Marshall

RESOLVED that this item be deferred to allow a Workshop to be held and that the owner and his consultant be invited to attend.

Current Status: Workshop to be held 27 February 2002.

ORDERS OF THE DAY

1. **Council Property - Maintenance**

Notice of Motion; Museums; Rural Hall – General; Maintenance – Council Buildings

652

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Council be supplied with a list of those buildings and other structures for which Council is responsible, eg country halls, museums etc, for which no funds are specifically earmarked in Council's budget;
2. A specific line item in our budget be included annually to ensure adequate funds are provided for asset management of these items.

Current Status: To be finalised.

Mayoral Minute

Councillors,

1. Red Cross Lismore

Red Cross

7 February -Met with Ms Vahideh Hosseini the Regional Manager of Red Cross Lismore

2. Kirkwood Constructions

Industrial Development

7 February – Met with Representatives of Kirkwood Constructions and had discussions concerning industrial land within the shire.

3. Tweed Natural High Campaign

Drug Related Matters

7 February Met with Bob Aldred & Joanne Hardwick from the Alcohol & Drug Foundation Queensland and Manager Environment & Health Services Unit to discuss the formation of an Advisory Committee (in line with Council Resolution of 5 December 2001) to the proposed Tweed Natural High Campaign, an anti-drugs campaign being conducted in Queensland by the Alcohol & Drug Foundation.

4. Lifeworx

Parks – Jack Evans Boat Harbour

8 February – met with GM DECS & Jennifer Maroney (Manger – Business/Community/events of Lifeworx) re Tweed's community carols by candelight

5. DUAP Strategic Plan for Rural Land for Region

Rural Land Study

8 February – met with Amanda Kenyon from DUAP to discuss the strategic plan for rural land for the Tweed Shire

Mayoral Minute

6. Bilambil Sports Club

Bilambil Sports Complex

8 February – meeting with GM Deputy Mayor, DECS, A/MFS, MRS to discuss Bilambil Sports Club lease arrangements

7. Banora Point Community Baptist Church

Invitations

9 February – with Karlene attended the induction of Rev Ian and Mrs. Cathyr Aylward as Pastors of the Banora Point Community Baptist church

8. St Vincent de Paul Centre Tweed Heads

Invitations

10 February – with Karlene attended the Opening of St Vincent de Paul Centre at Industry Drive South Tweed Heads.

9. Tweed Chamber of Commerce

Invitations

12 February – attended Tweed Chamber of Commerce Breakfast

10. Kingscliff & District Business Corp

Invitations

12 February – addressed the Kingscliff & District Business Corporation meeting held at Kingscliff

11. Qld ex POW Association Inc

Invitations

13 February - with Karlene attended a Memorial Service to commemorate the 60th Anniversary of the fall of Singapore.

12. Aboriginal & Torres Strait Islander

Aboriginal Matters

13 February – attended release of Aboriginal & Torres Strait Islander Issues Paper

Mayoral Minute

13. Bush Fire Appeal

Rural Fire Service

14 February – arrangements made to attend Tweed Heads Bowls Club to present proceeds of raffle to Bilambil Bush Fire Brigade.

14. South Tweed Shopping Centre

Invitations

14 February – meeting with owners of Tweed City Shopping Centre

15. Citizenship Ceremony

GC6/5 Pt 5

15 February – ceremony organised to present Citizenship Certificates to 38 new Citizens. The Minister for Immigration & Multicultural Affairs, the Hon. Gary Hardgrave, will be attending.

16. Centaur School

Invitations

15 February – to attend Centaur School where Minister for Immigration & Multicultural Affairs, the Hon. Gary Hardgrave is to present Harmony Day kits and prizes awarded for Art Competition

17. Huludao Municipal People's Government

Sister Cities

Letter received from Chang Hai, Deputy Mayor, Huludao Municipal People's Government with invitation to attend the 2002 China Anshan & Huludao Sister-City-Conference in September this year.

This letter dated 28 January 2002 forms an attachment to this Business Paper.

INVITATIONS ACCEPTED

- 27 February: The Balcony Murwillumbah - Tweed Training & Enterprise Company Business Breakfast (Dr. Bryan Rothwell will speak on the Focus on the New Southern Cross University Tweed Campus).
- 27 February: Art Gallery -Announcement by Art Dealer Phillip Bacon of the Winner of Casuarina Beach Sculpture Project

Mayoral Minute

- 4 March: Canvass & Kettle – breakfast for 22 members of Friendship Force from Penticton Canada
 - 5 March: Tweed Heads – PCYC AGM
-

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

25 February 2002 Voluntary Structural Reform Group Meeting
Mullumbimby

➤ **Director Corporate Services (Ian Carpenter)**

14-17 February 2002 The Cutting Edge of Change: Shaping LG for 21st Century
Armidale

22 February 2002 LGSA Benchmarking Steering C'ttee
Sydney

1 March 2002 LGMA Divisional Meeting
Lismore City Council

➤ **Director Development Services (David Broyd)**

15 February 2002 Development & Building Certification Forum -
Ballina planningNSW

21-22 February 2002 RAPI Meetings
Sydney

26 February 2002 Comprehensive Coastal Assessment Steering Committee
Sydney

➤ **Director Engineering Services (Mike Rayner)**

22 February 2002 Coastal Committee Meeting
Sydney

7-8 March 2002 Water Directorate Executive Committee, DLWC/LGSA
Sydney Liaison Committee and Water Management Committee

Mayoral Minute

➤ **Director Environment & Community Services (Don Buckley)**

15 February 2002 Ballina	DUAP Conference
20-21 February 2002 Melbourne/Canberra	Art Gallery inspections for our Gallery Planning
1 March 2002 Sydney	ASSMAC Meeting

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 19 DECEMBER 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. *Section 96 Application 0090/2001 S96 to Modify Development Consent D90/436 for the Erection of a Tavern and 9 Shops at Lot 171, DP629328 Overall Drive Pottsville PF3975/145 Pt6*

540

Cr Davidson

Cr Beck

RESOLVED that this item be deferred to allow the applicant to address the next Community Access meeting in February 2002.

This item is the subject of a further report at item no 3 of this agenda

4. ORIGIN: Development Assessment Unit

FILE REF: PF3975/145 Pt5

REPORT TITLE:

Section 96 Application 0090/2001 S96 to Modify Development Consent D90/436 for the Erection of a Tavern and 9 Shops at Lot 171, DP629328 Overall Drive Pottsville

SUMMARY OF REPORT:

Development Consent No. 90/436 was issued on 21 January 1991 for the erection of a tavern and nine (9) shops at Lot 171, DP 629328 Overall Drive Pottsville. The subject Section 96 Application proposes to amend Condition 10 regarding the approved hours of operation. The proposed modification seeks to increase trading hours from the existing approved hours of 10:00 am to 10:00 pm to:

- Monday to Saturday - 8:00 am to 11:00 pm
- Sunday - 10:00 am to 10:00 pm
- Christmas Day and Good Friday - 12:00 midday to 10:00 pm

The application was advertised and notified and a number of submissions were received in relation to the proposal. The issues raised in the submissions are addressed late in this report.

It is evident from the submissions received and information provided by the NSW Police Service that the present trading hours have caused disturbance to some local residents in terms of noise. It is concluded that the proposed extension of trading hours is likely to result in an increase in adverse impacts on surrounding residents. The application is therefore not supported.

Items Deferred

RECOMMENDATION:

That Section 96 Application 0090/2001 S96 to modify Development Consent D90/436 for the erection of a Tavern and 9 Shops at Lot 171, DP 629328 Overall Drive Pottsville be refused for the following reason:

1. The proposed increase in trading hours will have a significantly adverse impact upon the existing amenity of the surrounding residential area.

Items Deferred

REPORT:

Applicant: Bunnar Pty Ltd
Owner: Beachside Court Pty Ltd
Location: Lot 171 DP 629328 Overall Drive, Pottsville
Zoning: 3(b) General Business

BACKGROUND

Development Consent 90/436 for the erection of a tavern and nine (9) shops on the site was approved on 21 January 1991.

The subject application seeks to modify Condition 10 of the development consent to extend existing approved trading hours. The Section 96 application as initially submitted sought to extend operating hours of the tavern from the present hours of 10:00 am to 10:00 pm to:

- Monday to Saturday - 5:00 am to 12:00 midnight
- Sunday - 10:00 am to 10:00 pm
- Christmas Day and Good Friday - 12:00 midday to 10:00 pm

Following advertising and notification of the application, the application was amended to seek approval for the following trading hours:

- Monday to Saturday – 8.00 am to 11:00 pm
- Sunday – 10:00 am to 10:00 pm
- Christmas Day and Good Friday – 12:00 midday to 10:00 pm

The applicant has submitted information in support of the proposed extension of trading hours. The issues raised in support of the application can be summarised as follows:

- No complaints have been received by the licensee or any of the staff from local residents, adjoining businesses, or the police in respect of the conduct of the premises or the behaviour of patrons whilst at, or after leaving the premises;
- There is no objection by the Police Service to the application;
- No live bands play on the premises;
- The premises has been soundproofed;
- There is only one other licenced premises in the immediate locality, access to which is restricted to members and their guests;
- The tavern also caters for Queensland residents and holiday makers. The restriction on trading hours means that evening meals are limited to one sitting. The restriction also prevents the tavern from catering for functions.
- Numerous complaints received from patrons regarding the early closing time. It is not uncommon to have up to eighty (80) persons still present in the tavern at closing time.

Items Deferred

It should be noted that Council and the NSW Police Service have received complaints from local residents in the past. It should also be noted that the NSW Police Service has advised Council that they do not support the proposed extension of trading hours.

SITE DIAGRAM



Items Deferred

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

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject site is zoned 3(b) General Business. The primary objectives of the zone include the provision of "...business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas".

The proposed extension of the hours of operation has the potential to result in an increase in adverse impacts on the amenity of the surrounding residential area.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

There are no specific provisions of the NCREP 1988 applicable to the proposed development.

State Environmental Planning Policy (SEPPS)

No SEPPS are applicable to the proposed development.

(a) (ii) The provisions of any draft environmental planning instrument

No draft plans are applicable

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

Development Control Plan No.42 Public Notification of Development Proposals (DCP42)

The application was advertised and notified in accordance with DCP42. The application was subsequently readvertised and renotified following the amendment to the proposed increase in trading hours. A total of 43 individual submissions and a petition containing 81 signatures were received objecting to the proposed development. A petition containing 468 signatures in support of the application was also received. The following table provides a summary of issues raised in the submissions:

Issue	Assessment	Comment
<p>Current tavern operating hours approved between 10am & 10pm – closing time ‘lingers on’ – last patrons vacate at around 11pm.</p> <p>Breaches of current licence / development consent conditions has occurred in the past (amplified music, patrons in beer garden beyond specified times).</p>	<p>It is evident that some residents in the locality do not support the amendment on the basis that the tavern has breached conditions in the past.</p>	<p>The perceived breach of current operating conditions has not assisted the applicant’s case for extension of the approved trading hours.</p>

Items Deferred

Issue	Assessment	Comment
<p>Noise from vehicles as patrons leave the tavern (screeching tyres etc).</p> <p>Language / behaviour of some patrons as they leave the tavern and walk through residential area (including damage to property). Screaming, swearing, lighting fires etc.</p> <p>One resident has moved from the bedroom at the front of the house to a bedroom at the rear of the house and is still disturbed by noise of people going past the house.</p> <p>Extension of hours will magnify the problems.</p> <p>With the extended hours the arguments, bad language, noise etc will be occurring later which will have a greater impact as more people will be asleep.</p> <p>Rubbish – cans and bottles left on lawns of dwellings in the locality, broken bottles.</p>	<p>It would appear that the noise generated from vehicles associated with the tavern is impacting on some local residents.</p> <p>The behaviour of patrons leaving the tavern appears to be the primary issue of concern. The tavern is located within a predominantly residential area and it is considered that the extension of the trading hours may exacerbate these problems. It is agreed that the extension of hours may increase the number of residents affected as there are likely to be more residents asleep / retiring to bed later in the evening.</p> <p>This issue was raised by a number of local residents.</p>	<p>The potential impacts of increasing the hours of operation on the amenity of the local neighbourhood in terms of noise associated with patrons leaving the tavern is considered sufficient to warrant refusal of the application.</p>

Items Deferred

Issue	Assessment	Comment
<p>Because of the siting of the establishment within a residential area it cannot be argued that standard conditions of operation should apply. Following extract provided from the Licensing Court decision to grant the licence in 1991:</p> <p><i>“The proposed site is essentially surrounded by residential development. To meet the concerns of his intended neighbours about possible disturbance by the operation of the tavern, the applicant has offered a number of stringent conditions be attached to the licence if granted. Perhaps the most important of these is that it is proposed that the tavern not operate past 10p.m. on any evening”.</i></p> <p>Current hours of trading agreed upon after lengthy discussions with the community to preserve the tranquillity of this densely populated area.</p> <p>The owners were aware of the special conditions / restricted hours when they acquired the business.</p>	<p>It is evident that the issue of the hours of operation of the tavern was considered during the assessment of the original development application for the construction of the shops and tavern. It is agreed that the location of the tavern within an area surrounded by residential dwellings warrants careful consideration of the hours of operation.</p>	<p>As stated above, approval of the application is not supported.</p>
<p>No police station in the locality and it takes the police 25 minutes to arrive if required.</p>	<p>The distance of the tavern from the nearest police station appears to be of concern to a number of residents.</p>	<p>This issue is not considered to warrant refusal of the modification.</p>

Items Deferred

Issue	Assessment	Comment
<p>Petition in support</p> <p>During the summer months and daylight savings the tavern must be closed by 9pm Queensland time – this is ridiculous.</p> <p>Minority of locals has launched a petition in opposition – request to sign petition if case is supported.</p>	<p>The current approved hours of operation are limited to 10pm (NSW time).</p> <p>43 individual submissions were also received.</p>	<p>The applicant's case for support of the application is summarised earlier in this report.</p>

The NSW Police Service has advised Council that it objects to the proposal on the following grounds:

“That the quiet and good order of the neighbourhood in which the premises are situated to which the application relates will be disturbed if the application is granted”.

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

An officer from Council's Environment and Health Services Unit undertook a “doorknocking” exercise in the surrounding residential area in August 2001, to ascertain the level of impact of the existing operation on local residents. The conclusions reached as a result of the exercise included the following:

“...residents to the north appear to be impacted by Tavern activities. People residing in two storey residences also appear more likely to be impacted. The major issue is rowdy behaviour at closing time, patrons having a chat in the car park before travelling home and people walking home disturbing residents. If extended hours were permitted, then it is considered likely that more people would be disturbed by Tavern patrons, as more residents in adjacent dwellings will have retired to sleep at a later hour.

“...the Tavern is set in a residential setting. Whilst certain controls have been incorporated, such as an earth bund in the car parking area, patrons leaving the premises in the late evening can disturb local residents. From comments received during the brief door knock, it appears that residents to the north of the Tavern are currently impacted by some activities of Tavern patrons. Therefore any extension of hours which increases the potential for such disturbances cannot be supported”.

The submissions received in response to the advertising and notification process confirm that some residents are presently affected by the Tavern, particularly in relation to noise associated with patrons leaving the premises. The submission from the NSW Police Service indicates that the application is not supported by the NSW Police Service on the basis that “...the quiet and good order of the neighbourhood in which the premises are situated to which the application relates will be disturbed if the application is granted”.

Items Deferred

The proposed extension of trading hours is therefore not supported on the basis that it is likely to result in significant adverse impacts on the amenity of the area.

(c) Suitability of the site for the development

As previously discussed, the Tavern is located in an area which is predominantly residential in character. The current limitations on the hours of operation were imposed to minimise potential impacts of the development on the surrounding residential area. It is considered that the extension of the hours of operation is not appropriate given the existing impacts of the premises on residential dwellings in the locality.

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

No submissions in accordance with the Regulations or the Act.

(e) The public interest

It is considered that the approval of the proposed extension of the hours of operation has the potential to significantly impact on surrounding residents, and is therefore not in the public interest.

OPTIONS

Councils options in this instance appear to be as follows:-

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should Council refuse the application the applicant has a right of appeal to the Land and Environment Court.

CONCLUSION

It is evident that the existing hotel is presently impacting on a number of local residents, particularly in relation to impacts associated with the behaviour of patrons leaving the premises after close. The proposed extension of trading hours is considered likely to result in significant adverse impacts on the amenity of the local area and is not supported by the NSW Police Service. It is concluded that the subject application should be refused.

Items Deferred

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ITEM DEFERRED FROM MEETING 23 JANUARY 2002

REPORTS FROM DIRECTOR CORPORATE SERVICES

17. *Tweed Shire Council Lease from St George Building Society*
PF4040/160; DW641143; Leases-Special

606

Cr Marshall

Cr Youngblutt

RESOLVED that this item be deferred until the Council meeting of 20 February 2002.

17. ORIGIN: Director

FILE REF: PF4040/160; DW641143; Leases-Special

REPORT TITLE:

Tweed Shire Council Lease from St George Building Society

SUMMARY OF REPORT:

A request has been received from The Tweed Business Centre requesting Council to take out the head lease on the premises at 41 Wharf Street, Tweed Heads for a period of three (3) years.

RECOMMENDATION:

That: -

1. Council agrees to undertake a three (3) year lease commitment for the St George Bank building at 41 Wharf Street, Tweed Heads at nil net cost to Council.
2. All necessary documents be completed under the Common Seal of Council.

Items Deferred

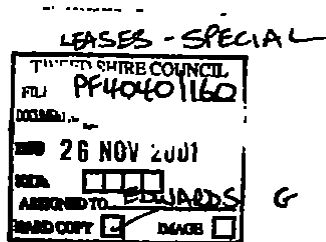
REPORT:

The following letter has been received from The Tweed Business Centre:

The TWEED BUSINESS CENTRE 41 Wharf Street Tweed Heads NSW 2485

23 November 2001

Mr Geoff Edwards
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484



Re: Renewal of Lease 41 Wharf Street, Tweed Heads

Dear Geoff

You would be aware the lease on the above premises expired on 30 June this year. Ms Toni Hannon, Property Manager from the NSW Department of State and Regional Development has been liaising with a representative from St George to reach agreement on new lease arrangements.

St George have indicated they are prepared to accept \$50,000 per annum with a minimum three year lease term, commencing immediately.

Tweed Shire Council's support of The Tweed Business Centre over the past two years has allowed various organisations, such as TACTIC, the Business Enterprise Centre and the Department of State and Regional Development to effectively provide one-stop-shop economic development services at a vital Gateway to NSW.

Please advise Council's intention with regards to its participation in the Centre and whether Council will continue its role as principal lessee.

I look forward to Council's continued support of the Tweed Business Centre.

Yours sincerely

Karen Robertson
On behalf of the
Tweed Business Centre Management Committee

cc Dr John Griffin, General Manager, Tweed Shire Council

Sponsors & Supporters



Holiday & Ministry
Escorters



Tweed Heads
Chamber of Commerce

New South Wales
Department of State and
Regional Development

Tweed Shire Town
Centre Committee



Items Deferred

Council for the last two (2) years has held the head lease for the St George Bank building at 41 Wharf Street, Tweed Heads.

The term of the new lease is for three (3) years at \$50,000 per annum.

The current tenants meet the rental costs and outgoings. This is unusual, however St George will not lease to the individual tenants, thus they require the head lease to be held by Council.

This practice, as previously stated, has been in effect for two (2) years and has worked most satisfactorily, thus it is being recommended to Council that it continues for a further three (3) years.

Items Deferred

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Items Deferred

8. *World Heritage Rainforest Centre (WHRC) Memorandum of Understanding
Tourist Information Centre - Murwillumbah; NPWS; TACTIC; Agreements*

614

Cr Marshall

Cr Boyd

RESOLVED that this item be deferred to the meeting of 20 February 2002.

8. **ORIGIN: Director**

**FILE REF: Tourist Information Centre - Murwillumbah; NPWS; TACTIC;
Agreements**

REPORT TITLE:

World Heritage Rainforest Centre (WHRC) Memorandum of Understanding

SUMMARY OF REPORT:

The redevelopment of the World Heritage Rainforest Centre (WHRC) in 1997 resulted in extensions to the building and an agreement by the National Parks and Wildlife Service (NPWS) to lease a portion of the building for a period of 10 years from Tweed and Coolangatta Tourism Inc. (TACTIC).

Since that time the building has been occupied by the NPWS and TACTIC. These two (2) parties have experienced a number of operational difficulties that lead to a proposal to establish a Memorandum of Understanding (MOU) between the two (2) organisations. Both parties failed to reach an agreement and the document was not signed by TACTIC.

The NPWS have now prepared a modified MOU for endorsement by each of the parties, including Tweed Shire Council.

RECOMMENDATION:

That the draft Memorandum of Understanding between the National Parks and Wildlife Service, Tweed and Coolangatta Tourism Inc and Tweed Shire Council be signed by the General Manager, subject to:

1. The agreement being signed by National Parks & Wildlife Service and Tweed and Coolangatta Tourism Inc.
2. A routine building and maintenance schedule being satisfactorily agreed between National Parks and Wildlife Service, Tweed & Coolangatta Tourism Inc and Council.
3. The cost of maintaining the interpretive centre be fully borne by the lessees of the complex.

Items Deferred

REPORT:

The redevelopment of the World Heritage Rainforest Centre (WHRC) in 1997 resulted in a rental agreement between the National Parks and Wildlife Service (NPWS) and Tweed and Coolangatta Tourism Inc. (TACTIC) for occupancy of a substantial part of the building for a ten-year rent free lease in recognition of their contribution towards the redevelopment costs of the complex.

Attempts by NPWS to achieve a signed Memorandum of Understanding (MOU) between themselves and Tweed and Coolangatta Tourism Inc. (TACTIC) to address a number of outstanding operational issues did not result in a signed agreement.

A revised MOU has been prepared by NPWS for clarification of a number of operational relationship issues between the organisation, TACTIC and Council.

The operation issues primarily focus on matters that need to be agreed between NPWS and TACTIC management.

The current five (5) year lease between TACTIC and Council, due to expire on 30 June 2003, for the WHRC requires TACTIC to ensure that the building is kept in a good state of repair and that any structural maintenance matters of a routine nature are regularly undertaken.

The lease states:

- “(b) (i) In addition to the provisions of Clause 3(a) above, the Lessee shall be responsible for repairs and maintenance of a minor nature required to be carried out on the premises during the term of this Lease.*
- (ii) Repairs and/or maintenance to the premises shall be considered to be of a minor nature as referred to in Clause 3(b)(i) if such repairs and/or maintenance can be carried out at a cost of \$1,000.00 or less.”*

The draft MOU suggests that Council will be responsible for all aspects of structural maintenance and will provide funds to repair the building to ensure that it is maintained in a high standard, except where damage occurs due to tenant negligence.

The agreement also suggests that a routine building maintenance schedule be prepared between NPWS and TACTIC for actioning by Tweed Shire Council.

This requirement of the MOU differs from the current lease agreement between TACTIC and Council.

A review of the condition of the building is being undertaken by the Environment & Health Unit.

The MOU also suggests that Council will provide all external services for fire equipment where specified by building regulations and also that Council will be responsible for 50% of the cost to repair and maintain the interpretive display section of the TACTIC leased elements of the building, with NPWS staff responsible for design and quality control of the project.

Who should be responsible for refreshing and maintaining the interpretive centres displays and equipment has been an issue of concern since the opening of the centre.

The centre includes displays reflecting the history of the Caldera, aboriginal content, environment protection and geographic landmark features portrayed and highlighted by video and electronic projection effects. The reliability of the electronic equipment in its original installation format has proved to be less than satisfactory due to technical difficulties.

Items Deferred

The centre is leased to TACTIC at a rate of \$1 per annum and other than through matters specified in the lease, Council has no control over the operations of the interpretive centre.

The interpretive centre is basically themed around the World Heritage Centre objectives of reflecting cultural and historical elements of the Shire and therefore should be a matter that has a National Parks focus for marketing purposes, featuring those elements attractive to tourism – nature features of this region.

Considering Council's investment in the WHRC and its value to tourism, it is recommended that Council, in principle, accepts the draft MOU terms subject to:

1. Agreement being reached between TACTIC and NPWS
2. A satisfactory maintenance schedule being prepared to ensure that the building is maintained in a good condition and presentation to visitors to the Centre.
3. That the cost of maintaining the interpretive centre be fully borne by the lessees of the complex.

Following the cessation of the current funding agreement between Council and TACTIC at 30 June 2002, this agreement may need to be revised subject to Council's decision in relation to its level of funding proposed or adopted between Council and TACTIC for the support of the tourism sector in the Tweed.

Items Deferred

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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: Industrial Land Investigation Study; Airport - Coolangatta/Tweed

REPORT TITLE:

Tweed Heads West Industrial Locality Plan

SUMMARY OF REPORT:

Areas immediately south of Coolangatta Airport within the Tweed Heads West locality offer opportunities for future industrial land. Given that the Airport Master Plan has been adopted and the Environmental Impact Study for the Tugun Bypass is to be put on exhibition shortly, it is considered prudent for Council to articulate its future intentions for a future industrial area in Tweed Heads West.

RECOMMENDATION:

That:

1. The *Tweed Heads West Industrial Locality Plan* be endorsed as Council's strategic direction for the industrial land within the area and its recommendations be endorsed:
 - a. *That Council defers a decision to undertake a Tweed Local Environmental Plan Amendment for industrial purposes for those areas identified in this report until the Minister for Urban Affairs and Planning has determined the Tugun Bypass including the outcomes of the associated Environmental Impact Statement;*
 - b. *That internal access options 2 is the preferred internal traffic network using Parks Drive to gain access to the Tugun Bypass;*
 - c. *That Parkes Drive and the extension to the small industrial lot facing Tringa Street are included into the Tweed Roads Contribution Plan. All other roads should be the responsibility of the developers;*
 - d. *That the proposed buffer guidelines be reproduced into a draft Development Control Plan for the area to safeguard the use rights of the Tweed Heads Sewerage Treatment Plant;*
 - e. *That the internal traffic options and sewerage treatment buffers be expressed in a Development Control Plan;"*
2. Council advises the landowners of the parcels identified within the area identified in the report *Tweed Heads West Locality Review* that, until the Minister for Urban Affairs and Planning has determined any application for the Tugun Bypass, a Tweed Local Environmental Plan Amendment will not be undertaken for the area;
3. Council notifies the Department of Land and Water Conservation of Council's interest in potential areas acquired as compensation from the Tugun Bypass for potential industrial purposes;
4. Council notifies the National Parks and Wildlife Service of Council's strategic intentions for industrial areas as Tweed Heads West.

Reports from Director Development Services

REPORT:

The Potential Industrial Land Investigation Report that was adopted by Council in February identified a distinct shortage of available industrial 4(a) and commerce and trade 3(c) zoned land within the Shire. This report further identified and prioritised nine possible locations for further investigation as industrial land. Of these nine locations, the area immediately south of the Coolangatta Airport, was considered one of the highest priorities.

Queensland Main Roads is currently preparing an Environmental Impact Statement for the Tugun Bypass. When the Bypass is approved and completed it will allow considerably improved access and allow the area to be more accessible to heavy vehicles. Considering also that it is in close proximity to the Coolangatta Airport, this area represents a good location for an industrial area.

A report (Appendix 1) has been prepared which outlines the issues relevant to the future industrial area within Tweed Heads West locality.

Reports from Director Development Services

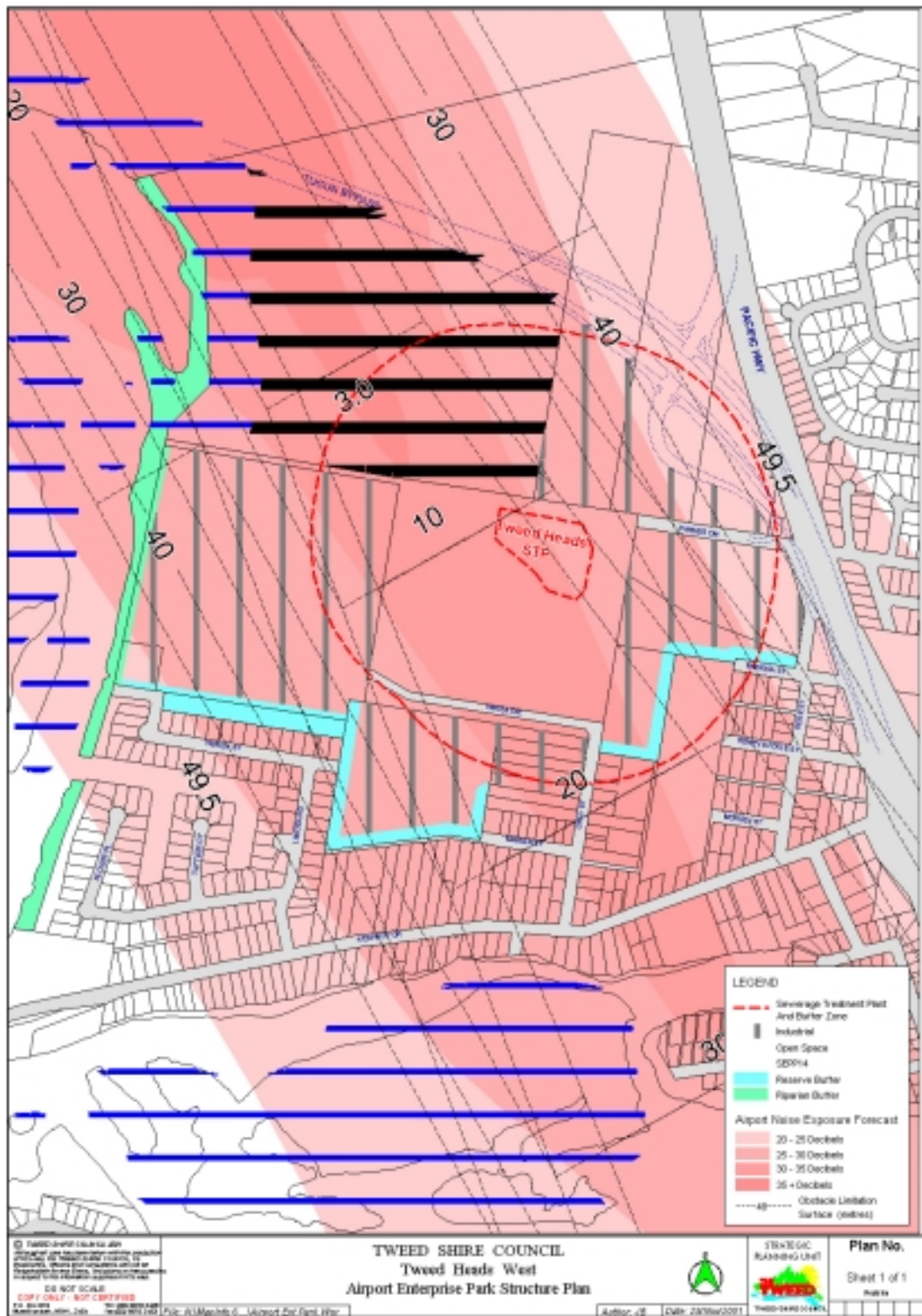


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Reports from Director Development Services

2. **ORIGIN:** Director
FILE REF: Development/Conferences

REPORT TITLE:

Urban Planning and Management Conference, Darling Harbour 25 - 27 March 2002

SUMMARY OF REPORT:

A conference called “*Urban Planning and Management – Converting Principles into Practice*” is being held at the Park Royal Darling Harbour, Sydney between the 25 and 27 March 2002 inclusive.

The program for the conference is Annexure 1.

RECOMMENDATION:

That Council endorses any Councillor interested in attending the Urban Planning and Management Conference at the Park Royal Darling Harbour 25 - 27 March 2002.

Reports from Director Development Services

REPORT:

As per Summary of report.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit
FILE REF: PF3975/145 Pt6

REPORT TITLE:

Section 96 Application 0090/2001S96 to Modify Development Consent D90/436 for the Erection of a Tavern and Nine (9) Shops at Lot 171 DP 629328, Overall Drive, Pottsville

SUMMARY OF REPORT:

Development Consent No. 90/436 for the erection of a tavern and nine (9) shops at Lot 171 DP 629328, Overall Drive, Pottsville, was granted on 21 January 1991.

Section 96 Application No. 0090/2001S96 to amend Condition 10 regarding the hours of operation was reported to Council's Meeting of 19 December 2001, with a recommendation for refusal on the basis that the proposed extension of trading hours is likely to result in adverse impacts on surrounding residents.

Council resolved to defer the matter to enable the applicant to address the Community Access Meeting of 13 February 2002. Council has been advised that the applicant wishes to amend the Section 96 Application to seek consent for the extension of trading hours for a period of three (3) months only. The proposed modification is not supported on the basis that it is likely to impact on the amenity of the surrounding residential area.

RECOMMENDATION:

That this report be received and noted, and the application determined as recommended in the report deferred from Council's Meeting of 19 December 2002.

Reports from Director Development Services

REPORT:

Applicant: Bunnar Pty Ltd
Owner: Beachside Court Pty Ltd
Location: Lot 171 DP 629328, Overall Drive, Pottsville
Zoning: 3(b) General Business

BACKGROUND

Development Consent No. 90/436 for the erection of a tavern and nine (9) shops at lot 171 DP 629328, Overall Drive, Pottsville, was granted on 21 January 1991. Condition 10 of the development consent restricts the operating hours of the tavern to between 10.00am and 10.00pm.

Section 96 Application No. 0090/2001S96 as originally submitted, sought to amend Condition 10 of the development consent to extend the trading hours to the following:

Monday to Saturday – 5.00am to 12.00 midnight
Sunday – 10.00am to 10.00pm
Christmas Day and Good Friday – 12.00 midday to 10.00pm

Following advertising and notification of the application, the application was amended to seek approval for the following trading hours:

Monday to Saturday – 8.00am to 11.00pm
Sunday – 10.00am to 10.00pm
Christmas Day and Good Friday – 12.00 midday to 10.00pm

The application (as amended) was advertised and notified in accordance with Development Control Plan No. 42 – Public Notification of Development Proposals. A total of 43 individual submissions and a petition containing 81 signatures were received objecting to the proposed amendment. A petition containing 468 signatures in support of the application was also received.

The application was reported to Council's Meeting of 19 December 2001, with a recommendation for refusal on the basis that the proposed extension of trading hours is likely to result in adverse impacts on surrounding residents.

Council resolved to defer the matter to enable the applicant to address the Community Access Meeting of 13 February 2002. The applicants advised Council in a letter dated 9 January 2002 that they wished to amend the proposed modification to seek "...an extension of trading hours for a trial period of 3 months on Thursday, Friday and Saturday only".

The report to Council's Meeting of 19 December 2002 contains a detailed assessment of the proposed modification. The amended Section 96 Application seeking approval for the extension of trading hours for a period of three (3) months only is not supported on the basis that it is likely to impact on the amenity of the surrounding residential area.

CONCLUSION

The existing hours of operation appear to be impacting on the amenity of surrounding residents and it is concluded that any extension in the approved trading hours will further exacerbate existing problems associated with the tavern.

Reports from Director Corporate Services

4. ORIGIN: Director
FILE REF: DW650733; Amalgamations

REPORT TITLE:

Local Government Boundary Changes and Amalgamations

SUMMARY OF REPORT:

An outcome of the Sproats Commission Inquiry into the structure of Local Government over the areas of Botany Bay, Leichhardt, Marrickville, Randwick, South Sydney, Sydney, Waverley and Woollahra has been a number of recommendations to vary the boundaries of the Local Government authorities in the inner Sydney region.

One of the authorities, South Sydney City Council, has written seeking support by way of a letter or testimonial to encourage the Minister for Local Government to review the recommendations to ensure appropriate consultation, negotiation and modelling in establishing the best approach for the delivery of local services.

RECOMMENDATION:

That Council determines the level of response to South Sydney City Council's request.

Reports from Director Corporate Services

REPORT:

An inquiry on the review of Local Government boundaries and amalgamations was conducted by Professor Kevin Sproats as Commissioner during late 2000, resulting in a report dated 20 April 2001, outlining a number of recommendations in relation to the restructure of Local Government in the inner Sydney area.

South Sydney City Council have written requesting Council by resolution to support, by letter or testimonial, a review of Local Government reform to include an appropriate level of consultation, negotiation and modelling of how to best deliver local services.

South Sydney City Council have provided a copy of their report that outlines their concerns in relation to the recommendations of the inquiry.

Also attached is a statement sheet titled "Our Community, Our Council" which outlines the primary concerns of South Sydney City Council to the boundary changes.

South Sydney City Council is seeking this Councils support to lobby the Minister and the State Government to have the process of reform of Local Government affected through a negotiated, democratic and responsible approach.

It is recommended that Council determine an appropriate response to this request.

Reports from Director Corporate Services

5. ORIGIN: Administration Services Unit

FILE REF: Councillors - Fees

REPORT TITLE:

Councillors Fees, Expenses and Facilities

SUMMARY OF REPORT:

A review of Council's Policy in relation to Councillors Fees, Expenses and Facilities has now been undertaken and is submitted for Council's consideration and adoption.

RECOMMENDATION:

That the Policy for Councillors Fees, Expenses and Facilities be adopted.

Reports from Director Corporate Services

REPORT:

The Policy in relation to Councillors Fees, Expenses and Facilities has not been reviewed for some time. Thus a review has now been undertaken and the Policy is now submitted for Council's consideration and adoption.

The Policy has been rewritten to make it clear as to what Councillors are to be paid and to what expenses and facilities they are entitled to. The changes are only of a minor nature. Such changes are the inclusion of carers expenses, internet charges, spouses/partners accompanying delegates and a better explanation of Councillors insurance benefits. The amended Policy has been reviewed by Council's Executive Management Team and has met with their approval.

Section 253 of the Local Government Act refers, which states:

1. Before adopting or amending a Policy for the payment of expenses or provision of facilities, the Council must give at least 28 days public notice of the proposal.
2. However, if the Council is of the opinion that any amendments to a Policy are not substantial, it may adopt the amended Policy without giving public notice.

As the amendments to the Policy are of a minor nature as it is recommended that the Policy be adopted without the requirement to advertise such Policy.

PROPOSED POLICY:

CI.1 Councillor's Fees, Expenses and Facilities Objective

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

CI.1.1 Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council, ie Council meetings, Committee meetings, and as delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as a Councillor, ie attendance at community functions.

The Local Government Act recognises this obligation and makes provision for payment of fees (s248 and s249); payment of expenses (s252) and provision of facilities (s252).

Reports from Director Corporate Services

C1.1.2 Legislative Provision

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

C1.1.2.1 Fixing and Payment of Annual Fees for Councillors

S248 1. A council must pay each Councillor an annual fee.

- 2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 3. The annual fee so fixed must be the same for each Councillor.*
- 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

C1.1.2.2 Fixing and Payment of Annual Fees for the Mayor

S249 1. A council must pay the Mayor an annual fee.

- 2. The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
- 3. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- 5. A council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

C1.1.2.3 Payment of Expenses and Provision of Facilities

S251 1. A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

- 2. The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.*

Reports from Director Corporate Services

C1.1.2.4 Public Notice of Proposed Policy concerning Expenses and Facilities

S253 1. *Before adopting a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days' public notice of the proposal.*

C1.1.2.5 Decision to be made in Open Meeting

S254 1. *The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.*

C1.1.3 Fees

The Remuneration Tribunal must not later than 1 May in each year determine in each of the categories determined under Section 239 the maximum and minimum amounts of fees to be paid during the following year to Councillors and Mayors.

C1.1.4 Expenses

C1.1.4.1 Carer Expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is \$2,000 per annum. Receipts will need to be provided no later than three (3) months after the expense has been incurred for reimbursement of funds.

C1.1.4.2 Mobile Phone Charges

Councillors will be provided with a mobile telephone to assist in undertaking Councillor duties. Council will meet the cost of providing the telephone, maintenance, monthly service and access fees, and call charges made on Council business. Individual Councillors meet the cost of any additional calls.

C1.1.4.3 Facsimile Charges

Councillors will be provided with a fax machine to assist in undertaking Councillor duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line.

C1.1.4.4 Internet Charges

Council will meet the cost of internet charges involved in the conduct of Council business.

C1.1.4.5 Postage of Official Councillor Correspondence

Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.

C1.1.4.6 Travelling Expenses

a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Local Government State Award.

Reports from Director Corporate Services

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this Policy by the Mayor or General Manager.

b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, ie aircraft, Council vehicle or private vehicle.

Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

C1.1.5 Expenses Incurred at Conferences, Seminars and Courses

Attendance at Conferences by Councillors must be covered by Council resolution;

Conferences, Seminars and Courses – reimbursement of costs associated with:-

C1.1.5.1 Registration

Including official luncheons, dinners and tours relevant to the Conference.

C1.1.5.2 Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager.

C1.1.5.3 Accommodation

Accommodation for other Council business will be as follows:

i) at a standard of up to four star NRMA rating;

ii) booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made no later than three months after the expenses were incurred, and with receipts attached.

C1.1.5.4 Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges and incidental expenses) including the night before and after the conference where necessary to be met by the Council.

C1.1.5.5 Spouses/Partners Accompanying Delegates

Accommodation (shared basis) will be met by Council.

Reports from Director Corporate Services

CI.1.6 Insurance

Councillors are to receive the benefit of insurance cover for:

CI.1.6.1 Personal Injury

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability.

CI.1.6.2 Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

CI.1.6.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carryout out in good faith.

CI.1.7 Facilities – Councillors

CI.1.7.1 Stationery

Use of personalised Councillor letterhead and envelopes

CI.1.7.2 Postage

Official Councillor correspondence – to be directed through the Council's own mail system. If not practicable reimbursement will be made for costs involved.

CI.1.7.3 Facsimile Machines/Answering Machines

Purchase and maintenance of machines, including supply of all fax paper, such to remain the property of Council.

CI.1.7.4 Meetings, Meals and Refreshments

Provision of meals and refreshments associated with Council, Committee and Working Party meetings where appropriate.

CI.1.7.5 Meeting Rooms / Councillor Room

Provision of meeting room facilities, including telephone, computer network facilities, and access to a photocopier in the Administration Centre for the purpose of Council Committee and Working Party Meetings, and for meeting with constituents.

CI.1.7.6 Mobile Phones

Provision of a mobile telephone, with the cost of calls on Council business to be met by Council and all private calls cost be met by the individual Councillor.

CI.1.7.7 Secretarial Support

The provision of secretarial support, as necessary, for Councillors generally.

Reports from Director Corporate Services

CI.1.7.8 Access to Council Files

All Council files to be made available to Councillors with the exception of those parts exempt under the provisions of the Freedom of Information Act.

Councillors seeking information from Staff or Council records are to make requests through the appropriate Director or Manager.

Councillors are to establish an agreed timeframe with the Manager Administration/Public Officer for the provision of, or access to information.

CI.1.7.9 Business Cards

250 Business cards (replacement on request).

CI.1.7.10 Christmas Cards

100 Maximum per year.

CI.1.7.11 Filing Cabinet

Councillors to be provided with home filing cabinet if requested.

CI.1.7.12 Name Badges

Councillors to be provided with a name badge.

CI.1.7.13 Relevant Acts, Building Codes, Policy Register

A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be made available upon request.

CI.1.8 Additional Facilities – Mayor

CI.1.8.1 Mayor Office

Mayor Office to be provided including office furniture, desk, chair, filing cabinets, meeting table and chairs and a bar fridge.

CI.1.8.2 Council Vehicle

A Council vehicle will be provided in accordance with Council's resolution.

CI.1.8.2 Secretarial Support

Suitably qualified and experienced person to provide administrative support, word processing, secretarial support, research and briefings.

CI.1.8.3 Administrative Support

Assistance with organisation of functions and meetings and briefings on functions to which the Mayor is invited to attend.

CI.1.8.4 Office Refreshment

As provided in the Mayor Office for entertainment purposes.

CI.1.8.5 Stationery

Mayoral letterhead, envelopes and stationery generally.

CI.1.8.6 Mobile Phone

Purchase and maintenance. Payment of service and equipment charges and all calls made on Council business.

Reports from Director Corporate Services

CI.1.9 Conditions for the Provision of a Motor Vehicle to the Mayor

- CI.1.9.1 The conditions of the use of the vehicle by the Mayor were covered by Minute No 170 of Council meeting of 19 July 1995 and Minute No 652 of the Council meeting of 20 December 2000.*
- CI.1.9.2 The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the even that the person is no longer the Mayor.*
- CI.1.9.3 Council shall replace each motor vehicle as soon as is practicable after the expiry of twenty four (24) months from the date of the first registration of the motor vehicle or forty thousand kilometres (40,000km) of travel whichever occurs first. The type of vehicle provided is to be of the standard of a Ford Fairlane/Holden Calais or an alternative which is mutually acceptable to Council and the Mayor.*
- CI.1.9.4 Council cars provide in accordance with this Agreement shall bear no markings or identification.*
- CI.1.9.5 The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol.*
- CI.1.9.6 Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.*
- CI.1.9.7 The Mayor is responsible for the proper care and maintenance of the vehicle including garaging, regular cleaning – both inside and outside – and ensuring that normal running items such as petrol, oil, battery, radiator and tyre pressure are checked at regular intervals, in accordance with the Manufacturer's recommendations.*
- CI.1.9.8 The Mayor is not allowed to compete in any car rally or competition or use the vehicle in any manner which may contravene the comprehensive insurance policy and result in voidance of the insurance cover and/or the vehicle Manufacturer's warranty.*
- CI.1.9.9 If the vehicle is involved in an accident, the Mayor agrees to pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by an action of the Mayor or the Mayor's family. An age excess applicable to a claim is to be paid by the Mayor, except where the driver is an employee of Council.*

CI.1.10 Gifts to Councillors

Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$200 is officially valued, recorded and comes the property of the Council

CI.1.11 Reporting on Councillors Expenses

All relevant financial payments made to Councillors in pursuit of their duties as Councillors is to be included in Council's annual report and their attendance at all categories of meetings, so that Councillors' performance can be more fairly and accurately monitored by the ratepayers.

Reports from Director Corporate Services

C1.1.12 Private Benefits

Any private benefit derived from facilities provided for discharging the functions of civic office shall be deducted from fees paid to Councillors.

C1.1.13 Acquisition of Equipment

Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council.

Reports from Director Corporate Services

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Reports from Director Corporate Services

6. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 31 January 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:

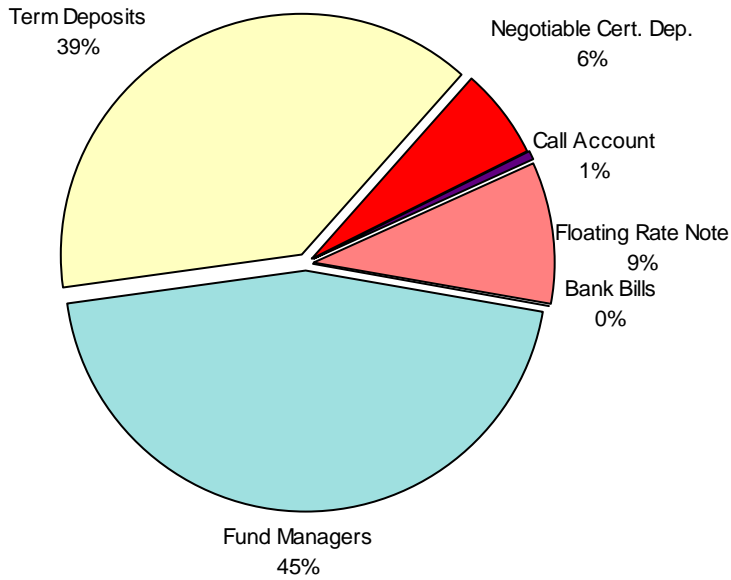
That this report be received and noted.

Reports from Director Corporate Services

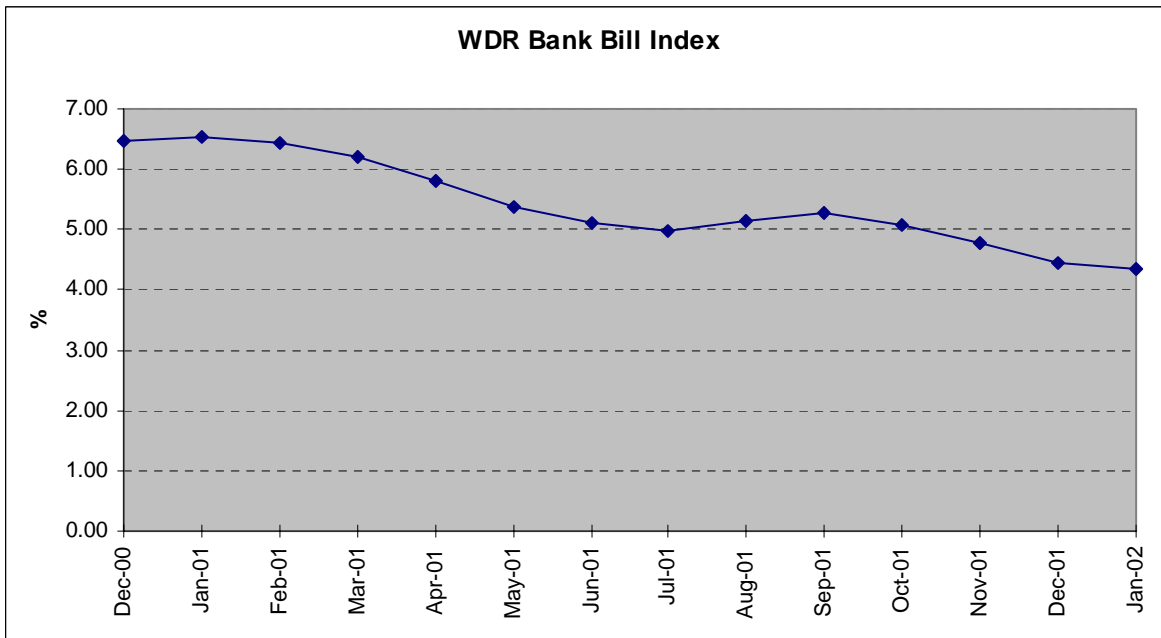
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

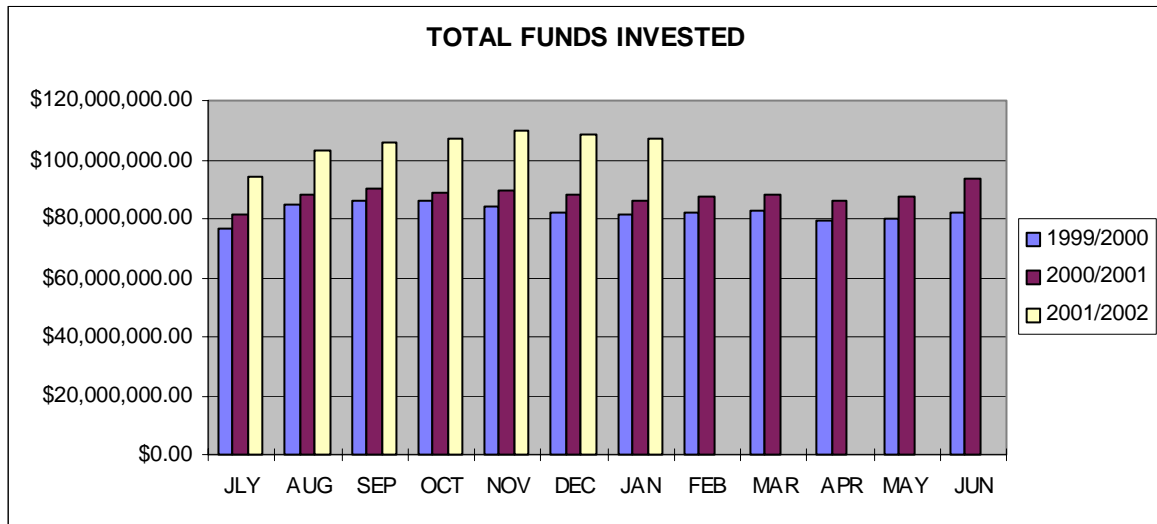


Reports from Director Corporate Services

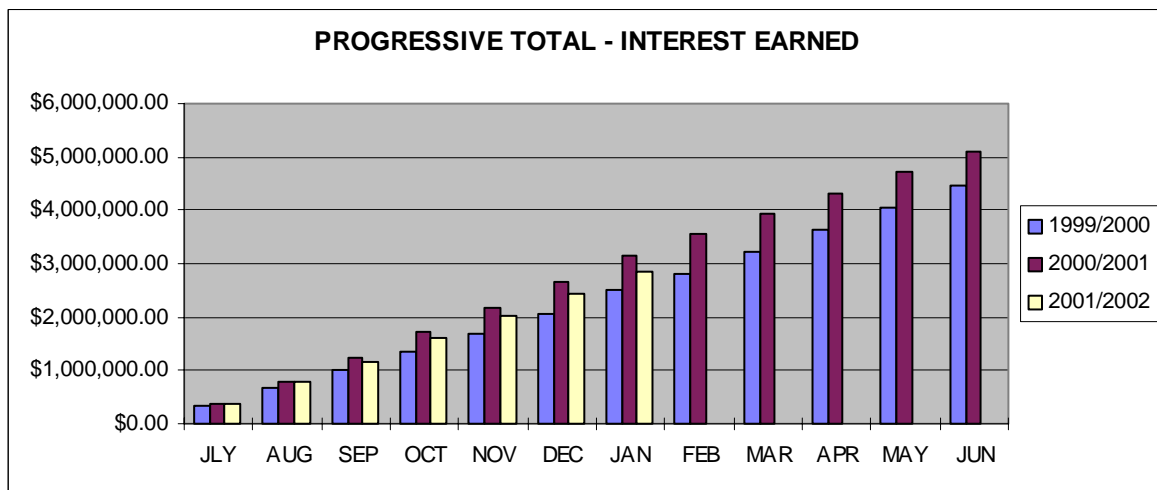
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	4.75	4.33	5.04
National Mutual	5.13	4.51	4.99
Deutsche	5.18	4.84	5.24
Macquarie Diversified	4.93	4.97	5.29

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

Following the interest rate cut in December by the Reserve Bank of Australia there remained a feeling that there might be a slight further easing. Sentiment has since changed with interest rates suggesting there might be a tightening before June this year. Driving this change was stronger than expected domestic inflation figures and Greenspan's optimistic assessment of the US economy's outlook on 25 January.

7. INVESTMENT SUMMARY AS AT 31 JANUARY 2002

GENERAL FUND

BANKS	29,030,875.00	
FUND MANAGERS	5,381,048.69	
LOCAL GOVT. FIN. SERVICES	5,000,000.00	
CALL	25,127.47	39,437,051.16

WATER FUND

BANKS	5,000,000.00	
FUND MANAGERS	26,868,632.56	
LOCAL GOVT. FIN. SERVICES	3,500,000.00	35,368,632.56

SEWERAGE FUND

BANKS	6,000,000.00	
FUND MANAGERS	16,054,278.05	
LOCAL GOVT. INV. SERVICE	9,500,000.00	
CALL	800,000.00	32,354,278.05

TOTAL INVESTMENTS

107,159,961.77

It should be noted that the General Fund investments of \$39.4 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 Govt Financial Management Regulations (Sec.19)

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



R R Norvill CPA

Responsible Accounting Officer

Manager Financial & Information Services

Reports from Director Corporate Services

7. ORIGIN: General Manager
FILE REF: Quarterly Corporate Report

REPORT TITLE:

Quarterly Corporate Report

SUMMARY OF REPORT:

The Quarterly Corporate Report covering the period 1 October 2001 to 31 December 2001 is presented for Council's information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

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

The Quarterly Corporate Report is still being progressively redeveloped to provide progress feedback on designated priorities within the principle activity categories as specified in the Management Plan 2000-2003. These Quarterly Reports will be combined at the conclusion of the financial year and included in the annual report to the Department of Local Government, Council and the community.

Reports from Director Corporate Services

In Kind and Real Donations - October to December 2001

Financial Assistance

Amount	Recipient	Donated Item	Date
500.00	Kingscliff Public School	First Prize Waterwise Competition	18/10/2001
200.00	Pottsville Public School	Second Prize Waterwise Competition	24/10/2001
4759.00	South Tweed Colts Cricket Club	Construction of shed at Dave Burns Field	15/11/2001
40.00	Wollumbin High School	Awards Presentation	15/11/2001
500.00	Fingal Surf Club	Fingal Surf Club river swim	15/11/2001
25.00	Uki Public School	Donation to purchase book voucher	6/12/2001
75.00	North Coast Institute of TAFE	Donation towards TAFE awards	12/11/2001
126.50	Kyogle Shire Council	Catering costs cancelled meeting-Comp. Animals Comm.	21/11/2001
\$ 6,225.50			

Provision of Labour and/or Plant & Equipment

Amount	Recipient	Donated Item	Date
1,402.27	Life Education	Shifting Life Education Van	On-going
244.87	NSW Police	Provide road block	19/10/2001
138.96	Brendon McGrath	Road Closure Signs for Water Ski Marathon	2/11/2001
87.05	Murwillumbah Swimming Club	Barricades for Swimming Carnival	9/11/2001
115.49	Murwillumbah RSL Sub-branch	Barricades for Remembrance Day	16/11/2001
340.01	Tweed Valley College	Transport stage for Carols by Candle Light	23/11 & 7/12/01
174.05	NSW Police	Provide barricades	30/11/2001
\$ 2,502.70			

Room Hire

Amount	Recipient	Donated Item	Date
14.00	Blind & Visually Impaired	Room Hire HACC Centre	17/10/2001
14.00	Blind & Visually Impaired	Room Hire Sth Tweed Community Hall	21/11/2001
113.50	Chess Club	Room Hire Tweed Heads Civic Centre	13/10/2001
113.50	Chess Club	Room Hire Tweed Heads Civic Centre	14/10/2001
53.60	Combined Churches	Room Hire Tweed Heads Civic Centre	24/12/2001
279.00	Combined Churches	Room Hire Tweed Heads Civic Centre	25/12/2001
50.40	Northern Rivers Symphony Orchestra	Room Hire Tweed Heads Civic Centre	7/11/2001
50.40	Northern Rivers Symphony Orchestra	Room Hire Tweed Heads Civic Centre	14/11/2001
56.00	PPK Crime Prevention	Room Hire Tweed Heads Civic Centre	6/12/2001
159.00	PPK Crime Prevention	Room Hire Tweed Heads Civic Centre	12/12/2001
56.00	PPK Crime Prevention	Room Hire Tweed Heads Civic Centre	13/12/2001
85.50	Rotary Family Concert	Room Hire Tweed Heads Civic Centre	8/12/2001
163.00	Tweed Cultural Arts	Room Hire Tweed Heads Civic Centre	25/11/2001
56.00	Tweed Hospital Aus.	Room Hire Tweed Heads Civic Centre	5/11/2001
56.00	Tweed Hospital Aus.	Room Hire Tweed Heads Civic Centre	3/12/2001
279.00	Tweed Hospital Aus.	Room Hire Tweed Heads Civic Centre	6/12/2001
159.00	TH Hospital Memorial Service	Room Hire Tweed Heads Civic Centre	15/11/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	1/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	4/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	9/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	11/10/2001
80.80	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	15/10/2001
84.00	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	16/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	17/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	18/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	19/10/2001
40.40	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	24/10/2001
769.10	Tweed Theatre Company	Room Hire Tweed Heads Civic Centre	19-28/10/2001
56.00	Tweed Youth Enterprises	Room Hire Tweed Heads Civic Centre	8/10/2001
56.00	Tweed Youth Enterprises	Room Hire Tweed Heads Civic Centre	5/11/2001
23.00	Twin Towns Friends Assn.	Room Hire HACC Centre	10/10/2001
23.00	Twin Towns Friends Assn.	Room Hire Sth Tweed Community Hall	14/11/2001
31.00	Twin Towns Garden Club	Room Hire Tweed Heads Civic Centre	8/10/2001
31.00	Twin Towns Garden Club	Room Hire Tweed Heads Civic Centre	12/11/2001
\$ 3,235.00			

\$ 11,963.20

Overall Total

Reports from Director Corporate Services

Activity: 1. Recreation

1. OBJECTIVE:

To provide high quality open space and a range of recreation facilities which meet the needs and expectations of the community in a cost effective and efficient manner.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
• Establish Tweed Regional Botanic Gardens.	Economic viability study in final draft
• Promote the development of regional open space facilities throughout the Shire	Draft open space infrastructure policy and associated S94 plans to be finalised
• Rehabilitate and develop Sutherland Point.	Approvals received for sealing of entrance road and construction of toilet facilities.
• Develop land at Cabarita - Round Mt sports facility including Skate Park.	Negotiations continuing with DLWC to acquire associated Crown Land. Skate park construction group formed to forward planning & construction of facility
• Establish system of central control of all Council's irrigation areas.	To be pursued.
• Develop extensive passive open space facilities in Council reserve on Amaroo Park and Darlington Dve. Banora Point.	Dependant on outcome of Bradshaw negotiations
• Expand and Develop park area at Norries Headland.	Headland boardwalk completed. Beach accesses under construction.

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
• Net expenditure on recreation per capita/per annum.	\$43	\$44	\$45	
Tweed Shire Council Performance Indicators				
•				

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$ 58,000,000
Estimated Expenditure 2001/2002	\$ 5,596,000
Staff (Equivalent Full Time Staff)	70 Persons

Reports from Director Corporate Services

Activity: 2. Health and Community Services

1. OBJECTIVE:

To identify community needs and increase the wellbeing of members of the community.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
Waste Management <ul style="list-style-type: none"> Implement environmental management plans for waste depots. 	On-going
Health Services <ul style="list-style-type: none"> Continue surveillance of food premises. Continue Public toilet upgrade 	On-going On-going
Emergency Services <ul style="list-style-type: none"> Continue coordination of Tweed Local Disaster Plan Implement Fire Management Plan 	On-going On-going
Regulatory Control <ul style="list-style-type: none"> Transfer of Parking Officers from NSW Police Service Progress compliance with the DDA requirements 	Issue not finalised by State Government On-going
Community Facilities and Services <ul style="list-style-type: none"> Develop Murwillumbah Public Pool to regional standard. Development of the Art Gallery Continue upgrade Murwillumbah Auditorium Develop a multi-purpose comm. facility in Murwillumbah Reimburse land development reserves for TRAS Museum Develop community facilities at Banora Point, Bogangar, Murwillumbah and expand HACC Centre, South Tweed Old Pottsville school community centre running costs Establish/manage Banora Pt Community project Maintain communication facilities data base as an information service Assist in implementing the Tweed Social Plan 	On-going On-going On-going On-going On-going On-going Funding provided in Budget Public survey not yet endorsed On-going On-going
Cultural Development <ul style="list-style-type: none"> Implement the 5-year cultural program developed in line with the existing TSC Cultural Policy Maintain, manage and promote the cultural facilities in Tweed Facilitate development of the Museums and support the Historical Societies Formalise a mentor/traineeship program 	On-going On-going On-going Funding source yet to be determined.
Community Development <ul style="list-style-type: none"> Promote and develop collaborative planning between individual community services programs A facilitator dedicated to coordinate implementation of the DDA action Plan Develop a shire-wide focus for Senior Citizen's Week & Expo 	On-going Action plan yet to be endorsed On-going

Reports from Director Corporate Services

<ul style="list-style-type: none"> Increased YDO hours Maximise external funding applications/submissions on behalf of Tweed community. 	No budget provision. On-going.
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3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
<ul style="list-style-type: none"> Recycling collection per capita. Domestic waste collection per capita. Cost for domestic waste collection per service. Average residential garbage charge per service. 	45kg 242kg \$95 \$138	48kg 253kg \$85 \$130.79	50kg 270kg \$84.50 \$131.50	
<ul style="list-style-type: none"> Library book borrowing per capita. Library operating expenditure per capita. Average expenses per borrowed item Community service expenditure per capita. 	6 \$12 - \$5.50	5 \$13 \$2.90 \$6	5 \$15.80 \$3 5.20	
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Staged implementation of Tweed Shire Disaster plan Per cent of total domestic waste recycled 	- 10%	- 10%	100% 20%	

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$ 21,500,000
Estimated Expenditure 2001/2002	\$15,387,000
Staff (Equivalent Full Time Staff)	37 Persons

Reports from Director Corporate Services

Activity: 3. Economic Development

1. OBJECTIVE:

To encourage economic activity that enhances the standard of living of residents through the promotion of a wide range of development opportunities through the Council sponsored economic development agencies and commercial undertakings.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
<ul style="list-style-type: none"> Pursue integration of Tweed economic development and marketing agencies. 	Being done by TEDC.
<ul style="list-style-type: none"> Develop Tweed economic indicator model. 	To be finalised.
<ul style="list-style-type: none"> Assist in the integration of lands suitable for enterprise development 	Being done by TEDC.
<ul style="list-style-type: none"> Formulate strategies (achieving highest and best use action plans) for development of Council's property holdings and land investment funds. 	Currently under review.

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
•				
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> TEDC & TACTIC funding lodgement reports – lodgement requirements 	4	4	4	4

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$15,000,000
Estimated Expenditure 2001/2002	\$1,030,100
Staff (Equivalent Full Time Staff)	2 Persons

Reports from Director Corporate Services

Activity: 4. Natural & Built Environment

1. OBJECTIVE:

To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
<p>Development Assessment</p> <ul style="list-style-type: none"> • Develop a protocol for all stakeholders for assessment processes and decision-making on all applications associated with development assessment. • Progressively improve quality of physical, social and economic outcomes resulting from Development Assessment decisions. • Optimise the quality of public infrastructure through development assessment to maximise public safety and minimise operating costs. • Continuous review of the effectiveness of assessment processing. 	<p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p>
<p>Strategic Planning</p> <ul style="list-style-type: none"> • Complete comprehensive review of Tweed Shire 2000+ Strategic Plan. • Monitor and complete comprehensive review of all Development Control Plans and Developer Contribution Plans. • Complete an integrated planning framework embodying the Tweed 2000+ Strategic Plan, Shire Local Environment Plan and other Locality Plans for strategic areas of the Shire; Kings Forest, Kings Beach, West Pottsville, West Kingscliff, Fingal, Murwillumbah and Terranora. • CP&D Team Expansion • Housing Policy Development • Promote Council services within the competitive environment. • Transport Strategy Development • Social Policy Statements Development • Assessment/prioritisation of grant applications to TSC for community projects in Tweed • Measure Community wellbeing – Indicators/Consultation • Maximise external funding applications/submissions on behalf of Tweed community 	<p>Council resolution to commence review.</p> <p>Work commenced.</p> <p>Individual projects under way – Cabarita Precinct Plan, West Kingscliff.</p> <p>Resources not yet identified to achieve.</p> <p>Affordable Housing Planner funded through AAS.</p> <p>Competitive tenders for consultant to undertake nominated projects.</p> <p>Not yet commenced.</p> <p>Draft Social Plan 2002 completed for consideration in Management Plan</p> <p>On-going.</p> <p>Project commenced.</p> <p>On-going</p>

Reports from Director Corporate Services

2001 / 2004 Priorities	Comments
Environmental Management	
<ul style="list-style-type: none"> • Complete second stage review of Tweed Local Environmental Plan. • Effectively Implement the new Tweed Shire Local Environmental Plan 1998 (When Gazetted). • Ensure implementation of the new Water Management Legislation, as it is appropriate to the needs of the Tweed. • Implement Tweed River Management Plan. • Accelerate the completion of the Coastal Hazards Study. • Finalise Council's agreement to the Coastal Management Plan. • Support the principles of Ecologically Sustainable Development throughout Council activities. • Coastline Management Plan • Council contribution of environmental improvement through the Sustaining the Tweed (Agenda 21) Program. 	<p>Not yet commenced</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>Completed</p> <p>Hazard Definition Study completed. Management Plan 2002/2003 if funding available.</p>

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
• Mean turnaround time (days) for development applications.	40	39	39	
• Median turnaround time (days) per development application.	30	29	29	
• Median turnaround time (days) for development applications (building).	18	22	22	
• Mean turnaround time (days) for development applications (building).	28.5	27	27	
• Expenditure on environmental management per capita.	\$33	\$20	\$20	
Tweed Shire Council Performance Indicators				
• Development Control - cost per capita per annum.	\$38	\$35	\$35	
• Quality of public infrastructure created through development minimises defects and operating costs.	100%	100%	100%	
• Legal costs as a percentage of Development Services budget.	8%	1.4%	1.4%	
• Legal costs for appeals as percentage of building control budget.	1.5%	0.6%	0.6%	
• Mean turn around time for Construction Certificates.	-	9	9	

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$13,000,000
Estimated Expenditure 2001/2002	\$7,252,000
Staff (Equivalent Full Time Staff)	39 Persons

Reports from Director Corporate Services

Activity: 5. Roads and Transport

1. OBJECTIVE:

To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Tweed Shire.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
<ul style="list-style-type: none"> Upgrade Tweed Heads Works Depot 	On-going
<ul style="list-style-type: none"> Implementation of adopted 2000-2003 drainage construction program. 	In progress. On schedule and within Budget
<ul style="list-style-type: none"> Implement adopted bridge replacement program for 2000-2003. (Smiths Ck Bridge, Boat harbour Bridge, Russell Bridge, Quinns Bridge, Crystal Ck Bridge). 	Smiths Creek , Russells & Crystal Creek Bridges completed. Boatharbour & Quinns Bridges being prepared.
<ul style="list-style-type: none"> Implement adopted urban / rural road construction program for 2000-2003. 	In progress. On schedule & within budget
<ul style="list-style-type: none"> (Brisbane St, Proudfoots Lane, Crescent St, Peninsula Dve, Pottsville Rd, Piggabeen Rd, Leddy's Ck Road, Duranbah Rd, Tumbulgum Rd, Cudgen Rd.) <ul style="list-style-type: none"> Public Transport Routes development Public Transport Infrastructure development Community Road Safety Plan Footpaths/ramps development Cycle Plan Development 	In progress. On schedule & within budget On-going On-going On-going On-going On-going
Note: These works listed above only represent the key highlights of Council's three years rolling capital works program.	

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
•				
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Reseal 20km rural roads within time and budget. 	21	21	22	Nil
<ul style="list-style-type: none"> Asphalt re-sheet 46,000m2 urban roads within time and budget. 	46000	33000	60000	Nil
<ul style="list-style-type: none"> Road maintenance cost per km urban sealed roads. 	-	\$3700	\$3800	\$3800
<ul style="list-style-type: none"> Road maintenance cost per km rural sealed roads. 	-	\$3400	\$3500	\$3500
<ul style="list-style-type: none"> Road maintenance cost per km rural unsealed roads. 	-	\$3400	\$3500	\$3500

- Note:** the Dept. of Local Government has suspended these indicators.

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$323,000,000
Estimated Expenditure 2001/2002	\$19,088,000
Staff (Equivalent Full Time Staff)	148 Persons

Reports from Director Corporate Services

Activity: 6. Infrastructure Planning

1. OBJECTIVE:

To prepare strategic plans, design plans and public policies for engineering infrastructure that are consistent with Council's strategic land use planning, reflect current Best Practice, and are underpinned by demonstrable financial capability.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
<ul style="list-style-type: none"> Review the TRCP to reflect changes in land use planning and community expectations 	Minor amendments put to Council. Major changes are deletion of Lakes Drive Bridge DA by Council and includes Leisure Drive upgrade and link roads Kirkwood to Kennedy.
<ul style="list-style-type: none"> Implementation of AUSPEC 	Draft DCP16 tech spec on CD supplied to all local consultants. Revisions based on feedback 85% complete.
<ul style="list-style-type: none"> Policy framework for all infrastructure types in place by December 2001 (inc. ESD in all) 	TRCP pending. AUSPEC in progress. Review of Tweed Development Plan now due by March 2002. <ul style="list-style-type: none"> Undertake design for 4 lane upgrade of Leisure Dr-Fraser Dr to Sextons Hill interchange Complete Kingscliff and West Tweed Sewerage strategies by June 2002. Review adopted Banora Pt Sewerage strategy by Dec 2002

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
•				
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Review and implement unit resource level adjustment to accommodate increased client budget – 2002 <ul style="list-style-type: none"> Adopt AUSPEC as part of DCP16 by December 2001. Obtain RTA concurrence to load access to TH Bypass (Lakes Dr Bridge abandonment) 	-	-	100%	75%
	-	-	100%	85%
	-	-	100%	10%

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$ Nil
Estimated Expenditure 2001/2002	\$ 1,040,000
Staff (Equivalent Full Time Staff)	21 Persons

Reports from Director Corporate Services

Activity: 7. Water & Sewerage

1. OBJECTIVE:

To provide a high quality and reliable water and sewer service that meets community expectations and assists economic development.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
<ul style="list-style-type: none"> Spillway upgrade strategy for Clarrie Hall Dam to meet new rainfall run-off criteria. 	Emergency response in place.
<ul style="list-style-type: none"> Trunk main replacement Murwillumbah to Tumbulgum and Bogangar to Pottsville. 	2001/02 section under construction.
<ul style="list-style-type: none"> Design and construction of new reservoirs and pumping stations to meet growth demands. 	Sites being acquired.
<ul style="list-style-type: none"> Introduction of positive demand management program to achieve sustainable water management. 	2002 to support user pays policy
<ul style="list-style-type: none"> Review water-pricing policy. 	User pays charging for 2002/03
<ul style="list-style-type: none"> Develop and adopt augmentation strategy for both treatment and conveyancing systems. 	Banora Pt, Hastings Pt & Murwillumbah completed.
<ul style="list-style-type: none"> Design upgrades of Kingscliff, Hastings Point and Banora Point sewerage treatment plants. 	Interim upgrade Kingscliff approved. Section 60 sought. Hastings Pt – DPWS engaged.
<ul style="list-style-type: none"> Complete and commission augmented plant at Murwillumbah. 	Commissioned and operating.
<ul style="list-style-type: none"> Augment capacity of Kingscliff Plant. 	Early 2002
<ul style="list-style-type: none"> Finalise strategy for Kingscliff / South Kingscliff catchment. 	2002
<ul style="list-style-type: none"> Complete design, documentation and approval for augmentation of Hastings Point Plant. 	Section 60 approval awaited.
<ul style="list-style-type: none"> Develop asset replacement program for Murwillumbah and Tweed Heads sewerage systems. 	2002
<ul style="list-style-type: none"> Complete development and introduction of telemetry control of sewerage treatment systems 	On-going.

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Actual 00/01	Est. 01/02	Year to Date
<ul style="list-style-type: none"> Average sewerage account (\$/Assessment). 	\$399	\$405	\$410	\$410
<ul style="list-style-type: none"> Total sewerage operating costs (\$/Assessment). 	\$228	\$232	\$238	\$238
<ul style="list-style-type: none"> Average water account (\$/Assessment). 	\$356	\$365	\$375	\$375
<ul style="list-style-type: none"> Total water operating costs (\$/Assessment). 	\$168	\$174	\$180	\$180
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Economic real rate of return, sewer/water 	4.8%/2.8%	5.47%/3.52%	4.0%/3.0%	5%/4%
<ul style="list-style-type: none"> Water quality complaints (Per 1 000 Assessment) 	1.9	2.0	2.0	2.0
<ul style="list-style-type: none"> Water Consumption Interruption Frequency (Per 1000 Assessments) 	38	40	40	40
<ul style="list-style-type: none"> Water Average Customer Outage Time/Property (minutes) 	120	120	120	120

Reports from Director Corporate Services

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets (Estimated Replacement Cost)	\$ 344,000,000
Estimated Expenditure 2001/2002	\$ 46,326,561
Staff (Equivalent Full Time Staff)	87 Persons

Reports from Director Corporate Services

Activity: 8. Civic Governance

1. OBJECTIVE:

To provide representative and responsive government, sound management of the resources of Council, ensure statutory requirements are met and provide services to the organisation in the most cost effective and timely manner.

2. PRIORITIES:

2001 / 2004 Priorities	Comments
• New Banking Tenders	Completed 1 July 2001
• Implementation of Occupational Health and Safety workplace management systems.	Currently being undertaken.
• Review performance management programs.	Currently being undertaken.
• Develop financial management strategy to maximise grants and financial resource performance.	Research of available grants undertaken/indicators established.
• Assist in the investigation of lands suitable for enterprise activities.	Being done by TEDC.
• New Financial/Regulatory software/implementation costs	Part of Budget 2001/02
• Statutory Financial Reporting in accordance with the Local Government Act	Completed by due dates
• Internal audit programs to be implemented	Program under way

3. KEY PERFORMANCE CRITERIA:

Dpt Local Government Performance Indicators	Actual 99/00	Est. 00/01	Est. 01/02	Year to Date
• Average rate per residential Assessment.	\$526	\$540	\$538	\$538
• The unrestricted current ratio (measure of liquidity).	1.46	1.54	154	1.7
• Debt service ratio (measure of extent of debt servicing on operating revenue).	13.52%	12.50%	13.00%	13.00%
• Average interest rate paid.	7.6%	7%	6.8%	6.8%
• Council dependence on rates.	43%	43%	43%	42.9%
Tweed Shire Council Performance Indicators				
• Occupational Health and Safety program results in reduced lost time accidents.	67	60	58	47
• Workers compensation premium costs per employee.	\$2,220	\$2,334	\$2300	\$2880
• Percent respond to correspondence within 14 days	92.59%	89.5%	95%	96%
• Average occupancy rate	39.7%	41%	41%	40.17%
• Statutory financial reporting by due date	100%	100%	100%	100%

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$ 1,300,000
Estimated Expenditure 2001/2002	\$ 7,060,000
Staff (Equivalent Full Time Staff)	69 Persons

Reports from Director Engineering Services

8. ORIGIN: Director
FILE REF: Coastal Management

REPORT TITLE:

Nominations for NSW Coastal Council

SUMMARY OF REPORT:

The Local Government & Shires Association (LGSA) is seeking three nominations from councils along the coast to represent Local Government on the NSW Coastal Council.

The Coastal Council provides advice to the Government and Minister for Planning regarding management of the NSW coastal zone and implementation of coastal policy.

Nominations should be provided to Robert Verhey at the LGSA by Friday 22 February 2002 including relevant information on the nominee's background, expertise and interest in coastal management issues.

RECOMMENDATION:

That:-

1. Council determines nominations for the NSW Coastal Council.
2. Nominations be advised to Robert Verhey at the Local Government & Shires Association by Friday 22 February 2002.

Reports from Director Engineering Services

REPORT:

The Local Government & Shires Association (LGSA) are seeking three nominations from councils along the coast to represent Local Government on the NSW Coastal Council. Closing date is 22 February 2002.

The Coastal Council provides advice to the Government and Minister for Planning regarding management of the NSW coastal zone and implementation of coastal policy. The Coastal Council, as constituted under the *Coastal Protection Act 1979*, comprises 20 members appointed by the Minister including state agencies, environment groups, industry groups and Local Government.

The Act requires the LGSA to nominate to the Coast Council three persons, each being a member of a council for a Local Government area within or partly within the coastal zone, to be approved by the Minister.

The NSW Coastal Council web site www.coastalcouncil.nsw.gov.au contains further information regarding their role and activities.

Councils are invited to nominate councillor representatives to join the Coastal Council for a term of three years. Meetings are held approximately quarterly in Sydney and at various locations along the NSW coast. Members may be required to serve on NSW Coastal Council subcommittees in addition to their duties.

Nominations should be provided to Robert Verhey at the LGSA by Friday 22 February 2002 including relevant information on the nominee's background, expertise and interest in coastal management issues.

Reports from Director Engineering Services

9. ORIGIN: Water Unit

FILE REF: GW3/3/7 Pt2; Dams - Clarrie Hall - Recreation

REPORT TITLE:

Clarrie Hall Dam - Australian Bass Association Bass Classic

SUMMARY OF REPORT:

The Australian Bass Association Inc is seeking Council approval to vary the approved date for its Annual Bass Classic from January to May each year. The Association is seeking a further approval for a second similar event in November each year.

RECOMMENDATION:

That:-

1. Council grants approval to:-
 - (a) The Australian Bass Association Inc using Crams Farm and Clarrie Hall Dam on 18/19 May 2002 for its annual Bass Classic.
 - (b) A camping base being established by Australian Bass Association Inc at Crams Farm on the nights of 17 / 18 May 2002 for the event.
 - (c) A similar event and camping base in November.
2. Council grants approval in principle to Australian Bass Association Inc holding such events annually for the next five (5) years in May, subject to a detailed application being submitted each year and satisfactory performance.
3. All costs incurred with the establishment and removal of the camp are to be the responsibility of the Australian Bass Association Inc.

Reports from Director Engineering Services

REPORT:

Council at its meeting on 7 July 1999 granted approval to the Australian Bass Association Inc (ABA) using Crams Farm and Clarrie Hall Dam in January each year for its annual Bass Classic. Council resolved:-

“1. Council grants:-

- (a) approval to the Australian Bass Association Inc using Crams Farm and Clarrie Hall Dam on 29/30 January 2000 for its annual Bass Classic.
 - (b) approval to a camping base being established by Australian Bass Association Inc at Crams Farm on the nights of 28/29 January 2000 for the event.
2. All costs incurred with the establishment and removal of the camp are to be the responsibility of the Australian Bass Association Inc.
 3. Council grants approval in principle to Australian Bass Association Inc holding such an event annually for the next five (5) years on the last weekend in January, subject to a detailed application being submitted each year.”

The event was held very successfully in 2000 and again in 2001.

The ABA has now requested permission to transfer the event to late May each year to avoid Australia Day celebrations and experience more comfortable weather conditions.

The ABA has also sought approval to a second similar event annually, but an event restricted to fly-fishing, planned for November each year. All events are catch and release competitions and are limited to about 30, 2 person teams.

The ABA over the years have actively supported fishing in the Dam and have contributed significantly to the annual stocking of the Dam with Bass.

All events to date have been very well run and managed.

Reports from Director Engineering Services

10. ORIGIN: Water Unit

FILE REF: R2805; DW652741; Kellehers Rd

REPORT TITLE:

Maintenance Limits - Kellehers Road

SUMMARY OF REPORT:

Council has historically maintained a 1.3km length of Kellehers Road. For security reasons the owner of the land serviced by that road would like to accept maintenance of the road and erect a gate.

RECOMMENDATION:

That Council

1. Relinquishes maintenance responsibility for Kellehers Road from Mooball - Pottsville Road and that a proposal to erect a public gate at the junction with the Mooball – Pottsville Road be advertised for public comment.
2. Advises the applicant of the mandatory requirements for Public Gate Permits as set out in the Public Roads Act 1993.

Reports from Director Engineering Services

REPORT:

Council has historically maintained a 1.3km section of Kellehers Road off the Mooball-Pottsville Road. While the road services many blocks of land, each one is owned by Ramtech Pty Ltd and forms the Dunloe Park property.

The owner has written to Council and requested for safety and security reasons that Council relinquish maintenance of the road and that he be permitted to put a gate on the road and accept any further maintenance liability.

While the road could be fenced the existing formation is not over the road reserve and Council could face some costs to remedy the problem.

As the road formation only services the Dunloe Park property and does not provide physical access to any other areas the request is considered reasonable subject to advertising of the proposal to gate the road.

The applicant should be advised, however, that the Roads Act does not permit denial of public access to a public road. Any gate permit issued by a council must provide for the maintenance of vehicular and pedestrian access. Locking would not be permitted and a sign containing the words "*public gate*" must be prominently attached. Alternatively a motor traffic grid and locked gate could be installed with suitable permits being issued. Should the applicant desire to prevent public access altogether he/she would have to lodge an application for a road closure and transfer to his/her ownership. As Kelleher's Road is identified as a potential future land release corridor, this is unlikely to receive support.

Reports from Director Engineering Services

11. ORIGIN: Planning & Design Unit

FILE REF: DA2990/430 Pt1

REPORT TITLE:

Acquisition of 42 Lakeview Terrace, Tweed Heads South - Lot 17 Section 18 DP 28390 - for Drainage Purposes

SUMMARY OF REPORT:

The registered proprietor, Mr Grinter, is a builder and acquired the subject land in 1999. He immediately lodged an application to construct a detached dual occupancy – this was refused by Council on 4 February 2000 and a subsequent application was received for a two storey timber framed dwelling, which was also refused.

Both applications were refused on the basis of geological instability.

A report by a council officer in July, 2001 describes the land as “.....located on the western side of Lakeview Terrace, sloping steeply away from the road and has a previous history of geological instability.....Council’s Engineering Services Division has identified the site as being unsuitable for building purposes”.

Mr Grinter proposed that Council purchase the site, as it constitutes a natural overflow drainage path for adjacent properties.

A valuation was sought from the State Valuation Office which provided a valuation of \$50,000.00.

Mr Grinter has sought the sum of \$55,000.00 following negotiations with Council.

RECOMMENDATION:

That:-

1. Council agrees to purchase the subject land for the sum of \$55,000.00;
2. Council purchases the land for drainage purposes and the land be classified as operational; and
3. All necessary documents be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

The registered proprietor, Mr Grinter, is a builder and acquired the subject land in 1999. He immediately lodged an application to construct a detached dual occupancy – this was refused by Council on 4/2/00 and a subsequent application was received on 8/5/2001 for a two storey timber framed dwelling, which was also refused.

Both applications were refused on the basis of geological instability.

Copies of the conclusions of a soil test and a geotechnical report follow.

A report by a council officer in July, 2001 describes the land as “.....located on the western side of Lakeview Terrace, sloping steeply away from the road and has a previous history of geological instability.....Council’s Engineering Services Division has identified the site as being unsuitable for building purposes”. A copy of this report follows.

The land has a large natural drainage gully traversing the site and ideally should be purchased as an overland drainage path. In view of the history of instability in the area and over that block in particular it would be best to have it preserved in public ownership. The land may also be useful as a pathway link in the future.

While there is no obligation on Council to purchase this site, Mr Grinter may choose to seek legal redress and this may be a cost to Council.

Purchase of the land is a known cost to Council and would be prudent in light of the history.

The land could be purchased from the drainage fund.

Mr Grinter proposed that Council purchase the site, as it constitutes a natural overflow drainage path for adjacent properties.

A valuation was sought from the State Valuation Office, which provided a valuation of \$50,000.00.

Mr Grinter has sought the sum of \$55,000.00 following negotiations with Council.

Reports from Director Engineering Services

LAWSON

ENGINEERING GEOLOGY Pty Ltd

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CONSULTING & CONTRACT ENGINEERING GEOLOGISTS

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Mr Greg Grinter
54 Lakeview Parade
South Tweed Heads 2486
NSW

6 February 1999

Re: LOT 17 LAKEVIEW PARADE, SOUTH TWEED HEADS

1. INTRODUCTION

This report summarises the results of an assessment of the slope stability of Lot 17, Lakeview Parade, South Tweed Heads. The site was inspected on 5 February 1999 in the presence of the property owner Mr Greg Grinter during which the layout and design of the proposed development were discussed.

The slope stability assessment was requested by the Tweed Shire Council in communication [Council Ref. DA2990/430 Pt:1] to Mr Grinter and will form part of the application for development on the site.

The site was inspected for evidence of past instability and to assess the likely impact of the proposed development on slope stability. In general, the assessment follows the guidelines outlined by the Australian Geomechanics Society for hillside development [refer Attachment].

Soiltest Australia carried out foundation investigations at the site on 2 February 1999. Some of the results of this investigation, in particular the drill hole logs, were used in the slope stability assessment.

Reports from Director Engineering Services

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2. PROPOSED DEVELOPMENT

It is proposed to construct 2 detached dwellings on the western side of Lot 17. Each dwelling will be 2 storey and supported by timber poles founded in concrete pad footings. Weatherboard cladding will form the exterior of the dwellings.

It is proposed to excavate 2 benches to accommodate the dwellings and an access road from Lakeview Parade to 2 carports on the eastern side of the lot. The maximum height of the bench cuttings will be around 1.8 metres and of the access road cutting around 2 metres. It is proposed to batter the lower 1 metre of the bench cuttings to an angle of around 75 degrees [1V:0.25H] which will then be supported with an open, boulder retaining wall. The upper, unsupported part of the bench cuttings will be battered to a slope of 1:1 [V:H]. The lower 1.2 metres of the cutting for the road will be battered to an angle of around 75 degrees [1V:0.25H] and retained with an open, boulder retaining wall. The upper unsupported part of the road cutting will be battered to a slope of 1:1 [V:H].

3. THE SITE

Lot 17 is located near the western end of Lakeview Parade and is part of a residential subdivision. The lot is located below Lakeview Parade and slopes towards Terranora Creek at about 15 degrees. At the time of the inspection, some of the vegetation had been cleared and some excavation of the benches and access road from Lakeview Parade had begun. Some of the site showed evidence of scouring by runoff from Lakeview Parade and the properties above Lakeview Parade during recent, very heavy rainfalls.

4. SUBSURFACE CONDITIONS

Bedrock in the area is basalt belonging to the Lamington Group and is overlain by colluvial and residual soils consisting of mixtures of silty clay and gravel-size to boulder-size rounded basalt fragments. The basalt fragments are slightly weathered to fresh and have very high strength. The silty clay is firm to stiff. The thickness of the soils could not be determined during the foundation drilling because of problems in penetrating the boulders. The maximum depth

Reports from Director Engineering Services

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reached by the drill holes was almost 2 metres. It is estimated that most of the soils in the area would be less than 3 to 4 metres thick.

At the time of the inspection, the site was generally dry apart from low, localised flows of runoff and seepage through near-surface soils from the recent heavy rain. The site appears to be well-drained with no evidence of persistent or historic seepage through the sub-surface materials. There is no mention of any groundwater intersected in the foundation drill holes.

5. SLOPE STABILITY ASSESSMENT

5.1 Historic landslips

No evidence of historic landslips or slope instability, such as tension cracks, slumping, hummocky terrain or tilted trees, was found at or around the site. Historic seepage areas and ponding of surface runoff commonly associated with unstable slopes were not evident.

The excavations for the benches and access road to the site have been open for some time and show no evidence of slope instability before or since excavation.

5.2 Effect of the proposed development on present stability of site

The proposed development should not alter the stability of the site provided due attention is paid to the design of the foundations, drainage, excavations and batters as set out by the engineer and as discussed in this report.

Unsupported cuttings in the natural (*in situ*) soils at the site should not be excavated steeper than 1V:1H and not be more than 3 metres high. Cuttings greater than 3 metres high should be either supported by properly designed retaining walls or benched and battered to slopes not steeper than 1V:1H. Unsupported fill embankments should not be more than 2 metres high, placed in well compacted layers not more than 0.3 metres thick and battered to slopes not steeper than 1V:1.5H. Fill can be battered to steeper angles if supported by properly designed retaining walls.

Reports from Director Engineering Services

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5.3 Effect of the proposed development on adjoining land

The proposed development should not alter the slope stability of adjoining land provided due attention is paid to drainage, excavation and batter stability as set out by the engineer and as discussed in this report

5.4 Drainage

Slope stability is largely controlled by rainfall in the natural terrain and by drainage in the built environment. Any surface runoff, seepage and household drainage, which is not directed away from foundations, cuttings and fill embankments will reduce slope stability, and could lead to slope failure. All seepage and household drainage should be diverted well away from foundations, cuttings and fill embankments.

All surface drains should be lined to prevent percolation into the subsurface materials and should be regularly maintained to ensure unrestricted water flow. Water should not be allowed to pond on or around foundations, cuttings or fill embankments. The open boulder walls, as proposed, should allow any seepage to drain out of the slopes preventing pore pressure build-up and consequent de-stabilisation of the cuttings. The walls should be inspected and maintained regularly to ensure that the seepage flow through the boulder walls remains unrestricted. Lined drains should be constructed along the toe of those boulder walls which are subjected to stormwater to direct water away from the site.

6. CONCLUSIONS

6.1 The site, as inspected on 5 February 1999, showed no signs of historic slope instability normally associated with steep basaltic terrain. The site appears to be naturally well-drained with no evidence of historic seepage or ponding commonly associated with unstable slopes.

6.2 The site can be expected to remain stable after the proposed development is completed providing due regard is paid to the impact of excavations, and in particular drainage, on slope and foundation stability. The slope stability of the site should be re-assessed if the proposed layout is changed.

Reports from Director Engineering Services

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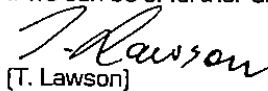
6.3 Surface runoff, seepage and household drainage should be directed away from the foundations, benches, cuttings and fill embankments via lined and sealed drains. Failure to do so will reduce slope stability and could lead to slope failure. All surface drains should be lined to prevent percolation into the subsurface materials and should be regularly inspected and maintained to ensure unrestricted water flow.

6.4 The proposed slopes of 1V:1H for unsupported cuttings excavated in natural terrain should remain stable to a maximum height of 3 metres. Water should not be allowed to pond around these cuttings. The proposed slopes of 1V:0.25H behind boulder walls should remain stable provided they are well-drained. Fill embankments should be placed in well-compacted layers not more than 0.3 metres thick, not be more than 2 metres high and battered to slopes not steeper than 1V:1.5H.

6.5 Any sealed retaining walls (concrete blocks, concrete etc) should be back-filled with free-draining fill. A drainage pipe should be laid within the fill at the base of the wall to carry water away from the site. Sealed retaining walls should have enough weep holes or sub-horizontal drains to allow seepage to pass through the wall.

6.6 As a general comment, we are concerned about the performance and effectiveness of the unlined drain along the eastern side of Lakeview Parade. Infiltration of water from this drain into the materials below the road and the slopes on the western side of the road will reduce slope stability and could lead to failure of the road or the slopes of which your lot is a part. The drain should be lined and sealed to prevent infiltration into the underlying soils. You may wish to discuss this with the Tweed Shire Council.

If we can be of further assistance please do not hesitate to contact our office.


[T. Lawson]

ATTACHMENTS:

Illustrations of Good and Poor Hillside Practice
Some Guidelines for Hillside Construction

Reports from Director Engineering Services

Note to File

DA 2990/430 Pt 1

Lot 17 Sec. 18 DP 28390 42 Lakeview Parade Tweed Heads South.

Brief History of Events concerning Development Applications.

Application has been received to construct a two storey timber framed dwelling at the above premises under Development Application 0388/ 2001. The subject allotment is located on the western side of Lakeview Parade ,slopes steeply away from the road and has a previous history of Geological instability.

This application is accompanied by a soil report prepared by Soiltest Australia dated 2/2/99 which states in part ,“this report does not cover slope stability or landslip situations “

A previous application by the same Applicant to construct a detached dual occupancy on this site was refused on 4/02/00 due to :-

1. a history of instability of the site,
2. the conclusions reached in the Geotechnical report which was submitted with this application were considered not to be satisfactory and the Applicant failed to further investigate the conclusions and provide further evidence to support the conclusions.

Council’s Engineering Services Division has identified the site as being unsuitable for building purposes because the site has a history of being unstable . A major slip occurred in 1988 at the site and since then Council has has completed works to divert stormwater from entering the site from the roadway. No further instability problems have occurred since .


A Geotechnical report prepared by Lawson Engineering Geology which was lodged with the previous application has identified the site as being suitable for the previous proposed development subject to drainage works being completed in accordance with the recommendations outlined in that report .

Following the above conflicting conclusions on the sites stability Council’s Solicitors were requested to provide advice on potential liability should the application be approved. This advice indicated that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.

Council’s Development Services Unit submitted a report to Council on 19/01/99 recommending that the application be refused however Council resolved to indicate its support for the proposal and directed that conditions of consent be drafted in the event that Council approve the application when presented to a future meeting .

The matter was presented to Council on 2/2/00 with conditions and a recommendation that the application again be refused . Council subsequently resolved to refuse the application for the above reasons.

It would appear from Council’s file that the legal opinion from Halliday and Stainlay Solicitors was a crucial factor in the decision to refuse the application .

 2/7/01

Mark Roworth

Reports from Director Engineering Services

12. ORIGIN: Planning & Design Unit

FILE REF: Pacific Motorway; R1160 Pt6; Clothiers Creek Rd

REPORT TITLE:

Status of Clothiers Creek Road Upgrading between Tanglewood and Bogangar

SUMMARY OF REPORT:

The Chinderah to Yelgun section of the Pacific Highway is due to open in late 2002. Traffic on Clothiers Creek Road is subsequently expected to increase from 3000vpd to 7000vpd. Preparation of a Development Application for upgrading of a 2.5km section between Tanglewood Drive and Bogangar commenced in March 2001. A number of issues including Flora and Fauna , Land Tenure and Statutory Planning matters have caused delays. The earliest possible completion date is now December 2002 provided no major obstacles are encountered.

RECOMMENDATION:

That Council proceeds with the preparation and lodgement of appropriate applications under the Environmental Planning and Assessment Act for the proposed widening to Class G standard and relocation of Clothiers Creek Road within the existing road reserve.

Reports from Director Engineering Services

REPORT:

The Chinderah to Yelgun section of the Pacific Highway commenced construction in late 2000. The three interchanges on the new Pacific Highway are located at Oaks Avenue (Melaleuca Station), Clothiers Creek Road and Cudgera Creek Road. When the highway opens, traffic volumes on the Clothiers Creek Road section between the interchange and Cabarita Beach are expected to increase from 3000vpd to 7000vpd.

Clothiers Creek Road is a two lane road with a 6.2m wide seal on a 8.6m wide formation and passes through a variety of landscapes from coastal dunes and wetlands to wet sclerophyll forests. Sections of the road between Tanglewood Drive and the Interchange have recently been upgraded. The 2.5 km section between Tanglewood Drive and Kauri Avenue, Bogangar is in poor structural condition and is quite narrow. The road level varies from 600mm to 1000mm above the wetlands. To improve the flood immunity of the road the vertical height is proposed to be increased by 300mm to RL 2.9m. The 100 year Flood level in the Cudgen Lake area is RL 3.4m.

A two lane Rural Distributor Road of this nature is designated in Council's policy as a class G road formation which requires a cross section consisting of an 11m wide seal on a 13m wide formation.

Two upgrading options have been considered:

Option 1 requires the widening and relocation of the road to within the existing road reserve.

Option 2 proposes the widening of the existing road on its current alignment. Currently two small sections of Clothiers Creek Road pavement lie outside the Road Reserve. One section is near the unformed Towners Road (the old Saunders Quarry) and the other section near Kauri Avenue. In some areas the road pavement is within the Cudgen Nature Reserve. In other areas it is within private property owned by Mr Ken Hansen.

As the road passes through SEPP 14 Coastal Wetland No 47 any proposed roadworks have been defined as "Designated Development" under the Environmental Planning and Assessment Act 1979 and as such require the preparation of an Environmental Impact Statement.

Expressions of Interest were obtained from local consultants to prepare an EIS in March 2001. The consultancy was awarded to Jim Glazebrook and Associates.

The consultant contacted the relevant Government agencies to determine the terms of reference for the EIS. The National Parks and Wildlife Service required Flora and Fauna Studies to be undertaken in two separate seasons and that consideration be given to retaining the road on its current alignment. The first investigation confirmed the presence of Threatened Species including the Koala, Planigale and Bush Turkey. The occurrence of Threatened Species triggered a requirement for the preparation of a Species Impact Statement. NPWS officers have advised that a recent study found that 45% of recorded koala roadkills within the shire are recorded on this road.

Survey work for the SIS is now complete. It is expected that both the Draft EIS and SIS will be received by the end of March 2002.

On the 4 December 2001 a letter was sent to the NPWS requesting clarification of the Services' request that the works be limited to the existing disturbed road corridor rather than re-aligned within the designated road reserve. Council's Consultants have advised that this activity was not permissible in a Nature reserve under the NPWS legislation nor was it permissible under the Tweed LEP 2000 8(a) Zoning for National Parks and Nature Reserves.

Reports from Director Engineering Services

A site meeting was held on 12 February 2002 with NPWS to discuss the current issues. Service Officers advised that although roadwork activities are not permissible within a Nature Reserve there may be a possibility of closing part of the reserve by Revocation at Ministerial Level or the possibility of creating an easement for access purposes over those sections of the road within the Nature Reserve. It is estimated that both the revocation of part of the Reserve or the creation of an easement would take up to 12 months to complete. Council awaits further advice from NPWS on this matter.

Neither of these proposals is considered appropriate given the time constraints associated with the opening of the motorway in late 2002.

Mitigation measures to prevent roadkills were discussed. Both Council's Consultant, Mr Peter Parker and NPWS officers agreed that the only suitable mitigation measure for this project was the creation of a low vehicular speed environment. The preferred option to create a 60km/hr zone could be achieved by the installation of traffic calming devices at regular distances similar to those used on the Coast Road. The option of providing Fauna Fences and Fauna Culverts under the road was discounted due to the long length of habitat on both sides of the road with no distinct corridors crossing the road. The issue of culverts being inundated during wet weather was also raised.

Council's Traffic and Transportation Engineer advises that the Local Traffic Committee is unlikely to support the installation of a 60kph zone through a non-built-up area.

Although the widening of the existing road alignment (Option 2) is acknowledged as being the most environmentally acceptable solution by limiting the amount of wetland and vegetation removal, the process of creating a Road Reserve through the Cudgen Nature Reserve could delay construction by up to a year.

Council's Works Unit originally planned to carry out the necessary road modifications prior to the commissioning of the new Pacific Highway, thus limiting the number of motorists inconvenienced during the construction period. Complications due to land tenure, environmental constraints and statutory planning matters mean that this objective is no longer achievable.

Provided that no further obstacles or delays are encountered during the development application process for Option 1 (existing road corridor) it is estimated that a determination could be made by August 2002. As the roadworks construction period is anticipated to take 12 weeks, the earliest completion date would be December 2002. This is recommended.

Reports from Director Engineering Services

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Reports from Director Engineering Services

13. ORIGIN: Director

FILE REF: R1160 Pt6; Clothiers Creek Rd

REPORT TITLE:

Clothiers Creek Road Upgrade Request

SUMMARY OF REPORT:

The Tweed Economic Development Corporation has requested that Councillors give serious consideration to the upgrade of Clothiers Creek Road between the Chinderah to Yelgun Bypass and Murwillumbah.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

Correspondence has been received from the Tweed Economic Development Corporation Ltd requesting that Councillors give serious consideration to the upgrade of Clothiers Creek Road between the Chinderah to Yelgun Bypass and Murwillumbah.

The letter is reproduced below for consideration by Councillors:-



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

5 February 2002

CLOTHIERS CREEK RD

TWEED SHIRE COUNCIL	
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Dear Mike,

Re: Clothiers Creek Road

At the recent meeting of the Board of Directors of the Tweed Economic Development Corporation Ltd (TEDC), it was resolved that I write to you expressing, in the strongest possible terms, the importance of upgrading Clothiers Creek Road between the Chinderah to Yelgun Bypass and Murwillumbah. The TEDC Board requests that Tweed Shire Council give the highest priority to upgrading this road.

With Murwillumbah being the location of the new Tweed Valley Industrial Estate, a good link road to the new Bypass is of very great significance to the economy of Murwillumbah. Such a link road would not only to facilitate the movement of transports in and around the Tweed and the new industrial estate, but is also important for the safety and convenience of the increasing numbers of commuters that are and will travel to and from their homes on the Tweed Coast, Ocean Shores/Brunswick Heads and Tweed Heads/Gold Coast to their work in Murwillumbah.

The huge potential for increased traffic on Clothiers Creek Road and its priority in terms of upgrading need to be addressed as matters of great urgency.

Could you please draw this matter to the attention of the Mayor and Councillors for their urgent and serious consideration.

Yours sincerely,
TWEED ECONOMIC DEVELOPMENT CORPORATION LTD

TOM SENTI
DEPUTY CHAIR and
CHIEF EXECUTIVE OFFICER

Reports from Director Engineering Services

14. ORIGIN: Planning & Design Unit
FILE REF: Govt Grant - Roads Safety Project

REPORT TITLE:

Drive to Suit Conditions on Local Rural Roads - Road Safety Grant

SUMMARY OF REPORT:

Tweed Shire Council, on behalf of several other Councils in the Northern Region of NSW, applied and was successful in obtaining a road safety grant of \$20,900 from the Institute of Public Works Engineering Australia/Roads and Traffic Authority Local Government Road Safety Project Grants program.

This project aims to clarify the issue of what is a safe speed to be travelling at when driving on local rural roads. The intention is to develop an advertising campaign using television, radio, posters and print media to increase the drivers' knowledge of speed limits, their determination and relevance to the road environment.

The campaign will target local drivers travelling on local roads.

The project objectives of the campaign are to;

- Promote the designation of the General Rural Speed Limit (GRSL) being 100kph
- Promote the concept that a speed limit is the maximum speed under good conditions,
- Promote the message "A Speed Limit is NOT a target"
- Promote the message that the speed limit is not always the most suitable or safest speed, and
- Promote the rural road environment factors that require drivers to reduce their speed, including:-
 - Narrow roads
 - School bus routes
 - Wet weather
 - Windy roads
 - Gravel roads
 - Stock on roads
 - Slower vehicles

The campaign will be commencing in April 2002.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

Tweed Shire Council on behalf of other Councils in the State's Northern Region was successful in obtaining funds under the Institute of Public Works Engineering Australia/Roads and Traffic Authority Local Government Road Safety Project Grants program.

Road Safety Officers from Ballina, Lismore, Tamworth, Coffs Harbour and Moree/Yallaroi will be supporting the campaign.

The total grant, funded by the Motor Accident Authority, is for \$20,900 and will focus on the communication of cues, which suggest appropriate travel speeds in local rural road environments.

This project aims to clarify the issue of what is a safe speed to be travelling at when driving on local rural roads. The intention is to develop an advertising campaign using Television, radio, posters and print media to increase the drivers' knowledge of speed limits, their determination and relevance to the road environment.

The campaign will be targeted at local drivers, in particular males who are likely to travel on rural roads. This was deemed through an analysis of the crash data in the Tweed Shire for roads designated over 80km/h, excluding the Pacific Highway and Coast Roads.

Tweed Shire Crashes
Roads >80km/h
Excluding Pacific Hwy and Coast Rd

Year		2000	1999	1998		
			%			Avg
	No. of crashes	131	151	146		143
Driver Sex	Male	92 70%	91 60%	90 62%		64%
	Female	18	57	51		
	Median age Male driver	31	33	33		32
	No. crashes wet road	69 53%	90 60%	72 49%		54%
	No. crashes dry road	61	54	74		
	No. crashes sealed road	123 94%	133 88%	135 92%		91%
	No. crashes unsealed	8	11	11		
Day of week	Sun	26 20%	25 17%	19 13%		16%
	Mon	23 18%	15 10%	21 14%		14%
	Tue	10 8%	24 16%	16 11%		11%
	Wed	16 12%	19 13%	20 14%		13%
	Thur	11 8%	19 13%	19 13%		11%
	Fri	25 19%	20 13%	24 16%		16%
	Sat	13 10%	22 15%	27 18%		14%

Reports from Director Engineering Services

The data indicates that motorists involved in crashes on roads designated over 80km/h are primarily male, 64% and that their median age is 32 years. There does not seem to be significant correlation between crashes and the day of the week, indicating that tourists or day-trippers, assumed to be more active on the weekend, are not a primary audience for the campaign.

The project objectives are to:-

- Promote the designation of the General Rural Speed Limit (GRSL) being 100kph
- Promote the concept that a speed limit is the maximum speed under good conditions,
- Promote the message “A Speed Limit is NOT a target”
- Promote the message that the speed limit is not always the most suitable or safest speed.
- Promote the rural road environment factors that require drivers to reduce their speed, including:-
 - Narrow roads
 - School bus routes
 - Wet weather
 - Windy roads
 - Gravel roads
 - Stock on roads
 - Slower vehicles

Many rural roads are not traversable at 100km/h at all times and drivers must drive to suit the conditions prevailing. The RTA is reticent to reduce the overall speed limit on these roads as there are some lengths where 100km/h is achievable and yet others where a reduced speed limit of say 80km/h is too fast. Therefore, the recommendation to Councils is that a derestriction sign be placed on these roads, or that no zoning is applied.

Councils receive requests from rural residents to reduce the speed limit on particular rural roads. The residents are concerned about the speed that drivers are traveling and will claim that it is not safe to travel at 100km/h, which in most cases is true. However, Council does not have the funds or resources to survey then sign post all local rural roads within their shire. As a result the General Rural Speed Limit applies on most local rural roads either by default or designation by derestriction sign.

Until the late 1980s the speed derestriction sign was used throughout Australia to indicate entry onto a stretch of road, which the General Rural Speed Limit (GRSL) applied. In NSW the GRSL is 100km/h but in other states this varies. It was found in studies that there was poor understanding of what the derestriction sign meant. A survey conducted by Tweed Shire Council confirms that up to 50% of the driving population thinks that there is no upper speed limit applying as its name “derestriction” might suggest.

The derestriction sign is still in place on rural roads in the Northern Region and its use is still recommended where the road is considered sub-standard. However, the RTA has recently developed speed-zoning principles that may recommend the removal of the derestriction sign in NSW. A replacement sign at this stage has not been decided.

Reports from Director Engineering Services

It was thought that the use of 100km/h sign would provide a more specific indication of what the general rural speed limit was. However, this sign posting has caused confusion because it is being used in two disparate road environments:-

1. To indicate the start of speed-zoning on a section of road on which the appropriate speed is 100km/h and has been determined by a survey of the road
2. To indicate the entry to a section of road where the road has not been surveyed and the General Rural Speed Limit applies. This road is not safe to be travelled on at 100km/h at all times.

Currently in the Northern region the General Rural Speed Limit is posted in the following ways:-

- Derestriction sign at the end of a speed zone (as per Technical direction 99/29),
- 100 km/h speed limit at the end of a speed zone, or
- No Speed Limit signs in place.

It is evident that there is confusion amongst drivers & residents about the General Rural Speed Limit and appropriate speeds on posted and unposted local rural roads.

It is agreed by road safety practitioners that speeding is a major contributing factor to road trauma. This is both driving over the speed limit and driving too fast for the prevailing conditions. However, educational campaigns tend to focus only on the "over the speed limit" issue and enforcement is only carried out on that basis.

In the Tweed Shire in 1999, 47% of crashes occurred on roads signposted over 60km/h. Thirty-four percent of all crashes involved speeding as a contributing factor.

The estimated starting date for development of the campaign is February 2002 with the campaign being run in April-May and a final report developed in June. Council's Contribution to the campaign will be through the Road Safety Officer coordinating and directing the development of resources.

Reports from Director Environment & Community Services

15. ORIGIN: Environment & Health Services Unit

FILE REF: Drug Related Matters; Tweed Link

REPORT TITLE:

Return Unwanted Medicines (RUM) Project

SUMMARY OF REPORT:

The Return Unwanted Medicines (RUM) project provides the means by which consumers can safely dispose of their unwanted and out of date medicines via a free service offered by chemist pharmacies across NSW. They seek Council support in raising consumer awareness about this service.

RECOMMENDATION:

That Council provides its support to raising consumer awareness about the Return Unwanted Medicines (RUM) project in appropriate ways.

Reports from Director Environment & Community Services

REPORT:

The following letter has been received by Council:-



**The National Return & Disposal
of Unwanted Medicines Limited**
ASN 79 082 171 663

Clr Warren Polglase
Mayor
Tweed Heads Council

Fax: 02 6672 8029

Tuesday 15 January, 2002

Dear Mayor,

I write seeking your assistance with raising consumer awareness about an important community project operating in your area - the Return Unwanted Medicines (RUM) Project.

The RUM Project aims to minimise the health and environment risks associated with inappropriate "storage" and disposal of out-of-date or unwanted medicines, by consumers.

Such medicines are often stored in household cupboards, creating dangerous enticements for children, and often lead to medication confusion for older consumers. They are also potentially damaging to the environment with over 200 tonnes of unwanted pharmaceuticals disposed of in the ordinary rubbish, down the toilet, or down the sink every year.

The RUM Project provides the means by which consumers can safely dispose of their unwanted and out-of-date medicines. It is a free community service, offered by every pharmacy in New South Wales.

The RUM Project has supplied every pharmacy in New South Wales with secure containers for collection of these medicines. Pharmacy wholesalers collect the full containers from pharmacies. Professional waste contractors then dispose of the medicines via EPA approved incineration.

Funding provided by the New South Wales Government means that we are now able to extensively promote the benefits of the RUM Project to consumers in New South Wales. We seek your help to encourage residents in your area to use the program.

Enclosed is an editorial about the RUM Project, together with a fact sheet, which you may care to use as part of your "Mayoral column" or in any other media opportunity. We would be happy to assist you in organising photo opportunities involving yourself with a local pharmacist.

We are also currently developing brochures to engage public interest, and encourage consumer participation. It would be appreciated if we could discuss the possibility of including our brochures in any letters you may send to your ratepayers. These brochures will also be provided to pharmacies, doctors' surgeries, community centres, community groups, and health, waste and community workers.

There may be other ways in which you could help the RUM Project meet its objectives - protecting the public from harm caused by the inappropriate storage of unwanted and out-of-date medicines, and the environment from the improper disposal of these medicines.

Emma Cullen-Ward or Kate Breeze, who are assisting us with the consumer awareness campaign will contact your media liaison officer in the next few days, to discuss how your Council may be able to help to make the RUM Project a success in your area. If you would like more information about the program, please do not hesitate to contact me at sappel@ozemail.com.au.

Yours sincerely,

Simon Appel
Rum Project Director

The Return Unwanted Medicines (RUM) Project
500 Churchill Road, Kilburn South Australia 5084 • PO Box 500 Kilburn North, South Australia 5084
Telephone 1300 650 835 Facsimile (08) 8359 8064

Reports from Director Environment & Community Services

Included with the letter was a Fact Sheet and Frequently Asked Questions Sheet which form attachments to the business paper.

It is considered that this project should be supported by Council with articles in the Tweed Link, distribution of brochures and display of posters in Council buildings etc.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

16. ORIGIN: Environment & Health Services Unit

FILE REF: Surf Lifesaving; Agreements; Beaches - Use Of

REPORT TITLE:

Agreement for Surf Life Saving Services

SUMMARY OF REPORT:

A quotation for the provision of beach life saving services over the 2002 Easter period has been received from Surf Life Saving Services Pty Ltd.

Two options have been provided as follows:

1. Patrol of six beaches over the Easter school holiday period at a cost of \$20,375, or
2. Patrol of three beaches over the four day Easter 'break' at a cost of \$7,140.

A sum of \$19,000 has been provided in the current budget for life saving services over Easter.

Council has not provided surf patrol services in past years over the Easter period. The three beaches where surf club beaches exist, being Cabarita, Fingal and Kingscliff, will be patrolled over the 4 day Easter period regardless of whether Council pursues additional services.

RECOMMENDATION:

That :-

1. The provision of beach life saving services to the three non-surf club beaches over the four day 2002 Easter holiday period be approved at the contract price of \$7,140
2. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

A quotation for the provision of beach life saving services over the 2002 Easter period has been received from Surf Life Saving Services Pty Ltd. This organisation has satisfactorily provided life saving services over the Christmas period in past years.

The six beaches in question are Fingal, Cabarita, Kingscliff, Duranbah, Pottsville and Hastings Point.

It should be noted that the two week April school holidays do not coincide with the four day Easter holiday period. The school holidays fall between 13 April and 28 April 2002. The four day Easter period falls between 29 March and 1 April.

Two options have been costed as follows:

1. Patrol of six beaches over the school holiday period (13 April to 28 April 2002) at a cost of \$20,375.

In this case those beaches with surf clubs would still be patrolled over the actual four day Easter break.

2. Patrol of the three non-surf club beaches over the four day Easter 'break' (29 March to 1 April) at a cost of \$7,140.

Council has not provided surf patrol services in past years over the Easter period, and is under no obligation to do so this year. The three beaches where surf club beaches exist, being Cabarita, Fingal and Kingscliff, will be patrolled over the 4 day Easter period regardless of whether Council pursues additional services.

A sum of \$19,000 has been provided in the current budget for life saving services over Easter. This figure was derived from an estimate of costs for Easter patrols provided to Council last year bearing in mind a combined Easter / school holiday period in that year.

The Christmas contract cost \$50,114.05, which exceeds the allocated budget estimate of \$48,200 by \$1,914.05.

Officers recommend that Council enters into an agreement in accordance with option 2 above. This would result in surf patrols at the six beaches over the critical four day Easter holiday. This option is within the allocated budget and is an improved service from that provided in previous years.

Reports from Director Environment & Community Services

17. ORIGIN: Environment & Health Services Unit

FILE REF: Genetically Modified Organisms

REPORT TITLE:

Gene Technology Act 2000 - Local Government Implications

SUMMARY OF REPORT:

The above Act and associated legislation will provide Council with an opportunity to provide input into an intentional release of a Genetically Modified Organisms (GMOs) into the environment of the Council area.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

The office of the Gene Technology Regulator has written to Council to advise of the implications of the Gene Technology Act 2000 for Local Government. The advise is set out below:



Office of the Gene Technology Regulator
THERAPEUTIC GOODS ADMINISTRATION
PO Box 100 Woden ACT 2606 Tel 1800 181 030 Fax 02 8271 4202

TWEED SHIRE COUNCIL
 FILE No: AGRICULTURE
 DOCUMENT No: [] [] [] []
 REC'D 16 JAN 2002
 ASSIGNED TO: [] [] [] []
 HARD COPY IMAGE

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

Dear Dr Griffin

IMPLICATIONS FOR LOCAL GOVERNMENTS OF COMMENCEMENT OF THE GENE TECHNOLOGY ACT 2000 AND ASSOCIATED LEGISLATION

I am writing to provide you with advice on the implications for local governments of the coming into force of the new regulatory system for genetically modified organisms (GMOs).

The new regulatory system for GMOs

Australia's new regulatory system for GMOs commenced operation on 21 June 2001. The new system consists of the following Commonwealth legislation:

- The Gene Technology Act 2000;
- The Gene Technology (Consequential Amendments) Act 2000;
- The Gene Technology (Licence Charges) Act 2000 ; and
- The Gene Technology Regulations 2001.

The system does six key things. It:

1. Prohibits persons from dealing with GMOs (eg. research, manufacture, production, propagation and import) unless the dealing is authorised in accordance with the Gene Technology Act 2000. For example, all dealings which involve the intentional release of a GMO into the environment must be licensed;
2. establishes a process for assessing the risks to human health and the environment associated with dealings with GMOs, including opportunities for extensive public input;
3. establishes a statutory officer, the Gene Technology Regulator (the Regulator), to administer the legislation and make decisions under the legislation (including the issuing of licences);
4. establishes a scientific advisory committee, an ethics committee and a community consultative committee to provide advice to the Regulator;
5. provides for monitoring and enforcement of compliance with the legislation; and
6. creates a centralised, publicly available database of all GMOs and genetically modified (GM) products approved in Australia (the Record of GMO and GM Product Dealings).

The Commonwealth legislation is to be complemented by legislation in all State and Territory jurisdictions, in order to ensure a truly national system.

Reports from Director Environment & Community Services

How can you input into applications for the intentional release of a GMO into the environment?

All dealings that involve the intentional release of a GMO into the environment (DIR) must be licensed by the Regulator under the *Gene Technology Act 2000*. The DIR category covers work ranging from limited releases (field trials) at the initial stages of research and development through to commercial release of GMOs. The initial limited releases are carried out in the open environment on a restricted scale and for a specified period, under conditions that minimise the potential for spread of the GMO. They are conducted in order to obtain information on the performance of a GMO, its interaction with the environment, and an increased understanding of appropriate risk management strategies. As more knowledge is gained about the potential risks, releases may or may not be approved with less stringent conditions. Commercial releases allow for the sale and general distribution and use of a GMO, however regional and other licence restrictions can still be placed on the release.

During the development of the new regulatory system, a number of local government representatives expressed a particular interest in knowing of, and inputting into, the consideration of DIR applications which involve their local government area. The *Gene Technology Act 2000* was drafted with this in mind.

Input process for licence applications for dealings involving your local government area

For all DIR applications, affected local councils will be given the opportunity to provide input in two rounds of consultation.

In preparing a risk assessment and risk management plan, the Regulator must initially seek the advice of key stakeholders, including all local councils that the Regulator considers appropriate. This will include all local councils where it is being proposed that the release take place. These local councils will be contacted directly by the Regulator and provided with a copy of the application under consideration. Councils will be given a minimum of 30 days in which to provide initial advice to the Regulator on the application. Councils will also be asked to indicate whether they would like to participate in a teleconference with officers from the Office of the Gene Technology Regulator (OGTR) in order to discuss, or ask questions about, the licence application.

Following this first round of consultation, the Regulator will prepare a risk assessment and risk management plan for the application. The *Gene Technology Act 2000* then requires the Regulator to consult with appropriate local councils in order to finalise this document. Again, councils will be given a minimum of 30 days in which to provide advice/comment to the Regulator. This advice/comment must be taken into account in the Regulator's final decision in relation to whether to issue the licence and if so, what conditions will be imposed.

The Regulator will not issue a licence for a DIR unless satisfied, after preparing a risk assessment and risk management plan for the proposed dealing, that any risks posed by the dealing to either the environment or to public health and safety can be managed. Local councils consulted in relation to an application for the intentional release of a GMO into the environment will be informed of the final decision of the Regulator, including whether a licence was issued and any conditions that were placed on the licence.

Reports from Director Environment & Community Services

Input process for licence applications for dealings in other local government areas

The level of consultation with key stakeholders and the general public in relation to an application for the intentional release of a GMO into the environment is determined by the level of risk represented by the proposed dealing. There is always one round of consultation on the risk assessment and risk management plan. Where the proposed dealing may pose significant risks to the health and safety of people or to the environment, there is also consultation on the preparation of the risk assessment and risk management plan.

So even where the application is for a dealing in another local government area in Australia, you will still have the opportunity to have input into the risk assessment process, along with other interested organisations, expert advisers and members of the public.

Details of the consultation process in relation to each licence application will be advertised in:

- The *Commonwealth Government Notices Gazette*;
- *The Weekend Australian* newspaper;
- Local print media (relevant to the proposed release site); and
- The OGTR's website.

In addition, persons and organisations can be included on the OGTR's Client Register and receive automatic notification of each new DIR application received by the Regulator. If you would like to be included on the Client Register in order keep up to date with, and input into, developments in this area, or would like to ensure that you are still on this list, please feel free to contact the OGTR.

Location of field trials

The location of all approved GMO field trials in Australia will be listed on the OGTR's website as part of the Record of GMO and GM Product Dealings prescribed under the *Gene Technology Act 2000*. This will include maps and GPS coordinates (where available), but will not include information declared by the Regulator to be confidential commercial information. These sites will be monitored on a regular basis by inspectors under the *Gene Technology Act 2000*. Any other queries relating to field trial locations should be directed to the OGTR.

'GM-free zones'

The issue of 'GM-free' zones was also one that attracted a lot of comment from local government representatives during the development of the new regulatory system for GMOs. The *Gene Technology Act 2000* contains a mechanism for requiring the Regulator to observe areas designated in State and Territory legislation to be for the purpose of preserving the identity of non-GM (or GM) crops for marketing purposes. The responsibility for declaring areas to be 'GM-free' rests with State and Territory governments.

Reports from Director Environment & Community Services

I hope this helps explain more about the *Gene Technology Act 2000*, and I look forward to a close and open working relationship with local governments under this new system. Please feel free to contact my Office should you require any further explanatory material. The OGTR's website contains a range of information about the new regulatory system for GMOs, and the contact details are as follows:

Freecall: 1800 181 030
Fax: 02 6271 4202
Email: ogtr@health.gov.au
Website: www.ogtr.gov.au

Yours sincerely



(Dr) Sue D Meek
Gene Technology Regulator

9 January 2002

As can be seen from the above advise Council will have an opportunity to provide input in any proposed intentional release of a GMO into the environment in its locality.



Dr J Griffin
General Manager

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Notes of the Community Advisory Committee Meeting held Thursday 17 January 2002

GC7/6 Pt3

VENUE:

Tweed Civic Centre Auditorium

TIME:

9.30am.

PRESENT:

Robin Spragg, Roberto Kench, Maggie Groff, Sharen Smith (minute taker)

APOLOGIES:

Sharyn Angle.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the minutes of the Community Advisory Committee meeting held September 2001 could not be confirmed as an accurate record of the proceedings of that meeting because there was no one present who had attended that meeting.

Amendment: Sharen noted that the date on the minutes of the ATSI Community Worker Working Group of 9 January should be 2002 not 2001.

GENERAL BUSINESS:

1. ATSI Community Worker Working Group

Minutes from the Working Group were tabled. The Group has undertaken a number of initiatives including sending a delegation to see Cr Warren Polglase and Geoff Edwards, Manager of Environment & Health Services. They are also planning 2 Days' of workshops for 13 & 14 February, 2002. The group have also recommended to Council that the ATSI Issues Paper be adopted by Council as an official policy document to guide strategies and council planning.

Reports from Committees/Working Groups

2. Community Advisory Committee

The group discussed the viability of the continuation of the CAC. Of a mailing list of 64 it was noted that only two attended the meeting in November and there were only four today – all council staff. Apologies were minimal. It was noted that CAC was reviewed at the end of 2000 because of a lack of attendance. It continued during 2001 as a forum to discuss the CDP Issues Papers. Whilst this proved successful it was noted that there was no plan to do the same this year.

Other interagancies – TIG, Aged, Disability, Aboriginal and other working groups seem to be filling the consultative role that CAC was originally set up to do.

RECOMMENDATION:

That the Community Advisory Committee be wound up and letters be sent out to organizations on the mailing list informing them of such.

RECOMMENDATION:

That consideration and direction be given to the status and operation of current working groups of the CAC, ie, the ATSI Community Worker Working Group and the CDP Working Group.

3. Affordable Housing Resources Officer

Roberto Kench has commenced at Council in the above role. Please contact him with any statistics and issues on affordable housing issues. Roberto hopes to have input in the LEP.

NEXT MEETING: TO BE ADVISED

The meeting closed at 10.20

Director's Comments:

It appears that there is going to be an ongoing difficulty in getting a quorum for this meeting.

DIRECTOR'S RECOMMENDATIONS:

2. Community Advisory Committee

GC7/6 Pt3

Committee Recommendation:

That the Community Advisory Committee be wound up and letters be sent out to organizations on the mailing list informing them of such.

Reports from Committees/Working Groups

Director's Recommendation:

That Council adopts the Committee's recommendation

RECOMMENDATION:

That consideration and direction be given to the status and operation of current working groups of the CAC, ie, the ATSI Community Worker Working Group and the CDP Working Group.

Director's Recommendation:

That Council the Committee's recommendation be referred to the Director Environment and Community Services for consideration with relevant staff.

Reports from Committees/Working Groups

MINUTES RESUBMITTED FROM MEETING HELD 23 JANUARY 2002

PLEASE NOTE THE EMT COMMENTS REGARDING ITEM 2 OF THESE MINUTES AT THE END

3. Minutes of the Tweed Coastline Management Plan Steering Committee Meeting held 19 December 2001

File No: Coastline Management Steering Committee

VENUE:

Oxley Meeting Room

TIME:

2:00pm

PRESENT:

Cr Henry James (Chair), Cr Wendy Marshall, Cr Max Boyd, Cr Bronwynne Luff, Richard Hagley (DL&WC), Mr John Henley, Ms Jane Lofthouse, Mr Mike Rayner, Mr Don Buckley (Tweed Shire Council).

APOLOGIES:

Mr David Broyd (Tweed Shire Council)

MINUTES OF PREVIOUS MEETING:

Moved: Cr Max Boyd

Seconded: Mr John Henley

RESOLVED that the Minutes of the meeting held be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Nil

GENERAL BUSINESS:

1. Kingscliff - Interim Study Progress

Management Plan/Coastal Management

A draft plan is expected at the start of January 2002. It will address management options and associated costs, is a desktop study using the consultant's experience. The document will be viewed as an interim study with interim management options. It will then be built on in the Tweed Coastline Management Study and Management Plan.

Richard Hagley noted that any options must be in accordance with the NSW Coastal Policy, 1997.

Reports from Committees/Working Groups

2. Coastal Management Plan

Management Plan/Coastal Management

Richard Hagley outlined the coastline management process to produce a Tweed Coastline Management Study and Plan. Following is a summary of that outline:-

Tweed Shire Coastline Management Plan.

Coastline Management Study and Management Plan - Outline

1. Coastline Management Study

1.1 Assessment of Coastline Values

- **Land Tenure, Land Use and Management** - National Parks/Nature Reserves, Crown lands, Council lands, and Freehold lands.
- **Aesthetic and Ecological Values**
- **Recreational and Tourism Amenity**
- **Cultural Heritage**
- **Social Values**
- **Economic Values**

1.2 Management Objectives and Strategy Options

- **Define Management Objectives** - embrace the 9 goals of the NSW Coastal Policy (see Attachment A).
- **Identify Management Strategy Options** - to achieve adopted management objectives.
- **Assessment of Management Strategy Options** - through multi-criteria decision making covering environmental, economic and social benefits/impacts.

2. Coastline Management Plan

2.1 Draft Plan Report.

- **Documents and ranks preferred management strategies.**
- **Details actions and responsibilities**
- **Emergency Action Plan** - link with local Displan
- **Includes an Implementation Strategy**

2.2 Public Exhibition and Draft Plan Review

2.3 Finalise Plan and Adopt

3. Implementation

4. Monitor and Review

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Attachment A

NSW Coastal Policy 1997 - Goals

1. To protect, rehabilitate and improve the natural environment.
2. To recognise and accommodate natural processes and climate change.
3. To protect and enhance the aesthetic qualities of the coastal zone.
4. To protect and conserve cultural heritage.
5. To promote ecologically sustainable development and use of resources.
6. To provide for ecologically sustainable human settlement.
7. To provide for appropriate public access and use.
8. To provide information to enable effective management.
9. To provide for integrated planning and management.

Richard Hagley noted that the emergency action plan mentioned above addresses emergency actions regarding potential loss of life and will be incorporated into the SES Displan.

Byron Shire is currently at the initial stage of their Coastline Management Study. Based on the costing of this plan it is estimated that the management strategy and management plan for Tweed Shire would cost in the vicinity of \$200,000. The Department of Land & Water Conservation advise that a 50% subsidy is available. It is anticipated that this would be allocated over two financial years.

RECOMMENDATION:

That Council:-

1. Proceeds with the development of a Tweed Coastline Management Study and Coastline Management Plan in accordance with the NSW Government Coastline Management Manual.
2. Provides \$25,000 in the 2001/2002 budget review and up to \$75,000 in the 2002/2003 budget as 50% of the estimated cost of the Tweed Coastline Management Study and Coastline Management Plan.
3. Makes application for up to \$100,000 to the Department of Land & Water Conservation for 50% funding of the Tweed Coastline Management Study and Coastline Management Plan.
4. Proceeds with preparing a brief and call tenders for development of the Tweed Coastline Management Study and Coastline Management Plan.

Reports from Committees/Working Groups

3. Cabarita Surf Life Saving Club

Surf Life Saving – Cabarita Precinct Plan

Mike Rayner noted that the review of the location for the Cabarita Surf Club identified only one site and therefore site assessment of alternatives is no longer applicable.

4. Community Briefings

Coastal Management

No response has been received following advertisement of the availability of consultants WMB Oceanics to address focus or community groups regarding the Tweed Coastline Hazard Definition Study.

NEXT MEETING:

The next meeting of Tweed Coastline Management Plan Steering Committee will be held Wednesday 6 February at 2:00pm.

The meeting closed at 3:00pm.

Director's Comments:

<i>NIL</i>

DIRECTOR'S RECOMMENDATIONS:

2. Coastal Management Plan

Management Plan/Coastal Management

Committee Recommendation:

That Council:-

1. Proceeds with the development of a Tweed Coastline Management Study and Coastline Management Plan in accordance with the NSW Government Coastline Management Manual.
2. Provides \$25,000 in the 2001/2002 budget review and up to \$75,000 in the 2002/2003 budget as 50% of the estimated cost of the Tweed Coastline Management Study and Coastline Management Plan.
3. Makes application for up to \$100,000 to the Department of Land & Water Conservation for 50% funding of the Tweed Coastline Management Study and Coastline Management Plan.

Reports from Committees/Working Groups

4. Proceeds with preparing a brief and call tenders for development of the Tweed Coastline Management Study and Coastline Management Plan.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

EMT Comments: *\$25,000 will be provided for in the next budget review.*

Reports from Committees/Working Groups

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

2. **Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 29 January 2002**
3. **Minutes of the Companion Animal Committee Meeting held 4 February 2002**
4. **Minutes of the Regional Companion Animal Committee Meeting held 7 February 2002**

Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Rescission - Cr Beck, Cr Marshall and Cr Brinsmead

Tweed Local Environmental Plan 1998

Notice of Rescission; GT1/LEP/A113 Pt6

That Council resolution at Minute No C162 in relation to Item 2a of the Meeting held Wednesday 6 February 2002 being:-

".....that Council authorises the General Manager to proceed with the appointment of a retired judge and that the enquiry be completed as soon as possible and reported to Council."

be rescinded.

2. Notice of Motion - Cr Lawrie

Road Upgrades - Tweed Heads South

Notice of Motion; Leisure Dr; R3035 Pt2

That Council conducts a workshop in the near future on the:-

1. Four-laneing of Leisure Driver, Banora Point;
 2. Impact of that on the intersection of Machinery Drive and Minjungbal Drive with the combined impact of further residential traffic from the Shallow Bay residential area;
 3. Upgrading of Fraser Drive;
 4. Connecting of the two halves of Kirkwood Road, either by way of an overpass or tunnel;
 5. Role, perceived and legal, of the Roads and Traffic Authority (RTA) in Council's traffic decision-making; and
 6. Continued expansion of Flame Tree Park, with added traffic from Tweed Heights, Vintage Lakes Estate, Banora Heights, Terranora and Area E.
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Orders of the Day

3. Notice of Motion - Cr Beck

Council Telephone System

Notice of Motion; Office Equipment - Telephones

That the new telephone system be looked into as it is not giving the equivalent service that ratepayers previously were accustomed to receiving.

4. Notice of Motion - Cr Beck

Australia Day Public Holiday

Notice of Motion; Australia Day

That a letter be sent to the Premier and other relevant Ministers to protest at Australia Day not being designated a Public Holiday with the Public Holiday being celebrated 2 days after Australia Day. Many citizens were unable to attend official functions as they were forced to work so were denied the right to celebrate being an Australian Citizen.

5. Notice of Motion - Cr Beck

Council Meetings - Expulsions

Notice of Motion; Council Meetings; Code of Conduct

That Standing Orders be changed to include "that a person who is expelled or removed from a Council Meeting, shall vacate both the Council Chambers and the Tweed Shire Council building".

6. Notice of Motion - Cr Beck

Council Meetings - Security

Notice of Motion; Councillors - General; Council Meetings; Security - Council Bldg

That in the interests of security, no brief case, backpack, placard or other such items that could pose a risk to Councillors, be allowed in the Council Chambers.

Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Dual Occupancy LEP Workshop

Date: 27 February 2002

Time & Duration: 4.00-4.30pm

Organiser: Doug Jardine

Resolved by Council: 23 January 2002

2. State Highway Handover

Date: 27 February 2002

Time & Duration: 4.30-5.30pm

Organiser: Mike Rayner

Resolved by Council: 19 December 2001

3. Draft LEP 2000 Amendment 16 Workshop

Date: 27 February 2002

Time & Duration: 5.30-6.30pm

Organiser: Graham Judge

Resolved by Council: 23 January 2002

Workshops

4. Terranora Lodge Workshop

Date: 27 February 2002

Time & Duration: 7.30-9.30pm

Organiser: David Broyd

Resolved by Council: 23 January 2002
