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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: Part of Council's ongoing Risk Management Policy upgrade.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

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

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

Schedule of Outstanding Resolutions

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon (Ppty No: 1640.430)

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

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

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

5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

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

Current Status: Draft report prepared.

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

Schedule of Outstanding Resolutions

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

3 APRIL 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

GT1/LEP/A113 Pt6; LEP

852

Cr Marshall

Cr Boyd

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

Current Status: Report to be prepared.

19 JUNE 2002

ORDERS OF THE DAY

2. **Complying Development Applications**

Notice of Motion; Building Code; DW678238

1126

Cr Lawrie

Cr Youngblutt

RESOLVED that Council requests staff to:-

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

Current Status: Being investigated.

Schedule of Outstanding Resolutions

21 AUGUST 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

190

Cr Beck

Cr Youngblutt

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

Current Status: A submission has been received and report being prepared.

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

188

Cr Boyd

Cr Marshall

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

Current Status: Awaiting applicant's further submission.

2 OCTOBER 2002

QUESTION TIME

Tweed Heritage Caravan Park

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

Cr Beck

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

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

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

16 OCTOBER 2002

ORDERS OF THE DAY

- 1. Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701
LEP; 1180.9000; 1190.1258; 1190.1237; Notice of Motion**

393

Cr Beck

Cr Lawrie

RESOLVED that a report to Council on the zoning options for Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 be prepared.

Current Status: To be finalised

- 2. Tweed Local Environmental Plan 2000**

LEP; Notice of Motion

394

Cr Polglase

Cr Youngblutt

RESOLVED that Council asks the Director Development Services to submit a report to the Council meeting on 6 November 2002 addressing means of amending Tweed Local Environmental Plan 2000 including to enable applications for dwelling houses that are currently prohibited in certain zones to be open to include submissions under SEPP1 when justification exists e.g. public benefit or re-subdivision in rural areas creating no net additional dwelling entitlements.

Current Status: Report being prepared

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Ray White – Tweed Heads

Councillors' Invitations

18 October – attended opening of Ray White Office in Wharf Street Tweed Heads

2. Fulton Trotter & Partners

Councillors' Invitations

18 October attended 20 Year Celebration Fulton Trotter & Partners held at SCU Campus Tweed Heads

3. Tweed Theatre Company

Councillors' Invitations

18 October attended and briefly appeared in the Tweed Theatre Company production of "Outback Debutantes Ball" at Tweed Heads Civic Centre

4. Murwillumbah Hospital

Councillors' Invitations

19 October attended Murwillumbah Hospital Fete

5. Chillingham "Bean Tree Walk"

Councillors' Invitations

19 October – attended the opening by Larry Anthony of the Chillingham "Bean Tree Walk" a joint initiative of the Black Spot Unit, Roads Programmes Branch, Transport Programmes Division, Department of Transport and Regional Services, Canberra and the Chillingham Community Association Inc.

6. Casuarina Beach

Councillors' Invitations

19 October – attended a Cocktail party at Casuarina Beach when a cheque for \$30,000 was presented to the NSW Surf Life Saving Association.

Mayoral Minute

7. Casuarina Beach

Councillors' Invitations

20 October – attended Casuarina Beach surf Classic and presented awards to winners of various events.

8. Tweed Coast Business Corp

Councillors' Invitations

22 October – attended a public meeting at Kingscliff to discuss Tweed Coast Strategy

Tweed Coastline Management Study

Councillors' Invitations

23 October – attended Tweed coastline management study & management plan-values workshop

9. Water Week Plumbers Information Night

Councillors' Invitations

23 October – attended Plumbers Information Night at Club Banora

10. Home Based Business Breakfast

Councillors' Invitations

24 October – attended Home Based Business Breakfast at South Tweed Heads

11. TEDC

Councillors' Invitations

25 October – attended TEDC meeting at Murwillumbah

12. Cooloon Children's Centre

Councillors' Invitations

26 October – attended Cooloon Children's Centre Kids Fest at Tweed Heads

13. Tweed Coast community Baptist Church

Councillors' Invitations

24 October – attended the Tweed Coast Community Baptist Church dinner

Mayoral Minute

14. National Australia Day Walk

Councillors' Invitations

27 October – participated in the National Australia Day Walk at Kingscliff

15. Honda Indy

Councillors' Invitations

27 October – attended the Honda Indy Races at Surfers Paradise as guest of the Gold Coast Bulletin

16. Australian Airlines – Asia to Gold Coast Flight

Councillors' Invitations

28 October – attended the Launch and Welcome of the inaugural Australian Airlines Asia to Gold Coast flight

17. Volunteering Tweed

Councillors' Invitations

28 October – attended First Birthday Celebrations of Volunteering Tweed held at the Murwilumbah Rowing Club

18. Public Meeting – Boat Ramps

Councillors' Invitations

31 October – attended Public Meeting to discuss policy on boat ramps held at Tweed Heads Civic Centre

19. Citizenship Ceremony

GC6/5 Pt. 5

1 November – conducted private citizenship ceremony at Murwillumbah for Ms Vicki McBride

20. Uniting Church

Councillors' Invitations

1 November – attended induction of Rev. Ruth Hannah Elizabeth Harding at Uniting Church Coolangatta

Mayoral Minute

21. Meet with Federal Government Ministers

Councillors' Invitations

4 November – met with John Brogden & George Souris for morning tea at THCC

22. Alan Border Walk – Trek for Kids

Councillors' Invitations

4 November – with Deputy Mayor, Cr. George Davidson greeted Alan Border at Chris Cunningham Park on his trek to raise funds for children's charities.

23. Coast to Coast Conference

Councillors' Invitations

4 November – opened the National Coast to Coast Conference at Twin Towns

24. Melbourne Cup Day

Councillors' Invitations

5 November – attended Melbourne Cup day at Murwillumbah Race Course as guest of the Daily News

INVITATIONS ACCEPTED

- **7 November** - Coast to Coast Conference Dinner
 - **8 November** - TEDC AGM
 - **9 November** – Open Education Centre (Harmony Church)
 - **11 November** - lay wreath at Murwillumbah Remembrance Day Service
 - **12 November** – Taste the Tweed Murwillumbah Civic Centre
 - **13 November** – Unveil sculpture at Casuarina Beach
-

Mayoral Minute

Name	Date	Location	Details
DCS	5- 6 November 2002	Coffs Harbour	LGMA Branch Mtg
DCS	7-8 November 2002	Manly, Sydney	4 th National Investigations Symposium
DCS	11 November 2002	Lismore	LGMA Financial Health check Forum
DCS	12 November 2002	Maclean City Council	Northern Rivers IT Group meeting
DECS	5 November 2002	Brisbane	Art Gallery Meeting
DES	4-8 November 2002	Tweed Heads	Coast to Coast 2002 Conference
DES	8 November 2002	Mooloolaba	AWA 2002 Regional Conference

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

- **Airports & Aviation Outlook 2002** – Adelaide Convention Centre 10 - 14 November
- **NRMA Transport Pricing Conference** – Park Royal Hotel Parramatta 12 November
- **Office of Western Sydney “Moving Towards The Knowledge Economy Conference (Shaping Australia’s Future)** Novotel, Sydney Olympic Park 11-12 November
- **National Regional Population Summit** – Albury Convention Centre 21-22 November.

Mayoral Minute

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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

2. ORIGIN: Strategic Town Planning Unit

FILE REF: State Environmental Planning Policy – SEPP; Coastal Management;
Beaches – Use of; Pollution - Water

REPORT TITLE:

State Environmental Planning Policy (SEPP) 71 - Coastal Protection

SUMMARY OF REPORT:

The State Government has gazetted SEPP 71 – Coastal Protection, which came into effect on 1 November 2002. A copy of the Policy and accompanying press release is attached to this Agenda. This report highlights the key implications for Council.

The essential intent of the Policy is to recognise the social, economic and environmental values of the coast; and establish principles for the effective planning of the coast, which includes both the development assessment and LEP amendment processes.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

The State Government has gazetted SEPP 71 – Coastal Protection, which came into effect on 1 November 2002. A copy of the Policy and accompanying press release is attached to this Agenda. This report highlights the key implications for Council.

The essential intent of the Policy is to recognise the social, economic and environmental values of the coast; and establish principles for the effective planning of the coast, which includes both the development assessment and LEP amendment processes.

The Policy applies to land within the coastal zone, which has previously been defined in the Coastal Protection Act 1979 and approximates to a zone within 1km of the coast and tidal waterways.

Within that defined area the Policy sets out a range of matters for consideration when determining a Development Application or preparing a draft LEP. In particular these include:

- Existing and opportunities for public access along the coastal foreshore;
- Significant overshadowing of coastal foreshore;
- Scenic qualities of the coast;
- Coastal processes and hazards;
- Encourage compact towns;
- Cumulative impacts.

The Policy also defines “significant coastal development” as:

- specified developments, including extractive industry, recreational establishments, marinas, tourist facilities, structures greater than 13m in height, subdivision of land within a residential zone into more than 25 lots;
- Development within a sensitive coastal location, which includes:
 - Coastal lakes – Cudgen Lake and Cobaki - Terranora;
 - Land within 100m of SEPP 14 or SEPP 26 MHWL.
- Development within 100m of MHWL:

A Development Application for those developments must be sent to the Director-General of Planning NSW within 2 days of receipt, and Council must not determine the Application within 28 days from the date the Director-General receives the application or if the Minister gives Council a direction under S88A of the Environmental Planning & Assessment Act.

The Policy requires a Master Plan approved by the Minister for subdivision of residential or rural residential zoned land in a sensitive coastal location, or a subdivision of more than 25 lots of land zoned residential or 5 lots of land zoned rural residential in any other part of the coastal zone. The Minister may waive the need for a Master Plan. The Policy sets out the principles for preparing a Master Plan.

The Policy came into effect on 1 November 2002. All Development Applications lodged before that date are exempted from the Policy. However, it will affect any draft LEP currently being prepared, including Amendment No 8 – Black Rocks, which is the subject of a separate report on this Agenda.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA02/1058 Pt2; 1917.30

REPORT TITLE:

Proposed Junior High School at Lot 1132 DP 842500 Eucalyptus Drive, Banora Point

SUMMARY OF REPORT:

Council has received a development application for a new Junior High School at Banora Point. The school will accommodate 1050 students. The subject site is identified by DCP 3 as a school site. After considering the application pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, the application is recommended for approval. However, consent cannot be granted as the application is a Crown Application until the applicant agrees to the proposed conditions.

RECOMMENDATION:

That

- A. Subject to agreement pursuant to Section 116C of the Environmental Planning and Assessment Act 1979 of all conditions by the applicant, Development Application DA02/1058 for proposed junior high school at Lot 1132 DP 842500 Eucalyptus Drive, Banora Point be approved subject to the following conditions.

GENERAL

1. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
2. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos TDA01, DA2, DA3, DA4, DA5 & DA6 prepared by Department Public Works, except where varied by these conditions.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

PRIOR TO COMMENCEMENT OF WORK

5. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Section 64 Contributions must be paid and a "Certificate of Compliance" signed by an authorised officer of Council prior to the commencement of works.

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

Water: 41 ET @ \$4000 \$164000

Sewer: 41 ET @ \$3275 \$134275

Reports from Director Development Services

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

6. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorized and has passed an RTA approved training course, and submitted to Council for recording, prior to commencement of work. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
7. Any premises proposing to discharge into Council's sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to discharge to Council's sewerage systems.
8. It is advised that the site is outside the 20 ANEF contour however may be affected by aircraft noise and the planning and design of the school should have regard to this.
9. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved prior to commencement of works.
10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
11. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
12. Prior to commencement of any works on the site a plumbing and drainage inspection fee calculated in accordance with Council's fees and charges is to be submitted to Council.
13. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a

Reports from Director Development Services

Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

14. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
15. A cash contribution of \$35000 is required to be paid in accordance with DUAP circular D6 for the inclusion of pedestrian crossing phases to be incorporated with Council's proposed signalised intersection of Leisure Drive and Eucalyptus Drive prior to commencement of works.

DURING CONSTRUCTION

16. A 3 metre reinforced concrete footpath is to be constructed along the entire road frontage of the development (including both Eucalyptus Drive and Leisure Drive), except for the full frontage of the bus bay located in front of the school along Eucalyptus Drive. The reinforced concrete footpath along the entire bus bay frontage is to be 4 metres wide. Unless otherwise indicated on the approved drawings, it shall be constructed to the following standards: The concrete slab shall be 100mm thick N25 mPa with one layer of F72 reinforcing mesh (top cover 30mm). The footpath shall be graded towards the street with a crossfall not exceeding (2.5%). The floor of the prepared construction box shall be not less than 150mm below finished surface level and the sub-base pre-compacted for a minimum depth of 75mm to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1. Not less than 50mm of moist compacted sand shall be placed between the sub-base and the concrete slab. The slab shall be formed in panels not greater than 6.1m x 4m separated by full depth construction joints, such panels to be edged on all sides with a compressive joint filler strip (Jointex, or similar). The surface shall wood float finished with the construction joint edges steel trowelled. The pathway shall be joined smoothly to abut footpaths by gradually easing levels on both sides of the join line if necessary. All existing access points to public utilities shall be adjusted so that access cover plates are flush with the finished surface, and no raised edges shall protrude more than 8mm above finished surface levels within the pedestrian trafficked areas of the path.

A Traffic Safety Plan covering all aspects of the proposed work within the public road reserve shall be submitted to and approved by the Director of Engineering Services prior to commencing work on the footpath. A minimum of twenty four hours notice of intention to place concrete is to be given to the Director of Engineering Services to allow inspection of formwork, bedding and site safety provisions.

17. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

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18. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
19. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
20. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
21. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
23. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

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B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

24. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited unless a condition report of potentially affected premises is undertaken prior to use.
25. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
26. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
27. All necessary precautions shall be taken to minimise impact from dust during earthwork operations from the site and also from construction vehicles.
28. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
29. The burning of builders waste on site by open fire is prohibited.
30. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
31. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
32. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
33. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.
Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.
34. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;

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- b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
35. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
36. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
37. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
38. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
39. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
40. The following roadworks, drainage and associated works shall be carried out to the satisfaction of Director Engineering Services in accordance with engineering plans to be submitted and approved prior to commencement of works. The engineering plans are to comply with the relevant Australian Standards, Austroads and RTA Standards.
- a) Provide 45 carparking spaces at 90 degree angle (front to kerb) along the Eucalyptus frontage of the high school, between the school bus entry and exit driveways.
 - b) Provide 10 parallel spaces along the southern boundary of Leisure Drive (east of Eucalyptus Drive) in the form of signposted kerb side parking.
 - c) Provide 15 parallel carparking spaces along the southern boundary of Leisure Drive(west of Eucalyptus Drive, ie High School frontage)

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- d) At least 10 carparking spaces are to be provided in the indented bay within Eucalyptus Drive adjacent to Centaur Primary School after 3.30pm (excluding the bus zone)
 - e) Construction of a roundabout at the intersection of the entry point to the High School and Eucalyptus Drive in accordance with Austroads Part 6 'Roundabouts'.
 - f) On site formalised carparking with a minimum 100 spaces comprising 75 for staff and 25 for visitors.
 - g) An onsite bus set down/pickup zone to accommodate a peak accumulation of 5 buses is to be provided. Additional " layover" space for up to 3 buses is to be provided within the Primary School bus bay opposite.
 - h) Provide storage facilities for a minimum 50 bicycle spaces.
 - i) Overhead street lighting is to be provided for the on-site carpark in accordance with the relevant Australian Standard.
 - j) The construction of a pedestrian fence is required along the entire property frontage in Leisure Drive. The fence is to be designed so that vehicle/pedestrian access is not obscured at conflict areas.
 - k) The delivery area shown on the undated engineering drawing titled ' Site Plan and Setout' prepared by NSW Department of Public Works and Services is to be moved to avoid conflict with pedestrian pathways. The delivery area is to be separated from the pedestrian pathways. Fencing of the service area is required if vehicles are required to reverse.
 - l) A marked pedestrian crossing is to be provided across the bus setdown area. Sufficient visibility is to be provided for pedestrians is to be included in the design which includes no bus parking 20 metres in advance and 10 metres beyond the crossing. Otherwise kerb blisters with site crossing distance as defined by Austroads Part 13 Guide to Engineering Practice are to be used.
 - m) The parent setdown area is to be located so that pedestrian paths do not conflict with vehicles.
41. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
42. Should any excavation works extend beyond the extent of the existing fill on the site a Acid Sulphate Soils management plan is to be prepared in accordance with guidelines published by the Environmental Protection Authority. Should such a plan be required to be prepared then all works are to be undertaken in accordance with this plan.

USE

43. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
44. A provision is to be made for a 30 minute stagger in the end time of classes for the Centaur Primary School and the proposed Banora Point High School to allow effective and efficient use of short term parking needs generated by parents.

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45. The noise mitigation measured as proposed in Section 7 of the Banora Point High School Noise Impact Assessment RHA Report 10-2425-R1 prepared by Richard Heggie and Associates dated 24 June 2002 are to be implemented to mitigate the levels of offensive noise to neighbouring residential areas.
 46. All external lighting is to be shielded where required so as to prevent the spill of light onto adjoining residential areas.
- B. That Council delegates to the Director of Development Services, authority to negotiate suitable conditions of consent should the applicant not agree to all the above conditions.

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REPORT:

BACKGROUND/PROPOSAL

Council has received a development application from NSW Public Works and Services for the erection of a new Junior High School at Lot 1132 DP 842500 Eucalyptus Drive, Banora Point. The new school will cater for years 7-10 only and accommodate up to 1050 students and approximately 100 staff. The development includes a number of buildings including classrooms, administration buildings, a gymnasium/hall and playing fields.

The subject site is located on the corner of Eucalyptus Drive and Leisure Drive and has an area of approximately 5.84ha. The site is generally cleared of vegetation and has been filled in the past at the time of subdivision.

The subject site is currently surrounded by the following environment:

North – Leisure Drive/Open Space

East – Eucalyptus Drive/Centaur Primary School

South – Residential properties

West – Residential properties

CROWN DEVELOPMENT APPLICATION

The subject application has been lodged by Department of Public Works and Services on behalf of the Department of Education. Pursuant to Section 116C of the Environmental Planning and Assessment Act 1979 the applicant or Minister must agree to the imposition of any conditions of consent prior to Council being able to grant a consent.

A draft set of conditions have been forwarded to Department of Public Works and Services and agreement has been reached on the majority of these conditions.

Conditions which agreement has not been reached are conditions 5, 8, 12, 34, 35, 40a and 40b as contained in the recommendation.

Condition 5 relates to the payment of water and sewer headworks. Council at its meeting of 16 October 2002 resolved they wished to levee these contributions despite the applicant objecting to the payment of the full contribution.

Conditions 12, 34 and 35 relates to the need for Council to approve and inspect plumbing and drainage works. Council is the water authority and has an interest that all work is carried out properly. The Crown has previously agreed to the imposition of these conditions in relation to the Tweed Heads Hospital re-development.

Conditions 40a and 40b related to the provision of carparking spaces. The traffic report submitted in support of the application by DPWS recommended the provision of these parking spaces. There is a potential shortfall in parking due to the proposed school being located adjacent the existing primary school. As the applicants' traffic report identified the need for these spaces it is recommended these conditions remain.

Condition 8 is an advisory condition and is yet to be referred to the applicant for agreement.

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SECTION 79C CONSIDERATIONS

(a) (i) Any environmental planning instrument applying to the land

Tweed Local Environmental Plan 2000 (TLEP 2000)

Under the provisions of TLEP 2000 the subject site is zoned 2(c) Urban Expansion. The primary objective of this zone is as follows: -

- “* to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take.”

The Secondary objectives of this zone are as follows: -

- “* to allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- * to ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- * to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.”

Education Establishments are a permissible use within the 2(c) zone and are consistent with the objectives of the zone detailed above.

Clause 15 – Availability of Essential Services

Council must not consent to the carrying out of any development unless: -

- a. a water supply and facilities for the removal of sewerage and drainage are available for that land; or
- b. arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities.

The subject site is serviced by both water and sewerage and investigation by the Consultants applicants indicate that the existing services are adequate to cater for the proposed development.

Clause 17 – Social Impact Assessment

Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a social impact statement in respect of the proposed development.

The proposed development will provide a net social benefit meeting an identified need for an additional high school within the Banora Point area. Council’s Development Control Plan No. 3 has identified this site as a school site for a number of years. This site has been planned for in the past to cater for future community needs. Therefore it is concluded that the proposed development will not have a significant social or economic impact above that which is already been anticipated and therefore does not warrant the need for the preparation of a social impact statement.

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Clause 32 – Aircraft Noise

The subject site is just outside the 20 ANEF contour. Gold Coast Airport Limited made a submission in relation to the proposal confirming this however recommended that the applicant should be advised that notwithstanding the site being outside this ANEF contour may be affected by aircraft noise and the planning and design of any future buildings should have regard to this. This can form a condition of any consent granted.

Clause 34 – Flooding

The subject site has largely been filled. There are areas, which are below the 1:100 year flood height 2.65m AHD. Clause 34 requires the consent authority prior to granting of consent to consider the following in regards to flood prone land:

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

Current site levels range from 2.18m AHD to 2.97m AHD with the lower areas of the site being located on the northern side. It is proposed to locate the buildings on the southern more elevated area of the site with buildings having a floor level of 2.95m AHD which is 300mm above the 1:100 year flood event. It is considered the flood hazard affecting the site is minimal due to the proposed finished floor levels being above the adopted 1 in 100 year event. The risk of flooding affecting the buildings is minimal. Should the site flood adequate time would be available to evacuate residents in the area and students of the school and therefore not placing significant additional impact on emergency service resources. The proposed development complies with the requirements of Development Control Plan No. 5.

Clause 35- Acid Sulfate Soils

Council's Acid Sulfate Soils planning maps identifies the site as being Class 2 risk. The majority of the site has been filled up to 1m and it is unlikely that acid sulfate soils will be disturbed. As the site has been filled there is no requirement to prepare an acid sulfate soils management plan under Clause 35 unless works extend below the extent of the fill. Final engineering designs for the school have not yet been completed and the applicant is unable to confirm whether works will extend below the extent of the fill. For the purposes of Clause 35 of the TLEP it has been assumed that at this time no works will extend below the extent of the fill however, a condition should be placed on any approval requiring the preparation of an acid sulfate soils management plan in accordance with the Clause 35 should final designs include works below this level.

North Coast Regional Environmental Plan (NCREP)

The proposed development is generally consistent with the NCREP.

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State Environmental Planning Policies (SEPPs)

SEPP55 – Contaminated Lands

The issue of contamination has been satisfactorily addressed and given adequate consideration by the applicant. Bolsters spray is located 190m from the subject site and has been determined not to be an issue with respect to the development.

(a) (ii) Any draft environmental planning instruments applying to the site

There are no draft environmental planning instruments which have been publicly exhibited of direct relevance to this development.

(a) (iii) Any development control plans (DCPs) applying to the subject site

DCP No. 2 – Site Access and Parking Code

DCP No. 2 specifies the following on site minimum parking requirements for High Schools.

- 0.5 spaces per staff
- 1 space per 10 pupils per customers
- 1 space per 100 pupils per deliveries
- 1 bus stop per 30 pupils (bus stops to be off street carriageway)
- 0.8 bicycle parking spaces per child

For a 1050 pupil high school with 100 staff this equates to the following parking requirements:

- 50 staff parking spaces
- 105 customer spaces (taken to be visitors)
- 10 delivery spaces
- 35 bus stops
- 840 parking spaces

The applicant has provided a parking analysis as part of a traffic assessment submitted with the development application. This assessment states as follows:

“The Council’s parking rates for bicycles, visitors, delivery vehicles and bus stops seem extremely high when consideration is given to other local council rates and research conducted by McLaren Traffic Engineering. The bicycle rate and bus stop rate are contradictory, suggesting the very high proportion of students would use both buses and bicycles. Normally the visitor rate is in the range of 0-1 space per 100 students thereby reducing the visitor need from 105 to 11 spaces.

The Department of Education and Training secondary school facility standards specifies on site parking provision for 100 spaces for a 6 stream junior high school (ie. 1050 students and 100 staff).

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Accordingly, the Department rate would be used, as it reflects a reasonable parking provision.

The parking demands associated with staff is expected to equate to 75 spaces, which assumes 90% arrive by car with car occupancy of 1.2 persons. This is a normal and reasonable provision, which takes into account public transport usage, taxi services, drop off/pick up activities and car pooling.

Visitor parking for high schools is typically equivalent to 1 space per 100 students enrolled, which equates to a demand for 11 spaces.

When combined, the staff demand and visitor demand equates to 86 spaces, which is still adequately accommodated with 14 spare spaces under the Department's policy of providing 100 on site spaces.

In relation to Year 12 student parking, it is a policy of the Department of Education not to provide on site parking for these students. The proposal is for a junior High School with no year 11 or 12 students. Hence this aspect is irrelevant, however, bicycle parking for at least 50 bikes should be provided.

Facilities need to be provided to accommodate between 25-55 parent vehicles on the road frontages within reasonable proximity to the school.

It is emphasised that a 30 minute stagger in the end time of classes for the Centaur Primary School and the subject High School is needed to allow effective and efficient use of the short term parking needs generated by parents. If no or insufficient stagger time is provided for the end time of classes, then the combined effects of both schools will give rise to very significant congestion with up to 135 parent vehicles searching for parking spaces, ie. 80 for the primary school and up to 55 for the junior High School.

Hence, at least 80 near by short term spaces are needed to meet the existing demands of the Primary School, and their significantly improved use of bus transport occurs.

A bus set down/pick up area is proposed on site to accommodate up to 5 buses, which satisfies the expected peak accumulation.

The gymnasium, ie. movement complex may give rise to after hours use which can be managed by the combined supply of on site and on street parking spaces.

A delivery/service area and waste collection area are also provided on site. Emergency vehicles access should also be provided from Leisure Drive to the on site sports field.

Accordingly, it is considered that the development should provide on site formal parking for a minimum of 86 spaces comprising 75 for staff and 11 for visitors.

The on site bus facility for Eucalyptus Drive should accommodate at least 5 bus stand spaces. The bus space should be designed to provide a bus set down/pick up area near the main pedestrian gates to the school. The length of the zone should be a minimum of 80m and be 8m wide to permit a passing lane. The bus

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space should operate as a one way north bound traffic system with entry at the southern end and exit at the northern end.

The proposal makes provision for 100 spaces on site, and on site 5 stand bus facility and service areas which exceeds the combined needs of staff, visitors and buses.

On site bicycle parking would be at the discretion of the school Principal, but storage for at least 50 bikes should be provided.”

The above analysis has been reviewed by Council’s Traffic Engineer and no objections in regards to parking has been raised. Any consent should be conditioned requiring the provision of 100 staff and visitor parking spaces, 5 bus bays and 50 bicycle spaces in accordance with the report submitted.

DCP3 – Banora Point West/Tweed Heads South

This Plan sets out the general land use for this area and identifies sites for education institutions. Section 3.5 states that two areas have been set aside in Precinct No. 5 for a Roman Catholic School and a State Primary and Secondary School. The subject site is consistent with this Plan.

(a) (iv) Any prescribed matters

The subject site is affected by the NSW Coastal Policy. The proposed development is not inconsistent with this Policy.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Access and Traffic

The applicant has submitted a traffic impact assessment for the subject application. The application and the assessment was referred to Council’s Traffic Engineer for comment. The following comments were provided.

“I have reviewed the traffic impact assessment for the above project and generally agree with the conclusions.

The assessment notes on page 4 that as a direct result of the school, existing school crossing on Leisure Drive needs to be signalised. This is correct and therefore a condition of consent would normally be placed on the consent requiring the development to do so.

In this instance where Council is proposing to construct the traffic signals at Leisure Drive and Eucalyptus Drive, it is considered pointless to provide pedestrian signal a further 50m from the intersection when for an additional cost pedestrian signals can be incorporated. A separate signalised pedestrian crossing would cost the developer at least \$60,000 so obviously it is a better solution for all parties for the developer to pay a cash contribution of \$30,000 for the inclusion of pedestrian signals incorporated with Council’s intersection signalisation.

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Council is about to proceed with the design and subsequent construction of the intersection and Leisure Drive road widening so the work would be completed before the school opens.

Other than the above issue the staggered start times of two schools must be conditioned and forced to ensure adequate safety standards at both schools are maintained. It is suggested that summary recommendations be formulated as consent conditions as follows: -

- 1. Provision of a 30 minute stagger, in the end time of classes for the Centaur Primary School and the subject High School to allow effective and efficient use of short-term parking needs generated by parents. If no or insufficient stagger time is provided for the end time of classes, then the combined effects of both schools will give rise to very significant congestion, with up to 135 parent vehicles searching for a parking space (ie. 80 for the primary school and up to 55 for the Junior High School).*
- 2. Detailed design plans complying with relevant Australian Standards, Austroads and RTA standards are to be submitted and approved by the Director of Engineering Services and once approved be constructed prior to school opening.*
 - a. Provide 45 spaces as 90 degree angle spaces (front to kerb) along Eucalyptus Drive frontage for the High School, between the school bus entry and exit driveways.*
 - b. Provide up to 10 parallel spaces along the southern boundary of Leisure Drive (east of Eucalyptus Drive) in the form of sign posted kerb side parking).*
 - c. Provide 15 parallel spaces along the southern boundary of Leisure Drive (west of Eucalyptus Drive), ie. High School frontage.*
 - d. At least 10 cars in the indented bay within Eucalyptus Drive adjacent to Centaur Primary School after 3.30pm (excluding the bus zone).*
 - e. A roundabout access to facilitate bus access to the on site facility whilst accommodating the existing need for primary school buses to return to Leisure Drive as well as parent vehicles.*
 - f. On site formalised parking for a minimum of 86 spaces comprising 75 for staff and 11 for visitors. Note the Department of Education and Training normally provide on site parking for 100 cars for 1050 students. Adequate room for delivery service vehicles will also be provided.*
 - g. An on site bus set down/pick up zone accommodating a peak accumulation of five buses. Additional layover spaces for up to 3 buses is provided within primary school bus bay opposite. It's use being subject to an effective stagger time being achieved.*
 - h. Provision of a minimum 3m width footpath (desirably 4m) along the bus bay fronting the school site.*

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- i. On site bicycle parking would be at the discretion of the School Principal bus storage for at least 50 bikes would be provided.*
 - j. Overhead street lighting for on site car park as the school will be used at night.*
 - 3. A cash contribution in accordance with DUAP circular D6 with the incorporation of pedestrian crossing pavers into the Council signalisation of Leisure Drive and Eucalyptus Drive intersection.”*

The above comments indicate that the access and traffic arrangements proposed by the applicant are satisfactory and points indicated in Council's Traffic Engineer should be incorporated as conditions of consent. In relation to the number of car parking spaces required to be provided, it is recommended that a condition requiring 100 on site parking spaces as proposed by the applicant should be imposed.

Flora and Fauna

The proposed development area contains no threatened flora, fauna or ecological community, which would constrain the development. Vegetation on site consists only of degraded exotic grassland. There is no vegetation on site worthy of preservation.

Geotechnical Consideration

The whole site has been raised by placing approximately 1m of fill soil over the original soil surface. Finished ground level towards the northern boundary of the site, are still below flood design level of 2.65m AHD. Further geotechnical investigations are intended to be undertaken by the applicant as part of the detailed design phase of the development. The site is relatively flat and imposes no significant risk in terms of construction.

Social and Economic

The proposed development is expected to have a net positive social and economic impact to the area. The development during the construction phase will create jobs in the short-term. On completion the development will provide additional education facilities to service the Banora Point area.

Built Form

The proposed development will be primarily of a single-storey nature and will fit in with surrounding development in the immediate area. No details of finished materials have been provided however, it is considered that any consent should be conditioned requiring non-reflective roofing materials to be used due to the visual prominence of the site from a number of elevated vantage points within the Banora Point area. Buildings are generally setback significant distances from boundaries of residential properties providing adequate separation.

Noise

As the proposed school site is located in an existing residential area the development will inevitably result in an increase in noise levels to the existing residential areas. From a site inspection the existing residents are located to the west, south and across Leisure Drive to the north.

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The issue of noise impact has been assessed by Richard Heggie and Associates in their noise impact report dated 24 June 2002. This noise impact report has assessed the noise sources likely to be associated with the development and has recommended certain mitigation measures to be adopted as contained in Section 7 of the report. These recommendations should be incorporated into conditions of any consent granted by Council.

Council's Environment and Health section raised concern regarding the potential for impacts to result as a result of the public address system, which is likely to be used by the school. The noise assessment submitted did not address this issue and the applicant was requested to provide additional information regarding this issue. The applicant responded to this request on 3 September 2002 and stated: -

“The school's public address system is a portable device only to be used during assembly. This will have minimal affect on the surrounding noise levels. On that basis and on advice from DET, DPWS is of the view that there is not a need to provide further acoustic information.”

As a result of this response it is recommended that an additional noise condition be placed on the consent requiring that any public address system be operated so as not to impact on the amenity of the adjoining residential properties.

Lighting

Due to the proximity of adjoining neighbouring residents the potential exists for lighting of playing fields etc to impact on the amenity of adjoining residences. The application provides no detail of lighting. Therefore any consent by Council should be conditioned requiring that all external artificial lighting is to be shielded so as to prevent the spill of light onto adjoining residential areas causing a nuisance.

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

Flooding

The subject site is below Council's design standard of 2.65m AHD in parts. Buildings are intended to be located on the higher area of the site located at the southern end. Building finished floor levels are proposed to be at 2.95m AHD, Council's design flood level. It is considered the proposed development does not pose any significant risk to surrounding development or property and will not be significantly affected by flooding.

Archaeology

An archaeological assessment of the site has been carried out, which has concluded that the site is unlikely to contain significant aboriginal or heritage items given the past disturbance.

In conclusion the site is within an established urban area and has been cleared of any significant vegetation, does not contain any significant risks and is considered suitable for the proposed development.

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

The subject application was notified and advertised for a period of 14 days in accordance with Council's Policy. At the conclusion of this exhibition period two

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submissions were received. One on behalf of Gold Coast Airport Limited and one from an adjoining resident. The GCAL submission stated as follows: -

“The subject land is within the “airspace” of Gold Coast Airport, being beneath the relevant OLS and PANS – OPS surfaces, but does not represent development which will be affected by the airports (protection of airspace) regulation.

The site is also not situated within the ANEF noise contours for the flight path.

Nevertheless, given the potential for complaint about aircraft noise, even outside specifically designated land, you may care to draw the attention of the applicants (Department of Public works and Services) to the fact that there will inevitably be some adverse affects of aircraft noise. It may be that there will be sections of the proposed buildings where it may be prudent to take this into consideration during detailed design. It is not anticipated that this would be by way of enforceable conditions.

It is also noted that the site is close to, but not within, the lighting zones under the Airport Master Plan (Zone D). While no specific restrictions on lighting would be appropriate, it might also be made known to the Department that problems can arise from lighting, brought about either by high glare or patterns of lighting which may confuse pilots through similarity, for instance with runway or approach lights. This matter may be taken into consideration in the planning of any future playing field lighting etc.”

The second submission objected to the school being located on this site due to anticipated noise, etc. The Department of Education has owned this site for a number of years and Council’s Planning documents (DCP3) has identified the site as a school site. The noise assessment provided demonstrates these impacts can be managed. This submission does not warrant refusal of the application.

It is considered that these considerations can be incorporated into conditions of consent should Council approve the application.

Any submissions from Public Authorities

The application was required to be forwarded to the Roads and Traffic Authority pursuant to the provisions of SEPP11. Comments provided by the RTA have previously been discussed in this report and incorporated into the recommended conditions of consent.

(e) **Public Interest**

The proposed development will meet an identified community need in providing additional educational facilities in the Banora Point area. It is therefore concluded that the proposed development is in the public interest.

OPTIONS

1. Approve the application subject to the agreement of the applicant or the Minister of proposed conditions as recommended pursuant to Section 86 of the Environmental Planning and Assessment Act, 1979.

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2. Resolve not to support the application and refer it to the Minister for Planning seeking support for the refusal of the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should Council wish not to support the application or the applicant or Minister does not agree with all conditions imposed by Council then the matter may need to be referred to the Minister for Planning for resolution or agreement prior to the application being able to be finally determined. Should this occur Council would incur costs in terms of time for staff to attend any such mediations required. Should the applicant not agree with all conditions proposed then the Director of Development Services should be given delegation to negotiate appropriate amendment to the subject conditions.

CONCLUSION

Council has received a development application for a new Junior High School at Banora Point. The school will accommodate 1050 students. The subject site is identified by DCP 3 as a school site. After considering the application pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, the application is recommended for approval. However, consent cannot be granted as the application is a Crown Application until the applicant agrees to the proposed conditions.

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4. ORIGIN: Development Assessment Unit

FILE REF: DA02/1147; 4901.10

REPORT TITLE:

Development Application DA02/1147 for the Demolition of a Warehouse, Construction of Commercial and Residential Premises at Lot 9 DP 17554 Sand Street, Tweed Heads

SUMMARY OF REPORT:

A development application has been submitted for a mixed development at Sand Street, Tweed Heads comprising two shops/ offices with a total floor area of 87 m², with 4 storeys of residential units above. The residential component is made up of 4 units on the first floor, 3 on the second and third floors and a single penthouse on the top storey. Car parking is provided on the ground floor for 19 spaces with a car wash bay and bicycle racks. The land located in the heart of the Tweed Heads Central Business District, has an area of 613 m² and is zoned 3(a) Sub Regional Business Zone under Tweed LEP 2000.

The proposed development is in essence a residential flat building with two token commercial units provided in an attempt at demonstrating compliance with the relevant planning controls. The development however is inconsistent with the objectives of the 3(a) Sub Regional Business Zone, does not comply with the floor space ratio attributed to sites of less than 2000 m², fails to comply with DCP No. 2 - Site Access and Parking Code and DCP No. 18 Tweed Heads, is likely to generate a land use conflict and is not in the public interest creating an undesirable precedent which other landowners in the Tweed Heads CBD with small lots may wish to repeat. In conclusion the proposal does little in the way of rejuvenating the economic viability of the Tweed Heads Central Business District and is recommended for refusal.

RECOMMENDATION:

That Development Application DA02/1147 for the demolition of warehouse, construction of commercial and residential premises at Lot 9 DP 17554 Sand Street, Tweed Heads be refused for the following reasons:

1. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the 3(a) Sub-Regional Business Zone under Tweed LEP 2000.
2. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Floor Space Ratio under Clause 50 of Tweed LEP 2000.
3. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 43 of North Coast REP 1987
4. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not address State Environmental Planning Policy No. 65 Residential Flat Buildings.
5. Pursuant to Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with DCP No. 2 Site Access and Parking Code.

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6. Pursuant to Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with DCP No. 18 Tweed Heads.
7. Pursuant to State Environmental Planning Policy No. 1, strict compliance with the development standard under Clause 50 of Tweed Local Environmental Plan 2000 is considered reasonable and should not be varied.
8. Pursuant to Section 79C(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unlikely to have a positive economic impact on the locality and aid the rejuvenation of the Tweed Heads Commercial Business District.
9. Pursuant to Section 79C(c) of the Environmental Planning and Assessment Act 1979, the proposed development in terms of it's siting of residential units is incompatible with adjoining uses.
10. Pursuant to Section 79C(e) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to create an undesirable precedent which is not in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Kim Kennedy & Associates

Owner: T.H.E. Home Company Pty Limited

Location: Lot 9 DP 17554, Sands Street Tweed Heads

Zoning: 3(a) Sub-Regional Business Zone

Cost: \$900,000.00

BACKGROUND

Council has received a development application for a mixed development at Sand Street Tweed Heads comprising two shops/ offices with a total floor area of 87 m², with 4 storeys of residential units above. The residential component is made up of 4 units on the first floor, 3 on the second and third floors and a single penthouse on the top storey. Car parking is provided on the ground floor for 19 spaces with a car wash bay and bicycle racks.

The land has an area of 613 m² and is zoned 3(a) Sub Regional Business Zone under Tweed LEP 2000. The property is somewhat isolated from the Tweed Heads Business District as it is sited behind Wharf and Bay Streets.

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Site Diagram



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

(a) (i) **The provisions of any environmental planning instrument**

Tweed Local Environmental Plan 2000

Clause 8 – 3(a) Sub Regional Business Zone

The proposal comprises residential development above ground floor commercial development. However the development does not comply with the primary objective of the zone and will do little to rejuvenate the Tweed Heads Business District. Of a site area of 613 m² only 87 m² of floor area has been directed towards commercially orientated uses, with the bulk of the ground floor being consumed by car parking for residential development. Further it is considered the development does not comply with the secondary objective of the zone as the majority of this ground floor is consumed by car parking for the residential development above.

A better designed development would provide for more commercial floor space, and although it is acknowledged that the site is not prominent to the Tweed Heads CBD, office space for government agencies, professionals, telephone call centres for example, would be suitable on such a site where passing trade is not required to ensure the success of those types of business houses.

The applicant has submitted that the first floor of the development could be utilised by residents for home businesses/ occupations and the like. However, Council has no control over how residential units would be occupied once approved and such an argument is not accepted. Further the development of this site may restrict the development potential of the area bounded by Sand Street, Empire Lane, Wharf Street and Bay Street. Adjoining properties are small and narrow parcels and their development potential on their own is limited. Consolidation of this parcel with adjoining properties within these 4 thoroughfares would enable a much larger integrated development to be designed and achieve a more desirable outcome for the Tweed Heads CBD.

The proposal is in essence a residential flat building with two token commercial units on the ground floor and does not satisfy the objectives of the zone.

Clause 16 Height of Buildings

Proposal satisfies height requirements under the LEP.

Clause 35 Acid Sulphate Soils

Land is identified as Class 2 ASS. Applicant has submitted an ASS Management Plan in accordance with the LEP.

Clause 50 Floor Space Ratios in Zones 3(a) and 3(b) Tweed Heads

As the land has an area of only 613 m², it has a maximum FSR of 2:1. The proposal has a FSR of 2.29:1. Proposal does not comply. Applicant has submitted a SEPP No.1 Objection seeking a variation to the development standard, however the variation is not supported as discussed below

Reports from Director Development Services

SEPP No.1 Objection

The applicant has submitted that a variation to the floor space ratio should be granted for the following reasons

- Site is separate from adjoining properties and is an island due to the three Street Frontages, therefore allowing a greater development on the site without adverse impact

Comment: Thoroughfares, two of which are narrow laneways, separate the land from adjoining properties. These laneways are not 20 meter wide road reserve, and the proposal has the potential to create a land use conflict with surrounding development in Wharf Street and in particular the Bakery and Newsagency which have early operating hours, with future residents on level 1 of the building.

- If commercial floor space is utilised as a gallery, and if bonuses could be given, proposal would comply with clause.

Comment: Bonuses are not given for sites less than 2000 m² in area, and therefore the proposal doesn't comply with this clause. Further there is no guarantee that the commercial space would be utilised for this purpose and to give bonuses in this instance is not supported. Further conditioning a consent to require the commercial floor area to be used for this purpose would also be difficult to impose and enforce.

- Proposal satisfies aims and objectives of Council' Policies for the central precinct of Tweed Heads than development with a lesser FSR.

Comment: Proposal does not satisfy aims and objectives of policies for the area as discussed elsewhere in report.

- Proposal provides a more sustainable and economic use of the site and is consistent with objectives of the height provisions under the LEP

Comment: Proposal incorporates additional floor area for the primary purpose of increasing short term gains for the developer. In terms of surrounding development in Wharf and Bay Street, proposal is generally two stories higher, and is not consistent with existing development patterns.

- Proposal consistent with Clause 43 of North Coast REP. The proposal appropriately maximises residential amenity without adverse environmental impact

Comment: It is considered residential densities have been over maximised, having regard to the commercial zoning of the land, and surround development patterns.

In conclusion the applicant has not demonstrated that the development standard is unreasonable or unnecessary, and a variation having regard to the mix of residential development compared with commercial development is not supported in this instance.

North Coast Regional Environmental Plan 1988

North Coast REP - Clause 43

It is considered residential densities have been over maximised for this proposal and the potential for the development to adversely impact upon the built environment by way of

Reports from Director Development Services

a land use conflict is a real possibility. Proposal is considered to be inconsistent with Clause 43 of the REP.

State Environmental Planning Policies

SEPP 65 – Design Quality of Residential Flat Development

The applicant has not demonstrated the proposal complies with the policy.

SEPP71 - Coastal Protection

State Environmental Planning Policy No. 71 Coastal Protection was gazetted on 1 November 2002. The subject site being within a coastal zone and the proposal being a 5 storey building is identified under the SEPP. However, by virtue of Clause 25 of the SEPP, the policy does not apply to Development Applications submitted prior to gazettal.

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

No Draft EPI's apply to this development

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

DCP No. 2 Site Access and Parking Code

Car parking has been proposed for 19 spaces to service the 11 residential units and two commercial units. Car parking is calculated as follows:

11 Residences @ 1.5 spaces per unit = 16.5 Spaces

2 Commercial Units (80 m²) @ 1 space/ 40 m² = 2 Spaces

Total 18.5 Spaces rounded to 19.

Space 14 is to double as a car wash bay and is located adjacent to the entrance to one of the commercial units, while Space 15 doubles as the delivery bay. Proposal does not comply with the DCP as car wash bay and the delivery bay should be separate from car parking spaces. Further, to locate the car wash bay at the rear entrance to one of the commercial units is poorly sited and lead to a conflict between residents and commercial tenants.

DCP No. 18 Tweed Heads

The land is located within the Central Precinct under the DCP. Preferred outcomes for this site under the DCP includes mixed land uses incorporating basement car parking ground floor retail/ coffee shops, first floor offices and restaurants and residential and tourist accommodation located above. As discussed above this proposal incorporates a token amount of commercial floor space on the ground floor with the remainder of the development being residential development. Proposal is inconsistent with Clause 3.3.3 of the DCP.

Controls are also incorporated into the DCP restricting height to three storeys and floor space ratios to 2: 1 for sites less than 2000 m². As the land only has an area of 613 m² and the proposal incorporates a 5 storey building with a FSR of 2.29:1 the development does not comply with Clause 3.3.4 Height Restrictions or Clause 3.3.5 Floor Space Ratios. The applicant has argued for a variation to these controls, however it is

Reports from Director Development Services

considered the proposal with its high mix of residential development compared to the commercial component does not have merit and variations are not supported in this instance.

DCP No. 39 Energy Smart Homes Policy

Applicant has provided a NatHERS ratings for each unit, demonstrating compliance with the Policy.

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

Applicant has proposed to demolish the existing warehouse. Appropriate conditions would be recommended should application be approved.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

The applicant has submitted that the proposal will have a positive impact on the locality by the redevelopment of this site primarily for residential purposes. However it is considered there is a suitable amount of residential land zoned in Tweed Heads for medium density purposes, and the redevelopment of this site does little in the way of attracting more people into the heart of the Tweed Heads Central Business District.

A building designed with a greater amount of commercial floor space would see more people visiting Tweed Heads on a day to day basis for work purposes. In comparison to the additional 11 residential units, such a development will have a far greater economic impact on the areas business houses as employees will shop and dine during their lunch hours and after work, and are in some ways a captive market for the businesses of Tweed Heads. Residents however are likely to work elsewhere, and as such may shop and dine elsewhere, adding little to the vitality of the CBD. In conclusion the proposal is unlikely to have a positive economic impact on the locality or aid in the rejuvenation of the Tweed Heads Commercial Business District.

(c) Suitability of the site for the development

Proposal has the potential to adversely impact upon existing commercial activities in Wharf and Bay Street and in particular those businesses that operate in the early hours of the morning such as the bakery and newsagency. The distance of separation between the development and those premises is not great with the narrow laneway having a width of only 3 meters and existing noise would likely disrupt the sleep patterns of future residents and in particular the residents on level 1.

It is acknowledged the site is suitable for redevelopment however the mix of commercial development in comparison with the residential component is insufficient, resulting in a development, which is predominantly a residential flat building within the heart of the Tweed Heads CBD. Future residents of such a development would therefore expect to enjoy the amenity often attributed to residential areas, which is unlikely to be achieved on this site. The site is considered unsuitable for this type of development and the application is recommended for refusal.

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

Two submissions were made following exhibition of the development application

Reports from Director Development Services

One submission raised concerns about overshadowing from the development onto there building the owner of which was in the process of erecting solar panels onto the roof to supply power for lighting purposes of the store.

Comment: Overshadowing would occur in winter and during the afternoon. It is considered this would have some impact upon the efficiency of the solar panels. A more modest building compliant with the 3 storey height limit for small parcels of land would not see this issue arise.

The other submission objected to the proposal due to the potential for conflict with the operations of their newsagency business which receives deliveries from 1 am onwards and wraps papers by machines during the early hours of the morning.

Comment: The potential for conflict is considered real as discussed above and having regard to the development being predominantly a residential flat building.

(e) Public interest

Proposal is not in the public interest and is likely to create an undesirable precedent in terms of the future redevelopment of the Tweed Heads CBD on small parcels of land. The proposal exceed the three storey height limit by two storeys, exceed the floor space ratio by approximately 180 m² and contains only a token amount of commercial floor space amounting to approximately 6% of the total floor space. This is considered unacceptable on a property located within the heart of the Tweed Heads Business District, and the development does little in the way of adding to the rejuvenation of the area as a core business district. The Tweed Heads Task Force have viewed the plans and have recommended the application should not be supported. The development is predominantly a defacto residential flat building and is recommended for refusal.

OPTIONS

1. Refuse the application as recommended
2. Approve the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse to appeal Council's determination of the application under the Environmental Planing and Assessment Act 1979

CONCLUSION

The proposed development is in essence a residential flat building with two token commercial units provided to demonstrate compliance with the zoning controls. The development however is inconsistent with the objectives of the 3(a) Sub Regional Business Zone, does not comply with the floor space ratio attributed to sites of less than 2000 m², fails to comply with DCP No. 2 - Site Access and Parking Code and DCP No. 18 Tweed Heads, is likely to generate a land use conflict and is not in the public interest creating an undesirable precedent which other landowners in the Tweed Heads CBD with small lots may wish to repeat. The application is recommended for refusal.

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5. ORIGIN: Strategic Town Planning Unit

FILE REF: Airport - Coolangatta/Tweed - Noise Issues

REPORT TITLE:

Gold Coast Airport - Prescribed Airspace - 2020 Australian Noise Exposure Forecast (ANEF)

SUMMARY OF REPORT:

Gold Coast City Airport Pty Ltd have provided Council with new 2020 Australian Noise Exposure Forecast (ANEF) (see Figure 1). Clause 32 of Tweed Local Environmental Plan 2000 relates to Aircraft Noise and makes reference to the ANEF contours.

RECOMMENDATION:

That Council adopts the new 2020 Australian Noise Exposure Forecast (ANEF) map submitted to Council by Gold Coast Airport Ltd.

Reports from Director Development Services

REPORT:

Council has been provided with a 2020 Australian Noise Exposure Forecast for Gold Coast Airport. The following is an extract from a letter from Gold Coast Airport Ltd dated 11 September 2002.

“As explained at the meeting, the 2020 Australian Noise Exposure Forecast (ANEF) for Gold Coast Airport has been reviewed to ensure consistency with the approved Gold Coast Airport master plan. In accordance with the Airports Act (1996) and Regulations, please find following an explanation of the review process.

The current 2020 ANEF for the airport was based on the original proposed Master Plan for Gold Coast Airport (GCAL), which was designed to have an eventual runway length of 2700m. As you are aware, the original Master Plan was not approved. Therefore, GCAL was instructed to submit a reconsidered Master Plan, which catered for a runway length that remained within the airport boundary and constituted a total length of 2500m. As a consequence, it is of course necessary to put in place an ANEF which is consistent with the approved Master Plan.

The reviewed 2020 ANEF has been endorsed by Airservices Australia (AsA) for technical accuracy. This involves AsA checking and validating the following:

- Airport data such as elevation, runway length and orientation;*
- Operational data such as the type of aircraft modelled, flying profiles and tracks; and*
- Geography and climate data such as topography, wind speed and temperature.*

The checking is completed independently by three people within the environment monitoring group of Airservices. Endorsement confirms that the data modelled is correct and appropriate.

This revised and endorsed ANEF has been produced and validated independently by two organisations and provides the most accurate representation of likely aircraft noise for the study horizon.

The Airports Act (1996) requires a master plan to be produced which incorporates an endorsed ANEF, and for that to be made available for public consultation. This process took place for the adopted Airport Master Plan, and therefore further consultation is not required for the new ANEF, as the planning tool is already accepted and in place.

The revised ANEF is not a reviewable instrument which is capable of amendment, and it is not being provided to the Council for its concurrence. It is merely the outcome of assessment of the effects of the adopted Master Plan, a process in which the Council and residents of the Shire participated, and presentation of those effects in diagrammatic form.

The data modelled for this revised Gold Coast Airport ANEF study was identical to that modelled previously with two exceptions.

The Comjet, which is a generic commuter jet aircraft has been replaced with the Learjet 35. This was done under instruction from Air-services, because the jet aircraft which the Comjet represents will not, in the future be able to fly in Australia without engine modification.

The Learjet 35 is a much quieter aircraft and in the opinion of Airservices is more representative of the type of commuter jet, which will be flying in 2020. The inclusion of the Learjet has resulted in a reduced noise contour.

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For accuracy, the second change was the inclusion of terrain data in the analysis. This enabled the effects of ground topography to be included in the model. In effect the ANEF at the higher elevations was greater than that at the lower ones. This had the effect of enlarging or shrinking the noise contours to match the ground elevation contours.

Another factor likely to impact on the size and shape of the contours is the version of the Integrated Noise Model (INM) with which the study is run. This study has been run with version 6.0C. The previous study was apparently run with version 5.2.

Version 6 included a number of new features some of which are:

- *Modified engine and aerodynamic coefficients for 10 aircraft;*
- *Approach and departure average noise spectra for all aircraft;*
- *A new function to compute pounds thrust; and*
- *A revised acceleration algorithm for computing procedural profiles.*

In effect it includes new formulae for calculating performance of noise contours.

We have provided this information as it was requested for inclusion in submissions to council for your consideration of the new plans. For GCAL to have this new drawing formally adopted by AsA, we require a letter, e-mail or fax confirming that Council has viewed the latest adopted ANEF drawing for Gold Coast Airport.

Once we have Airservices certification, we will provide you with a copy of the signed, certified plan for inclusion in the Tweed Local Environmental Plan and for use in development control.

We would also be pleased to supply any further information, which may be required, and look forward to the opportunity of explaining the new plans in greater detail and discussing other airport planning issues”.

Gold Coast Airport have now provided Council with a digital copy of the new ANEF map. Figure 1 compares the current ANEF contours with the new ANEF contours for Gold Coast Airport.

Clause 32 of the Tweed Local Environmental Plan 2000 relates to Aircraft Noise and makes reference to the ANEF contours.

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6. ORIGIN: Strategic Town Planning Unit
FILE REF: Industrial Land Investigation Study

REPORT TITLE:

Tweed Heads West Industrial Land Investigation

SUMMARY OF REPORT:

On 20 February 2002 Council resolved to write to the Minister for Planning to request he convene a meeting to resolve the future progress of identifying any potential industrial land in the Tweed Heads West locality. Council has pursued the identification of future industrial areas within this locality for some time, but the proposed Tugun Bypass has hindered the progress of any Tweed Local Environmental Plan amendment. This report presents the known environmental constraints of the land and proposes that an LEP Amendment be undertaken for those areas which are considered to be of environmental significance.

RECOMMENDATION:

That Council informs the Regional Director of PlanningNSW that, pursuant to Section 54 of the Environmental Planning and Assessment Act, it intends to prepare an Environmental Study and a draft Local Environmental Plan Amendment for Lots 5-9 Portion 4 DP 9025, Lot 1 DP 779976, Lot 8 DP 8655, Lots 1 & 3 DP 226067, Lot 2 DP 589967 and Lots 6 & 7 DP 849367, Tweed Heads West.

Reports from Director Development Services

REPORT:

BACKGROUND

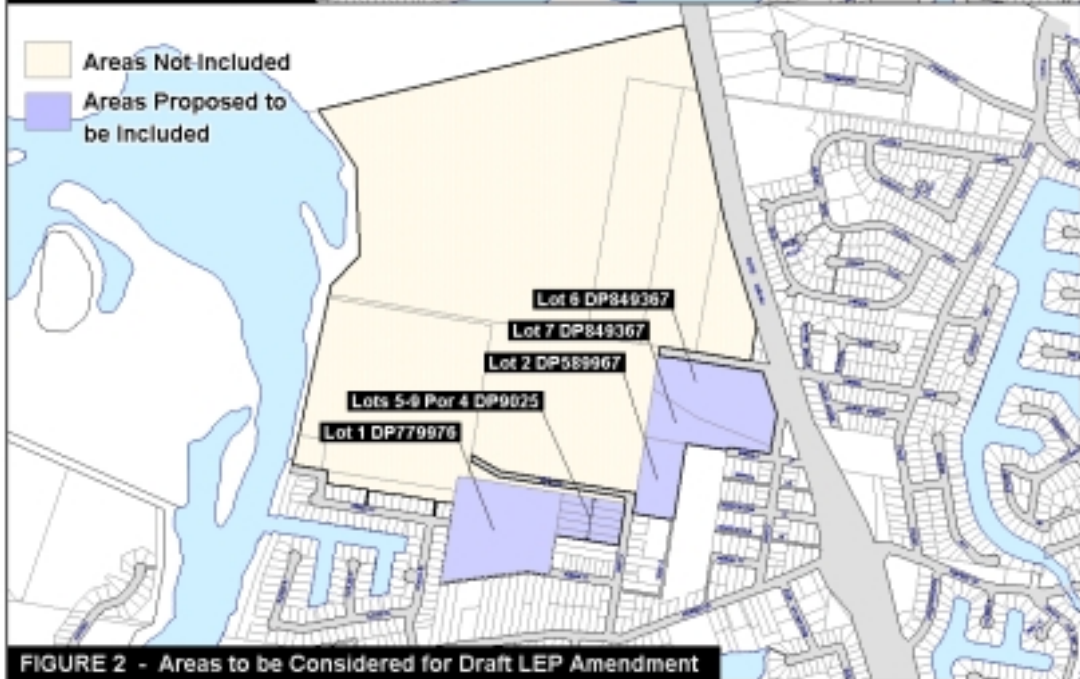
On 20 February 2002 Council considered a background Planning Study on the area immediately south of the Coolangatta Airport. This report specifically reviewed the area's capability of being developed for industrial purposes. Several issues arose from these preliminary investigations. In particular the most pressing issues were related to the proposed Tugun Bypass.

Because of this Council resolved to request the Minister of Planning to arrange a meeting between all the key agencies from both Queensland and New South Wales who are associated with the Tugun Bypass.

This meeting was held on 12 July 2002. It was resolved at this meeting that PlanningNSW would write to Council recommending that a Tweed Local Environmental Plan 2000 Amendment be undertaken to identify future industrial area within the locality (refer Figure 1).

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LOCALITY



<p>© TWEED SHIRE COUNCIL 2002 Although all care has been taken with the production of this map the TWEED SHIRE COUNCIL, its employees, officers and consultants can not be responsible for any errors, omissions or consequences in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 155 Fax: (08) 9610 3400 Murrumbidgee NSW 2484 Email: (08) 9610 2482</p>	<p>TWEED SHIRE COUNCIL Tweed Heads West Industrial Land Investigation</p> <p>File: N:\17H West\indust. Wor Author: J.Balchelor Date: 29/Oct/02</p>	<p>STRATEGIC PLANNING UNIT </p>	<p>Site Plan Sheet 1 of 1</p> <p>Revision</p>
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Reports from Director Development Services

TWEED LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT

PlanningNSW has written to Council recommending an Environmental Study and an LEP Amendment process to identify any potential industrial land within the locality of Tweed Heads West.

A preliminary Planning Study was presented to Council on 20 February 2002 which excluded specific parcels of land from being included in an LEP Amendment. This was either due to particular environmental issues or that the existing zone reflects an appropriate future use and development. The areas identified for investigation in the preliminary Study are identified in Figure 2 and Tables 1 & 2.

TABLE 1 DESCRIPTION OF LANDS TO BE CONSIDERED FOR LEP AMENDMENT

Legal Description	Address
Lot 5-9 Port. 4 DP 9025	East side of Gray Street
Lot 1 DP 779976	East side Gray Street
Lot 2 DP 589967	North end Gray Street
Lots 6&7 DP 849367	North end Rose Street

TABLE 2 – DEFINITION OF LANDS TO BE EXCLUDED FROM LEP AMENDMENT

Parcel	Legal Description	Reason
Tweed Heads Sewerage Treatment Plant	Lots 1 & 2 DP 1011625	Owner's intention to continue current use
Pony Club Reserve	Lot 319 DP 755740	State Government intention to keep reserve for <i>recreation purposes</i> .
Industrial Zoned Land – Tringa St	Lots 1&2 DP569304	Land is already zoned for industrial purposes
Vacant Land – North side of Parkes Drive	Lot 8 DP 8655, Lots 1 & 3 DP 226067	Proposed route of Tugun Bypass and Environmental Significance

TUGUN BYPASS

The Queensland Government has chosen the C4 alignment option for the Tugun Bypass from the original route selection process. This option runs west of the Coolangatta Airport. The final details of the route selection will be made available when the Environmental Impact Statement (EIS) is put on public exhibition.

The exhibition of the EIS for the Tugun Bypass has been held off from being put on public display until arrangements for funding have been finalised. Access to the Tugun Bypass is critical to the successful development of any industrial development within the locality.

Council's original position has been not to proceed with any LEP Amendment process until the State Government has considered any Development Application for the Tugun Bypass. The delays from the exhibition of the Environmental Impact Statement have caused uncertainty over the progress of this proposed LEP Amendment.

The outcomes of the meeting on 12 July 2002 were to consider the area for an LEP Amendment irrespective of the Tugun Bypass proposal.

Reports from Director Development Services

CRITICAL ENVIRONMENTAL ISSUES

In the report to Council in February there was little detailed information regarding the environmental significance of the area of interest. The report specifically identified all the environmental constraints exclusive of flora/fauna and critical habitat issues, and it was proposed that no further LEP Amendment process be undertaken until more specific information from the Tugun Bypass EIS had been publicly exhibited so that it could be included into the LEP Amendment process.

However there has been increasing concern that the area of investigation contains portions of considerable environmental significance. Subsequently, the National Parks and Wildlife Service (NPWS) were consulted prior to any proposal being put forward to undertake an LEP Amendment.

The Service has indicated that the Cobaki Broadwater and the adjoining lands are regionally significant and worthy of preservation.

Of particular concern is the area north of Parkes Drive and South of Coolangatta Airport. This specifically includes the Crown Reserve for recreation and three parcels of privately owned land to the west of the reserve.

NPWS have identified that the area is considered to have a high conservation significance in providing a wildlife corridor to the other areas surrounding Cobaki Broadwater. Also the area includes;

- State Environmental Planning Policy 14 – Wetlands;
 - Specifically the Mangrove Forest located in the Pony Club reserve that adjoins the Cobaki Broadwater. This includes an intertidal foraging area for estuarine birds.
- Paperbark Swamp Forest;
- Regenerating Swamp Mahogany Forest;
- Habitat for two fauna species listed as vulnerable under the Threatened Species Act (NSW), specifically;
 - Wallum Froglett
 - Eastern Long Eared Bat
- Wading bird habitat under international migratory birds agreement including;
 - Japan Australia Migratory Birds Agreement
 - China Australia Migratory Birds Agreement
- Known habitat of the Chinese Burr "*Triumfetta rhomboidea*" which is critically threatened in North East New South Wales

In accordance with Section 34A of the Environmental Planning and Assessment Act (EP&A Act) Council is required to consult with NPWS if critical habitats may be affected by a draft LEP Amendment. Given the preliminary advice from NPWS on the area north of Parkes Drive it would be essential for Council to consult with NPWS if an LEP Amendment was to be undertaken. Even if all areas north of Parkes Drive were not included in the draft LEP Amendment then it would still be prudent for Council to consult with Council due to the importance NPWS have indicated on the surrounding Cobaki Broadwater.

Reports from Director Development Services

Considering the environmental significance of the area north of Parkes Dve it is recommended that this area not be included in any LEP Amendment for industrial purposes within the locality.

ENVIRONMENTAL STUDY

As part of the draft LEP Amendment process an Environmental Study will be required as foreshadowed in the letter from NPWS on 23 August 2002. As the potential area covers numerous ownerships Council should pursue to recover costs of any Environmental Study in accordance with S57 of the Environmental Planning and Assessment Act.

But it is important to discuss with the land owners that their contribution towards an Environmental Study does not guarantee them a favourable outcome and that Council planning officers will be commissioning the study and drafting the terms of reference in consultation with State Government Agencies.

PLANNING CONSTRAINTS

Following is a brief review of the issues that will need to be addressed in the preparation of a draft LEP Amendment for this land.

Flora/Fauna

Some of the areas contain existing developments such as an old Drive-In Theatre and the current Garden Nursery, but there are areas to the north of the site which have considerable vegetation. A flora and fauna assessment would need to consider the existing stands of vegetation and occurrences of fauna. Preliminary work from the Tugun Bypass EIS and advice from National Parks and Wildlife indicate that the areas of remnant vegetation may represent critical habitats. This is a critical issue to the draft LEP Amendment process and will need to be investigated further.

Tree Preservation Order

There are Tree Preservation Orders over the land identified. These Orders prevent any clearing or removal of trees without a resolution of Council under clause 54 of the Tweed LEP 2000.

Acid Sulphate Soils

The acid sulphate soils strategic planning maps identify most of the area as Class 2 and a small area as Class 3. Class 2 will trigger clause 35 of the Tweed LEP if any works are carried out under the ground surface, and Class 3 will trigger it if works are carried out 1 metre below the ground surface.

A study identifying the presumed extent of the acid sulphate soils will need to be undertaken as part of an Environmental Study.

Flooding

There is potential for the area to be affected by flooding. The Coolangatta Airport Enterprise Park Feasibility Study identified that the area is above 2.95m (AHD), the level used for Council's Policy on Flooding. Some of the two portions have been previously filled. These include the Drive-In Theatre and part of the lower southern sections. This matter would need to be further investigated.

Reports from Director Development Services

Drainage and Stormwater

Due to the location of the identified area to Cobaki Broadwater, particular attention needs to be given to any potential stormwater runoff from any proposed industrial uses. Particular provisions may need to be incorporated for onsite settlement ponds.

Coolangatta Airport

On 14 August 2001 the Minister for Transport and Regional Services approved the Master Plan for the Coolangatta Airport. The approved Master Plan allows for the extension of the runway to 2,500m. The close proximity to the proposed runway extension will impose particular restrictions. These are:

Aircraft Noise

Both portions range from ANEF 25 – 35 under the ANEF noise contours. This will cause some development restrictions on the types of uses that can be accommodated without undertaking remediation measures to ameliorate excessive aircraft noise.

AS 2021 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) will need to be considered for areas within 30+ contour for light industrial uses. Clause 32 of the Tweed LEP excludes caravan parks, childcare centres, hospitals, education establishments and residential establishments. This would particularly exclude any residential zone in a Draft LEP Amendment.

Light commercial is classified as ‘acceptable’ in less than 30 ANEF. However, there is some allowance for light industrial buildings on the site, but further assessment will need to be carried out to determine if any noise insulation is required. This will relate specifically to individual development proposals and therefore will be a development application matter.

Obstacle Limitation Surface (OLS) Intrusions (development, smoke, gas, particulate) and Height Restrictions

The OLS for Coolangatta Airport has been gazetted under the Airports (Protection of Airspace) Regulations (Fed). This Regulation requires Council to notify the Airport and gain approval from the Federal Government before granting development approval for anything that would intrude into the OLS including any permanent or temporary development (including cranes, worksites), smoke, particulate, steam or anything that would interfere with the operations on an aircraft. These issues do not preclude the site from being used for light industrial purposes but do require particular attention to be given at the development application stage.

The area is also affected by height restrictions of 3 stories imposed by Tweed LEP Clause 33. These height restrictions would have little effect on most industrial developments that are usually 1-storey developments.

Economic Issues

There is a clear need within the Shire for serviced land that can provide for employment generating developments. This particular site offers a good location for these purposes. It may be more appropriate due to the total size of the 1(a) Rural zone of the area for it to be considered for 4(a) Industrial. However, some developments that are permissible within 4(a)

Reports from Director Development Services

Industrial zone may not be appropriate for this location. Subsequent controls may be required to limit the extent of development suitable for this site. Consideration of smaller lot would not adequately allow sizable industrial developments.

The area identified represents a key site for industrial uses, due to its unsuitability for residential or other community uses. Previous studies conducted by Council identify that there is a demand for developable industrial land. This demand is reflected on the southern Gold Coast as well with the industrial estates at Currumbin and Burleigh reaching capacity. These issues make this site regionally significant.

Reserve 53960 (Pony Club Reserve)

Council is Trustee for the Reserve for recreation immediately south of the Coolangatta Airport. Being a Crown Reserve any change of use would require the approval of the Minister for the Department of Land and Water Conservation (DLWC).

At Council's meeting on 6 June 2002 and Reserves Trust meeting on 11 July 2002 the Coolangatta Airport Enterprise Park Feasibility Study was presented. As part of the resolution from the Council meeting it was considered appropriate to contact DLWC to determine their intention for the Reserve.

Currently this Reserve is part of the negotiations between the Queensland Main Roads and DLWC for the proposed Tugun Bypass.

The extent of the approved OLS and the Tugun Bypass will effectively sterilise most of the existing Reserve from any development. Subsequently this Reserve has not been included from this draft LEP Amendment process.

CONCLUSION

Having regard to the above, Council prepare a draft Local Environmental Plan Amendment for Lots 5-9 Portion 4 DP 9025, Lot 1 DP 779976, Lot 8 DP 8655, Lots 1 & 3 DP 226067, Lot 2 DP 589967 and Lots 6&7 DP 849367, Tweed Heads West.

Reports from Director Development Services

7. ORIGIN: Strategic Town Planning Unit

FILE REF: Local Environmental Plan 2000; GT1/LEP/2000

REPORT TITLE:

LEP Amendment Subdivision

SUMMARY OF REPORT:

An issue has arisen concerning the manner in which “subdivisions” is dealt with in the Tweed LEP, particularly in the 7(f) zone.

Subdivision is specifically defined by Section 4B of the Environmental Planning and Assessment Act. However, the land use tables in Part 2 of the Tweed LEP do not include any specific reference to the permissibility or otherwise of subdivision in each zone. Rather there is a shirewide set of controls in Part 4 of the LEP dealing specifically with subdivision. There is a lack of clarity as to whether Part 2 or Part 4 of the Tweed Local Environmental Plan provide the basis for the permissibility of the subdivision of a parcel of land. It is considered essential that the resultant ambiguity must be resolved.

RECOMMENDATION:

That Council informs the Regional Director, PlanningNSW pursuant to S54 of the Environmental Planning and Assessment Act, that:

- (i) It intends to prepare a draft LEP to clarify the provisions for the subdivision of land in the Shire; and
- (ii) In its opinion an Environmental Study is not required.

Reports from Director Development Services

REPORT:

An issue has arisen concerning the manner in which “subdivisions” is dealt with in the Tweed LEP, particularly in the 7(f) zone.

Subdivision is specifically defined by Section 4B of the Environmental Planning and Assessment Act. However, the land use tables in Part 2 of the Tweed LEP do not include any specific reference to the permissibility or otherwise of subdivision in each zone. Rather there is a shirewide set of controls in Part 4 of the LEP dealing specifically with subdivision. There is a lack of clarity as to whether Part 2 or Part 4 of the Tweed Local Environmental Plan provide the basis for the permissibility of the subdivision of a parcel of land. It is considered essential that the resultant ambiguity must be resolved.

The intent of the Tweed Local Environmental Plan is to provide a comprehensive set of Shire-wide subdivision controls in the one section of the plan. The options available to Council are as follows:

1. Include, where appropriate, subdivision as a specific item in the land use table for each zone in Part 2 of the Tweed Local Environmental Plan.
2. Clarify Part 4 of the Tweed Local Environmental Plan to the effect that it sets out Shire-wide controls for subdivision.

Option 2 is preferred. To implement that option the following amendments are required:

- General statement that Part 4 provides all of the LEP controls for subdivision in the Shire.
- Relevant controls for specific zones.

On this basis the following amendment to Tweed Local Environmental Plan 2000 is nominated. Additional clauses are shown in *italics* and deleted material in ~~strikeout~~.

Part 4 Subdivision

19 General

(1A) Objective

To provide a comprehensive system of planning controls for subdivision in the Shire

~~(1) Except as provided in this clause, a person must not subdivide land without consent.~~

(1B) Notwithstanding any provision in Part 2 of this Plan, consent may be granted for the subdivision of land in accordance with any requirements in Part 4 of this Plan.

(1C) A person must not subdivide land without consent except under the following circumstances:

- (i) Subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* ~~may be carried out without consent~~ if the land is within Zone 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 3 (a), 3 (b), 3 (c), 3 (d), 3 (e), 4 (a), 5 (a), 6 (a) or 6 (b).

Reports from Director Development Services

- (ii) ~~Consent is not required~~ for a subdivision effected for the purposes of widening a public road, creating an allotment for use by a public utility undertaking, or as a public reserve or the like, notwithstanding that an allotment created by the subdivision may not comply with the minimum lot size applicable to the zone in which the land is situated.
3. A person may, with consent, carry out a minor boundary adjustment, notwithstanding that the new lots may not comply with any relevant development standards applicable to the zone in which the land is situated.

20 Subdivision in Zones 1 (a), 1 (b), 7 (a), 7 (d) and 7 (l)

(1) Objectives

- to prevent the potential for fragmentation of ownership of rural land that would:
 - (i) adversely affect the continuance or aggregation of sustainable agricultural units, or
 - (ii) generate pressure to allow isolated residential development, and provide public amenities and services, in an uncoordinated and unsustainable manner.
 - to protect the ecological or scenic values of the land.
 - to protect the area of Tweed's water supply quality.
- (2) Consent may only be granted to the subdivision of land:
- (a) within Zone 1(a), 1(b2), 7(a), 7(d) or 7(l) if the area of each allotment created is at least 40 hectares, or
 - (b) within Zone 1 (b1) if the area of each allotment created is at least 10 hectares.
- (3) Despite subclause (2), consent may be granted to the subdivision of land where an allotment to be created is less than 40 hectares, or 10 hectares in the case of Zone 1 (b1), if the consent authority is satisfied that the allotment will be used for a purpose, other than for an agricultural or residential purpose, for which consent could be granted.
- (4) For the purposes of subclause (3), land is taken to be within Zone 1 (b1) if it is shown on the zone map by the marking "1 (b1)".

20B Subdivision in Zone 7(f)

(1) Objectives

- *to protect the ecological or scenic values of coastal lands.*
 - *to protect land that may be susceptible to coastal erosion processes from inappropriate development.*
- (2) *Consent may only be granted to subdivision of land within Zone 7(f) if:*
- *the area of each allotment created is at least 40ha; or*

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- *the consent authority is satisfied that the allotment will be used for a purpose, other than for an agricultural or residential purpose, for which consent could be granted.*

27 Development in Zone 7 (f) Environmental Protection (Coastal Lands)

(1) Objectives

- to protect land that may be susceptible to coastal erosion processes from inappropriate development.
 - to establish concurrence criteria.
- (2) In deciding whether to grant consent to development in Zone 7 (f), the consent authority must consider:
- (i) the provisions of any plan of management adopted by the Council under the *Local Government Act 1993* that is applicable to the land.
 - (ii) ~~adversely affecting the impact of the development on the behaviour, or being adversely affected by the behaviour,~~ of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
 - (iii) ~~adversely affecting~~ the impact of the development on any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or any bay, inlet, lagoon, lake, body of water, stream or watercourse, and
 - (iv) ~~adversely affecting~~ the impact of the development on the landscape or scenic quality of the locality.
 - (v) *the impact of the development on any native vegetation.*
- (3) Development (other than that included in Item 1 for Zone 7 (f) in the Table to clause 11) must not be carried out within Zone 7 (f) except with the concurrence of the Director.
- (4) In determining whether to grant concurrence, the Director must take into consideration the likelihood of the proposed development:
- (a) adversely affecting the behaviour, or being adversely affected by the behaviour, of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
 - (b) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or any bay, inlet, lagoon, lake, body of water, stream or watercourse, and
 - (c) adversely affecting the landscape or scenic quality of the locality.

Reports from Director Development Services

8. ORIGIN: Strategic Town Planning Unit

FILE REF: Local Environmental Plan –Lot 14 DP 733411 106 Dry Dock Road,
Tweed Heads South; DA1680/582 Pt 1, GT1/LEP/2000/35 Pt1

REPORT TITLE:

Application to Include an Enabling Clause In Schedule 3 of Tweed Local Environmental Plan 2000 to Facilitate Approval of a Proposed Development

SUMMARY OF REPORT:

Council has received an application from Darryl Anderson and Associates of behalf of Geoff and Andrew Tribe, seeking an amendment to Tweed Local Environmental Plan 2000 to facilitate development for the purposes of tourist accommodation, shops, a caravan park and camping ground on Lot 14 DP 733411, Lot 1 DP 9042 and part Lot 6 DP 9042, Dry Dock Road, Tweed Heads South.

The current zoning of the site is 2(a) Low Density Residential. This current zoning does not permit development for the purposes of caravan parks, camping grounds, shops and tourist accommodation and accordingly an amendment to Tweed Local Environmental Plan 2000 is required to facilitate approval of these forms of development. No change to the current zoning is required, rather an enabling clause in Schedule 3 of the instrument to facilitate approval of the proposed development.

If Council resolves to prepare the amendment to the Tweed Local Environmental Plan, the applicant proposes to commence preparing and lodging a development application with a view to having both the Local Environmental Planning Amendment application and the Development Application processed concurrently in accordance with the provisions of Section 72J of the Act.

Council's Engineering Services Division has requested a report from the proponents that assesses the likely traffic impacts of the proposed development.

RECOMMENDATION:

That Council:

1. Subject to the proponents submitting to Council a satisfactory Traffic Impact Assessment, advises there are no adverse traffic impacts arising from the proposed development, Council informs the Regional Director of PlanningNSW that, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979, it intends to prepare a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include an enabling clause in Schedule 3 Development for the purposes of tourist accommodation, caravan park, camping ground and shops at Lot 14 DP 733411, Lot 1 DP 9042 and part Lot 6 DP 9042, Dry Dock Road, Tweed Heads South.
2. Informs the Regional Director that in its opinion an Environmental Study is not required.

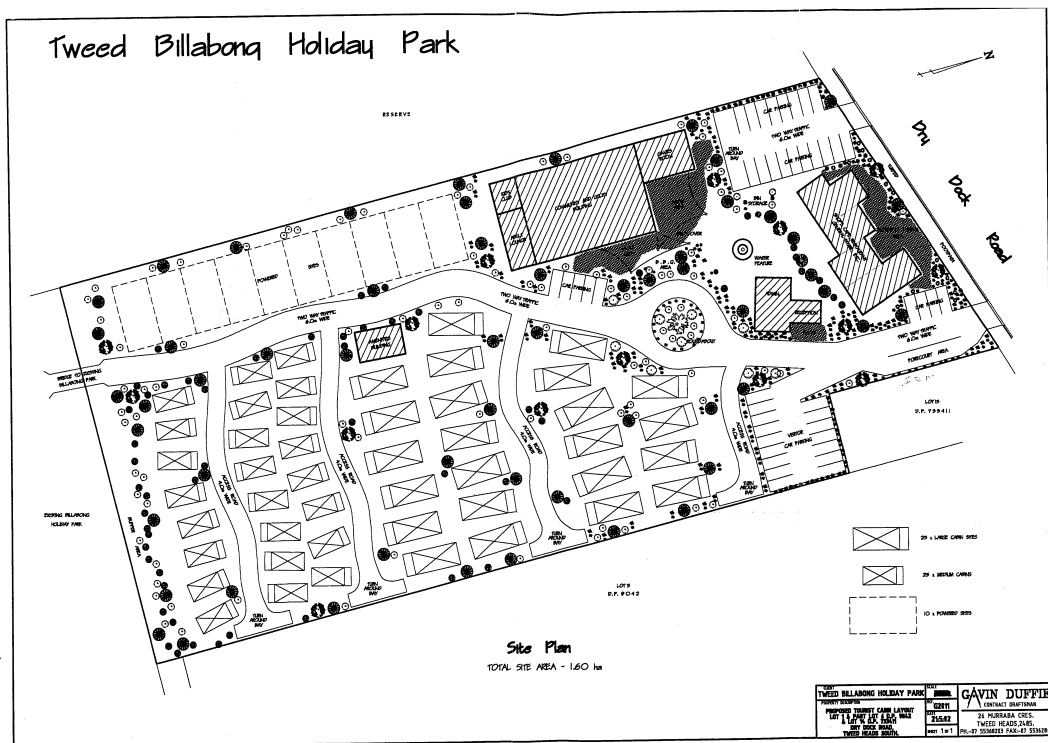
Reports from Director Development Services

REPORT:

BACKGROUND

Council has received an application seeking an amendment to Tweed Local Environmental Plan 2000 to facilitate development for the purposes of tourist accommodation, shops, a caravan park and camping ground on Lot 14 DP733411, Lot 1 DP 9042 and part Lot 6 DP 9042, Dry Dock Road, Tweed Heads South. The land has an area of approximately 1.444ha and has a frontage of approximately 66m to Dry Dock Road. Figure 1 is a site plan of the proposed development.

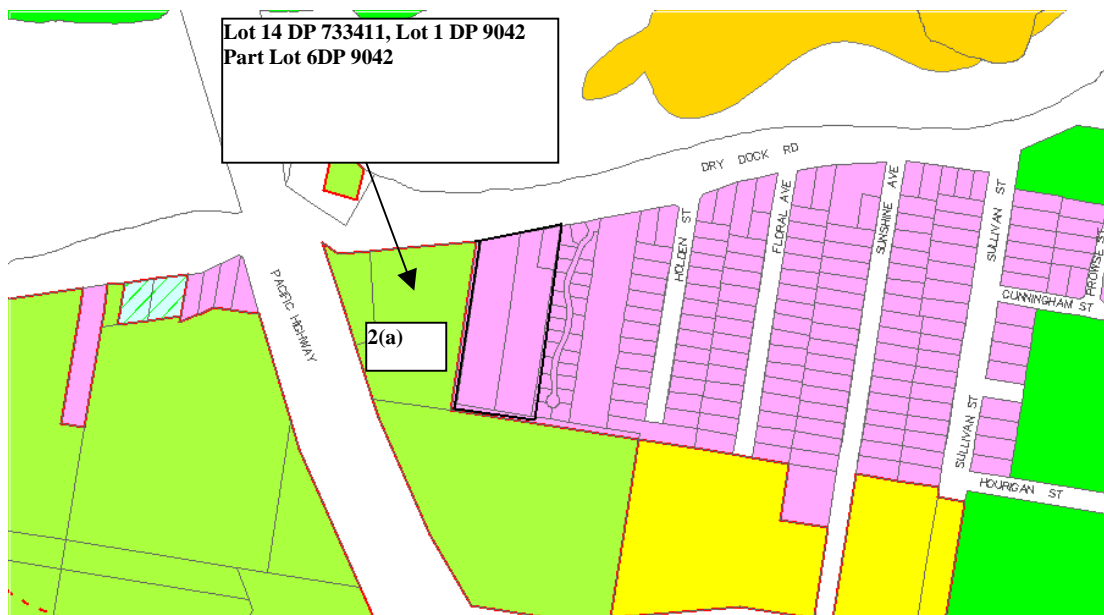
FIGURE 1



The site is located on the southern side of Dry Dock Road and opposite the Terranora Inlet. Residential development adjoins to the east and the Billabong Caravan Park is located on adjoining land to the south. The land to the west is vacant. The land currently contains one dwelling house and other than regular slashing is not used for any other purpose. The location and zoning of the site are shown on Figure 2.

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Figure 2



There are a number of existing caravan park/holiday parks in this area as well as a number of higher density retirement type accommodation facilities (relocatables and the like). The proposed development is therefore not out of keeping with similar type uses in the area. There is also a small shopping village approximately half to one kilometre to the west along Dry Dock Road. This village contains a convenience store and other services such as a hairdresser and bottle shop. The proposed development includes a shop to service both the park and surrounding residences.

The current zoning of the site is 2(a) Low Density Residential. This current zoning does not permit development for the purposes of caravan parks, camping grounds, shops and tourist accommodation and accordingly an amendment to Tweed Local Environmental Plan 2000 is required to facilitate approval of these forms of development. No change to the current zoning is required, rather an enabling clause in Schedule 3 of the instrument to facilitate approval of the proposed development.

If Council resolves to prepare the amendment to the Tweed Local Environmental Plan, the applicant proposes to commence preparing and lodging a development application with a view to having both the Local Environmental Planning Amendment application and the Development Application processed concurrently in accordance with the provisions of Section 72J of the Act.

While the development process has not been finalised, the following are the key elements of the proposed development:

- Retail shops (approx. 300m²)
- Customer/staff parking
- Community building
- Caravan park reception/admin. Building
- Visitor parking area
- Car/caravan standing areas

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- 47 cabins (self-contained)
- 10 caravan park sites

The proposal was discussed with Council's Development Assessment Panel on 27 February 2002. The Panel concluded that:

'It is open to the applicant to lodge an LEP amendment and/or development application and any such application would be considered on its merits having regard to the above issues. The Panel indicated that the concept has merit and the comments provided above are to assist the proponent in preparing an application. No detailed assessment has been carried out and all issues may not have been identified. Therefore, the above advice does not provided certainty of approval being obtained.'

SITE ANALYSIS

Flora and Fauna

The site contains scattered trees comprising mainly eucalypts and grassed areas. It is proposed that an eight part test will accompany the development application for the site

Stormwater Management

The site is approximately 1.444ha which contributes runoff to the Terranora Inlet via existing drainage channels and a culvert under Dry Dock Road. Filling of the site will be required as part of the proposed development. Conceptual details of the proposed stormwater management strategy will accompany the development application.

Slope and Stability

The site has an elevation of approximately 1.5m AHD and is relatively level. Filling to a level of 2.65m AHD will be required as part of the proposed development.

Contamination

The subject land is currently being used for residential purposes and has been used for such a purpose for approximately 40 years. Adjoining properties have also been used for similar purposes.

Flooding

As mentioned the site is subject to flooding and filling to RL2.65m will be undertaken as part of the development.

Acid Sulphate Soils

The acid sulphate soils planing map indicates that the site is class 2. Filling of the land is required and therefore disturbance of acid sulphate soils is unlikely. This issue will be discussed at the development application stage.

Water Supply and Sewer

Water and sewer infrastructure for the proposed development is available in the locality and adequate for the proposed development. Full details will accompany the development application.

Electricity and Telephone

Existing reticulation is available from the Dry Dock Road frontage.

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Traffic and Access

Dry Dock Road is a designated road under Tweed LEP 2000. Council's Engineering Services Division has advised the following:

“Dry Dock Road has a current traffic volume of over 7,000 vehicles per day and these levels are causing concerns to local residents.

Modelling of the future traffic network indicates that Dry Dock Road volumes with ultimate development will decline to 3,285 vpd due to the proposed construction of the Kirkwood Road east west link, overhead bridge and interchange connection to the freeway.

Recent correspondence from the RTA indicates that there is now little chance of their agreement to the Kirkwood Road interchange.

In the absence of this interchange (but still retaining the Kirkwood Rd east west/link and overbridge) the modelling suggests east/west traffic will be diverted to Leisure Drive and Dry Dock Road resulting in volumes of 23, 456vpd on Leisure Drive and 9,159vpd on Dry Dock Road.

If the proposed four lane improvements to Leisure Drive do not proceed and the Kirkwood Rd east/west link does not proceed, then Dry Dock Rd will become a more preferred route choice for through traffic, particularly traffic from areas to the west and south that wish to access Tweed Heads (and bypass South Tweed). In this scenario volumes could rise to over 12,000vpd.

Traffic volumes may increase to levels that seriously impact on the amenity and noise levels of existing residents along Dry Dock Road.

The proposed rezoning will directly increase traffic generation on Dry Dock Rd and contribute to the adverse traffic/noise impacts from through traffic on residents amenity. The applicants submission does not address these issues.

The request has been made that:

Consideration of the rezoning should be deferred pending submission of a report from the applicant that:

- *Estimates future traffic volumes on Dry Dock Road from ultimate regional development and a likely range of road network scenarios. This is to include the incremental contribution from this development.*
- *Assess likely amenity, traffic and noise impacts from the above on residents along Dry Dock Road.*
- *Assess future traffic conditions and level of Service on Dry Dock Road. Investigate the most suitable access configuration for the proposed development, given the likely traffic conditions.*
- *Submit proposals to minimise adverse amenity, noise, traffic impacts to Dry Dock Road Residents”.*

In response to this advice Council has advised the proponents that they will need to prepare a traffic impact assessment study that assesses the likely impact of the proposed development on traffic volumes along Dry Dock Road and general traffic impact on the residents in the area. The proponents have agreed with this advice, but are unwilling to proceed with the study unless there is an indication that Council views the proposed development favourably. They have also noted that

Reports from Director Development Services

the likely traffic generation from the development will not be significant and could be assessed at the Development Application stage.

Public Transport

The site is approximately 1 km west of Minjungbal Drive and about 2km from Tweed city and Tweed Mall shopping centres. Both Minjungbal and Dry Dock Road contain bus routes.

STATUTORY PLANNING LEGISLATION

Strategic Plan – Tweed 2000

This Plan includes a requirement to

‘Place an increased emphasis on economic development, employment generation and retention in the Tweed.’

The proposed LEP amendment and subsequent development will generate additional short and long term employment opportunities. An increase in the range of permissible uses within the existing 2(a) zoned land is not inconsistent with the urban development and management policies and actions contained within the Strategic Plan.

TWEED LEP 2000

The subject land is currently zoned 2(a) Low density Residential. The primary objective of this zone is:

- To provide for and maintain low density residential environment with a predominantly detached housing character and amenity

Of relevance to this amendment is the secondary nature of land within this zone which is:

- To allow for non-residential development that is domestically based, or services the local needs of the community and does not detract from the primary objective of the zone.

Development of the land for the purposes of caravan parks, camping grounds, shops (other than general stores) and tourist accommodation are a prohibited land use, hence the reason for the request for the enabling clause in Schedule 3.

Other clauses within the Tweed LEP considered relevant to the subject amendment include:

Clause 15 - Availability of Essential Services:

This clause provides for development to occur in a coordinated and effective manner and that adequate measures are implemented to protect the environment and the community's health. The proposed amendment to the LEP will result in an extension of existing development in the area and is not expected to result in a detrimental impact on the environment and the community's health. The proposed amendment will make efficient use of already available infrastructure in the area.

Clause 17 - Social Impact Assessment:

This clause ensures the proper consideration of development that may have significant social or economic impact. The proposed amendment is expected to have some economic benefit through the development of additional tourist trade in the area, and short and long term employment benefits. The proposal involves an extension to an existing holiday park with associated uses such as a café, restaurant and general store.

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Clause 34 - Flooding:

The site is subject to flooding. Filling will be required to comply with Council's Flooding Strategy and Development Control Plan No.5. The land is currently at an approximate level of RL 1.5m AHD. Filling to RL 2.65m AHD will be required to facilitate development under the 2(a) zoning. The area is already zoned for residential development

Clause 35 - Acid Sulphate Soils:

The proposed additional uses do not increase the risk arising from potential or actual acid sulphate soils.

NORTH COAST REP

Clause 32A – Coastal Land

This site lies within the coastal zone as defined by the NSW Coastal Policy. In accordance with Section 117 Direction No.26, Council is required to consider a Local Environmental Study unless the Director of Planning NSW directs to the contrary pursuant to Section 74 (2) of the Act. It is recommended that the requirement for a Local Environmental Study be waived for the following reasons:

- The land is identified in Council's Residential Strategy, the North Coast Urban Planning Strategy, and Council's Strategic Plan as an area suitable for residential development. The land has been zoned Residential 2(a) since 1988.
- The LEP amendment does not propose a zoning change, but to add a permissible use under Schedule 3
- The application is generally consistent with the relevant provisions of the NSW Coastal Policy

Clause 38 - Plan preparation – urban land release strategy

This Clause requires the preparation of an urban land release strategy for LEPs permitting significant urban growth. The total area of land is approximately 1.444ha and is primarily aimed at tourists. It is therefore not significant urban growth.

Clause 39 – Retail Activities

The amendment is only intended to enable retail shops to be established to service the existing Billabong caravan park, proposed tourist accommodation and adjacent residential areas. The gross floor area of the shops is limited to approximately 300m² and therefore does not constitute significant retail development.

Clause 40 – Urban Zones

This clause requires LEPs to contain flexible and simple zoning provisions. This amendment is consistent with this clause in that it will expand the range of permissible uses within the 2(a) zone.

Clause 45 - Plan Preparation – hazards

This clause stipulates that an LEP shall not permit development for tourism, rural housing or urban purposes on land subject to flooding. The area of the amendment is approximately 1.444ha and is subject to flooding. Filling of the land will comply with Council's Flood Strategy and

Reports from Director Development Services

Development Control Plan No.5. The area will be required to be filled to RL2.65m AHD as part of any future development application.

Clause 56 – Land in the vicinity of Aerodromes

This clause requires Council to prohibit residential development on certain land affected by high airport noise levels and consider the most recent contour plan indicating the Australian Noise Exposure Forecast in the vicinity of the aerodrome. The site of the amendment is within the flight path to Coolangatta airport and the ANEF2010 Contour Maps indicate the land is within the 20-25 ANEF contour. AS2021 – 1994 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) provides that the following building types are conditionally acceptable in the 20-25 ANEF contour range: houses, home units, flats, caravan parks.

Broadening the range of uses to include tourist accommodation, caravan parks and camping grounds in addition to conventional residential dwelling houses would be consistent with the provisions of the Australian Standard, Tweed LEP 2000 and this Clause of the North Coasts REP.

Clause 58 - Plan Preparation-servicing urban areas

This clause stipulates that an LEP shall not permit development for urban purposes unless the Council is satisfied that the site is serviced appropriately and efficiently. The subject site adjoins residential development and therefore is able to be serviced with the necessary physical infrastructure such as electricity, town water, town sewer, telephone, waste disposal etc.

Clause 71 – Provision of Services to Tourism Development

The clause provides that an LEP shall not zone land for tourism development unless Council is satisfied that adequate road access is available and suitable urban infrastructure is also provided. Dry Dock Road is a two lane bitumen sealed road identified as a designated road under Tweed LEP 2000 and issues relating to this are referred to earlier in this report under the heading “Traffic and Access”. All urban services are available to the site and therefore the proposal is consistent with the provisions of this clause.

SECTION 117 DIRECTIONS

G25 – Flood Liable Land

This direction stipulates that urban development is not to occur on flood liable land. The issue of flooding has been discussed in this report. While the proposed amendment is inconsistent with this direction, it is proposed to fill the land to an appropriate level for urban development.

Local Environmental Study

This amendment will expand the range of permissible uses within the current 2(a) zone. The subject land is adjacent to the Billabong Caravan Park and some of the uses proposed on the site will service the existing park. The proposed additional uses are similar in nature to other current uses in the area. The proposal generally meets the legislative requirements as set out in this report and therefore the need for an environmental study should be waived.

WORK PROGRAM

The Amendment is not included in the current Strategic Planning Work Program. The proponents have provided the following in support of including the amendment:

Reports from Director Development Services

“... we would like to request that the processing of our application above be expedited. The nature of our proposed development is tourism based, and would be of significant benefit to the Tweed Shire.

The development would accommodate up to approximately 240 visitors and bring a significant amount of money to our area.

Our existing operation employs 16 full and part-time people. We anticipate the proposed development will employ an additional 12 full time equivalent positions on an ongoing basis. During construction we anticipate 10 full time equivalent positions to be generated for a 12 month period”.

Having regard to the minor nature of the Amendment; and the identified benefit to the local community the inclusion of the Amendment in the Program can be supported.

SUMMARY

Development of this site for tourist accommodation, shops, a caravan park and camping ground is inconsistent with some of the legislative requirements within the Tweed LEP, NCREP and S117 Directions. The main inconsistency relates to urban development on flood liable land. To facilitate the uses of the land as proposed, the site will be filled to RL 2.65 AHD which will meet the requirements under Development Control Plan No.5.

The proposed amendment to Tweed LEP 2000 by including an enabling clause in Schedule 3 will result in an extension to the Billabong Holiday Park. The proposed use of the site is not inconsistent with other uses in the general area and is not expected to be detrimental to the surrounding environment.

The proposed shop will also be used to service the surrounding residential area. There is a shopping village (including a convenience store) along Dry Dock Road to the West. It is approximately half to one kilometre away and therefore it is considered that the proposed shop will not have a detrimental affect on the business of the existing shop. The Tweed Strategic Plan 2000 considers a walking distance of 400m to a shop desirable.

Subject to the submission of a traffic impact assessment study by the proponents that indicates no adverse traffic impacts arising from the proposed development, it is recommended that the proposal to include an enabling clause in Schedule 3 of the Tweed Local Environmental Plan 2000 be supported and that Council proceed with the proposed draft LEP amendment.

The only outstanding issue concerns traffic impact. It is necessary for all relevant issues to be dealt with at the rezoning stage, which, in this case, includes traffic assessment. The proponents have indicated they are prepared to submit to Council a traffic assessment if Council agrees to proceed with the LEP Amendment.

On this basis then Council could proceed to prepare a draft LEP subject to receiving a report from the proponents that advises there are no adverse traffic impacts. If the traffic assessment is not acceptable to Council, then Council would not proceed to exhibit the draft Plan.

Reports from Director Development Services

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Reports from Director Development Services

9. ORIGIN: Director
FILE REF: Draft Coastal Strategy

REPORT TITLE:

Building Heights - Kingscliff

SUMMARY OF REPORT:

There is an increasingly significant issue of the continuing validity of the Tweed Local Environmental Plan 2000 (TLEP 2000) provisions for Kingscliff in terms of Building Height controls and the definition of “storey”. Kingscliff is an increasing focus of development interest and increasing property values. Some recent development applications have led to policy issues and strong objections by local residents regarding the height of buildings and resultant potential view deprivation. This issue is anticipated to increase for future development applications – particularly in the southern sector of the Kingscliff developed area. The very strongly expressed community view, embodied in DCP43, is to ensure that Kingscliff’s existing character is maintained and enhanced – not compromised.

RECOMMENDATION:

That Council:-

1. (i) Engage consultants to undertake an overall urban design review of DCP 43, in particular view corridors and views from significant vantage points in Kingscliff to the coastal foreshore beach and ocean to establish policies regarding the protection of views and to establish a high equity of view retention from existing buildings and view establishment for new development applications. The review will involve the age and potential redevelopment of the buildings in this sector of Kingscliff.
- (ii) Delegates to the Director of Development Services to prepare a brief for consultants to undertake the project;
- (iii) Delegates to the Director of Development Services to select the preferred consultants.
2. Pending the outcome of 1. above as an interim measure, a Development Control Plan be prepared and exhibited for the Tweed Coast between Kingscliff and Pottsville.
 - (a) to establish a maximum height limit for 2 and 3 storey commercial and residential developments – as follows:
 - for 3 storey commercial development – 12 metres;
 - for 3 storey residential development – 10 metres;
 - for 3 storey mixed development (commercial on ground floor and 2 storeys of residential above) - 11 metres;
 - for 2 storey commercial development – 9 metres; and
 - for 2 storey residential development – 7 metres
 - (b) to provide guidelines for the design and use of rooftops.

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REPORT:

INTRODUCTION

There is an increasingly significant issue of the continuing validity of the current planning controls for Kingscliff in terms of Building Height controls and the definition of “storey”. Kingscliff is an increasing focus of development interest and increasing property values. Some recent development applications have led to strong community objections and significant policy issues regarding height and potential view deprivation. This issue is anticipated to increase for future development applications – particularly in the southern sector of the Kingscliff developed area.

The draft Tweed Coast Strategy Discussion Paper has identified building height controls at Kingscliff as a specific issue, in the following terms:

“In Kingscliff, community opinion has generally indicated that the existing storey height limited should be maintained and not increased. However, some recent development issues have indicated that buildings that appear more like four storey buildings could be erected, while still achieving technical compliance with the three (3) storey height limit. This is a result of the legal definition of storey, which states that a storey is the space between a floor and a ceiling, with no upper limit on ceiling height. For example, a single storey arcade building could be built to a much greater height (measured in metres) than surrounding 3 storey residential developments.

Such a scenario would be a significant divergence from community expectations as to what constitutes a reasonable height limit in Kingscliff. Given the sensitivity of this issue, particularly in this coastal locality, the height controls as they relate to Kingscliff should be re-assessed to determine whether it may be more appropriate to provide a maximum building height control measured in metres AHD, rather than storeys”.

The discussion paper recommends that:

“Council will prepare a study to consider the appropriateness of changing the building height control in Kingscliff from storeys to metres AHD and in the event that such a study concludes that a change is warranted, Council will prepare an amendment to Tweed LEP 2000”.

RELEVANT CURRENT PROVISIONS OF TWEED LOCAL ENVIRONMENTAL PLAN 2000 (TLEP 2000)

Building heights is currently addressed within the Tweed LEP through the following Shirewide provisions:

“Clause 16 Height of buildings

(1) Objective

to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

(2) Consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.”

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“Schedule 1 Meaning of Terms

height in relation to a building *the greatest distance measured vertically from any point on the building to the natural ground level immediately below that point.*

Height of Buildings map *the series of maps marked “Tweed Local Environmental Plan 2000 – Height of Buildings”, as amended by the maps listed in Part 3 of Schedule 6.”*

Storey means: (a) *the space between two floors, or*
(b) *the space between a floor and any ceiling or roof immediately above it, or*
(c) *foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more.*

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.”

The current problems encountered with the issue of building heights and storey’s relate to the interpretation of what a storey is, how it should be measured, and what should be included when considering or assessing a building height, or storey.

Council has resolved to amend the Tweed LEP 2000 provisions regulating building height to refer to ‘finished ground level’ by:

- i. amending definition for ‘building height’;
- ii. introducing a definition for ‘finished ground level’; and
- iii. amending definition for ‘storey’

in the following manner:

1. The definition for building height be amended to reflect “finished ground level” rather “natural ground level”, hence the definition would read:

“height, in relation to a building *the greatest distance measured vertically from any point on the building to the **finished ground level** immediately below that point.”*

2. A definition for “finished ground level” be introduced:

“finished ground level”, in relation to land, means –

- a. *where land is within an area designated by the Council as flood liable land, the Adopted Design Flood Level, adopted by Council; or*
- b. *where land is not within such an area, the level of the land (after earthworks) as approved by the Council, or where no earthworks are proposed, the natural ground level of the land”.*

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3. The definition for storey be amended to read:

- “Storey means:* (a) *the space between two floors, or*
(b) *the space between a floor and any ceiling or roof immediately above it, or*
(c) *foundation areas, garages, workshops, storerooms and the like, where the height between **finished ground level** and the top of the floor immediately above them is 1.5 metres or more.*

A storey which exceeds 4.5 metres is counted as two storeys

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building”.

KEY ISSUES

Building heights, bulk, and view impacts are historical, and anticipated, key issues in development assessment and decision-making for developments in Kingscliff – particularly the sector of Kingscliff south of Turnock Street, east of Pearl Street to Seaview Street and the “Kingscliff Hill”. There is concern that the current LEP controls do not provide a suitable policy framework to ensure the necessary quality of urban design in Kingscliff.

It is the height of buildings which is the cause of concern. Whilst the current amendments to the LEP will go some way towards addressing the concern, there still remains outstanding issues. In accordance with the recommendations of the Tweed Coast Strategy Discussion Paper it is considered timely to engage consultants to undertake the necessary review of building height controls for Kingscliff. Therefore it is recommended that there be a significant review of the controls in Kingscliff, particularly those concerning view equity and retention, building design, definition of “storey” and height controls.

In the interim, and pending the outcome of the review, it would be appropriate to supplement the LEP controls with specific height controls, at least along the Tweed Coast. It is recommended that Council establish a maximum height limit for 2 and 3 storey commercial and residential developments – as follows:

- for 3 storey commercial development – 12 metres;
- for 3 storey residential development – 10 metres;
- for 3 storey mixed development (commercial on ground floor and 2 storeys of residential above) - 11 metres;
- for 2 storey commercial development – 9 metres; and
- for 2 storey residential development – 7 metres

To minimise the impact of development, use of the roof and roof treatment of development is critical. Accordingly the DCP should:

- where a pitched roof is proposed, encourage as low a pitch as possible;
- require the appropriate design of roofed areas when viewed from neighbouring development;

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- make it clear that whilst the use of roofs for incidental purposes to the building is acceptable, there can be no covered structures.

To assist in this process Council should make a submission to PlanningNSW's Living Centres Program for a facilitated program of consultation to achieve a consolidated statement of community values for Kingscliff and the policies that will translate these values to future urban form, open space provisions, environmental qualities and provision of services.

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10. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/20 Pt5

REPORT TITLE:

Kings Forest

SUMMARY OF REPORT:

At the previous meeting Council considered a report in respect of the recent detailed submission from the National Parks & Wildlife Service concerning Kings Forest. Council officers have met with Service's officers when the following was discussed:

- The details of the threatened species habitat at Kings Forest; and
- The social and economic background to the development.

The options available to Council may be summarised as follows:

1. Accept the submission, and the resultant recommended Environmental Protection zones;
2. Undertake, at Council's expense, an independent environmental audit of Kings Forest using consultants;
3. Acknowledge there are constraints which the Environmental Study has not dealt with, and work through those constraints to identify what remedial measures can be taken to maximise the urban yield.

None of these options provides an easy route for Council. It certainly is not an option for Council to ignore the submission. Neither is it an option to merely accept the recommended Environmental Protection zones. Kings Forest is an integral part of Council's urban release programme which, if significantly reduced in size, would have significant social and economic impacts.

Similarly, option 2 is not considered to be expedient. The Service have based its findings on site inspections and already published material. It appears safe to say that clearly there are items of environmental relevance which the Environmental Study failed to address. It remains to determine how significant/important those items are; and identifying options for minimising any adverse impact of urban development on those items. This forms the basis of option 3, which is preferred.

RECOMMENDATION:

That Council:

1. Acknowledges there are constraints which the Kings Forest Environmental Study has not fully dealt with; works through those constraints to identify what measures can be taken to maximise the urban yield; determines how significant/important those items are; and identifies options for minimising any adverse impact of urban development on those items.

To undertake this work the following would be required:

- An assessment of the significance of the identified threatened species in the context of the Tweed Coast;
- Management plans for koalas and bushfire in accordance with;
- Additional archaeological assessment.

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2. Requests the National Parks & Wildlife Service to further supplement the data it has already provided to Council with any other appropriate material to assist Council in completing this project.

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REPORT:

At the previous meeting Council considered a report in respect of the recent detailed submission from the National Parks & Wildlife Service concerning Kings Forest.

NPWS SUBMISSIONS

The submission followed an earlier NPWS submission dated 30 May 2001 and was based on additional information obtained as a result of legal investigations into the clearing, earthworks and alleged unauthorised destruction of threatened species and threatened species habitat. The submission recommends that substantial areas of wetland, significant vegetation and threatened species habitat be included within an appropriate Environmental Protection zone for Council to meet its requirements under the North Coast Regional Environmental Plan.

The NPWS submission dated 30 May 2001, however, had previously identified that the entire area known as the Cudgen Paddock be zoned Environmental Protection as well as recommending substantial buffering to the Cudgen Nature Reserve and wetlands and raising the need to consider wildlife corridors. That submission also identified that Council should undertake a Koala Plan of Management prior to the completion of the draft LEP, and that further flora and fauna surveys was likely to identify additional areas of threatened species habitat. It was also noted that there was a high potential for undiscovered archaeological sites, particularly in the elevated sand locations.

Council officers have met with Service's officers when the following was discussed:

- The details of the threatened species habitat at Kings Forest; and
- The social and economic background to the development.

OPTIONS FOR DEALING WITH NPWS SUBMISSIONS

The NPWS submission is one of a number received which are currently being reviewed by Council's Consultants. Moreover, because of the significant implications of this submission it warrants early and close attention by Council. The Service submission cannot be ignored by Council. The options available to Council may be summarised as follows:

1. Accept the submission, and the resultant recommended Environmental Protection zones;
2. Undertake, at Council's expense, an independent environmental audit of Kings Forest using consultants;
3. Acknowledge there are constraints which the Environmental Study has not dealt with, and work through those constraints to identify what measures can be taken to maximise the urban yield.

None of these options provides an easy route for Council. It certainly is not an option for Council to ignore the submission. Neither is it an option to merely accept the recommended Environmental Protection zones. Kings Forest is an integral part of Council's urban release programme which, if significantly reduced in size, would have significant social and economic impacts.

Similarly, option 2 is not considered to be expedient. The Service have based its findings on site inspections and already published material. It appears safe to say that clearly there are items of environmental relevance which the Environmental Study failed to address. It remains to determine how significant/important those items are; and identifying options for minimising any adverse

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impact of urban development on those items. This forms the basis of option 3, which is preferred. It also has the advantage of progressing the draft LEP.

To undertake this option the following would be required:

- An assessment of the significance of the identified threatened species in the context of the Tweed Coast;
- Management plans for koalas and bushfire;
- Additional archaeological assessment.

To assist Council the Service is prepared to make available all of the point data for threatened species it has for Kings Forest. This would supplement the material already provided to Council. Council should also request NPWS to further supplement this data with any other appropriate material to assist it in completing this project.

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11. ORIGIN: Development Assessment Unit

FILE REF: PF3560/110 Pt2; 3560.110

REPORT TITLE:

Section 96 Application D97/0286.01 for an amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah

SUMMARY OF REPORT:

Council granted development consent in 1997 for a brothel and escort agency to operate from premises in the Chinderah Industrial Estate. Condition No. 3 of the Development Consent D97/0286 restricted the operating hours of the premises from 6.00 pm to 6.00 am. This is in accordance with Development Control Plan No. 31 Brothels Policy. The applicant has submitted a Section 96 Application to have this condition removed to enable 24 hour trading. Property owners within 1 km radius of the Brothel were notified of the proposed application, and Council received two petitions and three letters objecting to the proposal.

Concerns raised related primarily to the affect the extended hours of the Brothel may have on other premises within the industrial estate which predominantly operate during the daylight hours. The Brothel however can be clearly identified from the Street by it's signage, and it is unlikely the adjoining fish Processing Plant or the Mobile Home Manufacturer would be mistaken as the Brothel by patrons. Adequate Car Parking is provided on-site, and Morton Street is capable of handling any additional traffic generated by the extended hours without affecting the safety or efficiency of the road network. The application to extend trading hours to 24 hours a day, 7 days a week is not consistent with DCP No. 31 and as referred to in this report it would be appropriate for the DCP to be reviewed before making a decision on this application.

RECOMMENDATION:

That:

- a. A decision on the Section 96 Application No. D97/0286.01 for an amendment to Development Consent D97/0286 for brothel/escort service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah be deferred until the proposed amendment to DCP 31 referred to in b) is completed; and
- b. A draft amendment be prepared to Development Control Plan No. 31 – Brothels Policy in the following terms:-

Replace the words in Clause 4.4 with “Hours of Operation shall be considered on their merit having regard to the local environment, including nature and type of existing business and their hours of operation”.

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REPORT:

Applicant: Jim Glazebrook and Associates

Owner: Dallas Cameron

Location: Lot 1 DP 619871, No. 31 – 33 Morton Street, Chinderah

Zoning: 4(a) Industry

BACKGROUND

Council granted development consent in 1997 for a brothel and escort agency to operate from premises in the Chinderah Industrial Estate. Condition No. 3 of the Development Consent D97/0286 restricted the operating hours of the premises from 6.00 pm to 6.00 am. The applicant has submitted a Section 96 Application to have this condition removed to enable 24 hour trading.

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SITE DIAGRAM



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

(a) (i) **The provisions of any environmental planning instrument**

Section 96 of the Environmental Planning and Assessment Act 1979

Proposal is considered to be substantially the same development and the assessment of this application can be carried out under the provisions of Section 96 of the EPA Act 1979.

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

Development Control Plan No. 31 – Brothels Policy

The section 96 Application was notified to all landowners who lived within a one-kilometre radius of the brothel. Four submissions have been received which are discussed below.

Under the Brothels Policy Clause 4.4, hours of operation are to be limited to those between 6 pm and 6 am. It would appear that the restriction has been included in the policy to minimise the potential for land use conflict with neighbours and surrounding landowners/ businesses. The Condition has been placed on the consent in accordance with the DCP.

The applicant has submitted the following

- Modification necessary to meet demand for services by the brothel and is consistent with usual sex industry practice and the condition is a harsh and unnecessary restraint of trade.

Comment: Hours of operation applies to all brothels approved under the Brothels Policy in Tweed Shire. It is therefore considered that such hours of operation are consistent with the usual sex industry practices in Tweed Shire.

However, it is noted that under policies applicable in Byron Shire and Ballina Shire, hours of operation are considered on merit. On the Gold Coast, at present their planning controls do not stipulate hour of operation.

It is therefore submitted that this restraint of trade is not unfairly placing the Sanctum Brothel at a disadvantage in terms of the legal brothels operating within Tweed Shire. In relation to the sex industry operating on the North Coast of NSW and the Gold Coast this restriction could be viewed as a restraint, assuming that clientele are mobile and willing to drive out of the Shire for services. No evidence has been submitted to demonstrate this.

- The brothel is sited within an industrial estate with vacant land to the rear and adjoining development in Morton Street comprising a fish processing operation and a mobile home manufacturer. There is no issue whatsoever in respect to residential amenity.

Comment: Brothel is operating within an industrial estate, and is clearly identified from Morton Street by way of signage on the front façade. Adjoining premises include

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a fish processing plant to the west, a mobile home manufacturer, and vacant land to the rear. The proposal is highly unlikely to impact on the amenity of residents living in Chinderah and West Kingscliff.

- Proposal would have no impact on existing activities in relation to noise and traffic generation.

Comment: Brothel is sited in a building constructed from Concrete tilt up panels with adequate car parking on-site. Morton Street has been designed to accommodate traffic normally associated with an industrial estate. It is not foreseeable that the Brothel would impact upon existing activities in Morton Street in relation to noise or traffic Generation. The RTA have also commented on the proposed amendment and stated that they have no objection on road safety or traffic efficiency grounds.

- The brothel has operated to date in accordance with council's requirements.

Comment: From Council's records it appears the Brothel has operated to date without incident from Council's point of view. Proposal was also forwarded to the Tweed Byron Local Area Command – NSW Police Force for comment, who have no objection to the extension of trading hours.

In conclusion, it is considered that the applicant has not demonstrated that the restriction on the hours of operation is a restraint of trade for brothels operating in Tweed Shire, and that the condition of consent is placing the brothel at a competitive disadvantage with its opposition. It is acknowledged though that the operation of the brothel 24 hours per day would not cause a landuse conflict with surrounding development. However, as the proposal is in contravention to the Hours of Operations stipulated in the Development Control Plan for Brothels, the proposal may create an undesirable precedent not in the public interest.

It is therefore recommended that should Council wish to support the proposal, a review of the Development Control Plan be carried out in relation to hours. Such a review would investigate amending the clause relating to hours to enable the matter to be determined on merit. Suitable provisions would be drafted to enable assessment of the potential for a land use conflict with adjoining and surrounding business houses within the neighbourhood operating at similar hours.

If Council adopts such a recommendation, the amendment to the Development Control Plan will be placed on public exhibition for 28 days, and enable the matter to properly examined and gauge public support for the proposed amendment. Should the Development Control Plan be amended then the proposal could proceed, ensuring the matter is not dealt with on an ad-hoc basis.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

It is considered the extension to the hours of operation will not have an adverse impact upon the built environment, the social structure of the locality or be detrimental to other businesses operating in Morton Street. The building is clearly identified from the Street, has adequate car parking, and it is unlikely patrons of the brothel would wander into the adjoining Fish Processing Business or the Mobile Home Manufacturer by mistake.

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

The Brothel is located within the industrial estate at Chinderah, and is not in the vicinity of residential development, places of worship, schools or child care centres. The site is considered suitable for a brothel, and the extension of hours to 24 hours per day is unlikely to cause a land use conflict with adjoining landowners.

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

In addition to the Police and RTA submission, two petitions and three letters of objection were received. Two of the letters objected to the establishment of the Brothel. As the Brothel is already established their objections have failed to address what the applicant is seeking consent for.

Issues raised in the other submissions, which are relevant are as follows:

- The extension of hours of operation will have an unwanted affect on established businesses in the area.

Comment: As to how the extension of hours of operation would have such an affect on other businesses in the Industrial Estate has not been explained. However in terms of traffic, the road network is satisfactory to handle any additional traffic generated. Adequate car parking is provided on-site, and the premises are clearly identified by signage on the front façade.

- Most businesses in the estate are family owned and operated and proposal will have an adverse impact on these families with many of these families having school aged children at there premises before and after school. The health and safety of employees working on the estate will be at risk from unwanted harassment and the like that may take place during normal trading hours.

Comment: As discussed above the existing brothel can be clearly identified from Morton Street with adequate car parking on site. It is considered unlikely that attendees to the brothel would venture into adjoining premises by mistake.

- Proposal will open the flood gates to other brothels/escort services doing the same.

Comment: As discussed above should Council wish to support this proposal it is recommended that Council review the Brothel Policy first with regards to hours of operation so that clear guidelines are in place to enable assessment of the potential for a land use conflict with neighbouring development.

- Undesirable element involved.

Comment: This is a judgement dependent upon ones morals and ethics, and not a matter for consideration.

- Loss of prestige and devaluation of properties.

Comment: The Brothel already exists in the estate, and there is no evidence to suggest real estate values or the prestige of the estate has decreased.

- Amenity and safety of the community

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Comment: Brothel is located in an industrial estate and is not in the vicinity of schools, churches or residential estates. It is not envisaged that the proposed extension of hours will affect the amenity and safety of the community.

- Recent murder of a person related to a brothel establishment in the Industrial Estate at odds with the Council's goal of creating a safe and healthy community.

Comment: The matter is currently under investigation by NSW Police and the circumstances of this unfortunate crime are unknown. It is considered the matter is not relevant in terms of the proposed amendment to the Consent and is not grounds for refusal.

(e) Public interest

As the proposal is a clear contravention of the provisions in the Brothel Policy Development Control Plan it is considered that the proposal may create an undesirable precedent not in the public interest.

OPTIONS

1. Defer determination of the application until such time as the Brothel Policy is amended to remove the restriction on the hours of operation.
2. Approve the application as proposed.
3. Approve the Application by granting consent for a 6 month Trial Period.
4. Approve the application by granting consent for the extension of trading hours on Weekends and public holidays.
5. Refuse the Application

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse to appeal Council's determination of the application in the Land and Environment Court, which has resource implications for Council.

CONCLUSION

Although the proposal appears to have merit the applicant has failed to demonstrate how the restriction on hours is a restraint of trade and places the brothel at a competitive disadvantage to its opposition. As the proposal is in contravention to DCP 31 Brothels Policy in relation to hours of operation it would be prudent of Council to review the DCP prior to determining the Development Application.

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12. ORIGIN: Strategic Town Planning Unit

FILE REF: LEP; Dual Occupancies; GT1/LEP/2000/27 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 27 - Dual Occupancy Development

SUMMARY OF REPORT:

Draft LEP Amendment No 27 was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979. The draft LEP was publicly exhibited between Wednesday, 4 September 2002 and Friday, 4 October 2002.

No submissions were received from members of the general public.

It is considered that the proposed LEP Amendment can be forwarded to the Minister for Planning in the form that it was exhibited.

RECOMMENDATION:

That Council forwards the draft Local Environmental Plan 2000, Amendment No 27, to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

Council last dealt with this item at its Ordinary meeting of 6 March 2002, where in accordance with Section 54 of the Environmental Planning and Assessment Act 1979, it resolved to prepare draft LEP Amendment No 27.

Draft Amendment No 27 transfers dual occupancy development controls from the land use zoning tables to a separate clause within the Tweed LEP. It transfers these development standards from a rigid planning framework to a more flexible, merit based system that will enable the use of State Environmental Planning Policy No 1 (Development Standards), where appropriate.

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant State Government Agencies. A response was received from NSW Fisheries as follows:

“NSW Fisheries has no legislative responsibility with regard to the establishment of dual occupancy developments, however it should be recognised that poorly designed town planning can impact on aquatic biodiversity. Consequently NSW Fisheries urges Council to evaluate the propose amendment against criteria proposed in the Coastal Guidelines for NSW, which was released as a discussion paper in December 2001”.

A Section 117 Direction under the Environmental Planning and Assessment Act, 1979 requires Council to consider the Coastal Policy in the preparation of Local Environmental Plans. The Direction requires Draft LEPs to give effect to, and be consistent with, the Policy and requires Local Environmental Studies to accompany any LEP Amendment within the coastal zone. The proposed LEP Amendment falls within the Coastal Zone and as such would require the preparation of a Local Environment Study. However in this case the Director-General waived the need for such a study. The proposed Amendment is considered to be consistent with the NSW Coastal Policy.

PUBLIC EXHIBITION

In accordance with Section 66 of the Environmental Planning and Assessment Act 1979, draft LEP Amendment No 27 was placed on public exhibition between 4 September 2002 and 4 October 2002.

During this period of public exhibition no submissions were received from members of the public or State Government Agencies.

CONCLUSION

Draft LEP Amendment No 27 proposes to provide flexible density development standards relating to multi-dwelling housing within the 2(a) Zone. The proposed Amendment retains the existing density development standards relating to dual occupancy development and transfers these standards from the Zone 2(a) land use table to a separate clause within Tweed LEP 2000. This provides for greater flexibility when applying these density development standards because Council can vary the standard in certain circumstances under State Environmental Planning Policy No 1.

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13. ORIGIN: Development Assessment Unit

FILE REF: DA1180/425 Pt1; 1180.425

REPORT TITLE:

Development Application 0689/2000DA for a Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Tweed Coast Road, Hastings Point

SUMMARY OF REPORT:

Tweed Coast Sea Rescue Incorporated has proposed to construct a boat shed on land adjoining Cudgera Creek, Hastings Point for the purpose of storing an emergency sea rescue boat. Access to the site is via Peninsula Street, which also serves a number of residential buildings and provides access to the beach at North Hastings Point. The street ends in an unformed cul-de-sac and is utilised by the public for parking of vehicles and as an emergency access to the beach.

The development application was reported to Council on July 3, 2002 for determination, however the matter was deferred to obtain further information from NSW Fisheries who had refused to issue general terms of approval under the Fisheries Management Act 1994. NSW Fisheries have advised Council that their position remains unchanged and have not issued General Terms of Approval under the Fisheries Management Act 1994. Further NSW Fisheries have re-iterated their non-support for the proposal raising concerns about the effect the development would have on the tidal flow and hydrology of Cudgera Creek, and the suitability of the site in general.

The Rescue organisation at present store the boat in a shed near the Pottsville Bowls Club which presents operational problems in getting the boat into the water during emergencies. The need to locate the boat in a suitable facility on or near the water is recognised, however the proposed site of the Boat Shed is constrained by its physical and natural attributes which prevent it from being a suitable location.

No provision can be made for car parking on-site, and the driveway access is difficult or impossible to negotiate, with a car and trailer. Further the applicant has failed to demonstrate how public access along the foreshore can be maintained, while the creek itself is narrow, shallow and provides a playground for a variety of recreational activities. This makes Cudgera Creek a challenge to negotiate at the best of times, and presents a hazard to the public and a liability risk to the rescue organisation itself.

In conclusion it is recommended the development application be refused for the reasons listed.

RECOMMENDATION:

That Development Application 0689/2000DA for storage and launching facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point, be refused for the following reasons:

1. Pursuant to Section 91A(4) of the Environmental Planning and Assessment 1979, NSW Fisheries will not issue an approval under the Fisheries Management Act 1994.
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with the objectives of the 6(a) Open Space Zone in Tweed Local Environmental Plan 2000.

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3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with the provisions of Clause 32B of the North Coast Regional Environmental Plan 1988.
4. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal does not comply with the provisions of Development Control Plan No. 2 Site Access and Parking Code
5. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the proposed development.
6. Pursuant to Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, NSW Fisheries and the Department of Land and Water Conservation have objected to the proposal by way of a submission.
7. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Mr Roger McLeod

Owner: The Crown

Location: Lot 7018 DP 755701, Coast Road Hastings Point

Zoning: 6(a) Open Space

Cost: \$30000

BACKGROUND

Tweed Coast Sea Rescue Incorporated has proposed to construct a boat shed on land adjoining Cudgera Creek, Hastings Point for the purpose of storing an emergency sea rescue boat. Access to the site is via Peninsula Street, which also serves a number of residential buildings and provides access to the beach at North Hastings Point. The street ends in an unformed cul-de-sac and is utilised by the public for parking of vehicles and an emergency access to the beach.

The proposed boat shed would require the removal of mangroves and being within 40 meters of a waterway the development was forwarded to NSW Fisheries and DLWC as integrated development. DLWC have subsequently advised that the development does not need to obtain a permit under Part 3A of the Rivers and Foreshores Act 1948. NSW Fisheries have advised that at this stage they do not support the proposal to construct a boat shed and launching facility at the site. Accordingly they have not issued their general terms of approval for a permit to remove mangroves and reclamation under the Fisheries Management Act 1994.

The Rescue organisation at present store the boat in a shed near the Pottsville Bowls Club which presents operational problems in getting the boat into the water during emergencies. The applicant wish to locate the boat in a suitable facility on the water to enable them to provide a more efficient services.

Reports from Director Development Services

SITE DIAGRAM

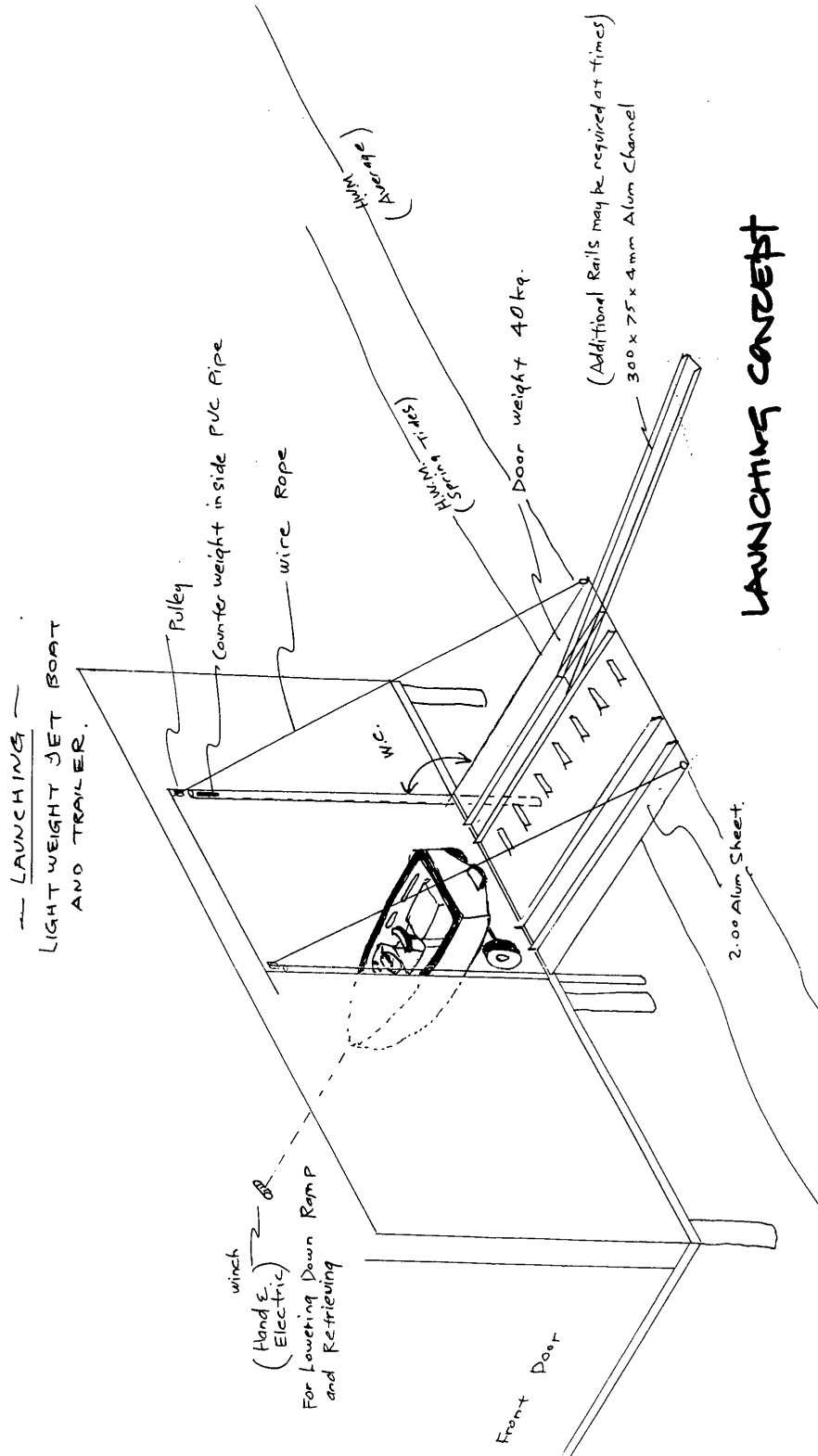


<p>© TWEED SHIRE COUNCIL, 2001 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 916 Maree/Baraba NSW 2464 Tel: (03) 0078 2809 Fax: (03) 0078 2811</p>	<p>TWEED SHIRE COUNCIL Lot 7018 DP 755701 Coast Road, Hastings Point</p>	<p>STRATEGIC PLANNING UNIT  TWEED SHIRE COUNCIL</p>	<p>Site Plan Sheet 1 of 1 Revision</p>
<p>File: N:\Mapinfo 6....\Site Plan.Wor Author: J.Batchelor Date: 24/Jun/02</p>			

Reports from Director Development Services

CONCEPT PLAN

TWEED COAST SEA RESCUE SQUAD.
STORAGE & LAUNCHING FACILITY.
DA 1180/425 Pt 1 0609/2000 DA.



LAUNCHING CONCEPT

PI12 AUGUST 2000.

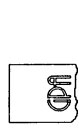
Reports from Director Development Services

ELEVATION PLANS

FILE NAME	P112-W002	PATH
XREF NAME		PATH
NOTES		

ELEVATIONS
 THESE DWGS ARE TO BE READ IN CONJUNCTION WITH GLEN PETERSEN ARCHITECT DWG NOS. P112- W000, P112- W001, P112-W002, P112- W003

DATE	02.06.99	DEVELOPMENT APPLICATION	A	ISSUE NO.	
		DESCRIPTION			



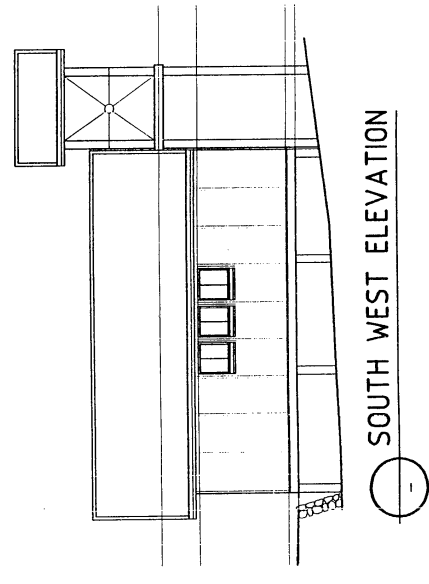
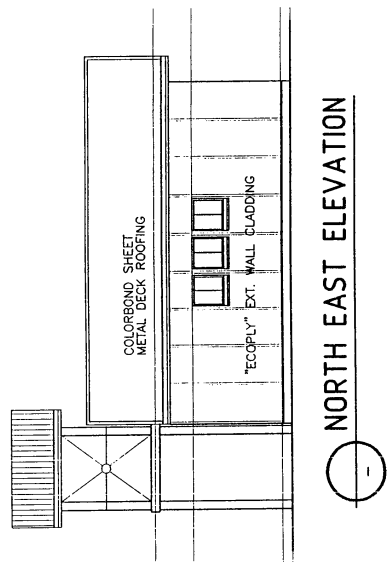
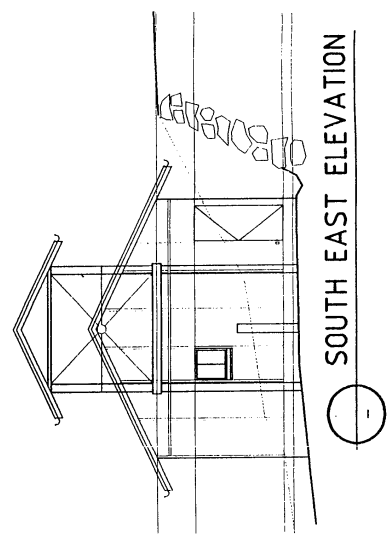
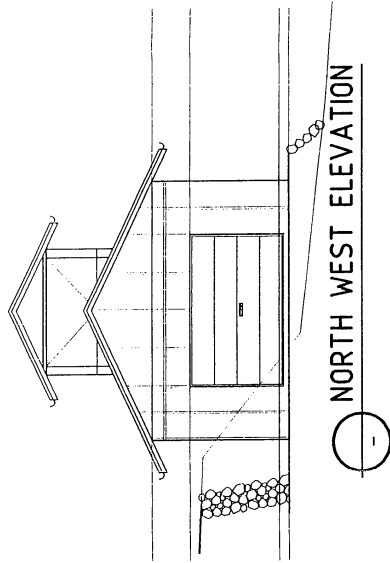
GLEN PETERSEN ARCHITECT
 PTY LTD
 101 WESLEY ST
 2ND FLOOR SUITE 201
 TWEED HEADS SOUTH COAS
 QUEENSLAND 2486

CLIENT
TWEED COAST SEA RESCUE

JOB TITLE
PROPOSED BOAT SHED


DRAWING TITLE
ELEVATIONS

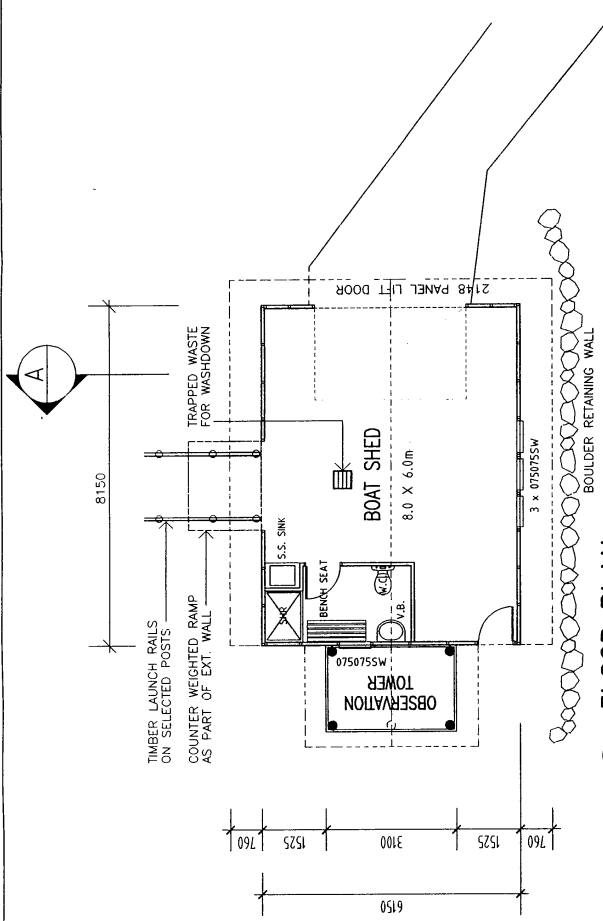
GLEN PETERSEN ARCHITECT PTY LTD. APPROVAL	
CLIENT APPROVAL	
SCALE	DATE
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APPROVED	DRAWING NO.
	P112-W003
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FILE NAME P112-W002 XREF NAME PATH	NOTES 1. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2. FIGURED DIMENSIONS TAKE PRECEDENCE TO SCALED DIMENSIONS. 3. THESE DWGS ARE TO BE READ IN CONJUNCTION WITH GLEN PETERSEN ARCHITECT DWG NOS. P112- W000 P112- W001, P112-W002, P112- W003 4. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO SETOUT. INSTRUCTION FROM ARCHITECT IS TO BE SOUGHT IF CLARIFICATION IS REQUIRED. 5. REMOVABLE HINGES ARE TO BE PROVIDED TO ALL RODS CONTAINING A VC IF THE SWING DIRECTION OF THE DOOR IS INTO THE ROOM	DEVELOPMENT APPLICATION A DESCRIPTION DATE 02.06.99 ISSUE NO.	 GLEN PETERSEN ARCHITECT PTY LTD 6/105 2/4 2/8 22/1 CORNWALL STREET TWEED HEADS QLD 2484 PHONE 447 7200	CLIENT TWEED COAST SEA RESCUE JOB TITLE PROPOSED BOAT SHED	DRAWING TITLE FLOOR PLAN & SECTION GLEN PETERSEN ARCHITECT PTY. LTD. APPROVAL GLEN APPROVAL SCALE 1:100 APPROVED DATE 01-06-99 DESIGNED DRAWN P112-W002 CHECKED REVISION A
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FLOOR PLAN
SCALE 1:100

SECTION A-A
SCALE 1:100

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FILE NAME	P112-WD00	PAIR
XREF NAME	PAIR	
NOTES		

02.06.99	DEVELOPMENT APPLICATION A	A	ISSUE NO.
DATE	DESCRIPTION		



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PTY LTD

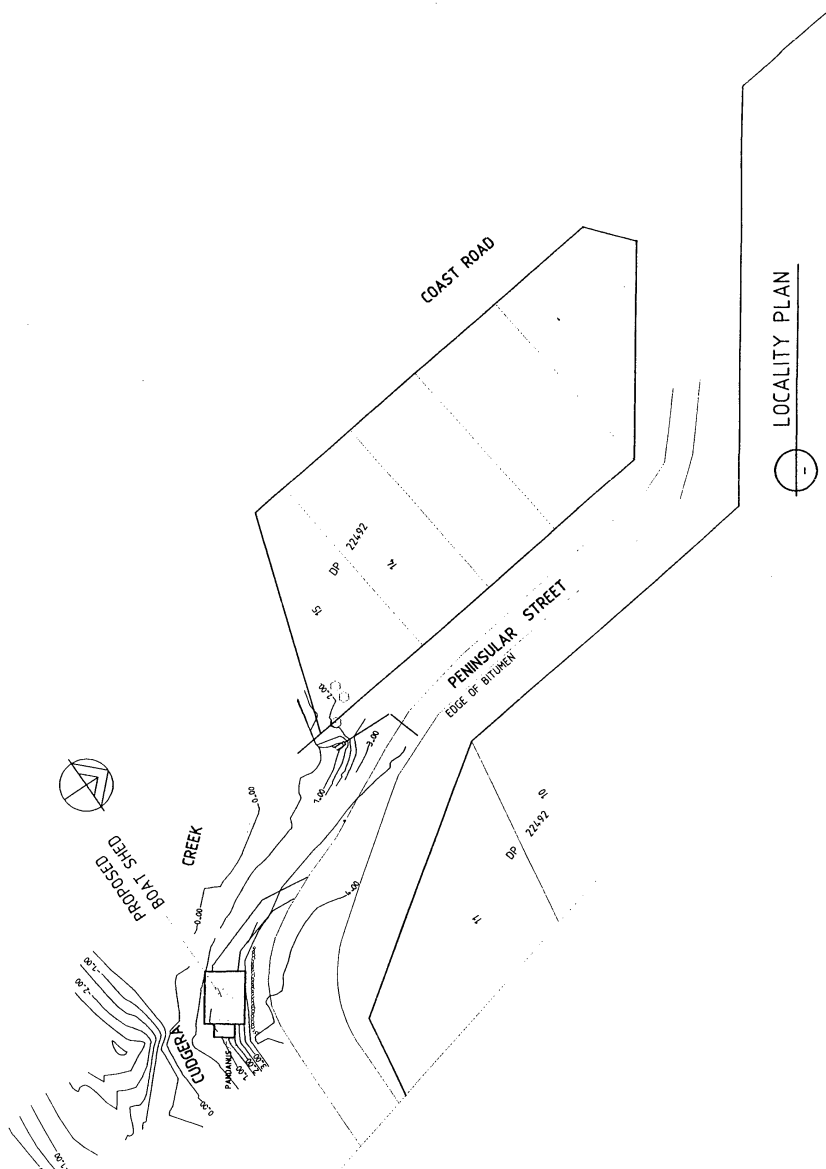
14 KERSI SQ, 2ND
FL, KERSI SQ, 2ND
TWEED HEADS SOUTH, NSW 2486
MOBILE 0417 7018

CLIENT
TWEED COAST SEA RESCUE

JOB TITLE
PROPOSED BOAT SHED

DRAWING TITLE
LOCALITY PLAN

GLEN PETERSEN ARCHITECT PTY. LTD. APPROVAL			
CLIENT APPROVAL			
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CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(a) (i) **The provisions of any environmental planning instrument**

Tweed LEP 2000 – Clause 11

The proposal is to be sited on land which is zoned 6(a) Open Space. The proposal is defined as an emergency service facility which is permissible with consent in the zone under item 2. It is considered that the site of the development is not compatible with the recreational use of the locality and the development may lead to a conflict with the intended recreational use of the land and the surrounding area. In this regard no parking has been provided for the development and the applicant is relying on utilising the existing road reserve for the parking of vehicles associated with the Tweed Coast Sea Rescue Service. At present this area is in high demand on weekends, school holidays and during the summer by other recreational users, and due to the proposed site of the boat shed, no other area can be made available for the parking of vehicles by member of the Rescue Organisation.

Cudgera Creek is also extremely narrow and shallow at low tides and is utilised heavily by families for swimming and other recreational activities, and the use of it by an emergency service for the launching of a rescue boat is not desirable.

In summary it is considered the development is not consistent with the objectives of the zone due to the proposed siting of the facility.

Clause 15 Essential Services

The development incorporates a toilet and shower facility and as such will need to be serviced by the sewer. The applicant has proposed to install a sewer pump station to augment the existing infrastructure.

Clause 31 Development Adjoining Waterbodies

Proposed Boat Shed is to be sited between Peninsular Street and Cudgera Creek. At present this area is negotiable by recreational users who wish to walk around the creek bank for various recreational activities. The boat shed will in effect partially restrict the limited public access around this foreshore area, however it is noted ready access is available to the creek either side of the development and on the opposing bank of the estuary, which has a large sandy beach. The matter was raised with the applicant and amended plans were submitted with the shed utilising a drawbridge. This plan indicates the shed will be landward of the mean high water mark, and the Spring high water marks, however other plans submitted with the application indicate the boat shed will overhang the high water mark.

As a requirement of this provision the application must be compatible with the applicable Estuary Management Plan. The Tweed Coastal Committee commented on the proposal and resolved that the development was not inconsistent with the Estuary Management Plan for the Creek. It can therefore be considered that adequate arrangements for public access to the creek can be made.

The development also requires the removal of mangroves from the creek bank, and there relocation to another site within the waterway. A large pandanus palm exists near

Reports from Director Development Services

the site and should the development proceed appropriate conditions of consent would be recommended requiring its protection. Although the mangroves are few in number their removal has not been supported by NSW Fisheries, and the Department has not issued their general terms of approval. However in relation to the clause it is considered the removal and relocation of these mangroves would not have a significant effect on the scenic quality, the marine ecosystem or the biodiversity of the estuarine environment.

Clause 35 Acid Sulphate Soils

The land is identified as Class 1 Acid Sulphate Soils. An ASS Management Plan has been submitted to neutralise this risk during construction of the development.

North Coast Regional Environment Plan 1988

Clause 32 B Development Control – Coastal Lands

Under this clause Council is not to issue development consent to a development that would impede public access to the foreshore area. Public access to the foreshore area is presently restricted at the site of the proposed boat shed due to the width of the “beach” between Peninsular Street and the water edge, although the site is negotiable along the along the foreshore.

The development sited on the bank of the creek between Peninsular Street and the water edge will further restrict the public’s ability to walk along the banks of the Cudgera Creek. In terms of this clause, the plans are unclear in relation to the exact siting of the building, and the applicant has failed to demonstrate exactly how public access can be maintained.

Clause 81 Development Adjacent to the Ocean or a Waterway

Proposal may impede the public’s access along the foreshore area, but in general it is considered there is sufficient accessible open space for the public in the vicinity of the proposed development. The building takes on the traditional appearance of a boat shed, and would not detract from the visual amenity of the waterway. The application was forwarded to the Tweed Coastal Committee who resolved that the development was not inconsistent with the Estuary Management Plan for the area.

Section 91A of the EPA Act 1979

The development requires approval Under Section 200 and 205 of the Fisheries Management Act 1994 for the removal of a stand of mangroves and reclamation. NSW Fisheries have not issued general terms of approval for the works required as part of this proposal for the following reasons:

- Likely alteration to the tidal Prism through the build up of ocean sands around the proposed building and revetment walls;
- The site is a sensitive habitat, likely to be unstable over time (eroding and accreting), as recognised in the Draft Tweed Coast Reserve Plan of Management.
- There is considerable potential for lack of ocean going access for the Tweed Coast Sea rescue from the site placing a demand for the mouth of the creek to be dredged. Manipulating the entrances of intermittently opening and closing

Reports from Director Development Services

Coastal Lakes and Lagoons impact on the ecology of the waterway and surrounding vegetation such as mangroves, salt marsh and seagrasses.

- High Speed movement of the jet boat in and out of the creek is likely to disrupt recreational fishers and other users of the estuary;
- Previous consultation by NSW Fisheries with emergency services reported that Hastings Point was adequately covered for marine emergencies.

Separate to this matter, Council on behalf of the Tweed Coastal Committee has sought a permit from NSW Fisheries for the removal of the old Coast Road Bridge Abutments to improve tidal flow in the estuary. As part of this proposal the subject stand of mangroves would be removed, and NSW Fisheries have issued this permit on the proviso that the subject works will improve the tidal flow in the estuary. This is in contrast to the proposed boat shed whereby NSW Fisheries believe it will have an adverse impact upon the tidal flow of the creek and negate what the Tweed Coastal Committee were originally trying to achieve. The NSW Fisheries position is set out in their latest letter that was received on 14 October 2002. A copy of this letter is attached to this agenda for the information of Councillors.

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

No Draft EPI's affect this proposal.

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

DCP No. 2 Site Access and Parking Code

Having regard to the size of the development it is considered the provision of two vehicle spaces would be suitable to cater for this development. However due to the proposed site, insufficient land is available for parking of members vehicles and the applicant is relying on utilising the public domain for car parking. Further the access ramp to the development would be difficult for a vehicle to negotiate while reversing a boat trailer. It is considered the proposal does not comply with the requirements of the DCP.

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

In relation to the Coastal Policy the land is identified under the Coastal Policy, and may be affected by Coastal Processes. The land is westward of the 100 year erosion lines as depicted in the Coastal Hazards Study by WBM Oceanics. However due to it's location on the creek it may be affected by tidal inundation during a storm event. Building materials are considered to be capable of short-term inundation, and should the application be approved appropriate conditions would be placed on the consent to ensure all electrics are capable of withstanding inundation.

Reports from Director Development Services

(b) **The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

Marine Vegetation: The proposed development required the removal of mangroves. NSW Fisheries have not issued their general terms of approval for the removal of this marine vegetation.

Fuel and Oil: Should the development proceed the applicant would be required to install a suitable grease arrestor, and conditions would be placed on any approval prohibiting all maintenance work on the boat other than refuelling.

Scenic Amenity: Development has been designed as a traditional boat shed and would not adversely impact upon the visual amenity of the creek or neighbourhood.

Acid Sulphate Soils: Applicant has submitted an ASS Management Plan to manage this risk during construction of the boat shed.

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

Car Parking: No car parking can be provided for members and as such the site is considered not suitable for the development.

Foreshore Access: Development likely to restrict foreshore access as it is wedged in between Peninsular Street and the Creek and the applicant has failed to demonstrate how public access along the creek bank can be maintained.

The Creek: The creek entrance becomes extremely shallow at low tide and is restricted by rocks and the like. The applicant has advised that the Rescue Service utilises a Jet Boat which has a 150 mm draft, and could if need be manhandle the boat across the entrance if there was insufficient water depth. However this raises questions regarding the suitability of locating the Boat Shed on a creek, which may not always be open to provide quick and easy access to open ocean, which should be a prerequisite for an emergency user. Further the creek is also utilised by a range of recreational users for swimming, fishing, canoeing and the entrance to the creek mouth is a popular surfing spot for local when conditions prevail. This would also provide further hazards for the rescue boat to negotiate on it's way out of the creek.

Further should the application be approved and the organisation get a larger boat, or the creek entrance becomes so shallow it is cant be negotiated by boat, pressure may then be placed on the public authorities like the Council or the Department of Land and Water Conservation to commit funds to keep the creek permanently open.

Access: Access into the shed is complicated and may prevent difficulties for the manoeuvring/ reversing a boat trailer into the shed as the drive has a kink in it, and is located on a bend in Peninsular Street. A larger site would enable access to be more straight forward, including on-site manoeuvring areas.

Conclusion: The siting of the boat shed in it's present location was raised with the applicant, whereby it was suggested more suitable sites in close proximity to the waters edge and not encumbered with the same problems as the Peninsula Street site should be investigated. However the applicant has not heeded this advice. In conclusion the site is considered unsuitable, and a more favourable sites may be available elsewhere in the area for an emergency facility that would overcome some if not all of these issues.

Reports from Director Development Services

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

Submissions have been received from the Department of Land and Water Conservation and NSW Fisheries. DLWC have advised that Council should be satisfied with the suitability of this site as opposed to other sites in the area, and requested that the applicant verify that the proposal would not create the demand for further works such as dredging. The applicant has advised that the boat in current use by the Tweed Coast Rescue has a draft of only 150 mm and can be manhandled across sand banks if required, and therefore would be no demand to dredge the creek. As discussed above the creek is shallow, utilised for a variety of recreational activities, and the need to manhandle a boat across sand banks would not be desirable in an emergency. The matters raised by DLWC are of concern and the proposed site as discussed above is considered unsuitable.

NSW Fisheries have advised that they will not issue a permit to remove marine vegetation under the Fisheries Management Act 1994 and do not support the proposal due to the impact the development will have on the tidal prism of Cudgera Creek, the site and the creek being unsuitable for such a development, the potential for conflict with other recreational users of the creek, the sensitive nature of the site in terms of habitat and site stability, and the area being adequately covered for marine emergencies by other emergency services.

(e) Public interest

It is considered the development is not in the public interest, as the development will rely on utilising foreshore open space, and in part alienate that part of the Creek from public usage. Car parking is inadequate for the development as the proponents rely on the public road reserve. The Creek is a highly popular spot for recreation and in conjunction with its physical constraints, its usage as a base for an emergency service provider is not appropriate. As such in an emergency the creek may be difficult to negotiate in a boat, presenting a hazard for recreational users and a liability risk to the rescue organisation itself.

Further, should Tweed Sea Rescue replace the boat with a larger craft, pressure may then be placed on various public bodies such as Council and DLWC to finance the dredging of the creek.

Comments from the Environment and Community Services Division

The Environment and Health Service Unit

The Unit have recommended against the proposal proceeding on the grounds that site is valuable in terms of ecology and as open space, and the proposed structure will compromise recreational movements along the foreshore area. Although it is recognised marine rescue activities are valuable the proposed site is cannot be supported and an alternative location should be investigated.

Building Services Unit

No objection to the proposed development subject to conditions of consent pertaining to the construction of the development.

Comments from the Engineering Services Division

Reports from Director Development Services

Have objected to the proposal in relation to it's siting and the following is a summary of the issues raised.

- Driveway is narrow and curved and difficult to negotiate with car and trailer combination.
- Driveway unsafe for reversing into boat shed, and nil visibility up the 20% slope of the driveway when accessing Peninsular Street making it unsafe for pedestrians and other vehicles.
- Conflict with car parking in the Public Domain, as site cannot provide additional parking for rescue organisation members.

A meeting was held with a representative of the applicant who advised the following:

1. Boat will be stored in the boat shed the majority of the time and will only need to be manoeuvred onto the road for maintenance or servicing at a workshop.
2. Boat will enter water directly from shed.
3. The rescue organisation if need be can utilise boat ramp on other side of the creek if need be.
4. Car parking within Peninsular Street required only on an intermittent basis when members are called out for an emergency.

In relation to this response, the site still remains questionable, and does not provide the opportunity for the rescue organisation to expand, due to a lack of on-site parking and the access into the shed is unsuitable should the boat ramp on the opposite bank is closed. To conclude a more appropriate site for the shed, which provides better parking and access arrangements should be investigated.

OPTIONS

1. Refuse the Development Application.
2. Approve the Development Application with appropriate conditions.
3. Invite the applicant to withdraw the application and investigate a more appropriate site elsewhere on the Tweed Coast so that issues of parking, vehicular access and potential conflicts with recreational users can be addressed.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the application be refused the applicant has recourse to have the matter heard in the Land and Environment Court, which has resource implications for Council.

CONCLUSION

The proposed site of the Boat Shed is constrained by it's physical and natural attributes which prevent it from being a suitable location. No provision can be made for car parking on-site, and the driveway access is difficult to negotiate, and maybe nearly impossible with a car and trailer. Further the applicant has failed to demonstrate how public access along the foreshore can be maintained, while the creek itself is narrow, shallow and provides for a variety of recreational activities which make the creek difficult to negotiate at the best of times. NSW Fisheries and the Department of Land and Water Conservation do not support the proposal with Fisheries not issuing

Reports from Director Development Services

their general terms of approval under the Fisheries Management Act 1994 due to the proposal having an adverse impact upon the tidal flow of Cudgera Creek. For these reasons the application can not be recommended for approval.

Reports from Director Development Services

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Reports from Director Development Services

14. ORIGIN: Development Assessment Unit

FILE REF: DA4800/170 Pt1

REPORT TITLE:

Section 96 Application K99/0294.02 for an amendment to Development Consent K99/0294 for a 3 lot rural/residential subdivision at Lot 29 DP 624296 Rowlands Creek Road, Uki

SUMMARY OF REPORT:

Council issued Development Consent K99/294 on 21 May 1999 for a three lot subdivision on land at Rowlands Creek Road, Uki. As a condition of consent the provision of roll top kerb and gutter to the frontage of the property to Rowlands Creek Road is required. Council has received a Section 96 Application to amend the consent to delete condition Nos. 21 and 26 in relation to the provision of kerb and gutter.

The requirements for kerb and gutter have been placed on the consent in accordance with Development Control Plan No. 16 – Subdivision Manual. It has been a requirement of Council under the Policy since 1993 and numerous other rural residential subdivisions have complied with the requirement. To grant an exemption in this instance is likely to create a dangerous precedent and the removal of the conditions is not warranted. It is recommended that Section 96 Application K99/0294.02 be refused.

RECOMMENDATION:

That Development Application K99/0294.02 for an amendment to Development Consent K99/0294 for a 3 lot rural/residential subdivision at Lot 29 DP 624296, Rowlands Creek Road Uki be refused for the following reasons: -

1. Pursuant to Section 79C(1)(a)(iii) the removal of the requirements for kerb and gutter is not in accordance with Development Control Plan No. 16 Subdivision Manual.
2. Pursuant to Section 79C(1)(e) the removal of the requirements for kerb and gutter are not in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Carol Franke

Owner: Carol Franke

Location: Lot 29 DP 624296, Rowlands Creek Road Uki

Zoning: 1(c) rural Living

Cost: 0.00

BACKGROUND

Council issued development consent K99/294, on 21 May, 1999 for a three lot subdivision on land at Rowlands Creek road Uki. As a condition of consent the provision of roll top kerb and gutter to the frontage of the property to Rowlands Creek Road is required. Council has received a S.96 Application to amend the consent to delete Conditions No. 21 and 26 in relation to the provision of kerb and gutter.

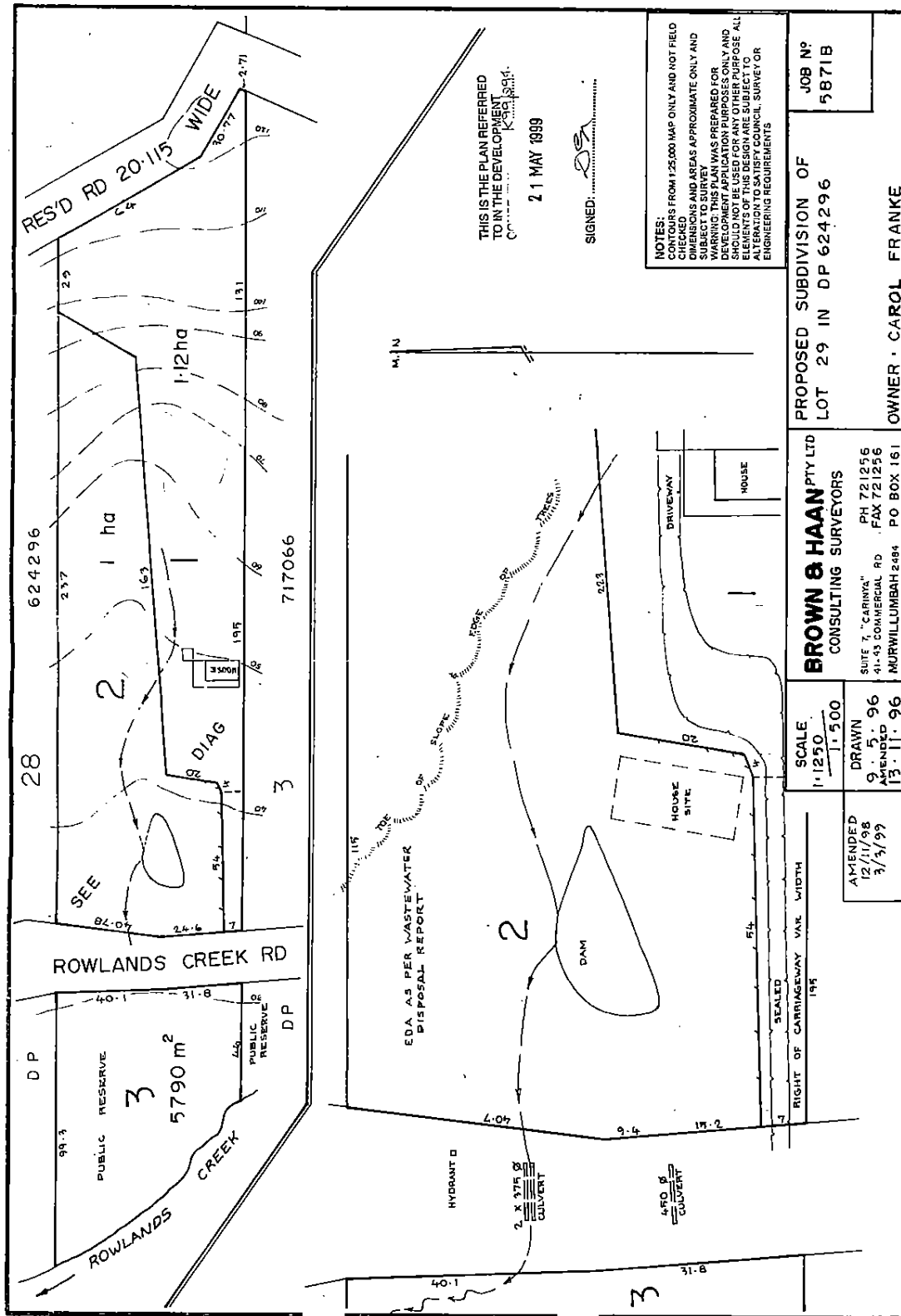
Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

PLAN OF PROPOSED SUBDIVISION



Reports from Director Development Services

ASSESSMENT

The proposed development is considered to be substantially the same development and can be determined under the provisions of Section 96 of the EPA Act 1979. The two conditions pertaining to Kerb and Gutter required the following

26. *Construct kerb and gutter, should widening and sealing of Rowlands Creek Road along the entire frontage of Lots 1 and 2, in accordance with engineering plans to accompany the Construction Certificate application **OR** pay a contribution in lieu for this work based on an estimate prepared by a professional civil engineer and approved by the Director of Development Services.*
21. *Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.*
 - a. *That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.*
 - b. *That the pavement materials used comply with the specifications in RTA Form 744 (July 1985).*
 - c. *That the pavement layers have been compacted to RTA specifications.*
 - d. *That site fill areas have been compacted to the specified standard.*
 - e. *That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
 - f. *That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.*

APPLICANTS SUBMISSION

The applicant has submitted in support of the deletion of the requirement for Kerb and Gutter the following

1. The cost of Kerb and Gutter will make the proposed subdivision unviable.

Comment: This is a financial decision for the applicant to make in deciding whether or not to undertake the development and is not a matter directly relevant to the need to provide relevant infrastructure for development.

2. The condition was placed on the consent after delays in assessing the application during which time Council's policy had changed requiring kerb and gutter.

Comment: Kerb and gutter as part of rural residential subdivisions has been a requirement under DCP 16 Subdivision Manual since its adoption by Council in 1993. Council received development Application K99/294 on 5 March 1999 with consent issued on 21 May 1999.

3. There is no published intention in any five year plan or beyond for the provision of Kerb and Gutter in Rowlands Creek Road and it will probably be decades before such work is undertaken.

Reports from Director Development Services

Comment: There is no plan for the provision of kerb and gutter along Rowlands Creek Road. However, as properties between the subject site & Uki have subdivision potential under the 1(c) Rural Living zone, should further subdivision approvals be granted then a similar requirement would be sought for kerb and guttering. This has been recognised in Condition 26 that provides for a contribution in lieu of actual construction of the kerb and gutter.

4. No credit has been granted to the fact that proposed Lot 3 is to be dedicated to Council as a riparian corridor adjacent to Rowlands Creek.

Comment: Proposed Lot 3 is to be dedicated to Council in accordance with Section 11.5 DCP 16 - Subdivision Manual and as indicated on the plan approved for subdivision.

5. The Kerb and Gutter requirement is unjust in this instance.

Comment: The condition was placed on the consent in accordance with DCP 16 Subdivision Manual.

DCP 16 SUBDIVISION MANUAL

Under Section 6 of the Subdivision Manual, roll over kerb and channel is required for subdivisions within the 1(c) Rural Living Zone. Three properties on the Uki side of this property, which are Zoned 1(c) have subdivision potential and should they be subdivided, a similar requirement would be placed upon such approvals connecting the kerb and gutter to the Uki Village. The application has been assessed by Council's Development Engineer who recommended that Conditions 21 and 26 not be deleted.

PUBLIC INTEREST

Should Council support this Section 96 Application to delete these conditions it will create a precedent that could result in applicants for similar development also seeking an exemption for the deletion of Kerb and Guttering

OPTIONS

1. Refuse the Application
2. Approve the application

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse through the Land and Environment Court to appeal any determination Council makes.

CONCLUSION

The requirements for kerb and gutter have been placed on the consent in accordance with Development Control Plan No. 16 Subdivision Manual. It has been a requirement of Council under the Policy for the past nine (9) years and numerous other rural residential subdivisions have complied with the requirement. To grant an exemption in this instance is likely to create a dangerous precedent and the removal of the conditions is not warranted. It is recommended that Section 96 Application K99/0294.02 be refused.

Reports from Director Development Services

15. ORIGIN: Development Assessment Unit/Building Unit/Planning & Infrastructure Unit

FILE REF: Development Control Plan; GT1/DCP/47 Pt1

REPORT TITLE:

Draft Development Control Plan No. 47 - Cut and Fill on Residential Land

SUMMARY OF REPORT:

Uncontrolled cut and fill on residential allotments can cause instability (landslip), drainage, erosion and visual amenity problems to neighbouring lots. On some steeper lots, slab on ground construction is inappropriate as excessive cut and fill is required. Draft DCP47 is proposed to limit the depth of cut and fill excavation on residential lots unless it is demonstrated that the proposal will not adversely affect adjoining properties, is in harmony with the landform and geotechnically stable.

RECOMMENDATION:

That the Draft Development Control Plan No.47, Cut and Fill on Residential Land - Version 1.1 be placed on public exhibition in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

Reports from Director Development Services

REPORT:

1. BACKGROUND

At the subdivision stage of development there is strict control of cut and fill earthworks and retaining walls to ensure that subdivision lots are properly shaped, drained and geotechnically stable.

At the dwelling construction stage there are no specific controls for cut and fill on individual allotments. In some cases this has led to cut and fill earthworks that have resulted in:-

- Dangerous excavations
- Unsafe retaining walls
- High, steep and unstable embankments
- Diversion or concentration of stormwater runoff onto neighbouring land
- Building design that is not appropriate for the site conditions and slopes.
- Erosion

Cut and fill earthworks are often close to boundaries and unsafe works can seriously undermine the stability and landslip risk on neighbour's land and buildings.

This plan has been drafted to encourage cut and fill design that avoids these problems.

2. SCOPE AND OBJECTIVES OF THE PLAN

The plan applies only to residential development.

The objectives of the Development Control Plan are:-

- To restrict and control excessive earth works in order to preserve as much as practicable the existing topography and amenity of the neighbourhood affected by the proposed development.
- To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties.
- To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, are properly retained.
- To prevent the siltation of waterways and erosion of land disturbed by the development.
- To rehabilitate the site within a reasonable time frame upon completion of the development
- To minimise the removal and disposal of resultant spoil from the site.
- To retain topsoil on site.
- To ensure adequate provision is made for drainage in relation to cut and fill practices.

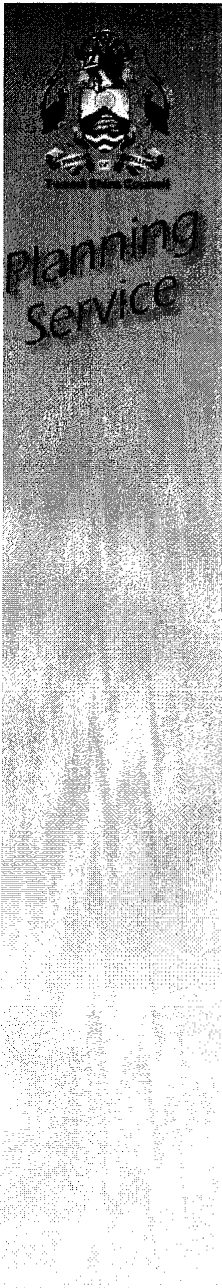
3. CUT AND FILL DESIGN

The plan proposes design criteria that nominally restrict the depth of cut and fill on residential development to one metre, however there is provision for variation to this depth provided it can be shown that the excavation or filling of the site is in harmony with the natural landform/environment and will not adversely affect the adjoining properties whilst still achieving the objectives of the

Reports from Director Development Services

plan. Applications for cut and fill greater than one metre in height must be accompanied by a geotechnical report certifying the stability of the proposal (for both the subject allotment and neighbouring land).

Reports from Director Development Services



TWEED SHIRE COUNCIL

Development Control Plan No 47

Cut And Fill On Residential Land (Draft)

Version 1.1

2002 (enter date of adoption)

TWEED SHIRE COUNCIL
Development Services Division
Phone: (02) 6670 2400
Fax: (02) 6672 6250



The Planning Service is on the web at:
www.tweed.nsw.gov.au/planningservice

Reports from Director Development Services

TWEED SHIRE COUNCIL

DEVELOPMENT CONTROL PLAN No 47

Cut and Fill on Residential Land

VERSIONS/EDITIONS

Draft Version 1.1 Initial plan operational from

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

Development Control Plan No 47 - Cut and Fill on Residential Land, Version 1.1
was adopted by Council on, taking effect on

GENERAL MANAGER..... DATE:.....

Reports from Director Development Services

DEVELOPMENT CONTROL PLAN NO. 47

CUT AND FILL ON RESIDENTIAL LAND

1 Name of Plan

This plan may be cited as "Tweed Development Control Plan No 47: Cut and Fill on Residential Land".

2 Local Environmental Plan

This plan relates to Tweed Local Environmental Plan 2000 which is the principal instrument governing development in the Shire.

3 Purpose of Plan

The purpose of this plan is to provide more detailed guidelines for the development of the land having regard to the amount of cut and fill permitted on domestic forms of construction.

4 Land to Which This Plan Applies

This plan applies to all residential development within Tweed Shire.

5 Status Of Plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Part 3 of the Environmental Planning and Assessment Regulation 2000. This plan came into effect on

6 Application of Plan

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining that application. Compliance with the provisions of this plan does not necessarily imply that Council will consent to any application. Council must also take into consideration those matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979. Where in the opinion of Council, an application satisfies the objectives set out in this plan Council may grant consent to the application notwithstanding that one or more of the development standards are not complied with.

7 Objectives of the Development Control Plan

The objectives of this Development Control Plan are as follows:

- a. To restrict and control excessive earth works in order to preserve as much as practicable the existing topography and amenity of the neighbourhood affected by the proposed development.
- b. To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties.
- c. To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, are properly retained.
- d. To prevent the siltation of waterways and erosion of land disturbed by the development.
- e. To rehabilitate the site within a reasonable time frame upon completion of the development
- f. To minimise the removal and disposal of resultant spoil from the site.
- g. To retain topsoil on site.
- h. To ensure adequate provision is made for drainage in relation to cut and fill practices.

Reports from Director Development Services

8 Specific Requirements of the Development Control Plan

8.1 Cut and Fill Design

8.1.1 Adequate erosion control measures must be designed and installed in accordance with Tweed Shire Council's "Development Design Specification D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

8.1.2 A detailed erosion and sediment control plan (prepared in accordance with D7 above) indicating the method for the temporary and permanent retention of cut and filled areas must accompany the development application.

8.1.3 Cut and fill batters shall not exceed a slope of 1:2 (v:h) unless geotechnical reports result in Council being satisfied with the site stability (see 8.2). All batters are to be provided with both short term and long term stabilisation to prevent soil erosion.

8.1.4 Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance and adequate drainage is to be provided to divert water away from batters.

8.1.5 Prior to the commencement of any bulk earthworks (cut and/or fill) topsoil must be removed from the proposed disturbed area and stockpiled for dressing the disturbed area upon completion of bulk works.

8.1.6 Where filling greater than 500mm is required for a proposed development a detailed landscape plan indicating methods for disposing of both surface water and stormwater runoff must be submitted to Council with the development application.

8.1.7 For residential dwellings (ie especially those incorporating slab on ground construction) the depth of excavation shall not exceed one metre and the depth of fill shall not exceed one metre so that the degree of both cutting and filling is minimised.

8.1.8 Excavations in excess of one metre within the confines of the building may be permitted, to allow for basements, garages, etc. providing the excavations are adequately retained and drained, in accordance with engineering details.

8.1.9 Applications for residences that require cut or fill exceeding one metre in height must be accompanied by a geotechnical report.

8.1.10 The top of any cut and the toe of any fill is not to be closer than 900mm to any property boundary.

8.2 Geotechnical Requirements

Council requires an approved geotechnical and structural engineers report for earthworks in

- areas where there is a risk of landslip or
- lots that are supported by, or adjoin higher lots that are supported by - existing retaining walls or cut/fill batters that exceed 1 metre in height or
- lots where proposed earthworks batter slope exceeds 1:2 (v:h).
- proposals where the height of cut or fill will exceed one metre in height

Council will assess the suitability of any cut or fill within these areas dependent upon the recommendation contained in the above reports.

The geotechnical and structural engineers report shall include

- an assessment of the stability of the proposal (for both the subject lot and adjoining land)
- recommended design criteria for earthworks, retaining walls and associated drainage
- recommended location and design criteria for underground services in the zone of influence of the earthworks
- recommended periodic maintenance requirements for earthworks, drainage and retaining structures

Earthworks, revetments, retaining structures, associated drainage and underground services must be designed and constructed in accordance with this report. The construction certificate application shall include engineering design plans and specifications that implement the recommendations of the report.

Reports from Director Development Services

8.3 Variations to Cut and Fill Design

8.3.1 Variations may be allowed if it can be shown that the excavation or filling of the site is in harmony with the natural landform/environment and will not adversely affect the adjoining properties whilst still achieving the objectives of this plan.

8.3.2 All requests for variation to design criteria in 8.1 of this policy must be in writing setting out the reasons for requesting the variation and be supported by the abovementioned documents.

8.3.3 Where Council approves of an excavation that is in excess of one metre in height, the excavation shall be protected in accordance with the requirements of the Work Cover Authority.

8.3.4 Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.

8.4 Alternative Construction

Alternatives to slab on ground construction are to be encouraged where it is obvious that due to the gradient and characteristics of the site, major excavation or filling as a result of raft slab construction, would be inappropriate.

Example of alternative construction include the following:

- Bearer and joist construction
- Deepened edge beam
- Split level design
- In-fill slabs

8.5 Vegetation

Where any land has been disturbed it shall be rehabilitated within twenty-eight days upon completion of the project. In the interim, erosion and sedimentation control measures must remain in place and be maintained.

8.6 Plans Required With Development Applications

The plans that accompany development applications for residential development with cut and fill earthworks must show:

- The plan location of cut and fill earthworks
- Location of top and bottom of cuttings, fill embankments, and associated batters and/or retaining walls and proximity to allotment boundaries.
- Pre and post development ground levels on the allotment. Where cut and fill is in excess of one metre in height, or where earthworks are within one metre of an allotment boundary, the levels shall extend at least two metres (horizontally) into adjoining land (so that the impact on adjoining land may be assessed).
- Details of associated retaining walls, safety railings, batter treatment, drainage and landscaping. Drainage plans must demonstrate compliance with 8.1.4.
- Locations and depths of service trenches in areas affected by cut and fill.

Reports from Director Development Services

16. ORIGIN: Strategic Town Planning Unit

FILE REF: LEP – Black Rocks; GT1/LEP/2000/8 Pt3

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000 (Amendment No 8) - Black Rocks Estate

SUMMARY OF REPORT:

Council resolved to prepare a draft Local Environmental Plan and Environmental Study for the residual area of Rural 1(a) zoned land in the southern section of Black Rocks Estate (40 hectares) owned by the Pottsville Development Corporation. Council commissioned GeoLINK to undertake the project. The recommended draft Plan and Study to be placed on public exhibition has been based on substantial consultation and discussion with State Agencies/bodies and the landowner; and reflects a development trade-off. The landowner has offered to dedicate approximately 102 hectares of land for wildlife conservation in return for the opportunity to develop 10 hectares of land for urban development that includes 1.125 hectare of land originally recommended by GeoLINK to be zoned 7(1) Habitat. The DLEP makes provision for the relocation of a proposed 4 hectare sportsfield (Council/Pottsville Development Corporation legal agreement 1994) to be relocated within the western area of the site to enable the landowner to maximise the land available for residential development in the proposed 2(a) Low Density Residential Zone. The development trade-off also addresses a Council resolution that the management and tenure of lands for environmental protection be considered as part of the draft Plan.

RECOMMENDATION:

That:

1. Council exhibits a draft Tweed LEP 2000 (Amendment No 8) and LES based on Figure 5 in accordance with the Environmental Planning and Assessment Act 1979.
2. Council exhibits the draft Plan in accordance with 'Best Practice Guidelines – LEPs and Council Land' published by the Department of Urban Affairs and Planning (January 1997).
3. the Council exhibits an 'Explanatory Note' with the draft LEP and LES explaining the offer from the landowner to dedicate embellishment land and the development trade-off associated with the draft LEP.
4. Council defers the preparation of a Deed of Agreement with the landowner regarding the draft Plan and transfer/embellishment of land to Council until the draft Plan has been finalised after public exhibition.

Reports from Director Development Services

REPORT:

INTRODUCTION

Under Section 54 of the Environmental Planning and Assessment Act (EPAA) Council resolved to prepare a draft Local Environmental Plan and Environmental Study in July 2000 for land known as part Lot 65, DP 855462 and part Lot 1, DP 824499, Black Rocks Estate, South Pottsville (Figure 1). The subject land is owned by the Pottsville Development Corporation. Council also resolved to consider the management and tenure of lands for environmental protection as part of the draft Plan. The current zones for the site, under TLEP 2000, are shown in Figure 2.

Council resolved to commission GeoLINK to prepare the draft Plan and Environmental Study in December 2001. GeoLINK were formally commissioned when monies were received by Council from the landowner to cover GeoLINK's fees.

The purpose of the LES is to identify additional lands within the investigation area that would be suitable for urban development.

The preparation of the draft LEP and Environmental Study by GeoLINK was reliant on the review and utilisation of consultant reports prepared for the landowner. These reports were as follows:

- i) James Warren and Associates (June 2000) Flora and Fauna Assessment for Proposed Rezoning of Additional Land at Black Rocks Estate – Pottsville.
- ii) Gilbert and Sutherland (April 2001) – Acid Sulfate Management Plan, Black Rocks Estate, Overall Drive, Pottsville.
- iii) WBM Oceanics Australia (April 2000) – Black Rocks Estate: Flood Assessment to Determine Allowable Limits of Filling.

CONSULTATION WITH STATE AGENCIES/BODIES AND OTHER STAKEHOLDERS

Initial Consultation – Section 54, 62 and 34A

Council advised PlanningNSW on Council's resolution and that an Environmental Study would be required. PlanningNSW confirmed in their letter of 27 September 2002 that an Environmental Study would be required, and that the Study should include the following matters:

- “(a) infrastructure capacity, particularly at Hastings Point Sewage Treatment Works and Black Rocks Bridge (timing and funding);*
- (b) flooding, the need to fill the land and downstream impacts;*
- (c) environmental issues for adjoining creek foreshore, koala habitat and SEPP 14 wetlands, including the need for monitoring;*
- (d) acid sulphate soils management; and*
- (e) the objectives of the NSW Coastal Policy”.*

As required by Sections 62 and 34A of the Environmental Planning and Assessment Act 1979, Tweed Shire Council consulted with sixteen (16) public authorities as part of the preparation of the Environmental Study and draft Plan.

- PlanningNSW;
- NSW Environment Protection Authority;
- Department of Land and Water Conservation;

Reports from Director Development Services

- NSW National Parks and Wildlife Service;
- NSW Agriculture;
- NSW Department of Public Works;
- NSW Roads and Traffic Authority;
- Department of Community Services;
- Department of Education and Training;
- Department of Mineral Resources;
- NSW Fisheries;
- Telstra;
- Country Energy;
- NSW Coastal Council;
- NSW Rural Fire Service;
- Tweed Byron Aboriginal Land Council.

A summary of the responses from these Agencies is attached as Appendix 1.

Stakeholder Workshop

GeoLINK prepared a draft Environmental Study which was distributed to all stakeholders, including the landowner, in early August 2002. A Stakeholder Workshop was held on 5 September 2002 to discuss the draft Environmental Study before being finalised by GeoLINK. The Workshop was attended by:

Government

- Tweed Shire Council officers (Strategic Planning Unit, Design Unit, Environment & Health Services Unit);
- Department of Land and Water Conservation;
- Country Energy;
- National Parks and Wildlife Service;
- Environment Protection Authority;
- NSW Fisheries.

Other

- GeoLINK;
- Peter Parker Environmental Consulting (sub consultant for GeoLINK);
- Pottsville Development Corporation Pty Ltd (Richard Cowan);
- Darryl Anderson Consulting Pty Ltd (PDC Consultant);
- James Warren & Associates (PDC Consultant).

Reports from Director Development Services

The draft landuse recommendations by GeoLINK contained in the draft Environmental Study discussed at the Workshop are illustrated in Figure 3.

The outcomes from the Stakeholder Workshop are attached as Appendix 2.

Offer to Dedicate Land by Pottsville Development Corporation Pty Ltd

In response to the discussions on the draft Environmental Study at the Stakeholder Workshop on 5 September 2002, Richard Cowan (PDC) submitted a proposal in relation to the residue land at Black Rocks. His proposal is outlined in a letter dated 10 September 2002 and is attached as Appendix 3.

PDC Pty Ltd propose to transfer to the National Parks and Wildlife Service or Tweed Shire Council, at no cost, all residue land at Black Rocks (106 hectares), except a proposed strip of land 10 metres wide on either side of Kelleher's Road (see Figure 4). The 106 hectares would incorporate the embellished 4 hectare sportsfield that has previously been part of a Council/PDC legal agreement (1994) relating to the first stage rezoning of Black Rocks Estate. PDC Pty Ltd is willing to provide suitable plantings within the area to be dedicated to compensate for those species to be removed for the sports fields and the 1.125ha finger of vegetation.

In return for transfer of these lands to Council, Richard Cowan has requested acceptance by Council to the following:

1. The finger of vegetation initially proposed to be zoned 7(l) Environmental Protection Habitat (see Figure 3) by GeoLINK should be zoned 2(a) Low Density Residential Zone. The area is approximately 1.125 hectares. PDC Pty Ltd have indicated that the recommended environmental zone by GeoLINK will impose significant constraints on the development potential of the land (see PDC Pty Ltd letter – Appendix 3).
2. The proposed sportsfield shown in the draft Landuse Recommendations by GeoLINK (see Figure 3) should be located as close as possible to future urban areas to reduce cost of providing infrastructure and improve accessibility. The fields to be located in such a way to minimise the removal of significant trees.

The PDC Pty Ltd have indicated that the Company would be prepared to enter into a Deed of Agreement with NPWS or Council to formalise their proposal.

Response from NPWS Proposal by PDC Pty Ltd

Council forwarded the offer by PDC Ltd dated 10 September 2002 to the National Parks and Wildlife Service. The Service's response, dated 25 September 2002, is attached as Appendix 4.

A summary of the Service's response is as follows:

- Landuse Recommendations proposed by GeoLINK (Figure 3) are supported by the Service except for the location of the 4ha sportsfield. The Service has recommended that this sportsfield be located outside of the subject site. This is to maintain the integrity of the wildlife corridor and significant koala habitat which would be severed by the proposed access road and infrastructure to the proposed sportsfield. It would also create human disturbance in this area where it currently does not exist.
- The sportsfields could potentially be moved to Seabreeze Estate based on discussions with Council staff during the Workshop.

Reports from Director Development Services

- The offer to transfer land parcels to the NPWS requires approval by the Minister of Environment. NPWS is supportive of further investigations of the natural and cultural values by the NPWS Conservation Assessment and Data Unit prior to making a recommendation to the Minister.
- Recommend that the southern margin of the subject site (within the proposed Low Density Residential Zoning) be rehabilitated and revegetated so as to provide an east west wildlife corridor. This would compensate for the loss of the finger of vegetation on the eastern side of the site.

DISCUSSION

There is considerable net public benefit resulting from the proposal by PDC outlined in Section 2.3 and Figure 4. Once the land is transferred to Council/NPWS the majority of the area can be protected in perpetuity and managed consistent with nature conservation and recreational objectives. If the land is retained in private ownership there is no guarantee or requirement that the landowner must manage the land for nature conservation. The dedicated area will add to other environmentally significant areas in public ownership along the Tweed Coast.

The response to the issues raised by the National Parks and Wildlife Service in their letter dated 25 September 2002 is as follows:

- GeoLINK have recognised in the draft LES recommendations (August 2002) that an opportunity exists for the relocation of the sportsfields to land west of the dunal ridge (Figure 3).

“Impacts on the ecological values of the site associated with 4ha sportsfield could be mitigated. Therefore we consider the relocation of the sportsfields west of the dunal ridge as an option worthy of consideration provided that they are sited clear of important ecological features such as the dunal ridge, osprey nest and significant stands of vegetation and physical constraints”.

GeoLINK’s draft recommendations were based on advice from their fauna and flora sub consultant, Peter Parker. Parker suggested at the stakeholder workshop that a ‘winding access road’ could be designed to slow traffic speed in this area and help mitigate impacts on fauna eg, koalas.

- A substantial area of the site to be zoned Environmental Protection is open woodland. There is an opportunity to manage the area transferred to public ownership to allow native regrowth, including koala food trees, to reach maturity and re-establish a forested natural bushland (approximately 22 hectares). The rehabilitation of this area to its full conservation potential will compensate for the loss of trees associated with the sportsfields (4-5ha) and the finger of vegetation (1.125ha).
- The relocation of the sportsfields to Seabreeze Estate is not feasible. The dedication of open space by the landowner must be in reasonable proximity to the Black Rocks urban release area, in accordance with the 1994 legal agreement and development approvals for Stage 10 of the Estate. Developers of Seabreeze Estate will be required to provide open space, including sportsfields, as part of that release area. Pottsville Development Corporation is not willing to purchase land at Seabreeze Estate for a sportsfield.

Reports from Director Development Services

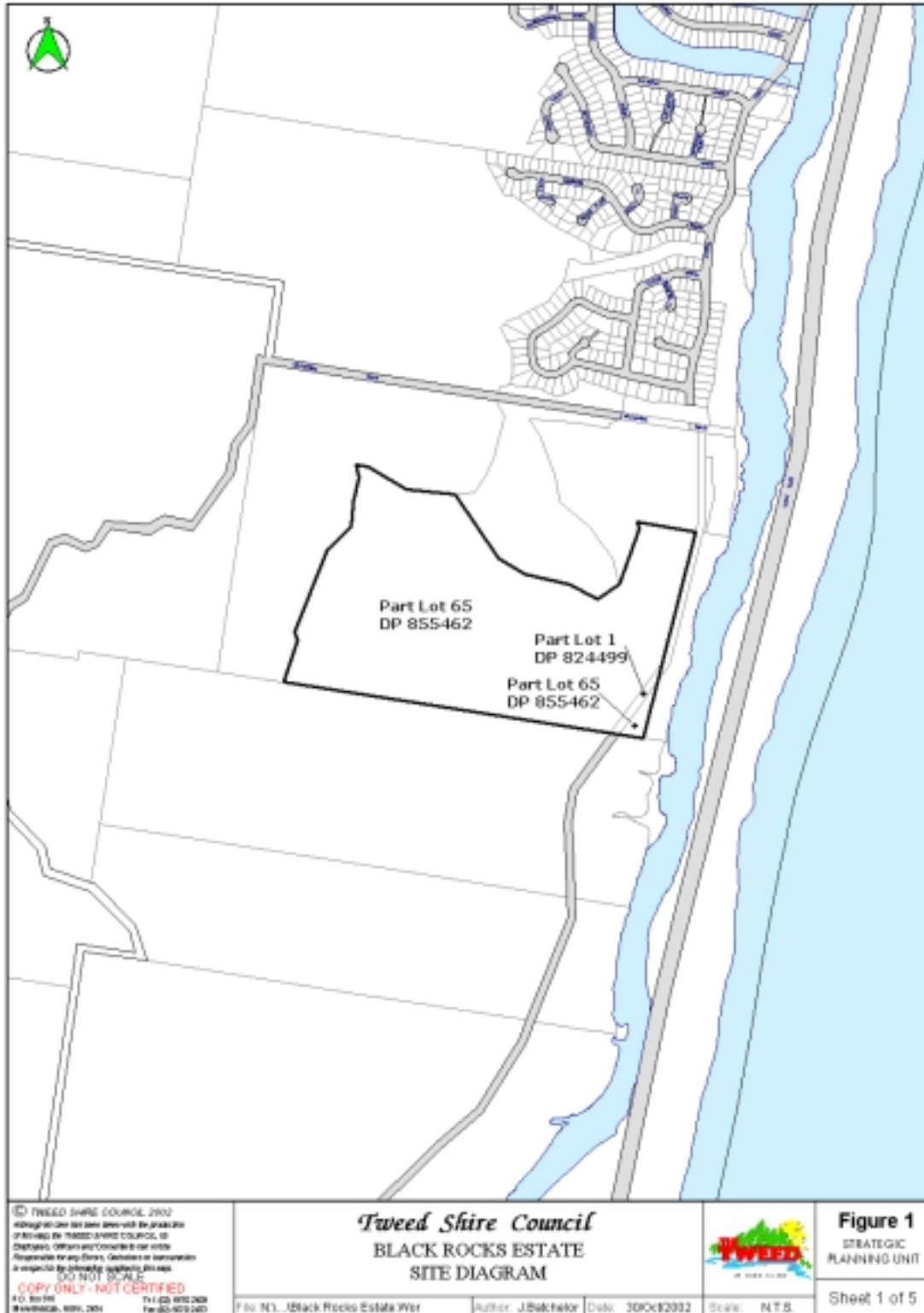
- The process for transfer of land to NPWS appears to be a time consuming process. It is suggested that Council accept the landowner's offer to transfer the 106 hectares to Council 'in principle' as part of the exhibition of the draft. Council may wish to dedicate environmental significant land to the Service at a later date, including other land already dedicated to Council for wildlife conservation.
- The rehabilitation of land offered by PDC Pty Ltd for conservation will more than compensate for the loss of trees associated with the sportsfield and the small finger of vegetation.

The draft LEP and Environmental Study (October 2002) have now been finalised by GeoLINK. A copy of the Environmental Study is attached to the Councillors' Agenda for this meeting. The Environmental Study is based on a recommended draft Plan outlined in Figure 5 and the dedication/embellishment of land by PDC Pty Ltd outlined in Figure 4.

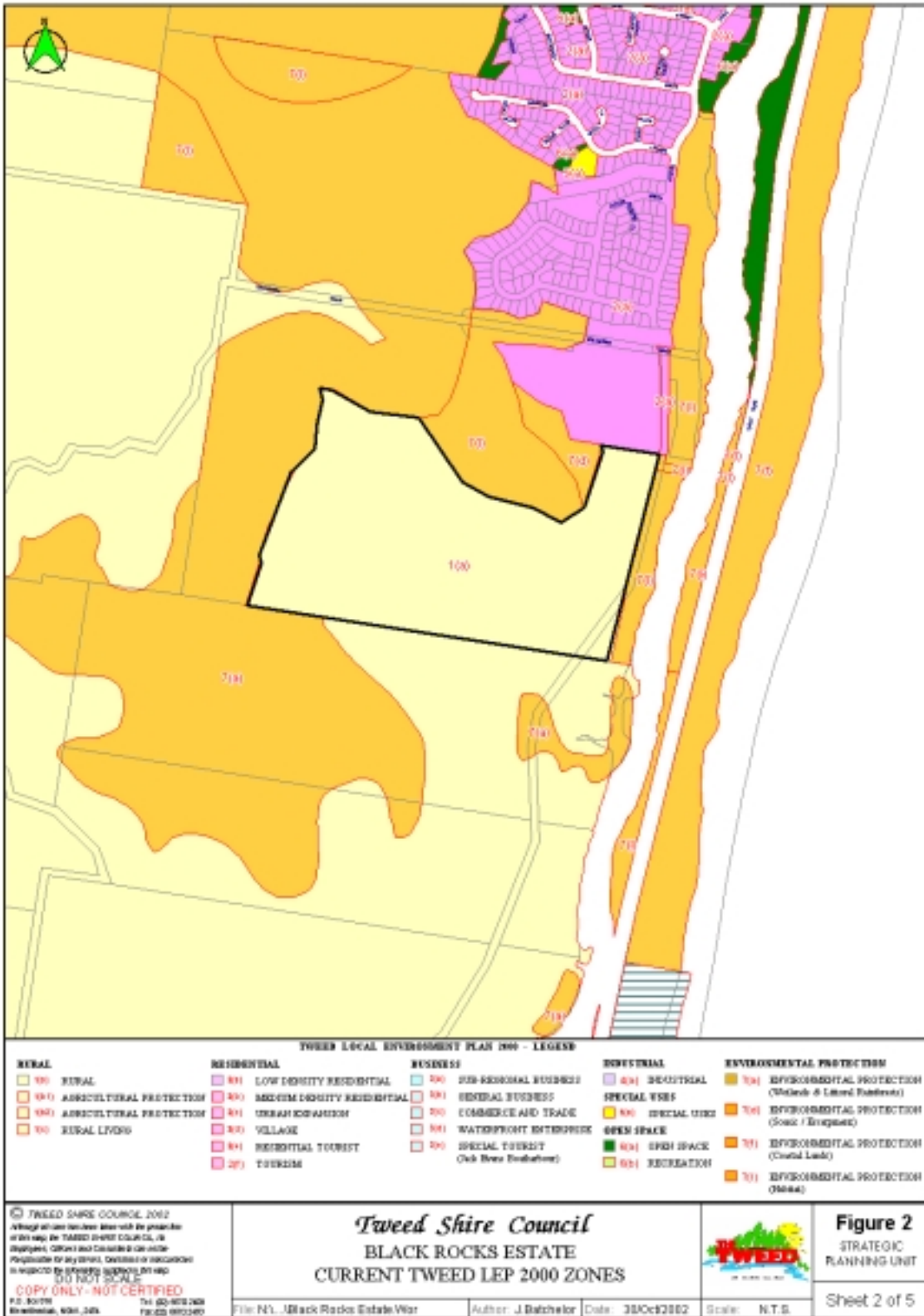
CONCLUSION

- Council exhibits a draft Tweed LEP 2000 (Amendment No 8) and LES based on Figure 5 in accordance with the Environmental Planning and Assessment Act 1979.
- That Council exhibits the draft Plan in accordance with 'Best Practice Guidelines – LEPs and Council Land' published by the Department of Urban Affairs and Planning (January 1997).
- That the Council exhibits an 'Explanatory Note' with the draft LEP and LES explaining the offer from the landowner to dedicate embellishment land and the development trade-off associated with the draft LEP.
- That Council defer the preparation of a Deed of Agreement with the landowner regarding the draft Plan and transfer/embellishment of land to Council until the draft Plan has been finalised after public exhibition.

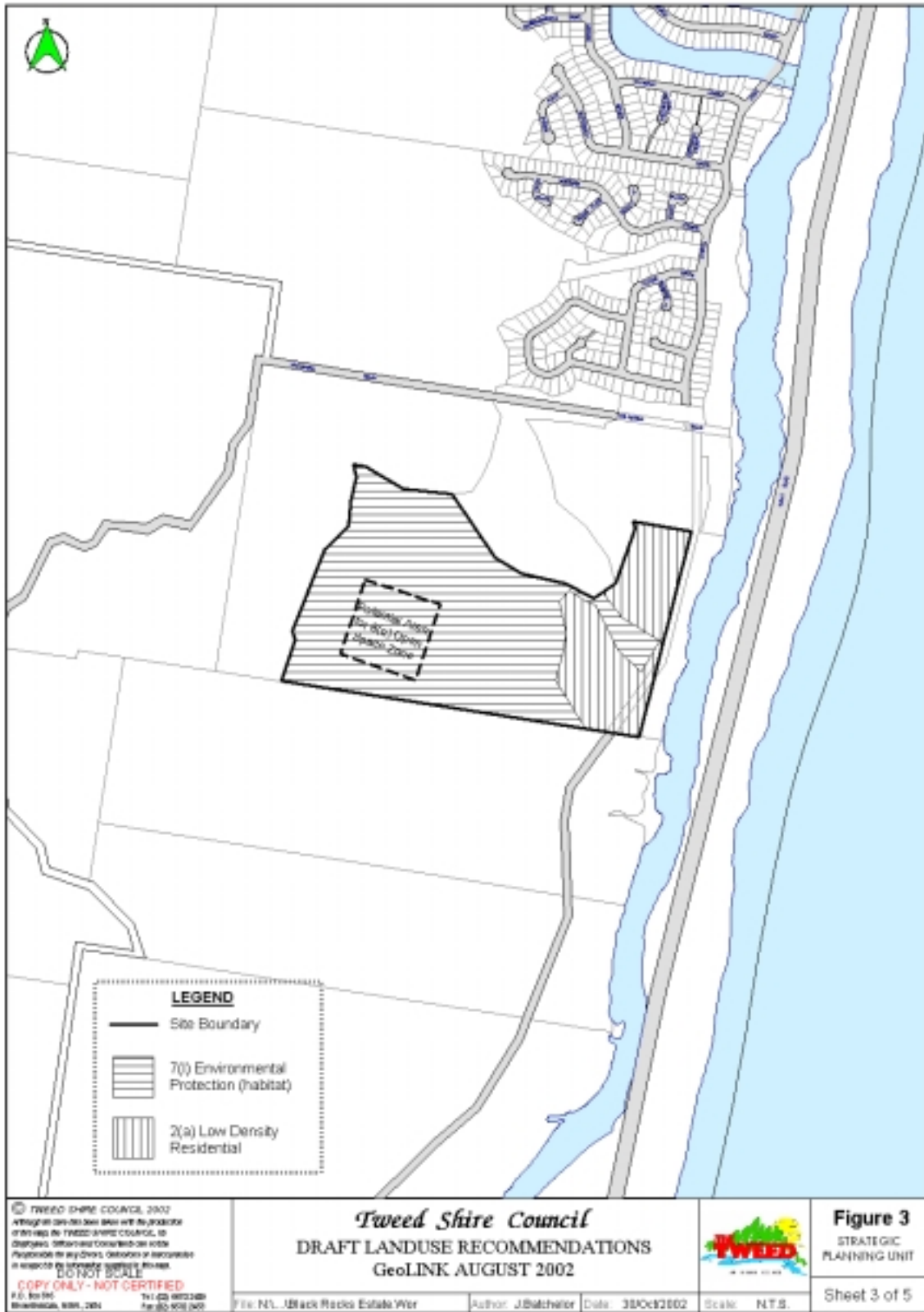
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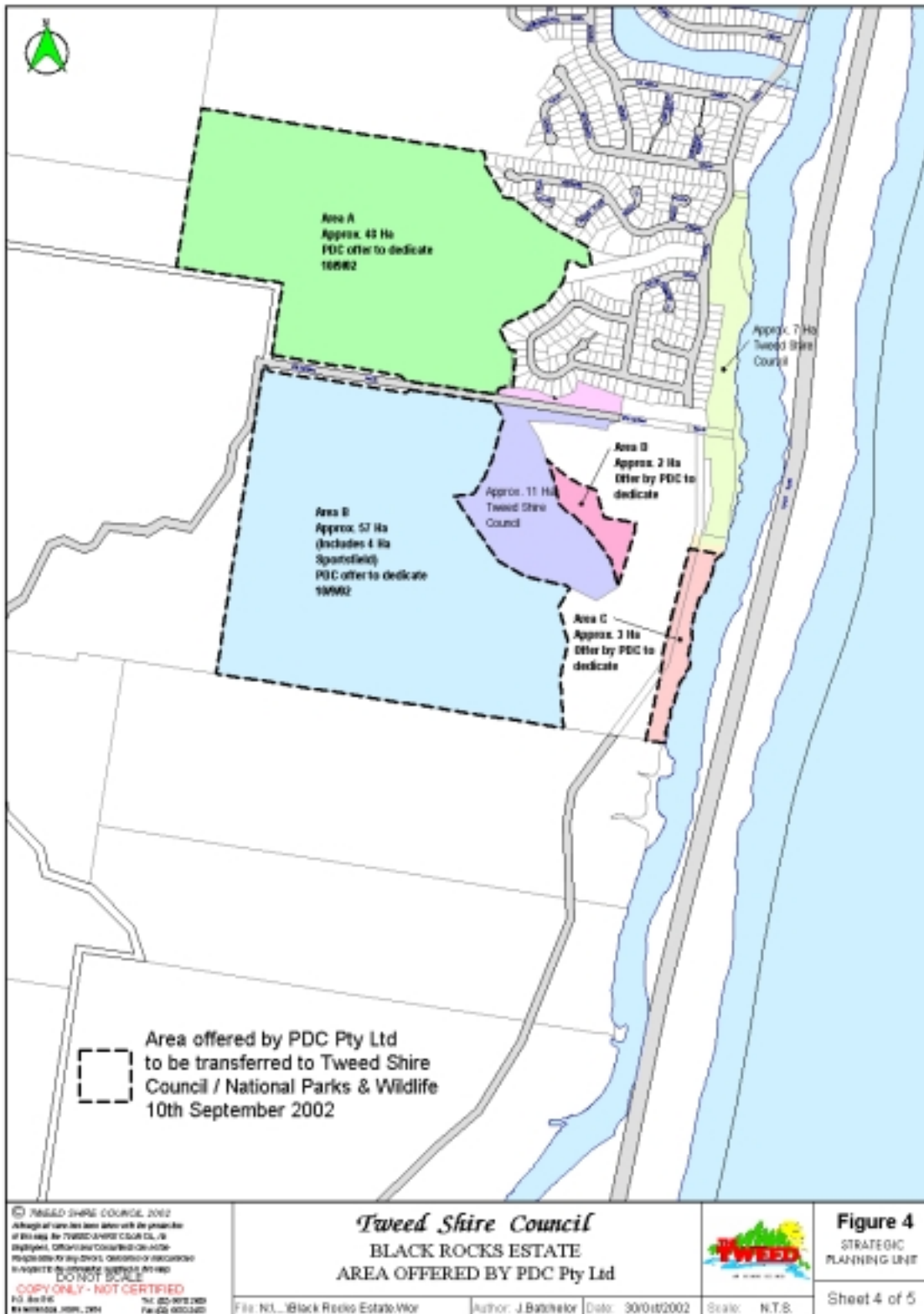
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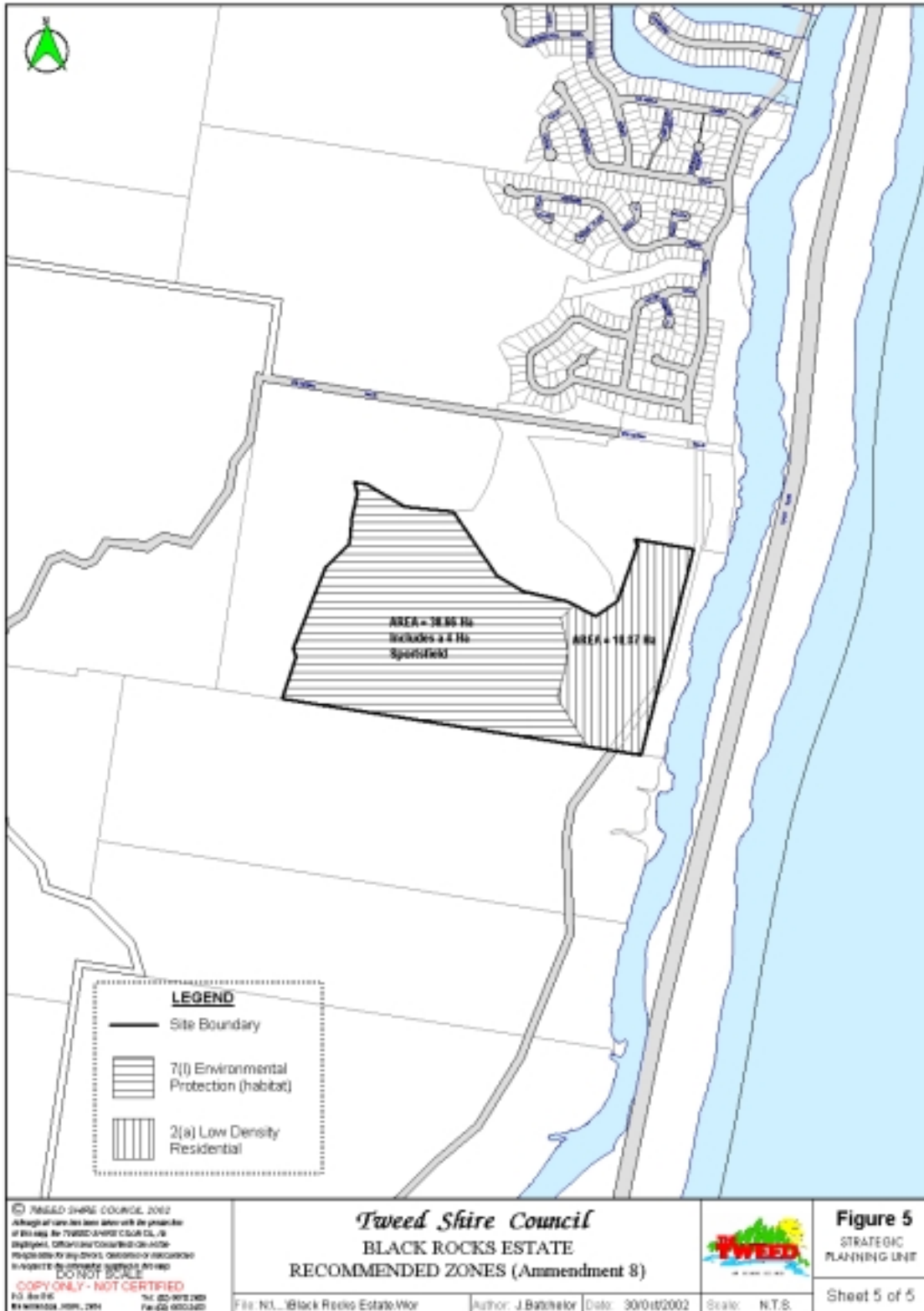
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17. ORIGIN: Strategic Town Planning Unit

FILE REF: PF5430/1205 Pt2

REPORT TITLE:

Terranora Public School - Council Contribution Towards the School Hall

SUMMARY OF REPORT:

On 1 March 1995 Council resolved to provide contributions of \$93,500 to the Department of School Education (DSE) for the upgrading of the Hall/Community Facility within the Terranora Primary School, thereby creating a dual use facility and a provision for public use of the Hall. The contribution was to be derived from the sale of the land upon which the original Terranora Hall was located.

To date Council has been unsuccessful in selling the land and therefore it has not paid the contribution to the hall. However there are pressures for Council to honour its commitment to contribute to the school hall and it has been having discussions with DSE in this regard. It is also proposed to place the land on the market again.

It is recommended that the Committee endorse the payment of \$93,500 to DSE from the Shire Wide Community Facilities fund, with the proceeds from the sale of the original Terranora Hall site being repaid to that fund.

RECOMMENDATION:

That Council:

1. Approves the expenditure of \$93,500 to the Department of School Education for the upgrading of the Terranora School Hall to be allocated from the Community Facilities Shire Wide Fund; and
2. Votes the expenditure of \$93,500.

Reports from Director Development Services

REPORT:

In 1995 Council resolved to provide contributions of \$93,500 to the Department of School Education (DSE) for the upgrading of the Hall/Community Facility within the Terranora Primary School, thereby creating a dual use facility and a provision for public use of the Hall. The contribution was to be derived from the sale of the land upon which the original Terranora Hall was located. This land is located along Terranora Road next to the current local convenience store. The sale of that land has not taken place as its main constraint is a large electricity pylon located near the rear boundary, with an easement used for a 110Kv power line which covers 9.4 metres width on the western side and covers 441m² of the 1,500m² site.

To date Council has been unsuccessful in selling the land and therefore it has not paid the contribution to the hall. However there are pressures for Council to honour its commitment to contribute to the school hall and it has been having discussions with DSE in this regard. It is also proposed to place the land on the market again.

SECTION 94 FUNDING

To honour this commitment to DSE, Council is required to find the \$93,500. As the potential timeframe for the sale of the above land is still unknown various options for payment of this money have been considered including loan funds. However loan repayments have not been provided for in the budget.

As the payment of the \$93,500 will allow use of the school hall by the public, Section 94 funding has been considered.

It would not appear possible to make the payment from any existing Section 94 Plan. The current Terranora Village Plan No.21, which is the only community facilities plan for the area, has a small component in it for equipment for the school hall, however the population for this plan is too small to justify an additional levy. The hall will also be used by the wider Terranora community.

The only other avenue for assistance from developer contributions would be from the Shire Wide Community Facilities Fund which has contributions from outside Section 94 plans (generally Deeds of Agreement). Currently there is a balance of \$293,997 in this account. It would be possible to 'borrow' the funds required for the school hall and then repay some of the funds upon sale of the above site. While there will probably be a shortfall between the sale proceed of the land and the \$93,500 required for the school hall, it is considered appropriate that the shortfall be covered by the Shire Wide Community Facilities Fund as the funds are there for community facility purposes.

Reports from Director Development Services

18. ORIGIN: Strategic Town Planning Unit

FILE REF: Strategic Planning - Census

REPORT TITLE:

2001 Census

SUMMARY OF REPORT:

The first release material from the 2001 Census is being reviewed. The Tweed population steadily increased, at a much faster rate, than that of Richmond or NSW. There is a predominantly older population, but also a large percentage of youth (<19 age group). Most people were born in Australia. The median income range is slightly less than that of the State. There is strong growth in the housing industry with an average 826 dwellings per year. The most common type is the separate dwelling.

Occupancy rates of between 1.8 – 2.8 on average – (1.8 semidetached flats, units etc, 2.8 separate dwelling house). Predominantly family type is couples without children.

The majority of people live in families made of couples with children.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

INTRODUCTION

Council resolved on 19 June 2002 that:

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

In reference to the Notice of Motion of 19 June 2002 concerning Census Population Data, the Australian Bureau of Statistics has released information collected from the 2001 Census of Population and Housing.

This report and the attached graphs summarises the relevant demographic statistics available from the Australian Bureau of Statistics for the Tweed Shire and provides comparison with the Richmond Tweed area and New South Wales. Unfortunately, the report does not cover all of the categories found in a complete demographic profile as not all of the information gathered during the last Census has been released yet. The report also provides population figures for the various localities in the Tweed, together with inter causal change. It had been hoped to provide population projections from work being undertaken with the Premier’s Department. Unfortunately these are not yet ready. Therefore, rather than await their completion, this report has been completed without them.

POPULATION

The population of the Tweed Shire at the time of the 2001 Census was 74,380, which resulted in an increase of 7, 515 (11%) since 1996. Comparatively population growth shown by the broader Richmond area and New South Wales is much less, being half of that of the Tweed. The rate of growth since 1996 was 6% in the Richmond and 5.5% in New South Wales. Historically, the Tweed has had a significantly increasing population over the last 20 years, although the total percentage increase is declining with each successive Census. In 1986 the population was 45,690. By 1991 it had increased by 10,167 (22%) to 55,857. In 1996 it had reached 66,865, a growth of 20%. These trends show that by 2006 the population of Tweed could reach 82,561.

The Tweed Region has a predominantly older population with 54.7% of people being over the age of 40 and 22.7% being over 65. There is also a high proportion (25.2%) of children (<19 years of age) living within the Shire.

Tweed has a slightly higher proportion of retirees than the Richmond Region and the State.

BIRTHPLACE

The majority of the Tweed’s residents (79%) are born in Australia (59,348 persons). 1,867 persons, or 3.1%, were of indigenous origin (Aboriginal/Torres Strait Islander). The four most significant countries of those born overseas are the United Kingdom, New Zealand, Germany and the Netherlands. These trends were similar for the Richmond Region.

In NSW those born overseas are more commonly from the United Kingdom, New Zealand, Vietnam and China.

SOCIO-ECONOMIC STATUS

The median income range per week of residents living in the Tweed Shire in 2001 was between \$200 and \$299. In comparison the residents of NSW median income is between \$300 and \$399. In 1996 the median for the Tweed and NSW were both between \$200 and \$299. It should be noted

Reports from Director Development Services

that the 1996 and 2001 figures on income are based on different methodologies and do not take into account inflation.

HOUSING

A strong growth in the housing industry is evident with the construction of 4,131 dwellings constructed over the last five-year period; an average of 826 dwellings per year. This brings the total dwellings in the Shire to 32,974. The predominant dwelling type in the region is separate dwellings (57.9%), and semi-detached row, terrace or town houses (13.9%).

In comparison to the Richmond and NSW this type of housing makeup is very similar, although NSW, as expected due to the level of urbanisation displayed, shows a higher percentage of flats, units or apartments (16.3%) to Tweed's (11.7%).

The average level of occupancy in all three regions, regardless of size, was approximately 2 persons per dwelling. The level occupancy is greater in separate dwellings (2.8 on average) and less in semi-detached dwellings, flats, units and apartments (1.8 on average). There has been no significant change in occupancy rates since 1996.

Tenure patterns of the region have also remained reasonably unchanged since 1996. The Tweed has the highest percentage of private dwelling home ownership. The average mortgage repayment per month was between \$800 and \$899. For rented dwellings the average weekly rent paid was \$100-\$159.

FAMILIES

The most predominant family type within the Tweed is couples without children (45.6%). The second most common family structure is couples with children (35.8%) followed by single parent families (17.5%).

The majority of people (50.4%) are part of a family consisting of a couple with children. 61.7% of these families are families with either dependent children under the age of 15 and/or dependent students aged between 15 and 24. Little change has occurred in family type since 1996.

In comparison to the Richmond, the Tweed figures were similar. In NSW the proportion of people living in a family structure based on couples with children is 62.2%, 22.9% for couples without children, and 13.5% for single parent families.

LOCALITIES

Table 1 provides population figures for the various localities in the Tweed. As expected, the major growth has taken place in release areas. This detailed information has only recently been made available and to date only an assessment of population and change has been possible. A more detailed presentation of this material is attached to this agenda.

Reports from Director Development Services

POPULATION BY LOCALITY

Area	Total Persons 91	Total Persons 96	Total Persons 01	% Change 91-96	Avg Annual Change % 91-96	% Change 96-01	Avg Annual % Change 96-01	% Change 91-01	Avg Annual % Change 91-01
Tweed Heads	5361	5521	5736	2.98%	0.60%	3.89%	0.78%	6.99%	0.38%
Tweed Heads West	6160	7136	6684	15.84%	3.17%	-6.33%	-1.27%	8.51%	-0.65%
Tweed Heads South	4901	5825	7888	18.85%	3.77%	35.42%	7.08%	60.95%	3.08%
Banora Point	5232	9277	11772	77.31%	15.46%	26.89%	5.38%	125.00%	2.41%
Bilambil Heights	2286	2722	2935	19.07%	3.81%	7.83%	1.57%	28.39%	0.76%
Bilambil Piggabeen	775	1099	1447	41.81%	8.36%	31.67%	6.33%	86.71%	2.79%
Terranora Rural	1141	1903	2464	66.78%	13.36%	29.48%	5.90%	115.95%	2.62%
	25856	33483	38926						
Chinderah	1750	1658	1634	-5.26%	-1.05%	-1.45%	-0.29%	-6.63%	-0.15%
Fingal	594	579	649	-2.53%	-0.51%	12.09%	2.42%	9.26%	1.15%
Kingscliff	4099	4522	5324	10.32%	2.06%	17.74%	3.55%	29.89%	1.65%
Cabarita	1532	2681	3034	75.00%	15.00%	13.17%	2.63%	98.04%	1.24%
Cudgen Village	332	535	503	61.14%	12.23%	-5.98%	-1.20%	51.51%	-0.61%
Rural Coast A	693	928	1116	33.91%	6.78%	20.26%	4.05%	61.04%	1.86%
	9000	10903	12260						
Hastings Point	656	672	715	2.44%	0.49%	6.40%	1.28%	8.99%	0.62%
Pottsville	1289	1987	2585	54.15%	10.83%	30.10%	6.02%	100.54%	2.67%
Burringbar Area	990	1157	1137	16.87%	3.37%	-1.73%	-0.35%	14.85%	-0.17%
Rural Coast B	1693	1497	1652	-11.58%	-2.32%	10.35%	2.07%	-2.42%	0.99%
	4628	5313	6089						
Tumbulgum	335	385	360	14.93%	2.99%	-6.49%	-1.30%	7.46%	-0.67%
Dulguigan / Carool	1252	1273	1369	1.68%	0.34%	7.54%	1.51%	9.35%	0.73%
	1587	1658	1729						
Wardrop Valley	1790	2024	2164	13.07%	2.61%	6.92%	1.38%	20.89%	0.67%
Murwillumbah	7349	7053	6946	-4.03%	-0.81%	-1.52%	-0.30%	-5.48%	-0.15%
Condong	238	225	250	-5.46%	-1.09%	11.11%	2.22%	5.04%	1.06%
	9377	9302	9360						
Uki	213	230	211	7.98%	1.60%	-8.26%	-1.65%	-0.94%	-0.86%

Reports from Director Development Services

Area	Total Persons 91	Total Persons 96	Total Persons 01	% Change 91-96	Avg Annual Change % 91-96	% Change 96-01	Avg Annual % Change 96-01	% Change 91-01	Avg Annual % Change 91-01
Rural South West	2675	3208	3037	19.93%	3.99%	-5.33%	-1.07%	13.53%	-0.55%
	2888	3438	3248						
Tyalgum	219	237	192	8.22%	1.64%	-18.99%	-3.80%	-12.33%	-2.08%
Rural North West	2314	2531	2567	9.38%	1.88%	1.42%	0.28%	10.93%	0.14%
	2533	2768	2759						
Total	55869	66865	74371	19.68%	3.94%	10.09%	2.25%	33.12%	0.97%

Reports from Director Development Services

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Reports from Director Corporate Services

19. ORIGIN: Corporate Development Unit
FILE REF: Sponsorship; Surf Lifesaving; DW 699042

REPORT TITLE:

Request for Sponsorship

SUMMARY OF REPORT:

The Honorary Secretary of the Fingal Rovers Surf Life Saving Club Inc. has written to the Mayor expressing appreciation for the Council's assistance and sponsorship of the 2001 Murwillumbah Bridge to Bridge Swim Classic.

The club is now planning for the 2002 Swim to be held in conjunction with the Tweed River Festival Week and are seeking Council's ongoing sponsorship and support.

RECOMMENDATION:

That Council determine its level of assistance and sponsorship towards the 2002 Murwillumbah Bridge to Bridge Swim Classic.

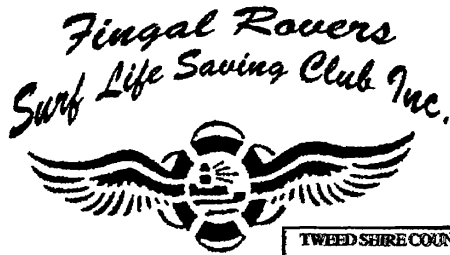
Reports from Director Corporate Services

REPORT:

The Honorary Secretary of the Fingal Rovers Surf Life Saving Club Inc. has written to the Mayor thanking Council for its assistance and sponsorship of the 2001 Murwillumbah Bridge to Bridge Swim Classic and seeking sponsorship assistance for the 2002 Swim. The Swim programmed is to be held on Sunday, 1 December 2002 in conjunction with the Tweed River Festival Week. Their letter of request is attached.

Due to the timing of this event the matter has been brought forward to Council in advance of the sponsorship second round determinations, which is not scheduled until February 2003. Council determination of the quest is requested.

Reports from Director Corporate Services



Hon. Secretary
PO Box 363,
Murwillumbah. NSW 2484

Ph: (02)66702750
email: fingalrovers@hotmail.com

The Mayor
Tweed Shire Council
Tumbulgum Road
Murwillumbah 2484

TWEED SHIRE COUNCIL	
FILE No.	
DOCUMENTS	
RECD	3 OCT 2002
BOX No.	
ASSIGNED TO	
HARD COPY	<input type="checkbox"/>
IMAGE	<input type="checkbox"/>

FILE No.	SURFLIFESAVING
SUBJECT No.	
DOCUMENT No.	
REC	- 1 OCT 2002
DOCUMENT TYPE	
LOCATION CODE	717 RPEINTER I
EDP PROCESSED	

Dear Sir

The 2001 Murwillumbah Bridge to Bridge Swim Classic was a great success, thanks to the assistance and sponsorship of your organisation

Proceeds from the 2001 swim went to the Fingal Rovers Surf Life Saving Club and the Murwillumbah Scouts, helping these groups continue to function on behalf of our local community

We are now planning for the 2002 swim to be held on Sunday 1st December, in conjunction with the Tweed River Festival Week. With your continued assistance the event will be bigger and better than ever and we will be able to continue to assist our beneficiaries

If possible could you be one of our group of sponsors such as, Murwillumbah Tyre Service, J H Williams & Sons, King Street Medical Centre, Murwillumbah Chamber of Commerce, Environment Protection Authority. Your contribution last year was \$500.00. It would be great if you could maintain or increase your sponsorship of 2001.

Cheques can be made payable to: Fingal Rovers S L S C INC
PO Box 691 Murwillumbah 2484

If you wish to discuss this further do not hesitate to contact me on ,
phone number 02 6670 2750

Yours Sincerely

Glen Nott
Glen Nott

[Handwritten initials]

DataWorks Document Number: 699042

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20. ORIGIN: Corporate Development Unit
FILE REF: Council Management; Council Policies

REPORT TITLE:

Organisational Values

SUMMARY OF REPORT:

In July 2002 a discussion paper on the development of a set of organisational values was distributed for comment as part of the work towards meeting the Corporate Governance Management Plan Priority - Develop and Implement Council's ethical organisation strategies, codes and practices. A Working Group of interested staff was subsequently formed to further develop the ideas. This Group met several times and made recommendations to Executive Management Team.

The proposed Value statements have been considered by the Executive and are forwarded for your consideration and inclusion in Council's Policy documents, the Management Plan and materials relating to staff and Councillor induction.

RECOMMENDATION:

That Council adopts the following Corporate Values:-

Values

In carrying out our Mission, Councillors and staff demonstrate leadership through our commitment to ethical behaviour and the following individual and corporate values:-

We are:

<i>Responsive</i>	<i>Accountable</i>
<i>Impartial</i>	<i>Consistent</i>
<i>Transparent</i>	<i>Conscientious</i>
<i>Respectful</i>	

Council supports our community and staff through:

<i>Stewardship</i>	- <i>We responsibly manage community funds and assets, including natural assets, for this and future generations.</i>
<i>Organisational Performance</i>	- <i>We provide systems, structures and facilities that serve our clients and support staff.</i>
<i>Staff Development</i>	- <i>We provide the training and development that staff need to do their job well.</i>
<i>Innovation</i>	- <i>We seek new and better ways of doing our work.</i>
<i>Safe Environments</i>	- <i>We protect the health, safety and welfare of staff, our community and our environment.</i>

Reports from Director Corporate Services

REPORT:

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The proposed Value statements have been considered by the Executive and are forwarded for your consideration and inclusion in Council's Policy documents, the Management Plan and materials relating to staff and Councillor induction.

Research undertaken both within Australia and overseas has shown that organisations, which have high ethical standards, also have high levels of efficiency and effectiveness.

Council has previously adopted high level standards within their Code of Conduct and Business Ethics Policy. A statement of organisational values will complement these policies, provide guidance to staff and also assist with community relations.

It is recommended that Council adopts the following Corporate Values:-

Values

In carrying out our Mission, Councillors and staff demonstrate leadership through our commitment to ethical behaviour and the following individual and corporate values:-

We are:

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<i>Innovation</i>	-	<i>We seek new and better ways of doing our work.</i>
<i>Safe Environments</i>	-	<i>We protect the health, safety and welfare of staff, our community and our environment.</i>

Reports from Director Corporate Services

21. ORIGIN: Director

FILE REF: Communications Committee - Best Practice

REPORT TITLE:

Tweed Shire Council Community Consultation Best Practice Guidelines

SUMMARY OF REPORT:

Council at its meeting of 4 September 2002 considered the adoption of a Draft Community Consultation Best Practice Guidelines.

These Guidelines were adopted and placed on public exhibition for twenty-eight (28) days seeking community feedback.

RECOMMENDATION:

That the Draft Community Consultation Best Practice Guidelines be confirmed

Reports from Director Corporate Services

REPORT:

Council's Communications Committee developed over a period of time, as part of Council's Communication Policy Review, a draft protocol for community consultation.

The draft protocol was revised by Council's Executive Management Team and referred to the Council meeting of 4 September 2002, where it was recommended that the Draft Community Consultation Best Practice Guidelines be adopted and placed on public exhibition for twenty-eight (28) days.

Notification of the Draft Guidelines was placed in the Tweed Link seeking community feedback and submissions by 17 September 2002. As no submissions or feedback has been received by the organisation it is recommended that the Draft Policy be adopted as follows:

Community Consultation Best Practice Guidelines

Purpose

The Community Consultation Best Practice Guidelines (the Guidelines) provides a guide to successful and effective consultation processes. It does not seek to override current statutory obligations, but seeks to provide advice on mechanisms for enhancing community consultation outcomes. It also seeks to inform subsequent improvement to statutory processes in the future.

To ensure that consultation is genuine and is seen as genuine by the community, commitment to the consultation process should be demonstrated by Councillors, as well as senior officers and program managers.

What is Consultation?

Consultation is a central principle in sound planning and decision making. It allows local government to make informed decisions about issues that affect residents. The consultation process aims to maximise opportunities for residents to be informed, and to have their concerns heard and taken into account, before a decision is made by Council. It involves methods that range from information sharing through to participatory decision making, and which ensure Council is aware of the views of residents affected by any decision or policy change.

The Council is committed to effective community consultation as it can contribute to building social capital through enhancing the relationship between government, community and the private sector.

Consultation provides an opportunity to identify major differences, as well as areas of agreement. These can be taken into account by Council in its decision making process. To be effective, appropriate consultation needs to commence early in any decision making process. The choice of appropriate consultation methods should be based on input from relevant key informants and stakeholders, who will have an understanding of how best to access and involve those residents who are most affected by or interested in a potential decision or policy change.

Consultation methods vary depending on the goal and outcome. Any or all of the methods outlined below can be used as part of the consultation process. It should be noted that while information sharing or market research do not, on their own constitute consultation, they can be usefully employed as part of the overall process:

Reports from Director Corporate Services

- focus group
- advisory committee
- consultative committee
- public forum
- on-line forum
- network
- community meeting
- consumer forum
- seminar
- discussion paper
- workshop
- interview
- report
- campaign
- complaint resolution
- response to inquiries
- on-line submission
- polling
- social research
- search conference
- public inquiry or hearing
- submission
- conference
- phone-in
- computer graphics to show effect of proposed development

Why Consult?

Consultation enables residents to contribute their energy and ideas to ensure informed decisions are made. Undertaking consultation is especially important in situations where:

- There is genuine flexibility of an outcome, to allow participatory decision making;
- Council has a need to acquire more information; and/or
- Council wants to assess the impact of a possible decision;
- Even when the outcome is known consult for educational purposes.

Reports from Director Corporate Services

When to Consult

Council decisions about when to consult are best made on a case by case basis. The following questions can be used to guide decisions about when to consult the community.

- Does the issue directly affect a significant group in the community?
- Will the proposal significantly affect the rights and entitlements of Shire residents?
- Does the issue directly and significantly affect the natural environment?
- Are significant numbers of people, or particular groups, likely to have strong views on the issue?
- Is the proposed change or issue likely to directly affect the quality of life for people of the Tweed Shire and is the impact likely to be long term?
- Does the proposal entail significant expenditure and/or a re-allocation of resources?
- Does the proposal have potential to provide a range of opportunities to particular communities and/or to the general community?
- Does the Council have sufficient information to make a decision about an issue that affects a small number of people?

Timing the consultation

In order to achieve a successful consultation outcome, it is crucial to define the parameters before commencing the consultation process. There may be times when it is advisable for key stakeholders themselves to be involved in developing the parameters of the consultation.

Deciding on appropriate consultation methods is best commenced early in the project, thereby allowing key decision-makers sufficient time to advise on the most appropriate methods. It is important not to commence consulting so late that residents' views cannot influence the outcome.

Consultation can be one-off, short-term or ongoing, depending on the required outcome.

A consultative council or representative body can assist the Council with one-off advice or be involved in a longer-term consultation.

An important question to consider is whether the project timeframe will allow sufficient time to fully consult. Different consultation methods require different timeframes. For issues requiring comprehensive consultation, community groups need a minimum of 6 weeks to consult their constituents and respond.

Incomplete, poorly planned and managed consultation will reduce community confidence in future attempts at consultation.

Consulting the community at a time when people's ability to respond is automatically limited should be avoided wherever possible. Such times include the Christmas season, school holidays and major religious and cultural events. The timing of the consultation needs to allow for a flexible response to an unexpected event affecting the community. Conducting a number of consultation sessions over a range of times, for example after work hours or on weekends, not during meal times, will maximise participation across the community.

Reports from Director Corporate Services

How to Consult

Planning the consultation strategy

Successful consultation is the result of putting the following important planning steps into practice.

Clearly define the aims and parameters of the consultation.

1. Engage the key participants and stakeholders in the consultation.
2. Choose the appropriate range of methods to engage all stakeholders in the consultation.
3. Use strategies that maximise people's ability to participate.
4. Ensure coordination and avoid duplication.
5. Provide feedback on the outcome of the consultation and resulting decisions to all participants, and to groups with an interest.

To ensure effective and inclusive consultation, the following issues need to be considered.

Identify any conflict of interest.

- Make sure that facilitators and scribes used at focus groups and workshops are clear about their role and have been briefed and/or trained. A trial run can help.
- Ensure that the venues for the consultation sessions allow maximum participation, by assessing the location for access by people with disabilities and by public transport. It is advisable to assess the suitability of equipment and furniture, and the availability of parking and child care etc.
- Ensure that privacy and confidentiality guidelines are adhered to in relation to comments collected during the consultation.
- Anticipate and plan for any specific support that may be needed to enable some groups to participate in the consultation.

Clear aims and parameters

Careful planning is the most important component of effective consultation. When the Council's consultation aims and parameters are made clear from the start, the focus on key issues and objectives can be better maintained during the course of the consultation.

Consulting in the context of clear aims and parameters will not only assist the Council with decision making, it will enhance the community's confidence in the Council's commitment to conduct effective consultation processes.

Key questions

To achieve the maximum results from the planning stage, the following critical questions need to be answered.

- What is the aim and purpose of the consultation?
- What information does the Council need to convey to the residents?
- What information does the Council need to obtain from the residents?
- Who will be affected by the decisions resulting from the consultation?

Reports from Director Corporate Services

- Who should be consulted?
- What would be the best time to conduct the consultation?
- What is the optimum length of time to be allocated for consultation?
- What risks may be associated with the consultation timeframe, subject matter and relevant past events and experiences?
- What other related activities and consultations have occurred recently or may be planned? How can the consultation be coordinated to take these into account?
- How will the information from the consultation be used and by whom?
- What will be the process for implementing decisions resulting from the consultation?
- How will the outcomes of the consultation and the final decision be conveyed to the participants and to those with an interest?
- What information is required by residents to ensure they are able to participate in an informed and meaningful way?
- What follow-up will be undertaken with participants?
- How and when will evaluation be carried out? What will be evaluated and by whom?
- Who will manage the consultation?
- What resources are available for the consultation?

Statement of Intent

The answers to the above questions can form the basis of a Statement of Intent, which should be developed for each consultation process. This Statement should be clear to all participants to ensure that everyone is aware of the aim, process, parameters and likely outcomes.

As a minimum, the Statement of Intent should:

- state a clear aim and timeframe;
- outline the methods proposed for consulting, evaluating and giving feedback; and
- identify decision-makers and contact details for providing comment and receiving further information.

Making the Statement of Intent known publicly will improve the level of community awareness about pending consultations, and at the same time provide a mechanism for avoiding duplication and improving coordination of consultation.

Engaging key participants

The first step in determining who needs to be involved in a particular consultation is to identify who will be affected by the outcome of any resulting decisions and who may have relevant information to contribute. This process usually involves the use of existing networks and channels of communication to identify who has an interest in the objectives and outcomes of the consultation.

Where there are no existing channels of communication, other Departments, consultative and advisory groups and relevant representative organisations may provide sufficient information to

Reports from Director Corporate Services

commence the process. Representative bodies and community groups may also provide an efficient and effective avenue for accessing key community members and specific groups.

When accessing key community members and groups for the purposes of consultation it is important to recognise that it has taken time and care to establish relationships with and between sectors and every effort should be taken to preserve these relationships. Allowing adequate time to identify key participants and conduct this research should be timetabled into the process, if the consultation is to be a success.

Potential stakeholders could include:

- consumer groups;
- service providers;
- representative organisations;
- residents who may be affected by, or who have a legitimate interest in the outcome of the decision.

Encouraging involvement

The stakeholders identified at the beginning of the process can assist in developing a more comprehensive list of residents who will be, or could be, affected by decisions to be made as a result of consultation.

The strategies listed below are effective methods for identifying potential stakeholders.

- Presentations and announcements at relevant meetings.
- Letters and invitations to consumer groups and representative organisations.
- Leaflets and posters displayed at shopfronts, libraries and other public places.
- Notices may be included in regular mail-outs, pay-slips and with relevant bills requesting payment for Council services.
- Announcements and notices in the Tweed Link, on radio and television and in print media.
- Email groups and discussion forums.
- Notices on the relevant homepage, electronic bulletins and the internal email system.

Choosing appropriate methods

Key stakeholders will include residents from special interest groups for whom consultation mechanisms will need to be adapted to meet their specific needs. For example, Aboriginal and Torres Strait Islander people, people from linguistically and culturally diverse backgrounds, different gender, people with disabilities, people with mental health needs, older people and young people. Representation of relevant sections of the community is essential to ensure a comprehensive consultation process. To achieve good representation of special interest groups, the appropriate community based organisations should be contacted.

The outcome of the consultation will be influenced by the methods used and the effectiveness of planning undertaken. Consultation methods need to be designed in the context of the objectives, subject, target groups and timeframe. The choice of methods should be made early in the process in

Reports from Director Corporate Services

collaboration with stakeholders, and be based on a clear rationale for the involvement of particular groups.

In choosing appropriate consultation methods, the following issues need to be considered in the early stage of planning the consultation strategy.

- The timeframe available for consultation.
- The size and characteristics of the target groups.
- An analysis of the benefits, constraints and costs of consulting.
- Potential benefits and risks of the various consultation methods in the context of the subject of the consultation.
- An understanding of the values and culture of stakeholders and how this will impact on the choice of consultation method.
- Tailoring the consultation methods to encourage the involvement of stakeholders who are the target of the consultation, for example, ensuring that transport and childcare are available where relevant.
- The availability of resources for the consultation, including people, skills, time and finances.
- Adaptability and flexibility of the consultation methods.

Providing information

Providing information is the first step in the consultation process. It is important to the success of the consultation to be honest and transparent about why the consultation is occurring. The initial information should outline the parameters of the consultation and provide relevant background to the issues.

The parameters should include:

- the aims of the consultation;
- methods of consultation;
- steps in the process;
- who will ultimately make the decisions as a result of the consultation;
- the timeframe; and
- how and when the feedback will occur.

The information could be in the form of a discussion paper, pamphlet, information seminar, newspaper article or be presented using electronic or other forms of media. The most important element in deciding the format is an understanding of the target audience.

Information should be expressed in plain English, be concise and be in an appropriate format and language. If the issue involves technical terminology, this will need to be simplified or clearly explained to ensure that stakeholders and participants understand the terminology. Acronyms should be avoided unless defined clearly in a glossary.

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It is also important to ensure that all information is provided in sufficient time to enable participants to be prepared and fully informed and to ensure that their time can be used efficiently. Information may need to be provided in advance and perhaps further clarified with participants to ensure that there is common understanding of the issues and objectives.

Gathering information

The information gathered during a consultation process is very important, as it informs the rationale for any recommendations that arise from the consultation process.

Methods chosen for consultation need to be flexible and efficient. A creative approach may encourage a higher rate of participation by the target group. The quality of the information gathered is improved when qualitative and quantitative methods are used. If the choice of method involves meetings, workshops, or conferences, it is advisable to seek stakeholders' recommendations when selecting a facilitator and/or consultant.

The community will have more confidence in the consultation process if it is clear that the information provided will affect the outcome and will not be used inappropriately.

Respecting resources and time constraints of all parties is an important aspect of the consultation process. The parameters of the consultation will have been clarified at the beginning of the process. It is important that all participants understand how unanticipated events, outside the consultation process (such as major political or policy changes) can have a significant impact on decisions.

An early commitment needs to be made by all parties to complete the consultation process before announcing or making public any decisions. This will enhance the credibility of the process and the community's confidence. If the consultation process is unexpectedly compromised, there needs to be an acknowledgment that this has occurred, and the process re-negotiated by all parties or terminated.

Maximising participation

The consultation process should aim to maximise the opportunities of residents to make their concerns heard and be taken into account before the Council makes a final decision. Skilful communication is an essential element of consultation. Participation may be maximised through:

- demonstrating cooperation and a commitment to reaching agreement;
- ensuring that all documents are easy to read and are expressed in plain English;
- showing respect for the views of all parties;
- demonstrating a willingness to listen;
- encouraging ongoing dialogue;
- using existing communication pathways, including on-line pathways;
- ensuring that all parties have been easily able to access the consultation process;
- ensuring that all participants have been adequately heard and will not be disadvantaged by their involvement in consultation;
- basing the consultation on mutual respect and professionalism;
- valuing participants' knowledge and skills;

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- thorough planning to ensure people's time is not wasted;
- creative strategies to explore areas of disagreement;
- providing access to resources which enable residents to participate;
- ensuring that consultation is a two way process, which involves all parties in gaining information and knowledge; and
- incorporating a feedback process, which informs consultation participants and others, with a legitimate interest, about the outcomes and decisions, and the timeframe for implementation.

A key aspect of maximising participation is to allow sufficient time for consumer groups and representative bodies to contact and gain feedback from their members.

Feeding back outcomes and decisions

Participants in a consultation process should be provided with clear timeframes showing when the outcomes will be known. Timeframes should be developed during the initial planning process and in conjunction with advice from key informants and participants where possible. The planning process should identify which participants need feedback and how this will be given. There needs to be recognition that not all participants will require feedback on all issues.

Feedback on the outcome of decisions following consultation needs to be provided to participants in a timely manner, no longer than four months after the completion of the consultation.

Reports on the outcomes of consultation should be expressed in plain English and include:

- acknowledgment of participants' contributions;
- a record of the consultation methods and process;
- demonstrated evidence that participants have been heard;
- an outline of the decisions made; and
- a record of how final decisions were reached.

Feedback from consultation should be developed with an understanding of special needs groups and be presented in a manner appropriate to those groups. For example, people from culturally and linguistically diverse backgrounds may need to be informed in their own language. Where community input has been received on-line, on-line feedback may need to be provided.

A commitment is needed by all parties to complete the consultation before any announcement or decision is made. This ensures credibility of the consultation process. The results of consultation need to be available to all participants, even when the consultation has resulted in no action being taken.

Evaluating the consultation strategy

The evaluation strategy needs to be identified in conjunction with the initial planning of the consultation process. The strategy should include mechanisms to allow for review and modification during the consultation process. The methodology for the evaluation should not be disproportionately large in relation to the consultation.

Reports from Director Corporate Services

The evaluation of consultation methods and outcomes are both important aspects of evaluating the consultation process. Evaluation needs assess performance against the objectives of each consultation process and assess how residents perceived the effectiveness of the process.

It is important that the consultation process itself is evaluated to identify its strengths and weaknesses. This will enable future modification of any aspects of the process and methods which have not worked as well as anticipated.

Reports from Director Corporate Services

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Reports from Director Corporate Services

22. ORIGIN: Director

FILE REF: Sustaining the Tweed; Agenda 21; Greenhouse Effect

REPORT TITLE:

International Council for Local Environmental Initiatives - Request for Support

SUMMARY OF REPORT:

The Cities for Climate Protection™ has written to the Mayor seeking support through a number of mechanisms regarding on-going funding by the Federal Government to Cities for Climate Control™ Program.

RECOMMENDATION:

That Council determines what level of support that it believes is appropriate

Reports from Director Corporate Services

REPORT:

The International Council for Local Environmental Initiatives (ICLEI) has written to the Mayor seeking support of Council through a number of mechanisms to encourage the Federal Government to continue its program of funding to the Cities for Climate Protection™ Program.

Their letter outlines a number of initiatives and is attached for Council's reference.

Reports from Director Corporate Services

23. ORIGIN: Director
FILE REF: Sustainable Regions

REPORT TITLE:

World Summit on Sustainable Development

SUMMARY OF REPORT:

The Minister for Environment and Heritage, the Hon. Dr David Kemp MP, has written to the Mayor seeking Local Government support and encouragement in their efforts to progress sustainable development at the local level.

The Minister is seeking Local Government to incorporate social, economic and environmental factors as "a standing item on council agendas, and to pursue other Local Government actions recommended by the Forum" - Sustaining our Communities.

RECOMMENDATION:

That Council continues to promote principles of sustainable development and reflect those principles through its actions.

Reports from Director Corporate Services

REPORT:

The Mayor has received the following letter from the Minister for the Environment and Heritage, the Hon. Dr David Kemp MP.

Reports from Director Corporate Services



The Hon. Dr David Kemp MP
Minister for the Environment and Heritage

3 October 2002

Cr Warren Polglase
Mayor
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

FILE No.
SUBJECT No.
DOCUMENT No.
RECC	15 OCT 2002
DOCUMENT TYPE
LOCATION CODE
ED.P PROCESSED

TWEED SHIRE COUNCIL	
FILE No.	SUSTAINABLE
DOCUMENT No. REGIONS
RECD	22 OCT 2002
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IMAGE	<input checked="" type="checkbox"/>

Dear Cr Polglase

Australian governments are under increasing pressure to balance the social, economic and environmental needs of their communities. In light of the outcomes of the World Summit on Sustainable Development in Johannesburg, partnerships to implement sustainable development are increasingly important.

The national Local Leaders in Sustainability Forum (LLISF) was established in 1999 to provide leadership on local sustainability issues by developing a framework for local sustainability, facilitating communication and partnerships and monitoring progress. Members of the Forum include the President of the Australian Local Government Association (ALGA), Mayors, Local Government CEOs, senior Local Government staff, and community representatives.

Two Forums have been held in 2000 and 2001. Following each Forum, the delegates presented specific recommendations to advance sustainable development at the local level. Attached is a summary of the various initiatives suggested by Forum members that are supported by the Commonwealth Government.

A number of the recommendations arising from the first Forum in 2000 have been progressed by the Commonwealth Government. Notably, the international Local Agenda 21 conference 'Sustaining Our Communities' (recently held in Adelaide, supported by Environment Australia) provided an excellent opportunity to take stock of Local Government achievements in sustainability in preparation for the World Summit. The Sustaining Our Communities Declaration and other conference proceedings may be accessed on the internet at: www.adelaide.sa.gov.au/soc

Another key recommendation of the LLISF that has been progressed by the Commonwealth Government is the development of a Sustainability Assessment Framework for Local Government to measure progress towards sustainable development. Environment Australia has recently released the proposed Framework report publicly for feedback.

FOR JIM CARPENTER YES 11/10

Parliament House, Canberra ACT 2600 Australia

• Tel: (02) 6277 7640 • Fax: (02) 6273 6101 • www.ea.gov.au

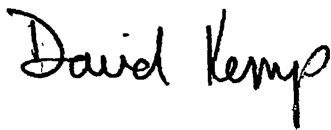
DataWorks Document Number: 702391

Reports from Director Corporate Services

Local Governments are to be commended for their efforts to progress sustainable development at the local level. I encourage all Local Governments to consider the outcomes of the Local Leaders in Sustainability Forum, to promote the incorporation of social, economic and environmental factors as a standing item on council agendas, and to pursue other Local Government actions recommended by the Forum.

Thank you for your support in these important matters.

Yours sincerely



DAVID KEMP

It is recommended that Council continue to progress sustainable development at the local level.

Reports from Director Corporate Services

24. ORIGIN: Director

FILE REF: Volunteers; Air Sea Rescue; Donation

REPORT TITLE:

Australian Volunteer Coast Guard Association - Kingscliff

SUMMARY OF REPORT:

The Kingscliff Coast Guard have been advised that their current rescue vehicle does not meet operational requirements and now needs to be replaced.

The estimated cost of a new vessel is \$75,000.

The volunteer group at Kingscliff is seeking Council's support to raised \$20,000 towards its purchase

RECOMMENDATION:

That Council determines the matter.

Reports from Director Corporate Services

REPORT:

The Administration Officer for Kingscliff Coast Guard (Australian Volunteer Coast Guard Association) has written to the Mayor outlining their requirements to replace their rescue vessel.

The Association has been successful in gaining assistance from NSW Waterways and NSW Fisheries towards the cost of the new vessel; however, this amount is \$20,000 short of the cost of a replacement vessel.

Their letter outlines their request for financial assistance in the form of a grant towards the outstanding amount.

This letter is attached for Council's information

FINANCIAL IMPLICATION:

Donation Budget Allocation	\$17,500
Expenditure YTD (1 st Round Donations Council resolution 7 August 2002)	\$14,500
Balance for Distribution (2 nd Round Donations March 2003)	<u>\$ 3,000</u>

Reports from Director Corporate Services



AUSTRALIAN VOLUNTEER COAST GUARD ASSOCIATION

Incorporated in A C T
A R B N 001 273 883

Office of Origin **KINGSCLIFF**
P O Box 1364
Kingscliff NSW 2487

Cr. Warren J. Polglase (Mayor)
Tweed Shire Council
Civic & Cultural Centre
PO Box 816
Murwillumbah
NSW
2484

Phone 02 6674 2451
Fax 02 6674 3303

23rd October 2002

FILE No.
SUBJECT No.
DOCUMENT No. [] [] [] []
REC'D 25 OCT 2002
DOCUMENT TYPE [] []
LOCATION CODE [] []
REP. PROCESSED [] []

MR SEA RESCUE

TWEED SHIRE COUNCIL
FILE No. <i>DONATIONS</i>
DOCUMENT No. [] [] [] []
REC'D 25 OCT 2002
BOOK [] [] [] []
ASSIGNED TO <i>ADPENTER J</i>
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Dear Cr. Warren J. Polglase (Mayor)

Re Help to raise \$20,000

Kingscliff Coast Guard is part of Australia's largest single volunteer Marine Rescue and Marine Educational organisation. Our motto is "SAFETY AT ALL TIMES" and we promote boating safety through Education,

Our Voluntary Marine Rescue Tower is situated at the mouth of the Cudgen creek.

We operate marine radio frequencies 24 hours a day, seven day's a week, the area patrolled by VMR 251 Coast Guard Kingscliff is from Cook Island to Black Rock.

We also work hard to cover annual operational costs, the amount being approximately \$25,000 to \$30,000 this money is raised by holding raffles and asking for sponsorships, we are not in receipt of regular Government funds.

THE AUSTRALIAN VOLUNTEER COAST GUARD ASSOCIATION is a voluntary organisation to promote safety in the operation of small craft. It guards the coast in the most effective way - initially by EDUCATION - EXAMPLE - EXAMINATION and finally by SEARCH and RESCUE

DataWorks Document Number: 70302

Reports from Director Corporate Services

At the last Accreditation, we were told CG19 (name of craft) did not meet the necessary requirements, for a class 2 rescue vessel, the money we require to replace this vessel would be estimated at \$75,000.

The rescue craft we purchase must last eight years, fortunately the Waterways and Fisheries will be allocating \$55,000 to AVCG at Kingscliff, we are the last Coast Station along the Eastern Coast line to receive this Grant.

The balance of money we have to raise is \$20,000 this will enable us to upgrade our undersized rescue craft and conform to category 2 requirements and maintain our high level of rescue service.

We are asking our Council to assist in helping us to raise the funds that will help us meet the accreditation standards for a Marine rescue craft to serve our ever-expanding community.

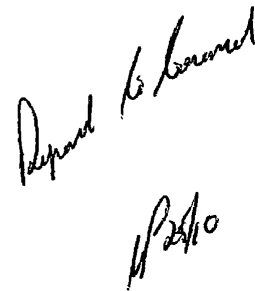
We are asking our Council to consider us in the next issue of Grants.

Yours sincerely



Joy Pettit
Administration Officer

For Ron Norton (Deputy Commander)



DataWorks Document Number: 70302

Reports from Director Corporate Services

25. ORIGIN: Administration Services Unit

FILE REF: Rotary; Donations

REPORT TITLE:

Contribution Towards the Rotary District Conference being held at Tweed Heads - 6, 7 and 8 December 2002

SUMMARY OF REPORT:

A request has been received from the Conference Chairperson for a contribution towards the conduct of the Rotary District Convention to be held at the Coolangatta/Tweed Heads Golf Club on 6, 7 and 8 December 2002

RECOMMENDATION:

That Council determines this matter

Reports from Director Corporate Services

REPORT:

The following letter has been received from the Chairperson of District 9640 Rotary Conference to be held at the Coolangatta/Tweed Heads Golf Club on 6, 7 and 8 December 2002. The request is for a donation towards the conduct of the conference.

DONATIONS

TWEED SHIRE COUNCIL	
FILE No:	SERVICE 026-ROTARY
DOCUMENT No:	□□□□
RECD:	28 OCT 2002
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IMAGE	<input checked="" type="checkbox"/>



Rotary International
Service above Self

22nd October, 2002

Dr John Griffin
General Manager
Tweed Shire Council
P O Box 816
Murwillumbah
N S.W. 2484

Dear Dr Griffin

Re Rotary District Conference at Tweed Heads

Rotary District 9640 will be holding its next annual District Conference at Coolangatta Tweed Heads Golf Club on 6th, 7th and 8th December, 2002.

As chair of the conference organizing committee, I write to Council to seek financial support for the event which is expected to attract 500 plus Rotarians and partners

We estimate that half of this number will come from areas as far south as Ballina and as far west as Goondwindi and will be booking accommodation for one, two or three nights

Among our special guests will be Mr & Mrs John Kenny from Scotland. John, a former director of Rotary International, will represent the World President. Keynote speakers include Professor John McKeon, local Paralympian Karmi Liddell, and Australian Rotary's Peace Scholar, Path Heang from Cambodia.

We would be most grateful if Tweed Council could lend financial support to the conference either by contributing towards the \$2,500 travel costs of Path Heang who will study at Queensland University, or by a contribution to the overall conference

I will be happy to answer any questions you may have.

Yours faithfully

Margaret Hayes
District 9640 Conference Chairperson
37 Sutherland St., Kingscliff. 2487
PH 02 66 741941

Rotary International District 9640 Governor 2002/2003 Ross Smith
32 George Street BURLEIGH HEADS Queensland 4220 AUSTRALIA
T (H) int + 7 5576 6893 (B) int + 7 5533 9299 M 0438 930 860 F int + 7 5534 8332 E ross.smith@elanorashs.qld.edu.au

SOW the SEEDS of LOVE

For Council's determination.

Reports from Director Corporate Services

26. ORIGIN: Corporate Development Unit

FILE REF: Farmers Market

REPORT TITLE:

Farmers Market Proposal - Tumbulgum

SUMMARY OF REPORT:

On the 5 July 2002 an Expression of Interest was made to the Department of Transport and Regional Solutions' Far North East New South Wales Sustainable Regions Advisory Committee asking for funding to establish a Farmers Market at Tumbulgum as per Council's resolution on the 19 June 2002. On the 9 August 2002 Council was advised this submission was unsuccessful.

It is recommended that in response to the Regional Solutions Committees advice on this submission and a feasibility study on the potential market needs to be undertaken. It is estimated that a detailed feasibility study and business plan, would be in the order of approximately \$20,000. If Council is to become a major partner in the administration and operation in this project then there needs to be a demonstrated financial commitment from the early stages.

RECOMMENDATION:

That Council:

1. Independently establish a Farmer's Market, commencing as a smaller operation with limited infrastructure. The success of the market would then allow for its expansion and establishment of permanent infrastructure, or
2. Continue to investigate the financial feasibility and potential partnerships to establish the infrastructure of the farmer's market, or
3. Undertake a feasibility study in order to further investigate the proposed Farmer's Markets at Tumbulgum before submitting another expression of interest to the Department of Transport and Regional Solutions Far North East New South Wales Sustainable Regions Advisory Committee.

Reports from Director Corporate Services

REPORT:

APPLICATION TO SUSTAINABLE REGIONS PROGRAM

On the 5 July 2002 an Expression of Interest was made to the Department of Transport and Regional Solutions' Far North East New South Wales Sustainable Regions Advisory Committee asking for funding to establish a Farmers Market at Tumbulgum as per Councils resolution on the 19 June 2002. On the 9 August 2002 Council was advised this submission was unsuccessful because the application demonstrated:

1. Insufficient financial commitment from Council,
2. Insufficient broad support from the region rather than the Shire,
3. A lack of potential partnerships in the running of the Markets.

There has also been an indication that the project does not meet the concept guidelines for competitive neutrality. That is if Council is to undertake this project that it would need to be operated as a commercial operation. This seriously restricts the suitability of the project for government grant funding.

FURTHER INVESTIGATION REQUIRED

In response to the Regional Solutions Committee's advice on the submission, it is strongly recommended that a feasibility study on the potential market of the proposal needs to be undertaken. This study would need to investigate a detailed feasibility study and business plan as well as investigating potential partnerships options. To undertake a feasibility study of this nature would be between \$5,000-\$60,000 depending on the detail of the Feasibility Study. If Council is to become a major partner in the administration and operation in this project then there needs to be a demonstrated financial commitment from the early stages. Alternative options for raising capital for the project need to be investigated, potential investors or joint partners could include;

- News South Wales Treasury
- Farmers
- Community Groups
- Governments
- Banks

INTEGRATION WITH OTHER REGIONAL INITIATIVES

The New South Wales Department of State and Regional Development identified the Tweed Shire as suitable for the Country Growth Centres. This was identified as the Tweed Country Growth Centres Strategy and several key areas were identified for investigation. One area was the development of a cooperative pack house. A Tweed Valley Pack House Study report was undertaken in 2000. One of the options put forward was to integrate tourist facilities with the pack house infrastructure. Several working examples of this exist, for example "The Big Pineapple" and "Ginger Factory" on the Sunshine Coast in Queensland.

This study found that a joint central pack house / marketing / tourism facility is not only feasible for most of the industry on the Tweed but a necessity. Due to capital costs it has been difficult to establish commitment to this project in an area that has the potential for high tourism exposure.

Reports from Director Corporate Services

Due to high land prices it is financially more feasible to establish a pack house facility in an industrial areas. The primary focus of the proposed Pack house is for fruit and vegetables processing. Subsequently any tourism function including a farmer's market would act as a secondary function.

REGIONAL CUISINE PROJECT

The Department of State and Regional Development have a Regional Cuisine Project, which is used to promote and assist the unique regional cuisine on the Northern Rivers Region. One particular area of interest of this project has been the promotion of a farmer's markets. In Council's application for funding for the Farmer's Market concept a letter of support was received from the Regional Cuisine. It is important to keep the involvement and support of this project as well as the Department of State and Regional Development in general.

CONCLUSION

Reviewing Council's options to undertake the development of a local Farmer's Market it is identified that there are three clear courses of action available. These are:

1. Independently establish a Farmer's Market, commencing as a smaller operation with limited infrastructure. The success of the market / tourism facility would then allow for its expansion and establishment of permanent infrastructure, or
 2. Continue to investigate the financial feasibility and potential partnerships to establish the infrastructure of the farmer's market, or
 3. Undertake a feasibility study in order to further investigate the proposed Farmer's Markets at Tumbulgum before submitting another expression of interest to the Department of Transport and Regional Solutions Far North East New South Wales Sustainable Regions Advisory Committee.
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Reports from Director Corporate Services

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Reports from Director Corporate Services

27. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Quarterly Performance Report – July to September 2002

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for July to September 2002 is detailed in this report

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with the terms of agreement between Tweed Shire Council and the Tweed Shire Council and the Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period July to September 2002.

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

5.1.1 Rural Land Use Study Update

The study and report has now been completed and was launched by Larry Anthony on Friday 23 August 2002. The full report is available on the TEDC website and the TEDC so far has sold some 20 CDs at a cost of \$10.00 each. TEDC has also made available hard copies of the report at a cost of \$130.00 each.

The Tweed Shire Council Local Environment Plan Review Committee has met and discussed the contents of the Rural Land Use Report, and a further meeting is to be held to discuss the outcome of a meeting between Tweed Shire Council and Planning New South Wales.

TEDC proposes in the very near future to convene another meeting of those key stakeholders who were invited to the launch to discuss follow-up issues arising from the Rural Land Use Report.

Industrial Land

An update on Industrial Land would indicate that the DA for the land owned by Jim & Les Dickinson is almost complete and should be presented to Council in the very near future. There have been a number of enquiries for purchase of large lot industrial land and I understand that the Dickinsons have had discussions with interested parties. *Late Item: DA for Industrial Land lodged TSC 9th October 2002*

Sustainable Regions Funding Applications

At the last quarterly report presented to Tweed Shire Council, TEDC nominated a number of projects for which TEDC had submitted funding applications. These projects were the Tweed Economic Model, the Boat Ramp Launching Facility at Condong, the Tourism Vision & Strategy and the Tweed River Link Project.

TEDC had received advice from the Sustainable Regions Programme that their funding application for \$48,000.00 for the construction of the launch pad at Condong had passed the first stage of funding and we expect to be advised in the very near future as to the ultimate success of the application.

This project is part of the revitalisation of the facilities at Condong by the Tweed River Committee and Tweed Shire Council and the total project funding is \$135,600.00 of which \$48,000.00 would be the contribution towards the Condong Boat Launching Facility.

The application for the Tweed Economic Model through the Federal Government Regional Assistance Programme for a \$36,000.00 grant is still progressing at this stage and we have had no indication as to whether that grant will be successful or not.

The Tweed River Link Project funding application has not been decided upon and we are still awaiting advice from the Regional Assistance Programme as to whether this project would be

Reports from Director Corporate Services

funded. Murwillumbah Central Rotary Club has indicated that the Club is prepared to meet in excess of 50 percent of the cost of construction of a Historic Interpretative Centre at the end of Wharf Street, Murwillumbah and they have supported the TEDC application for funding by forwarding a letter of support to Larry Anthony requesting that he lend his support to this most worthwhile project for Murwillumbah. The Murwillumbah Chamber of Commerce likewise has lent its support for this project, recognising the importance of the project to Murwillumbah in repositioning itself as a tourism destination in the Tweed. TEDC is optimistic that a level of funding will become available in due course.

Town Centres Programme

TEDC has met on several occasions with the Regional Manager of NSW Department of State & Regional Development, Mr Frank Hay and DSRD Manager for Tweed, Trevor Wilson to discuss the resolutions of the outstanding funding situation.

TEDC last met with Frank Hay and Trevor Wilson on 13 September 2002. Frank Hay indicated that he would be forwarding to TEDC a further letter requesting audited statement of account for the funds expended in the first year of the programme managed by TSC.

A letter from Frank Hay, Regional Manager DSRD, was received on Wednesday, 9 October 2002 and a copy has been forwarded to DIR Corporate Services, Ian Carpenter of TSC (see copy attached to this report).

The sticking point remains the accountability process for the initial funding of \$40,000.00 which was paid during the time when TSC held responsibility for the Tweed Shire Main Street Programme.

It would appear that a resolution to the issue depends upon the provision by TSC of suitable documentation addressing the criteria as outlined in the attached letter.

From a TEDC's point of view, TEDC has made every effort to try and recover the outstanding funds, and it is now up to TSC to decide whether to provide the detail as requested or to move on.

TEDC has moved on and appointed an individual to fill the role of the former Main Street Programme - see following item.

Appointment of TEDC Community Project Officer – Tweed

In the absence of any advice from the Department of State & Regional Development, the Board of TEDC decided that it could no longer wait to appoint a person to fulfil the role formerly occupied by the previous Tweed Town Centres Programme Manager. TEDC has now appointed Cath Donaldson (the former Manager) on a six-month contract to fill the role of Community Project Officer for the Tweed.

Cath Donaldson commenced working full-time for TEDC in the role of Community Project Officer for Tweed Shire on Monday, 30 September 2002. Cath is at present reviewing all the plans that were done for the Tweed villages with the objective of identifying issues that fall into the category of the responsibility of the Tweed Shire Council, issues that are at a community level, and also identifying issues arising out of those strategic plans that need further work by Cath in her new position of Community Project Officer for the Tweed.

Speed On The Tweed

Reports from Director Corporate Services

TEDC contributed to the successful promotional event "Speed On The Tweed". TEDC's involvement included the use of TEDC's office and facilities for the duration of the event and TEDC also engaged Cath Donaldson as Assistant Project Co-ordinator for the three weeks leading up to the event.

TEDC was acknowledged as a sponsor of the initial event. TEDC is considering an ongoing involvement in future Speed On Tweed events.

TEDC Executive Officer

For the past twelve months, TEDC had employed an Executive Officer to assist the CEO in matters of economic development. The Executive Officer's contract terminated on 11 September 2002. TEDC were not able to renew the Executive Officer's contract for a further period of twelve months due to the unavailability of funds to meet that commitment.

The Board of TEDC is of the view that this position of assistance to the CEO is critical to the successful operation of the Tweed Economic Development Corporation and therefore, will be approaching Council, requesting that Council consider making additional funds available to employ an individual to assist the CEO in matters of economic development.

Tweed Heads CBD Redevelopment Task Force

As the Council is aware the Task Force has now appointed Magdy Youssef as the Project Manager for the Ministerial Appointed Task Force.

At the last meeting of the Task Force, TEDC expressed the view that there needs to be improved communication between the Task Force and Tweed Shire Council. It was resolved by the Task Force to meet regularly with Tweed Shire Council and the first meeting has been set down for 9 October 2002.

TEDC Annual General Meeting

The Annual General Meeting of the Tweed Economic Development Corporation has been scheduled for Friday, 8 November 2002 at 6 pm at Greenhills on the Tweed. All Tweed Shire Councillors are invited to attend.

Due to resignations during the year, the TEDC appointed three Directors to fill casual vacancies. Those Directors were Rod Habgood (General Manager of the Daily News), Rob Wesener (Architect with Fulton Trotter & Associates) and Peter Sippel (representing the Gold Coast/Tweed Urban Development Institute).

These three Directors will be standing for re-election at the Annual General Meeting, along with other Directors who will stand down in accordance with the Articles of Association of the Tweed Economic Development Corporation. The Directors seeking re-election will be Harry Williams of the Williams Group and Ron Ford of Madura Tea.

Audited Statement of Accounts

The audited statement of accounts have now been received for the year 2002 and will be presented at the Annual General Meeting, and copies of the audited statement of accounts will be forwarded to Tweed Shire Council in due course.

TEDC Tweed Chambers Liaison Group

Reports from Director Corporate Services

The Tweed Chambers Liaison Group has now met on two occasions and a further meeting will be held within the next two weeks to follow up issues identified by each of the Chambers.

It is proposed that Cath Donaldson in her new role as Community Project Officer will attend these meetings to ascertain projects that may need assistance from TEDC in each of the areas of the Shire represented by those Chambers.

Number & Category of TEDC Members for the year 2002 to 2003

TEDC continues to receive membership renewals for the year 2002 to 2003 and at the time of this report, there were 25 financial members of the Tweed Economic Development Corporation in total.

Meetings held between 1 July 2002 to 30 September 2002

New Business	5
Existing Clients	27
Government & Government Agencies	32
Tweed Shire Council	11
Community Organisations	9
Consultants	11
Total	95

Documented Phone Calls Between 1 July to 30 September 2002 By CEO Only

July	495
August	480
September	516
Total	1491

Conference Attendance

On 30 September 2002, the CEO attended the 26th Annual Conference of the Australian/New Zealand Regional Science Association held on the Gold Coast. The Conference focussed on economic development.

International speakers attended the Conference to present keynote addresses. Speakers came from Ireland, England, USA, Fiji, New Zealand and Australia. The agenda reflected a number of topics relevant to economic development in the Tweed. Some of these topics included:

1. Developing an agenda for regional research in Australia
2. Regional modelling and analysis I
3. Local economic development

Reports from Director Corporate Services

4. Regional employment and unemployment
5. Regional modelling and analysis Part II
6. Local economic development Part II
7. A keynote address by Professor Brian Holley, US Census Bureau, Employment & Business Growth
8. Entrepreneurship and regional development
9. Regional and urban policy presented by Professor Stephen Hill from Ireland
10. Regional modelling and analysis IV and V
11. Rethinking policy for urban centres in rural and remote Australia
12. Using inside intelligence for regional investment, part of Invest Australia

There were also topics discussing professional development in terms of economic development. The various papers presented in due course will be summarised by TEDC and interesting topics will be circularised to the Board of TEDC and to Tweed Shire Councillors.

A brief overview of the Conference would suggest that nationally and internationally there is a growing importance and significance attached to economic development not only in Australia, but certainly in Ireland, England, USA and New Zealand.

An assessment had been conducted to determine the best delivery models for economic development. The results of the survey internationally indicated the best structure for the delivery of economic development is a partnership with private enterprise and Local Governments.

A survey of funds made available to agencies nationally and internationally was tabled. On the international scene, the review indicated that within the US, the average economic development agency was funded to the tune of US\$750,000.00. In Australia, the average funding of the economic development agencies varied from as little as \$120,000.00 for a small community of 3,000 people in Western Australia to several million dollars with the average being \$500,000.00.

Copies of the papers presented when available at TEDC, will be made available to TEDC Directors and any Tweed Shire Councillor who may wish to review some of the information provided at this Conference.

Dates of Board Meetings for 2002

It is proposed that TEDC Board meetings will be held on:-

25th October 2002

29th November 2002

24th January 2003

Reports from Director Corporate Services

28. ORIGIN: Corporate Development Unit

FILE REF: Media – Other; DW 700630

REPORT TITLE:

Department of Communications and Information Technology and the Arts - Television Black Spots - Alternative Solutions

SUMMARY OF REPORT:

Council in October 2000, applied to participate in a Television Black Spot Program to assist the Communities of Terranora, Bilambil Heights and Banora Point, to address current television reception black spots. Council's expression of interest was accepted and a technical evaluation was carried out, which identified that there was inadequate spectrum available to progress with an analogue retransmissions solution.

Advice has now been received from the Department of Communications and Information Technology and the Arts, that an alternative technical solution maybe possible to address television black spots within the nominated areas.

RECOMMENDATION:

That Council receive and note the advice and await further information.

Reports from Director Corporate Services

REPORT:

Reports that numbers of communities across the Tweed Shire experience difficulties in receiving quality television reception resulted in Council in October 2000 lodging an expression of interest for Stage 1 Television Black Spot Program funding for the communities of Terranora, Bilambil Heights and Banora Point.

In November 2001, the Department of Communications and Information Technology and the Arts advised that:

“Frequencies are not available for an analogue retransmission solution in the Terranora, Bilambil Heights and Banora Point area”

Their advice also indicated that they would be investigating an alternative technical solution to the television reception problems.

Advice is now been received, that an alternative technical solution program has been developed for the television black spot area. Advice states:

“The TVBS-ATS will support the development of an alternative technical solutions to assist eligible applicants, such as the Tweed Shire Council, which could not be assisted under Rounds 1 and 2 of the TVBSP”

Their solution has identified three (3) possible options. These are: digital retransmission facilities, direct to home satellite reception equipment for individual homes or cabling, in the event that other solutions are not viable.

The department is to undertake a number of tests within the designated areas to determine the extent to which digital solution will need requirements to address the television black spot difficulties.

Once the Steering Committee have finalised their technical assessments, Council will be advised of recommendations in regard to the possible solutions.

Reports from Director Corporate Services

29. ORIGIN: Financial & Information Services Unit

FILE REF: Donations

REPORT TITLE:

In Kind and Real Donations - 1 July 02 to 30 September 02

SUMMARY OF REPORT:

The following report details "In Kind" and "Real" donations for the period 1 July 2002 to 30 September 2002.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The following report details "In Kind" and "Real" Donations for the period 1 July 2002 to 30 September 2002.

Financial Assistance

Amount (\$)	Recipient	Donated Item	Date
100.00	Kingscliff High School	Debating Prize	6/08/02
100.00	St. Josephs primary School	Debating Prize	6/08/02
50.00	Murwillumbah High School	Debating Prize	6/08/02
50.00	Cudgen Primary School	Debating Prize	6/08/02
75.00	Tweed River High School	Donation	22/08/02
100.00	St. John's Ambulance	Donation	22/08/02
1,500.00	Speed on Tweed Committee	Donation	26/08/02
3,500.00	Netball Queensland State of Origin	Donation	29/08/02
4,400.00	Les Burger Building Cabarita	Donation	30/08/02
1,000.00	Twin Towns Friends Association	Donation	30/08/02
2,000.00	Cudgen Headland Surf Lifesaving Club	Donation	30/08/02
750.00	Blind Citizens Australia	Donation	30/08/02
650.00	Pottsville Community Association	Donation	30/08/02
2,700.00	Tweed Valley Wildlife Carers	Donation	30/08/02
350.00	Kingscliff Lions Club	Donation	5/09/02
2,000.00	Blind & Vision Impaired	Donation	5/09/02
3,500.00	Murwillumbah District Senior Citizens	Donation	5/09/02
8,500.00	Tweed Valley Banana Festival	Donation	5/09/02
2,000.00	Wollumbin festival	Donation	5/09/02
3,885.00	Cudgen Junior Cricket Club	Donation	12/09/02
<u>\$37,210.00</u>			

Goods and/or Materials

Amount (\$)	Recipient	Donated Item	Date
56.00	Christian Community School	Shrubs & Trees	09/08/02
80.00	Uki Primary School	Shrubs & Trees	14/08/02
16.00	Uki Primary School	Shrubs & Trees	22/08/02
40.00	South Murwillumbah Primary School	Shrubs & Trees	26/08/02
80.00	Wollumbin High School	Shrubs & Trees	21/08/02
320.00	Green Corp	Shrubs & Trees	26/07/02
184.00	Kingscliff High School	Shrubs & Trees	26/07/02
160.00	Kingscliff Primary School	Shrubs & Trees	26/07/02
120.00	Murwillumbah High School	Shrubs & Trees	26/07/02
120.00	Centaur Primary School	Shrubs & Trees	26/07/02
400.00	Landcare	Trees & Grasses	30/07/02
160.00	Lindisfarne School	Rainforest Trees	3/09/02
32.00	Wollumbin High School	Shrubs & Trees	19/09/02
76.00	Duranbah Public School	Rainforest Trees	13/09/02
40.00	Cudgen Primary School	Shrubs & Trees	26/09/02
<u>\$1,884.00</u>			

Reports from Director Corporate Services

Provision of Labour and/or Plant & Equipment

Amount (\$)	Recipient	Donated Item	Date
774.08	Life Education	Moving of Van	July - Sept.
1,218.30	Banana Festival	Provision of Barriers, Signs & Labour	26/8/02 - 6/9/02
13,178.56	Speed on The Tweed	Provision of Labour, Plant & Other Items	6/9/02 - 27/9/02
<u>\$15,170.94</u>			

Administration

Amount (\$)	Recipient	Donated Item	Date
120.00	Tweed Valley Arts Council	Postage	11/07/02
<u>\$120.00</u>			

Rates

Amount (\$)	Recipient	Donated Item	Date
465.30	Autumn Club	Council Rates	30/08/02
623.80	Crabbes Creek Hall	Council Rates	02/09/02
1,603.20	Twin Towns Youth Club	Council Rates	02/09/02
491.50	Stokers Siding Hall	Council Rates	02/09/02
511.80	Stokers Siding Hall	Council Rates	02/09/02
728.80	Burringbar School of Arts	Council Rates	02/09/02
623.80	Chillingham Hall	Council Rates	03/09/02
455.30	Doon Doon Hall	Council Rates	03/09/02
2,661.70	Legacy Club Coolangatta	Council Rates	02/09/02
728.80	Bilambil Literary Society	Council Rates	03/09/02
1,191.10	Tyalgum Literary Society	Council Rates	10/09/02
1,697.90	Tweed Coast Community Centre	Council Rates	Sept.
455.30	Kunghur Community Hall	Council Rates	Sept.
1,017.90	Uki Hall	Council Rates	Sept.
<u>\$13,256.20</u>			

Reports from Director Corporate Services

Room Hire

Amount (\$)	Recipient	Donated Item	Date
51.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	3/07/02
34.00	Twin Towns Garden Club	Room Hire - Tweed Heads Auditorium	8/07/02
28.00	Twin Towns RSL Card Group	Room Hire - Tweed Heads Auditorium	10/07/02
51.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	10/07/02
55.20	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	12/07/02
343.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	14/07/02
343.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	21/07/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	22/07/02
41.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	24/07/02
83.80	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	28/07/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	29/07/02
41.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	31/07/02
164.00	Tweed Heads Hospital	Room Hire - Tweed Heads Auditorium	5/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	5/08/02
41.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	7/08/02
41.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	11/08/02
34.00	Twin Towns Garden Club	Room Hire - Tweed Heads Auditorium	12/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	12/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	15/08/02
171.00	Twin Towns Family History Group	Room Hire - Tweed Heads Auditorium	17/08/02
171.00	Twin Towns Family History Group	Room Hire - Tweed Heads Auditorium	18/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	19/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	22/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	26/08/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	29/08/02
88.00	Tweed Heads Hospital Fund Raising Committee	Room Hire - Tweed Heads Auditorium	1/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	2/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	5/09/02
34.00	Twin Towns Garden Club	Room Hire - Tweed Heads Auditorium	9/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	9/09/02
29.00	Twin Towns RSL Card Group	Room Hire - Tweed Heads Auditorium	11/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	12/09/02
110.40	Twin Towns Garden Club	Room Hire - Tweed Heads Auditorium	13/09/02
343.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	15/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	16/09/02
41.90	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Auditorium	18/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	19/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	23/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	26/09/02
104.00	Tweed Heads Hospital Fund Raising Committee	Room Hire - Tweed Heads Auditorium	27/09/02
104.00	Tweed Heads Hospital Fund Raising Committee	Room Hire - Tweed Heads Auditorium	28/09/02
41.90	Tweed Theatre Company	Room Hire - Tweed Heads Auditorium	30/09/02
69.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	17/07/02
51.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	18/07/02

Reports from Director Corporate Services

Room Hire

Amount (\$)	Recipient	Donated Item	Date
51.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	29/07/02
51.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	31/07/02
76.00	Northern Rivers Writers Centre	Room Hire - Murwillumbah Auditorium	1/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	5/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	8/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	12/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	14/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	19/08/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	21/08/02
203.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	22/08/02
164.00	Tweed Economic Development Corporation	Room Hire - Murwillumbah Auditorium	23/08/02
82.80	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	23/08/02
412.20	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	24/08/02
176.00	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	24/08/02
467.00	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	26/08/02
138.40	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	27/08/02
231.20	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	28/08/02
152.00	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	29/08/02
152.00	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	30/08/02
157.00	Banana Festival Committee	Room Hire - Murwillumbah Auditorium	1/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	2/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	4/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	9/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	11/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	18/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	23/09/02
41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Auditorium	30/09/02
23.80	Twin Towns Friends	Room Hire - South Tweed HACC	10/07/02
14.50	Blind & Visually Impaired	Room Hire - South Tweed HACC	21/08/02
21.75	Twin Towns Friends	Room Hire - South Tweed HACC	11/09/02
14.50	Blind & Visually Impaired	Room Hire - South Tweed HACC	18/09/02
57.00	Tweed Heads Hospital Auxiliary	Tweed Heads Meeting Room	1/07/02
57.00	Northern Rivers Symphony Orchestra	Tweed Heads Meeting Room	7/07/02
57.00	Tourism Committee	Tweed Heads Meeting Room	15/07/02
29.00	Twin Towns RSL Card Group	Tweed Heads Meeting Room	14/08/02
57.00	Friends of the Library	Tweed Heads Meeting Room	28/08/02
57.00	Tweed Heads Hospital Auxiliary	Tweed Heads Meeting Room	2/09/02
57.00	Crime Prevention	Tweed Heads Meeting Room	24/09/02
57.00	Friends of the Library	Tweed Heads Meeting Room	25/09/02
57.00	Tweed Heads Hospital Auxiliary	Tweed Heads Meeting Room	27/09/02
57.00	Tweed Heads Hospital Auxiliary	Tweed Heads Meeting Room	28/09/02
\$7,104.65			
\$74,745.79 Total Donations			

Reports from Director Corporate Services

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Reports from Director Corporate Services

30. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Report - September 2002

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for September 2002 is provided in accordance with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Agreement between Council at TACTIC requires the organisation to report on a monthly basis its performance in accordance with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of September 2002.

1. Visitor Information Centre Operations

Three significant issues have impacted on visitation to Visitor Information Centres during first quarter 2002/2003 Financial Year in both negative and positive ways:

- closure of Tweed Heads VIC during August and first three weeks of September due to relocation;
- opening of new expressway, particularly affecting the World Heritage Rainforest Centre; and
- increased / changed signage at both World Heritage Rainforest Centre and new kiosk in Tweed Mall.

Our new Visitor Information Centre is now fully operational in Tweed Mall. To mid October, the centre is averaging around 500 visitors per week (800 during school holidays) around 60% of whom are tourists. Early indications are that the Centre will provide significantly increased revenue;

Signage changes have been made at Tweed Heads to provide significantly increased directions;

Extensive signage changes have been undertaken for the World Heritage Rainforest Centre at Murwillumbah in conjunction with TSC and the Northern Rivers Tourism Gateway Project. Early indications are that these changes will go a long way to overcoming downturns created by opening of the new expressway

Centre Visitors

July

WHRC					Tweed Heads				
	2002	%	2001	Variance		2002	%	2001	Variance
Total Visitors	2,403		2,956	-18.71%	Total Visitors	1,123		891	26.04%
Type of Enquiry					Type of Enquiry				
Tourism	616	52.00%	392	57.14%	Tourism	468	71.00%	983	-52.39%
National Parks	320	27.00%	3	10566.67%	National Parks	6	1.00%	165	-96.36%
Street Directions	116	10.00%	51	127.45%	Street Directions	59	9.00%	81	-27.16%
Bus Timetables	9	1.00%	36	-75.00%	Bus Timetables	29	5.00%	8	262.50%
Other	127	10.00%	58	118.97%	Other	94	14.00%	107	-12.15%
TOTAL	1,188		540	120.00%	TOTAL	656		1,344	-51.19%

Whilst overall visitors numbers are down in Murwillumbah, enquiries are substantially higher. This reflects a change in visitation from Bus Groups to 'real' tourists enquiring about activities throughout the region rather than simply looking at the Centre.

Tweed Heads numbers were still reflecting the change to 41 Wharf St during July.

Reports from Director Corporate Services

August

WHRC					Tweed Heads				
	2002	%	2001	Variance		2002	%	2001	Variance
Total Visitors	2,079		1,919	8.34%	Total Visitors	0		634	-100.00%
Type of Enquiry					Type of Enquiry				
Tourism	616	58.00%	926	-33.48%	Tourism	0	0.00%	394	-100.00%
National Parks	259	24.00%	182	42.31%	National Parks	0	0.00%	56	-100.00%
Street Directions	79	7.00%	99	-20.20%	Street Directions	0	0.00%	80	-100.00%
Bus Timetables	4	1.00%	14	-71.43%	Bus Timetables	0	0.00%	5	-100.00%
Other	104	10.00%	81	28.40%	Other	0	0.00%	72	-100.00%
TOTAL	1,062		1,302	-18.43%	TOTAL	0		607	-100.00%

*** Tweed VIC closed during August due to relocation

August showed an increase in overall visitors to the WHRC with enquiries being down on last year. Tweed Heads was closed throughout August.

September

WHRC					Tweed Heads				
	2002	%	2001	Variance		2002	%	2001	Variance
Total Visitors	2,403		1,919	25.22%	Total Visitors	278		634	-56.15%
Type of Enquiry					Type of Enquiry				
Tourism	556	53.77%	811	-31.44%	Tourism	77	71.00%	225	-65.78%
National Parks	231	22.34%	114	102.63%	National Parks	1	1.00%	41	-97.56%
Street Directions	121	11.70%	59	105.08%	Street Directions	14	9.00%	48	-70.83%
Bus Timetables	13	1.26%	3	333.33%	Bus Timetables	0	5.00%	5	-100.00%
Other	113	10.93%	39	189.74%	Other	39	14.00%	42	-7.14%
TOTAL	1,034		1,026	0.78%	TOTAL	131		361	-63.71%

While visitors to Tweed Heads were significantly down due to only being operational for four days during September, early numbers are very encouraging with around 45% of last years visitors being serviced in the four days of operation.

Year to Date

	2002		2001	Variance		2002		2001	Variance
WHRC	6,885		6,794	1.34%	Tweed Heads	1,401		2,159	-35.11%
Total both Centres	8,286		8,953	-7.45%					

Despite the impacts on both centres, we are only 7.5% down for the year in total visitation. With increased signage and the new Tweed VIC being located in a high profile / high traffic location, indications are that we should achieve significantly increased numbers for the financial year.

Group Bookings

Accommodation is currently being coordinated for:

- 2002 District Rotary Conference (December 2002)
- NSW Veterans Golf Championships (2004)
- ATLAS Conference for Tweed Valley Respite Centre (November 2002)

Reservations System

Application has been made to Sustainable Regions for \$19,500 to purchase the World.net system. Applications have now been referred to the Minister's office and we expect to be advised around mid November. We are still on track to have the system operational in the first quarter of 2003.

Reports from Director Corporate Services

2. Members

Networking

The next Network Night is also our Annual General Meeting and will be held at Rainforest Secrets (formerly Pioneer Plantation) on 12 December 2002

Member Training

A marketing workshop is being held for members on the 24 October 2002. This is the first in a series of programs aimed at assisting members in increasing their profitability and viability

Member Benefits

We are currently in the process of developing a substantially increased bundle of benefits for members to increase our appeal to new members and to provide greater value to existing members. This will be the forerunner to an aggressive membership drive in the second half of the financial year.

3. Marketing

The next 12 months will be a year of consolidation with dropping of co-operative programs, bus & coach mail outs, schools mail outs & shopping centre programs.

The strategy will be to increase resources (slide library, video footage, consolidate branding and development of television commercials) and to concentrate on getting a limited number of things done properly. This will provide the platform to significantly increase our marketing activity for years 2 – 5 of our Strategic Plan.

Public Relations

Significant articles have been obtained in:

- the Sydney Morning Herald
- Familiarisations have been conducted within the industry with journalists from Sydney Morning Herald and the Courier Mail
- Assistance has also been provided to Prime for Creek to Coast and Great South East Lifestyle programs.
- A part time Public Relations consultant will be appointed in the first half of 2003

TACTIC also provided guidance for a significant tour of local product by members of Tourism New South Wales International Marketing Department.

Internet Site

A range of options are currently being investigated to manage our site in-house

The acquisition of a Reservations System over the coming months will require full integration between the Web site and the new system

Reports from Director Corporate Services

Marketing Action Plan

The Action Plan for 2003 has now been fully finalised. Next year will be a year of consolidation with extensive development to be undertaken to develop:

- A comprehensive photographic image bank;
- An extensive video library;
- A range of stock print advertisements;
- A series of television commercials; and
- Increased collateral material (including maps and member guides)

Advertising

An integrated promotions program is planned for the first half 2003. Details will be developed in the final quarter of 2002.

TACTIC Marketing Committee

The next Marketing Committee meeting will be held on the 28 November 2002.

Festivals & Events

We have been actively working with Lesley Buckley from TSC and Tom Senti from Tweed Economic Development Corporation (TEDC) to develop the wherewithal to employ a full time Festivals & Events Liaison Officer. Funding sources are almost finalised, a final workshop is being organised for F & E organisers and funding applications will be developed over the next two months.

It is aimed to have the Liaison Officer fully operational by first quarter 2003.

Map

We have been working closely with the Northern Rivers Tourism Gateway Project to develop a significant tourist map for the Tweed Shire. The map is based on a satellite photo and first drafts with towns, road and significant landmarks has been completed.

The next step in the process is to liaise with Tweed Village residents associations to gain their input for the reverse side. The map is expected to be available for sale in early 2003.

Tweed Brand

A number of meetings have now been held with the Tweed Branding group comprised of:

- Terry Watson - TACTIC
- Paul Waters – President Murwillumbah Chamber of Commerce
- Kelly Spargo – Marketing person Tweed Coast Chamber of Commerce
- Alison Turner – Marketing representative Tweed Head Business Corp
- Ian Carpenter – TSC
- Phil Hawkes – Consultant with extensive background in Brand Development. Offering assistance on volunteer basis.

Reports from Director Corporate Services

The following Positioning Statement has been developed:

"The TWEED is an area of dynamic, positive change -- a special place which combines unique natural attractions and a pure environment with a progressive approach to a fulfilling, sustainable lifestyle for residents, businesses and visitors alike".

We are currently working on a 'tag line' and expect this to be completed over the coming weeks.

4. Financials

Final results for Year End June 2002

Turnover	\$340,364.89
Expenditure	\$314,695.75
Extraordinary Expenses	\$6,744.90
Profit	\$7,363.22

Balance Sheet

Cash at Bank	\$79,619
	<i>(C@B\$28,551.85, ConHand\$505.50, Term Dep \$50,561.64)</i>
Assets	\$650,033.73
Liabilities	\$159,372.66
Equity	\$490,661.07

September Quarter 2002/2003

Revenue	Jul	Aug	Sep
Retail Gross Profit	\$1,534	\$1,744	\$1,471
Travel Commissions	\$1,447	\$846	\$810
Management Fees	\$22,071	\$22,071	\$22,071
Membership Fees	\$38,009	-\$636	-\$418
Co-operative Marketing	\$200	\$0	\$360
Total Sundry Income	\$45	\$227	\$468
Interest Recvd	\$0	\$443	\$109
Total Sponsorships	\$0	\$0	\$0
Total Revenue	\$63,305	\$24,695	\$24,871
Expenditure			
Marketing	\$4,550	\$809	\$1,474
Financial Fees	\$227	\$450	\$1,923
Administration	\$5,107	\$1,382	\$3,851
VIC Operations	\$1,108	\$816	\$2,234
Human Resources	\$15,158	\$15,619	\$19,573
Miscellaneous	\$1,346	\$2,247	\$2,411
Total Expenditure	\$27,497	\$21,323	\$31,466
Month EBDT	\$35,809	\$3,372	-\$6,595
YTD EBDT	\$35,809	\$39,181	\$32,586

Reports from Director Corporate Services

Note: September result affected by extraordinary items associated with change of premises
Cash at Bank 30 September 2002 - \$105,836

Reports from Director Corporate Services

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Reports from Director Corporate Services

31. ORIGIN: Financial & Information Services Unit

FILE REF: Financial Policies; Financial Reporting; Budget

REPORT TITLE:

Local Government Financial "Health Check"

SUMMARY OF REPORT:

The Local Government Act gives councils significant responsibility and autonomy in their operations. Fundamental to these arrangements is that local government both knows and is able to demonstrate that it is providing services effectively, efficiently and equitably in meeting the community's needs. Performance information and indicators are an integral part of this management process.

The Local Government Management Australia Association in conjunction with the Department of Local Government. Finance Professionals in Local Government and CPA Australia have developed a new set of Financial Indicators that assesses council's financial status. These indicators have been called "Local Government Financial Health Check" and are intended to be indicative of financial health and presence of good business management practices in Councils. For the health check to be effective and valid it must be realised that not all councils are the same as they differ in size, location, growth and future direction.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Local Government Act gives councils significant responsibility and autonomy in their operations. Fundamental to these arrangements is that local government both knows and is able to demonstrate that it is providing services effectively, efficiently and equitably in meeting the community's needs. Performance information and indicators are an integral part of this management process.

The Local Government Management Australia Association in conjunction with the Department of Local Government. Finance Professionals in Local Government and CPA Australia have developed a new set of Financial Indicators that assesses council's financial status. These indicators have been called "Local Government Financial Health Check" and are intended to be indicative of financial health and presence of good business management practices in Councils. For the health check to be effective and valid it must be realised that not all councils are the same as they differ in size, location, growth and future direction.

At its meeting of 30 October 2002 Council adopted the Financial Reports and Audit Report for year ending 30 June 2002. From the financial information provided in these reports indicators have been established in the "Financial Health Check". Councils have been categorised either as "developing/growing" or "developed/maintenance". Tweed Shire is classed as a Council that is developing/growing.

Council will recall this "Financial Health Check" was the result of the Minister for Local Government naming fifteen (15) councils in Parliament last year for failing the test of financial responsibility.

COLOUR CODING/TRENDS

Where appropriate a colour trends coding system has been developed for use by NSW councils to 'rate and present the relative position of a Council's performance under the health check. Colour codings are green, amber and red.

All indicators where possible show a trend analysis rather than a static one year perspective, which may reflect distortions or some exceptional circumstances.

INDICATORS – GENERAL FUND

1. Revenue Sources

Sources of Total Ordinary Revenue Before Capital

	1998/99	1999/00	2000/01	2001/02	2002/03
	%	%	%	%	(est) %
Rates and Charges					
General Purpose	45.75	45.16	45.56	44.66	45.10
Domestic Waste Management	9.49	9.86	10.46	10.39	10.40
User Charges and Fees	18.03	17.92	17.07	17.44	17.20
Interest	3.07	3.79	4.34	3.24	3.10
Grants (Operating)					
General Purpose	14.57	14.53	14.87	14.90	14.50
Specific Purpose	4.56	5.03	4.54	4.81	4.80
Contributions	3.63	3.17	3.11	3.63	4.50
Other	0.91	0.54	0.05	0.93	0.40
Total %	100	100	100	100	100

Reports from Director Corporate Services

The NSW average for total rates and charges is 49%.

2. Cash/Liquidity Position

Cash and cash management is vital for the short and long term survival and good management of any business. Local Government with its restricted and limited source of income is no different. Normal business cycle necessitates business meeting their current obligations or liabilities from current assets which can and will be converted into cash in time to meet there obligations.

Unrestricted Current Ratio – General Fund

This is a measure/solvency of Council's ability to pay debts as they fall due.

$$\frac{\text{Current Assets less Externally Restricted Current Assets}}{\text{Current Liabilities less Specific Purpose Current Liabilities}}$$

1998/99	1999/00	2000/01	2001/02	2002/03 (est)
1.38:1	1.43:1	1.57:1	2.07:1	2.07:1

Measure	1:1 = Red	1:1 to 2:1 = Amber	Over 2:1 = Green
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Available Cash Position

This allows the assessment of funds available to respond to opportunities and to react to unforeseen commitments that may arise.

	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %
<u>Available Cash Assets</u>					
Total Ordinary Revenue before Capital	25.71	23.13	28.38	28.83	28.00
<u>Unrestricted Available Cash Assets</u>					
Total Ordinary Revenue before Capital	4.5	3.44	4.8	1.36	1.40

These figures reflect in Note 6 of Council's General Purpose Financial Statements and are provided for information only.

3. Operating Result \$'000 – General Fund

This results from ordinary operations of Council before receipt of capital grants & contributions.

1997/98	1998/99	1999/00	2000/01	2001/02	2002/03 (est)
-\$8,982	-\$7,530	-\$7,613	-\$7,013	-\$9,526	-\$9,200

In 2001/02 Council received cash grants of \$7,012,000 plus showed significant items of \$4,054,000 (non cash Note 22) that need to be offset against the above figure.

Reports from Director Corporate Services

4. Debt Service Ratio

As highlighted in the 2001/02 Auditors Report last financial year's figure impacted by a "one off" internal loan being repaid. Without the effect of this repayment the General Fund debt service ratio would be approximately 11%.

Debt Service Ratio – General Fund%

1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
12.93%	13.87%	13.14%	12.58%	14.62%	11.00%

Measure	<15% = Green	15-20% = Amber	>20% = Red
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5. Outstanding Rate, Charges and Fees.

This ratio compares the level of outstanding debts from debtors to annual revenue for year. The ratio is a reflection of Council's debt management policies.

These ratios are difficult to benchmark against other councils as it depends on local economy, number of pensioners (Tweed has 50% more pensioners per percentage of population compared to NSW State Figure), and unemployment rate. Council has since 30 June 2002 received payment of over \$1 million of last year's rates. This would reduce Council's total outstanding rates percentage to 3.4%.

Outstanding Rates Charges & Fees – General Fund

	1997/98 %	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %	Total of all Rates 2001/02
<u>Rates Outstanding:</u>	7.47	5.38	6.34	8.45	7.11	7.00	6.3%

Measure: Rural Councils Rates Outstanding	<6% = Green	6-9% = Amber	>9% = Red
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	1997/98 %	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %
<u>Other Debtors Outstanding:</u>	3.25	8.53	3.54	8.19	5.28	4.80

Measure	<10% = Green	10-15% = Amber	>15% = Red
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"Other debtors" includes accounts issued late June 2002 but paid in the current financial year. The figure does not include deferred debtors.

6. Re-votes of Carryover Expenditure

This indicator compares the total re-votes of expenditure to the total annual expenditure. It is important Council properly budget for and manages the resources that are available to fulfil its management plans.

Reports from Director Corporate Services

Council has since “revoted” the carryover expenditure from 2001/02 to 2002/03. This revote did include two road construction projects totalling \$534,000, parks capital works of \$89,000 and development assessment projects of \$164,000.

Re-Votes of Expenditure – General Fund as %

2000/01	2001/02	2002/03 (est)
2.44%	3.17%	3.0%

Measure	<2% Green	2-5% Amber	>5% Red
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7. Accuracy/Timeliness of Financial Data/Budget/Compliance

“Local Government Councils are very significant business and trading enterprises. They are financially and operationally managing very significant assets, earning sizable revenues and incurring significant expenses. They also employ significant resources and personnel. As in any commercial enterprises, good business management practices dictate that the business undertake formal planning and budgeting functions and that management and the elected corporate governance representatives receive regular and up to date financial management information and reports.

It is a measure of the Corporate Health of the council as to the timeliness and accuracy of financial information and the ability of the council to stay within and also properly predict its budgeted performance. This must be achieved over a period of time and not contrived by or impacted by any one off instance.”

Source: LGMA 2002

	1998/99	1999/00	2000/01	2001/02	2002/03 (est)
a) Financial Bottom Line (before Capital) matched to forecasts to a level of + or - 10%					
NOTE: This is a comparison to original budget not the budget reviews during the year.					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
b) Receipt of unqualified audit reports					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
c) Statements lodged to meet compliance deadline					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
d) Timeliness of results and reporting to management and statutory authorities					
1. Do you report to management – within 5 days or month end					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
2. Do you report quarterly statutory – within 21 days of quarter end					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
3. Do you report annual statutory - within 21 days of year end					
NOTE: Council’s Financial Statements are required to be prepared and audited by 31 October each year.					
	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
e) Budgets incorporate a 3 year plan where the 2 nd year becomes the base of the following year.					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
f) Rigour of budget review & ongoing monthly/quarterly budget to actual analysis					
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Reports from Director Corporate Services

g) Does RAO (Responsible Accounting Officer) formally report to Council on the sign off of the statements – Section 413

Yes

Yes

Yes

Yes

Yes

Total for Tweed Shire Council – 8

Measure	8 or 9 = Green	5-7 = Amber	4 or less = Red
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GENERAL COMMENTS

Tweed Shire Council has for many years made extensive use of these and other performance information and indicators to support and improve its management practices.

Reports from Director Corporate Services

32. ORIGIN: Financial & Information Services Unit

FILE REF: Financial Reporting; Budget

REPORT TITLE:

2001/2002 Financial Reports

SUMMARY OF REPORT:

Public submissions for 2001/2002 Financial Reports

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with Section 413(2)© of the Local Government Act 1993 Council adopted the 2001/2002 Financial Reports at its Extraordinary meeting of 30 October 2002.

At this meeting Council fixed a meeting date for 6 November 2002 to present any submissions made by the public in relation to the 2001/2002 Financial Reports.

There were no submissions from the public in relation to the 2001/2002 Financial Reports.

Reports from Director Corporate Services

33. ORIGIN: Administration Services Unit

FILE REF: xxx

REPORT TITLE:

Tweed Link Newspaper

SUMMARY OF REPORT:

At the request of a number of Councillors the following report has been produced highlighting the production of the Tweed Link and its financial situation.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Tweed Link being Council's weekly newspaper has now been in production for six (6) years. During this time the cost of producing this newspaper has steadily been reduced with the net cost of production in the last financial year being \$61,208.00; this was less than half the budgeted cost and such a saving was achieved through:

- A reduction of the journalist's salary to a part-time basis;
- Printing costs with the Link being mainly produced in one colour;
- An increase in revenue from external advertising some 64%, which is represented in dollar terms of \$25,570.00.

It is anticipated that the present costing for the production of the Tweed Link will remain the same. However, external pressures such as increased postage costs and the expanding population of the Shire means that more copies need to be produced and distributed and this may mean increased costs.

Acceptance of the Tweed Link appears to have improved over time. This has been brought about by the independent view of the journalist and the maintenance of a high standard of journalism. The hours of work of the journalist have been reduced, this may have to be reviewed in the future as the services being offered by the Civic Liaison Officer and Editor of the Tweed Link have been reduced due to the loss of the full time journalist.

Support for surveys through the Tweed Link is particularly high, as well as the request for free advertisements from Progress Associations and community organisations.

Community functions such as Australia Day also received good support through the Tweed Link.

In conclusion, the Tweed Link is now an integral part of the Tweed community, giving an independent view of the activities of the Shire, being produced at an affordable cost, as well as endeavouring to serve the needs of the community.

Reports from Director Corporate Services

34. ORIGIN: General Manager

FILE REF: Quarterly Report

REPORT TITLE:

Quarterly Corporate Report

SUMMARY OF REPORT:

The Quarterly Corporate Report covering the period 1 July to 30 September 2002 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

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 safe, cost effective and efficient manner.

2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> Establish Tweed Regional Botanic Gardens 	Economic impact assessment and impact study completed			
<ul style="list-style-type: none"> Finalise Open Space Strategy and prioritise the development of regional facilities. 	Finalised and adopted by council. Regional Facility CP26 Adopted by Council.			
<ul style="list-style-type: none"> Provide local open space facilities in pace with the urban release program. 	Amendment to CP5 and CP26 and open space infrastructure policy adopted by Council			
<ul style="list-style-type: none"> Rehabilitate and develop Sutherland Point. 	Toilet block completed BBQ and Picnic facilities purchased to be installed			
<ul style="list-style-type: none"> Develop land at Cabarita – Round Mountain Sports Facilities including Skate Park 	Attained 2.3 hectares of land from Department of Land and Water Conservation. Development Application for skate facilities lodged and being assessed.			
<ul style="list-style-type: none"> Establish a central control system for all Council irrigation areas 	Pending as resources allow			
<ul style="list-style-type: none"> Develop extensive passive open space facilities in Council reserve on Amaroo Park and Darlington Drive. Banora Point 	CP1 being reviewed to allocate funds for this project.			
<ul style="list-style-type: none"> Establish Community Land / Sports fields at Chillingham 	Finalising purchase of land			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Upon acquisition of Bilambil Sports Complex, upgrade, maintain and develop facilities to a standard consistent with Councils Sports Fields Plan of Management. 	Upgrade in progress.			
<ul style="list-style-type: none"> Increase level of service to Council parks 	Service level increased consistent with increase in budget allocation			
<ul style="list-style-type: none"> Replace, upgrade and purchase of new playground equipment. 	No budget allocation in 02/03. Maintain existing equipment within budget restraints			

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> Net expenditure on recreation per capita / per annum. 	\$44	\$45	\$46	\$50.14
Tweed Shire Council Performance Indicators				

4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$61,725,000
Estimated Expenditure 2001/2002	\$5,029,362
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:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<i>Waste Management</i>				
<ul style="list-style-type: none"> Implement Environmental Management Plans for Waste Depots 	Council approved oil recycling collection facility			
<i>Health Services</i>				
<ul style="list-style-type: none"> Continue surveillance of food premises 	Ongoing			
<ul style="list-style-type: none"> Upgrade level of service to public toilets 	Pioneer Park Works Complete			
<i>Emergency Services</i>				
<ul style="list-style-type: none"> Continue coordination of Tweed Local Disaster Plan 	Last meeting held June			
<ul style="list-style-type: none"> Progress compliance with the Disability Discrimination Act requirements 	Report for council being prepared			
<i>Regulatory Control</i>				
<ul style="list-style-type: none"> Transfer of Parking Officers from NSW Police Service 	Completed August. Officer appointed			
<ul style="list-style-type: none"> Progress compliance with the Disability Discrimination Act requirements 	Report for council being prepared			
<i>Community Facilities and Services</i>				
<ul style="list-style-type: none"> Develop Murwillumbah Public Pool to a Regional Standard 	Report to be drafted for Council			
<ul style="list-style-type: none"> Development of the Art Gallery 	Site works commenced			
<ul style="list-style-type: none"> Continue upgrade of Murwillumbah Auditorium 	Yet to be commenced			
<ul style="list-style-type: none"> Development of Pandanus Pde Surf Lifesaving Club 	DA to be lodged in October			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Develop community facilities at Banora Point, Bogangar, Murwillumbah and expand HACC Centre, South Tweed 	<p>Banora Point Establishment Committee finalising plans. Bogangar community facilities renovated.</p>			
<ul style="list-style-type: none"> Maintain community facilities database as an information service 	<p>Maintain and updated as necessary</p>			
<ul style="list-style-type: none"> Review provision of library facilities in Murwillumbah to larger facilities 	<p>Library Strategy Completed with resulting in an confirmation that existing Library Facilities large enough.</p>			
<ul style="list-style-type: none"> Enhance Museum facilities at Tweed Heads and Murwillumbah 	<p>Funding allocated in 02/03 budget for refurbishments at both locations.</p>			
<ul style="list-style-type: none"> Implement the Tweed Social Plan: <ul style="list-style-type: none"> - Establish and Manage Banora Point Community Centre - Develop a Multi-purpose facility in Murwillumbah - Employ an ATSI Worker - Employ an Aged Worker - Employ a Youth Development Officer - Develop local community plans 	<p>Establish Committee finalising plans</p> <p>Proceeding</p> <p>Not funded in 02/03 in budget</p> <p>Not funded in 02/03 budget</p> <p>Not funded in 02/03 budget</p> <p>No work to date</p>			
Cultural Development				
<ul style="list-style-type: none"> Implement the Cultural Program developed in line with the existing Tweed Shire Council Cultural Policy 	<p>Adopted by Council.</p>			
<ul style="list-style-type: none"> Maintain, manage and promote the cultural facilities in Tweed 	<p>City of the Arts application being prepared with the inclusion of the current art gallery building as the designated home.</p>			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Facilitate development of Museums and support Historical Societies 	<p>Tweed River Coordination museum development application submitted to State Government requesting \$33,000 - outcome pending announcement by minister</p>			
<ul style="list-style-type: none"> Explore development of Museums and support Historical Societies 	<p>Heritage Study Commenced</p>			
<ul style="list-style-type: none"> Explore development of integrating historical societies into cultural programs 	<p>Pursue employment of a professional museum consultant to work with Museum and Historical societies</p>			
Community Development				
<ul style="list-style-type: none"> Promote and develop collaborative planning between individual community services programs 	<p>Ongoing</p>			
<ul style="list-style-type: none"> Pursue a facilitator dedicated to coordinating & implementing the Disability Discrimination Act Action Plan 	<p>No funding provided in Budget</p>			
<ul style="list-style-type: none"> Develop a shire-wide focus for Senior Citizen's Week & Expo 	<p>Festival funds secured from council to assist with preparation for Seniors expo 2003. Seniors Week Committee have organised new events for 2003. Funding Application submitted to Department of Ageing, Disability and Home Care.</p>			
<ul style="list-style-type: none"> Maximise external funding applications/submissions on behalf of the Tweed Community 	<p>Assist with completing and referring community funding applications to community groups</p>			

Reports from Director Corporate Services

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
• Recycling collection per capita	47.07kg	50kg	52kg	12.5kg
• Domestic waste collection per capita	262.74kg	270kg	280kg	70kg
• Cost for domestic waste collection per service	\$110.74	\$84.50	\$83	\$83.50
• Average residential garbage charge per service	\$143.88	\$131.50	\$131	\$140
• Library book borrowing per capita	5.97	5	5	6
• Library operating expenditure per capita	\$15.15	\$15.80	\$17	\$7.94
• Community Service expenditure per capita	\$6.04	\$5.20	\$6	\$2
Tweed Shire Council Performance Indicators				
• Staged implementation of Tweed Shire Disaster Plan	-	100%	100%	100%
• Percent of total domestic waste recycled	17.9%	20%	20%	16.4%

4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$28,350,000
Estimated Expenditure 2001/2002	\$17,602,828
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:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> Pursue restructure of Tweed Economic Development and Marketing Agencies to deliver higher value economic growth outcomes 	Meeting with TEDC and TACTIC held - No change to structure and relationship			
<ul style="list-style-type: none"> Develop Tweed Economic Indicator Model 	Being incorporated into Economic Development Strategy Review 2003			
<ul style="list-style-type: none"> Purse employment generation funding – sustainable regions 	Farmers Market application was not successful round 1.			
<ul style="list-style-type: none"> Assist in the integration of lands suitable for enterprise development 	Currently undertaking 3 LEP amendments for employment generating lands and progressing in consultation with TEDC.			
<ul style="list-style-type: none"> Establish & develop Villages in the shire through projects and signage 	Discussion progressing with TEDC – waiting on appointment of Main Street Coordinator			
<ul style="list-style-type: none"> Develop Chillingham IT Building 	Support provided to Uki Buttery Project – Bank Loan Guarantee			
<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. 	Under Preparation			
<ul style="list-style-type: none"> Investigate development of land at Wardrop Valley 	Progressing with private sector			

Reports from Director Corporate Services

• Tweed Valley Meeting with Country Centre DSARD – review of Growth Strategy project			
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3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
Tweed Shire Council Performance Indicators				
• TEDC & TACTIC funding lodgement reports – lodgement requirements	4	4	4	1

4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$Nil
Estimated Expenditure 2001/2002	\$1,346,716
Staff (Equivalent Full Time Staff)	2 Persons

Reports from Director Corporate Services

Activity: 4. Natural and Built Environment

1. OBJECTIVE:

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

2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
Development Assessment				
<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 	Draft Service Level Protocols being prepared for internal referral of Development Applications			
<ul style="list-style-type: none"> Progressively improve quality of physical, social and economic outcomes resulting from Development Assessment decisions 	Continual monitoring and assessing of Development Application Reports			
<ul style="list-style-type: none"> Optimise the quality of public infrastructure through development assessment to maximise public safety and minimise operating costs 	Quality of infrastructure reviewed prior to issue of sub division certificates			
<ul style="list-style-type: none"> Continuous Review of the effectiveness of assessment processing 	Customer survey of applicants for Development Assessment Unit to be distributed October 2002. Returned completed surveys currently being evaluated			
Strategic Planning				
<ul style="list-style-type: none"> Complete comprehensive review of the Tweed Shire 2000+ Strategic Plan 	Brief prepared. Issue papers being prepared			
<ul style="list-style-type: none"> 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. 	Kingscliff Strategy, Integrated Human Service Delivery Plan and Vegetation Management Plan nearing completion.			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Develop a Public Transport Strategy 	Draft anticipated to be submitted to Council December 2002			
<ul style="list-style-type: none"> Prepare annual Social Plan and Economic Development Strategy 	Reviewing structure of documents in anticipation of Integrated Human Services Development Plan findings.			
<ul style="list-style-type: none"> Assessment/prioritisation and maximisation of grant applications to TSC for community projects in Tweed 	Ongoing			
<i>Environmental Management</i>				
<ul style="list-style-type: none"> Complete second stage review of Tweed Local Environmental Plan 	The Vegetation Management Plan, a major component of this project is near completion.			
<ul style="list-style-type: none"> Implement activities identified in the Estuary Management Plan 	Ongoing per TRC recommendations			
<ul style="list-style-type: none"> Ensure implementation of the new Water Management Legislation, as it is appropriate to the needs of the Tweed 	Awaiting adoption of Catchment Management Plan			
<ul style="list-style-type: none"> Implement Tweed River Management Plan 	Ongoing per TRC recommendations			
<ul style="list-style-type: none"> Complete the Coastal Hazards Study 	Complete			
<ul style="list-style-type: none"> Finalise Council's agreement to the Coastal Hazards Study 	Complete			
<ul style="list-style-type: none"> Carry out and further flood mitigation works 	Council endorsement for revised application for East Murwillumbah Levee			
<ul style="list-style-type: none"> Continue Boat Ramp Construction 	Awaiting Waterways Grant Approval for Dry Dock Rd, Lakes Drive, Chinderah			
<ul style="list-style-type: none"> Support the principals of Ecologically Sustainable Development throughout Council activities. 	Ongoing			
<ul style="list-style-type: none"> Coastline Management Plan 	Commenced Consultant engaged September 2002			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Council contribution to environmental improvement through the Sustaining the Tweed (Agenda 21) Program 	Council has begun trailing 100% post consumer recycled envelopes. Street seat made from recycled plastic milk bottles are being installed. The Environmental Management System is being integrated into the existing Safety Management System – “Workplace Management System”			
<ul style="list-style-type: none"> Development of Coastal Sector Strategy Plan 	Ongoing			

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> Mean turnaround time (days) for development applications 	36.15	39	39	35
<ul style="list-style-type: none"> Median turnaround time (days) for development applications 	22	29	29	24
<ul style="list-style-type: none"> Legal costs as a percentage of Development Services budget 	3.05%	1.4%	1.4%	0.8%
<ul style="list-style-type: none"> Expenditure on environmental management per capita 	\$20.82	\$20	\$20	\$1.77
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Development Control - costs per capita per annum 	\$35	\$35	\$35	\$20.79
<ul style="list-style-type: none"> Quality of public infrastructure created through development minimise defects and operating costs 	100%	100%	100%	100%
<ul style="list-style-type: none"> Mean turnaround time (days) for Construction Certificates 	43 est.	43	43	11 days

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$70,596,000
Estimated Expenditure 2001/2002	\$6,164,695
Staff (Equivalent Full Time Staff)	39 Persons

Reports from Director Corporate Services

Activity: 5. 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:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> Review the Tweed Road Contribution Plan to reflect changes in land use planning and community expectations. 	Version 4.5 drafted and exhibited September 2002. To be adopted by Council October 2002.			
<ul style="list-style-type: none"> Implementation of AUSPEC 	Awaiting advice from the Development Services Division.			
<ul style="list-style-type: none"> Maintain in-house pre-construction services at 70% of total client requirements 	Rate Maintained			
<ul style="list-style-type: none"> Undertake design of 4 lane upgrade of Leisure Drive – Fraser Drive to Sextons Hill interchange by December 2002. 	Survey Commenced			
<ul style="list-style-type: none"> Complete Kingscliff and West Tweed Sewerage Strategies 	Kingscliff 100% Complete West Tweed 50% Complete			
<ul style="list-style-type: none"> Broaden survey and property service unit into full business unit. 	Yet to be investigated			

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Percent of production met in-house 	-	70%	70%	70%
<ul style="list-style-type: none"> Adopt AUSPEC as part of DCP 16 by December 2002. 	-	95%	100%	95%

Reports from Director Corporate Services

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$50,000
Estimated Expenditure 2001/2002	\$1,356,417
Staff (Equivalent Full Time Staff)	22 Persons

Reports from Director Corporate Services

Activity: 6. 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:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
• Upgrade Tweed Heads Works Depot	Design in progress			
• Implementation of adopted 2002-2005 drainage construction program	All design completed Healey Lane Fingal completed			
• Implement adopt bridge replacement program for 2002-2005 (Boatharbour Bridge, Quinns Bridge, Byangum Bridge)	Boat harbour Bridge commenced			
• Implement adopt urban road / road construction program for 2000-2003. (Peninsula Drv, Banora Tce, Sunnyside Lane, Myrtle St, Elanora Ave, Broadwater Esp, Seaview Rd, Duligugan Rd, Pottsville Rd, Duranbah Rd, North Arm Rd, Burringbar Rd.)	The following works have been completed or commenced Bawden St, Grevillea St, Old Ferry Road, Stokers Road, Brays Creek Road, Limpinwood Valley Rd, Letitia Spit Road, Fingal Road, Kyogle Road.			
• Public Transport Routs development	In progress			
• Community Road Safety Plan	In progress			
• Footpaths/ramps development.	Program finalised			
• Cycle Plan Development	Contact Cancelled			

Note: These works listed above only represent the key highlights of Council's three year rolling capital works program.

Reports from Director Corporate Services

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
Tweed Shire Council Performance Indicators				
• Reseal 7km rural roads within time and budget	7	7	7	0
• Asphalt re-sheet 34,000m ² urban roads within time and budget	30000	35000	35000	0
• Road maintenance cost per km urban sealed roads	\$3700	\$3800	\$3800	3500
• Road maintenance cost per km rural sealed roads	\$3400	\$3500	\$3500	3100
• Road maintenance cost per km rural unsealed roads	\$3400	\$3500	\$3500	2400

4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$279,793,000
Estimated Expenditure 2001/2002	\$21,268,577
Staff (Equivalent Full Time Staff)	148 Persons

Reports from Director Corporate Services

Activity: 7. Water and Sewerage

1. OBJECTIVE:

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

2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
• Spillway upgrade strategy for Clarrie Hall Dam to meet new rainfall run-off criteria	Preparing tender documents for concept design			
• Trunk main replacement Murwillumbah to Tumbulgum and Bogangar to Pottsville	Bartletts Lane to Tumbulgum to commence at end of year. Bogangar to Pottsville under construction			
• Design and construction of new reservoirs and plumbing stations to meet growth demands	Hall Dr SPS 70%. PAD Construction West Pottsville Reservoirs Complete			
• Introduction of positive demand management program to achieve sustainable water management	Media Program ongoing. Currently preparing brief for bulk supply strategy incorporating review of demand management program.			
• Implement new water-pricing policy based on user pays principal	Adopted by Council and being implemented in 2002/03			
• Develop and adopt augmented plans at Kingscliff and Hastings Point	Preparing tender documentation for both plants			
• Design upgrade of Banora Point Treatment Plan	Called tenders for Stage 2 Community consultation of Effluent Disposal Strategy			
• Complete and commission augmented plants at Kingscliff and Hastings Point	Preparing Tender Documents for both plants			
• Finalise strategy for Kingscliff / South Kingscliff catchment	Ongoing			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Develop asset replacement program for Murwillumbah and Tweed Heads Sewerage System 	In early planning phase			
<ul style="list-style-type: none"> Complete development and introduction of telemetry control sewerage treatment systems 	70% Complete and Ongoing			
<ul style="list-style-type: none"> Construct Boat Ramp 	Awaiting Waterways Grant Approval for Dry Dock Rd, Lake Drive, Chinderah			
<ul style="list-style-type: none"> Construct Flood Mitigation 	Council endorsement for revised application for East Murwillumbah Levee			

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> Average sewerage account (\$/Assessment) 	\$411.15	\$419	\$435	420
<ul style="list-style-type: none"> Total sewerage operating costs (\$/Assessment) 	\$389.01	\$210	\$220	210
<ul style="list-style-type: none"> Average water account (\$/Assessment) 	\$236.49		\$270	270
<ul style="list-style-type: none"> Total water operating costs (\$/Assessment) 	\$309.21		\$155	155
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Economic real rate of return sewerage 	5.47%	4.5%	4.0%	4.0%
<ul style="list-style-type: none"> Economic real rate of return water 	3.52%	3.5%	3.0%	3.0%
<ul style="list-style-type: none"> Water quality complaints (Per 1000 Assessment) 	2.0	2.0	2.0	2.0%
<ul style="list-style-type: none"> Water Consumption Interruption Frequency (Per 1000 Assessment) 	40	40	40	40
<ul style="list-style-type: none"> Water Average Customer Outage Time/Property (minutes) 	120	120	120	120

4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$326,519,000
Estimated Expenditure 2001/2002	\$50,205,995
Staff (Equivalent Full Time Staff)	82 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, safe and timely manner.

2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
• Implementation of Occupational Health and Safety Workplace Management Systems	Council Safe II review 50% complete.			
• Review management structure and implement Management Development Program.	Draft structure circulated for comment. MDP launched and participants identified. Modular program scheduled			
• Review Council's Corporate Policies.	Code of Conduct review complete			
• Develop a financial management strategy to maximise grants and financial resource performance.	Financial performance indicators established and grants application system implemented			
• Implement outstanding modules of new Financial/Regulatory software	Three modules to be installed during 2002/03			
• New Financial/Regulatory software/implementation costs	Within Budget			
• Develop and implement Councils ethical organisation strategies, codes and practices	Business Ethics Policy adopted by Council			
• Statutory Financial Reporting in accordance with the Local Government Act	Completed by Due Date			
• Internal audit programs to be implemented	2002/03 Established			
• Review staff office accommodation facilities	Site assessment progressing			

Reports from Director Corporate Services

<ul style="list-style-type: none"> Explore redevelopment opportunities for Tweed Coast Holiday Park Reserve 	Workshop with trustees to be held 9/10/02 to introduce options			
<ul style="list-style-type: none"> Develop Lease option for Lot 490 Crown Land 	Short listing tenders in progress			
<ul style="list-style-type: none"> Develop and Implement Council's Risk Management Strategy 	Consultant Report Completed			

3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> Average rate per residential Assessment. 	\$541.13	\$556	\$569	\$569
<ul style="list-style-type: none"> The unrestricted current ratio (measure of liquidity). 	1.94	1.54	1.54	1.54
<ul style="list-style-type: none"> Debt service ratio (measure of extent of debt servicing on operating revenue). 	11.69%	11.80%	11%	11%
<ul style="list-style-type: none"> Average interest rate paid. 	4.52	6.8	6.6	7.8%
<ul style="list-style-type: none"> Average interest rate paid. 	42.98%	43%	41%	41%
<ul style="list-style-type: none"> Council dependence on rates. 	66%	100%	100%	100%
<ul style="list-style-type: none"> Statutory financial reporting by due date 				
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> Workers compensation premium costs per employee. 	\$1,990	\$2,490	\$2,240	\$1,094
<ul style="list-style-type: none"> Percent respond to correspondence within 14 days 	90.12%	95%	96%	92.54%
<ul style="list-style-type: none"> Reduce costs in relation to the defending of Public Liability Claims 	-	-	5%	5%
<ul style="list-style-type: none"> Average occupancy rate for trust caravan parks (excluding holiday vans) 	39%	41%	45%	52%
<ul style="list-style-type: none"> Staff to population ration 	6.7	6.7	6.7	7.1

4. ACTIVITY RESOURCES SUMMARY:

	Resources
Assets	\$17,125,000
Estimated Expenditure 2001/2002	\$11,110,552
Staff (Equivalent Full Time Staff)	69 Persons

Reports from Director Corporate Services

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Reports from Director Engineering Services

35. ORIGIN: Design Unit

FILE REF: Fraser Drive; Champagne Drive; R2140 Pt2; R1020

REPORT TITLE:

Proposed Closure & Purchase of Unformed Public Road - Champagne Drive, Tweed Heads South

SUMMARY OF REPORT:

An application has been received from B & P Surveys to close an unnecessary unformed public road within Lot 9 in DP 1039569 at Tweed Heads South.

It is the developer's intention to close that part of Champagne Drive, shown hatched on the attached plan, to incorporate it into further subdivision of Lot 9. The surveyors have indicated that a new access will be provided to Fraser Drive within the proposed subdivision.

Proposed road widening of Fraser Drive requires that at the Fraser Drive end of Champagne Drive a 10 metre strip will remain as public road and will form part of the road widening along the entire length of the road frontage of Lot 9.

RECOMMENDATION:

That

1. Council raises no objection to the closure of an unnecessary unformed public road within Lot 9 in DP 1039569, shown hatched on the following plan;
2. Council acquires a strip of 10 metres along the road frontage of Lot 9 along Fraser Drive for road widening;
3. The applicants bear all legal and survey costs;
4. Easements are created where necessary over any existing public authority services;
5. All necessary documentation be endorsed and executed under Common Seal of Council

Reports from Director Engineering Services

REPORT:

An application has been received from B & P Surveys to close an unnecessary unformed public road within Lot 9 in DP 1039569 at Tweed Heads South.

The subject road is an unformed public road located on a thickly vegetated steep slope running east to west. Originally Champagne Drive was to form part of the roads network within the development at Tweed Heads South, providing access to Fraser Drive for the southerly end of the estate.

It is now the developer's intention to close that part of Champagne Drive, shown hatched on the attached plan, to incorporate it into further subdivision of Lot 9. The surveyors have indicated that a new access will be provided to Fraser Drive within the proposed subdivision.

Proposed road widening of Fraser Drive requires that at the Fraser Drive end of Champagne Drive a 10 metre strip will remain as public road and will form part of the road widening along the entire length of the road frontage of Lot 9.

It is Council's intention to negotiate an exchange of the closure for a dedication of a 10 metre strip of road widening along the boundary of Lot 9 facing Fraser Drive, shown on the attached plan by a broken line. The developers have indicated to Council that they accept the exchange should it be approved by Council.

The part of the subject road to be closed is unformed public road and under section 38(2) of the Roads Act, 1993 compensation is payable to the Crown. However, part of Champagne Drive has been formed and is used as public road.

The Department of Land and Water Conservation have advised that because part of Champagne Drive has been formed it is now a public road vested in Council and the proceeds of any closure and sale will be payable to Council and it is on this basis that Council has negotiated the exchange for the road widening.

Reports from Director Engineering Services

A copy of the plan showing part of Champagne Drive to be closed, as hatched, follows:-

DP1039569
 19/11/2002
 SEE CERTIFICATE
 Title System TORRENS
 Purpose SUBDIVISION
 Ref Map X4575-52*, X4575-54*, X4575-61*, X4575-63*
 Loc Plan: DP1009074

PLAN OF SUBDIVISION OF LOT 7 DP 1009074

LEGEND see B. METAL. Reduction Ratio 1:5000

LCA: TWEED
 Shire/Council: TWEED HEADS SOUTH
 Parish: TERRANORA
 County: ROUS

This is sheet 1 of 3 sheets
 (Index of Subdivisions 1)

Prepared by: BARIL JOHN MELANCHUK
 Author: BARIL JOHN MELANCHUK
 Checked: BARIL JOHN MELANCHUK
 Date: 19/11/2002

Plans used in preparation of survey/development:
 DP 1000785 DP 1009074
 DP 29569 DP 844424 DP 241372
 DP 28790

PLANES FOR USE ONLY: The information of this plan is for the purpose of public reference, drainage reserves, easements, etc. and should not be used for any other purpose.

PURSUANT TO SECTION 8BB OF THE CONVEYANCE ACT 1917 IT IS INTENDED TO DRAIN WATER
 1. EASEMENT TO DRAIN WATER
 5. WIDE AND VARIABLE
 2. EASEMENT TO DRAIN SEWAGE
 7. WIDE AND VARIABLE
 3. RESTRICTION ON USE OF LAND

LINE BEARING	DIST	ARC RADIUS
1	180° 34' 20"	18 184
2	87° 00' 54"	10 82
3	180° 34' 20"	18 184
4	180° 34' 20"	18 184
5	180° 34' 20"	18 184

DIAGRAM 'C'
SCALE 1:2000

Proposed Road Widening

Subject Road to be closed

PLAN FORM 2
SIGNATURE AND SEALS ONLY

[Signature]

Crown Lands Office Approval

Subdivision Certificate

Author: BARIL JOHN MELANCHUK

Checked: BARIL JOHN MELANCHUK

Date of approval: 19/11/2002

Subdivision Certificate No: 57116

1. Check whether in accordance

Reports from Director Engineering Services

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Reports from Director Engineering Services

36. ORIGIN: Works Unit

FILE REF: Government Grants – Roads; Roads – General; Works Program
2002/2003

REPORT TITLE:

2002/2003 Regional Road Block Grant - Traffic Facilities

SUMMARY OF REPORT:

Following a review of the Traffic Facilities component of the Regional Roads Block Grant Council has been advised that its grant has been increased from \$136,000 to \$180,000. The grant is based on road lengths in both urban and rural areas and is provided to maintain the existing regulatory and advisory signs and linemarking.

RECOMMENDATION:

That Council:-

1. Accepts the revised grant for Traffic Facilities of \$180,000.
2. Votes the expenditure.

Reports from Director Engineering Services

REPORT:

Following a review of the Traffic Facilities component of the Regional Roads Block Grant Council has been advised that its grant has been increased from \$136,000 to \$180,000. The grant is based on road lengths in both urban and rural areas and is provided to maintain the existing regulatory and advisory signs and linemarking.

This is an expanding area in Council's asset inventory and the funding will assist in ensuring the existing assets remain in an acceptable condition.

Reports from Director Engineering Services

37. ORIGIN: Works Unit

FILE REF: Pacific Motorway – Yelgun to Chinderah; Bridges General; R5495 Pt7

REPORT TITLE:

Naming - Bridges on Yelgun to Chinderah Motorway

SUMMARY OF REPORT:

Residents have approached the RTA regarding the naming of a bridge over Sleepy Hollow Road on the new Motorway. The RTA has advised that it would require Council concurrence and submission before any action is taken. It is considered appropriate that Council not be involved in the naming of any bridge on the new motorway.

RECOMMENDATION:

That Council advise the RTA that it does not deem it appropriate to be involved in the naming of bridges on the new Motorway.

Reports from Director Engineering Services

REPORT:

Residents have approached the RTA regarding the naming of a bridge over Sleepy Hollow Road on the new Motorway. The RTA has advised that it would require Council concurrence and submission before any action is taken. The bridge referred to is not a local road bridge but on the motorway over a local road. There are over 50 bridges on the new motorway and Council will never have any maintenance responsibility and hence should not get involved in the naming.

Historically bridges on the highway on Tweed Bypass have been named by the road crossed (eg. Greenway Drive) on the creek or river crossed (eg. Terranora Inlet) and Council has not been involved in naming of these bridges.

All of Council's bridges are over watercourses with none over other roadways. It is considered far more practical to have those bridges on the motorway either on or over local roads to be designated on the underside with the local road name.

Council therefore should advise the RTA accordingly.

Reports from Director Engineering Services

38. ORIGIN: Works Unit

FILE REF: Crescent Street; R1435 Pt3; Kerb & Gutter; Sundry Debtors

REPORT TITLE:

Kerb & Gutter Contribution

SUMMARY OF REPORT:

Residents of Crescent Street Cudgen have written to Council requesting that the contributions for kerb and gutter constructed in their street in the 2001/2002 Works Program.

Should Council agree it would be required to find \$81,193 to fund the repayments and it may also generate other similar requests from previous years.

RECOMMENDATION:

That Council advise the petitioners of Crescent Street that all kerb and gutter contributions will remain up to 30 June 2002.

Reports from Director Engineering Services

REPORT:

Residents of Crescent Street Cudgen have written to Council requesting that the contributions for kerb and gutter constructed in their street in the 2001/2002 Works Program. A copy of the submission is attached.

Council at its meeting on 21 August, 2002 resolved to discontinue the contributions fee to the 2002/2003 Program and that all accounts for works up to 30 June, 2002 would stand.

Should Council agree to the request it would be required to repay those residents who have already paid in full (currently \$43,947) and wipe off the other outstanding fees for 2001/2002 (total \$81,193). This is not considered a practical solution and then may generate requests from previous years.

This is not considered any different to other changes in fees or charges at the start of financial years. Council should still require the fees to be paid.

Reports from Director Engineering Services

4 Crescent Street
Cudgen 2487

29 August 2002

General Manager
Tweed Shire Council
PO Box 816
Murwillimbah 2484

Collier St
CLARKE ST
CRESCENT ST
KERB + GUTTER

TWEED SHIRE COUNCIL	
FILE No	Sunday Debtors
DOCUMENT No	[] [] [] [] [] []
RECD	2 SEP 2002
BOX No	[] [] [] []
ASSIGNED TO	MUSGRAVEHAM B.
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Dr Griffin,

We the residents and owners of section of Crescent, Clarke and Collier Streets' Cudgen ask that you put this request before a Council meeting

We ask that the decision of Council at its meeting on August 21 be reviewed and the "no charge" rule be applied to all kerbing and guttering carried out this year.

We feel it is particularly unfair that we, who have had kerbing and guttering installed earlier this year, should be asked to make full contributions while any residents having kerbing and guttering installed after July 1st this year are not required to make any contribution.

A much fairer way would be to abolish charges to residents for all work carried out this year. Many of us are still attempting to pay off our charges

For example our family (husband, wife and a five-year-old daughter) has been asked to pay a contribution of over \$1380 This we are doing at \$20 a week because of the financial strain.

As we have only been paying this since July 1 it makes it even more inequitable

Yours faithfully,



Mrs Katherine Bell
On behalf of the residents.

cc. A copy of the petition we plan to send to the NSW Ombudsman if this cannot be resolved with Council.

Reports from Director Engineering Services

To the NSW Ombudsman
Level 24
580 George Street
SYDNEY 2000

We the residents of portion of Crescent Street and Clarke Street Cudgen petition you to approach Tweed Shire Council for a resolution to the Council's decision to insist we pay full price for kerbing and guttering installed earlier this year while all kerbing and guttering installed after July 1 will not attract any contributions from residents

M J Paullett 2 Clarke Street Cudgen.

A BAKER 1 CLARKE ST CUDGEN.

*D MIETAKE 3 CRESCENT ST CUDGEN
4 5 CRESCENT ST CUDGEN*

*Ken Moore 6 Collie St Cudgen *K.T. Moore.**

*Christine Gregory 7 Crescent St Cudgen *Gregory*
7A " " " *Gregory.**

*S&K Bell 4 Crescent St Cudgen *SB**

Reports from Director Engineering Services

39. ORIGIN: Works Unit

FILE REF: Roads – Maintenance Program; Government Grants - Roads

REPORT TITLE:

Financial Assistance Grant 2002/03 - Additional Road Funding

SUMMARY OF REPORT:

In its budget for 2002/2003 Council approved a figure of \$1,300,000 as its roads component of the Financial Assistance Grant (FAG) and this was reflected in the Works Program. Council has now been advised that the allocation for 2002/03 is \$1,538,608. Council now needs to approve expenditure for the additional \$238,608.

These funds could be effectively used when residents are offering to contribute towards the sealing of gravel roads.

RECOMMENDATION:

That Council allocate the additional \$238,608 from the Financial Assistance Grant roads allocation to gravel re-sheeting to permit further roads to be sealed under the existing policy.

Reports from Director Engineering Services

REPORT:

In its budget for 2002/2003 Council approved a figure of \$1,300,000 as its roads component of the Financial Assistance Grant (FAG) and this was reflected in the Works Program. Council has now been advised that the allocation for 2002/03 is \$1,538,608. Council now needs to approve expenditure for the additional \$238,608.

Council has had an increasing number of residents on gravel roads enquiring and serious about contributing for the bitumen seal in accordance with Council's policy. However the work proposed on Kanes Road (2km of seal) will exhaust Council's available funds for the additional gravel and preparation costs.

Council has received serious enquiries from the following areas:-

- Hattons Road
- Old Lismore Road
- Chauviers Road
- Hopkins Creek Road

These projects are estimated to cost Council \$140,000 and approximately 1.8km in total length.

It is anticipated that other enquiries will be received during the financial year and unless additional funds are allocated all requests will need to be deferred.

It is recommended that Council allocate the additional FAG funds to gravel re-sheeting which will allow further roads to be sealed under the policy. Should the funds not be committed by April 2003 then a further report will be brought forward on a proposed program.

Reports from Director Engineering Services

40. ORIGIN: Works Unit

FILE REF: Government Grants – Roads; Roads – Repair Program

REPORT TITLE:

Regional Road Funds to Local Government 2002/2003

SUMMARY OF REPORT:

The RTA Local Government Liaison Committee has prepared an information paper on Regional Road Funding to Local Government.

This paper provides information on the type of funding available and how the grants are determined. Tweed Shire with comparatively high traffic volumes has fared well with these funds over recent years.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

The RTA Local Government Liaison Committee has prepared an information paper on Regional Road Funding to Local Government.

This paper provides information on the type of funding available and how the grants are determined. This paper can be found at the end of this report. Tweed Shire with comparatively high traffic volumes has fared well with these funds over recent years.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

❖ RTA LOCAL GOVERNMENT LIAISON COMMITTEE ❖

Information Paper to Councils

Regional Road Funds to Local Government 2002/2003

This paper has been prepared for the RTA Local Government Liaison Committee (LGLC) as part of the process of improving the partnership and communication between RTA and Councils and making funding arrangements more transparent. It informs Councils about the level of funding assistance for Regional Roads for 2002/2003, describes how the distribution of funds is determined and gives details of each council's Block Grant.

The RTA Local Government Liaison Committee is the peak body for communication and cooperation between RTA and Local Government in regard to roads and traffic management.

Membership comprises the RTA Chief Executive who chairs the meetings (Paul Forward), the Directors of RTA's three core function areas, Road Network Infrastructure (Mike Hannon), Road Safety and Road User Management (represented by John Brewer, General Manager, Road Safety Strategy Branch), Traffic and Transport (Chris Ford) and the Director, Client Services (David Stuart-Watt).

Local Government representatives are the Local Government Association President (Peter Woods), Shires Association President (Michael Montgomery), Chairman of the LGOV NSW Roads Committee (Barry Ryan) and the LGOV NSW Executive Director (Alby Taylor).

September 2002



LGOV NSW
moving communities forward



Roads and Traffic Authority of NSW

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

1. Regional Roads Assistance for 2003/03

The State Government has budgeted to provide a record amount of \$143.6 million in Regional Roads Assistance Grants in 2002/03.

The Government has increased Block Grants for Regional Roads in the 2002/2003 State Budget to \$108.3 million. This is up from \$104.2 million in 2001/2002. The amount includes a supplementary amount of \$15 million to maintain an equivalent level of funding to that provided under the former 3X3 Program.

REPAIR Grants have been increased to \$21.7 million while the Government has also committed another \$13.7 million to a number of high merit projects bringing total Regional Roads assistance to \$143.6 million.

This delivers the Government's commitment in its *Action for Transport 2010* Plan to continue to assist Local Governments maintain their Regional Roads and further extends the Minister for Roads' original commitment to the Local Government Association and Shires Associations in 1995, that the Government would at least maintain the level of funding assistance for Regional Roads in real terms for three years from the 1995 level of \$93 million.

Regional Roads are a category of council controlled road eligible to receive financial assistance from the State Government in recognition of their role as routes of secondary importance throughout the State. The place of Regional Roads in the overall management of roads in NSW is summarised on page 5.

Funding assistance for Regional Roads is by way of Block Grants, and specific project grants under the REPAIR Program listed as below.

Block Grants	\$ 108.3m
REPAIR Program Grants	\$ 21.6m
Total	\$ 129.9m

Every council has entitlement to an annual Block Grant. The grant comprises a *roads component* and an *"ex-3X3" component* (which are available for works on Regional Roads) and a *traffic facilities component* (which may be spent on traffic facilities on both Regional and Local Roads). The total amounts of the Block Grant components are shown in Table 2.

Roads component	\$ 77.3m
Traffic Facilities component	\$ 15.9m
Ex 3X3 component	\$ 15.0m
Total Block Grants	\$ 108.3m

Councils may apply for additional assistance under the REPAIR Program. Grants under this program are available on a dollar for dollar basis for high priority specific works determined on a merit basis by regionally based consultative committees of councils.

The Federal Government also provides funding assistance to councils which may be applied to roads according to councils' priorities.

The Federal Government's budget for 2002/2003 provides for \$209 million to NSW councils for roads. This comprises \$128 million in identified roads funds included in the Federal Financial Assistance Grants plus a further \$56 million under the four year \$340 million Roads to Recovery Program.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

2. Increased Funds for Traffic Facilities

The Government has provided a significant increase of \$2 million for the traffic facilities component of the Block Grant for rural councils for 2002/03. This follows a review of the distribution formula by a joint RTA Local Government working group.

In the previous year, traffic facilities funds for Sydney councils were increased by \$2.0 million in association with a review of the urban distribution formula.

A total of \$15.94 million is being provided to councils for traffic facilities in 2002/03 under the Block Grant arrangements. This is an increase of over 40% on the amount two years ago, demonstrating the Government's continuing commitment to safer council roads.

3. Ex 3X3 Component of the Block Grant

Changes brought about by the Federal Government to Federal State financial arrangements, including the introduction of a Goods and Services Tax, resulted in there no longer being any dedicated revenue to fund the 3X3 Program. As a result, the 3X3 Program ceased.

The Minister gave a commitment to continue to provide funding at a level equivalent to the annual level of funding that councils had received under the former 3X3 Council Determined Program. This funding will be provided at the rate of \$15 million per annum for four years.

The funds are being paid as part of the Block Grant. This enables councils to apply the funds to Regional Roads according to their priorities. It also gives them flexibility in applying the funds, ensures State funding assistance is applied to the more important roads managed by councils, and minimises administration costs.

4. 2002/03 Block Grant Details

The 2002/2003 Block Grant for each council are listed in the attached Schedule 1. This shows the breakdown of the Block Grant into the roads, traffic facilities and ex 3X3 components.

The roads and traffic components of the grant are calculated according to different formulae introduced from 1995.

The formulae have been phased in since 1995 and included a safety net for councils whose funding entitlement under the formulae was less than prior to the formulae being introduced.

The roads and rural traffic formulae are now fully phased in and the safety net arrangement has reduced to zero. Safety net arrangements still exist for the Sydney councils' traffic component of the grant.

Schedule 1 lists the grant paid to each council in 1994/95 which represents the safety net level prior to the introduction of the new roads component formulae and changes to road classifications in 1995.

The ex 3X3 component is historically based and is an average of the four year allocation that was determined for each council in the 1995-1999 3X3 Council Determined Program.

Details of the operation of the formulae, including a simple method of calculating a council's entitlement are shown on page 6 for the traffic facilities component and page 8 for the roads component.

5. REPAIR Program

The objective of the \$21.6 million REPAIR Program is to provide additional assistance to councils to undertake larger works of rehabilitation, and development on Regional Roads to minimise the long term maintenance costs of these roads commensurate with their function and usage.

The program provides for a State Government contribution of 50% of the project cost with projects selected on a merit basis across each RTA Region.

The program is aimed at works that contribute primarily to minimising future and ongoing expenditure needed to keep the road at a satisfactory standard, and provide overall benefits to the community that exceed the cost of the work.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

The REPAIR Program targets the following types of work in order of priority:

<i>Rural Areas</i>	<i>Urban Areas</i>
◆ Pavement rehabilitation	◆ Pavement rehabilitation of travel lanes
◆ Sealing shoulders/widening	◆ Bridge repairs and replacement
◆ Bridge repairs and replacement	◆ Development of travel lanes
◆ Provision of initial seals that contribute to minimising long term maintenance costs	

6. Council Reporting

Councils are reminded that they are required to report on Regional Road expenditure and Regional Road inventory. This is a condition of the Regional Road Block Grant Agreement.

Expenditure and Work Outputs Report

Councils are to submit a report to the RTA at the end of September 2002, summarising their expenditure and work outputs on Regional Roads for 2001/2002. RTA will use this information to analyse the overall level of expenditure and work activity on Regional Roads, and calculate stewardship indicators covering council management of Regional Roads, for feedback to councils.

Report requirements are detailed in the Block Grant Agreement and cover ALL councils' expenditure on Regional Roads from ALL funding sources). Councils are required to report on expenditures and quantities under a number of work type headings covering routine maintenance, rehabilitation, route development such as widening, deviations and initial sealing, bridges works, and traffic and safety works.

Regional Roads Inventory Update

RTA Regional Managers in September will ask councils to update the data used in calculating the roads component of the Block Grant.

The formula to calculate the roads component for Sydney uses data on road length, traffic usage and heavy vehicle usage.

For rural councils the formula uses road length, traffic usage and length of timber bridges.

Councils' attention is drawn to the need to provide reliable estimates of total traffic and heavy vehicle usage of Regional Roads to enable the formula to be based on up to date data.

Councils are reminded that continuation of Regional Road Block Grant Payments in 2002/03 is conditional on councils providing these reports. Block Grant payments will be withheld if the required reporting is not submitted.

The requirement for councils to report on Regional Road expenditure was agreed by the RTA Local Government Liaison Committee in 1999.



Contacts

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Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

An Outline of Road Management and Funding Arrangements in NSW

Road management in NSW provides for three categories of road: State, Regional and Local.

State Roads

- Comprise about 17,600 km of major arterial links throughout the state and within major urban areas.
- Responsibility of the RTA to fund and determine priorities.
- Includes roads classified under the Roads Act 1993 as Freeways, State Highways and important Main Roads.
- About 3,100 km are designated as National Highways funded by the Federal Government which also funds some specific works on Federally designated Roads of National Importance.
- State Roads are maintained under contracts. In July 2000 RTA introduced single invitation contracts for State Road maintenance by councils and RTA Road Services.
- RTA Road Services maintain about 50% of State Roads. Councils maintain about 45%. Private contractors maintain about 5%.

Regional Roads

- Comprise about 18,440 km of routes of secondary importance between State Roads and Local Roads.
- Responsibility of councils to fund, determine priorities and carry out works. These roads have always been under the care, control and management of councils.
- Include roads classified under the Roads Act 1993 as Secondary Roads and the less significant Main Roads plus many roads not classified under the Roads Act.
- Eligible for funding assistance from the State Government in recognition of their relative importance. This funding assistance includes an identified Regional Road funding pool.
- Each council receives a formula based Block Grant for use according to council's priorities. The formula takes into account length and traffic, and, in the country, timber bridges. The grant also includes a formula determined component towards the cost of traffic facilities on both Regional and Local Roads.
- From 2000/01 the Block Grant payment includes an "ex 3X3" component which provides an equivalent level of funding to that which each council received under the former 3X3 Council Determined Program. Councils can apply these funds to Regional Roads according to their priorities.
- Councils can access a 50% contribution for specific works under the REPAIR Program. Projects are prioritised by consultative committees of local councils.

Local Roads

- Comprise the remaining 142,000km of council controlled roads which provide for local circulation and access.
- Responsibility of Councils to fund, determine priorities and carry out works.
- The State Government provides only limited assistance under special programs eg Urban Bus Routes.
- The Federal Government has a long standing responsibility to provide road funding to councils. It provides annual financial assistance grants to councils that include a significant identified roads component. In 2000, the Federal Government introduced additional funding of \$340m under the four year Roads to Recovery Program. Councils have discretion to use their Federal funds for works on any category of road.

The State Government provides additional funding to councils including:

- **Road Safety and Traffic Management** – specific grants for safety and traffic works on Regional and Local Roads. Where projects are initiated by councils, including development and implementation of council bicycle plans, funding is available on a dollar for dollar basis. Projects initiated by the State are funded 100%.
- **Traffic Route Lighting Subsidy Scheme** – which subsidises councils for providing street lighting to a higher than normal level on important traffic routes.
- **Natural Disasters** – restoration funding for Regional and Local Roads damaged in declared events.

The RTA is also responsible for:

- 188 State Asset Bridges and ferries on Regional and Local Roads. These assets have historically been managed by the State in view of their significance
- About 2,900 km of Regional and Local Roads in the unincorporated area of NSW where there is no council.

There are other roads in NSW which are the responsibility of agencies other than councils and the RTA. These include crown roads (responsibility of Minister for Conservation and Land Management), and roads managed by State Forests, National Park and Wildlife Service, Sydney Foreshore Authority, and Federal Airports Corporation.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

Regional Road Block Grant Formula Details TRAFFIC FACILITIES COMPONENT

Explanation of Formula

A council's formula amount is based on the maintenance frequency and unit replacement cost of its inventory by road type.

An annual maintenance cost is calculated per kilometre for each road type for each of the councils in which the representative inventory is available:

$$\text{Mtce cost/km/road type/year} = \frac{\sum \{\text{Asset type inventory/km} \times \text{asset type replacement unit cost}\}}{\{\text{Asset type replacement frequency (years)}\}}$$

The average annual maintenance cost per km per road type for each of these councils is calculated by a weighted average:

$$\text{Average mtce cost/km/road type/year} = \frac{\sum (\text{road length} \times \text{mtce cost/km/year})}{\sum (\text{road length})}$$

Notional grants are calculated for each of the other councils in each Australian Classification of Local Governments groups:

$$\text{Notional grant} = \sum \{\text{Average mtce cost/km/road type/year} \times \text{road type length}\}$$

The funds are distributed among all councils:

$$\text{Council grant} = \frac{\text{Council's notional grant} \times \text{Total Block Grant}}{\sum \text{notional grant}}$$

The grants resulted from the recommendations of working groups of Councils and the RTA in 2000 for Sydney and in 2002 for rural councils.

Simplified calculation

A council's grant can be approximated by

1. selecting the council grouping applicable to council from the table below
2. multiplying council's length of road for each road type by the rates for the relevant *council grouping*
3. summing the resulting multiples to obtain the council's notional grant.
4. multiplying the total by 0.8.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

Maintenance costs by road type and Council Grouping*

Rural councils

Council Grouping* →	Rural	Urban – URM, URS, URL	Urban - URV
Road Type ↓	mtce cost (\$) / road type / km / year		
Local road urban sealed	194.60	239.8	396.00
Local road non-urban sealed	40.60	121.90	247.00
Local road non-urban unsealed	8.60	7.50	32.00
Regional road urban sealed	217.80	1,034.40	1,782.00
Regional road non-urban sealed	118.30	374.70	1,023.00
Regional road non-urban unsealed	14.00	19.10	32.00

Sydney councils, Wyong, Gosford and Wollondilly

Council grouping* →	UCC	UDL	UDM	UDS	UDV	UFL, UFV, UFM, UFS
Road type ↓	mtce cost (\$) / road type / km / year					
Local road urban sealed	1,957	618	810	582	592	383
Local road non-urban sealed					886	245
Local road non-urban unsealed					151	65
Regional road urban sealed	6,156	1,817	1,751	1,026	854	2,013
Regional road non-urban sealed					1,062	692
Regional road non-urban unseal						129

* Council Grouping is based on the Australian Classification of Local Governments which is available at http://www.nolg.gov.au/publications/national_report/99_00/pdf/appe.pdf.

Reports from Director Engineering Services

2002/03 REGIONAL ROAD FUNDS TO LOCAL GOVERNMENT

Formula Details ROADS COMPONENT

Sydney Councils

A council's formula amount is based on its share of lane kilometres, travel, and heavy vehicle travel. The formula is weighted 40% to lane kilometres, 30% to travel and 30% to heavy vehicle travel.

Simplified calculation

A council's formula amount can be approximated using the following simplified formula.

$$\text{Amount} = (530 * \text{Lane km}) + (231 * \text{Travel}) + (3284 * \text{Heavy vehicle travel}),$$

where travel is measured in million vehicle kilometres per annum (mvkt).

Rural Councils

A council's formula amount is based on its share of road length where the length of each Regional Road is multiplied by a traffic factor, plus the length of timber bridges multiplied by a factor of 0.36 to scale bridge length. The traffic factor for each road is the average daily traffic raised to an exponential power of 0.35.

Simplified calculation

A council's formula amount can be approximated using the following simplified formula

$$\text{Amount} = (\text{Sum of } (\text{length of each road} * \text{traffic}^{0.35} * 0.5018)) + (0.36 * \text{length of timber bridges})$$

where timber bridge length is measured in metres

Reports from Director Engineering Services

SCHEDULE 1

REGIONAL ROAD BLOCK GRANTS - 2002/03

BLOCK GRANTS FOR REGIONAL ROADS					BLOCK GRANT COMPONENTS 2002/03		
Council	ACLG* 0	Km Length	\$'000 Paid 1994/95	\$'000 2002/03	\$'000 Roads	\$'000 Traffic Facilities	\$'000 Ex 3X3
Albury City	URM	7	52	224	80	71	73
Armidale-Dumaresq	URS	103	503	573	400	71	102
Ashfield	UDM	7	84	131	37	68	26
Auburn	UDM	19	102	271	65	165	41
Ballina	URM	63	375	686	521	88	77
Balranald	RAM	289	569	922	803	30	89
Bankstown	UDV	52	257	684	271	297	116
Barraba	RAM	50	231	251	180	22	49
Bathurst City	URM	1	56	110	8	47	55
Baulkham Hills	UFV	100	163	692	304	270	118
Bega Valley	URS	249	1002	1683	1395	130	158
Bellingen	RAV	58	335	399	318	27	54
Berrigan	RAL	110	392	693	561	51	81
Bingara	RAM	87	178	327	271	16	40
Blacktown	UDV	92	374	1180	390	593	197
Bland	RAL	142	331	742	483	61	198
Blayney	RAL	44	204	230	151	25	54
Blue Mountains	UFL	19	231	295	40	153	102
Bogan	RAM	242	464	642	516	29	97
Bombala	RAM	121	373	557	474	20	63
Boorowa	RAM	115	337	526	453	26	47
Botany	UDM	8	61	136	44	69	23
Bourke	RAM	572	918	1434	1260	30	144
Brewarrina	RAM	274	560	810	695	23	92
Broken Hill City	URS	19	143	226	130	53	43
Burwood	UDM	4	55	99	28	50	21
Byron	URS	41	295	544	397	73	74
Cabonne	RAV	217	755	1131	934	57	140
Camden	UFM	13	55	204	70	95	39
Campbelltown	UFV	41	177	572	207	240	125
Canada Bay	UDM	25	116	263	79	142	42
Canterbury	UDV	30	194	391	132	178	81
Carrathool	RAM	315	656	1045	848	46	151
Central Darling	RTM	790	1068	1850	1677	36	137
Cessnock City.	URM	96	483	981	734	130	117
Cobar	RTL	620	673	1280	1105	41	134
Coffs Harbour City	URM	78	577	815	575	109	131
Conargo	RAS	181	458	789	657	41	91
Coolah	RAM	137	576	752	641	34	77
Coolamon	RAM	146	384	767	663	29	75
Cooma-Monaro	RAL	75	41	355	249	26	80
Coonabarabran	RAL	249	639	1182	1041	49	92
Coonamble	RAM	255	749	962	821	41	100
Cootamundra	RAL	41	167	287	212	26	49
Copmanhurst	RAM	131	608	706	618	20	68
Corowa	RAL	53	266	296	183	41	72
Cowra	RAV	61	80	392	240	44	108
Crookwell	RAM	79	247	412	324	22	66
Culcairn	RAM	136	373	672	578	35	59
Deniliquin	URS	15	90	135	78	36	21
Dubbo City	URM	63	97	527	297	107	123

Reports from Director Engineering Services

BLOCK GRANTS FOR REGIONAL ROADS				
Council	ACLG* 0	Km Length	\$'000 Paid 1994/95	\$'000 2002/03
Dungog	RAL	107	404	726
Eurobodalla	URM	57	286	673
Evans	RAL	83	455	426
Fairfield	UDV	69	328	822
Forbes	RAV	123	280	741
Gilgandra	RAM	60	268	277
Glen Innes	URS	2	13	48
Gloucester	RAM	105	94	755
Gosford City	UFV	174	1006	2070
Goulburn City	URS	6	33	130
Grafton City	URS	7	142	129
Great Lakes	URM	160	647	1561
Greater Taree City	URM	102	654	1177
Griffith City	URS	33	210	349
Gundagai	RAM	85	293	430
Gunnedah	RAV	97	224	440
Gunning	RAM	102	484	455
Guyra	RAM	124	376	627
Harden	RAM	79	205	456
Hastings	URM	83	687	1002
Hawkesbury	UFM	138	492	728
Hay	RAM	156	358	573
Holbrook	RAM	75	349	361
Holroyd	UDL	24	129	390
Hornsby	UFV	43	287	500
Hume	RAL	106	329	565
Hunters Hill	UDS	4	131	66
Hurstville	UDL	17	140	286
Inverell	RAV	391	1324	1832
Jerilderie	RAS	99	299	477
Junee	RAL	48	147	298
Kempsey	URS	142	579	1258
Kiama	URS	37	337	382
Kogarah	UDM	11	94	213
Ku-ring-gai	UDL	39	308	495
Kyogle	RAL	130	875	845
Lachlan	RAL	637	1501	2165
Lake Macquarie City	URV	38	366	1042
Lane Cove	UDM	9	70	143
Leeton	RAV	27	71	229
Leichhardt	UDM	12	170	241
Lismore City	URM	108	1006	1177
Lithgow City	URS	42	259	401
Liverpool	UFV	36	169	495
Lockhart	RAM	122	440	720
Maclean	RAV	58	526	596
Maitland City	URM	19	378	387
Manilla	RAM	63	90	325
Manly	UDM	5	72	121
Marrickville	UDL	23	303	337
Merrima	RAM	98	310	404
Moree Plains	RAV	233	740	1145
Mosman	UDS	3	29	75
Mudgee	RAV	243	774	1327
Mulwaree	RAL	123	341	630

BLOCK GRANT COMPONENTS 2002/03		
\$'000 Roads	\$'000 Traffic Facilities	\$'000 Ex 3X3
627	32	67
469	102	102
291	25	110
341	344	137
544	60	137
167	25	85
14	17	17
669	21	65
1489	390	191
52	38	40
64	32	33
1332	139	90
889	120	168
173	77	99
353	25	52
289	39	112
384	20	51
529	33	65
365	36	55
693	147	162
366	234	128
451	27	95
289	22	50
136	192	62
171	212	117
481	31	53
20	31	15
70	170	46
1590	82	160
383	28	66
206	32	60
1020	116	122
309	41	32
63	114	36
159	254	82
688	39	118
1835	99	231
448	413	181
49	72	22
137	30	62
59	140	42
896	145	136
229	73	99
163	232	100
571	48	101
476	41	79
217	98	72
263	15	47
12	84	25
154	135	48
332	16	56
863	70	212
14	42	19
1151	51	125
521	29	80

Reports from Director Engineering Services

BLOCK GRANTS FOR REGIONAL ROADS				
Council	ACLG* 0	Km Length	\$'000 Paid 1994/95	\$'000 2002/03
Murray	RAL	119	321	630
Murrumbidgee	RAM	20	75	116
Murrurundi	RAM	34	186	187
Muswellbrook	RAV	40	412	257
Nambucca	RAV	53	494	498
Narrabri	RAV	168	325	907
Narrandera	RAL	77	170	397
Narromine	RAL	153	397	620
Newcastle City	URV	29	515	850
North Sydney	UDM	17	180	335
Nundle	RAS	76	288	411
Oberon	RAM	121	527	636
Orange City	URM	43	334	410
Parkes	RAV	233	641	931
Parramatta	UDV	30	325	561
Parry	RAV	93	621	768
Penrith	UFV	52	186	790
Pittwater	UDM	6	68	218
Port Stephens	URM	56	403	681
Pristine Waters	RAV	186	1007	1136
Queanbeyan City	URM	9	61	183
Quirindi	RAM	122	423	680
Randwick	UDV	29	209	379
Richmond Valley	URS	68	786	619
Rockdale	UDL	22	164	305
Ryde	UDL	9	149	285
Rylstone	RAM	109	415	498
Scone	RAL	99	426	570
Severn	RAM	66	272	323
Shellharbour	URM	4	236	152
Shoalhaven City	URL	145	572	1490
Singleton	URS	83	317	828
Snowy River	RAL	128	266	544
South Sydney	UDL	23	283	491
Strathfield	UDS	11	73	130
Sutherland	UDV	24	273	678
Sydney	UCC	11	207	404
Tallaganda	RAM	152	313	579
Tamworth City	URM	9	163	253
Temora	RAL	92	278	513
Tenterfield	RAL	154	598	775
Tumbarumba	RAM	119	369	470
Tumut	RAV	80	354	529
Tweed	URL	128	840	1453
Uralla	RAL	141	619	712
Urana	RAS	218	509	853
Wagga Wagga City	URM	177	550	1345
Wakool	RAM	313	983	1644
Walcha	RAM	110	106	508
Walgett	RAL	562	862	1681
Warren	RAM	359	714	1057
Warringham	UDV	27	201	506
Waverly	UDM	13	86	188
Weddin	RAM	122	338	549
Wellington	RAL	213	605	979

BLOCK GRANT COMPONENTS 2002/03		
\$'000 Roads	\$'000 Traffic Facilities	\$'000 Ex 3X3
501	35	94
58	15	43
133	14	40
157	31	69
369	30	99
696	48	163
252	38	107
475	49	96
431	289	130
67	234	34
362	13	36
535	25	76
265	79	66
729	58	144
179	272	110
612	30	126
316	318	156
22	150	46
486	95	100
970	39	127
92	45	46
587	33	60
123	184	72
427	84	108
86	162	57
48	170	67
394	20	84
471	32	67
220	24	79
50	61	41
1080	211	199
654	96	78
448	31	65
138	308	45
59	52	19
145	386	147
142	242	20
514	18	47
121	65	67
394	34	85
618	37	120
389	27	54
428	34	67
1121	180	152
606	30	76
753	39	61
923	223	199
1457	49	138
418	21	69
1494	42	145
933	48	76
137	272	97
67	89	32
446	35	68
843	47	89

Reports from Director Engineering Services

BLOCK GRANTS FOR REGIONAL ROADS				
Council	ACLG* 0	Km Length	\$'000	\$'000
			Paid 1994/95	2002/03
Wentworth	RAL	368	641	1074
Willoughby	UDM	10	137	240
Wingecarribee	URM	134	789	886
Wollondilly	UFM	73	754	943
Wollongong City	URV	19	806	737
Woollahra	UDM	6	128	178
Wyong	UFV	18	296	612
Yallaroi	RAM	157	278	678
Yarrowlumla	RAL	91	248	651
Yass	RAL	152	237	710
Young	RAV	113	298	720
TOTAL		18,448	64,763	108,277

BLOCK GRANT COMPONENTS 2002/03		
\$'000	\$'000	\$'000
Roads	Traffic Facilities	Ex 3X3
895	42	137
67	132	41
641	138	107
682	174	87
266	311	160
24	120	34
226	235	151
553	34	91
584	22	45
601	35	74
593	41	86
22,928	15,940	4,036

*** NOTE:**

Australian Classification of Local Governments Codes:

URBAN	Capital City:		UCC	(Small):	URS
	Metropolitan Developed	(Small):	UDS	(Medium):	URM
	Metropolitan Developed	(Medium):	UDM	(Large):	URL
	Metropolitan Developed	(Large):	UDL	(Very Large):	URV
	Metropolitan Developed	(Very Large):	UDV		
	Fringe (developing LGA on the margin of a developed or regional urban centre)	(Small):	UFS		
		(Medium):	UFM		
	(Large):	UFL			
	(Very Large):	UFV			
RURAL	Significant Growth:		RSG	(Very Small):	RTX
	Agricultural	(Small):	RAS	(Small):	RTS
		(Medium):	RAM	(Medium):	RTM
		(Large):	RAL	(Large):	RTL
	(Very Large):	RAV			

Reports from Committees/Working Groups

1. Minutes of the Local Traffic Committee Meeting held Thursday 17 October 2002

Traffic Committee

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Steve Henderson, NSW Police.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Sandra Zietlow Tweed Shire Council.

APOLOGIES:

Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 19 September 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

Business Arising:

GT2/1 Pt3 451

9. Mooball - Pottsville Road, Pottsville

R1470 Pt2; DW689417

This report was previously discussed at meeting of 15 August, 2002 (Item 9 – Part A) and is reproduced as follows:-

“Request received for B-Double access from the freeway at the Cudgera Creek Road interchange to the Shackell Transport Depot located on the Mooball – Pottsville Road (total distance 2.5km).

Reports from Committees/Working Groups

The Committee did not support the request given the current sub-standard alignment of Cudgera Creek Road and the current problems discussed in item 7 above. The road is planned to be upgraded in the near future and once completed it is envisaged that the application would then be deemed acceptable. Until that time the owner should be advised that B-Doubles laden or unladen are not permitted to utilise this section of road and that Police will be enforcing all aspects of road user breaches on this stretch of road.

Mr Shackell (Shackell Transport) & Mr Hardy (Hardy Haulage) addressed the meeting at 9am to discuss their concerns regarding B-Double access on Cudgera Creek Road.

Mr Shackell discussed the use of (25m) B Doubles on Cudgera Creek Road and put forward his concerns to the Committee regarding the need to access Cudgera Creek Road for the servicing of his fleet. Most of the trucks utilizing this road would be for the sole purpose of servicing needs only. It was also noted that these trucks would be empty. He also expressed his concerns that if refused he would have to uncouple the trailers and send an extra prime mover to haul the second trailer which would double the heavy movements along Cudgera Creek Road resulting in 280 trips instead of 140 trips/year with B-doubles.

He has also had a lot of feedback from local residents stating that his drivers were acting very professionally and driving at the required speed limit. The meeting noted that the issue was the fact that the route requested does not comply with the RTA B Double Route Assessment. Guidelines in regards to pavement width, shoulder width and advisory curve speeds.

It must be noted that these guidelines were developed in an endeavour to accommodate 25m B Doubles where possible but clearly acknowledges that many roads are not suitable for these vehicles due to alignment and pavement widths.

It was also noted that whilst the proposed number of B doubles using the route is low it is not possible to apply restrictions to 25m B double routes to ensure low volumes.

The failure of the RTA to upgrade Cudgera Creek Road to an adequate standard was discussed along with the consent condition applied by DUAP which gives the RTA 5 years to undertake the upgrading which Council considers inappropriate.

The RTA representative advised that because property acquisition was involved it is likely to be at least 12 months before any construction commences.

Mr Hardy expressed his concerns regarding a letter he had received from the RTA that the upgrade of Cudgera Creek Road would not be completed till 2006. Mr Hardy was informed Council's understanding is that it would be earlier.

Cr Davidson asked Mr Hardy if Council could be sent a copy of the letter that his company received from RTA regarding that the upgrading of Cudgera Creek Road for Council's information.

Mr Shackell invited the Committee for a ride on a B Double along this particular route discussed.

Reports from Committees/Working Groups

Mr Ray Clark, Tweed Shire Council Safety Officer asked Mr Hardy if there is any external display on trucks for 25m and 19m B Doubles so that the Police could easily differentiate between both B Doubles.

Mr Hardy suggested if permission is granted to use B Doubles on Cudgera Creek Road could signage be placed stating that B Doubles are in use.

Mr Hardy's company hauls from the Condong Mill to Broadwater and uses 19m B doubles which don't need approval if loaded weight of 50 tonnes. These vehicles can weigh 55 tonnes and Mr Hardy's vehicles weigh 55t loaded and therefore requires Council approval to use local routes. As these vehicles are classed general access vehicles the issue in this case is the ability of the roads to carry the additional loads and not the issues affecting 25m B doubles. Mr Hardy has requested to use Cudgera Creek Road & Pottsville Road to his depot using the fully loaded 19m B doubles for maintenance and repair matters only.

The Manager of Works has agreed that the additional load is not an issue for the above usage but has requested any approval should be restricted to vehicles hauling sugar between the two mills previously mentioned.

In regards to the 25m B Double application the Committee agreed that a site inspection with a 25m B Double would be beneficial however, Mr Shackell will need to obtain a temporary permit from the RTA prior to the inspection.

RECOMMENDATION:

That Council:-

1. Formally requests the RTA to provide a timetable for the completion of the upgrading of the Cudgera Creek Road.
2. Mr Hardy be given approval to use Cudgera Creek Road from the highway interchange to Pottsville Road and Pottsville Road to his depot for 19m B Doubles hauling sugar only between Condong and Broadwater.

6. Wharf Street, Tweed Heads

R5901 Pt1 – DW670793, 674217

This report was previously discussed at meeting of Thursday 18th April, 2002 (Item 6 – Part A) and is reproduced as follows:-

“Request received for Local Traffic Committee assistance with the problems encountered in traffic queuing for petrol at the Woolworths Garage, blocking the through road and denying access to the taxi rank and local business.

The Committee noted that this was a problem from time to time and recommended that a letter be written to Woolworths suggesting their input as to how the problem can be minimised. The Police Representative suggested that a graded discount scale (say after hours) could be implemented to encourage drivers to purchase at quieter time periods. Mr Newell suggested that signage could be a possibility. It was noted that the Police will respond to individual complaints.

Reports from Committees/Working Groups

RECOMMENDATION:

That Council writes to Woolworths requesting their input as to how the queuing parking problem can be minimised on Wharf Street."

Further concerns raised in relation to the queuing of vehicles for petrol at the Woolworths Garage which is queuing traffic back to the roundabout near Francis Street or Wharf Street greatly impacting of Wharf Streets capacity.

The Safety Officer asked the Police representative if these cars queuing can be fined. His reply was if a complaint is lodged then yes these vehicles can be fined.

The Police Representative suggested that Council's Parking officer could be allocated to produce the fines.

It was decided that Woolworths should be advised that if they are unable to assist in eliminating the dangerous queuing on Wharf Street that Council may formally give notice to Woolworths that access to Wharf Street may be restricted or blocked under the Roads Act 1993.

RECOMMENDATION:

That Council write to Woolworths advising that unless they take appropriate action to prevent customers obstructing traffic on Wharf Street; Council will investigate options for limiting traffic movements into the site in accordance with the Roads Act 1993.

GENERAL BUSINESS:

1. Speed Zone Review - Tweed Valley Way

R4031 Pt15

Request received that the Committee review the speed zone between Murwillumbah and southern boundary of the Tweed Valley Way. The current speed zones are confusing and need to be rationalised now that heavy highway traffic has gone.

The Chairman expressed his concerns to the speed zones that are now in place and requested a review given the changes to traffic flow and content. It is suggested that a consistent 90kph speed zone may be appropriate except for Burringbar and urban areas. The Chairman also suggested that officers drive the route of the southern end of the Tweed Valley Way from Murwillumbah so they could ascertain a safe speed limit.

The Police representative advised that the southbound curve from Quarry Hill was a crash area and needs to carefully be considered.

The RTA representative suggested that the speed zone be reviewed on Tweed Valley Way. After traffic counts are completed. The suggested 80kph over Burringbar Range may be appropriate and 90kph everywhere else except urban areas. The Police Representative did not support changing the speed limit on Burringbar Range.

Reports from Committees/Working Groups

RECOMMENDATION:

That a formal review be undertaken by the RTA & Council and brought forward to the Local Traffic Committee meeting in February for discussion.

2. Reflective Pavement Markers to be installed on Old Ferry Road

R3861 Pt1 – DW698266

Request received for the installation of raised reflective pavement markers be installed on Old Ferry Road. It is reported that drivers cut the curve at the bottom of the hill.

The Police Representative said that vehicles do cut the curve at the S Bends and there should be more reflectors installed.

The Chairman had concerns of installing extra reflectors as it cuts down the road width and cars will be travelling closer to the footpath which then puts the pedestrians at risk.

RECOMMENDATION:

That double centre lines be installed on the S Bends approximately 200metres from the bottom of the Hill.

3. Kittiwake Street off Terranora Road

R2930 Pt1, R5441 Pt1 – DW696296

That the Committee address the issues raised in Mr Gunton's letter to Council regarding right hand turns into Kittiwake Street off Terranora Road. It is reported of the closure of the median strip on Sextons Hill to prevent southbound traffic turning into Short Street has presented problems.

The Police Representative suggested that a right hand turning lane needs to be installed on Terranora Road for the safety of vehicles turning right into Kittiwake Street off Terranora Road. Council tabled a plan of a right turn lane and the RTA representative advised that the RTA support the change and have previously offered to cover the costs.

RECOMMENDATION:

That a right turn lane be created on Terranora Road for vehicles entering Kittiwake Street by adjustments to linemarking and the splitter island.

4. Reduction of Speed Limit – Coast Road Kingscliff

DA1180/10 Pt6 – DW699643 – DW 700429

Request received to continue the existing 60kph speed limit south of Kingscliff Bridge through the proposed Coast Road deviation for the duration of the Salt by the Sea Development.

The Committee discussed the reduction of the road works speed limit and suggested that it be approved for approximately 6 months and reviewed after that period of time. The Committee

Reports from Committees/Working Groups

noted that as it is a temporary reduction for road works that Council officers approve the zone and any permanent change assessed by the Committee when the works are completed.

For Council's Information.

5. Basalt Lane Tweed Heads South

R0455 Pt 1 - DW699649 – DW700427

Request received for Traffic Committee assistance regarding traffic speed in Basalt Lane. It is report that vehicles travel at excessive speeds in this area. Results of speed classification survey to be tabled at the meeting.

The Road Safety Officer – tabled counts showing the 85th percentile speed was 43kph which indicates that there is no significant problem in the area and it is suggested that management of the premises provide a more suitable lunch area.

For Council's Information.

6. Intersection Phillip Street & Wommin Bay Road Chinderah

R5950 – DW699648 – DW700426

Request received for Traffic Committee to consider intersection layout Phillip Street Chinderah and Wommin Bay Road reported regular vehicle conflict and problems with site distance.

The Committee suggest that the intersection be investigated to determine wether or not there is enough space to install a dedicated right turn lane eastbound on Wommin Bay Road into Phillip Street. Right Turn arrows for westbound Wommin Bay traffic need to be remarked as they are faded. The Police Representative gave an undertaking that drive contrary arrow offences and speed detection in the area will be undertaken as an interim measure until the intersection upgrade is resolved. It was noted by the Police Representative that statistics held by the Police show that only one accident was recorded in the last 12 months at the intersection. Council staff will investigate and adjust linemarking to provide a right turn lane if practicable.

For Council's Information.

7. Shallow Bay Drive Tweed Heads South

R5006

Request to install a no stopping zone between the lights at Minjungbal Drive to east of the right turn to KFC and shopping centre.

It is reported that vehicles are parking parallel to the kerb in the left lane preventing through traffic flow.

Reports from Committees/Working Groups

That “No Stopping Signs” be place the north that side of Shallow Bay Drive between the traffic signals and 30 metres east of the Homemart Development Driveway.

RECOMMENDATION:

That “No Stopping Sign” be place the north that side of Shallow Bay Drive between the traffic signals and 30 metres east of the Homemart Development Driveway.

8. Byangum Road/William Street Murwillumbah

R0880 Pt2 DW697462

Request received for a pedestrian crossing to be installed at the above site as there are concerns for school children crossing this road to go to school.

Counts were tabled and the RTA representative will confirm wether or not the warrants are met for a pedestrian crossing and reported back to the next meeting because the volume of school children crossing were just below the RTA warrant requirement of 30 but the volume of traffic was three times the RTA warrant level.

For Council’s Information.

9. Bay Street, Tweed Heads – Tweed Laboratory Centre

R0470 Pt2

Request for the Local Traffic Committee to investigate the provision of a suitable area to enable the collection of parcels transported on the Coaches from the Bay Street Bus Depot safely and legally.

It was decided to install a six metre long loading zone east of Stuart Street on Bay Street and reduce the bus zone accordingly.

RECOMMENDATION:

That a six metre long loading zone east of Stuart Street be installed on Bay Street and the bus zone length be adjusted accordingly.

Part B

1. Tweed West Terraces – Kirkwood Estates

DA02/1635

Pursuant to the provisions of SEPP 11 it has been requested from Development Assessment to the Local Traffic Committee to assessment traffic issues on this Development Application.

No issued were raised in relation to this development other than how the development is to be serviced by buses needs to be addressed.

For Council’s Information.

Reports from Committees/Working Groups

NEXT MEETING: 21 NOVEMBER, 2002

The meeting closed at 11.50am

Director's Comments: Agree with Committee Recommendations.

[document3]

Reports from Committees/Working Groups

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

1. **Minutes of the Public Transport Committee Meeting held Thursday 19 September 2002**
2. **Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 October 2002**
3. **Minutes of the Occupational Health and Safety Committee Meeting held 10 October 2002**
4. **Minutes of the Communications Committee Meeting held on Thursday 24 October 2002**
5. **Minutes of the Clarrie Hall Dam Fishery Management Committee Meeting Held Tuesday 8 October 2002**
6. **Minutes of the Public Transport Working Group Committee Meeting held Thursday 25 July 2002**

Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Motion - Cr Boyd

Flood Plain Management - Policy

Flood Levels; Govt Grants-Black Floodplain Management-Spot Program;

Notice of Motion

That:-

1. In view of the horrific flood disasters that recently devastated countries throughout Asia and Europe and caused massive loss of property and many thousands of lives, Council's Floodplain Management committee be requested to consider the introduction of a policy which ensures that all **future** zoning of the land for urban living is above the maximum possible flood height.
 2. Council makes application for black spot funding for that dangerous section of narrow pavement on the Numinbah Road near the New South Wales/Queensland border crossing.
-

2. Notice of Motion - Cr Boyd

Water Restrictions

Water Management – General; Water Restrictions;

Notice of Motion

That:-

1. As a result of the worst drought the Tweed and the State has experienced in a century, that consideration be given to the encouragement of rain water tanks being attached, wherever possible, to all existing and new dwellings in the Shire.
 2. For similar reasons that Council ascertain what incentives exist for farmers to construct off-stream storage dams on their properties and if necessary Council make representations to State and/or Federal governments to introduce a grant scheme to encourage this to happen.
-

Orders of the Day

3. Notice of Motion – Cr James

Lot 156 DP 628026 Creek Street, Hastings Point

**PF1431/190 Pt4;
Notice of Motion**

That:-

1. Council informs the Director-General of PlanningNSW, pursuant to Section 54 of the Environmental Planning and Assessment act, that it intends to prepare a draft Local Environmental Plan to rezone parts of Lot 156 DP 628026 Creek Street, Hastings Point identified in Figure 3 on Page 30 of the report from the Director of Development Services to the meeting of Council on 16 October 2002 from 2(e) Residential Tourist Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests).
 2. The Director-General of PlanningNSW be advised that in Council's opinion an Environmental Study pursuant to Section 57 of the Environmental Planning and Assessment Act 1979 will be required.
-

4. Notice of Motion - Cr James

Sealing of Letitia Road, Fingal Head

Letitia Road; R3040

That Council does not proceed with the sealing of Letitia Road.

5. Notice of Motion - Cr Polglase

South Tweed/Banora Point Traffic Management Plan

LEP; Area E Terranora; GT1/LEP/2000/10

That South Tweed and Banora Point Traffic Management Plan be revisited as part of the Area E rezoning process.
