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<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	<i>19</i>

## Items for Consideration of Council

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# Schedule of Outstanding Resolutions

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**19 JANUARY 2000**

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE**

- 15. Proposed Use of Council Building for Permanent Function Licence - Cabarita Beach Surf Life Saving Club**

**PF4100/30 Liquor Licence**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**1186**

**Cr Polglase**

**Cr Marshall**

**RESOLVED** that this item be deferred as there is no legal lease/agreement in place between Council as owner and the surf club as tenant, Council advises that it objects to the proposed licence and requests deferral of the application until such a lease/agreement is in place.

**Current Status:** Further discussions to be held.

---

**5 APRIL 2000**

**OUTSTANDING INSPECTIONS**

- 1. Council Land - Mt Nullum**

**Land Development - Mt Nullum**

This item was received and noted.

**Current Status:** Date to be fixed.

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# Schedule of Outstanding Resolutions

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**3 MAY 2000**

**ORDERS OF THE DAY**

**1. Notice of Motion - Cr Davidson  
Budget Review 2000/2001**

**Budget, Notice of Motion**

**1618**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that:-

1. The General Manager prepares a report that considers:
  - (a) the current staffing structure of the organisation, and options for change. The report should explore the option of capping total numbers at the current level, but with the possibility of increasing staff in some areas. It should outline possible time frames and ways this might be achieved, viz through attrition principles, reallocations or other opportunities
  - (b) the current level of service in development control, parks and recreation, and planning, especially with regard to processing of applications, and identification of the need for industrial land
  - (c) the evolutionary nature of local government, management and organisations in general; the Local Government Department's Report of 1989 and 1994; and the organisational performance of Council in the context of NSW local government in general
2. The General Manager prepares a report providing information on how costs associated with the GST will be accommodated.
3. The General Manager prepares a report on any opportunities for future borrowing and loan restructuring.
4. The General Manager prepares a report providing information on Council's fleet of vehicles, their cost, and possible changes in the way they are used.

**Current Status:** Currently being prepared by the General Manager.

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## Schedule of Outstanding Resolutions

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**4. Notice of Motion - Cr Luff  
Community Service Programs**

**Government Grant - Community Options, Disabled Matters**

**1622**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that Council officers bring forward a report outlining programs Council manages or participates in, for which Federal or State funds are given to Council expressly so it may provide, or assist in providing, some service or benefit to people in Tweed Shire. The report is to focus on community programs related to public transport; support for those who are disabled, disadvantaged or isolated; recreation, fitness or culture; training, education or employment; or safety.

**Current Status:** Information from various units is being collated for the report.

---

### **17 MAY 2000**

#### **MAYORAL MINUTE**

**4. Citizenship Ceremonies**

**Citizenship**

**1639**

**Cr Polglase**

**Cr Marshall**

**RESOLVED** that Council defers this item to allow the Ministers Fraternal to meet and consider supplying the bibles for citizenship ceremonies at no cost to Council.

**Current Status:** Awaiting response from the Ministers' Fraternal.

---

### **7 JUNE 2000**

#### **REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

**4. Extensions to Kingscliff Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**

**DA4170/100 Pt2**

**1737**

**Cr Polglase**

**Cr Davidson**

**RESOLVED** that this matter be deferred to enable the applicant to improve the application to respond to the reasons for refusal recommended in the report and the Director Development Services report back to Council in 8 weeks.

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# Schedule of Outstanding Resolutions

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**Current Status:** Report to be finalised.

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**21 JUNE 2000**

## NOTICE OF MOTION

**2. Referendum - Election Matters/Daylight Saving/Funding Issues**

**Notice of Motion - Cr Brinsmead**

**1809**

**Cr Brinsmead**

**Cr Lawrie**

**RESOLVED** that Council considers holding a referendum in the next 18 months on the introduction of a Ward System following consideration of the following:-

- a. Council seeks and provides information to the community, including information on the costs, and fosters informed debate on the ward system.
- b. The General Manager be asked to bring forward a report providing information on the history of Wards in the Tweed, the likely costs of providing information to the public, and the cost of a referendum, within eight (8) weeks.

**Current Status:** Report being prepared.

---

**3. Local Environmental Plan Revision Advisory Committee**

**Notice of Motion - Cr Brinsmead**

**1810**

**Cr Brinsmead**

**Cr Youngblutt**

**RESOLVED** that:-

- 1 Council forms a Local Environmental Plan Advisory Committee (comprising 1 Councillor (Chairperson), the Director Development Services or his representative, 1 person appointed by the Rural Industries, 1 person appointed by TEDC, 1 Planning Consultant from the private sector, 1 person from an Environmental group, and 1 person from a local business organisation) to immediately proceed with a review of the Local Environmental Plan in respect to all Rural land and all Environmental Protection zones and that the Director Development Services may make suggestions to include further community representation in this group as the need may arise;
- 2 The Director Development Services reports to Council regarding the review within six months.

**Current Status:** Report being prepared.

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## Schedule of Outstanding Resolutions

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### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

**DA3346/40 Pt1**

1815

Cr Luff

Cr Marshall

**RESOLVED** that this item be deferred on the request of the applicant.

**Current Status:** Report will be prepared following submission from applicant.

---

### REPORTS FROM DIRECTOR CORPORATE SERVICES

13. **Performance Review of Tweed and Coolangatta Tourism Inc (TACTIC) and Tweed Economic Development Corporation (TEDC)**

**TACTIC & TEDC**

1827

Cr Luff

Cr Marshall

**RESOLVED** that prior to any changes in the structure of, or changes to agreements between TEDC, TACTIC, TSTCC and Tweed Shire Council,

1. Councillors be supplied with the details of any proposed change, after which -
2. A Workshop be held to allow Councillors to ask questions regarding:-
  - a) the proposed role of committees, persons and entities, their powers and responsibilities
  - b) proposed reporting to/communication with Council and rewriting of performance agreements
  - c) proposals for readvertising key paid positions
  - d) the progress of any proposals which have been identified as furthering the goals of the organisations above, for instance "common marketing"
  - e) the progress of amalgamation/co-operation with regard to financial acquittal, handing over of responsibilities for programs.

**Current Status:** Workshop scheduled for 26 July 2000.

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## Schedule of Outstanding Resolutions

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**7 JULY 2000**

**ORDERS OF THE DAY**

**2. Murwillumbah Main Street Project**

**Streetscaping - Murwillumbah, Notice of Motion**

**44**

**Cr Lawrie**

**Cr Carroll**

**RESOLVED** that a report be brought forward on the possibility of providing temporary/permanent shade structures and stencil-crete on the expanded pedestrian areas constructed as part of the Murwillumbah Main Street Project.

**Current Status:** Concept being prepared prior to consultation with the Murwillumbah Chamber of Commerce.

---

# Items Deferred

## ITEM DEFERRED FROM MEETING 5 JULY 2000

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

7. *Development Application K99/957 for Earthworks at Lot 9 and 10 DP 822830  
Kirkwood Road, Tweed Heads South*

*DA2920/121 Pt4*

*10*

*Cr Lawrie*

*Cr Marshall*

*RESOLVED that Development Application K99/957 for an extractive industry at Lots 9 and 10 DP 822830 and Part Lot 1 DP 823460 Kirkwood Road, Tweed Heads South be deferred to the next meeting of Council.*

**See additional information as attachment to this Business Paper  
(Items Deferred Item 7)**

7. **ORIGIN: Development Control Unit**

**FILE REF: DA2920/121 Pt4**

#### **REPORT TITLE:**

**Development Application K99/957 for Earthworks at Lot 9 and 10 DP 822830 Kirkwood Road, Tweed Heads South**

#### **SUMMARY OF REPORT:**

This report considers an amended plan submitted by the applicant for development application K99/957 for earthworks at Kirkwood Road, Tweed Heads South. The amended plan proposes to move the northern extent of the proposed cut approximately 20m to the south, away from the neighbouring Palms Village Park. The amended cutting location does not lead to modification of the original assessment and recommendation submitted to Council.

#### **RECOMMENDATION:**

That Development Application K99/957 for an extractive industry at Lots 9 and 10 DP 822830 and Part Lot 1 DP 823460 Kirkwood Road, Tweed Heads South be refused for the following reasons:-

1. It would not be in the public interest to enable the earthworks to occur until such time as it is certain that the works are necessary for the construction of the Kirkwood Road link.

## Items Deferred

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2. The proposed earthworks will result in an increase in noise levels experienced at nearby residential premises.
3. The proposed earthworks will have an adverse effect on the scenic quality of the area as the existing hill is a prominent topographical feature with local and district landscape value.

## Items Deferred

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### REPORT:

Applicant: **Summit Properties**

Owner: **Summit Properties**

Location: **Lots 9 and 10 DP 822830 and Lot 1 DP 823460 Kirkwood Road, Tweed Heads South**

Zoning: **6(b) Recreation and 2(e) Residential Tourist**

### BACKGROUND

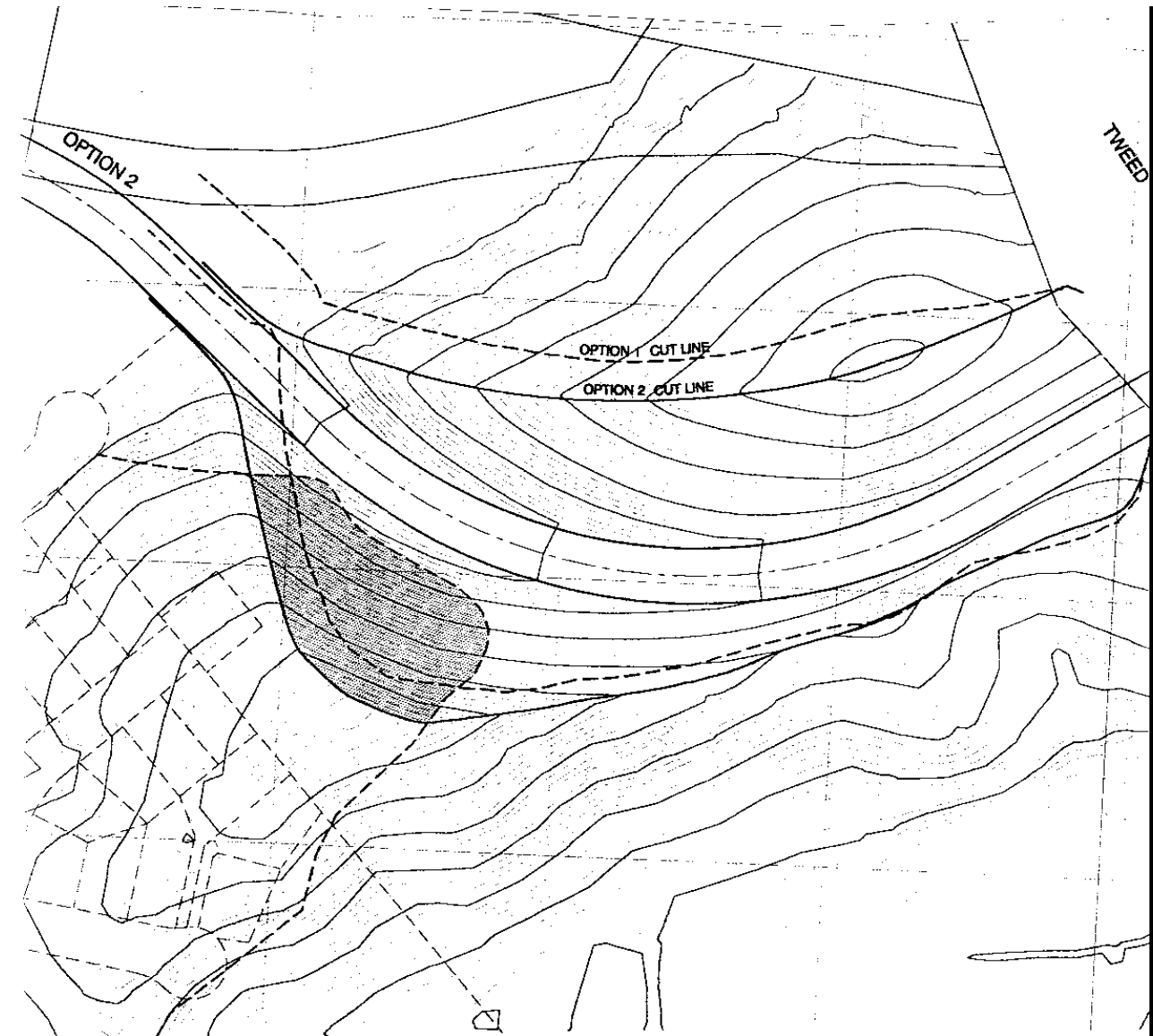
A report was considered by Council on 17 May 2000 regarding development application K99/957 for earthworks at the above property for creation of a road corridor for Kirkwood Road. A copy of this report submitted to the meeting of 7 May 2000 is contained in the "deferred items" section of this business paper.

With regard to the previous report Council resolved that this item be deferred to enable the applicant to submit an amended development application.

The applicant has submitted amended details encompassing a minor shift of the road cutting to the south. The amended cutting area is shown in the diagram below with Option 1 being the option originally considered in the development application and report and Option 2 cut line being the amended cut area the subject of this report.

# Items Deferred

## SITE DIAGRAM



As can be seen from the diagram the amended application involves moving the cut location on the northern extent by approximately 20m to the south. There will only be a minor alteration to the location of the cutting on the southern extent of the original cut line. The applicant submits that the advantage of the proposed new alignment is that the ridgeline is not lowered, the cutting area is moved southward and the effect on the approved adjoining residential subdivision is minimal. It is submitted that the alterations to the plan were made as a result of a meeting held with adjoining owners located within the Palms Village home park.

It is considered that the amendments to the cut area are insignificant and do not require a review of the assessment conducted on the original proposal, with the only comments requiring amendment would be the proposal now retains an additional 2m of height on the northern extremity of the cut thereby retaining the crest height of the existing hill adjoining the Tweed Bypass.



## Items Deferred

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Council's Engineering Services Division have advised that the amended alignment is adequate, and if approval is granted conditions of consent relating to the dedication of the road alignment would be applicable.

### SUBMISSIONS

Due to the minor change involved in the cut location the application was not readvertised. However, numerous additional objections to the quarry have been received. Approximately 200 submissions were received by 26/6/00. The submissions are generally in petition format with standard letters being submitted objecting to noise and dust. Approximately 5 individual letters of objection were submitted also objecting on the grounds of noise and dust and the impact the development will have on the lifestyle of adjoining residents.

The submissions do not raise any issues which were not previously addressed in the report submitted to Council on 17 May 2000.

### CONCLUSION

It is considered that the amended plans represent only a minor alteration to the cut area. Whilst it is recognised that the amended cut line will maintain the crest of the hill at the current height rather than lowering the crest by 2m, and will move the northern cut line by approximately 20m to the south, the overall impact of the proposed development will remain relatively unchanged. It is considered that the original assessment presented to Council on 17 May 2000 does not require alteration as a result of the amended plans.

On this basis, it is considered that no justification exists to amend the original recommendation.

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## Items Deferred

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## Items Deferred

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

22. *"Smart House" - Sale Options*

*DA2219/25 Pt3*

29

*Cr Marshall*

*Cr Youngblutt*

*RESOLVED that this matter be deferred to the next meeting of Council to allow Councillors to view the contract documents.*

**This item is the subject of a further report at Item 27 of this Business Paper.**

22. **ORIGIN: Environment & Health Services Unit**

**FILE REF: DA2219/25 Pt3**

**REPORT TITLE:**

**"Smart House" - Sale Options**

**SUMMARY OF REPORT:**

This report compares the costs and benefits of selling the Agenda 21 Smart House and leasing it back 12 months, 24 months or 36 months. This report looks at these options and the advantages and disadvantages of selling and leasing the property as opposed to selling the home at the end of the display period.

**RECOMMENDATION:**

That Council not pursue the sale and Lease of the Smart Housing located at Glebe Place, at this stage for lease back and that Council reviews the operation of the house 2½ years after it was opened for inspection with a view to determine if it will remain as a display after the initial 3 years and if it is to be sold a marketing strategy be developed.

## Items Deferred

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### REPORT:

Council has resolved that a report be brought forward on the option of selling the Energy Smart House and leasing back for the display period.

It is noted that -

1. The 2 valuations on the Smart house have estimated the house to be valued at around \$220 000 to \$240 000 although each quote has noted that these are only speculative estimates as the unique nature of the house does not allow for comparisons with similar houses within the area. It is likely that this house could be sold at a much higher price due to its many features and the positive profile that this project is receiving from the general public many of whom have already expressed an interest in purchasing this home at the end of the display period.
2. Sponsorship agreements allow for the house to be open for 3-5 years. Council would need to seek a legal opinion if it was not prepared to fulfil its sponsorship obligations and negotiate satisfactory outcomes for its various sponsors should it be proposed to not continue the display for at least 3 years. Although the obligation might be more a moral obligation than a legal one, costings for this course of action have not been pursued as part of this report.

### OPTION 1 SELL AND LEASEBACK

This option involves selling the house as an investment property and then leasing the home back from the purchaser at a predetermined rate (usually at 8 or 9 % of the sale price). Under this arrangement the occupier is usually responsible for the payment of rates , insurance and any other outgoings associated with the property as well as maintenance ,cleaning etc. These costs are similar if Council continues to own the property.

#### Advantages

This option may allow Council to recoup the capital borrowed from the waste management fund and to pay off the loan in the short term.

Council will only have to finance the 8-9% Leaseback fee paid to the purchaser instead of the Capital and interest payments it currently pays. Any capital paid eventually is accounted to Council at the time of sale and settlement of the loan.

#### Disadvantages

Selling as an investment property will significantly reduce the number of perspective purchasers and may significantly reduce the selling price that Council is able to ask. It is generally considered that there are a reduced number of buyers willing to purchase properties over \$250,000 and there would be considerably fewer buyers willing to purchase a property under a lease arrangement.

Currently the interest being paid on the loan is less than the Leaseback fee which Council would have to pay if Leasing the house.

The interest being paid on this loan is going into the waste management fund as this was the source of the loan and as such is increasing Councils assets. Paying a third party investor a higher than interest payment is not to councils financial benefit.

The drawing up of a legal contract to facilitate the lease would incur a cost to council.

## Items Deferred

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Council would not be able to profit from the Capital appreciation that the property would incur over the 3-5 year display period . This would go to the purchaser.

Any enhancement to the property over the next 3-5 years will be a loss of asset to the Council

### **Leasing back 12 months, 24 months or 36 months**

Options for variable lease periods can be provided and written into any contract. In order to comply with the sponsorship agreements as they currently exist would necessitate a variable 60 month lease option which may not be attractive to many prospective purchases.

It will be difficult to secure a purchaser without a definite leaseback period and sponsors have been informed that the exhibition period will be assessed at the end of 3 years and may be open for a further 2 years if still viable. ‘

### **OPTION 2 SELL AT END OF DISPLAY PERIOD**

This option involves selling the house on the open market at the end of the display period as either an investment property or permanent residential dwelling.

#### **Advantages**

Selling on the open market will significantly increase the number of perspective purchasers and may significantly increase the selling price that Council is able to ask.

Currently the interest being paid on the loan is less than the Leaseback fee which Council would have to pay if Leasing the house.

The interest being paid on this loan is going into the waste management fund as this was the source of the loan.

Council will return about the same as investment interest on its loan from the waste management fund.

The drawing up of a legal contract to facilitate the lease would not be a cost to council.

Council would be able to profit from the Capital appreciation that the property would incur over the 3-5 year display period .

Limited additional costs will be incurred by council in order to prepare the house for sale.

Any enhancement to the property over the next 3-5 years will a increase the asking price that council is able to ask and thus increases the value of this asset.

#### **Disadvantages**

Council will have to finance the Capital and interest payments it currently pays for the next 3-5 years.

#### **CONCLUSIONS:**

The cost of interest repayment for the house to continue in Council's ownership is \$16,000pa. If the sale was for the same amount as the loan the lease payment at 9% would \$22,500pa.

## Items Deferred

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It is therefore considered it would be in Council's best financial interest not to sell the house and lease it back from the purchasers for the remaining display period as it is considered the price realised would be less on this type of market because of the number of prospective purchasers eliminated from the market and Council's annual interest/lease payments would be greater.

Council should, if it agrees not to sell at this stage, review the use of the house 2½ years after it was offered to see if Council intends to close the display after 3 years.

If it is agreed to close after 3 years then at the review a marketing strategy to sell the house with a fixed vacant possession date should be set in place.

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# Reports from Director Development Services

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## **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

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### **2. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/S94/MC Pt3**

#### **REPORT TITLE:**

#### **Review of Developer Contributions Scheme**

#### **SUMMARY OF REPORT:**

In 1997 the Minister for Urban Affairs and Planning agreed to review the developer contributions scheme set up under Section 94 of the Environment Planning and Assessment Act 1979. A Section 94 Review Committee oversaw the review and the resulting report is open for comment. Comments were to be forwarded to the Department of Urban Affairs and Planning by 14 July 2000. A letter has been sent advising that Council's submission will be forwarded on 20 July 2000.

The document has been reviewed and the comments are provided below for Council's information. In general, it is recommended that Council supports the Review's recommendations.

#### **RECOMMENDATION:**

That Council endorses the submission contained in this report to be forwarded to the Department of Urban Affairs and Planning as Council's response to the Review of the Developer Contributions System (April 2000), particularly in relation to item 11.

## Reports from Director Development Services

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### REPORT:

In 1997 the then Minister for Urban Affairs and Planning agreed to review the developer contributions scheme set up under Section 94 of the Environment Planning and Assessment Act 1979. A section 94 Review Committee oversaw the review and the resulting report is open for comment. Any comments are to be forwarded to the Department of Urban Affairs and Planning by 14 July 2000.

The document has been reviewed and the comments are provided below for Council's information. In general, the recommendations contained in the report are supported.

### REVIEW OF DEVELOPER CONTRIBUTIONS SCHEME

In 1997 the then Minister for Urban Affairs and Planning agreed to review the developer contribution scheme set up under Section 94 of the EP & A Act 1979. A Section 94 Review Committee oversaw the review and the report is now open for comment. The following are comments provided by Tweed Shire Council.

- 1. The Committee recommends that an amendment to the EP & A Act be made to provide for a Developer Agreements scheme as another form of development contributions.**

#### Comment

Greater flexibility can be accorded through Developer Agreements, however it would require some certainty that the funds would be expended within a reasonable time – hence, a work program would need to be in place. If guidelines were established then developer agreements could plug the gaps where plans did not exist. Is a Council under an obligation to expend the money within a reasonable time frame?

If monitored closely and there is a real likelihood of the funds being expended within a reasonable time through a work program then there would appear to be merit in this type of arrangement.

- 2. The Committee recommends publication of the Practice Note on nexus on DUAP's website with a link to the LGSA website, and an inexpensive hard copy format suitable for inclusion in the Manual**

#### Comment

This has merit, and is supported.

- 3. The Committee recommends DUAP and LGSA together approach Cordells or similar firms to invite them to produce a commercial publication with standard costs of local government facilities. If this were successful it would be referenced in the Manual or a practice note.**

#### Comment

While having a consistent standard of facilities is reasonable there will be cases where standards will vary. Tweed Council does have standard construction costs for its community buildings and works within those costs to develop individually styled buildings. To standardise local government

## Reports from Director Development Services

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facilities across the State in terms of building costs is not appropriate and local standards should be applied, as part of Contribution Plans adopted after the required public exhibition.

- 4. The Committee recommends that a Practice Note be published which highlights the Manual's sample contribution plan as a checklist on the minimum content of a CP and includes some 'good practice' examples to improve the quality of the second generation contribution plans. Examples of good practice identified from time to time could also be put on the LGSA and DUAP websites.**

### Comment

Agree with the recommendation

- 5. The Committee recommends that the Regulation require Councils to have regard to the latest Manual and any Practice Notes issued by DUAP in preparing a CP and to certify that this has been done.**

### Comment

The Manual does provide useful information relating to the interpretation of the Act, as the Act itself is not very clear or does not cover all situations. While it is in councils' interest to follow the Manual, it is considered to be an excessive requirement to require adherence through the Regulations and certification that it has been complied with.

- 6. The Committee recommends that an amendment be made to either the Act or Regulation requiring all CPs to be reviewed within 5 years of their being made, or they should cease to operate. The results of the review should be published for public information.**

### Comment

Agree with the recommendation

- 7. The Committee recommends that procedures for deciding whether to tender for works-in-kind be clarified in a practice note and/or a new section in the Manual.**

### Comment

Agree with the recommendation, however it should be clarified that works-in-kind undertaken voluntarily will be recognised at the scheduled rate.

- 8. The Committee recommends that consideration be given to the Department of Local Government to increasing the amount specified in section 55 of the Local Government Act from \$100,000 to \$500,000.**

### Comment

Recommend that the Department of Local Government should separately determine whether to increase the amount specified in section 5 of the Local Government Act from \$100,000 to \$500,000.

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9. **The Committee recommends a practice note and new part of the Manual be published to encourage leasing of facilities as an alternative to council-owned facilities where appropriate.**

### Comment

Recommend 'consider' rather than 'encourage'.

10. **The Committee recommends the Minister discuss with the Minister for Local Government the publication of a discussion paper to raise awareness of the issues relating to types of facilities to be provided under s94, including function-based rates as a method for funding non-basic facilities.**

### Comment

The types of facilities that are provided under s94 in each LGA can be contentious as the provision of some facilities would appear to be a little excessive. While guidance can be provided, most Councils should be aware of the standard of baseline facilities to be provided under s94. However a discussion paper may be a timely reminder.

11. **The Committee recommends that payment of s94 contributions not be required by council until the issue of an occupation certificate, with a bank guarantee being sought earlier if required. The exception to payment at occupation certificate stage would be for buildings classified under the BCA as either Class 1 (single dwellings) or Class10A (non-habitable buildings) and for land subdivision. This new practice could be encouraged by revision of the Manual, or regulated. (Note: for new urban subdivisions, the Committee decided to recommend retention of the current system for paying of s94 levies at the release of linen plans)**

### Comment

As per the recommendation in the Simpson Review, contributions should be obtained before release of the construction certificate in cases of building works.

This will assist in minimising Council's involvement in legal proceedings to obtain outstanding contributions as buildings are often occupied without an occupation certificate. The proposed arrangement expose Council to significant cost and are therefore not supported.

12. **The Committee recommends that the Regulation be amended to require that cash flow analysis be a mandatory part of preparing CPs and that supporting information is publicly available.**

### Comment

All CPs should contain some cash flow analysis to enable justification for the developer contributions being collected. This information should be incorporated into the actual plan so the public can view it. Perhaps some working examples can be included in the Manual. Is discounted cash flow required? If so any discounted cash flow model needs to be simple otherwise councils will struggle to use it.

13. **The Committee recommends that a practice note on cash flow analysis be published.**

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### Comment

Agree with recommendation (see comment above)

- 14. The Committee recommends that an invitation be issued to firms to prepare models of cash flow analysis. The models should be endorsed by DUAP for use by councils when preparing CPs.**

### Comment

Agree with recommendation

- 15. The Committee recommends that borrowing within a contribution plan be clearly authorised in order to promote efficient use of funds. This should be done as a new entry in the Manual and by an amendment to legislation if necessary.**

### Comment

Agree with recommendation.

- 16. The Committee recommends that an amendment be made to the Land and Environment Court Act 1979 to clearly allow appeals on s94 conditions alone without consent being considered *de novo*. The developer must satisfy the Council of an ability to pay the disputed levy by lodging a bond. The amendment should allow a Council the option to argue that the CP condition is integral to the consent by taking action to get the Court to deal with the whole consent.**

### Comment

Appears a reasonable recommendation

- 17. The Committee recommends that DUAP publish a practice note on arbitration to foster adoption of this practice. It should first be discussed with the Land and Environment Court's Chief Judge and then steps taken to amend legislation where required.**

### Comment

Would save time and money. Agree with recommendation

- 18. The Committee recommends that the Attorney-General and Chief Judge be approached to adopt the practices of using a panel of s94 experts and making greater use of only written appeals for s94 matters.**

### Comment

The recommendation appears to be sound

- 19. The Committee recommends that the impact of successful appeals against CP provisions on the CP itself be discussed with the Chief Judge of the Land and Environment Court as a practice issue with a view to requiring councils to amend their plan and then steps be taken to amend legislation where required.**

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### Comment

If the legislation requires amending, as a result of court cases or otherwise, then it should happen as a matter of course. If the Committee recommends that it requires discussion with the Chief Judge as a practice issue before amendment to the legislation then this may be the best way to proceed.

- 20. The Committee recommends that the operation of s1151 of the EP&A Act (formerly s91A, concerning development by the Crown) be reviewed to ensure that full account of s94 responsibilities is assessed.**

### Comment

Agree that a review should be undertaken of all crown developments (particularly SEPP 5 developments)

- 21. The Committee recommends that both joint CPs and developer agreements are appropriate vehicles to address cross-boundary impacts.**

### Comment

While Tweed Council has not been involved with s94 cross boundary issues it has (or may have) cross border issues with the Gold Coast. Agree with the recommendation.

- 22. The Committee recommends that the EP&A Act be amended to allow cross-boundary levying by joint CPs. A model joint cross-boundary plan/scheme should be designed and applied to a real case to develop the regulations for a joint CP. The Regulation should require that DUAP certify that a joint contributions plan is called for, as a means of monitoring the introduction of joint contributions plans.**

### Comment

Agree with the recommendation

- 23. The Committee recommends that the EP&A Act be amended to provide that, on receipt of all development applications, the consent authority must determine if an 'area of influence' exists and must notify neighbouring council/s of the application, if significantly affected. A timeframe for this process is to be devised following public comment.**

### Comment

If there are likely affects on neighbouring councils then notification should be undertaken and comments should be canvassed. Agree with the recommendation.

### GENERAL COMMENTS

#### Incompatibility with Section 94 with High Growth Areas

Local Government areas experiences relatively high growth have a major issue of non affordability of the provision of timely infrastructure. Section 94 provides for the collection of contributions and the subsequent provision of the facility generated by the growth, whereas the growth demands of certain areas such as Tweed require upfront provision of the infrastructure to **facilitate the growth**

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**in a well planned orderly manner.** Developer agreements are certainly are more compatible with appropriate funding of infrastructure requirements generated by growth which is the essential premise of Section 94. The applicability and justification of Section 94/developer contributions therefore can vary between different areas in terms of need because of the level/rate of growth, the existing quality and availability of necessary infrastructure and the general rate base/affordability of the community. Tweed is a Shire with a relatively high proportion of population aged 55 or more, SEPP5 developments and a substantially high loss of rate income because of the pensioner rebate scheme (approximately \$1.4M per annum). The average growth rate in Tweed since 1976 has averaged over 4% per annum. Certain sectors of the Shire which are suitable for urban development are precluded from early release because of the non affordability of required infrastructure – notably bridge and road networks. The Tweed Shire 2000+ Strategic Plan has established a well planned basis for logical sequential development of the Shire based upon the efficient and effective use of public funding resources including the rate base/budget of Tweed Shire Council. In these terms therefore, Section 94 is a fundamental component of orderly planning of development and needs to be recognised as such. Section 94 developer contributions plans therefore need to be well grounded in relation to the corporate management plan of the Council and the general funding capability of infrastructure provision relating to annual budgeting and the three (3) year cycle of that management plan.

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### 3. ORIGIN: Subdivisions Unit

**FILE REF: GS4/96/90 Pt3**

**REPORT TITLE:**

**Pottsville Waters Stage 9 - Development Consent S96/90 - Naming of Proposed Street**

**SUMMARY OF REPORT:**

At its meeting on 21 June 2000 Council resolved that the proposed name "Peter Court" not be approved and that the name "Petersberg Court" be suggested to the applicant.

The applicant has requested Council to reconsider its decision.

**RECOMMENDATION:**

That Council confirms its decision of 21 June 2000, being:

*“that the proposed name “Peter Court” not be approved as it is inconsistent with Council’s Road Naming Policy”.*

*“that the name “Petersberg” Court be suggested to the applicant as an appropriate name for a street in Pottsville Waters Estate Stage 9.*

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### REPORT:

At its meeting on 21 June 2000 Council considered a report in relation to a request from the developer to name a new street in Pottsville Waters "Peter Court" and resolved as follows:-

*"RESOLVED that the proposed name "Peter Court" not be approved as it is inconsistent with Council's Road Naming Policy.*

*RESOLVED that the name "Petersberg" Court be suggested to the applicant as an appropriate name for a street in Pottsville Waters Estate Stage 9."*

Mr Krekelberg has requested Council to reconsider its decision and a copy of Mr Krekelberg's submission is reproduced as follows:-

*"I am in receipt of your letter dated 26<sup>th</sup> June, 2000 for which I thank you.*

*I would like the Council to reconsider the naming of the street to Peter Court. It has always been recognised that developers may name their own streets & parks providing there is no great inconsistency with the Councils policy.*

*I would respectively suggest that this name is quite consistent with Council policy, having phoned the Geographical Names Board they have no objections to having the name under the postcode 2489, since there is no name starting with Peter under this postcode.*

*Council is obviously quite agreeable with this since they recommended to me that it be named Petersburg, as you can see both names bare the name Peter. The linen plan is being held up because of this name which is greatly embarrassing to me.*

*Councillors understanding would be greatly appreciated since this is our last street to be named in our development going on for over 20 years."*

### Comment

For the reasons indicated in the report to Council's meeting on 21 June 2000, it is considered that the name "Peter Court" is not appropriate.

The previous report is reproduced as follows:-

#### ***"SUMMARY OF REPORT:***

*The applicant has requested Councils approval to name a new street "Peter Court". The proposed name is similar to Peter Street (Banora Point) and Peter Street (Murwillumbah) and is therefore considered to be inconsistent with Councils Road Naming Policy*

#### ***RECOMMENDATION:***

*That the proposed name "Peter Court" not be approved as it is inconsistent with Councils Road Naming Policy.*

#### ***REPORT:***

*Release of the linen plan for the remaining lots in Pottsville Waters Estate Stage 9 is imminent.*

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*The plan proposes the creation of a short cul-de-sac which the applicant proposes to name "Peter Court".*

### **Comment**

*The following is a extract from Councils adopted Road Naming Policy.*

#### **"GUIDELINES**

*In the naming and re-naming of roads and streets the following guidelines should be observed.*

#### **Uniqueness**

- a. Name duplication within a local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided.*
- b. However, roads crossing council boundaries should have a single and unique name.*

#### **Sources**

*2.1 Preferred sources for road names include:*

- Aboriginal names,*
- Local history*
- Early explorers, pioneers, settlers and other eminent persons,*
- War/casualty lists*
- Thematic names such as flora, fauna or ships.*

*2.2. Names should be appropriate to the physical, historical or cultural character of the area concerned.*

*2.3 The origin of each name should be clearly stated and subsequently recorded.*

*2.4 The local Aboriginal Land Council should be consulted when choosing Aboriginal names unless council already has an agreed list of appropriate names."*

*The proposed name is similar to Peter Street (Banora Point) and Peter Street (Murwillumbah) and it is therefore considered to be inconsistent with Councils policy.*

*To avoid confusion arising from duplication or similar road/street names it is therefore recommended that the proposed name not be approved."*

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### 4. ORIGIN: Development Control Unit

**FILE REF: DA2300/150 Pt1**

#### **REPORT TITLE:**

**Proposed Consolidation and Boundary Reconfiguration of Lots 5 - 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West**

#### **SUMMARY OF REPORT:**

An application has been received seeking approval for a four (4) lot subdivision. The application proposes to create four (4) lots from six (6) existing lots. The extension of Tringa Street into the subject land is also proposed.

The proposal is considered to be a subdivision and pursuant to Clause 32 (3) of the TLEP 2000 consent must not be granted for subdivision for residential purposes, within the 25 or higher ANEF contour. The subject land is within the 25-30 and 30 –35 ANEF contour.

The site has a history of unauthorised filling which consists of builders' waste and a previous application to approve this filling was refused by Council. Subsequently this fill was to be removed but it still exists on the subject land.

Council's Acid Sulphate Soil Maps indicate that the land is Class 2 and under the provisions of Clause 35 of the Tweed Local Environmental Plan 2000, works below the ground surface and work which is likely to lower the watertable requires Council's consent and needs to be supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils.

The proposal will involve some works below the ground surface and accordingly a preliminary soil assessment is required and this has not been provided.

It is considered that the application cannot be supported as the land contains a substantial amount of unauthorised fill and a preliminary soil assessment has not been provided to determine if acid sulfate soils are present or absent. In addition Council cannot consent to the proposal subdivision pursuant to Clause 32 (3) of the TLEP 2000 as the land is within the 25 or higher ANEF contour.

#### **RECOMMENDATION:**

That :-

- A. The development application submitted by McLauchlan Surveying Pty Ltd for a consolidation and boundary reconfiguration at Lots 5-9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West be refused for the following reasons:-
  1. Pursuant to Clause 32 (3) of Tweed Local Environmental Plan 2000 consent must not be granted to a subdivision for residential purposes within the 25 or higher ANEF contour.
  2. The proposal is contrary to the public interest.

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3. The application is not supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils, as required by Clause 35 of Tweed Local Environmental Plan 2000.
  4. The subject land contains a large amount of unauthorised fill material which consists of builders waste. This type of fill material is considered to be inappropriate as potential foundation material for any future building work.
  5. A contamination report in accordance with Council Policy has not been submitted.
- B. The owner be requested to remove all unauthorised filling from the site (to an approved location) and rehabilitate the site to the satisfaction of Council within 90 days failing which Council will commence proceedings in the Land and Environment Court to remedy a breach of the Environmental Planning and Assessment Act.

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### REPORT:

Applicant: **McLauchlan Surveying Pty Ltd**  
Owner: **Ace Homes**  
Location: **Lots 5 – 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West**  
Zoning: **2(a) Low Density Residential**  
Est. Cost: **\$10,000**

### PROPOSAL

A development application has been received seeking approval for a four (4) lot subdivision. The application proposes to create four (4) lots from the existing six (6) lots by re-arranging the boundaries. See Figures 1 and 2 for the current and proposed lot layout. The application also proposes to extend Tringa Street into the subject land by way of a cul-de-sac.

The subject land has a total area of approximately 6.92ha with frontage to Gray, Marian and Tringa Streets. The land is vacant. The land is flat and generally cleared with a small remnant swamp forest dominated by broad leaved paperbark, swamp oak, swamp turpentine and forest red gums to the north western corner of the land. This has been heavily disturbed. The land is bound by Gray Street to the east, Marian Street and a laneway to the south, Tringa Street and residential allotments to the west and Councils Sewerage Treatment Works and industrial land to the north.

A substantial amount of unauthorised fill material has also been placed on the land.

### HISTORY

The subject land has a history of proposed development and unauthorised work. It is also affected by the 25-30 and 30-35 ANEF contours.

At Council's meeting of 7 September 1994, Council resolved to approve the erection of a residential flat building comprising 102 dwellings at Lots 5-8 Section 4 DP 9025/ The consent 94/171 was issued on 23 September 1994.

On 13 January 1997, Council received a complaint that the subject land was being cleared and filled. The land is affected by a Tree Preservation Order and Council requested a development application for the filling and an application for the removal of trees. The application for the removal of trees was submitted on 29 January 1997, following which a development application was also submitted on 20 February 1997 for filling. Council at its meeting of 20 August 1997 refused the application for filling as the fill material is inappropriate and is waste material.

On 27 August 1997 the applicant was requested to remove all fill following refusal of the above development application.

Council received further complaints that material was again being dumped on the land. On 13 October 1999 Council requested the owner to cease this work and show cause why Council should not instigate legal proceedings given the history of unauthorised filling at the site.

The unauthorised filling was reported to Council's meeting of 17 November 1999 with a recommendation to commence legal proceedings. Council deferred the matter to allow the owner to address Community Access. The owner advised Community Access that the fill material had been

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dumped by someone else without his knowledge or permission. Following the owners advice the matter was again reported to Council's meeting of 19 January 2000 where Council resolved to direct the owner to remove all recently dumped fill.

The owner commenced to remove the fill and notify Council of sites where the fill may be dumped. Council on 29 February 2000 advised the owner that the proposed sites had not had approval for filling and requested the owner to indicate the purpose of the fill on the sites.

On 24 May 2000 Council sent a further letter to the owner, following complaints, that further unauthorised excavations was taking place and was requested to stop work immediately. No response has been received from the owner in relation to this.

It is quite obvious that the site has a history of unauthorised work in relation to filling. It is considered that the owner has not taken Council's advice into consideration and a large amount of unauthorised fill still remains on the site which consists of building waste which is not considered to be appropriate fill material.

On 22 January 1999, Council received a development application (K99/64) seeking approval for a residential flat development comprising 114 units and 16 townhouses at Lots 8 and 9 Section 4 DP 9025 and Lot 1 DP 779976. This application was reported to Council's meeting of 1 September 1999 with a recommendation for refusal. Council's resolution is as follows:-

***“RESOLVED** that the development application submitted by Ace Homes Pty Ltd for the erection of residential flat buildings comprising 114 units and 16 townhouses, amenities building, swimming pool and tennis court be refused for the following reasons:-*

- 1. The land is affected by the operations of Gold Coast Airport Limited and is within the 25-30 and 30-35 ANEF 2010 contour plan for the airport. Approval in this instance would be contrary to the provisions of AS2021-1994 and Council's adopted policy and is considered inappropriate.*
- 2. The proposal is inconsistent with the draft Local Environmental Plan 1998 which provides that Council must not grant consent to development for purposes of multi dwelling residential development within the 25 or higher ANEF contour.*
- 3. The circumstances of the case in that the applicant has failed to adequately address the impact of the development in respect to the following:-*
  - Flora and Fauna*
  - Site contamination*
  - Drainage*
  - Details on fill*
  - Details how stormwater is collected, treated and discharged*
  - Water supply and sewer connections*
- 4. The traffic report is out of date in some areas and does not address the impact of the proposed development east of Gray Street intersection which is a critical segment of*



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*Kennedy Drive. The proposals would create further traffic congestion along Kennedy Drive and Council wishes to limit the impact of development on Kennedy Drive to current levels.*

5. *The proposal is contrary to the public interest.*
6. *The proposal does not satisfactorily address the design elements of Development Control Plan No. 6- Multi Dwelling Housing.”*

On 3 February 1999 Council received a development application (K99/123) seeking approval for a residential flat development comprising 17 townhouses and 17 units at Lot 1 DP 779976. This application was withdrawn on 13 April 1999.

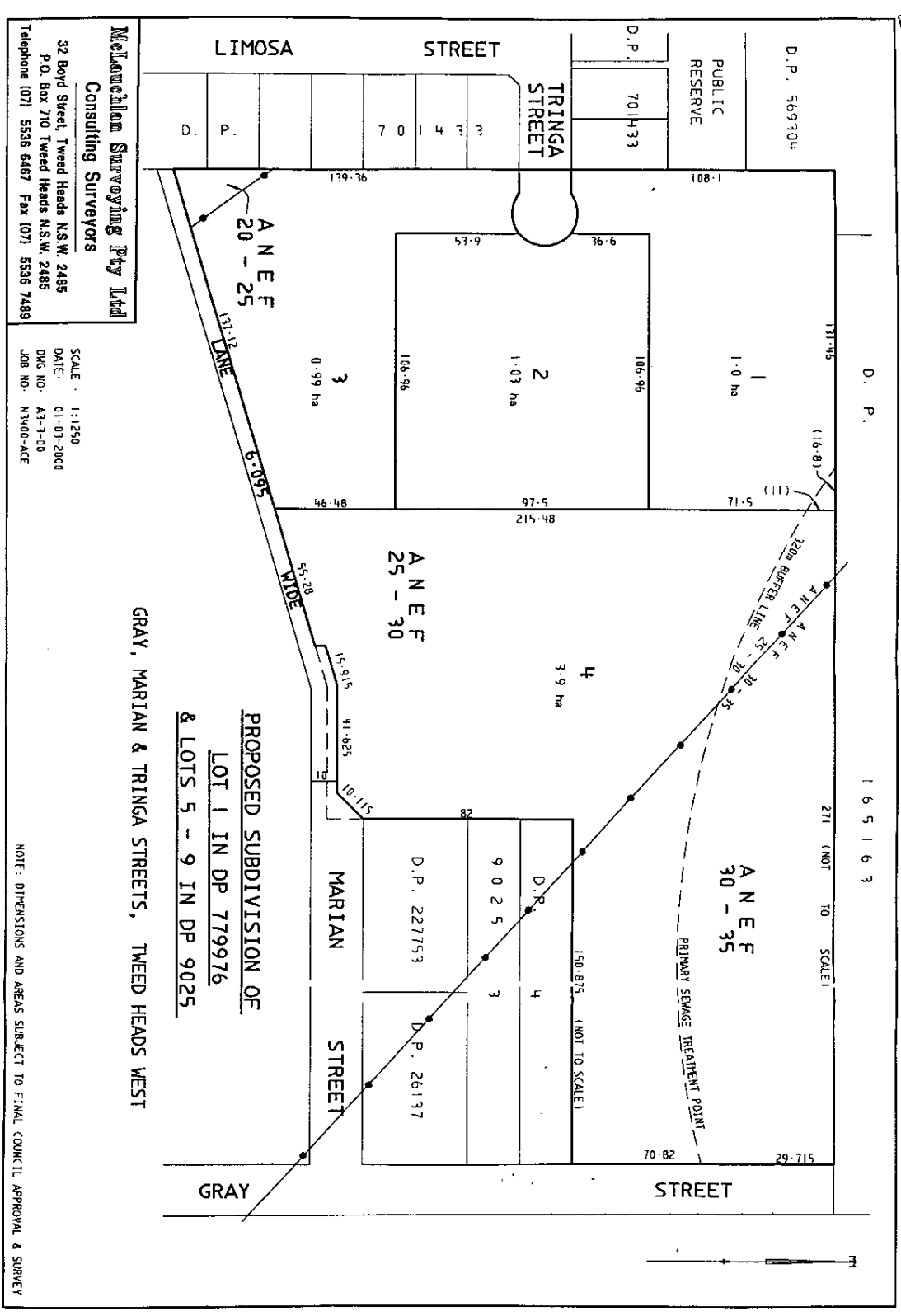
On 9 February 1999 Council received a development application (K99/144) seeking approval for a 6 lot subdivision (Boundary reconfiguration) at Lot 1 DP 779976 and Lots 5-9 Section 4 DP 9025. This application was also withdrawn on 8 October 1999.

On 17 February 1999 Council received a development application (K99/186) seeking approval for a residential flat development comprising 72 units and 18 townhouses at Lot 1 DP 779976. This application was also withdrawn on 13 April 1999.



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FIGURE 2 – PROPOSED SUBDIVISION



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### EVALUATION

A complete assessment of the application against the matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 is provided below.

#### (a) (i) Planning Instruments

The Environmental Planning & Assessment Act, 1979 defines “subdivision of land” as follows:

- “1. For the purposes of this Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:
  - (a) by conveyance, transfer or partition, or
  - (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.
2. Without limited subsection (1), subdivision of land includes the procuring of the registration in the Office of the Registrar-General of:
  - (a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or
  - (b) a strata plan or strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.
3. However, subdivision of land does not include:
  - (a) a lease (of any duration of a building or part of a building, or
  - (b) the opening of a public road, or the dedication of land as a public road, by the Crown, a statutory body representing the Crown or a council, or
  - (c) the acquisition of land, by agreement or compulsory process, under a provision of an Act (including a Commonwealth Act) that authorises the acquisition of land by compulsory process, or
  - (d) a division of land effected by means of a transaction referred to in section 23G of the Conveyancing Act 1919, or
  - (e) the procuring of the registration in the office of the Registrar-General of:
    - (i) a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919 or
    - (ii) a strata plan of consolidation or a building alteration plan within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986”

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Section 195 of the Conveyancing Act 1919 defines “Plan of Consolidation” as follows:

*“plan of consolidation means a plan that shows the consolidation of 2 or more existing lots into a single lot, where there is no simultaneous redivision of them into 2 or more new lots, whether or not the plan also shows one or more of the matters referred to in paragraph (a), (b) or (c) of the definition of miscellaneous plan.”*

For the purposes of this application, taking the above definitions into considerations, it is considered that the proposal is a “subdivision” rather than a consolidation or boundary adjustment.

The proposal will create four (4) lots and will also involve the construction of a new road by extending Tringa Street into the subject land.

### Tweed Local Environmental Plan 2000 (TLEP 2000)

The land, the subject of the application is zoned 2(a) Low Density Residential. The proposal is permissible with the consent of Council, subject to compliance with the following clauses:-

#### **Clause 22 – Development near Designated Roads**

The subject land has frontage to Gray, Marian and Tringa Streets and these streets have vehicular access to Kennedy Drive which is a designated road.

In this instance the proposal is to reconfigure and consolidate the existing six lots to create 4 lots. This is unlikely to create additional traffic movements on Kennedy Drive but more than likely improve it as the number of lots are decreased. In this instance the proposal is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of Kennedy Drive.

#### **Clause 32 – Aircraft Noise**

The objectives of this clause is to prevent certain noise sensitive developments from locating in proximity to Coolangatta Airport and its flight paths and to minimise the noise impact from the operation of Coolangatta Airport on development in its vicinity.

This clause applies to land within the 20 or higher ANEF contour. The subject land is within the 25-30 and 30-35 ANEF contours.

This clause also provides as follows:-

*“(3) Consent must not be granted to development for the purpose of a caravan park, childcare centre, hospital or educational establishment or for residential development (including subdivision for residential purposes, but not including the erection or use of a dwelling house) within the 25 or higher ANEF contour.”*

The proposal is considered to be a “subdivision” and is therefore prohibited by Clause 32(3).

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### Clause 35 – Acid Sulfate Soils

This clause generally provides that a person must not, without development consent, carry out works on land shown as being Class 1, 2, 3, 4 or 5 land on Council's Acid Sulfate Soils Planning Map.

The subject land is Class 2 and the specified works that require Council's consent are those works below the ground surface and works by which the water table is likely to be lowered.

Works include any landform alteration that may result in the disturbance of soil including road works. In this instance the application proposes to extend Tringa Street by approximately 30m into the subject land by way of a cul-de-sac. In addition there is also likely to be ground disturbance from the provision of essential services such as sewer, water and stormwater etc.

It is considered that the construction of this road and essential services are likely to be below the ground surface. In accordance with Clause 35(4)(a) a preliminary soil assessment is required to ascertain the presence or absence of acid sulfate soils within the area of proposed works, unless the applicant agrees that acid sulfate soils are present within the area of proposed works.

This preliminary soil assessment has not been submitted.

In relation to acid sulfate soils the applicant has provided the following:-

*“The question of acid sulfate soils presence can be adequately addressed with a totally unrelated 1997 consent which states:*

*any proposed excavation below RL5.0m AHD shall be investigated for acid sulfate soil conditions with result of the investigation being submitted with the engineering plans for Council's approval. If acid sulfate soils exist, a management plan in accordance with NSW Environment Protection Authority Guidelines be prepared and approved by Council prior to construction work occurring in the affected area”.*

It is considered that the information provided by the applicant in relation to acid sulfate soils is inadequate (as it predates the current LEP requirements) and that a preliminary soil assessment is required to ascertain the presence or absence of acid sulfate soils in accordance with this clause of the TLEP 2000.

### (iii) Any Development Control Plan (DCP)

#### DCP16 – Subdivisions Manual

It is considered that the proposal is generally consistent with the relevant provisions of this plan, subject to the imposition of standard conditions.

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**(b) Impacts**

No significant adverse environmental impacts are envisaged. The only physical works likely is the extension and construction of Tringa Street into the subject land and the provision of essential services such as sewer, water and stormwater.

However, as previously discussed, with the construction of the new road and essential services it may have the potential of disturbing acid sulfate soils. To determine the presence or absence of any acid sulfate soils a preliminary soil assessment is required as previously discussed.

The application is also accompanied by a flora and fauna assessment in accordance with Section 5A of the Environmental Planning and Assessment Act, 1979. This assessment concludes that any development of this site for residential purposes is not going to significantly affect threatened species, populations or ecological communities. Therefore, a Species Impact Statement is not required.

As the application proposes to ultimately reduce the number of allotments from 6 to 4 it is considered that a reduction in the number of lots is not likely to have any significant adverse social impacts on the locality.

In addition, it is also considered that a reduction in the number of lots from 6 to 4 is not likely to have an adverse impact on traffic movements in the locality especially along Kennedy Drive.

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

As previously discussed the subject land is within the 25-30 and 30-35 ANEF contours and under the provisions of TLEP 2000 subdivision for residential purposes must not be granted consent.

The subject land has a history related to large amounts of unauthorised fill being dumped on the site. This fill still exists on the site, even though, on several occasions, Council has requested the owner to remove the fill. This fill material consists of builders waste and is an inappropriate material for building purposes.

Subsequently, it is considered that this development application should not be supported until such time as all the unauthorised fill is completely removed from the site in accordance with Council's previous advice to the owner.

The subject land, ie. part of proposed Lot 4, is within the 320m sewerage buffer zone. However, it is considered that there is still adequate area within Lot 4 that is outside the buffer to place a dwelling.

**(e) The Public Interest**

To protect the public interest it is considered that the application should not be supported for the reasons discussed in this report.

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### SUBDIVISION ENGINEER COMMENTS

- *The proposed subdivision is classed as a :boundary adjustment: and as such does not require site filling in accordance with DCP5 Section 3.3.*
- *Services (stormwater, sewer, water, power, Telstra, etc), must be provided for each allotment.*
- *Access to Lots 1, 2 and 3 will be off the proposed road extension to Tringa Street.*
- *Access to Lot 4 will be off Gray Street.*
- *No access will be allowed to Marion Street.*
- *The site has been partially filled in an uncontrolled manner. Geotechnical testing and certification will be required prior to issue of subdivision certificate.*

### ENVIRONMENT AND COMMUNITY SERVICES DIVISION COMMENTS

Council's Waste Management Coordinator has advised that the filled area of the site has been previously used as an unauthorised waste depot used for the disposal of builders waste. All this material should be removed to the satisfaction of the Director, Environment and Community Services before approval is contemplated.

In addition, part of the site has recently been used as an unauthorised quarry for the extraction of sand fill. This material is potentially acid sulfate soil. This portion of the site should be remediated before approval is contemplated.

Council's Environment and Health Officer has advised that the provisions of Clause 35 of the TLEP 2000 apply. In the applicant's Statement of Environmental Effects in regards to what was Council's previous requirement regarding acid sulfate soils is no longer accurate and is now replaced by Clause 35 of the TLEP 2000.

The subject land is Class 2 under Council's Acid Sulfate Soil Planning Maps and Clause 35 of TLEP 2000 provides that for Class 2 land works below the ground surface and works by which the water table is likely to be lowered will require Council consent and will need to be supported by preliminary soil assessment to ascertain the presence or absence of acid sulfate soils.

The proposal will likely involve works below the ground level as Tringa Street will be extended into the subject land and the provision of essential services such as water and sewer will also disturb the ground level. Accordingly, the provisions of Clause 35 of the TLEP 2000 now apply and the application needs to be supported by a preliminary soil assessment.

In relation to contaminated land there are no known dip sites on the property. The Statement of Environmental Effects advises that an aerial photograph from 1962 does not show any evidence of agricultural or other (industrial) activity. Two statements have been provided from people who have been familiar with the subject land. Both statements advise that the land was only ever used for grazing of horses. However, to ensure greater certainty it is recommended that the applicant advise whether or not it is possible to provide a statement regarding the use of the land from previous land owners. If so, then such a statement should be provided.



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### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination of the application, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

### OPTIONS

As the proposal is inconsistent with Clause 32(3) of Tweed Local Environmental Plan 2000, it is considered that Council has no option but to refuse the application.

### CONCLUSION

The proposal is considered to be a "subdivision" rather than a "consolidation" or "boundary reconfiguration", subsequently, aircraft noise (Clause 32) of the TLEP 2000 prohibits the proposal.

The application does involve some works below the ground surface with the extension of Tringa Street into the subject land and the provision of essential services such as stormwater, sewer and water etc. In accordance with Clause 35 of the TLEP 2000 the subject land is Class 2 on Council's acid sulfate soils planning maps. Any works below the ground surface or which is likely to lower the water table requires Council consent and needs to be supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils. This assessment has not been provided and subsequently the application cannot be supported for lack of this information.

The subject site also has a history of unauthorised fill which consists of builders waste which has not been removed from the site. Council previously refused a development application seeking approval for some of the fill because this fill is considered to be inappropriate as potential foundation material for any future building works and may involve Council in future litigation problems. It is considered that the application cannot be supported until the unauthorised fill is removed to Council's satisfaction.

Accordingly, it is considered that the application should not be supported for the reasons discussed above.

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## Reports from Director Development Services

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### 5. ORIGIN: Strategic Town Planning Unit

**FILE REF: Strategic Planning Program**

#### **REPORT TITLE:**

**Strategic Planning Work Program**

#### **SUMMARY OF REPORT:**

The Strategic Planning Work Program has been reviewed to reflect:

- Requirements of the Management Plan 2000/2003;
- Available resources;
- Community expectations;
- Current projects.

The resources available to the Unit are limited and can respond to only a small proportion of current expectations. Difficult decisions must therefore be made to finalise a Work Program which must be stringently adhered to. This represents a Statement of Corporate Priorities as results depend upon organisation-wide inputs, coordination and processes through the Strategic Planning Management Team. In addition to current projects, the major outstanding matters are:

- Stage 2 LEP Review
- Local/site-specific rezonings.

#### **RECOMMENDATION:**

That the Strategic Planning Work Program for the period to December 2000 comprise the following elements:

##### **High priority:**

1. Tweed Local Environmental Plan 2000 review – implement the Council resolution of 17 May 2000 and concentrate on Vegetation Management Plan.
2. Housing: Review of Residential Development Strategy – including a rural settlement component; Housing Strategy based on DUAP funded position and finalisation of dual occupancy policy.
3. Economic Development Strategy - including Industrial Land Policy Implementation.
4. Kingscliff Town Plan – DCP.
5. LEP Amendments – Black Rocks, “Area E” Terranora, Chinderah Foreshore.
6. Social Planning (integration of Social Plan and Community Facilities Infrastructure Plan; Banora Point Community Centre).

## Reports from Director Development Services

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7. S94 Plans (particularly Community Facilities and Open Space).
8. DCP - Social Impact Assessment

**Medium Priority:**

9. Tweed Heads Development Control Plan
10. LEP Amendment No. 40 – Hansen Property, Bogangar
11. LEP Amendment - Piggabeen Sports Complex.
12. LEP Amendment – reclassification of Council land.
13. Kings Forest/Kings Beach planning framework comprising Kings Forest LES, DCP and S94 Plan; Kings Beach Strategic Policy, S94 Plan and Seaside City review.

## Reports from Director Development Services

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### REPORT:

#### INTRODUCTION

On 1 March 2000 Council resolved that the Strategic Planning Work Program should be as follows:

***“High priority:***

1. *Draft Tweed Local Environmental Plan 1998 (subject to Minister’s decision).*
2. *Kings Forest/Kings Beach planning framework comprising Kings Forest LES, DCP and S94 Plan; Kings Beach Strategic Policy, S94 Plan and Seaside City review.*
3. *Review of Tweed Shire 2000+ Strategic Plan.*
4. *Housing Strategy (as a basis for a DUAP funded position and finalisation of dual occupancy policy).*
5. *Industrial Land Policy Implementation.*
6. *Kingscliff Town Plan.*
7. *Piggabeen road Sports Complex LEP Amendment.*

***Medium Priority:***

8. *Vegetation Management Plan.*
9. *Review of DCP 3.*
10. *S94 Plans (particularly Community Facilities and Open Space).*
11. *DCPs - Social Impact Assessment, Tweed Heads.*
12. *LEP Amendment No 40.”*

This report reviews the Program with:

- The relevant requirements of the Management Plan.
- An audit of the current Program.
- A review of potential projects, including rezoning proposals.
- Identification of priorities.
- Recommend program.

#### MANAGEMENT PLAN 2000

The Strategic Planning Work Program must reflect the requirements of the Management Plan 2000, recently adopted by Council. The relevant 2000/2003 priorities for Strategic Planning are as follows:

- *“Complete comprehensive review of Tweed Shire 2000+ Strategic Plan*
- *Complete second stage review of Tweed Local Environmental Plan.*
- *Monitor and complete comprehensive review of all Development Control Plans and Developer Contribution Plans.*
- *Complete an integrated planning framework embodying the Tweed 2000+ Strategic Plan, Shire Local Environmental Plan and other Locality Plans for strategic areas of the Shire;*

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*Kings Forest, Kings Beach, West Pottsville, West Kingscliff, Fingal, Murwillumbah and Terranora.”*

To achieve these priorities the following key performance criteria are required to be met by June 2001:

- “Complete review of Tweed Shire 2000+ Strategic Plan;
- Submit Draft Shire LEP Stage 2 to DUAP;
- Complete Kings Forest LEP amendments, DCP and Section 94 Developer Contribution Plans.
- Implement action on industrial land planning program.”

### AUDIT OF CURRENT PROGRAM

The current situation with regard to all of the nominated Work Program items is as follows:

Project	Current Status
<b>High Priority</b>	
<b>1. Tweed LEP 2000</b>	<ul style="list-style-type: none"> <li>• Now gazetted.</li> <li>• Council resolution 17/5 to prepare report on rural and environmental protection issues: included in this report.</li> <li>• Amendment on exhibition on housekeeping matters.</li> <li>• CD and web page being prepared.</li> </ul>
<b>2. Kings Forest/Kings Beach</b>	<ul style="list-style-type: none"> <li>• SIS for Kings Forest lodged with Council - GHD completing Environmental Study.</li> <li>• Quotes obtained for preparation of Environmental Study for Seaside City.</li> <li>• Housekeeping items in respect of DCP and CP for Kings Beach commenced.</li> </ul>
<b>3. Review Tweed Shire 2000+ Strategic Plan</b>	<ul style="list-style-type: none"> <li>• No action to date.</li> </ul>
<b>4. Housing</b>	<ul style="list-style-type: none"> <li>• Position description for DUAP funded position finalised.</li> </ul>
<b>5. Industrial Land</b>	<ul style="list-style-type: none"> <li>• Task Force and Implementation Program agreed by Council</li> <li>• Work commenced on components of that Plan</li> <li>• Council agreed to prepare economic development strategy.</li> </ul>
<b>6. Kingscliff Town Plan</b>	<ul style="list-style-type: none"> <li>• Plan being finalised and DCP prepared.</li> </ul>
<b>7. Piggabeen Sports Complex rezoning</b>	<ul style="list-style-type: none"> <li>• Draft LEP ready for exhibition.</li> </ul>

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Project	Current Status
<b>Medium Priority</b>	
<b>1. Vegetation Management Plan</b>	<ul style="list-style-type: none"> <li>• Steering Committee being set up.</li> </ul>
<b>2. Review DCP 3</b>	<ul style="list-style-type: none"> <li>• No action to date.</li> </ul>
<b>3. S94 Plans:</b> <ul style="list-style-type: none"> <li>• Community Facilities</li> <li>• Open Space</li> <li>• Libraries</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Infrastructure Policy prepared.</li> <li>• Consultants finalising.</li> <li>• Consultants finalising.</li> </ul>
<b>4. DCP:</b> <ul style="list-style-type: none"> <li>• SIA</li> <li>• Tweed Heads</li> </ul>	<ul style="list-style-type: none"> <li>• Draft being prepared.</li> <li>• Draft on exhibition.</li> </ul>
<b>5. LEP Amendment No 40 (Hansen property)</b>	<ul style="list-style-type: none"> <li>• Environmental Study completed. Report to Council to identify next steps.</li> </ul>

In addition to these Work Program items, there are a number of other projects which have been commenced as follows:

- TLEP Amendment 2000 - Bilambil Heights.
- TLEP Amendment 2000 - Reclassification of various parcels of community land.
- Contract planner position to undertake rezonings at Chinderah, Black Rocks and Area E.
- Economic Development Strategy.

### POTENTIAL PROJECTS

There is a long list of potential projects, the major items being:

1. **Rural Settlement Strategy:** Since the gazettal of Amendment No 110 Council has had no LEP provisions for rural subdivisions in Zone 1(a) less than 40ha. There have been several informal requests from landowners for LEP Amendments to facilitate rural subdivisions together with a number of submissions when TLEP 2000 was exhibited. Any such Amendment would require a Rural Settlement Strategy in accordance with Clause 19 of the North Coast REP.

Whilst the completion of a Strategy has been included in previous Work Programs, it was excluded from the latest. Considerable work has been undertaken to date based on the requirement of the Department of Urban Affairs and Planning as set out in "Guidelines on Rural Settlement on the North Coast of NSW". How this work should be concluded, and the priority it should be given is discussed later.

2. **Residential Development Strategy:** The current Strategy was adopted by Council in 1991. It was subsequently amended to include Koala Beach and Sea Breeze, both at Pottsville. The Tweed 2000+ Strategic Plan was intended to be a replacement strategy but was never

## Reports from Director Development Services

followed through. Deficiencies are now arising in the current strategy, as highlighted by the report considered by Council on 5 July in respect of the Quirk property. The current problems of the Strategy concern:

- Adjustments to the boundaries to urban release areas to make better use of infrastructure;
- The absence of any discussion of the need for social/community infrastructure as well as engineering.

3. **Rezoning proposals:** There has been a steady accumulation of these over the last 12 months. To these must be added those nominated for inclusion in the Stage 2 Review. The current list, including both formal and informal proposals, is set out in Appendix A. Whilst this details the issues in respect of each proposal, the over-riding issue concerns public confidence in the ability of the process to accommodate nominated amendments. This was discussed in respect of the March Work Program Review in the following terms:

**“Table 3: Management Options for Rezoning Applications**

<i>Option</i>	<i>Implications</i>
1. <i>Reschedule the Program</i>	<i>Projects already commenced and could not be rescheduled without major distribution and cost.</i>
2. <i>Identify additional resources:</i> <ul style="list-style-type: none"> <li>• <i>Council funded;</i></li> <li>• <i>Proponents to fund</i></li> </ul>	<i>In view of budget constraints, unlikely.</i> <i>Some proponents have indicated a willingness, but there are limits on this:</i> <ul style="list-style-type: none"> <li>- <i>availability of external consultants;</i></li> <li>- <i>limited internal resources to supervise projects.</i></li> </ul>
3. <i>Decline to change the Program</i>	<i>Dissatisfaction of proponents.</i>

*Even if proponents are willing to fund LEP Amendments, not all of those currently before Council could be accommodated: some means of prioritising them would still be required.*

*However, each of these Amendments is no doubt essential to each of the proponents. Some of them were anticipated to be included in the Stage 2 LEP Review. Finally, any decision to deal with specific LEP Amendments may give rise to others being nominated by landowners.”*

Little has changed since that Review.

Some headway has been made with the agreement by major rezoning proponents to fund a contract planner. A commitment by Council to implement this agreement will require additional supervision/management by the Unit.



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### IDENTIFICATION OF PRIORITIES

These have to be determined having regard to a number of matters:

- Requirements of the Management Plan
- Available resources
- Community expectations
- Current projects.

The resources available to the Unit are limited and cannot meet all current expectations. Difficult decisions must therefore be made to finalise a Work Program.

#### 4. Stage 2 Review:

On 17 May, 2000 Council resolved that:

*"the Director Development Services brings forward a report to the meeting of 17 May 2000 to enable Council to consider the preparation of a Draft LEP to address the issues in Council's resolution of 22 December 1999 being:*

*all land zoned Rural 1(a), 1(b) and 1(c);  
all land zoned Environmental Protection 7(a), 7(l), 7(f) and 7(d);  
the land zoned 2(f) indicated by Figure 1; and  
clauses 4.1, 4.2, 6.0, 6.1, 6.3 and 7.0  
In Rural 1(a), 1(b), 1(c) areas:*

1. (a) *Agricultural Viability Study, when completed.*  
(b) *Peasley's horticultural study already done - supports smaller subdivision areas.*
2. *Rural Settlement Strategy, when completed.*
3. *The identification of more industrial land - probably to come from Rural zoning*
4. *Resolution of disputes over zoning boundaries between Agricultural Protection and 1(a).*
5. *TEDC submission in respect of exhibited DLEP*

*In Environmental Protection 7(a), 7(l), 7(f), 7(d) areas:*

1. *Vegetation Management Plan now on public display - but yet to be finalised.*
2. *Resolution of boundary disputes between zonings.*
3. *Investigation of the 40ha area as to whether it is a feasible management area.*
4. *Tweed Scenic Landscape Evaluation.*

*In 2(f) area applying to Seaside City".*

## Reports from Director Development Services

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Subsequent to that meeting, on 21 June 2000 Council resolved:

*“That Council forms a Local Environmental Plan Advisory Committee (comprising 1 Councillor (Chairperson), the Director Development Services or his representative, 1 person appointed by the Rural Industries, 1 person appointed by TEDCO, 1 Planning Consultant from the private sector, 1 person from an Environmental group, and 1 person from a local business organization) to immediately proceed with a review of the Local Environment Plan in respect to all Rural land and all Environmental Protection zones”.*

The key planning issues foreshadowed by the resolution concern:

- Rural Settlement Policy;
- Environmental Protection and Agricultural Protection zone delineation;
- Farming viability.

These matters were always intended to be included in Stage 2 of the LEP Review: Stage 1 being the review of the written instrument. With the gazettal of the latter, work may now proceed with Stage 2. However, before a detailed Work Plan is prepared for incorporation into the Strategic Planning Work Program, there are critical State Government requirements which Council must consider, and which will impact on the Work Plan. Those requirements are set out in the North Coast Regional Environmental Plan (REP), which states, in particular, that an LEP shall:

- (a) identify and include prime crop and pasture (as identified by the Director-General of the Department of Agriculture) in an agricultural protection zone (Clause 7);
- (b) not include rural residential development unless Council has a release strategy approved by the Director-General of the Department of Urban Affairs and Planning (Clause 19);
- (c) include significant areas of natural vegetation including rainforest and littoral rainforest, wetlands, wildlife habitats, scenic areas and potential wildlife corridors in Environmental Protection zones (clause 29). Council has already resolved to prepare an integrated LEP to obtain exclusion of the operation of the Native Vegetation Conservation Act 1997. This LEP will require approval from two State Ministers (Department of Land and Water Conservation, and Department of Urban Affairs and Planning);
- (d) be consistent with the State Coastal Policy (Clause 32A).

Council has no discretion in the application of these requirements. In respect of these nominated clauses, Council now has:

- the prime crop and pasture maps endorsed by NSW Department of Agriculture (albeit at a scale of 1:50,000);
- a Tweed Vegetation Management Plan 1999 which identifies significant vegetation, and is currently being reviewed by Council’s Consultant and further review by a proposed Steering Committee;
- a landscape study of the Tweed.

## Reports from Director Development Services

This material should form the basis for the commencement of the Review in accordance with the requirements of the REP.

Council does not have a completed rural land release strategy. The Department of Urban Affairs and Planning (DUAP) has prepared specific guidelines for a strategy and again sufficient work has been undertaken, based on those guidelines, to prepare a strategy.

In short, significant resources would not be required to complete a draft Rural Land Release Strategy and draft LEP Stage 2 which complied with State Government requirements. Any intention to depart from those requirements should be taken up with DUAP.

To finalise the Work Program it is necessary to identify not only the priority projects, but the broad thrust of how Council wishes to see that project pursued. As already noted the LEP Stage 2 Review includes a number of issues which Council must be resolved upon before any technical work can commence. Therefore the Work Program will be determined in two components.

1. Identification of priority issues
2. Determination of work plan content

Having regard to the criteria detailed earlier the recommended Priority program is as follows:-

Priority Issue	Specific Work Areas to December 2000
1. LEP Review	Vegetation Management Plan Council resolution 17 May 2000
2. Housing	<ul style="list-style-type: none"> <li>• Rural Settlement Strategy as a component of the Residential Development Strategy</li> <li>• Dual occupancy policy</li> <li>• Housing strategy</li> </ul>
3. Economic Development	<ul style="list-style-type: none"> <li>• Review nominated industrial areas and initiate rezonings</li> <li>• Economic development strategy</li> </ul>
4. Social Planning	<ul style="list-style-type: none"> <li>• Finalise Social Plan 2000 - integrate with Community Facilities Infrastructure Policy</li> <li>• Banora Point Community Centre</li> </ul>
5. Major LEP Amendments	<ul style="list-style-type: none"> <li>• Black Rocks</li> <li>• Chinderah Foreshore</li> <li>• Area E</li> </ul>

## Reports from Director Development Services

Priority Issue	Specific Work Areas to December 2000
6. Developer Contribution Plans	<ul style="list-style-type: none"><li>• Consolidate Plans</li><li>• Report on impact of development “lag” and reduced construction rates.</li><li>• Libraries Plan</li><li>• Open Space Plan</li><li>• Community Facilities Plan</li></ul>
7. Locality Plans	<ul style="list-style-type: none"><li>• Kingscliff DCP</li><li>• Tweed Heads DCP</li></ul>

# Reports from Director Development Services

## APPENDIX A

### Specific Rezoning proposals – including those arising from informal discussions

Proposal	Detail	Comment	Priority
1. Area E	Subject to separate report		
2. Black Rocks	Subject to separate report		
3. Chinderah Foreshore	Subject to separate report		
4. Black Watch Boats, Chinderah	Current premises zoned 1(b). Request to bring zoning into line with landuse	Approvals granted under existing use rights appropriate for Stage 2 Review.	Low
5. Sleepy Hollow	Various rezoning proposals have been submitted over a 5 year period to secure residential development in accordance with the Residential Development Strategy. Further information was requested following the latest proposal.	Must await requested information before taking further action.	Low
6. Coast Road Cabarita	Rezoning request to commercial for this property. Similar to a proposal for other properties along Coast Road submitted in respect of draft Tweed LEP 1998, deferred to Stage 2.	The report to Council in respect of the draft LEP found merit in the submission, although it concluded it should be dealt with as part of the Stage 2 Review.	
7. Sea Breeze, Pottsville	This property was rezoned to residential in 1996 after additional growth was included for it in the RDS in 1992. The RDS only allowed for an additional population of 2,500 around Pottsville. This was taken up by Koala Beach and the expanded Leisure Gardens. The remainder of the property remained zoned 1(d). As part of the negotiations in respect of the DCP for the property, there were discussions as to the zoning of residential areas for further housing and a school site.	An amendment to the RDS may be required as a forerunner to any LEP amendment for residential development.	
8. Former Club Watersports	As recently as 22/6 an informal request was made to rezone this property to facilitate accommodation for the elderly. The current zone is 6(b) private open space, which reflects its location within the 25-30 ANEF contours.	AS2021 recommends against such development. No detailed analysis has been undertaken.	
9. Tanglewood	There are a number of issues raised by the owners which are primarily concerned with	The proponents are understood to be still	

## Reports from Director Development Services

Proposal	Detail	Comment	Priority
	the definition of environmental protection and residential zones; and the possibility of industrial zoning along Clothiers Creek road.	preparing a detailed submission, although it is understood the industrial component remains a priority.	
10. Wollumbin Wildlife Refuge	An LEP amendment was gazetted in 1997 to facilitate 25 residential lots on this 7(L) zoned property. The resultant development was intended to fund rehabilitation of the property. A 3 year period was given to lodge the development application. The proponents have requested this be extended.		
11. Coronation Avenue, Pottsville	Rezone small area of land between SEPP 14 Wetland and Coronation Avenue from 1(a) to 2(c).	Various environmental and access issues. No supporting analysis of issues from proponent.	
12. Tourist Information Centre, Tweed Heads	Increase height limit from 2 storey to 4 storey.	Shadow diagram indicates overshadowing of public open space. Must be related to REP controls.	
13. Chiltern Hunt property, Terranora	Submission to draft TLEP 1998 that 7(d) boundary inappropriate	Need Rural Settlement Strategy	
14. Vink property, Terranora	Proposal to develop former quarry for rural housing	Need Rural Settlement Strategy	
15. Former Tweed Heads Drive-In Site to Industrial	Informal proposal	Needs to await the outcome of the Coolangatta Airport Industrial precinct study	
16. Potential industrial land, South Murwillumbah	TEDC are seeking Federal funding for a planning study. Council have given in principle agreement.	Part of Industrial Land Review. A rezoning would be dependent upon a favourable outcome to the feasibility study. If funds for this are not forthcoming there may be pressure for Council to fund.	
17. Potential industrial land - Coolangatta Airport	Feasibility study currently underway.	Part of Industrial Land Review. A rezoning would be dependent upon a favourable outcome to the feasibility study. If funds for this are not forthcoming there may be pressure for	

## Reports from Director Development Services

Proposal	Detail	Comment	Priority
		Council to fund.	
18. Rural Housing	Various submissions made in respect of the draft TLEP 1998 exhibition.	Need Rural Settlement Strategy	
19. Church Lane, Murwillumbah	Draft LEP submission to rezone from residential to commercial.	Mixed land uses with access issues to be analysed. Council resolved to include in Stage 2.	
20. Cudgen Village	Draft LEP submission to review zonings.	Council resolved to include in Stage 2.	
21. Various	Draft LEP submissions to review Environmental Protection zones.	Council resolved to include in Stage 2.	
22. Dalton Street, Terranora	Draft LEP submission to rezone from Rural 1(c) to Residential 2(a)	Council resolved to include in Stage 2.	
23. Kennedy Drive, Tweed Heads	Draft LEP submission to rezone to Commercial.	Council resolved to include in Stage 2.	
24. Gales Holdings, West Kingscliff	Draft LEP submission.	Council resolved to include in Stage 2.	

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## Reports from Director Development Services

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**6. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/LEP/2000**

**REPORT TITLE:**

**Tweed Local Environmental Plan 2000 Draft Amendments: Area E Terranora, Black Rocks, Chinderah Foreshore**

**SUMMARY OF REPORT:**

On 5 April 2000 Council resolved to give consideration to a contract planner to give priority to intended Tweed Local Environmental Plan 2000 Draft Amendments: Black Rocks, Area E and Chinderah Foreshore. Discussions have been held with the proponents to implement that resolution. To achieve that it is also necessary for Council to formally commence the rezoning processes, with a resolution pursuant to S54 of the Environmental Planning and Assessment Act to prepare Local Environmental Plan draft Amendments.

**RECOMMENDATION:**

That Council informs the Regional Director of the Department of Urban Affairs and Planning pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979 that it intends to prepare draft amendments to Tweed Local Environmental Plan 2000 as follows:-

- Area E, Terranora (for urban development purposes)
- Black Rocks, Pottsville (for urban development purposes)
- Chinderah Foreshore (Lot 3 DP 851348, Portions 121, 421 and 472) (for Waterfront Enterprise development purposes)

And that, in Council's opinion, a Local Environmental Study is required for each amendment.

## Reports from Director Development Services

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### REPORT:

#### AREA E

- Area E is included in the Tweed Residential Development Strategy, (RDS) as illustrated by Figure 1.
- The land is zoned Agricultural Protection 1(b) in the Tweed LEP 2000.
- The TSP stages in clause 110 that:  
*“in view of the amount of zoned and vacant residential land within current urban release areas, there will be no need for any major rezoning of new urban release areas for urban development the Tweed in the short to medium term.”*
- On 17 May 2000 Council resolved that the TSP be amended as follows:  
*“Amends Clause 114 of the Tweed Shire 2000+ Strategic Plan, to read as follows:  
“Long Term Urban Release - The Bilambil Heights Release Area has major infrastructure impediments and requires a comprehensive multi-ownership planning approach. ~~If after three years no commitment has been given by landowners for infrastructure at Bilambil Heights, then Area ‘E’ at Terranora should be considered for release subject to other Strategic Plan requirements. No development approvals for the release of land for residential development will be granted until such time as the Tugun Bypass and Cobaki Parkway are commenced to provide appropriate access to the regional road network”.~~”*
- Prior to the adoption of the TSP there had been a concerted push by the Area E landowners to secure the implementation of the RDS. This culminated in the submission of a rezoning proposal in April 1995.

In view of the location and nature of Area E there are a significant range of issues that would have to be addressed prior to any recommendation for exhibition of a draft LEP. Moreover, those issues would have to be examined as part of an Environmental Study. The land is within the State Government Coastal Zone wherein a study is mandatory.

The particularly sensitive issues that will need to be addressed include:

- potential for contamination following agricultural use of land;
- water quality management, particularly runoff into Terranora Broadwater;
- geological hazard;
- identification and management of any significant vegetation, particularly SEPP 14 Wetland adjoining the Broadwater;
- urban design, particularly on the margin with the DCP3 area (open space, community facilities, scenic impact, amelioration etc);
- accessibility.

## Reports from Director Development Services

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The latter issue has already been the subject of internal discussions. An alternative to Terranora Road is essential if this release is to be achieved. A road along the northern edge of Area E is required, as indicated by Figure 2.

The Area E landowners are the only significant beneficiaries of the road. The extension of the SEPP14 wetlands onto Bolster's land (Figure 2) now means that any practical route must traverse SEPP14 wetlands and the resultant Development Application will be for designated development with an Environmental Impact Statement.

It is preferable, therefore, to pass the matter back to the landowners. As previously discussed it would still be prudent for them to obtain development approval for the road prior to spending funds on the remainder of any Local Environmental Study for rezoning. If the road development application should fail, the rezoning should not proceed. The only other option for the landowners may be to look at upgrading the alignment of Terranora Road and widening to 4 lanes. This would involve very difficult land acquisitions and be extremely expensive. Further traffic studies would be required to demonstrate that an upgrading of Terranora Road with its inherent redistribution of traffic flows would not prejudice the rest of the network.

No other engineering infrastructure issues have been identified at this stage. There would, of course, be the need to consider related community and social infrastructure.

### **BLACK ROCKS**

The area currently being released for housing development was rezoned in 1990 as LEP Amendment No 11. Amendment 11 rezoned about 35 hectares and required an additional creek crossing (Black Rocks Bridge) because of the lack of capacity of Overall Drive. The Amendment also included the dedication of creek foreshore to Council; the identification, protection and dedication of koala habitat; and the agreement to dedicate 4ha of open space to Council for a sportsfield.

The landowner has identified a further 12ha (150 lots equivalent) with urban potential. Again, because of the location within the Coastal zone an Environmental Study is required.

The particular issues that need to be address at this early stage are:

- Infrastructure capacity, particular at Hastings Point Sewerage Treatment Works and Black Rocks Bridge (timing and funding). In view of the comments in respect of Amendment 40 this cannot be guaranteed for some time;
- Flooding (the need to fill the land) and downstream impacts;
- Environmental issues for adjoining creek foreshore, koala habitat and SEPP14 wetlands;
- Acid Soils Management;
- Implications of previous rezoning legal agreement with the landowner.

The Residential Development Strategy allocates an additional population of 3,500 people, approximately 1,240 dwellings at Black Rocks, Leisure Gardens and Koala Beach. To date zonings and approvals have been granted to meet that growth level.

## Reports from Director Development Services

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Additional land at Black Rocks (and as proposed at Leisure Gardens) would exceed the nominated growth. A similar situation has been struck at the Quirk property, where it has been argued that the additional development is not significant in the context of the overall growth proposed in the Residential Development Strategy; and the potential reduced capacity in the adjoining urban release area, Kings Forest.

The only difference at Pottsville is that anticipated development yields have been met at the nominated locations. Nevertheless, the issue remains the same: in terms of the RDS the additional population growth is not significant. It may be significant in terms of Pottsville itself; that is for the Environmental Study to determine.

### **CHINDERAH FORESHORE**

During the determination of the Chinderah Marina proposal the proponents identified the potential for the area of the adjoining land for marina related activities, in particular a Boat Stack and Boat Building Area. To facilitate the proposal they have proposed that the land indicated by Figure 1 be rezoned from 2(a) to 3(d) Waterfront Enterprise. It would also require the re-routing of Chinderah Bay Drive to provide direct waterfront access.

The 3(d) zone arose out of the Chinderah Study, which identified five discrete areas. The proposal raises a number of issues, which also would have to be examined as part of an Environmental Study. These include:-

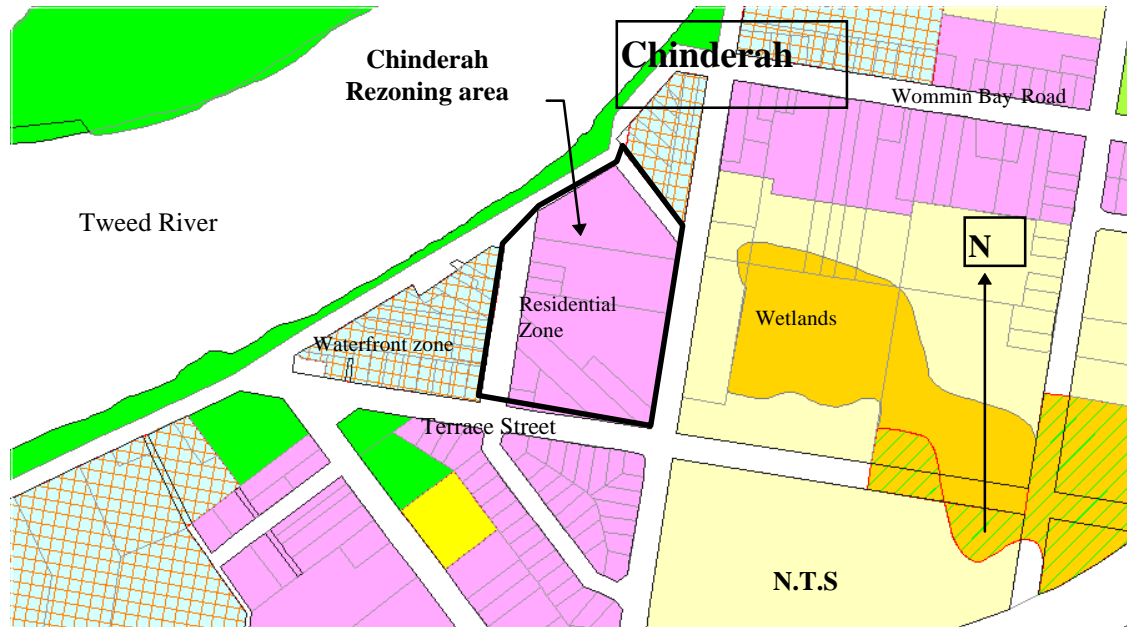
- Impact of the additional 3(d) commercial zoned land on existing zone land, and the foreshore area
- Impact of the traffic diversion on adjoining residential areas

### **OPTIONS**

1. Detailed analysis of all relevant issues prior to a Council determination to proceed with the relevant Local Environmental Plan amendments.
2. Formally resolve to prepare draft Local Environmental Plan Amendments and deal with all issues as part of the Local Environmental Plan process, noting that the Environmental Study will have to be funded by the proponents.
3. Resolve not to prepare the requested Local Environmental Plan Amendments.

# Reports from Director Development Services

Figure 1



# Reports from Director Development Services

Figure 2

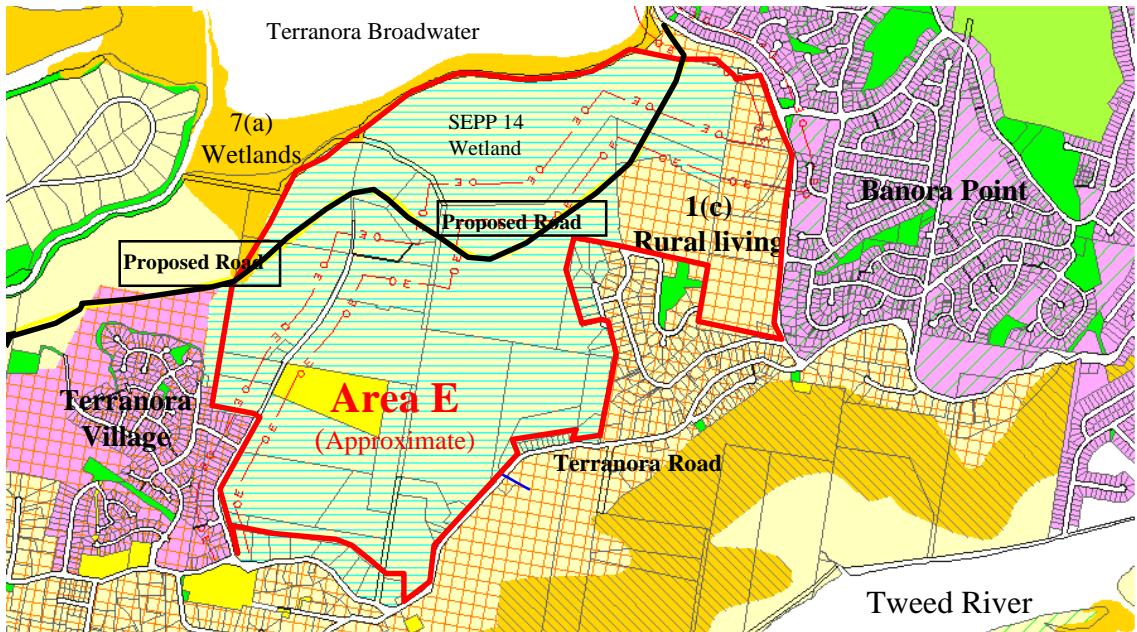
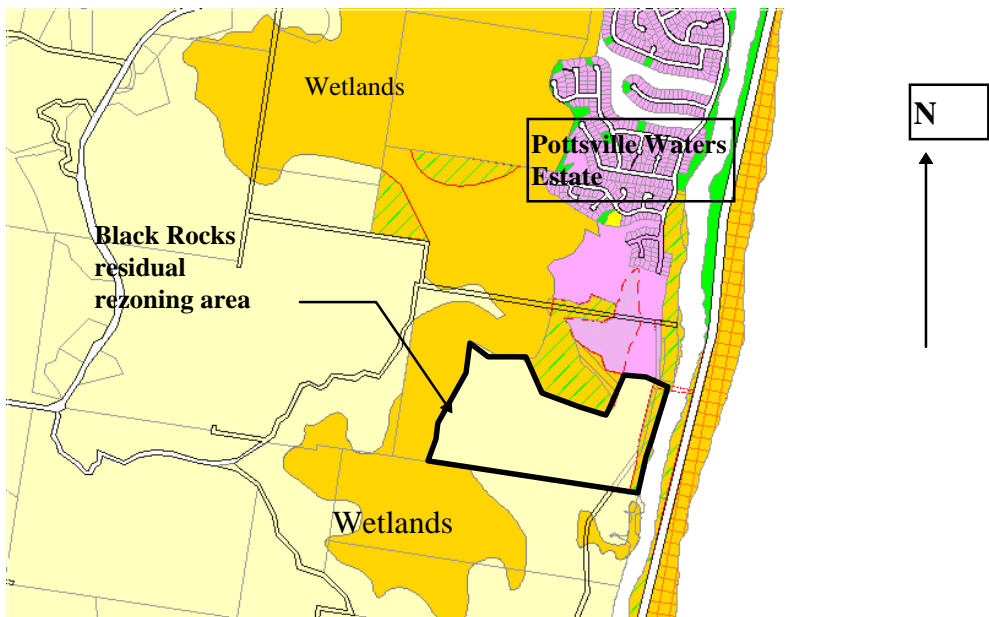


Figure 3



## Reports from Director Development Services

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**7. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/S94/3**

**REPORT TITLE:**

**Section 94 Contribution Plan No 3 - Banora Point Community Centre**

**SUMMARY OF REPORT:**

Contribution Plan No 3 for the funding of Banora Point Community Centre has been in operation since 1993. To date \$1,319,213 in contributions has been collected, for the construction of this Centre to serve this major release area. Expressions of interest from architects have been sought and reviewed for its design and the land component for the building has been purchased (\$260,960) using Section 94 funds.

As part of the 2000/2001 budget process Council did not accept the recommended inclusion of \$50,000 for the maintenance and on-going operational costs of the proposed centre. An issue also raised in these deliberations was whether there is a need for the centre in the light of the Salvation Army community centre adjoining proposed Council centre.

This report examines the implications of not proceeding with the construction of the community centre. It concludes with a recommendation that Council proceed with tendering processes for design and construction.

**RECOMMENDATION:**

That Council:-

1. Proceeds with the tender process for the design of the community centre; and
2. Following finalisation of documentation calls tenders for the construction of the centre.

## Reports from Director Development Services

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### REPORT:

#### INTRODUCTION

Contribution Plan No.3 (CP) has been in operation since 1993 to cater for the additional population of the Banora Point urban release area which will have an eventual population of over 12,000. The work program for the CP is for a staged development of a community centre, including the purchase of the land. The total proposed floor space of the centre is approximately 1,000m<sup>2</sup> and will accommodate meeting rooms, offices, activity areas, an attached child-care facility, storage and a youth facility. To date \$1,319,213 has been collected. Out of this amount \$260,960 has been expended on the purchase of the land for the building. There are sufficient funds to construct stages 1 and 2 of the centre, and Council has assessed plans for the design of the centre.

Council has had an expression of interest from the Department of Community Services local service provider 'the Family Centre' and the Red Cross for use of part of the centre as its permanent accommodation.

As part of the 2000/2001 budget process Council resolved that an amount of \$50,000 not be included for the maintenance and on-going operational costs of the proposed centre. An issue also raised in these deliberations was whether there is a need for the centre in the light of the Salvation Army community centre adjoining proposed Council centre.

This report will:-

- review the planning justification for community facilities in this urban release area
- the implications for Contributions Plan No. 3 if Council does not wish to proceed with the implementation of that Plan
- identifies other related implications

#### NEED FOR COMMUNITY FACILITIES

Ensuring provision for community facilities is an integral part of the planning for urban growth in the Shire to ensure the creation of balanced community. To that end, as part of its strategic planning functions, Council should consider the nature of new development and the kind of public amenities and services that will be required to ensure that it is part of an integrated approach to the planning of such facilities as development proceeds. The range of infrastructure includes roads, water supply, open space as well as community facilities.

**The basis for this approach is highlighted in a number of Council and State Government documents.**

#### **1. Residential Development Strategy.**

Council's overall strategy for urban growth is set out in the Tweed Residential Strategy. The strategy states that:

*"It is generally desirable to have urban areas that can grow to at least a minimum population of 5000 to 7000. This is because such areas can provide a wide range of community and commercial services to its residents without necessitating unnecessarily long travel distances. These criteria are met where new release areas are part of an area*



## Reports from Director Development Services

*that can grow to the abovementioned size, or where additions are made to existing large urban areas. For the purpose of this strategy, these areas are called "major release areas". Other areas may not be able to grow large enough to provide a wide array of commercial and community facilities and these are termed "secondary release areas".*

### 2. The North Coast Regional Environmental Plan 1988

When this release area was first zoned, the North Coast REP required that full account be taken of the need for community services. The REP requires a Council in drafting an LEP not to zone land for residential purposes unless it has made an assessment of the need for additional community and welfare services and is satisfied that the plan contains adequate provisions to enable the provision of these services.

The planning study accompanying the rezoning analysed the need for community facilities for the release area and concluded that:-

*"The following list (based on advice from the Department of Youth and Community Services and Council's previous planning reports) has been prepared as an indication of the likely demands which might be expected to emerge over time. The actual requirements for community amenities and services will be established through the preparation of a Development Control Plan, with financing via Section 94 levies, Council contributions, and Government Grants.*

*Multipurpose Community Centre: Providing for Child Care, Care for Aged/Disabled Persons, and other general community uses.*

*Retirement Village and Nursing Home: Approximately 10 hectares*

*Playing Fields: Approximately 33 hectares  
(Department of Sport and Recreation recommend 2.83ha/1000 persons)"*

Accordingly, one of the principles of the study which formed the basis for the concept plan, and eventual DCP for the release area was:-

*"(k) To allow for the provision of community facilities of such a range, variety and nature as to be responsive to the needs of the community and ensure that the costs associated with providing community services are equitably shared between all developers, Council and other Government agencies."*

#### *"9.11 Community Facilities*

- a. in the early stages of development monitor the existing community services in Tweed Heads and relate their capacity progressively to the community service requirements of the development area;*
- b. allow for the provision of community facilities of such a range, variety and nature as to be responsive to the needs of the community;*
- c. ensure that the location and distribution of community facilities are appropriate and accessible to most residents;*
- d. allow community facilities as permissible uses within all zones within the study area;*

## Reports from Director Development Services

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- e. *ensure that the costs associated with providing community services are equitably shared between all developers, Council and other Government Agencies; and*
- f. *through the implementation of Development Control Plans set detailed contribution standards in order to facilitate the economic construction/maintenance of community services”.*

### 3. Development Control Plan No.3 – Banora Point West – Tweed Heads South

The detailed planning for Banora Point is set out in DCP No 3 (Banora Point West – Tweed Heads South). One of the design philosophies for DCP 3 is to ensure that the urban subdivision has regard to, amongst other things, the provision of public facilities and services. The development principles include the identification of land suitable for community purposes which complements adjacent areas, as well as the creation of a community facilities precinct within the development area to provide a focus for commercial, community and educational activities.

**Amendment No. 7 to the DCP 3 identified an area of land in the 6(a) zone for community facilities. There is therefore an expectation that a Council community facility will be located in this area. DCP 3 also contains information relating to the community facility to be funded under the Section 94 Plan.**

### 4. Conclusion

The need for community facilities as an integral part of this urban release area is a long established Council principle. To now forfeit such a facility for an eventual urban release area of over 12,000 population is totally unacceptable and presents an unacceptable precedent for other release areas.

In 1996 the population of Banora Point and South Tweed was about 15,000, at twice the population of Murwillumbah. In comparison to Murwillumbah, Banora Point is largely devoid of public facilities and lacks a major community focal point. It contains the largest concentration of elderly and retired people, who rely more than most on community services and facilities.

The only comparable community facility existing within 5 kms is the new South Tweed Community Hall and Home & Community Care Centre, 3 kms to the north. Social activities are provided at Club Banora and the other sports clubs, and meeting facilities are available at Centaur School and Tweed River High School. Cultural activities are provided at Arts Unlimited in Terranora Road and Minjungbal Aboriginal Centre.

### CONTRIBUTIONS PLAN NO. 3 (CP3)

Not only is any decision not to proceed with the Centre contrary to sound planning practise, it also has a number of serious ramifications for CP3, as follows:

#### 1. Refund of funds

Council has collected funds from developers to be used for the sole purpose of constructing a community centre. The developers were required to contribute these funds as part of their conditions of consent, pursuant to Section 94 of the EP & A Act. Therefore Council is obligated to return the funds to the developers who contributed if the facility does not proceed otherwise Council may find itself in breach of the EPA & A Act, for which remedies can be sought under Section 124 of the Act. The logistics of returning the funds to developers has not yet been investigated.

## Reports from Director Development Services

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### 2. Community Expectations

As mentioned above there has been an expression of interest from the Family Centre and the Red Cross to use the proposed centre for its permanent accommodation needs. Council has also been in consultation with other community groups to gauge their potential use or requirements for this centre. A letter of support was received from the Centaur school, which would benefit from the community centre.

If Council was not to proceed with this facility there could be a community backlash against Council particularly as there is a perceived need for such a facility in this area.

Services identified as lacking within a reasonably accessible distance and in addition specifically requested by local service providers in a broad consultative process in 1997 are:

- Youth activities centre
- Family support services (currently Banora Point residents largest proportion of clients with Tweed Coast second)
- Aged services
- Community meeting place to support local activities/organisations such as Residents and Ratepayers, adult education, social club
- Outdoor informal gathering to promote networks that strengthen local communities

### Other Implications for Banora Point

Other, more detailed implications include:-

#### 1. Salvation Army Community Facility

The Salvation Army has recently opened its own community facility building adjoining the proposed Council facility. The centre provides an indoor sports hall/large assembly hall, a large function room, crèche and café.

In designing its building the Salvation Army consulted Council as to the proposed use of the council Banora Point community building. This was undertaken in order to avoid any major overlap in facility use, so that the centres complimented each other. The proposed Council centre provides meeting activities and welfare services quite different from the sports and assembly emphasis of the Salvation Army. In addition there is an agreement that the driveway access into the Salvation Army facility would cross the land that Council recently purchased. The location of this driveway, which is now in use, also allowed better use by the Salvation Army of its land. If Council does not proceed with its facility there will be gaps in the types of services and facilities available to the residents of Banora Point.

### 2. Expected Income

There is reasonable expectation that the costs associated with the on-going running of the centre will be covered by the use of the building. Requests have been received from two Tweed community organizations to utilise the facility on a full-time basis. As an indication, revenue from the Family Centre and the Red Cross would be close to \$20,000 a year. As mentioned above the

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general lack of community facilities in this and the surrounding areas should be reflected in a demand for the use of this facility. There will also be two meeting rooms and two counselling rooms for hire. The Murwillumbah community centre currently covers its operating costs through the hire of only one of its rooms.

### 3. Cost of Development

This whole issue raises the question as to whether the Shire can afford the cost of development. Council has as its agenda the encouragement of residential development. However if the on-going costs of operating the community facilities cannot be fully met by income received and Council cannot afford to meet the remainder then some further analysis is perhaps required on the level of residential development in the Shire as a whole.

### CONCLUSION

It is recommended that Council proceed with the tender process for the design of the Banora Point community centre and the subsequent construction of the facility for the following reasons:

1. There is community expectation that the facility will be constructed shortly;
  2. The design and subsequent uses of the adjoining Salvation Army community centre were, to a large extent, premised on the Banora Point community centre being constructed, leading to some obligation on Council's part to proceed;
  3. There is expressed local demand for the facility to be constructed taking account of the general lack of similar types of facilities in the area;
  4. Any lack of commitment to the provision of community facilities under Section 94 in Banora Point may set a precedent in other release areas, at a time when Council has been seeking a commitment from developers for the adequate provision of community facilities such as the dedication of public open space areas in the Kings Beach area.
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### 8. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/25 Pt1

#### REPORT TITLE:

**Draft Section 94 Plan No 25 - Kings Beach North Open Space and Associated Car Parking**

#### SUMMARY OF REPORT:

The Acting Minister for Urban Affairs and Planning issued a Section 88A direction under the Environmental Planning and Assessment Act, 1979, on 19 April 2000 in relation to Development Application No. K99/1755 - Proposed Subdivision and Associated Road and Infrastructure at Lots 194, 301, and 312 DP 755701 Coast Road, South Kingscliff - Lenen Pty Ltd.

Resolutions relating to this matter and Section 94 Plan No. 25 were as follows:

*Minute No. 1533 - "The decision to defer consideration of DA K99/1755 until after the re-exhibition period of the draft Section 94 Contribution Plan No. 25 made on 5 April 2000 was rescinded".*

*Minute No. 1532 - "The decision to re-exhibit draft Contribution Plan No. 25 made on 5 April was rescinded".*

*Minute No. 1537 - "Following receipt of the Acting Minister's Section 88A direction the Council resolved to advise the Director General of DUAP in the following terms:*

*'To advise that following receipt of Direction under Section 88A, Council resolved that it is in general support for the Development Application No. K99/1755 and this Council looks forward to discussions with the Minister, your Department and the developers (Lenen Pty Ltd) with a view to urgently resolving the application positively at the earliest possible time.'*"

Hence, Council had not adopted Section 94 Contribution Plan No. 25, (following its public exhibition)/before the Ministerial Direction.

It is now recommended that Council adopts draft Section 94 Plan No. 25 as a formality to embody consistency with the relevant conditions in the Ministerial consent and the outcomes of negotiations involving DUAP, Council and the applicant.

Amended document to be an attachment.

#### RECOMMENDATION:

That Council:-

- (a) Approves Section 94 Contribution Plan No. 25 with changes to the plan made subsequent to that advertised; as contained in this report.
- (b) Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 1994, specifying that the Contribution Plan comes into effect on the date of the notice.

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### REPORT:

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Hence, Council had not adopted Section 94 Contribution Plan No. 25, following its public exhibition. However discussions have taken place with DUAP, the developer and Council and a position reached in relation to amendments to the Draft Contribution Plan No. 25. The changes to the Section 94 Plan will not require re-advertising if Council agrees with the changes.

Section 94 Contribution Plan No. 25 has already been exhibited and agreement negotiated with the developer on the proposed contributions. It is considered prudent to proceed with the adoption of the Contribution Plan so it is supportive and compatible with the Ministerial consent relating to this Development Application.

The changes and additions to the plan to that advertised are as follows:

#### **1. Land to which the Plan applies**

The plan now relates only to the land contained in Development Application K99/1755 for Lots 194, 301 and 312, DP 755701. Therefore the open space area that was to be provided on the former NSW Tourism land (Lot 490, DP 47021) to the north of the development site has been deleted from the plan and will be re-visited as part of the planning for this site's development.

#### **2. Car Parking**

A total of 200 public car parking spaces shall be identified, constructed in a manner satisfactory to Council and dedicated to Council. The car parking is to be designed and constructed in the following manner:

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- a. 100 of the total car parking spaces are to be located close to the northern boundary of the land and 100 spaces located close to the southern boundary of the land. Each car parking area is to be located so as to enable easy pedestrian access to the beach and is to be clear of the 7(f) Environmental Protection (Coastal Lands) zone and generally consistent with the design standards in Tweed Council's Development Control Plan No. 2;
- b. The applicant will design and construct, to a standard satisfactory to Council, pedestrian access ways from each car park to intersect with the proposed coastal walkway/cycleway. The applicant will also design and construct pedestrian access ways to the beach which are located so as to give the most direct access possible as well as being consistent with the 'Foreshore Management Plan';
- c. Each car parking area is to include landscaping and design to integrate with adjoining public foreshore open space areas and be clearly identified as public car parking by signage and management; and
- d. The two car parking areas, access roads and related pedestrian access are to be constructed and dedicated to Council, at no cost, before the release of any Occupation Certificate for any development of any future management lot.

Note: These car parking spaces are in addition to the minimum number of car parks which are required by the resort development which will be subject of a future development application. Council's policy is that 300 car parking per kilometre of coastal area foreshore be provided. However as the resort development will also be providing car parking which will be accessible to the public, a total of 200 public car parking associated with the open space areas will be provided.

### 3. Public Foreshore Open Space

The open space in the advertised plan consisted of 3.2ha of coastal foreshore open space, consisting of a 40m wide strip of coastal foreshore for two thirds the length of the 1.2km long Lenen site. However as a result of extensive negotiations with the applicant of Development Application K99/1755 for Lots 194, 301 and 312, DP 755701 to enable the provision of open space at the northern and southern ends of the development site, the following open space is to be provided:

1. A dedicated area of 1.125 ha of land for open space purposes as well as adjoining land zoned 7 (f) - Environmental Protection (Coastal Lands). Of the total, one (1) ha of land is to be located adjoining the southern boundary of the land and 0.125ha adjoining the northern boundary. The land zoned 7(f) that is to be dedicated similarly adjoins the northern and southern boundaries and adjoins the existing foreshore public reserve and the 1.125 ha proposed to be dedicated. The applicant shall submit and obtain Council approval of a plan showing the dimensions of the land to be dedicated for public open space purposes prior to the release of the construction certificate for the works.
2. Prior to the dedication of the above land to Council, public amenities shall be constructed and each area landscaped as well as constructing pedestrian pathways to the beach. The location of amenities, landscaping and pedestrian access is to be consistent with the Foreshore Management Plan and the land is to be dedicated prior to the release of the occupation certificate for the future development of any of the lots created under this consent.

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Based on Council requirements of 3.2ha that was originally in the plan, there is a 1ha shortfall. Consequently a financial contribution of \$574,000 is required, made up of the following:

- Land - \$190,000 (as valued by the State Valuation Office)
- Embellishment of the open space - \$384,000

In lieu of contributing the \$574,000 to Council pursuant to Section 94A(5) of the Environmental Planning and Assessment Act, 1979, the following public facilities shall be provided:

- i. the construction of amenities as described in Point 2 above;
- ii. the design and construction of a coastal walkway/cycleway generally within a corridor 10 metres wide located parallel and close to the western boundary of Lot 500. The walkway/cycleway will commence a minimum of 20 metres east of the western boundary of the 7(f) zone to link up with the alignment of the southern coastal walkway/cycleway;
- iii. the construction of pedestrian access ways to the beach, referred to in 3.1b. above;
- iv. a Foreshore Management Plan for the land included on Lot 500, the land zoned 7(f) and any land proposed to be dedicated as foreshore open space, pursuant to 3.1a. above. The Foreshore Management Plan shall be prepared in consultation with the Tweed Shire Council, the Department of Land and Water Conservation, NSW Fisheries, the National Parks and Wildlife Service, and the Department of Urban Affairs and Planning. The final plan is to be submitted to, and approved by Council prior to the issue of any Construction Certificate for any development of the management lots adjoining the foreshore.

The Foreshore Management Plan shall include but is not limited to the following:

- a. the removal of bitou bush and non-native species of vegetation;
- b. the rehabilitation of cleared (disturbed areas);
- c. the planting of banksia integrifolia and other native species;
- d. the location and design of the walkway/cycleway to be located parallel to the western boundary of Lot 500 as well as the location of pedestrian access ways to the beach including maintenance and emergency vehicle access to the beach;
- e. the location, type and links with public amenities (including public toilets) proposed in the public open space areas (near the car parks);
- f. bushfire hazard reduction measure;
- g. not disturbing the Optus fibre optic cable; and
- h. measure to include the impact of the development on any threatened species within the meaning of the Threatened Species Conservation Act 1995.

Should the value of the works referred to above, as assessed by a qualified Civil Engineer, not be equal to or greater than \$574,000, then the shortfall shall be contributed to the Minister for Urban Affairs and Planning for the embellishment of parkland in the locality of the land.



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The above amendments to the advertised plan have been agreed to by Lenen Pty Ltd, which is the applicant for Development Application No. K99/1755 for the land consisting of lots 194, 301 and 312 DP 755701 - South Kingscliff.

Under the Environmental Planning and Assessment Regulations 1994 (3) ‘..a Council may approve the Plan with such alterations as the Council thinks fit. Council must give public notice of its decision in a local newspaper within 14 days after the decision is made.’

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**9. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GS4/92/103**

**REPORT TITLE:**

**Release of Restriction on Use of Land - Lots 1, 2 and 3 DP 828298 Crescent Street, Cudgen (Torrac Investments Pty Ltd)**

**SUMMARY OF REPORT:**

The applicant has requested Council to release the restriction on use of land applying to these lots. Having regard to the purpose of the restriction, it is recommended that the restriction be released over lots 1 and 2 only.

**RECOMMENDATION:**

That:-

1. The restriction as to use over Lots 1 and 2 DP 828298 be released, and
2. All documentation be executed under the Common Seal of Council.

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### REPORT:

#### BACKGROUND

On 28 October, 1992 Development Consent S92/103 was issued for a three (3) lot subdivision of Lot 200 DP 803329 Chinderah Road, Cudgen.

Condition 5 of the consent is in the following terms:-

- “5. As a means of notifying prospective purchasers that access, services, filling, open space and other relevant urban infrastructure have not been provided, a caveat or Section 88B Instrument restriction shall be registered over the land prohibiting any dealings/transfers without the concurrence of the Tweed Shire Council.”*

The location plan and layout plans are attached as figures 1 and 2 respectively.

In pursuance of the development consent the linen plan of subdivision creating lots 1, 2 and 3 DP 828298 was released and registered in 1992.

The Section 88B Restriction as to Use applicable to Lots 1, 2 and 3 is in the following terms:-

- “That no further development of the subject land shall take place without the prior written approval of the Council of the Shire of Tweed”.*

Stacks the Law Firm, on behalf of Torrac Investments Pty Ltd, have requested Council to release the restriction as to use to enable the subject land to be sold.

#### Comments

At the date of approval of the development application proposing the creation of Lots 1, 2 and 3 DP 828298, the subject land was zoned Part 2(c) Urban Expansion, Part 1(d) Development Investigation, Part 5(a) Road Reservation and Part 7(l) Environmental Protection (Habitat). The development application did not propose any filling of that part of the land zoned 2(c) nor did it propose the provision of normal urban infrastructure to each lot such as water, sewerage, drainage, power and telephone services.

Given that the subdivision created relatively large urban lots of some 4ha (Lots 1 and 2) and a residue lot 3 of some 13ha and as the purpose of the proposal was to facilitate financing arrangements, condition 5 was imposed in lieu of the normal conditions relating to filling and the provision of urban infrastructure.

Subsequent to the creation of Lots 1, 2 and 3 DP 828298 conditional development consent S93/76 was issued over Lots 1 and 2 DP 828298 on 25 January, 1994 for a 96 lot residential subdivision. Development pursuant to that consent has been commenced and whilst no works have been carried out for some time, it is nevertheless considered that the objective of the restriction has been achieved insofar as Lots 1 and 2 are concerned and therefore no objections are raised to release of the restriction from those lots.

However, some issues remain outstanding in respect of the zoning of Lot 3 and access thereto and no development consents have been issued over that lot at this stage and therefore it is considered that the restriction should be retained in respect of Lot 3.

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### CONCLUSION

Having regard to the original objective of the restriction and given that development consent has been issued and remains in force in respect of Lots 1 and 2, it is recommended that the restriction be released in relation to those lots but be retained in respect of Lot 3.

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FIGURE 1 – LOCALITY PLAN





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### 10. ORIGIN: Strategic Town Planning Unit

**FILE REF:       Vegetation Management Plan**

**REPORT TITLE:**

**Vegetation Management Plan Steering Committee**

**SUMMARY OF REPORT:**

The report provides a brief outline of the status of the Tweed Vegetation Management Plan. The Plan has been publicly exhibited in accordance with a Council resolution. Council also advertised for nominations for the Vegetation Management Plan Steering Committee in May, 2000. Eighteen (18) nominations have been received for membership of the Steering Committee in addition to the two Council representatives (Cr Youngblutt and Cr James), and a representative from the Department of Land and Water Conservation. Sixteen (16) names and organisations have been recommended to become voting members of the Committee plus three (3) non-voting members. The report also recommends adoption of Terms of Reference for the Committee and the Manager of Strategic Town Planning as the non-voting Chairman of the Committee.

**RECOMMENDATION:**

That Council adopts:-

1. The Terms of Reference for the Vegetation Management Plan Steering Committee as follows:-

**Vegetation Management Plan Steering Committee**

**Terms of Reference**

**1.0 BACKGROUND**

**1.1 Tweed Vegetation Management Plan 1999**

Tweed Shire Council has been successful in its funding applications to Greening Australia, the Environmental Restoration and Rehabilitation Trust of NSW and the Natural Heritage Trust to prepare a Vegetation Management Plan for the Tweed Shire. The funding has been used to commission consultants to prepare a report and database on remnant bushland in Tweed Shire. The information was partly intended to assist council to more accurately fulfil its statutory land use planning obligations for the protection of significant natural areas in Tweed Shire. As part of an agreement with Greening Australia council formed a Steering Committee comprising government and community representatives to provide advise on the preparation of the consultants report.

The consultant's report and database included the following elements;

- detailed vegetation and wildlife habitat mapping and inventory for the majority of the Shire;
- forest cover and agricultural land use for all of the Shire;

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- mapping of scenic management zones prepared by Catherine Brouwer in 1995;
- an ecological assessment of remnant bushland, including priority areas for conservation (regional, core ecological areas etc);
- an assessment of the current planning protection of remnant bushland;
- an assessment of priority areas for rehabilitation and reforestation;
- recommendations on land use planning, council activities, education, resources for implementation and database management and research.

The Tweed Vegetation Management Plan was placed on exhibition for public comment in November/December, 1999. Council also commissioned an independent review of the plan by the CSIRO in October 1999.

### **1.2 Draft Local Environmental Plan**

The Minister of the Department of Land and Water Conservation may recommend that land within a local government area can be excluded partially or wholly from the operation of the Native Vegetation Conservation Act 1997 if the Minister is of the opinion that adequate provisions, consistent with the objectives of that Act, has been made with respect to the conservation and management of native vegetation through the operation of a local environmental plan.

In September, 1999 Council resolved to proceed with the preparation of a draft LEP to obtain full exclusion from the Minister from the operation of the Native Vegetation Conservation Act (NVC Act) in Tweed Shire. This approach was chosen by Council after a Council Workshop and public consultation on a Discussion Paper outlining options for a draft local environmental plan options in February, 1999. To facilitate the preparation of the integrated draft local environmental plan council also resolved to review the steering committee to try and include all stake holders in the preparation of the plan in accordance with the objectives of the NVC Act.

### **2.0 OBJECTIVES OF THE STEERING COMMITTEE**

- Assist Council staff and the Director of Development Services to:
- review draft land use planning documents to try and seek full exclusion from the Native Vegetation Conservation Act from the Minister of the Department of Land and Water Conservation;
- review draft planning documents to include a balance between economic, social and environmental factors associated with vegetation management;
- simplify and clarify administrative procedures relating to bushland clearing controls
- canvass and review incentives to encourage land holders to manage native vegetation for wildlife habitat and scenic value.

## Reports from Director Development Services

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- develop a system for on-going monitoring of bushland management as they relate to vegetation management
- undertake appropriate strategies for community consultation and education in the development of land use planning and incentives associated with vegetation management in Tweed Shire
- Committee meetings to be conducted in a manner to allow free expression of views and presentation of information from members

### **3.0 COMMITTEE MEMBERSHIP**

- 3.1 The committee membership is comprised of voting and non-voting members
- 3.2 Voting and non-voting members are appointed to the committee by council
- 3.3 Non-voting members can make comments or presentations only at the chair's invitation
- 3.4 Non-voting members are not eligible to vote on decisions by the committee
- 3.5 Voting members are eligible to vote on decisions by the committee
- 3.6 The period of appointment of members is at the discretion of tweed shire council

### **4.0 COMMITTEE CHAIRPERSON**

- 4.1 Chairperson of the committee is the Manager of the Strategic Planning Unit (as delegate of the Director of Development Services)
- 4.2 The Chairperson is a non-voting member of the Committee
- 4.3 The obligations of the Chairperson are to;
  - provide leadership to the committee in its deliberations
  - lead and drive the committee's effort towards consensus outcomes
  - create within the committee a cooperative working relationship
  - ensure balanced representation in decision-making
  - ensure the committee follows the operating protocols
  - advise council if the committee becomes ineffective or goes beyond operating protocols
  - ensure the committee remains focused on the committee's objectives

### **5.0 COMMITTEE COORDINATOR**

- 5.1 A Committee coordinator will be provided by Council's Strategic Planning Unit.

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### **6.0 DECISION MAKING**

- 6.1 Any decision at any meeting of a vegetation management committee at which a quorum of voting members is present is to be made by a majority vote by voting members cast at the meeting.
- 6.2 Each voting member can cast one vote on a motion made at the meeting.
- 6.3 A resolution approved under clause 6.1 is to be recorded in the minutes of the next meeting of the Vegetation Management Plan Steering Committee.
- 6.4 Any member is entitled to make a report indicating the minority view in relation to a decision of the Vegetation Management Plan Steering Committee and submitted to the committee Chairman for consideration by the Director of Development Services and Council.
- 6.5 All members are to be informed in advance of issues to be discussed at committee meetings
- 6.6 All members are to be given equal access to relevant information and the opportunity to participate effectively throughout the process
- 6.7 Members on the committee are accountable to the group they represent and for the processes they establish
- 6.8 The Committee may establish Focus Working Groups comprising members of the Committee and individuals outside the committee to undertake specific tasks identified by the Committee. The Committee may delegate any of the committee's functions to the Focus Working Group , except the power of delegation.
- 6.9 A Focus Working Group must contain a minimum of two voting members.

### **7.0 PROTOCOLS**

- 7.1 The quorum for a meeting of a Vegetation Management Plan Steering Committee is a minimum of eight (8) voting members.
- 7.2 A vegetation management plan steering committee must keep minutes of the proceedings of each meeting.
- 7.3 A copy of the adopted minutes must be provided to the Director of Development Services and reported to Council as soon as practicable after the meeting.
- 7.4 A copy of the Minutes to be made available to the members of the committee
- 7.5 If the position of an appointed member becomes vacant Tweed Shire Council can appoint another person to fill the vacancy
- 7.6 A position on the committee can be deemed to be vacant if a member is absent from three consecutive meetings for which reasonable notice has not been given to the Chairperson

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### 8.0 OBLIGATION OF MEMBERS

#### 8.1 Members the committee must

- act with impartiality and integrity, conscientiousness and respect the public interest
- ensure that the work of the committee is not compromised or affected by any conflict of interest
- maintain confidentiality when confidential material or discussion are dealt with by the committee
- it is accepted that, for effective consultation, members will need to discuss agenda papers and minutes with the organisation they represent, subject to the exercise of reasonable discretion.

#### 2. The following people/Groups as voting and non-voting members of the Vegetation Management Plan Steering Committee:

##### Voting Members:

- (1) Cr Phil Youngblutt
- (2) Cr Henry James
- (3) One representative from the Department of Land and Water Conservation
- (4) One representative from the NSW National Parks and Wildlife Service
- (5) Kate McKenzie
- (6) David Lovell
- (7) Barbara Stewart
- (8) Jim O'Brien
- (9) Rhonda James
- (10) Peter Mason
- (11) Paul Bolster
- (12) Paul Hopkins
- (13) Robert Quirk
- (14) Col Brooks
- (15) Gary Varga
- (16) Brian Sandercock

##### Non-Voting Members:

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- (1) Manager, Strategic Town Planning (Chair) as delegate of the Director of Development Services
- (2) Project Coordinator
- (3) Mark Kingston (Ecograph).

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### REPORT:

#### BACKGROUND

Council resolved at its meeting on 1 September, 1999 to:

- Proceed with the preparation of a draft LEP on vegetation management as part of the Stage 2 LEP Review to try and obtain full exclusion from the Minister for Land and Water Conservation from the operation of the Native Vegetation Conservation Act (NVC Act) in Tweed Shire;
- Undertake a cooperative approach between Council and the Department of Land and Water Conservation in the preparation of the draft Plan and community consultation;
- Review membership of the Vegetation Management Plan Steering Committee to try and include all stakeholders in the Plan preparation process, consistent with the objectives of the Native Vegetation Conservation Act;
- Exhibit the Tweed Vegetation Management Plan 1999 for public comment.

Council adopted this approach after a Council Workshop and public exhibition of a Discussion Paper on LEP options in early 1999. Currently Council's Tweed Local Environmental Plan 2000 and the Native Vegetation Conservation Act 1997 are not integrated. Council and the Department of Land and Water Conservation therefore currently operate independently from two sets of provisions and maps. Some of the issues associated with this situation are listed below.

- The Native Vegetation Conservation Act (NVCA) overrides Council's LEP regarding approval by the Department of Land and Water Conservation (DLWC) to clear vegetation in rural areas.
- Exemptions from clearing vegetation under the NVCA and Tweed LEP differ and an exemption to clear vegetation under the NVCA may still require Council consent and vice versa.
- Development consents may be required from both Tweed Shire Council and the DLWC in certain circumstances (dual consents). For example, consent to clear vegetation may be required from the DLWC and consent to undertake the land use required from Tweed Shire Council.
- Some clearing exemptions under the NVCA may seem inappropriate for the Tweed eg, clearing of up to two hectares per annum for any contiguous landholding.
- Potential for inconsistent advice to landholders/developers from Tweed Shire Council and DLWC because each authority is working from different provisions.
- DLWC assessments must take into consideration Council's LEP, but are not bound by its provisions.
- Some exemptions for clearing native vegetation under the NVCA are difficult to interpret.

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- Both Council and DLWC maps (Council's LEP map zones and DLWC's Protected Lands maps) and provisions require review based on information collected as part of the Vegetation Management Plan.

The Native Vegetation Conservation Act provides Councils with the opportunity to prepare a comprehensive draft Local Environmental Plan to replace the Act within a local government area. If the Minister of the DLWC is of the opinion that adequate provision, consistent with the objectives of the Act, have been made through the operation of an LEP, the NVC Act will not apply to Tweed Shire. Council has resolved to adopt this option which has the following advantages:

- Tweed Shire Council, the community and the Department of Land and Water Conservation (optional) will operate from one set of provisions and maps in a new LEP.
- Potential to avoid dual consents and clearly identify the consent authority for clearing vegetation and land use.
- Input from community consultation (eg, Steering Committee) is more likely to affect the outcomes of vegetation management in Tweed.
- Potential to develop a new and common set of exemptions for clearing vegetation, particularly for rural landholders.
- Potential to develop a common development assessment approach by both Tweed Shire Council and DLWC.
- Potential to introduce incentives, development rights, rate rebates, grants etc, as part of the LEP to encourage landowners to manage native vegetation for conservation purposes.
- Opportunity to use new information collected for the Tweed Vegetation Management Plan to update mapping and provisions in the new LEP.

It is acknowledged that this approach is more time consuming compared to the normal process in preparing a draft LEP, however the approach is consistent with integrated planning and planning from the 'bottom up' rather than the 'top down'.

A presentation was made to Councillors at a Strategic Planning Committee Meeting on 22 March, 2000 on the status of the Tweed Vegetation Management Plan, its relationship with the Stage 2 LEP Review and Council's adopted LEP option for Stage 2.

### PROJECT STATUS

In response to Council's resolution in September 1999, Council officers have:

1. placed the Tweed Vegetation Management Plan 1999 on public exhibition and sought an independent review of the plan by the CSIRO;
2. made presentations at a Public Workshop in Murwillumbah with the Department of Land and Water Conservation and Council's Consultant regarding the Vegetation Management Plan;
3. liaised with the Department of Land and Water Conservation to develop draft Terms of Reference for the Committee, attached as an addendum to this report;



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4. advertised for nominations from rural landholders and rural groups to become members of the Vegetation Management Plan Steering Committee and liaised with DLWC on the recommendation. Council has received eighteen (18) nominations in addition to two(2) Councillors and the Department of Land and Water Conservation.

### EXHIBITION OF THE TWEED VEGETATION MANAGEMENT PLAN

The important components of the Tweed Vegetation Management Plan 1999 include:

- Vegetation and agricultural and scenic landscape mapping;
- Development of broad criteria for assessing conservation significance of remnant bushland and apply these criteria to the vegetation map to produce mapping of ecological significance;
- Development of local land use planning recommendations in response to mapping of ecological significance and scenic landscape categories;
- Development of a GIS (Geographical Information System) database;
- Development of a broad rehabilitation strategy.

The main issues arising from the review of the Plan by the CSIRO and public exhibition were as follows:

- The goals of the plan are too vague and need to be more specific and practical.
- The Plan should include information and criteria developed for the Upper North East Forest Agreements (CRA data).
- The mapping does not include new National Parks and Nature Reserves (NSW Forest Agreements).
- Need for more community consultation.
- Concerns over the accuracy of the vegetation map (derived from various sources).
- Concerns over the necessity to prepare a comprehensive LEP to replace the current LEP and Native Vegetation Conservation Act.
- Omission of comprehensive discussion and recommendations on economic and social issues associated with vegetation management, particularly on rural landholders.
- Omission of comprehensive discussion and recommendations on land degradation issues (steep land, mass movement, stream bank erosion, weeds) associated with vegetation management.
- Need more specific recommendations on the control of Camphor laurel.
- Omission of discussion on incentive mechanisms to encourage wildlife conservation on private land.

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- Need for a more targeted and focused rehabilitation strategy and planning recommendations to achieve conservation objectives.
- Need to liaise with Byron Shire Council and Richmond Vegetation Management Committee.

Critical to addressing these issues, particularly the preparation of the draft LEP, is the membership and direction provided to the Vegetation Management Plan Steering Committee and resources.

The CSIRO (Dr Richard Hobbs) provided Council with some useful constructive criticism of the Plan. The CSIRO also stated that:

*“The Shire of Tweed is to be commended for its efforts in relation to conservation assessment and planning. The report provides detailed and meaningful information in relation to the conservation resources of the shire, and provides a platform which effective planning and action can take place. The alternative approaches I have suggested would complement, not replace, the work that has been done already”.*

### TERMS OF REFERENCE

To provide direction for the Committee, a draft Terms of Reference has been prepared in consultation with the Department of Land and Water Conservation for consideration and adoption by Council. The Terms of Reference are attached as an addendum to this report.

The Terms of Reference outline the objectives of the Committee which are as follows:

- Assist Council staff and the Director of Development Services to:
- prepare draft land use planning documents consistent with the objectives of the Native Vegetation Conservation Act 1997 to obtain full exclusion from the Native Vegetation Conservation Act from the Minister;
- prepare planning documents that provide an appropriate balance between economic, social and environmental factors;
- simplify and clarify administrative procedures relating to bushland clearing controls;
- recommend incentives to encourage land holders to manage native vegetation for wildlife habitat and scenic value;
- develop a system for ongoing monitoring of bushland management as they relate to vegetation management;
- undertake appropriate community consultation and education in the development of land use planning and incentives associated with vegetation management in Tweed Shire.
- Committee meetings to be conducted in a manner to allow free expression of views and presentation of information from members.

Committee membership is divided into voting and non-voting members. Non-voting members comprise the Manager of Strategic Planning, the Project Coordinator and a representative of Ecograph, Council’s Consultant on the project. It is recommended that the Chairman of the Committee be the Manager of Strategic Planning (as delegate of the Director of Development

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Services), a non-voting member, whose function is to facilitate a balanced and orderly discussion on various issues, and to focus on outcomes.

A feature of the Committee is the option of allowing any member to make a report indicating the minority view in relation to a decision of the Committee to be considered by the Director of Development Services and Council.

Decisions by the Committee are determined by a majority vote by voting members of the Committee.

### COMMITTEE MEMBERSHIP

The review of the Committee was recommended to ensure all stakeholders had an opportunity to join the Committee consistent with the objectives of the Native Vegetation Conservation Act. Membership of Regional Committees under the Native Vegetation Conservation Act (Cl51(4)) is as follows:

- Rural interests;
- Conservation interests;
- Non-government member of a Catchment Management Committee, or similar;
- Landcare Group;
- Local Government;
- Aboriginal interests;
- Department of Land and Water Conservation;
- Department of Agriculture;
- National Parks & Wildlife Service;
- Nomination from the Australian Ecological Society who has recognised scientific expertise relating to native conservation and management.

After discussions with the Department of Land and Water Conservation, Council has been advised that general consistency between the recommended make up of the Regional Vegetation Committee under the Act and Council's Committee is recommended to further Council's chances in obtaining exemption from the operation of the Native Vegetation Conservation Act. It is suggested that the Committee be limited in membership (sixteen voting members) to ensure it does not become unworkable.

Table 1 indicates the nominations received from the community that are in addition to recommended automatic members of the Committee ie, Cr Phil Youngblutt, Cr Henry James (Tweed Shire Council), Bruce Hungerford from the Department of Land and Water Conservation, and a representative from the National Parks and Wildlife Service.

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**Table 1 – Nominations for Vegetation Management Plan Steering Committee**

Organisation, Interest Group	Nominee
Tweed Landcare, previous member of Vegetation Steering Committee	Kate McKenzie
Richmond Regional Vegetation Committee/Plantation Forestry	David Lovell, Stony Chute
Scientific Expert (nominated by Ecological Society of Australia)	Barbara Stewart
Rural landowner and NSW State Forest representative (Camphor program)	Jim O'Brien, Mt Burrell
Rural residential landowner and landcare group	Bruce Campbell, Cobaki
Rural landowner, Pottsville Progress Assoc, Koala Rescue Unit, Caldera Environment Centre, Regional Catchment Board, Landcare Group, Tweed and Coastal Estuaries Committees, previous member, Vegetation Steering Committee	Rhonda James, Cudgera
Rural landowner (Mebbin Rock Multiple Occupancy)	Bernard Zagel, Mt Burrell
Rural landowner (Dairy Farmers' Assoc)	Peter Mason, Terranora
Rural landowner, Numinbah (Banana Growers' Assoc)	Brian Sandercock
Rural landowner and nominated by Australian Tea Tree Industry Assoc	Paul Bolster, Chinderah
Rural landowner, Tyalgum and District Landcare Group, Caldera Environment Centre	Paul Hopkins, Tyalgum
Rural residential landowner, Tweed Valley Wildlife Carers	Karl Schindler, Bilambil
Rural group, nominated by NSW Canegrowers' Assoc, Regional Catchment Board, Tweed River Management Plan Advisory Committee	Robert Quirk, Duranbah
Rural group, nominated by NSW Canegrowers' Assoc	Graham Martin, Murwillumbah
Rural landowner, Combined Rural Industrial, previously represented on Vegetation Steering Committee	Col Brooks, Kynnumboon
Rural property manager, Hillpalm, Manager of Tanglewood –late submission 16/6/00	Gary Newman, Tanglewood
Bush Care, previous Coordinator of the Tweed Catchment Committee	Gary Varga

The Department of Agriculture have advised Council that they do not have the resources to join the Steering Committee. Although invited, no nomination has been received from the Tweedy Byron Aboriginal Lands Council.

Apart from having general consistency with the structure of Regional Vegetation Management Committee, preference should be given to nominees who have affiliations with one or a number of rural industry groups, or environmental groups (including Landcare). On that basis the following recommendations are made to fill the remaining twelve (12) vacancies to create a total of sixteen (16) voting members of the Vegetation Management Steering Committee:

- Col Brooks, Combined Rural Industries\*;

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- Kate McKenzie, Landcare Coordinator for Tweed\*;
- David Lovell, Richmond Regional Vegetation Committee/Forestry;
- Barbara Stewart, Ecological Society of Australia;
- Jim O'Brien, Forestry/Cattleman's Union;
- Rhonda James, Regional Catchment Board/Koala Rescue Unit\*;
- Peter Mason, Dairy Farmers' Association;
- Paul Bolster, Tea Tree Organisation;
- Paul Hopkins, Tyalgum Landcare, Caldera Environment Centre;
- Robert Quirk, Canegrowers' Association, Regional Catchment Board;
- Gary Varga, Bushcare Australia;
- Brian Sandercock, Banana Growers' Federation.

\* previously represented on Steering Committee.

### FUNDING

Staff and financial resources will be required to assist Council and the Steering Committee to review the Plan and implement actions, including amendments to the report and database by Council's Consultant, Ecograph, and on issues raised by the Committee. Council Officers have recently discussed with the Department of Land and Water Conservation (DLWC) options for the expenditure of grant money originally provided by the Natural Heritage Trust to the now defunct Tweed Catchment Committee. As a result of the discussions Council has applied for \$30,000 from the DLWC to assist Council reviewing and amending the Tweed Vegetation management Plan in response to submissions. If successful the funding will be used to update the Plan as follows:

- Incorporate discussion on socio-economic issues associated with vegetation management (advantages and disadvantages);
- Update vegetation mapping and ecological criteria and re-run ecological model;
- SEPP 44 – koala management issues;
- Review rehabilitation strategy (more focused plan);
- Incorporate soil and water issues related to vegetation management eg, land degradation (Native Vegetation Conservation Act);
- Canvass options on Local Government incentives and mechanisms to compliment State/Federal incentives for landholders.

The NHT funding will compliment Council's current budgeting for the Vegetation Management Plan. The latter will be used to fund research issues raised by the Steering Committee, community

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consultation and help prepare preliminary land use planning documents on vegetation management in Tweed Shire as part of the Stage 2 LEP Review.

It is intended that the review of the Tweed Vegetation Management Plan by Council and the Steering Committee will focus on preparing Tweed LEP Stage 2 (vegetation management) and associated Development Control Plan. The review will also involve canvassing Local Government incentive mechanisms for landholders to manage vegetation for wildlife conservation that could compliment the Tweed LEP Stage 2.

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### 11. ORIGIN: Subdivisions Unit

**FILE REF: GS4/94/176 Pt13**

#### **REPORT TITLE:**

**Request for Variation to Building Setback - Lot 7 DP 864093 Flintwood Street, Koala Beach**

#### **SUMMARY OF REPORT:**

Hickey Lawyers, on behalf of the developers, have requested Council to agree to vary the setback from the eastern boundary of Lot 7 from 10m to 3.5m.

The 10m setback was imposed for bushfire hazard reduction purposes and the variation is intended to provide greater flexibility in the siting of a dwelling on Lot 7.

At its meeting on 22 September, 1999, Council resolved to support a setback variation from 10m to 3.5m for the adjoining Lot 8 DP 864093.

#### **RECOMMENDATION:**

That :-

1. Council agrees to the setback variation from 10m to 3.5m.
2. All documents be executed under the Common Seal of Council.

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### REPORT:

#### BACKGROUND

Conditional development consent No. S94/176 was issued on 19/10/95 for a 101 lot residential subdivision, being Koala Beach Stage 1.

A copy of DP 864093 showing the location of Lot 7 and existing easements and restrictions burdening that lot is attached as Figure 1.

Condition 45 of development consent S94/176 is in the following terms:

45. *Unless otherwise approved by Council's Bushfire Control Officer, a restriction as to user under Section 88B of the Conveyancing Act to be provided with the linen plan, requiring a 10m wide area at the rear of all lots backing onto land zoned 7(l) for bush fire mitigation purposes, wherein:*
- (i) no buildings except swimming pools are to be permitted,*
  - (ii) area is to be kept generally free of ground litter and fire susceptible plant species;*
  - (iii) and any fencing to be constructed in non-combustible material."*

In pursuance of Condition 45 the existing Section 88B Instrument registered with DP 864093 creates a 10m setback requirement to the eastern boundary of Lot 7.

#### PROPOSAL

Hickey Lawyers, on behalf of the developers, Cinereus Beach Pty Ltd have requested Council to agree to a variation of the setback in respect of Lot 7 from 10m to 3.5m.

In accordance with the provisions of Condition 45 of the development consent, Councils Fire Control Officer has approved the proposed setback on the basis that the lot adjoins a public reserve and the objectives of the setback being a bushfire hazard reduction, can be achieved by the proposed reduced setback of 3.5m.

No objections are therefore raised to the request.





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### 12. ORIGIN: Development Control Unit

**FILE REF: PF5880/70/3**

**REPORT TITLE:**

**Existing Development Consent for Filling of Land at Lot 7 DP 617266 West End Street, Murwillumbah - Order to Complete Development**

**SUMMARY OF REPORT:**

This report addresses the need for Council to issue orders requiring the owner of a site in West End Street, Murwillumbah to finalise the filling of the land approved by a development application in 1992. It is also recommended the site be required to be fenced to prevent public access from the adjoining park containing the BMX track.

The need for such action has resulted from recent complaints, the potential environmental impacts of the development, the location of the site within an established residential area and the impact on amenity and public safety issues.

**RECOMMENDATION:**

That Council:-

1. Issues an order pursuant to Section 121B of the Environmental Planning and Assessment Act, 1979 requiring the owner to complete the development on Lot 7 DP 617266 in accordance with Development Consent No. 92/243.
2. Issues an order pursuant to the provisions of Section 124 of the Local Government Act, 1993 requiring the owner to fence Lot 7 DP 617266 for reasons of public safety.

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### REPORT:

**Applicant:** Mr Victor Charles Wade  
**Owner:** Mr Victor Charles Wade  
**Location:** Lot 7 DP 617266 West End Street, Murwillumbah  
**Zoning:** 2(c) Urban Expansion

### BACKGROUND

Development consent was granted on 26 November 1992 for the owner of Lot 7 DP 617266 West End Street, Murwillumbah to fill his land for the purpose of future residential development. No application has been submitted for any subsequent use of the land however discussions have taken place with reference to establishing a manufactured home park/retirement village on the land.

Filling of the land had commenced prior to the development application being lodged. The application was submitted in response to a complaint Council had received.

The subject land has an area of 2.3ha and contains two drainage easements and a easement for a pathway. The approved plan for the filling shows the works being carried out in three (3) stages. A large percentage of the works have been done for Stages 1 and 2.

The owner over a number of years has negotiated with Council regarding the relocation of the existing sewer and piping of the stormwater drainage channel. The owner has been advised that the existing sewer does not require renewing and that there are no funds available to pipe the stormwater drainage line. These works are independent to the development application to fill the land.

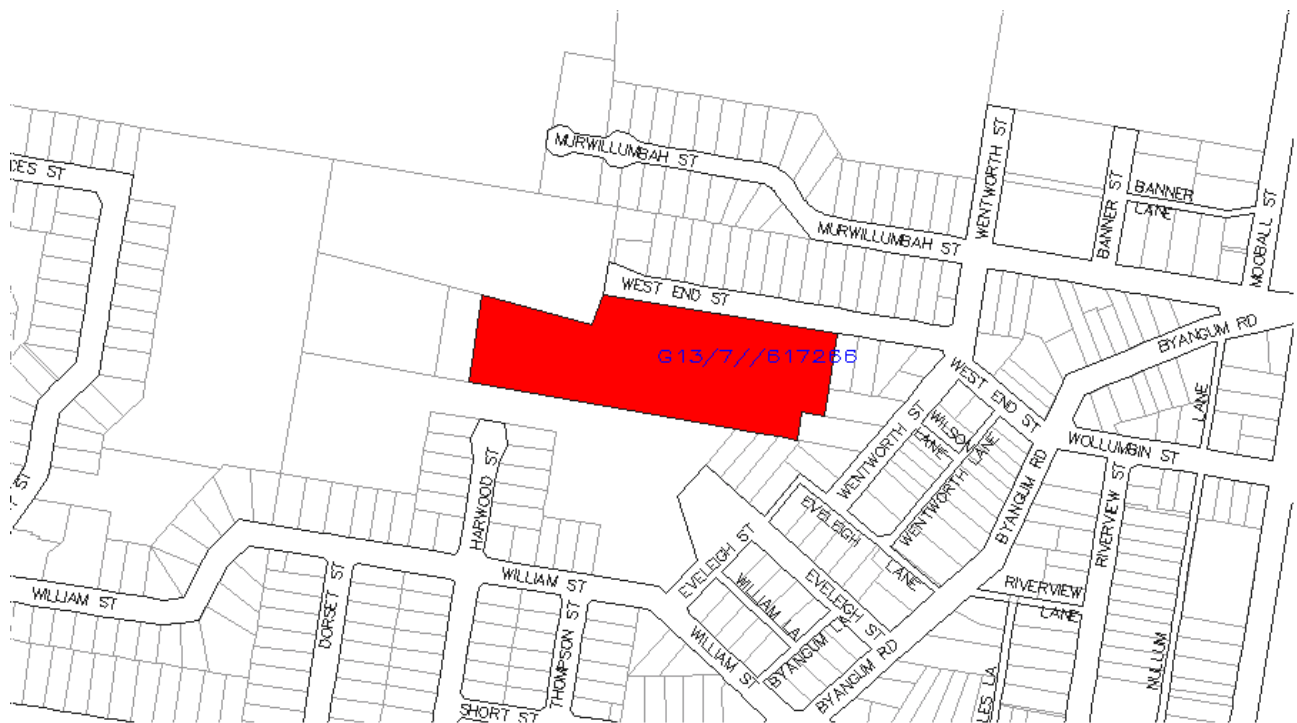
Council has in the past and recently received complaints regarding the state of the site. On 22 March 1995, a "Notice to Carry out Works" was issued on the owner to remove, burn or destroy any inflammable matter or other material on the site.

Recently Council has received two complaints regarding the site. The first relating to noise from operations occurring on the land and the second regarding public safety as a result of people entering the site.

As a result of the above incidences and the time which has elapsed since the original approval to fill the site was granted it is considered that Council should take steps to ensure the development is finalised within a reasonable timeframe.

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## SITE DIAGRAM



## SURROUNDING DEVELOPMENT

The subject land is bounded by West End Street to the north, parkland containing a BMX track to the south, Willward Park to the west and residential properties to the east. A large majority of land surrounding the site contains residential development which overlooks the site. Access to the site is via West End Street through residential areas. The site is zoned for future residential development.

## CURRENT STATUS OF THE SITE

Independent site inspections have recently been carried out by Council's Environmental Health Officers and Planners.

The subject site has been partially filled. The more recent areas of fill on the southern side of the site has not been levelled. Evidence suggests that some areas of the site have been filled for some time due to the amount of vegetative cover. The filled material on site contained amounts of metals, concrete and plastics. Steep batters exist around the perimeter of the filled areas as well as running through the centre of the site on either side of the drainage path. It is estimated that the height of the batters are between 2-3 metres from the toe to the top. No fencing or erosion control devices are provided around the site or within the drainage line. There is evidence that people have been entering the site from the public reserve (BMX track) to the south.

## REQUIREMENTS AND COMPLIANCE WITH CONDITIONS OF DEVELOPMENT CONSENT TO FILL THE LAND

As previously stated development consent was granted in 1992 to fill the subject land. The following conditions applied to the consent:-

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- “1. All fill is to be graded so that it drains to the street or other approved permanent drainage system. Concrete lined perimeter drains shall be provided along the eastern boundary.*
- 2. 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.*
- 3. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.*
- 4. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped to the satisfaction of Council's Director, Development Services.*
- 5. No fill shall encroach into the easement unless prior approval of the Director Engineering Services has been obtained.*
- 6. This consent does not give approval for any use of the site other than filling. Any subsequent use of the site will require separate development approval.*
- 7. Council concurrence to source and route of filling.”*

The filling which has occurred appears to have come from a number of sources and is of varying quality. Works as part of Stage 1 appear to have been largely completed in terms of finished levels however, no concrete perimeter drain has been provided along the eastern boundary in accordance with condition 1. Limited topsoil and planting of grass has occurred on finished areas with weeds mainly growing in these areas. There is no evidence on file indicating that Council has been advised of the source of fill material in accordance with Condition 7.

In summary, it appears the filling of the site has occurred in a ad hoc way over a number of years with limited regards to the requirements of the consent.

### **PROPOSED ACTION**

Under the provisions of Section 121B of the Environmental Planning and Assessment Act, 1979, Council can issue an order to complete development that is subject to a development consent within such time (not being less than 12 months from the date of service of the order) as the consent authority considers reasonable, having regard to all relevant circumstances, including the nature of the development. It is recommended that an order be issued giving the owner of the land 12 months to complete the development in accordance with the approval.

Council's Senior Environmental Health Officer has also recommended that an order under Section 124 of the Local Government Act, 1993 be issued requiring fencing of the land parcel for reasons of public safety.

### **CIRCUMSTANCES JUSTIFYING THE ISSUING OF THE ABOVE ORDERS**

It is considered Council is justified in issuing the above orders for the following reasons:-

1. The subject site is located within a residential area and the construction of the subject development has a detrimental impact on the residential amenity of the area as a result of traffic, noise, dust and visual appearance.

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2. The development poses an environmental risk as a result of no evidence being provided of the source of material and no erosion or sediment controls being in place.
3. The applicant has had just under eight (8) years to complete the development which is considered more than reasonable.
4. By placing an order on the development to be finalised it prevents the development occurring on an ad hoc basis for an indefinite period giving residents in the area certainty.
5. The site adjoins a public reserve which is extensively utilised for active recreation (BMX track). The finalisation of the development will improve the character of the area and public precinct.
6. Considering the nature of the fill, size and steepness of the batters and proximity to the BMX track, fencing the site will significantly reduce the risk of the public entering the site and increase the safety of the public using the areas adjoining.

### OPTIONS

1. Issue the orders to finalise the development within 12 months and erect a fence around the site immediately for public safety.
2. Issue an order to finalise the development specifying a longer period and to erect a fence around the site immediately.
3. Only issue an order to complete the development.
4. Only issue the order to erect the fence.
5. Not issue any orders.

### LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should the orders not be complied with Council may incur Court cost to enforce them or alternatively the owner may appeal the Orders.

### CONCLUSION

Development consent was granted in 1992 for filling of the subject land. Filling has occurred in an adhoc manner over a number of years impacting on the residential and visual amenity of the area. Public safety is also a concern due to the site location adjacent a public park area.

It is therefore recommended that Council issue an order requiring the development to be completed within twelve (12) months of the date of the order and that a second order be issued requiring erection of fencing for public safety reasons.

## Reports from Director Development Services

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## Reports from Director Development Services

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### 13. ORIGIN: Subdivisions Unit

**FILE REF: Land and Environment Court**

**REPORT TITLE:**

**Land and Environment Court Review**

**SUMMARY OF REPORT:**

The Attorney General has established a Working Party to examine the State's planning laws and the role of the Land and Environment Court in reviewing development applications. Cr Peter Woods OAM, President of the Local Government Association, will represent the Associations on the Working Party.

**RECOMMENDATION:**

That the Director of Development Services be authorised to make a submission to the Working Party on the Land and Environment Court Review in accordance with this report.

## Reports from Director Development Services

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### REPORT:

The Local Government and Shire's Association has advised Council, by way of Circular 21/00, that a review of the Land and Environment Court has commenced.

An extract from the Circular is reproduced as follows:-

*"The Attorney General has established a Working Party to examine the State's planning laws and the role of the Land and Environment Court in reviewing development applications. Cr Peter Woods OAM, President of the Local Government Association, will represent the Associations on the Working Party.*

*Given the significant interest shown by councils in the operation and outcomes of the court, councils are strongly encouraged to prepare submissions, outlining any relevant matters which would provide the Working Party with valuable information throughout the review process.*

*The major focus of the Working Party will be to review legislation underpinning the court and the mechanisms of reviewing local council decisions on development applications.*

*The Terms of Reference for the review appear below and provide some guidance for councils in the preparation of their submissions:*

#### **Terms of Reference**

*It states the Working Party examine the legislative basis upon which decisions in relation to development applications are currently reviewed by the Land and Environment Court in accordance with the provisions of the Land and Environment Court Act 1979 and the Environmental Planning and Assessment Act, 1979, including but not limited to:*

- The most appropriate manner in which to review the decisions of councils in relation to development applications*
- The constitution of the Land and Environment Court in reviewing the decisions of councils, including whether the Court should be constituted by more than one Judge or Commissioner or by Commissioners possessing specified qualifications or expertise*
- Whether the Court should have regard to any additional matters in reviewing a council decision in relation to a development application*
- Ways in which to streamline the manner in which development applications are processed by councils and the Department of Urban Affairs and Planning so as to reduce the incidence of such review, and*
- Whether greater reliance could be placed on alternative dispute resolution mechanisms in resolving disputes in relation to development applications".*

### Comments

It is considered that Council should make a submission in relation to the following matters:-

## Reports from Director Development Services

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1. Development applications of a major or complex nature and those for designated development should only be prepared by accredited consultants with the necessary qualifications and expertise. This would assist in achieving adequate, conforming and satisfactory outcomes and reduce the number of appeals by applicants and objectors or third parties.
  2. The Court should only be able to consider changes to applications on appeal if the changes are designed to resolve issues or address grounds for refusal. Applications which are subject to appeal from Council decisions should otherwise be substantially the same as the application determined by Council. Substantially different applications should be the subject of a fresh development application to Council to enable full assessment and public consultation.
  3. All Class 1 appeals (eg. Development Applications) should be heard by Commissioners and not Judges.
  4. Commissioners should be professionally qualified and experienced in a discipline related to the land and property development industry (eg. Engineering, Architecture, Planning etc)
  5. In Class 1 appeals, the Court should place more emphasis on the planning merits of applications rather than legislative interpretations.
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## Reports from Director Development Services

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# Reports from Director Corporate Services

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**14. ORIGIN: Director**

**FILE REF: Tweed Botanic Gardens**

**REPORT TITLE:**

**Regional Assistance Program Grant Funding**

**SUMMARY OF REPORT:**

On 28 June 2000 the Hon. Tony Abbott announced that the Department of Employment, Small Business and Work Place Relations in conjunction with the Northern Rivers Area Assistance Scheme have granted \$38,500 to conduct an implementation program study into the Tweed Regional Botanic Gardens Project.

**RECOMMENDATION:**

That Council:-

1. Accepts the grant funding of \$38,500 from the Federal Department of Employment, Small Business and Work Place Relations.
2. Votes the expenditure of this grant funding.
3. Executes all necessary documents under the Common Seal of Council.

## Reports from Director Corporate Services

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### REPORT:

On 28 June 2000 the Hon. Tony Abbott announced that the Department of Employment, Small Business and Work Place Relations in conjunction with the Northern Rivers Area Assistance Scheme have granted \$38,500 to conduct an implementation program study into the Tweed Regional Botanic Gardens Project.

This project will investigate the implementation scheduling and economic feasibility of the Tweed Botanic Gardens. It is anticipated that this project will be catalyst for long-term jobs creation for Tweed's tourism and recreation industry as well as instigating the first regional botanic gardens within the Northern Rivers and Gold Coast regions.

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## Reports from Director Corporate Services

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**15. ORIGIN: Financial Services Unit**

**FILE REF: Budget**

**REPORT TITLE:**

**2000/01 Budget - Voting of Expenditure**

**SUMMARY OF REPORT:**

Council is required to vote the 2000/01 expenditure shown in Council's adopted 2000/03 Management Plan.

**RECOMMENDATION:**

That Council approves and votes \$94,047,320 expenditure for the 2000/01 Budget.

# Reports from Director Corporate Services

## REPORT:

### AUTHORISATION OF EXPENDITURE

No expenditure may be incurred unless it has been approved by Council and a sum of money has been voted.

At the Extraordinary Council Meeting held 14 June 2000, the 2000/01 Management Plan/Budget was adopted. The Local Government Financial Regulations (Sec 15) requires Council each year to:

*“Hold a meeting for the purpose of approving expenditure and voting expenditure”.*

### SUMMARY OF 2000/01 BUDGET BY PROGRAM

#### Program Summary

<u>Program</u>	<u>Expenditure</u>
<u>General Fund</u>	
A Corporate Services/Administration	1,789,695
B Business Undertaking	2,680,218
I Industrial & Economic Development	818,621
D Development	2,504,990
C Community Services	5,672,785
H Health	7,436,543
R Recreation	4,567,609
E Environment	663,309
F Building Control	994,937
T Transport & Works	19,576,717
P Planning & Design	1,110,857
U Waterways	<u>2,444,270</u>
General Fund Result	<b><u>50,260,542</u></b>
Water Fund	16,243,041
Sewer Fund	<u>27,543,737</u>
Total All Funds	<b><u>94,047,320</u></b>



## Reports from Director Corporate Services

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**16. ORIGIN: Administration Services Unit**

**FILE REF: Legal - Costs**

**REPORT TITLE:**

**Request for Assistance with Legal Costs - Byron Shire Council**

**SUMMARY OF REPORT:**

A letter has been received from the Local Government and Shires Association of NSW requesting assistance with legal costs on behalf Byron Shire Council.

**RECOMMENDATION:**

That Council determines this matter.

## Reports from Director Corporate Services

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### REPORT:

A letter has been received from the Local Government and Shires Association of NSW requesting assistance with legal costs on behalf of Byron Shire Council. The letter is reproduced below for Council's information:

*“Byron Shire Council has sought the Associations’ assistance in relation to a court case in which it has been involved, and which culminated in action in the Court of Appeal.*

*Land within the council’s area was zoned as Open Space under the relevant Local Environmental Plan. It had that zoning for many years, but without the council requiring any action be taken for its formal dedication to conform to that zoning. The council subsequently acquired other more suitable open space land in the vicinity, and negotiations were commenced with the owner of the land with a view to rezoning it to allow development.*

*As with many other LEPs, the Byron LEP contained a provision, which enables the owner of land zoned as Open Space to give notice requiring the council to take action to acquire it. Such a notice was served on the council by the owner of the land in December 1996. The council had taken no steps toward acquisition of this land before an amendment of the LEP was gazetted which had the effect, among other things, of removing the owner’s right to give such a notice to the council. The council contended that any obligation it might have had to acquire the land then ceased. The owner of the land contended that the obligation continued and commenced Class 4 proceedings in the Land and Environment Court for a declaration to that effect. Sheahan J of that Court granted the declaration. The council appealed, but in December 1999 the appeal was dismissed. More details of the case can be found in Item 9 of Weekly Circular 7/2000.*

*The Associations’ Executives considered that the decision was of significance to local government generally. Many councils’ LEPs contain similar provisions to that in the Byron LEP. In deciding to support the request for assistance, the Executives were mindful of the fact that a successful appeal would have ensured that councils in the same position as Byron Shire were not forced to make similar acquisitions.*

*The council incurred the sum of \$47,000 in pursuing the appeal. The Executives of the two Associations have given approval for contributions to these costs to be sought. In accordance with the usual formula, your council’s proportion of this amount is \$473 and I would appreciate receipt of a cheque for this amount in due course.”*

It is requested that Council determines its response to this request, bearing in mind that the contribution, based on the standard format is \$473.00.

## Reports from Director Corporate Services

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**17. ORIGIN: Human Resources Unit**

**FILE REF: Union Matters**

**REPORT TITLE:**

**2000 Union Picnic Day**

**SUMMARY OF REPORT:**

A request has been received from the Municipal Employees Union that Friday, 10 November 2000 be determined as 2000 Union Picnic Day.

**RECOMMENDATION:**

That

1. Council agrees to hold the 2000 Union Picnic Day on Friday, 10 November 2000.
2. Council offices will remain open with minimal staff levels on this day.

## Reports from Director Corporate Services

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### REPORT:

A request has been received from the Municipal Employees Union that Friday, 10 November 2000 be determined as 2000 Union Picnic Day.

The usual practice is the Council offices remain open with minimal staffing levels.

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## Reports from Director Corporate Services

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**18. ORIGIN: Administration Services Unit**

**FILE REF: Code of Conduct**

**REPORT TITLE:**

**Code of Conduct**

**SUMMARY OF REPORT:**

Section 440(3) requires Council to review its Code of Conduct within 12 months after each Ordinary Election.

**RECOMMENDATION:**

That Council adopts its Code of Conduct.

## Reports from Director Corporate Services

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### REPORT:

Section 440(3) of the Local Government Act states that a Council must within 12 months after each Ordinary Election, review its Code of Conduct and make such changes as it considers appropriate.

The original Code of Conduct was prepared on the Model Code of Conduct produced by the Department of Local Government. Since that time there have been a number of amendments to the Code.

In March 1999, the Code was again reviewed in conjunction with a workshop involving a number of staff; Fraud Prevention Services Pty Ltd from Sydney conducted such workshop. As a result of that workshop a number of minor changes were made to the Code.

The Code of Conduct is attached for Council's review and amendment where it is considered appropriate.

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## Reports from Director Corporate Services

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**19. ORIGIN: Financial Services Unit**

**FILE REF: Budget**

**REPORT TITLE:**

**Financial Management Report**

**SUMMARY OF REPORT:**

Financial Management Information for June/July 2000.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Corporate Services

## REPORT:

The following financial information has been prepared for the period June/July 2000.

### 1. ANNUAL FINANCIAL REPORTS: YEAR ENDING 30 JUNE, 2000

Work has commenced on the preparation of the Annual Financial Statement 1999/2000 and it is anticipated that external audit will be carried out in mid September 2000.

### 2. BUDGET 2000/01 VARIATIONS

The 2000/01 budget is a detailed financial plan and covers all aspect of a Council’s operations and reflects the estimated resources generated by way of expenditure and income. The monitoring and review of the budget is a continuous process. Since the budget adoption in June some major program estimates have changed. These variations, listed below, will form part of the first statutory review at the end of the September 2000.

#### Superannuation Costs.

As Council is aware the estimated cost to the organisation of employer superannuation in 2000/01 has been reduced. Council provided in its budget for an additional \$650,000 to be expended on road and associated works from the superannuation savings.

The superannuation cost reduction has now been implemented throughout all budget programs via activity based costing (ABC). The reduction to the General Fund budget is \$472,000 whilst the balance relates to Water and Sewerage funds and estimated wages movements during the coming year.

#### Financial Assistance Grant (FAG)

The NSW Local Government Grants Commission has provided preliminary advice to Council on the 2000/01 Financial Assistance Grant. It has been stressed by the Commission that the information is being provided as a guide only.

The estimated grant for 2000/01 is \$5,353,976 consisting of an estimated F.A.G. and an estimated CPI underpayment adjustment for 1999/00.

General Purpose	3,983,796
Local Roads	<u>1,370,180</u>
	\$5,353,976

This grant represents an increase of \$261,796 on the 2000/01 budget estimate figure for general purpose grants and \$146,180 for local roads.

#### Grant Background Details

The two components of the grant are distributed on the basis of principles developed in consultation with local government and consistent with the national principles of the Commonwealth Act.



## Reports from Director Corporate Services

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With the general purpose component the Grants Commission attempts to equalise the financial capacity of councils. The approach taken considers cost disabilities in the provision of services on the one hand (expenditure allowances) and a theoretical assessment of revenue raising capacity on the other (revenue allowances). Because the grants are untied, the methodology is objective and excludes, as far as practicable, council's policies and practices (the effort neutral principle).

The method of allocation used is based on proportion of the State's population, local road length and the length of bridges on local roads.

Although the local roads component is separately identified it forms part of the total financial assistance grants, which are untied. It is entirely up to the council to decide how the funds should be spent.

The final FAG outcomes are subject to the Commonwealth Treasury's determination. Council expects to know by the 15 August, 2000 of the final grant figure. The Local Government Grants Commission will be visiting Tweed on Friday, 28 July 2000.

### **3. FINANCIAL REPORTING**

The following is a summary of estimated Income and Expenditure for year ending 30 June 2001 in accordance with Australian Accounting Standard AAS27 as well as program budgeting format. These statements will be continually updated to reflect changing budget figures and will form the basis of regular financial reports to Council.

# Reports from Director Corporate Services

## LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993

### SCHEDULE - FORMS: FORM 1

#### Summary of Estimates of Income and Expenditure for the Year ended 30 June 2001

Functions/Activities	Expenses	Revenues	Operating Results
Administration	10,657	595	10,062
Public Order & Safety	1,016	684	332
Health	709	68	642
Community Services	386	213	173
Housing and Community Amenities	10,067	9,367	700
Water Supply	6,554	14,002	(7,449)
Sewerage Services	9,011	18,961	(9,951)
Recreation & Culture	5,349	2,140	3,209
Mining, Manufacturing & Const.	1,196	1,367	(170)
Transport & Communication	13,202	7,552	5,650
Economic Affairs	3,182	3,467	(286)
General Purpose Revenue		24,605	(24,605)
	<u>61,328</u>	<u>83,021</u>	<u>(21,693)</u>

*Add expenses not involving flow of funds*

Depreciation		(16,685)	
Increase in employees leave entitlements			
		<u>(16,685)</u>	<u>(38,378)</u>

*Add non-operating funds employed*

Carrying amount of assets sold		(1,742)	
Loan Funds used		(7,572)	
		<u>(9,314)</u>	<u>(47,692)</u>

*Subtract funds deployed for non-operating purposes*

Acquisition of assets		41,633	
Repayment of loans		4,721	
		<u>46,354</u>	<u>(1,338)</u>

*Reconciliation with budget*

Deduct net decrease in restricted assets			(1,600)
Deduct Interest on Restricted Assets not included in budget			2,938
			<u>(0)</u>

*Comprising*

General			0
Water			0
Sewer			0
			<u>0</u>

# Reports from Director Corporate Services

## PROGRAM SUMMARY

Program	Expenditure 00/01	Income 00/01	Net Cost 00/01
<u>General Fund</u>			
A Corporate Services/Administration	1,789,695	24,745,950	(22,956,255)
B Business Undertakings	2,680,218	2,618,953	61,265
I Industrial & Economic Development	818,621	73,400	745,221
D Development	2,504,990	1,083,950	1,421,040
C Community Services	5,672,785	2,525,591	3,147,194
H Health	7,436,534	6,212,108	1,224,426
R Recreation	4,567,609	1,551,700	3,015,909
E Environment	663,309	31,300	632,009
F Building Control	994,937	827,200	167,737
T Transport & Works	19,576,717	8,833,900	10,742,817
P Planning & Design	1,110,857	324,916	785,941
U Waterways	2,444,270	1,431,574	1,012,696
General Fund Result	<b>50,260,542</b>	<b>50,260,542</b>	-
Water Fund	16,243,041	16,243,041	-
Sewer Fund	27,543,737	27,543,737	-
Total All Funds	<b>94,047,320</b>	<b>94,047,320</b>	-

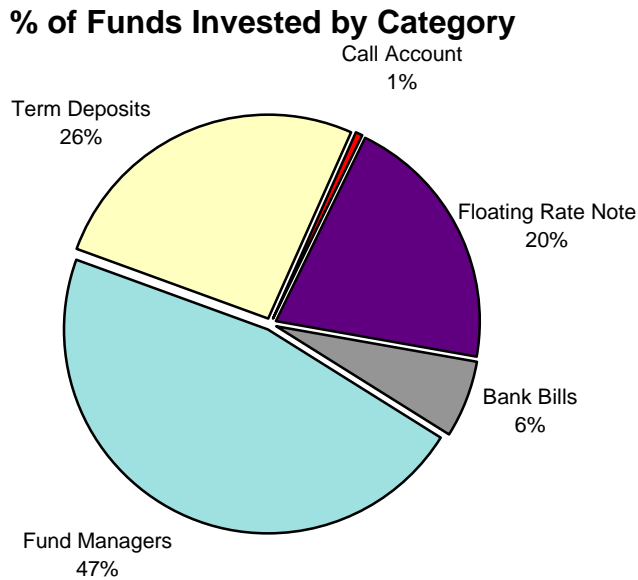
# Reports from Director Corporate Services

## MONTHLY INVESTMENT REPORT

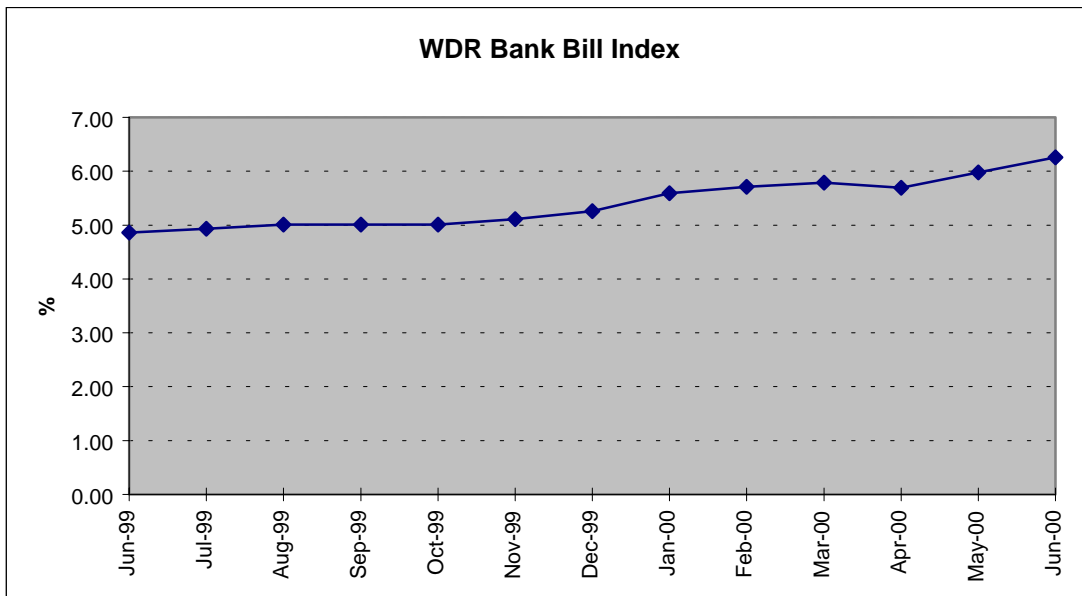
### FOR PERIOD ENDING 30 JUNE 2000

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

#### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



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

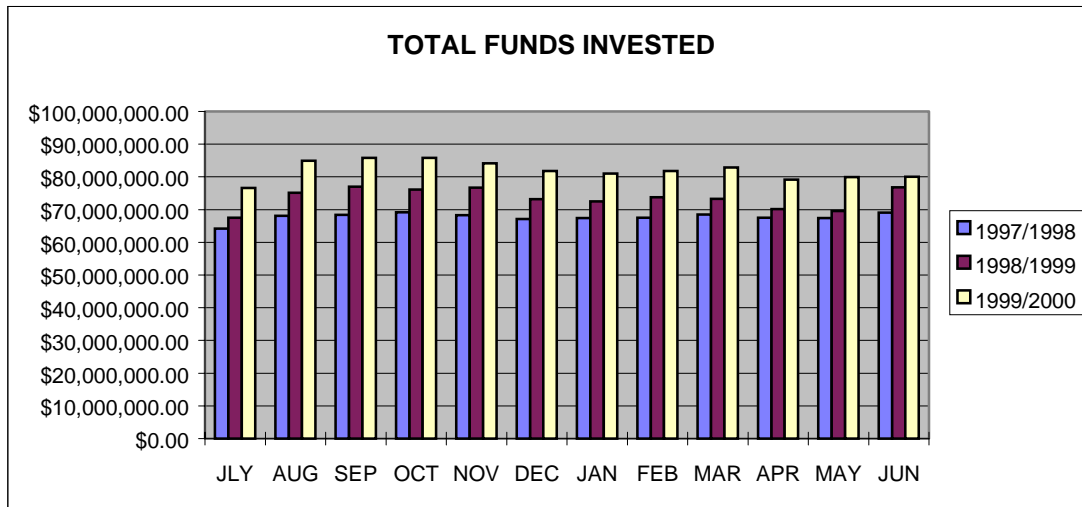


# Reports from Director Corporate Services

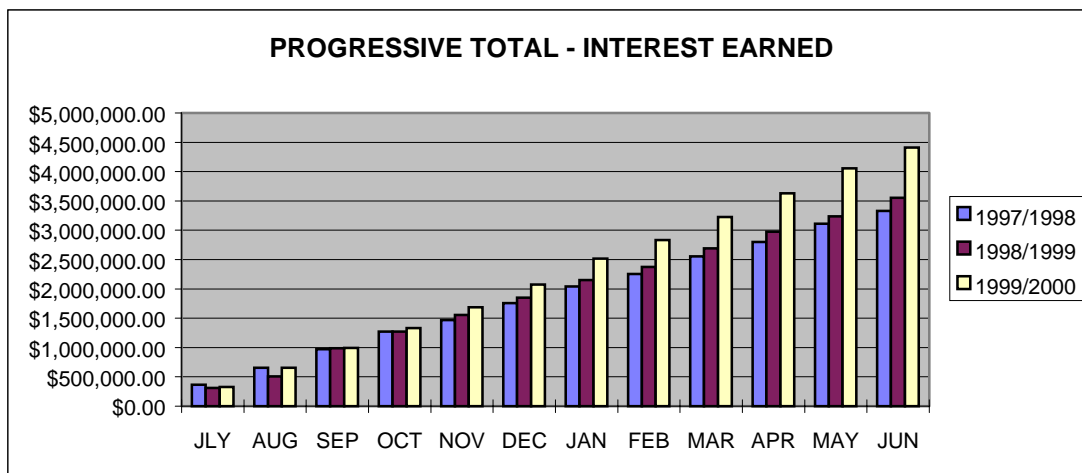
### 3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days %	90 Days %	1 Year %
ANZ	7.25	6.57	5.71
Bankers Trust	5.97	5.87	5.34
Macquarie	6.62	6.25	5.37
National Mutual	6.33	6.43	5.57

### 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



### 5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



# Reports from Director Corporate Services

## 6. MARKET COMMENTARY

Economic data continues to indicate that economic growth is moderating domestically. While the inflationary impact of the weak dollar is subsiding the Reserve Bank is likely to hold rates steady unless there is evidence of higher than expected pass through of price rises. The general view of economists is that an inflation hike is unlikely to occur and that rates will remain unchanged while the RBA assesses the impact of the tightening put in place over the last eight months.

## 7. INVESTMENT SUMMARY AS AT 30 JUNE 2000.

### GENERAL FUND

BANKS	18,000,000.00	
FUND MANAGERS	218,156.28	
LOCAL GOVT. FIN. SERVICES	2,000,000.00	
CALL	421,023.88	<b>20,639,180.16</b>

### WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	25,112,001.90	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	<b>33,112,001.23</b>

### SEWERAGE FUND

BANKS	2,056,000.00	
FUND MANAGERS	11,833,744.58	
LOCAL GOVT. INV. SERVICE	12,387,877.37	<b>26,277,622.10</b>

### TRUST

FUND MANAGERS	50,000.00	<b>50,000.00</b>
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**TOTAL INVESTMENTS**      **80,078,804.16**

It should be noted that the General Fund investments of \$20.6 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

### Statutory Statement – Local Govt Financial Management Regulations (Sec. 19)

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



RR Norvill CPA, Responsible Accounting Officer  
 Manager Financial Services

## Reports from Director Corporate Services

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**20. ORIGIN: Director**

**FILE REF: TACTIC**

**REPORT TITLE:**

**Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - May 2000**

**SUMMARY OF REPORT:**

Tweed and Coolangatta Tourism Inc. (TACTIC) monthly performance report for May 2000 is provided in accord with the Agreement criteria in Clause 5.1.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

### REPORT:

The agreement between Council and TACTIC require the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of May 2000.

#### 5.1.1 The number and category of financial members of TACTIC;

	March 2000	April 2000	May 2000
Ordinary Members	149	150	150
Service Members	25	25	25
<b>Total</b>	<b>174</b>	<b>175</b>	<b>175</b>

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

	March 2000	April 2000	May 2000
World Heritage Rainforest Centre	1921	2341	1893
Tweed Heads Visitors Centre	1836	1743	2043
<b>Total</b>	<b>3757</b>	<b>4084</b>	<b>3936</b>

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

#### World Heritage Rainforest Centre:

Type of Enquiry	No. of Enquiries		Variance from April
		%	
Tourism	630	57	+1%
National Parks	225	20	+3%
Street Directions	145	13	-2%
Bus Timetables	19	2	Nil
Other	83	8	-2%



## Reports from Director Corporate Services

### Tweed Heads Tourist Information Centre:

Type of Enquiry	No. of Enquiries	%	Variance from April
Tourism	622	60	-1%
Bus Timetables	85	8	-2%
Directions	196	19	+1%
National Parks	7	0.1	+1%
Other	132	13	-1%

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

#### Internet Site

Virtually There Guides have advised that the company is presently up for sale. The new owners should be known by the end of this financial year. TACTIC may need to negotiate a new agreement with this group.

#### Review operations of the Tourist Information Centre

##### Volunteers

- Volunteer Co-ordinator, Robyn Rae, has instigated a familiarisation program whereby volunteers (as a group) will visit at least one TACTIC member per month to further product knowledge. Staff is also encouraged to join these groups if the familiarisation is held outside their working hours.
- Staff visited 3 properties during May. These were the Mt Warning Caravan Park, EcOasis and Tweed Billabong Caravan Park. A Ranger from the National Parks and Wildlife Service also met the TACTIC group at Mt Warning National Park for an interpretive presentation on the Wollumbin area.
- There is a full agenda for familiarisations to member properties for the next 2 months.

##### Staff

- Sheridan Hargreaves attended a brief workshop run by the Northern Rivers Regional Tourism Organisation called "Developing a Marketing Plan" in May. A follow up workshop with a more detailed and comprehensive content is scheduled for July.
- A staff meeting is planned for June to keep staff informed on upcoming events and the current TACTIC situation.

#### Strategic Marketing Plan

- Tactic has been nominated as the booking agent for the 2000 National Party Conference from the 15 - 18 June 2000. Attendance for the conference is expected to be between 300-500 delegates. By the end of April, bookings taken for the conference totalled 120. This is indicative of the group's nature to book late, of which we have been warned.
- The Australian Tourism Source for 2000 has been released. This publication is sent to international wholesalers. There is a double page spread on the Tweed

## Reports from Director Corporate Services

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and Coolangatta area in this publication. Traditionally this publication has worked well for the TACTIC.

### **Networking**

- There is a Network Night scheduled for late June-early July to enable TACTIC members to ask the board of directors questions on the proposed amalgamation of TACTIC, the TEDC and TSTCC. The proposed venue is the North Star Resort at Hastings Point.

### **Central Reservations System (CRS)**

- Final upgrades to the CRS have been made, and this is fully operational on one of the computers at the Tweed Heads Visitor Centre. Upgrading the computers in both centres is currently being looked into to ensure the system can be fully utilised. Staff training in the correct use of this system, including the understanding of its full potential is to be scheduled for July.

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

See attached Profit and Loss Statement for the period July 1999 to May 2000.

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

See attached reconciliation statement for the period ending 31 May 2000.

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

#### **a) International Marketing**

3 Tweed properties were represented at the Australian Tourism Exchange (ATE) in May at Sydney.

#### **b) Domestic Marketing**

Talkabout 2000 is to be held in Melbourne from 29 July to 2 August 2000. Tweed products will be represented at this Trade event. Travel Agents from both Australia and New Zealand will be in attendance of this show.

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

### **Shopping Centre Promotions**

- The Grafton Shopping World Shopping Centre Promotion was held on 4 May 2000. There were 9 cooperative participants; 6 @ \$50, 3 @ \$45. Gross Income: \$435.00. Expenses: \$185.20. Funds generated for marketing \$249.80
- Final preparations are being made for the Australia Fair Shopping Centre Promotion to be held 8 June 2000.

### **Advertising**

- 1000 words of editorial were offered to TACTIC to be placed in 3 publications. These will be focussing on the; B&B market, the Backpacker market and the "Pink" market.

## Reports from Director Corporate Services

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- Advertising in the NRMA Accommodation Guide 2000 was booked. This publication will be released closer to the middle of the year.

### Domestic Marketing

- The Autumn/Winter edition of the Bus and coach Mail Out was sent out in early May to approximately 450 Coach companies in NSW and QLD and to select social clubs and groups. There were 11 cooperative participants @\$100.00, and 3 cooperative partners for \$150.00. Total revenue generated \$1550.00. Total Expenses were \$832.00. Income generated for Marketing \$718.00.
- Display space for the Toowoomba Trade Show from 19-21 May was been booked. There were 8 cooperative partners for this trade event @ \$100.00. Total revenue generated \$800.00. Total expenses were \$665.00. Total income generated for TACTIC was \$135.00.
- The Tweed Valley Koala Wanderers had their organisations launch at the World Heritage Rainforest Centre on Friday 5 May. Approximately 30 people were in attendance of the launch, including Mayor Lynne Beck, Federal Member Larry Anthony and the first group of walkers to complete the first leg of the Tweed Valley walk.
- Sheridan Hargreaves attended the first Rainforest Week meeting. Rainforest Week 2000 has been scheduled to run from 23 September – 8 October 2000 in the Northern Rivers region.

### Trade Events

- TACTIC attended the Brisbane Travel Show from 7 – 9 April and shared the Tropical NSW Regional Stand to share costs. There were 9 cooperative participants for this Trade Event. 8 had their brochures distributed and 1 operator attended in person. 8 @ \$150, 1 @ \$325 and TACTIC. Total income = \$1525.00. We are yet to be invoiced from the RTO for the TACTIC share of the stand
  - Initial preparations for the Toowoomba Travel and Home-Show in May 2000 are under-way. Our position for this promotion has been booked. TACTIC currently has 4 cooperative partners for this trade event.
  - We are currently working towards representation at the Getaway Holiday Expo to be held in Brisbane in September 2000. The show is affiliated with Channel 9's "Getaway" program and as such receives a great deal of publicity.

### Upcoming Promotions

- Talkabout in Melbourne late July-early August.
- Australia Fair Shopping Centre Promotion in June 2000.

### Familiarisations

- On Thursday 11 May Sheridan Hargreaves met with Susan McLaughlan, the conference organiser for the Tourism NSW conference. Initial property inspections were done to help determine which properties in the area would be included in the brochures etc for the conference

## Reports from Director Corporate Services

and to see the standard of accommodation in the area. 11 properties were visited, including; Blue Waters Motel, Polly's Motel, Kingscliff Motel, Banora Point Motor Inn, Twin Towns Motel, Calico Court, South Tweed Motor Inn, Matilda Motel, Jack Hi Motor Inn, Tweed Harbour Motor Inn and Cooks Endeavour Motor Inn. Comments made by the conference organiser indicated that the standard of accommodation properties in the area and the value for money in the area were both very good. A further visit later in the year is necessary to complete the property inspections.

- On Friday 12 May Sheridan Hargreaves met with Phil Villiers from Twin Towns Resort, Kathryn Sullivan from Pioneer Country and Judy Barnsley from Tourism NSW to look for a suitable venue for a function for the Tourism NSW Conference. The Tourism NSW Conference will be held in the Tweed area, mainly at Twin Towns Resort, in November 2000. The suggested property, Sullivan's Pioneer Country, was very well received by Judy Barnsley and will be the venue for one of the functions for the conference.

5.1.8 The amount of retail sales:

<b>March 2000</b>	<b>April 2000</b>	<b>May 2000</b>
\$2,728.15	\$2,682.45	\$2,596.86

5.1.9 The number and value of the booking system growth;

	<b>March 2000</b>	<b>April 2000</b>	<b>May 2000</b>
Number	75	83	68
Accommodation bookings	\$13811.50*	\$14161.50*	\$14,873.85*
Tours	\$1570.50*	\$3645.28*	\$1,500.75*
Commission	\$1580.65*	\$2018.67*	\$1,819.40*
<b>Total</b>	<b>\$15806.50*</b>	<b>\$19825.45</b>	<b>\$18,194.00*</b>

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

\* These figures are higher than average due to bookings taken for the upcoming National Party Conference in June.

5.1.10 The level of attendance at Board meetings by the members of the Board of TACTIC;

A TACTIC Board meeting was held Thursday, 20 April 2000 at the Treetops Environment Centre, Nunderi (copy attached).

Present: Gervase Griffith, James McKenzie, Clive Parker, Dennis Chant, Phil Taylor, Cr Warren Polglase and Cr George Davidson

Informal: Sheridan Hargreaves

Apologies: Nil

## Reports from Director Corporate Services

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**21. ORIGIN: Director**

**FILE REF: TEDC**

**REPORT TITLE:**

**Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2000**

**SUMMARY OF REPORT:**

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for April to June 2000 is detailed in the report.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### REPORT:

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

#### CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT

5.1.1 The TEDC Strategic Plan is being reviewed for the financial year 2000/2001 and will be presented to the Board for adoption at the Board meeting in August. However, following amalgamation and progress on the following matters, the Strategic Plan will need to be updated.

- The promotion and supply of industrial land remains a major priority, however, with the formation the TSC/TEDC Industrial Land Task Force and the TSC Strategic Working Group, including TEDC, and proposals by private enterprise beginning to address the issues, the Strategic Plan will need to be updated.
- The TEDC, in partnership with TSC, has applied for funding to carry out the Agricultural Land Viability and Sustainability Study as identified in the Strategic Plan and indications are that funding will be forthcoming.
- Development of a master plan for the Tweed Heads CBD.
- The Tweed River Link Project and the benefits for the whole of the Tweed need to be fully incorporated into the Strategic Plan.
- North Coast Super Fund.
- Amalgamation of the Tweed Town Centres Program.
- Possible amalgamation with TACTIC.
- Investigate the possibilities of establishing a Community Development Fund so that investors wishing to contribute to the TEDC and the Tweed community are able to do so in an organised, fully accountable process.

5.1.2 Referrals to TSC: The TEDC continues to facilitate meetings between investors and TSC, including meetings in regard to Chinderah Bay Marina, Cameron Property, Chinderah boat manufacturer, Carool Road Winery, industrial land, et al. A number of calls for information and detail on DA process and regulations have been referred directly to TSC where applicable.

5.1.3 New Business:

- TEDC continues to promote the industrial land issue, and raised \$65,000 for the Gold Coast Airport Enterprise Precinct Feasibility Study (scheduled for completion in August 2000).
- The TEDC pursuing the opportunity to join forces with Coffs Harbour Future Development Corporation to expand on and develop in partnership a venture capital group based on local investor funds and the North Coast Super Fund.

5.1.4 Potential jobs: Total 625 to 975 jobs

Industrial land – Gold Coast (conservatively)	300 to 600 jobs
Industrial land – south of Murwillumbah (conservatively)	300 to 1,000 jobs
Chinderah Bay Marina and related businesses	170 jobs
Boat manufacturer	35 jobs

## Reports from Director Corporate Services

Total real jobs created by TEDC assisted projects to 30 June 2000

52

5.1.5 Financial Statements for the year ended 30 June, 2000 are yet to be ratified by the Board and will be forwarded as soon as possible. Implications of the Goods and Services Tax (GST) are that funding plus GST is sought from Council, that all sponsors and members will have GST added to subscriptions and that all in kind sponsors will need to estimate a value for the good/service supplied free of charge and remit GST to the Government in accordance with the estimated value.

5.1.6 Financial Statements for the year ended 30 June, 2000 are yet to be ratified by the Board and will be forwarded as soon as possible.

In summary, the TEDC has:

1. Applied for \$35,000 in funding from the NRACC for a feasibility study on the potential industrial land south of Murwillumbah.
2. Developed the Tweed River Link project to the concept plan stage. This concept plan was presented to the Federal Minister for Tourism on 23 June, 2000. Funding for the project will be pursued through the Regional Tourism program, the Regional Solutions program and other government funding avenues.
3. Pursued, at Council's request, the process of amalgamation with both the Town Centres Program and TACTIC. The Town Centres Program is now successfully incorporated into the TEDC management plan. Pending acceptance of the concept by the TACTIC Board and membership, the amalgamation process with TACTIC will continue. Due to time constraints and the complexity of the task, it is anticipated that an independent facilitator may need to be engaged to further the process effectively.

### Meetings Held Between 1 April 2000 to 30 June 2000

New Business	13
Existing Client	16
Government & Government Agency	12
Tweed Shire Council	14
Community Organisations	18
<b>Total</b>	<b>73</b>

Note: This list does not include undocumented, one off or "off the street" meetings.

### Documented Phone Calls Between 1 April 2000 to 30 June 2000

April	136
May	148
June	324
<b>Total</b>	<b>497</b>

## Reports from Director Corporate Services

Note: This list does not include undocumented phone calls or casual requests for general information.

### Number and Category of TEDC Members for FY1999/2000

Standard Members	30
Sponsors	8
In Kind Sponsors	4
Subscribers	7

### Dates of Board Meetings for 2000

It is proposed that TEDC Board meetings will be held on:

7 July, 31 August, 28 September,  
26 October, 7 December, 2000.

Monthly reports will be sent to TSC as soon as practical following the end of each, non-quarter, month.

Quarterly reports (including Financial Statements) will need to be ratified at the Board following the end of the quarter before being forwarded to Tweed Shire Council.

### CHIEF EXECUTIVE OFFICER'S REPORT FOR THE TEDC BOARD MEETING TO BE HELD 7 JULY 2000

1. Town Centres Program amalgamation update. The TEDC, as of 3 July, 2000 and subject to the final approval of the Board, has agreed to accept responsibility for the management and administration of the Tweed Town Centres Program on the basis of on-going funding support from Tweed Shire Council and with the expectation of continued support from the NSW Department of State and Regional Development (DSRD).

Several meetings took place over the past weeks involving the Town Centres Committee, Tweed Shire Council, the Town Centres Program Manager, DSRD and TEDC. The Tweed Shire Council meetings were attended at various times by John Griffin (General Manager), David Broyd (Director Development Services), Reg Norvill (Manager Financial Services Unit), Cr Warren Polglase (Chairman, Tweed Shire Town Centres Committee), Cr Barbara Carroll and Tom Senti (Chairman and CEO, TEDC). Deputy Mayor, George Davidson's apology for the meeting held on 27 June was noted.

As the Board is aware, TEDC had previously advised Council that it (TEDC) was not prepared to accept the management of the Town Centres Program until such time as TEDC was satisfied that the financial situation was in order and clarified.

The TEDC formally resolved not to accept responsibility for the Town Centres Program at its Board meeting of 27 April, 2000 after consultation with the Board and Chairman of the Town



## Reports from Director Corporate Services

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Centres Program, Cr Polglase. This decision was based on the uncertainty surrounding the Program's financial situation as detailed below.

- On 20 April, 2000, the Program Manager, Rose Wright, presented TEDC with outstanding pre-31 March, 2000 fee accounts and other invoices amounting to some \$6,919.00 plus unspecified motor vehicle expenses in addition to those accounts already received by Tweed Shire Council.
- Tweed Shire Council advised that there was no money available in their Town Centres Program account.
- With the Town Centres Program having outstanding invoices apparently exceeding Council funding available and DSRD funds still outstanding, the Program was technically insolvent.
- In April, Tweed Shire Council advanced TEDC \$5,000.00 for the Town Centres Program to meet the post-1 April expenses of the Program. These funds were deposited in the TEDC Tweed Town Centres Program account.
- On 20 April, TEDC paid Mrs Wright's fee invoice of \$3,500 for the month of April out of these funds.
- On 1 June, 2000, Council advanced \$5,000.00 for the Program to cover the cost of insurance for the Program from 22 May to 30 June, 2000. The invoice for the insurance was paid out of the TEDC Tweed Town Centres Program account following receipt of the invoice on 8 June, 2000.
- Mrs Wright advised on 9 June, 2000 that there were some \$11,200.65 worth of outstanding invoices dating back to January, 2000.
- Mrs Wright requested payment of her most recent fee invoices for \$3,080.00 and \$1,540.00 when she presented them on 9 June, 2000 and she was paid \$1,000.00 from the TEDC Town Centres Program account.
- On 16 June, 2000 the balance of the TEDC Town Centres Program account was returned to Tweed Shire Council, less a small amount to cover bank charges and FID. These funds were returned to the Council on the basis that TEDC was neither in the financial position to meet the Program's outstanding debts nor to balance the Program's accounts as at 30 June, 2000.
- During the week of 19 June, 2000 the outstanding DSRD funding of \$40,000.00 for the 1999/2000 year was apparently received by Council. Funding for the Kingscliff Marketing Co-operative was also apparently received.
- At the Town Centres Committee meeting held on 22 June, Mrs Wright presented a report on the Kingscliff Art, Food and All That Jazz Festival showing that the Festival had made a loss of \$7,120.76, with \$7,717.00 listed as "income outstanding" leaving a potential loss of \$14,837.00. The final balance in regard to the cost of this Festival is still to be clarified by Council staff as a number of invoices have yet to be presented.
- Council staff are, we understand, in the process of determining the final cost of the Kingscliff festival, the outstanding balance available from the 1999/2000 year funding and the amount owed to or by the Kingscliff Marketing Co-operative.

Tweed Shire Council, as the principle funding body and first party to the contract with Rose Wright Marketing Services, resolved to advise the consultant that the contract would terminate on 30 June, 2000 and that TEDC would, in consultation with the Town Centres Committee, offer the Program Manager an arrangement based on the original salary advertised for the position for an interim period of three months commencing Monday 3 July, 2000. The reason for the interim agreement of three months was to allow for restructuring arising out of the amalgamation process involving the Council-funded bodies, in accordance with the terms of agreement between the Council and the Council-funded bodies.

## Reports from Director Corporate Services

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TEDC confirmed on 26 May to both the Town Centres Committee Chairman and Mr Trevor Wilson of DSRD, that the offer would be made to Mrs Wright. The offer to Mrs Wright was formally tabled at the Town Centres Program meeting held on 22 June, 2000. Subsequent to this meeting, discussions took place between the Town Centres Committee Chair, Cr Polglase, and Mrs Wright. The final outcome was that Mrs Wright advised Cr Polglase, Nick Aldridge (Committee member and President of the Murwillumbah Business Chamber) and TEDC CEO on Wednesday 28 June, 2000 that she would not be accepting the position of Interim Program Manager on the terms offered and would be terminating her consultancy as per the terms of the contract on 30 June, 2000. Mrs Wright was quoted in the press on Thursday 29 June as having resigned from her position.

On Friday 30 June, 2000 Mrs Wright met with me at the TEDC office at which meeting she formally advised that she had not accepted the offer put forward by Committee Chairman, Cr Polglase. Mrs Wright also advised that she would be available on Monday 3 July at the Tweed Heads Business Centre to hand over documents relating to the Program. Cr Polglase, Tom Senti, Belinda Heppenstall (TEDC) and Mrs Patti Jacobson attended this meeting on 3 July.

On confirmation that Mrs Wright would not accept the offer of a short-term contract, Mrs Patti Jacobson was approached by Committee Chairman, Cr Polglase to assume the interim position on the same terms and conditions offered to Mrs Wright. Mrs Jacobson was happy to accept the position and was formally employed by TEDC on the recommendation of Cr Polglase who advised that he had the support of the Town Centres Committee.

TEDC has arranged for Mrs Jacobson to be accommodated at the TEDC office in Murwillumbah as well as keeping the office at the Tweed Heads Business Centre. TEDC has purchased a new computer and some office equipment to accommodate the amalgamation process. The previous Program Manager used her personal laptop computer as the computer at Tweed Heads as the TSC-supplied computer at Tweed Heads (an old Osborne 386) is not year 2000 compliant and does not have the capacity to operate Windows 98/2000 and desktop publishing programs.

It is my view as CEO that the part co-location will assist TEDC in determining the future staffing needs of the Town Centres Program and that the TEDC will be able to offer administrative back up and support to the Program Manager. I am very optimistic that the final outcome will be very positive as I believe TEDC has the personnel and capacity to begin to build a strong and efficient economic development team.

2. TACTIC amalgamation. I have held one meeting and several telephone discussions with Clive Parker, Secretary of the TACTIC Board. Clive has advised that TACTIC was organising a Board meeting and networking night for 11 July, at which time the TACTIC Board would vote on amalgamation. Clive sees the amalgamation as distinctly possible and also sees a number of benefits.

At a recent meeting with Tweed Shire Council, where the main topic was the Town Centres Program amalgamation, the fact that the Town Centres Program amalgamation is taking up so much of the TEDC's time was also mentioned. In regard to the TACTIC amalgamation, it was suggested that it might be appropriate to engage an independent party or consultant to facilitate the process if the TACTIC Board vote for amalgamation.

## Reports from Director Corporate Services

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3. Attended the Northern Rivers Regional Tourism Organisation's Board meeting at Tweed Shire Council on 8 June, 2000.
4. Facilitated a meeting with investors who have expressed strong interest in the redevelopment of the Tweed Heads CBD, particularly the old Myers' site. A meeting was held with senior officers of Council to discuss preliminary concepts.
5. Met with Alisdair McLean, Director of Gold Coast Bulletin and Barry Hargreaves, GCB's Murwillumbah rep. They are very keen to expand their operations and circulation into the Tweed and have opened up an office in Murwillumbah.
6. Craig Stratton, Australian Native Wines, is still keen to establish in the Tweed. His Davidson Plum Wine is now available at Murwillumbah Cellars.
7. Rural Plan application update. TEDC has been advised by Larry Anthony's office that despite our idea being plagiarised by Casino Business Enterprise Centre (BEC) – who were subsequently granted \$169,000 and Pilot Study status – the government would source funds for our project. We originally applied for \$90,000 to do the Agricultural Land Viability and Sustainability Study with particular reference to the minimum 40 hectare lot size and LEP issues. I am waiting on advice from Larry Anthony's office as to how and when the funds will be available.
8. Chinderah Bay Marina has now received approval for the 29 boat marina. Contracts have been signed on the first stage of the land-based component (6 residential units and retail outlets). Suggestions are that the 29 boat marina could be completed by the end of September, 2000. The Environmental Impact Statement for the larger extended marina is  $\frac{2}{3}$  completed. The marina project will be staged and it is expected that the larger marina will be constructed as demand dictates.
9. Met with promoters of the "Give an Aussie A Go" tour, Linda Edwards and Simone McClymont. Their concept is good but requires a lot of work and at present TEDC is not in a position to take on their project.
10. Industrial land update.
  - Coolangatta Airport – the study is progressing. Recent update suggests that the study should be completed by 8 September, 2000. Spiller Gibbins Swan (SGS) are preparing an invoice for work done up to 30 June for GST purposes.
  - Johansen's land – ACC funding update. I contacted Ann Carkery, CEO Northern Rivers ACC and asked for a status update prior to the Board meeting. Nothing received to date. I also spoke to Peter O'Connor, Chairman NRACC, and he was going to follow through for me, however, he did say that we were not successful in the last round of funding and he was hopeful we might get up in the next round.
  - Jim and Les Dickinson have just recently purchased the land formerly owned by Max McCabe (several hundred acres). I spoke with Jim on Monday 3 July, 2000 and I have arranged to meeting with him and Mike Rayner early next week. He is very keen to develop either industrial land associated with rural residential, 1 acre blocks. He has written to TSC flagging

## Reports from Director Corporate Services

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the purchase. I spoke with TSC General Manager, John Griffin, and forwarded a memo to him indicating the importance of supporting the Dickinsons in their endeavours. The GM indicated he had delegated Richard Adams (Manager Business Undertakings Unit) to respond to the Dickinsons and represent TSC interests. Following discussion with John Griffin, I thought about the implications of Richard Adams' involvement and decided to broach the matter with the GM.

11. Kingfisher boats – still trying to find land to suit them at Chinderah. Inspected the Indoor Sports Centre, which is for sale and suggested to Mr Vella he should investigate the purchase of the 1500m<sup>2</sup> building. He requires a 7m high building and the Sports Centre is only 6m. Patrick Harford is also trying to find land. I have also contacted John Brinsmead re RTA land and other land he owns and this is being followed up. The zoning of the land is appropriate.
12. Tweed River Link Project. A presentation was made to the Federal Minister for Sport and Tourism, Jackie Kelly, on her recent visit. Minister Kelly made special time to meet with TEDC and the meeting was arranged by Larry Anthony's office. Initially we were to have a very limited time in Murwillumbah, however, it was decided to meet the Minister's plane and drive her to Murwillumbah, showing her the extent of the project from the view point of the sand bypass at the river mouth at Point Danger, up river to Murwillumbah including Chinderah, Tumbulgum and Condong along the way. The concept was explained in detail and supported by posters and artist's impressions. The Minister was most impressed and described the project as "brilliant".

We will be applying for grant funding through the Regional Tourism and the Regional Solutions programs.

I have also met with Neville Newell on the Tweed River Link project and have asked him to arrange a meeting, if possible, with NSW Minister for Tourism, Sandra Nori, and possibly NSW Minister for Regional Development, Harry Woods, when I am in Sydney on 24, 25 and 26 July.

I also briefed the Mayor on the Monday after the visit by Jackie Kelly, explaining to the Mayor why we did not advise her of the visit. The reasons being a lack of time and advice from the Minister and Larry Anthony's office that it was not an official visit requiring the local dignitary protocols.

Chairman of the TEDC Tweed River Link Advisory Group, John Foster, has done an enormous amount of work as have John Henley and Don McAllister of TSC. The project has received support from all quarters because it is a whole of Tweed Valley project.

I am arranging a workshop with Tweed Shire Council as the next step to progressing the project.

13. TEDC has now put in place Public/Products (Entertainment) Liability insurance for the Town Centres Program at a cost of \$2,535.00 per annum.
14. TEDC facilitated a meeting between Robert Smith, Cameron Property, and Mike Rayner and David Broyd of Tweed Shire Council regarding some concerns Cameron Property had with Council requirements for road reserves and construction costs. Cameron Property had not been

## Reports from Director Corporate Services

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able to resolve the issues previously, and were talking about other actions. The meeting resolved the issues and as a result will reflect a considerable cost saving to Cameron Property.

15. Coffs Harbour Future Economic Development Corporation update on joint venture with superannuation fund and venture capital organisation. The Board of Coffs Future unanimously agreed to include TEDC in their North Coast Super Fund Trust. As a result, TEDC will be invited to nominate a Director to act as a Trustee on the Board of Trustees. The PSI Group have performed so well as fund managers, that both the ANZ Bank and the Bendigo Bank have been trying to take over the PSI Group.

As for the joint venture on the venture capital organisation, Coffs Future are still waiting on advice of ACC funding for the next year prior to considering whether to include TEDC in the project.

As for the Bendigo Community Bank scenario, on hold at this stage pending the outcome of the Coffs Future Board's representative meeting in Bendigo last week.

16. Bullet Super Cars are still looking for venture capital funding and finding it very difficult to raise funds in Australia but were offered \$5million to relocate to the USA. Have suggested they negotiate with landlord re rent for equity, etc.

17. Meeting with Mayor, Lynne Beck. I have agreed to meet with the Mayor on a regular basis to update her on issues involving the TEDC. At the last meeting with the Mayor the following were discussed:

- Tweed River Link project;
- Extension of the jetty at Boat Harbour, Tweed Heads;
- Amalgamation with Town Centres Program;
- Industrial land – update on both land to the south of Coolangatta Airport and Johansen's land. In discussing the Johansen's land proposal, the Mayor expressed reservations, however, I explained the potential by looking at the bigger picture:
- Johansen's land is the only flood-free available land in Tweed Shire at present which also has easy access to road and rail, etc.;
- TSC consider re-zoning the surrounding land to Rural Residential 1 acre lots with water and sewerage;
- TSC consider the relocation of the Works Depot to Johansen's land and selling the current depot site to industry; and
- Johansen's land is to be promoted as an Environmental/Innovation Technology Park.
- Update on Rural Plan funding and implications for LEP.

18. I have been interviewed by several regional newspapers and television networks about the Tweed River Link proposal. Gold Coast Sun newspapers also wrote a story on the project and the Chinderah Marina.

19. I have been invited to address Byron Shire Council on Wednesday 5 July at 5:30pm on the TEDC organisation and our role in economic development.

## Reports from Director Corporate Services

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20. I have been invited to be the guest speaker at the Urban Development Institute of Australia (UDIA) business breakfast meeting on 18 July. Again the topic for discussion is the TEDC and what's happening in the Tweed Shire.
  21. I will be travelling to Sydney on 24 July, returning 27 July for the Sponsorship Summit 2000 conference. The conference was highly recommended by Paul Sullivan (Coffs Future) and he believes it has been the best value conference he ever attended and attributes Coffs Future's recent success in having the Australian Wallabies relocate their home base to Coffs Harbour to what he learnt at last year's conference. He raised \$1.2million in sponsorship in six weeks. The presenters at the conference are not theorists, but practising marketing and sponsorship firms. I hope also whilst in Sydney, to arrange to meet the NSW Tourism and Regional Development Ministers.
  22. Glen Ayr Estates Pty Ltd (Ian Fraser) has presented a cheque for \$5,000.00 to TEDC as sponsorship and has agreed to sponsor TEDC again next year. I believe we should give special recognition to Ian for his contribution.
  23. An investor has offered to sponsor TEDC. TEDC needs to resolve sponsorship details as we should be taking advantage of every opportunity. Coffs Future accepts sponsorship for specific projects and as such the sponsor gets the kudos for that project. Maybe following Ms Carroll's presentation on the "Community Development Fund" and the Sydney conference, we need to resolve this policy issue.
  24. TEDC has been approached by a company, Asset Intelligence, who wish to discuss with TEDC the opportunity to provide a service offering statistical and demographic information for potential investors, modelled on TEDC's demographic profiles. I will be meeting with the people involved next week.
  25. Finally, whilst I support the philosophy of amalgamation with TACTIC, if the process is going to be as time-consuming as the Town Centres Program amalgamation, then I would have to say that we should advise TSC that we can't cope with the extra load. As you can see from this report, which only deals with the major topics, we at TEDC are stretched to the limit. Between phone calls and face-to-face meetings, there is just not enough time in the day.
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# Reports from Director Engineering Services

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**22. ORIGIN: Works Unit**

**FILE REF: Government Grant - Roads**

**REPORT TITLE:**

**Continued Funding Levels - Former 3 X 3 Grant**

**SUMMARY OF REPORT:**

Council has for several years been granted road construction funding under a 3 X 3 Program which resulted from a state fuel levy. Due to the changes to the Federal State Financial arrangements including the introduction of the GST there is no longer any dedicated revenue to fund this program and hence it will cease. However, the Roads Minister has announced equivalent funding for the next four years. This is to be spent on Regional Roads.

**RECOMMENDATION:**

That Council allocates the initial grant of \$152,000 for Regional Road upgrading to the Coast Road between Bogangar and Old Bogangar Road for widening and reconstruction works.

## Reports from Director Engineering Services

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### REPORT:

Council has for several years been granted road construction funding under a 3 X 3 Program which resulted from a state fuel levy. Due to the changes to the Federal State Financial arrangements including the introduction of the GST there is no longer any dedicated revenue to fund this program and hence it will cease as a result the RTA has advised:-

*“Following representations from councils, the Minister recently announced a commitment to continue the level of funding to Councils that previously applied to Councils under the 3X3 Council Determined Program. Funding will be provided at the rate of \$15 million per annum for four years. All Councils will benefit under the continuation of funding as each Council will receive the same amount per year as it received under the 1999/2000 3 X 3 Council Determined Program.*

*The funds are to be spent on Regional Roads. This reflects both the frequent calls from Local Government for greater Regional Road funding, and the fact that the 3 X 3 Legislation, which previously provided the legal mechanism for Roads & Traffic Authority (TRA) to provide funds for road works on Local Roads, no longer applies.*

*Funds will be provided annually and must be spent within the financial year. Again, the 3X3 legislation, which previously provided guaranteed funding over a multi year program, no longer applies. Unfortunately, this means Councils do not have the option of taking four year funding in one year to apply to a particular project. Some Councils may need to reconsider their internal cash flows and seek flexibility in the use of their other funding sources including their Federal Financial Assistance Grants which includes an identified roads component.”*

Council will receive \$152,000 per annum from this grant, which will be paid as part of the Regional Road Block Grant. In previous years this 3 X 3 allocation could be spent on local roads. This is no longer an option unless Council can demonstrate that a local road may be a higher priority than a Regional Road.

Council has been concentrating its REPAIR grant funds on Kyogle Road between Byangum and Uki.

Other Regional Roads that are in immediate need of upgrading are Coast Road, Bogangar – north to Old Bogangar Road and Numinbah Road, Kynnumboon Road to Boatharbour.

It is recommended that the initial funding be allocated to the Coast Road in view of increasing traffic volumes as a result of development approved in the area. It is proposed that the pavement be widened and strengthened with the placement of additional gravel depth.



## Reports from Director Engineering Services

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**23. ORIGIN: Director**

**FILE REF: Water Supply & Resources Committee**

**REPORT TITLE:**

**LGSA Water Supply and Resources Conference 2000**

**SUMMARY OF REPORT:**

This conference is to be held in Wagga Wagga on the 10 & 11 August 2000. Council has traditionally attended this conference which focuses on water supply and sewerage management in non-metropolitan NSW.

**RECOMMENDATION:**

That Council considers appropriate attendance by Councillors.

## Reports from Director Engineering Services

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### REPORT:

This conference is to be held in Wagga Wagga on the 10 & 11 August 2000. Council has traditionally attended this conference which focuses on water supply and sewerage management in non-metropolitan NSW.

This years conference will include an address by Mr Bob Smith, Director-General, Department of Land and Water Conservation on the current status of water reform in NSW. The Water Management Bill is currently on the floor of parliament.

Other topics of interest include:

1. Future direction of the country towns water supply and sewerage program.
  2. Implementation of Cryptosporidium and Giardia protocols.
  3. Infrastructure delivery options.
  4. Impact of water reform on local government water and sewer businesses.
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# Reports from Director Environment & Community Services

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**24. ORIGIN: Environment & Health Services Unit**

**FILE REF: Community Options**

**REPORT TITLE:**

**Recurrent Funding - Community Worker Aged and Disability and Community Options Program.**

**SUMMARY OF REPORT:**

Funding agreements for Home and Community Care (HACC) funded Council positions/programs July 2000 - 2001 requires signatures and Council's seal to accept this recurrent funding.

**RECOMMENDATION:**

That the funding documents for Council positions/programs July 2000 - June 2001 be executed under the Common Seal of Council

## Reports from Director Environment & Community Services

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### REPORT:

The Ageing and Disability Departments' recurrent HACC funding agreements for the Community Options Program and the Community Worker – Aged and Disability position requires Council approval.

The funding agreement is for the period 1 July 2000 to 30 June 2001.

There has been minor changes made to the funding agreement to reflect.

- The changes in the funding environment particularly the introduction of the goods and services tax (GST)
- Feedback from providers and representative organisations on indemnity, events of default and ending the agreement.

Other than the above changes the same terms and conditions apply as previously agreed to. This agreement secure \$207,399 funding for the programs and positions.

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## Reports from Director Environment & Community Services

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**25. ORIGIN: Environment & Health Services Unit**

**FILE REF: Pre school – Joeys Pouch**

**REPORT TITLE:**

**Joeys Pouch Educational Childcare Centre**

**SUMMARY OF REPORT:**

Council is advised that the above premises which is owned by Council, built by a Commonwealth Government Grant, and managed by a community committee, has extensive problems with white ant attack.

**RECOMMENDATION:**

That Council:-

1. Commits to the expenditure of \$15,000 for repairs and white oil prevention treatment to Joeys Pouch building.
2. Such funds to be provide from the first budget review.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that the above premises, which is owned by Council, built by a Commonwealth Government Grant, and managed by a community committee, has extensive problems with white ant attack.

The current situation is that repair works including the replacement of walls in kitchen, pantry, office and stove areas have been undertaken and additional works are ongoing as further damaged walls and nests are discovered.

The Committee has expended all their available funds and most of a \$20,000 grant fund they were given for the replacement of the white ant damaged timbers and provision of external barrier treatments.

As these further works are required to ensure the structural stability of the building, being a Council asset, it is considered that they should be completed. The contractor currently engaged estimates that a maximum of \$10,000 will be required.

In addition, it would appear that further works around the perimeter of the building are still required to ensure future protection of the structural integrity of the building when the current repair works are completed. Quotes for these works would need to be obtained but are estimated to be \$5,000.

Accordingly, it is recommended that such funding be provided from their next budget review.

There are no funds in the current budget for these items.

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## Reports from Director Environment & Community Services

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**26. ORIGIN: Environment & Health Services Unit**

**FILE REF: Endangered Species**

**REPORT TITLE:**

**Birds Australia Year 2000 Endangered Species Appeal**

**SUMMARY OF REPORT:**

Birds Australia, the country's oldest national conservation group, is holding the Year 2000 Endangered Species Appeal. They request Council support to distribute campaign information by inserting appeal envelopes in quarterly rates notices and including information about the appeal in Council's newsletter and civic buildings such as the libraries etc.

As the request indicates minimal cost it is considered that Council should support the appeal.

**RECOMMENDATION:**

That Council supports the Birds Australia Year 2000 Endangered Species Appeal by distributing campaign information and by inserting appeal envelopes in with its quarterly rates notices.

# Reports from Director Environment & Community Services

## REPORT:

The letter below from Birds Australia has been received by Council:-

3 July 2000

TWEED SHIRE COUNCIL	
FILE No.	.....
DOCUMENT No.	.....
RECD	- 7 JUL 2000
BOX No.	.....
ASSIGNED TO	.....
HARD COPY	<input type="checkbox"/>
IMAGE	<input type="checkbox"/>



**Birds Australia**  
CONSERVATION THROUGH KNOWLEDGE

415 Riversdale Road, Hawthorn East, Vic. 3123  
Tel (03) 9882 2622, Fax (03) 9882 2677  
Email [mail@birdsaustralia.com.au](mailto:mail@birdsaustralia.com.au)

Mr G Edwards  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Mr Edwards,

During the month of October this year Birds Australia, the country's oldest national conservation group, is holding the Year 2000 Endangered Species Appeal and asks for your assistance in distributing information.

This is a matter of urgency for our native birds as one in eight species are now threatened and this figure could double in the next century.

Greater demand has meant that at present, government and private funding is really stretched to the limit and the future of many vital projects hangs in the balance. The Threatened Bird Volunteer Network, a bridge between conservation organisations and recovery programs nationwide, is one of these. Many other regional programs face an uncertain future, such as the Queensland and New South Wales Woodlands projects which aim to halt the loss of habitat for Australia's woodland species. Birds Australia is appealing to the Australian public to recognise the enormity of the situation and to act by donating to the appeal.

As an organisation we recognise the role Councils play in preserving habitats and educating the public about the wildlife in their area. We hope that you will consider an exchange of information services with Birds Australia that will benefit us both and help us move towards common goals.

Birds Australia maintains substantial wildlife databases, compiled during the production of the Australian Bird Atlas - for the first time over a five-year period between 1978-82. A second Atlas is now in the second year of a valuable comparative study. Over 12,000 volunteer surveyors have been involved in the projects to date and each grid square of the country has been mapped for distribution and abundance of Australian birds and their habitats.

The wildlife database is utilised regularly by private consultants, federal and state government departments and environmental groups at a fee necessary to maintain the service. The database has been used by a handful of Councils who have recognised its value in detail and versatility.

**Birds Australia would like to offer Councils who participate in the Year 2000 Endangered Species Appeal standard serviced access to the wildlife database free of charge and to give you, personally, a twelve month free subscription to *Wingspan*, a stunning full-colour magazine on our unique bird life.**

Please contact me on 03 988 22622 or by e-mail at [s.grant@birdsaustralia.com.au](mailto:s.grant@birdsaustralia.com.au) by July 24<sup>th</sup> 2000 to take up the offer and assist us in saving some of our most beautiful creatures from extinction.

Yours sincerely



**Susie Grant**  
National Public Relations Coordinator

Royal Australasian Ornithologists Union  
Est 1901 ACN 004 076 475

Regional Groups: Southern NSW & ACT, Northern NSW,  
Victoria, Western Australia, Tasmania, North Queensland  
Observatories: Barren Grounds, Broome, Eyre, Rotamah Is.  
Reserve: Gluepot

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## Reports from Director Environment & Community Services

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### **BIRDS AUSTRALIA YEAR 2000 ENDANGERED SPECIES APPEAL**

#### **PURPOSE**

Australian birds are in crisis with one in eight species now threatened and the very real possibility that figure could double this century.

The country's oldest national conservation group, Birds Australia, is holding a Year 2000 Endangered Species Appeal to support research and recovery work into our native bird life.

#### **THE CAMPAIGN**

The campaign will involve television and radio commercials, press and magazine ads, direct mail, widespread donation points, publicity and a live web site featuring fledgling Peregrine Falcons, Eclectus Parrots and other adorable young Australians in the nest.

It will run for one month during October-November this year and will highlight the contribution made by over 10,000 volunteers in protecting our birds, with its main aim being to raise one million dollars towards supporting threatened species projects.

#### **A ROLE FOR LOCAL CITY COUNCILS**

Birds Australia is urging local City Councils to get behind the campaign and distribute campaign information by inserting appeal envelopes in quarterly rates notices, including information in newsletters, local papers and through other distribution channels. For many residents the birds that visit their backyards and live in local reserves and parks are an important part of their day. Local City Councils can now play an integral part in helping Birds Australia to ensure they will continue to bring joy to their constituents for a long time to come.

#### **THE BENEFITS OF PARTICIPATION**

Through the Australian Bird Atlas first produced by Birds Australia between 1978-82 and now in the second year of comparative surveying, a comprehensive database of information on Australian native birds and their habitats has been compiled.

While this information is used by private enterprise, federal and state government departments and environmental organisations, it is probably most useful to City Councils due to its detail and accessibility by postcode area.

As an incentive to encourage City Councils to participate in the Year 2000 Endangered Species Appeal Birds Australia is offering database service to Councils that includes information compiled on their Council area. Due to its complexity and the demand for information access charges usually apply, but Councils that join the appeal by sending an appeal mailer to residents will be provide this service free of charge.

#### **ABOUT BIRDS AUSTRALIA**

Birds Australia is Australia's oldest conservation group, incorporated in 1901. It has made some major advances and achieved much for Australian native birds. The organisation is and has always been based on a dedicated volunteer 'workforce' that today numbers in excess of 10,000 people, a contribution that is worth over \$10 million per annum.

Research and conservation are its main functions. Projects range from the publication of the internationally recognised *Handbook of Australian, New Zealand and Antarctic Birds* through to the recovery of the Southern sub-species of the Red-tailed Black Cockatoo and the mapping of each grid section of Australia for changes in populations and habitats of native birds.

Its most important role today is the preservation of our endangered species and the research, recovery programs and community education that is required to achieve this aim.

## Reports from Director Environment & Community Services

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As can be seen, the request for Council is to distribute campaign information by inserting appeal envelopes in its quarterly rates notice including placing information in the Link and local papers and providing information at libraries, civic centres etc.

As there is minimal cost to Council because most requests require in kind action, it is considered that Council should agree to support the appeal.

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## Reports from Director Environment & Community Services

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**27. ORIGIN: Environment & Health Services Unit**

**FILE REF: Library - Richmond Tweed**

**REPORT TITLE:**

**Country Public Library Association North East Zone Sub Committee**

**SUMMARY OF REPORT:**

Council is advised that Cr. Max Boyd and Martin Field, General Manager of Richmond Tweed Regional Library, have been elected to the Country Public Library Association North East Zone Sub Committee.

**RECOMMENDATION:**

That this report be received and noted.

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## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that Cr. Max Boyd and the General Manager of the Richmond Tweed Regional Library, Martin Field, have been elected to the Country Public Library Association Executive Sub Committee to represent the North East Zone of the CPLA.

This sub committee together with sub committees from the five (5) other CPLA zones within the state will provide advice and assistance to the three (3) person executive of the CPLA

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## Reports from Director Environment & Community Services

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**28. ORIGIN: Environment & Health Services Unit**

**FILE REF: Agenda 21**

**REPORT TITLE:**

**Smart House**

**SUMMARY OF REPORT:**

This report outlines the functioning and construction costs of the Tweed Smart House and provides feedback from the public on this community education facility.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

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### REPORT:

#### INTRODUCTION

The objective of the Tweed Shire Smart House Project is to educate and mobilise the community to live more sustainably in a typical urban setting through the development and construction of an energy efficient / environmentally friendly display home within a display village in the Tweed Shire area. It is not intended to mass market this design or compete with existing project homes but rather educate the public and create a demand for all housing stock to be energy efficient, more comfortable to live in, be cheaper to run and benefit the environment. The design brief for this project specified that the home had to be typical of the general housing stock within the Banora Point area and be designed to cater for multiple uses such as:

a display home exemplifying energy efficient and environmentally friendly design to educate and mobilise the community to live more sustainably.

host site for mini expos and as such large open spaces where required for display purposes.

a residential dwelling as it is intended that at the conclusion of the project the house was to revert to a saleable residential premises.

At the commencement of the project a sponsorship package was developed and widely distributed amongst potential sponsors. This document addressed the ongoing viability of this project after the initial display village had moved elsewhere within the estate as it was always intended that mini expos would be held within the house targeting specific audiences and to encourage ongoing patronage of the Smart House. As the target audience is largely the general community, not only those normally visiting a display village, its location was chosen as being suitable for continued use beyond the life of the display village.

This report outlines the costs associated with the construction of the Smart House, updates Council on the functioning of this facility to date and provides feedback received from the community concerning this education facility.

#### CONSTRUCTION COSTS

These are set out below in 2 Tables

Table 1 is the actual construction cost as would be associated with a similar project building.

# Reports from Director Environment & Community Services

**Table 1 - Standard House Construction Costs for the Smart House**

Normal House Construction Costs	Amount \$	Comments
<b>Preliminaries</b>		
site works / establishment	228.00	
structural design certification	220.00	
bin hire	500.00	
mobile phone hire	143.00	
<b>Floor</b>		
concreter	5720.90	
termite control	500.00	
polish wooden floor	730.00	
miscellaneous floor	203.00	
<b>Frame / Roof</b>		
window supply	4465.80	
scaffold	1960.00	
fascia and roof	1920.00	
prefab frame and trusses	10750.00	
miscellaneous roof	4781.77	
<b>Lockup</b>		
Hebel bricks	3253.81	
granosite/ acratext	3440.00	
kitchen fitout	8015.00	
laundry/ bathroom fitout	4554.00	
p c items	583.00	
painter	5469.04	
tiler	5832.00	
tiles	3495.55	
plasterer	7900.00	
insulation	2224.00	
doors	2222.91	
shower screen	593.00	
garage doors	3952.00	
light fittings	1960.08	
fly screens	800.00	
miscellaneous lockup	4274.20	
<b>Plumbing and Drainage</b>		
plumber and drainer	3830.00	additional plumbing costs on Table 2.

## Reports from Director Environment & Community Services

Normal House Construction Costs	Amount \$	Comments
water proof wet areas	190.00	
tapware, basins, toilets etc.	3412.33	
<b>Contingency</b>		
plant hire	4559.37	additional plant hire on Table 2
labour miscellaneous	6461.43	
transport	5784.00	
labour (carpenter)	27399.22	additional labour costs on Table 2.
<b>TOTAL (normal house costs)</b>	<b>\$152,327.41</b>	

However as this home is to exemplify energy efficiency and environmentally friendly design additional features and ideas have been incorporated into this design to evoke public interest. These additional features and ideas are transferable into any home.

It has always been considered that this project, as an educational facility for sustainability, would convey these features and would be a justifiable expenditure of the Agenda 21 budget.



# Reports from Director Environment & Community Services

**Table 2 - Additional Costs for Smart House**

<b>Additional Construction Costs</b>	<b>House</b>	<b>Amount \$</b>	<b>Comments</b>
<b>Preliminaries</b>			
toilet hire		249.00	
miscellaneous preliminaries		256.33	
<b>Lockup</b>			
earthbricks		1700.00	This feature demonstrates thermal mass and utilises mud bricks construction which is locally produced and the most environmentally friendly form of building construction appropriate to this area.
earthbrick wall construction		645.32	
whitegoods		2601.00	These goods were purchased for display purposes and use in the house while acting as office accommodation. At the end of the display period these appliances will be used by ccl or sold. Note - all goods purchased at cost price via sponsorship.
bedroom furniture - asthma room		990.00	Bedroom 3 is an allergy free room and depicts construction techniques and furnishings appropriate for asthma sufferers. Note - this is an important public health and lifestyle issue in the Tweed community.
<b>Plumbing and Drainage</b>			
plumbing labour and incidentals		9113.48	Polypropylene and polyethylene pipes were used in lieu of PVC due to the recyclable ability of these materials. HDPE is more expensive to install. Also additional plumbing was required to facilitate roof water usage in toilets, internal and external taps. HDPE also used for stormwater.
<b>Landscaping/Contingency</b>			
paving and driveway		6041.45	This includes paving in entertainment areas, the front entryway and pathways for visitor access. This amount also includes a permeable driveway to restrict runoff from the site. The sponsor for these products withdrew at the last moment as they no longer had a local distributor.
landscaping		2226.55	A low maintenance garden utilising natives, fruit and vegetable species and based on permaculture principles has been constructed for display purposes.
water tank		800.00	An alternative water conservation feature for display purposes.
boundary fence		450.00	Fencing required for display home - security and display purposes.
security fence		750.00	Required to restrict access into the yard. Security of battery box, mulch bin etc.
turf		1007.50	Turf was required to prevent runoff during construction and post construction to finish off the landscaping.
eclipse roof		6750.00	Allows the sun access to the dining room when the louvres are open. Provides ventilation by catching and funnelling breezes into the home. It also provides an outdoor area at low cost for hosting mini expos as per sponsorship agreements.
paradise room / crime safe		5565.00	Security screens for safety and storage of goods in courtyard area. Also to demonstrate ventilation options in living areas.

## Reports from Director Environment & Community Services

<b>Additional Construction Costs</b>	<b>House</b>	<b>Amount \$</b>	<b>Comments</b>
pergola / louvres		2003.90	To enhance the appearance (for display purposes) local hardwoods have been used to form an ornate entry. Louvres provide ventilation and privacy.
battery box		690.00	Security for inverter and batteries. Originally to go under stairs but due to emissions from batteries was placed outside in unsecured location.
gas supply and installation		230.36	Greenhouse friendly cook top required. No sponsorship provided.
photovoltaic supply and installation		8595.00	To demonstrate alternative green technologies. Note - total cost \$18095 Awaiting a \$9500 cash back from SEDA as part of s'ship deal.
labour (carp, elec, casual.)		2000.00	Additional ccl labour costs for external work.
plant hire		1300.00	Additional ccl plant hire costs for external work
carpenter		9133.05	Additional time spent on external work. Eg pergola, battery box etc.
<b>TOTAL (additional house costs)</b>		<b>\$61,322.04</b>	
<b>TOTAL (normal house costs)</b>		<b>\$152,327.41</b>	Taken from Table 1.
<b>TOTAL (Smart House Costs)</b>		<b>\$213,649.45</b>	

### Visitation Rates

Since the Smart House opened on Saturday the 15<sup>th</sup> of April 2000 a total of 1198 people have visited the house. The House averages 100 visitors per week, averaging 14 per weekday and 30 per weekend day.

A high level of interest has been created within the community and casual observation by personnel staffing the house indicate that :

- Almost half of the weekday visitors and approximately a third of weekend visitors come to the estate specifically to visit this home.
- Most people visiting the house spend considerably more time looking through the house than anticipated.
- On average there are 2 people visiting the house every day who are specifically researching energy efficiency for various building projects. This ranges from young couples looking for ideas for their first home through to families with existing homes who recognise the benefits of incorporating a particular idea into their own homes.
- The house will remain a viable proposition if Council pursues mini expos to keep patronage high as it is easily accessible from the major thoroughfare within the estate.
- There have been many people who have visited the house initially and returned with other family members to look at specific ideas which they hope to include in their own home.

Of the responses received back the vast majority have indicated that they would incorporate many of the major energy efficiency design concepts into their next home (See 'Visitors Response's)

## Reports from Director Environment & Community Services

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More publicity is needed to dispel the myth that energy efficiency is a costly exercise as the major features which have made the house a 5 star energy rating home are based on good design principles not extras or inclusions. People visiting the home are encouraged to look at orientation, good cross flow ventilation, appropriate insulation and building materials, wise use of colours to reflect heat and light and compartmentalisation of areas to reduce heating and cooling costs.

Visitors are informed that this home is an education resource and not a home for mass production.

However as this home is to exemplify energy efficient and environmentally friendly design additional features and ideas have been incorporated into this design to evoke public interest. These additional features and ideas are transferable into any home.

Due to the fact that this home is a display home a number of items were included to enhance and finish off the home in an appropriate manner. These additional items were listed in Table 2.

# Reports from Director Environment & Community Services

## VISITORS RESPONSES AFTER VISITING THE SMART HOUSE

Sheet #	Incorporate - Many, Some, None of the Features	Comments
1	many	thank you for all the information. your rep was very knowledgeable and helpful
2	many	excellent concept to showcase ideas for energy and environmental design and materials for any home, even established homes.
3	many	this is wonderful. Very healthy and smart
4	many	fantastic - truly amazing to see energy efficient ideas
5	many	what a great concept, this is the future and I would like to congratulate the Council on their foresight.
6	many	fantastic display !! should be more of this as examples of the future. It saves our earth and our money. Congratulations Tweed Shire Council. More publicity would be good.
7	many	there was a lot of ideas which I thought were great. We are going to use them on our new house. Thank you for the opportunity to be able to look at them.
8	some	Dan opened the house and made it all viable - very very impressed
9	many	was very impressed with Dan's tour of the house and explanations of the many features of this special house.
10	many	skirting boards - problems for asthma, ceilings - 9ft. would have been better, great idea.
11	many	very impressed with design and products used - eco friendly overall, proximity of garden to kitchen very very inspiring - Thank you very much to allow us into the perfect way of living.
12	some	well done
13	many	very impressed
14	many	interior decorator and use of furnishings. A house must still be attractive
15	-	pantry not large enough wardrobes to small nowhere to put ironing board
16	-	-* (no comments given)
17	many	a commendable initiative of the council
18	-	-*
19	many	great project ! get as many people as possible in to see the ideas
20	some	-*
21	many	wooden floors are very noisy - esp. with a 3 year old
22	some	very impressive
23	many	I thought it was wonderful. More people should consider it. Please - I would also be interested in the CD ROM
24	many	excellent - informative - well done
25	-	so grand to have such a forward looking Council - many thanks from a 60+ greenie

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
26	many	great to see alternatives offered.
27	-	-*
28	many	very interesting talk by Dan. Realise how many things I would want to include when building
29	many	the young man representing Council on Sunday 28 <sup>th</sup> 5 <sup>th</sup> was a pleasure to speak with, very knowledgeable and willing to impart information. He was a model of what a Council employee should be and I think he should be commended regarding his duties.
30	many	excellent environmental exercise! Please send brochure/business card re changeable roof covering.
31	none	waste of ratepayers money. This house is an eyesore to the rest of the neighbourhood
32	some	it would be interesting to note the cost of various concepts
33	many	the Mayor is clearly out of step with her comments about this house. This is a wonderful example of how we should all be progressing sustainability.
34	-	you've thought of it all - great work
35	many	controllable room system - very interested - excellent display project - may just keep the planet ours
36	-	eye opener - great ideas
37	many	the garage doors are a great idea. All space is well utilised. The young man was extremely pleasant and knew his product.
38	many	your site officer is a great representative for the home and was very patient and informative. Congratulations on the Shire's initiative.
39	many	well presented. Thought provoking. Gutter - water savers - brilliant. All most interesting
40	many	design is great, the ideas used here are very thoughtful and conservative and as a carpenter I hope to use some of these ideas in the near future.
41	some	no skylights upstairs
42	many	food for thought. Plenty of on site information - human and paper
43	many	excellent! And congratulations to you. Guide a delight to listen too.
44	many	absolutely outstanding, very inspirational - especially the really simple ideas like window arrangement, that can have such a significant effect house is an asset to the shire and money well spent.
45	some	very interesting tour. Learnt a lot of energy saving ideas. Helped me realise how much money I can save in incorporating some of the energy efficient products.
46	-	eye opener - great ideas

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
47	many	garage doors - open slats allow dust to enter. Bedroom top - storage to sparse bathroom top - step entry dangerous. Security - laundry glass door. 9ft ceilings desirable 8ft creates safety problems with fans and garage door opener
48	many	I wish I was building another house - I'd have most of this
49	many	very good idea to demonstrate what can be done. I like the ideas used
50	many	it is good to see a Council taking an active role in energy efficiency housing
51	some	wonderful to see 'in reality' the smart ideas for improving our environment
52	many	wonderful !! wish our Council would do the same
53	many	very very impressed. Very pleased to see TSC showing an interest in the environment (if just housing) keep up the good work and extend it to keeping the Tweed Valley safe from over development.
54	-	you've thought of it all - great work
55	some	interesting concept
56	many	this house and energy saving products should be promoted MORE. This is a great idea.
57	some	fantastic ideas - wonderful tour
58	-	very good layout - efficient room space. The bathroom upstairs and shower over the bath is great. A credit to our Council
59	many	would love to live in a home like this. The Council should be commended on this project and its interest in environmental concerns
60	many	very well done - congratulations
61	some	using more tyres less concrete - great idea
62	many	delighted with openings in garage doors and opening roof and gutter
63	many	very impressive concept. Council deserves congratulations not knocks. Well done
64	many	excellent
65	some	well prepared and a fabulous innovative move - well received
66	many	great 'friendly' ideas ! excellent ventilation design.
67	-	very impressive
68	many	particularly liked guttering (water storage), heat pump, and power system and use of skylights. Great tour
69	many	would use hot water and solar electricity also. Thank you - very informative
70	many	congratulations to the architect - well thought out
71	-	very impressed
72	some	very interested in heat pump system and gas circulation. Requested info to be fwd. Thanks for the opportunity to visit.

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
73	-	outdoor living area very good
74	some	very interesting
75	many	its great - I love the mud brick
76	some	very good
77	some	very informative - Dan an excellent salesman
78	many	great ideas
79	many	very impressive, great to see tyres being put to use and use of rain water in garden
80	many	-
81	many	great house - the only feature I wouldn't have is the southerly sliding door in the family room, maybe a timber louvre opening instead.
82	many	dark tiles on floor for more efficient winter heating. Garage doors, louvred doors and enclosed patio area very good
83	-	very good ! especially the doors and roof
84	all	this house is wonderful to see. All new houses should be made to incorporate these ideas. Floor plan etc leaves a lot to be desired but that can be adjusted to suit the individual.
85	many	environmentally friendly is great but cost is the problem compared to common building costs. Needs to be made more cost efficient to average home buyers or builders.
86	some	very nice
87	many	writing material for ? magazine (building designer) congratulations Tweed Shire
88	many	very good
89	many	use of rainwater to rest of house is great idea. Perhaps Council should subsidise this as with hot water to encourage people to adopt this idea
90	many	good to see but needs more thought and work to be really smart
91	some	well laid out for display but not very practical for family living
92	many	well done
93	some	excellent concepts that will help us with our renovations
94	many	I feel new housing / renovations should be virtually 'forced' to use all the environmentally friendly options eg. Council shouldn't allow a garage on the north side and living areas to the south unless there is a reason (mostly spec. builders couldn't care less)
95	some	very interesting
96	many	good
97	some	good use of water conservation ideas
98	many	eliminate skirting boards as much as possible if not 100%. Garden mulch needs to be at least 100mm thick to work efficiently and properly.

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
99	many	dividing cupboard kitchen / lounge is too deep and would be better divided to use half into lounge space using finger grip instead of knobs!
100	many	very liveable house
101	some	acratext finish may harbour mould spores. Loved courtyard with eclipse roof and solar cells
102	some	such an eye opener and all six concepts are excellent - well done
103	many	some great ideas. Hopefully some ideas will become compulsory eg. Water usage and storage, solar power. Cross ventilation ideas great - This house is important in educating people.
104	many	we built in 1995 prior to the 'smart house' but were aware of good design. Perhaps the smart house needs a little more media exposure.
105	many	I think this house is well thought out and gives people plenty to think about. They realise after seeing this display that with some thought these things can be implemented into everyday lifestyles.
106	many	there has been some totally unwarranted criticism of this project. This is an excellent way of introducing people to the concept of sustainable house construction.
107	many	it really is a surprise and quite a pleasant one in as much as it is an intelligent use of various aspects and the water in the gutters is one I would use, the overall effect is cooling and calming with great air flow. You have achieved all you set out to achieve. I thought at first it was too expensive but having been through the house one can see the cost is quite reasonable.
108	many	needs to be more cost effective
109	many	overall excellent design concepts. I'm sure it will work equally well in summer as well as in winter.
110	many	-
111	many	very impressed
112	many	just one idea - a ramp at the door of the upstairs bathroom instead of the ledge to prevent toe stubbing
113	-	many interesting features
114	many	very interesting - well done
115	many	-
116	many	I built my house in the 1970's and I did consider orientation, thermal mass, cross ventilation and zoning living areas. I have since insulated the roof area. I shall be installing water saving gutters and a tank in the near future as a result of seeing this system. I will change to all halogen lights and put in skylights soon. The louvres in the upstairs bedrooms look bulky. I would like to see a light weight type louvre used.
117	many	quite good



## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
118	-	very nice
119	many	-
120	many	-
121	many	would be very interested in the CD ROM when produced suggest TV in showroom with videos regarding products more info on tyres used within the slab, more info on termite control
122	many	very good excellent ideas which will have to stand the test of time. <u>Ideas-</u> publish how well the house performs over time eg did the gutters get clogged. If both the good and bad points are available people will be much more open to adopt the ideas. Very impressed with the use of rainwater (storage in gutters, storage in tank outside kitchen). Would be of interest to conduct water quality tests since stagnant water will be involved in both the gutters and the tanks. This will promote microbial growth. What measures will be taken to ensure its safety. Eg compliance with TGA/FDA or Australian equivalent regulations. <u>Lastly-</u> Dan was excellent at presenting aspects of the house and very happy to forward any further information. He performs his job to the highest degree.
123	* old cards with no: many/some/none	internal louvres are a fantastic idea. I'd like to see more wooden flooring. Love the indoor/outdoor area between bedroom 1 and the family/dining. Will bring my husband back to see this.
124		innovative, very attractive
125		pantry doors a winner, vergola on patio a winner, louvres in front of sitting room essential for privacy from street.
126		really loved it, very beautiful
127		this house rules I love everything about it especially the opening roof and doors. I would give it a 10/10 every time. Ps. I also like the mud brick walls
128		nice natural home, beautifully cool
129		found a working model of and energy efficient house. high praise for the Shires positive direction.
130		I would certainly be interested in building a smart house for my home.
131		excellent concepts and ideas that should be incorporated with new home plans. Maybe Council incentives to home builders that incorporate these ideas?
132		some good ideas
133		some good ideas, bathroom shower screen needs improvement

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
134		display boards (as here) duplicated in both libraries. Water feed pipes from gutters need flushing valve at elbow (silt and mozzie larvae would otherwise accumulate) Pergola could do with a soffit of mosquito netting. White panels of timber for shelves and benches is very impressive. Wheel chair access at all doors is very impressive. Would like details for car tyres under raft slab.
135		eaves vents good - but in order to remove the hot air from roof space you require vents in the roof itself.
136		most of the vital requirements have been installed in the house
138		have the architect look at the height of the stairs wall - with a view to cleaning the windows and / or painting of walls. Not all owners employ professionals to do such work and the wall height is and could be dangerous.
139		the garage door produce most of the breeze.
140		water in gutters - poor idea - rust - increase termite - currently dripping water now. Drain and pump from underground tank. Building lacks design - not enough use of northerly aspect for winter sun - sun to heat tiled floors for winter.
141		I especially like the louvres for the breeze.
142		screens to course for exclusion of mosquito from gutters. Dust will also create a mud lying effect in the gutters over time and should be filtered out prior to inclusion as washing water. The hot water system is the same as ours for which we were never given an allowance.
143		a great idea
144		very nice and love courtyard and every thing else
145		two bedrooms not enough for family house. suggest extending upper storey over garage to provide spare bedroom, dressing room etc.
146		very good, very constructive.
147		great, nice and cool
148		guttering - great idea. Tank great idea. Like the idea of the eclipse roof. Not too keen on tiles everywhere.
149		congratulations you have commenced
150		useful information - excellent
151		very interesting
152	*	thank you for building the Smart House, I've been looking for this kind of forward thinking for years. Great ideas, common sense most of the time. We just need all building to take on this kind of building initiative.
153	-	a wonderful home excellent for people and the community and the environment.

## Reports from Director Environment & Community Services

Sheet #	Incorporate - Many, Some, None of the Features	Comments
154	many	fantastic example of what we should all be building. Congratulations to Ransce, Dan and the Tweed Shire Council - well done
155	many	excellent
156	many	great concept - keep going
157	many	good to be moving towards a green cleaner energy efficient and self sustaining future. keep up the good work.
158	some	house has some good ideas. Not to struck on roof. Great ideas by Council to open to public
159	many	don't sell. Keep for public viewing use as office etc. in the meantime. Good feel about the place

### ACHIEVEMENTS

- The Sunday Mail will be approaching Council to set up a stand at the next regional home show to promote energy efficiency and environmentally friendly design as a major initiative to help educate and transform the building industry.
- Positive responses have been received from the Royal Institute of Architecture who will be running a seminar on the Smart House in its magazine.
- Australian Institute of Urban Studies will be running a seminar on the Smart House in Brisbane on the 17<sup>th</sup> of August 2000 to help promote excellence in energy efficient housing design.(see attachment)
- Cool FM will be running a major interview in the home. ABC radio, Prime and NBN television stations have already run positive stories on the house and its many unique features.
- Wide coverage has been given by Metricon in its various newsletters and estate handouts.



**Dr J Griffin**  
General Manager

## Reports from Director Environment & Community Services

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# Reports from Sub-Committees

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## 1. Minutes of the Community Advisory Committee Meeting held 25 May, 2000

GC7/6 Pt3

### VENUE:

Murwillumbah Civic Centre, Canvas & Kettle Restaurant.

### TIME:

9.30am.

### PRESENT:

Cr Max Boyd, Kristen Forster (TSC), Ray Clark (TSC), Robin Spragg (TSC), Douglas Jardine (TSC), Bryan Berry (TBB Community Transport), Julie Reece (M'bah Community Health), Jody Bell (Centrelink), Luis Feliu (CDG Rural Villages, Daily News).

### APOLOGIES:

Cr Wendy Marshall, Don Buckley (TSC) Maria Vinio (Housing Dpt) , Pam Jones, (NRAHS), Jenny Peruse (NRAHS), Christine Salisbury (NRAHS), William McManamey (NRSCC), Jackie Parry (Premiers Dept), Rosemary Hendry (Homecare).

### MINUTES OF PREVIOUS MEETING:

**Moved:** Luis Feliu

**Seconded:** Kristen Forster

**RESOLVED** that the minutes of the meeting held 16 March, 2000 be confirmed as an accurate record of the proceedings of that meeting.

### GENERAL BUSINESS:

#### 1. Transport Issue Paper Workshop

GC7/6 Pt3

*Robin Spragg presented a workshop on transport issues. Summary of discussion is attached.*

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#### 2. Centrelink

*Jodie Bell to pursue employment figures as requested at the meeting held in March, that is, numbers of people in employment rather than focusing on number unemployed.*

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## Reports from Sub-Committees

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### 3. Sunnyside Lift

*Has commenced operations.*

---

### 4. Needle Disposal Bins

*A number of needle disposal bins have been installed in the Shire.*

---

### 5. Next Meeting Agenda

*Housing will be the next issue discussed in July at Tweed Civic Centre. Possibility of getting the SEPPS developers to attend.*

*It was suggested that information sharing should be first on the Agenda.*

---

#### **NEXT MEETING:**

Tweed Civic Centre, Brett Street, Tweed Heads. 27 July, 2000 from 9.30am-11.30am.

The meeting closed at 11.30

#### ***Directors Comments:***

*Recommended to Council that it approaches the Shires Association to campaign to the State Government to provide a subsidy per head of population to country areas for approved public transport projects equal to the per head subsidy for public transport in the Metropolitan area.*

#### **DIRECTOR'S RECOMMENDATIONS:**

##### **RECOMMENDATION:**

That Council approaches the Shires Association to campaign to the State Government to provide a subsidy per head of population to country areas for approved public transport projects equal to the per head subsidy for public transport in the Metropolitan area.

## Reports from Sub-Committees

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### 2. Minutes of the Aboriginal Advisory Committee Meeting held 26 June, 2000

#### Aboriginal Matters

**VENUE:**

Tweed Heads Civic Centre Meeting Room

**TIME:**

7.10

**PRESENT:**

Cr M R Boyd, Cr Barbara Carroll, Jackie McDonald, Franc Krasna, Kelly Lena.

Sharen Smith (Minute Taker)

**APOLOGIES:**

Chris Morgan, Janette Saunders

**BUSINESS ARISING:**

#### 1. ATSI Needs Assessment Position

*It was noted that Steve Jamieson had withdrawn from the above position. A letter was tabled from Jenni Funari regarding a proposal to expedite the commencement of this project as it was expected the project would be completed by September 2000. In it Jenni proposed that Sharen Smith be appointed to the position. Members raised concerns that they had recommended that the position be readvertised if the selected person could not take the position. Jacki said Jenni had highlighted that time had already been lost and it could take at least another 5 weeks to go through the whole process again. Sharen's skills, familiarity with the project and her current position in Council were seen as advantages in appointing her. Jenni had spoken to every organisation involved in the culling process and all indicated their support.. Sharen indicated she would be willing to undertake the assessment.*

**Moved:** Franc Krasna

**Seconded:** Kelly Lena

**RESOLVED** that Geoff Edwards be approached and advised that due to the fact that the original appointment was unable to proceed and due to the urgency involved in completing this part of the Social Plan , this committee recommends the appointment of Sharen Smith to enable the work to be completed.

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#### 2. Reconciliation Conference

*Mrs Kath Lena came to the last meeting which was cancelled due to a lack of quorum. She reported that the speakers were inspiring. Unfortunately the costs involved getting to and from the conference were high and services within the motel was lacking.*

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## Reports from Sub-Committees

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### 4. Fishing Fee

*Franc Krasna is the indigenous member of the Estuary Generation Management Committee. He reported that a number of submissions have been given to the Minister. There has been no feedback on these as yet. Franc said the indications so far are that all people wishing to fish will need a Recreation Fishing Licence. These could vary, for example, short term for holiday makers. The only exemptions will be for those under 18 and for Aboriginal people who are native title holders or have been granted rights under the Land Rights Legislation.*

---

### 6. Terms of Reference

*It was agreed that the quorum was 5. It was noted that the last meeting was cancelled because of a lack of quorum and we weren't sure whether we would have one for this meeting. It was resolved that the next meeting be trialed during the day to see if more representatives could attend. It was also suggested that the meeting schedule be changed to bi-monthly as monthly may be too frequent. Agenda Items to be highlighted. The next meeting will be 31 July at the Meeting Room, Civic Centre, Tweed Heads from 10am to 12pm.*

---

### CORRESPONDENCE IN

*NSW Board of Vocation Education & Training - will be meeting in Tweed in July/August.*

*NRSCC - sent pamphlet re Dementia Care Workshop for Health Care Workers*

*TRRAGAC - invitation to go on the Regional Art Gallery Committee*

*Jenni Funari - proposal for Sharen Smith to be appointed to Needs Assessment Position*

*Lesley Buckley - Press Release noting cultural grants*

*Trevor Wie - Letter of introduction/ invitation to contact Trevor re his art/work*

*NSW Disability Council - Advertisement inviting membership from ATSI Community*

### GENERAL BUSINESS:

#### 1. Liaison Requests

*Sharen is going to make a note of all requests for information on A.T.S.I. issues she receives each month. These will be noted in the minutes.*

*Requests in May/June were as follows:*

*Anne Maree Grasso, Veterans's Affairs, Qld, on how to circulate information on VAN to the ATSI Community.*

*Greta Hunter, Chairperson, MCSS, on which ATSI organisation to contact in Lismore regarding doing Financial Planning Workshops.*

*Trevor Wie, artist, on how to contact ATSI Community regarding his artwork.*

*Lyn Lazer, Co-ordinator, MCSS, on who and how to get ATSI participation in World Environment Day Celebrations and how to make their service more attractive to ATSI people.*

**Lee Maloney, Co-ordinator, Red Cross Visiting Service, on who to contact to develop a visitor service for Aboriginal & Torres Strait Islander people in Nursing Homes.**



## Reports from Sub-Committees

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**Jan Crowley, Manager, NSW VEDB**, on how to get ATSI participation in regional meetings they are planning for July/August

**Jenni Funari**, on protocol for raising flags and addressing Aboriginal Elders.

**Annette, TAFE Student**, asking about the employment opportunities in the ATSI welfare field. At least 3 individuals requesting information on reconciliation events.

---

### 2. Tweed River Regional Art Gallery Committee

*Sharen noted she declined the invitation to go on the Committee as she did not have time. It was noted that a number of people had been referred but had dropped out because of transport problems. It was noted that membership would be for residents of the Shire. The Committee meets bi-monthly in Murwillumbah from 5.15pm to approximately 7-7.30pm It was agreed that all the Committee could do was bring it up again in the minutes. Christine Williams and Robert Appo were two names put forward as people who may be interested.*

---

### 3. Cross-Border Marking Committee

*Sharen noted a new committee was set up. Jackie to contact Don McAllister for more details*

---

### 4. Mailing List

*Ellen Oldfield asked if she could go on the mailing list to receive minutes. It was suggested that Ellen be advised that to keep the mailing list manageable it is for organisations only and individual members of the committee. She can access the minutes either through the Business Papers which are put in Tweed Libraries or at the different ATSI Organisations all of whom receive them. Jackie also said Ellen could contact her to look at them.*

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### 5. Tweed Brunswick Valley Sub-committee

*Jackie said Cr Wendy Marshall had contacted her regarding an ATSI Candidate for the above committee. More information was requested regarding this committee.*

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### 6. Pledge Books

*The Reconciliation Pledge Books will be placed in the Tweed, Murwillumbah and Kingscliff libraries over the next three months. Ideas regarding reconciliation projects are encouraged.*

## Reports from Sub-Committees

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*Having plaques saying "You are now entering Bundjalung Country, home of the Minjungbal People" at the Tweed/Coolangatta border or "You are in Bundjalung Country" at various points throughout the Shire were suggested.*

*The Mentoring Program was once again highlighted as an excellent program to encourage more ATSI participation in local government. Candidates are assigned to a particular Councillor to attend Council meetings and functions to gain an insight into the processes involved in being a Councillor. Interested people can phone Sharen Smith on (02) 66720440.*

---

### 7. Preamble

#### Aboriginal Matters

*Discussion ensued on whether or not the preamble acknowledging the Bundjalung Nation as the original inhabitants of the area would be used at important official functions.*

*The committee noted that on 5 May 1999 it was resolved that Council adopts the following statement with regard to the Preamble on significant occasions such as State, National, International functions/events and other appropriate functions /events:-*

*"Tweed Shire Council acknowledges the Bundjalung Nation as the original inhabitants of this area"*

**Moved: Jackie MacDonald**

**Seconded: Franc Krasna**

**RESOLVED** that this committee is concerned that on two recent official occasions that the preamble has not been included, these events being the visit of the Prime Minister and opening of the Cultural Summit. This is in contravention of that resolution. The Committee requests this Council commences this practice from this point on.

---

### 8. World Environment Day 5 June

*Cr Carroll noted that Lyn Lazer from the Murwillumbah Community Support Centre would be organising World Environment Day again next year in early June. Because this day falls so close to Reconciliation Week she would like to invite Aboriginal community members to work with them on planning this day next year.*

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### 9. Respite Centre Opening

*Cr Boyd attended the opening of the new Aboriginal Respite Centre at Tweed Heads. He remarked on the high quality of the facility and homely environment.*

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#### NEXT MEETING:

*Monday 31 July 2000, Meeting Room, Tweed Civic Centre, Brett Street, Tweed Heads.*

**The meeting closed at 9.05**

## Reports from Sub-Committees

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***Director's Comments:***

1. *The resolution under item 1 is being pursued by the Director, Environment & Community Services & Manager, Environment & Health Services.*
2. *Council needs to consider the resolution under 7.*

**DIRECTOR'S RECOMMENDATIONS:**

**RECOMMENDATION:**

That Council considers the above resolution of the Aboriginal Advisory Committee in Item 7.

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## Reports from Sub-Committees

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### 3. Minutes of the Sports Advisory Committee Meeting held Tuesday 20 June 2000

GS9/2/3 Pt1 116 398

**VENUE:**

Tweed Heads Civic Centre

**TIME:**

5.00pm

**PRESENT:**

**Committee Members:** Cr Max Boyd, Cr Warren Polglase, Cr Phil Youngblutt; Mr Stewart Brawley, Mr Kevin Brennan, Ms Leanne Sharp, Mr Ken Baldwin, Mr Peter Moschogianis, Mr Ron Brisby, Ms Glynnis Kenny, Mr Andrew Walker, Mr Ross Conlon.

**Informal:** Douglas Jardine, Ian Pickles, Mrs Blyth Short (Recorder)

**APOLOGIES:**

Cr Gavin Lawrie, Mr Merv Edwards, Don Buckley

**CONFIRMATION OF MINUTES:**

**Moved:** Cr Youngblutt

**Seconded:** Leanne Sharp

**RESOLVED** that the Minutes of Sports Advisory Meeting held Tuesday 16 May 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

#### 3. Uki Sport and Recreation Club

#### Uki Sports Ground

Requests financial assistance to install a security system and to burglar proof the Clubhouse. Total cost being \$4,614.50. The club has raised and allocated \$2,500.00. The committee viewed the break down of the costs being \$2590.50 for installation of the alarm and \$2024.00 to secure the building. As funds to secure premises have been allocated in the past it was decided this portion of the request should be funded on a dollar for dollar basis. However, the committee elected not to fund security systems.

**Moved:** Cr Youngblutt

**Second:** Leanne Sharp

**Motion Carried.**

**RECOMMENDATION:**

That Council contributes to the cost of securing the Uki Sport and Recreation Club building to the amount of \$1012 from the Sports Fields Assets Reserves Fund.

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## Reports from Sub-Committees

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### 9. Planning of Future Sports Fields - Doug Jardine and Ian Pickles

Doug Jardine and Ian Pickles addressed the committee to provide an opportunity for committee input and comment on the revised Section 94 contribution plan No 5.

Doug Jardine provided a short summary of the review of the Section 94 and draft open space infrastructure policy. The draft Open Space Infrastructure Policy concluded that the recreational and open space needs of a community are more likely to be met if a range or "spectrum" of opportunities are provided through a range of open space settings, eg parklands, sports fields, foreshores, bushland. The provision of a diverse range of recreational and open space opportunities allows for flexibility and change in community recreation patterns.

Currently, the quantitative standard for provision of open space is 2.83ha per 1000 population. This is divided into approx. 60% active open space and 40% passive open space.

D Jardine advised that the 1992 population growth forecast have not been sustained and as a result the contributions received from developments have been less than forecast. Another contributing factor is the time lag created between residents moving into a development and open space becoming available for use.

D Jardine suggested the adoption of a standard of 4ha per 1000 population (2.83 ha/1000 population for local facilities and 1.17 ha/1000 population for shire wide facilities) based on the current standard of provision in the Shire and likely future needs.

The Section 94 Plan that the developer maintains facilities until the last block is sold or for a maintenance period should reflect of 12 months after completion. This would give Council an opportunity to build up rate revenue for expenditure on open space.

There was a general discussion and consensus that the numeric standard for calculating open space should be amended from 2.83 to 4ha per 1000 population, (2.83 ha/1000 population for local facilities and 1.17 ha/1000 population for shire wide facilities). The Shire wide component to be as flexible as possible with the adoption of generic standards to which levied funds could be expended as required.

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### CORRESPONDENCE:

#### 1. Murwillumbah Netball Projects for 2000 - 2003

The Murwillumbah Netball Club advised of their plans for the next three years:

1. To install 3 more asphalt courts, to bring the standard of facilities up to Queensland Netball Association Competition level (to secure the NSW v QLD State Event) Currently, they have 9 asphalt courts.
2. Additional toilets

## Reports from Sub-Committees

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3. Installation of hot water system and shower
  4. Extension to Clubhouse for storage facilities
  5. Computer (to access information from directive of QNA)
  6. Renovations to canteen (existing cupboards are at least 30 years old)
  7. Shade sails, as the large trees were removed due to root damage to courts
- 

### 2. Tumbulgum Rangers Sports Club (TRSC)

Concerns were raised about the standard of the playing field and the need for laser levelling. TRSC advised they wish to undertake professional shaping of the field through registered laser levelling contractors. TRSC request Council assistance by removing and subsequently replacing the existing turf.

S Brawley advised the committee that details of proposed methodology need to be further discussed with the TRSC, issues of liability concerning machinery and volunteer workers on Council grounds.

The committee supports the TRSC proposal to undertake works to level the Brian Breckenridge Field. S Brawley to liaise with TDSC to discuss details of methodology and liabilities.

**Moved: Ken Baldwin**  
**Second: Cr Youngblutt**

---

### GENERAL BUSINESS:

#### 1. Lighting at Les Burger Field

**Les Burger**

Leanne Sharp advised the committee that Group 18 Rugby League checked the lights at Les Burger Field. The lux is 117 meeting the minimum of 100 lux required for night games. However, the uniformity required is .50 and this test recorded .30. S Brawley to arrange quotes to have this rectified.

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#### 2. Drug problem Stan Sercombe Oval

Ken Baldwin raised the issue of drug users around the fields in Murwillumbah. General discussion of the issues of drug use in this area. The police have been advised.

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## Reports from Sub-Committees

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### Next Meeting:

The next meeting of the Sports Advisory Committee will be held 18 July 2000.

The meeting closed at 7.00 pm

<p><b><i>Director's Comments:</i></b></p>
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<p><i>Recommended that Council adopts the recommendation under item 3.</i></p>
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## Reports from Sub-Committees

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### 4. Minutes of the Companion Animal Committee Meeting held Monday 3 July 2000

File No: GA 7/4/4 Pt 1

**VENUE:**

Rous Room

**TIME:**

8.00am

**PRESENT:**

Mr Len Greer (Chairman), Cr Wendy Marshall, Peter Ainsworth, Terry Lintern, Audrey Rennison, Don Buckley.

**APOLOGIES:**

Noela Wynne, Rob Philp.

**MINUTES OF PREVIOUS MEETING:**

**RESOLVED** that the Minutes of the Companion Animal Committee meeting held Monday 5 June 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

**2. Off Leash Exercise Areas**

GA7/4/4 Pt1

Following feedback from Terry Lintern it was agreed that the information sign at the off leash exercise area at Frangella Drive, Murwillumbah would not be relocated.

Len Greer noted that dogs swimming Cudgera Creek at Hastings Point have been problematic. Terry Lintern agreed that additional patrols would be provided.

**3. Door Knock**

GA7/4/4 Pt1

Terry Lintern advised that door knocks have recently been carried out at Fingal Head and Bilambil Heights, with a number of penalty notices issued.

**GENERAL BUSINESS:**

**1. Seabreeze Estate, Pottsville**

GA7/4/4 Pt1

Don Buckley advised that any comments that committee wishes to make to Council should be forwarded through the meeting minutes and not through separate letters.

Lengthy discussions were had regarding the Seabreeze subdivision and cat and dog restrictions. Committee remained concerned that ongoing funding to support regulation of



## Reports from Sub-Committees

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88B cat and dog restrictions in subdivisions should be identified at the time of approving such restrictions.

**RESOLVED** that Council, in future stages of Seabreeze Estate, and any other subdivision where the keeping of dogs and cats is restricted by the development approval, requires a special rate to be applied to fund animal control restrictions as has previously been applied to other subdivisions.

---

### 2. Educational Material

Peter Ainsworth arranging for information to be printed in 'The Pelican Post' for distribution to the Pottsville community.

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### 3. Friends of the Pound

Meetings of Friends of the Pound are held the 2<sup>nd</sup> Monday of each month. The group is now organising guest speakers with special skills and knowledge in animal care or the like.

The group has recently arranged for the Pound to be repainted at no cost to Council.

The group also now has information tables at local markets and agricultural shows. Rangers are available to attend major shows or the like.

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### 4. Membership

A letter will be forwarded to all members requesting attendance in future. If a member is unable to attend they will be requested to provide written confirmation of their interest in Committee activities. Membership and the future of Committee will be discussed at the next meeting.

A letter will also be forwarded to Kyogle, Lismore, Ballina and Byron Councils asking if they have a Companion Animals Committee and whether they are interested in further discussions regarding formation of a regional committee.

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### 5. Companion Animal Act Review

Committee carried out a partial review of the Companion Animals Act and Regulations and determined a number of suggested amendments as listed below. The Act is likely to be further reviewed in future.

## Reports from Sub-Committees

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It is requested that Council consents to the following suggested amendments being forwarded to the Local Member Minister and Department of Local Government:

Section 5 – Suggest that the wording be altered to permit notification to the Director General or any local authority. The notion that animal owners will notify the Director General is fanciful.

Regulation 11(1) – Suggest that the wording be altered to permit notification to the Director General or any local authority. The notion that animal owners will notify the Director General is fanciful.

Regulation 18 – Need a mechanism which permits the refund of \$65 of registration fee where a certificate of desexing is returned to Council with 28 days of initial release. This would provide increased incentive for immediate desexing.

Schedule 3 Savings and transitional provisions Part 2(3) – Suggest that transitional period be extended to 5 years as provided in the clause. Following the expiry of 4 years a survey should be conducted to determine how many dogs are still registered on the ‘old’ system. If significant number remain registered on the old system then the transitional period and registration requirements should be reviewed, particularly in respect of dogs over 10 years old.

Regulation 27 – Councils require discretion regarding mandatory registration on ‘new’ system when releasing aged dogs, particularly dogs over 10 years of age which have current registration on the old scheme and have no history of previous complaints or difficulties.

Section 8(1) – Council’s Companion Animal Committee expressed concern that this microchipping requirement is not practical in the case of certain miniature breeds, such as Chihuahuas.

Regulation 17(c) – Amendment required which permits animals being held by animal welfare authorities, other than those specified and which are recognised by Councils, to be exempted from Section 9 registration requirements. This will permit local groups which are interested in rehoming animals to hold the animal (unregistered) on behalf of Council whilst new homes are found.

---

### NEXT MEETING:

The next meeting of Companion Animal Committee will be held 7 August 2000.

The meeting closed at 11.10am.

### *Director’s Comments:*

- 1. With respect to the recommendation under Item 1 the Subdivisions Unit Manager advises that a special rate could be applied to the Seabreeze subdivision. A special rate was applied to the Koala Beach subdivision where the residents pay to Council an amount of \$100 per year towards the regulation of cat and dog restrictions. Where a special rate is in addition to the*

## Reports from Sub-Committees

*normal general fund income it does require the Minister's approval. If the special rate is not in addition to the general fund then effectively money from the general fund is being specifically identified for animal control. A further point about the Koala Beach subdivision is that an extremely strong residents group has developed which polices the restrictions. This may or may not occur at the Seabreeze Estate.*

2. *It is understood that a review of the Act will be placed before Parliament in the next few months. It is important that the suggested amendments under Item 5 be put to the various parties before that time for consideration.*

### **DIRECTOR'S COMMENTS:**

### **RECOMMENDATION:**

That Council, in future stages of Seabreeze Estate, and any other subdivision where the keeping of dogs and cats is restricted by the development approval, requires a special rate to be applied to fund animal control restrictions as has previously been applied to other subdivisions.

## Reports from Sub-Committees

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

5. **Minutes of the Communication Committee Meeting held Wednesday 14 June 2000**
  6. **Minutes of the Clarrie Hall Dam Fishery Management Committee Meeting held Monday 26 June 2000**
-

# Outstanding Inspections

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1. Council Land - Mt Nullum

12. *Use of Land - Mt Nullum*

*GL2/4 Pt3*

819

*Cr Boyd*

*Cr Luff*

**RESOLVED** that a Council inspection of the Mt Nullum site be held at an appropriate time.

**Current Status:** *Inspection set for 29 March 2000. Inspection cancelled due to weather conditions. Further date to be determined.*

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## Outstanding Inspections

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# Orders of the Day

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**1. Notice of Rescission - Cr Beck, Cr Lawrie and Cr Brinsmead**

**Works Program 2000/2001**

**Works Program, Notice of Rescission**

*That Council resolution at Minute No 25 in relation to Item 18 of the Meeting held Wednesday 5 July 2000 being:-*

*".....that the Works Program for 2000/2001 as submitted be adopted."*

*be rescinded."*

---

**2. Notice of Rescission - Cr Marshall, Cr Lawrie and Cr Youngblutt**

**Markets - Sale of Food and Drinks**

**Markets - General, Notices of Rescission**

*That Council resolution at Minute No 32 in relation to Item 25 of the Meeting held Wednesday 5 July 2000 being:-*

*".....that Council not amends the current Policy on Vending of Food on Public Reserves, Streets and Roads."*

*be rescinded."*

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## Orders of the Day

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