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  - (iii) reveal a trade secret 49

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# Schedule of Outstanding Resolutions

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## 20 SEPTEMBER 2000

### REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

**Current Status:** Council's Risk Management Consultant currently in Council. Policy to be finalised.

---

## 18 APRIL 2001

### REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. **Houses on Road Reserve - Reserve Creek Road**  
**R4660 Pt4; Reserve Creek Rd**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)*

*(a) personnel matters concerning particular individuals*

C188

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

**Current Status:** Meeting held with some of the owners. Further meetings planned.

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## Schedule of Outstanding Resolutions

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### 3 OCTOBER 2001

#### ORDERS OF THE DAY

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

**Trees-Planting, Border Caravan Park, Notice of Motion**

303

Cr Boyd

Cr Luff

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

**Current Status:** Advice being sought from Department of Land & Water Conservation on Native Title implications.

---

### 7 NOVEMBER 2001

#### ORDERS OF THE DAY

10. **Industry - Tweed Shire**

**Notice of Motion; Industrial Development - General**

418

Cr Polglase

Cr Youngblutt

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

**Current Status:** To meeting of 5 June 2002.

---

### 5 DECEMBER 2001

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. **Proposed Tweed Natural High Campaign**

**Drug Related Matters**

508

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

1. Endorses the proposed Tweed Natural High Campaign
-



## Schedule of Outstanding Resolutions

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2. a. Forms an Advisory Committee to formulate such a campaign.
- b. Appoints Councillor Polglase to be on the Committee
- c. Requests the nominated Councillor, relevant staff and a representative of the Queensland Alcohol and Drug Foundation to meet to bring back to Council a recommended Advisory Committee membership.  
**Current Status:** Discussions under way with Queensland Alcohol and Drug Foundation.

---

### 19 DECEMBER 2001

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

##### 33. Future Doon Doon Hall

**Rural Hall - Doon Doon**

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

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

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

---

##### 5. Policy – Low Light Reflective Building Materials

**Notice of Motion; Building – Code; Building - General**

596

Cr Marshall

Cr Luff

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

**Current Status:** Policy to be developed.

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# Schedule of Outstanding Resolutions

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## 6 MARCH 2002

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Local Environmental Study and Draft Local Environmental Plan - Seaside City**  
**GT1/LEP/2000/3 Pt6**

741

Cr Brinsmead

Cr Lawrie

**RESOLVED** that further communication with the owners of Seaside City regarding rezoning issues be deferred until Councillors have more information about the present status of the planning process.

**Current Status:** Report to Council in conjunction with Department of Local Government Investigation report.

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**Illegal Clearing**

**Illegal Land Clearing**

Cr Boyd

Asked could Council be provided with a report which deals with all of the recent examples of illegal clearing and the actions subsequently taken by Council in each case.

The General Manager took this question on notice and will respond shortly.

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

---

## 20 MARCH 2002

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

790

Cr Boyd

Cr Beck

**RESOLVED** that Item 1 - Coolangatta Airport be deferred.

**Current Status:** Report to 5 June meeting.

791

Cr Lawrie

Cr James

**RESOLVED** that Item 2 – DCP 40, Complying Development – Schedule 2 and Schedule 3, Item 3 – Tweed LEP Amendment to reflect changes to DCP No 40, and Item 4 – Lake Kimberley, be deferred pending a workshop being held.

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## Schedule of Outstanding Resolutions

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**Current Status:** Workshop held 8 May 2002 - report to future meeting of Council.

**793**

**Cr Beck**

**Cr Marshall**

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

**Current Status:** Report to 5 June meeting.

---

### REPORTS FROM DIRECTOR ENGINEERING SERVICES

#### 31. Donation of Council Plant

**Donation; Plant & M/V - General; Telstra; DA3590/40 Pt1**

**824**

**Cr Luff**

**Cr Boyd**

**RESOLVED** that Council defers this matter and requests a further report on the possible benefits to the community should Council provide work ‘in kind’ or make a donation for the works proposed by the Mount Burrell Cultural Gardens & Bush Theatre.

**Current Status:** Contact was made with Mrs Michelle McCarthy the part-owner of the property. The proposal is that the McCarthy’s are going to lease approximately half of the property (20ha) to the community for the establishment of an education centre and a botanical garden at nil cost. The education centre is being run by a committee of nine (9) representatives of the community.

Mrs McCarthy further advised that the following issues were dealt with at the education centre – bush re-generation, waterways, environmental matter, new farming techniques and workshops explaining new ideas.

A great deal of interest has been shown in this project by members of the community including those outside the Shire.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 38. Desexing of Cats and Dogs

**Companion Animals Committee**

**831**

**Cr Youngblutt**

**Cr Luff**

**RESOLVED** that this matter be deferred to allow consultation with the “Friends of the Pound”.

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# Schedule of Outstanding Resolutions

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**Current Status:** Consultation taken place – issues being researched and report to Council.

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## ORDERS OF THE DAY

### 3. Staffing

**Notice of Motion; Staffing Levels**

839

Cr Beck

Cr Lawrie

**RESOLVED** that a report be brought forward regarding the adequacy of the staffing numbers in the Planning and Building Departments as soon as possible.

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

---

## 3 APRIL 2002

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

**GT1/LEP/A113 Pt6**

852

Cr Marshall

Cr Boyd

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

**Current Status:** Awaiting release of the Study.

---

### REPORTS FROM SUB-COMMITTEES

#### 3. Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 March 2002 Aboriginal Matters

#### 4. Jack Evans Boat Harbour

**Aboriginal Matters**

874

Cr Boyd

Cr James

**RESOLVED** that this item be deferred until further information is received by Council.

**Current Status:** Awaiting further information.

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# Schedule of Outstanding Resolutions

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## 1. Aboriginal Heritage Study

**Aboriginal Matters**

875

Cr James

Cr Luff

**RESOLVED** that a report be prepared on:

1. The need for an Aboriginal Heritage Study and
2. Options for the form and scope of such a study.

**Current Status:** Report being prepared.

---

## ORDERS OF THE DAY

### 4a. Tweed Road Contribution Plan

**Notice of Motion; Section 94 Plans**

886

Cr James

Cr Marshall

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

**Current Status:** Report being prepared.

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# Schedule of Outstanding Resolutions

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# Mayoral Minute

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Councillors,

**1. Black Douglas Singles Final**

**Councillors' Invitation**

2 May – attended the Ladies Singles Final & Presentation of Black Douglas Competition at South Tweed Bowls Club

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**2. Citizenship Ceremony**

**GC6/5 Pt 5**

3 May – Citizenship Ceremony Tweed Heads Civic Centre presented certificates to 15 new citizens

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**3. Mayoral Ball**

**Charities**

3 May – attended Inaugural Mayoral Masquerade Charity Ball held at Tweed Heads Bowls Club

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**4. Art Gallery**

**Art Gallery - General**

4 May – Met with the Board of Directors of Tweed River Regional Art Gallery and Doug Moran and others at the Art Gallery at Murwillumbah

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**5. SES Kingscliff**

**State Emergency Services**

4 May – presented cheque from Kingscliff Business Corporation to SES Kingscliff

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**6. Local Government Managers Australia (LGMA)**

**Councillors - Conferences**

9 to 16 May travelled to Sydney with General Manager and attended the ICMA International Best Practices Symposium at the Sydney Convention & Exhibition Centre

# Mayoral Minute

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## INVITATIONS ACCEPTED:

- **17 May - - Tweed Chamber Breakfast** – South Tweed Bowls Club  
**Private Citizenship Ceremony** – Murwillumbah
  - **24 May** Mt. St. Patrick College P & C Association Debutante Ball (Sacred Heart Parish Hall Murwillumbah)
  - **26 May** 100 years of Local Government Celebrations Murwillumbah
- 

## ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

### ➤ **General Manager (John Griffin)**

<b>20 May 2002</b> <b>Mullumbimby</b>	Sub-Regional General Managers' Group Meeting
<b>27 May 2002</b> <b>Sydney</b>	Finance Professionals Annual Conference
<b>7 June 2002</b> <b>Casino</b>	LGMA Northern Rivers Branch Meeting

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

<b>20 May 2002</b> <b>Mullumbimby</b>	Sub-Regional General Managers' Group Meeting
<b>21 May 2002</b> <b>Lismore</b>	TENTATIVE - Council Safe Program Launch

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

<b>16-17 May 2002</b> <b>Sydney</b>	RAPI
<b>29 May 2002</b> <b>Coffs Harbour</b>	Integrated Human Services Infrastructure Planning for Growth Communities on the Far North Coast (Jacqui Parry, Premier's Department)

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

<b>16-17 May 2002</b> <b>Brisbane</b>	IEA National Urban Infrastructure Conference
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### ➤ **Director Environment & Community Services (Don Buckley)**

Nil

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# Items Deferred

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## ITEM DEFERRED FROM MEETING 1 MAY 2002

### ORDERS OF THE DAY

1. *Roadside Stalls*

*Notice of Motion; Roadside Stalls; LEP; DW667457*

969

*Cr Luff*

*Cr James*

*RESOLVED that this item be deferred.*

1. **Notice of Motion - Cr Luff**

**Roadside Stalls**

**Notice of Motion; Roadside Stalls; LEP; DW667457**

That Council notifies PlanningNSW that Council:

1. Intends to amend its LEP with regard to roadside stalls to allow produce to be sold at such stalls provided the produce is sourced from properties at a distance no greater than 5km from the property on which the roadside stall is located.
  2. Believes an LES is not required for the amendment proposed above.
-



# 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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1. **ORIGIN:** Strategic Town Planning Unit  
**FILE REF:** GT1/S94/11 Pt1

**REPORT TITLE:**

**Draft Library Strategy Plan and Review and Amendment of Section 94 Contribution Plan No 11 - Library Facilities**

**SUMMARY OF REPORT:**

Council resolved at its meeting of 6 February 2002 that Contribution Plan No 11 - Libraries and the draft Strategy Plan for Libraries be placed on public exhibition for 28 Days and considers in the Draft 2001/2002 Budget the increased costs associated with the Library Strategy Plan. One submission was received in response to the exhibition.

**RECOMMENDATION:**

That Council:

1. Approves the amended Section 94 Plan No 11 as advertised;
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plan comes into effect on the date of the notice;
3. Adopts the Library Strategy Plan as exhibited.

# Reports from Director Development Services

**REPORT:**

**PUBLIC SUBMISSION**

There was one submission received relating to the exhibited Plan and draft Library Strategy.

The submission generally supports the Library Strategy and makes a number of administrative suggestions which have been forwarded on to Martin Field, the Regional Librarian with the Richmond Tweed Regional Library, for consideration. These suggestions do not have any bearing on the amended Section 94 Plan or the Libraries Strategy.

The submission also addresses the following issues which are covered in the Section 94 Plan and Strategy. Council’s response is in bold.

<p>1. Tweed Shire has the lowest ratio of staff to population in this regional service, and compared to NSW is 50% below the state ratio. This urgently needs addressing but the report does not suggest a time frame.</p>	<p><b>The Strategy acknowledges the shortfall in staffing and proposes, over a ten-year period, to bring staff levels up to a ratio of 1:5600, which equates to an increase from 9 full time equivalent staff to 15.9 full time equivalent staff.</b></p>
<p>2. Isolated communities, frail elderly, those lacking good public transport are highlighted as groups needing service, but in 8.3 does not support a proposed new mobile service or suggest services which specifically target these groups.</p>	<p><b>The Section 94 Plan continues the funding of the mobile library service to cater for the out of catchment areas and those not able to access the existing libraries. It was proposed to introduce a new mobile library service to cater for the projected population at Cobaki, rather than proceed with a separate library at Cobaki. However as this additional population at Cobaki will be catered for with the extension at Tweed Heads it was decided not to proceed with the proposed new mobile library.</b></p>

## Reports from Director Development Services

<p>3. The Report (1.1) identifies that Tweed has a maturing population in excess of the state %, but Amendment 1, 8.3 does not specifically address their needs</p>	<p><b>The Strategy assists the older population in a number of ways. The extension to the current Tweed Heads library and the plan to relocate the existing Kingscliff library to the proposed Kingscliff District Centre will assist those without transport as these libraries are/will be located close to public transport routes. The mobile library service will continue to operate for those isolated and not able to access the libraries. Innovative service delivery options such as book drops, kiosks and increased use of the internet are being considered which will enable the services that libraries provide to be more accessible to a wider ranging population.</b></p>
<p>4. Extend opening hours to better cater to one-vehicle families and shift workers. Evenings and Sundays are suggested.</p>	<p><b>The recommended Strategy includes considering extending opening hours as a short-term strategy to accommodate growth generated demand.</b></p>
<p>5. Increase the next annual book vote and every year thereafter by a sufficient % to bring it up to the suggested two per capita levels</p>	<p><b>The Strategy and amended Section 94 Plan proposes to progressively build book stock holdings up to a level of 1 per capita for the current population and 2 per capita for the growth component. Considering the Shire's current provision of book stock (0.87 books per capita) compared with the NSW state average (2.48), it is considered reasonable that the future population's liability for additional book stock be capped at two books per capita, while also limiting Council's liability by increasing the book stocks for the existing population to one book per capita.</b></p>

### PUBLIC EXHIBITION

A notice in the form required by the Environmental Planning and Assessment Regulation 2000 was placed in the Tweed Link on Tuesday 5 March 2002 and the exhibition was for 28 days until 2 April 2002.

The Environmental Planning and Assessment Regulation 2000 (31) provides that:

*"...a Council may:*

- *approve the plan in the form exhibited*

## Reports from Director Development Services

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- *approve the plan with such alterations as the Council thinks fit, or*
- *decide not to proceed with the Plan.*

*Council must give public notice of its decision in a local newspaper within 28 days after the decision is made.”*

It is recommended that Council publish a notice of approval of the Plan and the Strategy in order to bring them into effect.

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## Reports from Director Development Services

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

**FILE REF: Crime Prevention**

**REPORT TITLE:**

**Crime Prevention Plan**

**SUMMARY OF REPORT:**

This report explains preliminary actions being taken towards the preparation of a Crime Prevention Plan, and requests Council endorsement for further actions necessary to progress towards such a Plan. Give the current Strategic Planning Work Program, work on this project will not commence for approximately two months but the establishment of an Advisory Committee can be initiated.

**RECOMMENDATION:**

That Council:

1. Advertises its intention to prepare a Crime Prevention Plan in a local newspaper;
2. Advertises for nominations for an Advisory Committee to provide advice on the process to be followed to prepare the Crime Prevention Plan;
3. Delegates to the General Manager the finalisation of the Committee Membership;
4. Endorses the terms of reference for the Advisory Committee;
5. Nominates a Councillor to be a Member of the Advisory Committee.

## Reports from Director Development Services

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### REPORT:

Following a briefing by the General Manager, the Executive Management Team resolved on 12 July 2001 to initiate preliminary work towards a Crime Prevention Plan for the Shire.

The Director of Development Services has held discussions with Local Member, Neville Newell, and with Patrick Shepherdson from the Attorney General's Department. Development Assessment staff have completed a 'Safer by Design' training course run by NSW Police and planningNSW.

This Plan would be a separate exercise from the Tweed Heads-Coolangatta cross-border study currently being researched by consultants, and would focus on the remainder of the Shire.

Models for Crime Prevention Plans provided by the Attorney General's Department have been examined, and issues in Council's Social Plan which relate to crime prevention have been identified.

An internal brief for the preparation of a Crime Prevention Plan is being prepared in conjunction with the Attorney General's Department. This will set out the necessary background research and community consultation required.

A public consultation process is an essential part of preparing the Plan in order to assess public perceptions of safety issues, and identify issues of particular concern in this Shire.

An Advisory Committee is also an essential part of the process, to harness the expertise that exists in the community and in local agencies, and provide a representative cross-section of the community.

Attachment 1 is a potential list of representatives to form the Committee Membership.

Attachment 2 is the proposed Terms of Reference for the Committee.

### CONCLUSION:

The Council should authorise staff to announce the intention to prepare a formal Crime Prevention Plan, and to establish an Advisory Committee to progress the Plan.

# Reports from Director Development Services

## ATTACHMENT 1

### CRIME PREVENTION PLAN ADVISORY COMMITTEE

#### Committee Representation:

**1. A nominated Councillor**

**2. Community Organisations:**

- Business interests (eg, Chamber of Commerce, Traders Association)
- Community interests (eg, Service clubs, Neighbourhood Watch, Community Centres rep, Volunteering Tweed)
- Education (eg, Schools P&C)
- Churches, Salvation Army, Smith Family, St Vincents

**3. Government:**

- Police Liaison Officer (eg, Crime Prevention, or Aboriginal Liaison)
- Health Services (eg, NRAHS, Community Health, Medical Profession)
- Community Services (eg, DOCS, Family Centre)
- Juvenile Justice.

**4. Community Groups:**

- Women (eg, Women's Service)
- Men (eg, Men's Project)
- Young People (eg, TAFE/High School students/Work for Dole participant/other trainees)
- Older/Less Mobile People (eg, person with a Disability/Residents Assoc/Bowls Club)
- Aboriginal people (eg, local group nominee)
- Low income/unemployed people (eg, local group nominee)
- People with non-English speaking background (eg, Sikh community)

(Total 16)

# Reports from Director Development Services

## ATTACHMENT 2

### **TERMS OF REFERENCE OF THE CRIME PREVENTION PLAN ADVISORY COMMITTEE**

- To advise the Council concerning the process to be followed in preparing the Crime Prevention Plan, including:
  - consulting the community and engaging appropriate stakeholders;
  - researching literature and analysing crime statistics;
  - identifying local strategies for crime prevention;
  - assessing priorities between crime prevention projects.
- To assist the formation of partnerships and identification of resources for Plan implementation.

#### **COMMITTEE CHAIR:**

The Chair of the Committee is the Manager of Strategic Planning.

#### **COMMITTEE COORDINATOR:**

The Committee Coordinator is the Social Planner.

#### **PROTOCOLS:**

- The quorum for a meeting of the Committee is 7 Members;
- The Committee must keep minutes of the proceedings of each meeting, and a copy be made available to each Member. All Members are to be given equal access to information and the opportunity to participate effectively throughout the process;
- A copy of the proceedings must be provided to the Director of Environment & Community Services, the Director of Development Services and reported to the Council;
- If the position of an appointed Member becomes vacant, Tweed Shire Council may appoint another person to fill the vacancy;
- 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;
- Members on the Committee must act with impartiality and integrity, and respect the public interest; ensure that the work of the Committee is not compromised or affected by any conflict of interest; and maintain confidentiality when confidential material is discussed;
- The Committee may establish Working Groups comprising Members of the Committee and individuals outside the Committee to undertake specific tasks identified by the Committee.

## Reports from Director Development Services

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**3. ORIGIN: Development Assessment Unit**

**FILE REF: DA5862/32 Pt1**

**REPORT TITLE:**

**Development Application 1226/2001DA.02 for an Amendment to Development Consent 1226/2001DA for the Erection of a Dwelling House to be Used for Bed and Breakfast Accommodation at Lot 19 DP 1006946, No. 12 Wedgetail Court, Dulguigan**

**SUMMARY OF REPORT:**

Council has received an application to amend Development Consent 1226/2001DA for the erection of a dwelling house to be used for bed and breakfast accommodation on the subject land. The application to amend the consent relates to the Section 94 contributions applicable to the Bed and Breakfast facility and contains new information on trip generation seeking to have the contribution to the Tweed Road Contribution Plan fund deleted.

The applicant is also seeking the Section 96 fee be waived and refunded.

**RECOMMENDATION:**

That: -

1. Application 1226/2001DA.02 for an amendment to Development Consent 1226/2001DA for the erection of a dwelling house to be used for bed and breakfast accommodation at Lot 19 DP 106946, No. 12 Wedgetail Court, Dulguigan be approved by the deletion of Condition No. 1.
2. The application processing fee of \$355 not be refunded.

# Reports from Director Development Services

## REPORT:

**Applicant:** Ms Gillian Cooper

**Owner:** Mr Rodney G Cocks, Mrs Allison K Cocks

**Location:** Lot 19 DP 1006946, No. 12 Wedgetail Court Dulguigan

**Zoning:** Part zoned 1(a) Rural and 7(l) Environmental Protection (Habitat)

**Cost:** \$180000.00

## BACKGROUND

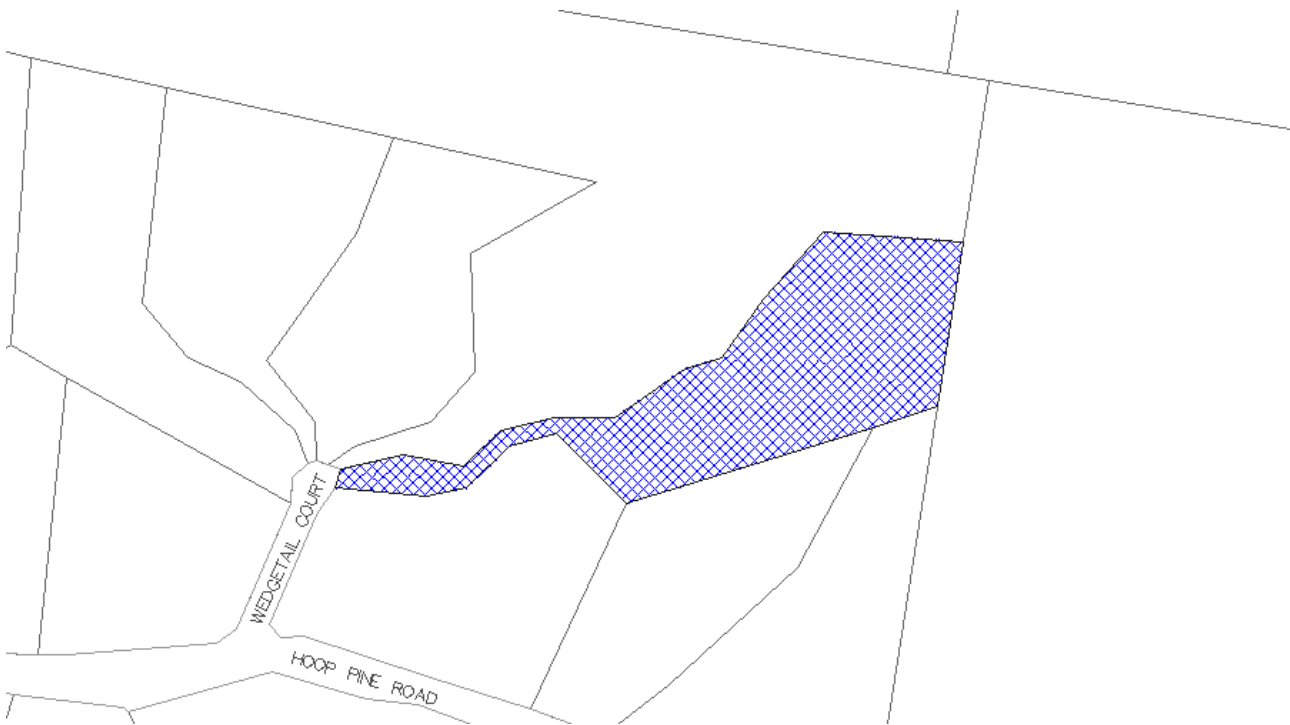
Council resolved to approve the subject development application at the meeting of 20<sup>th</sup> March 2002. The conditional consent included a number of Section 94 contributions totalling \$6128.40. The report to Council identified that as the subject land is partly zoned 7(l) Environmental Protection (Habitat) the complying development provisions of the Tweed Local Environmental Plan 2000 could not apply to the subject land.

The proposed bed and breakfast facility is of a scale that would be complying development should the land have been clear of the Environmental Protection zone. Complying development would have enabled the proposed bed and breakfast facility to operate without paying Section 94 contributions.

Council considered a report in relation to the proposal on 17<sup>th</sup> April 2002 and resolved that the applicant be advised of the post determination options available and pursues such in accordance with the set fees and charges.

As such the following application has been received and report for consideration provided.

## SITE DIAGRAM



# Reports from Director Development Services

## CONSIDERATIONS UNDER SECTION 96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### **Proposed Modification Minimal Environmental Impact**

The applicant is seeking the deletion of Condition No.1. This condition details the contributions payable pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and relevant Section 94 Plans.

The removal of this condition does not result in any environmental impact. The environmental impacts of the proposed development were considered in the 20<sup>th</sup> March 2002 report. It is considered that the subject land is suitable for the proposed development.

### **Substantially The Same Development**

The application to modify the development consent by deleting Condition No.1 will not substantially modify the development.

### **Notification**

The proposed amendment does not require notification under Council's Policy. As such there are no submissions to be considered with the proposed modification.

### **Other Matters Relevant to the Proposed Modification**

#### Section 94 Contributions

The applicant has provided a submission in relation to the number of trips per day that the development will generate and has demonstrated that the proposal generates less traffic than that of a dwelling house.

A dwelling house under the Tweed Road Contribution plan No.4 generates 6.5 trips per day. The applicant's detailed submission identifies that the average daily trip rate will be 1.93 trips per day for an average week. This is made possible as the applicant owns a 7 passenger van thereby limiting the number of journeys required to ferry clients and undertake other activities in an average day.

The scenarios provided by the applicant identify 4 trips per day as the absolute maximum generated by the proposal. This is due to the type of bed and breakfast facility being operated. The clients are staying at the facility for rest and a break rather than a holiday involving lots of touring and activities.

It is considered that from the information provided the submission is supportable.

The applicant has also submitted that if the land did not have the minor area of 7(1) Environmental Protection (Habitat) zone on it the proposed development would be complying development and consequently the s.94 contributions would not have been imposed as a development application would not have been required.

This is a legitimate submission to the extent that the area to which the Bed and Breakfast is to be located is in the 1(a) Rural zone and the extent of the 7(1) Environmental Protection zone is minor. However it is noted that the applicant has submitted that prior to the commencement of the exempt and complying development provisions under the current Local Environmental Plan that bed and breakfast facilities were not charged contributions.

This was not the case - bed and breakfast facilities were treated as tourist accommodation, requiring development consent and as such contributions were applied. As such the element of this part of

## Reports from Director Development Services

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the applicants submission that can be supported is the fact that the scale of the proposed development is equivalent to that of complying development and were the land to be clear of the environmental protection zone, a development application and charges would not have applied to the proposal.

### **REQUEST TO WAIVER APPLICATION FEES**

The payment of application fees are a statutory requirement at the time of lodgement of the application. The applicant in this case has paid the fees however is requesting a refund of these fees. The total application fees paid is \$355. The applicant requests a refund on the basis that she was originally advised that she would not have to pay contributions.

The advice would have been provided on the basis of the assumption the development was complying development however as a result of the circumstances surrounding the property this was not the case. It is the responsibility of the applicant to determine whether a development is complying development. Council has incurred costs in processing this application and it is therefore recommended that no fee refund be given.

### **OPTIONS**

1. Modify Development Consent 1226/2001DA by deleting Condition No.1.
2. Reaffirm the conditions of Development Consent 1226/2001DA.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS**

The financial implication of the proposed modification is the non-payment of contributions to the value of \$6128.40 to the Tweed Road Contribution Plan fund.

The proposed modification is not considered to be a policy change for the imposition of contributions. The contribution plans still apply to bed and breakfast facilities and would apply to future development applications on land to which the complying development provisions cannot be utilised. This modification does however reflect a variation to the imposition of contributions on development where it does apply, however in this case it is considered that the merits of the application warrant support.

### **CONCLUSION**

The proposed modification is considered to be supportable, as the applicant has provided additional daily trip generation details supporting less trips to that of a dwelling house. It is also considered that the development is of an equivalent scale to that permitted as complying development and this is an added reason that deletion of condition no. 1 can be supported.

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## Reports from Director Development Services

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- 4. ORIGIN:** Development Assessment Unit  
**FILE REF:** DA3120/100 Pt1

**REPORT TITLE:**

**Development Application 0028/2002S96 for Amendment to Development Consent 0661/2001DA for a Three (3) Lot Industrial Subdivision at Lot 3 DP 717401, Lot 12 DP 1000868, No. 22 Lundberg Drive, Murwillumbah**

**SUMMARY OF REPORT:**

Council is in receipt of an application to modify Development Consent 0661/2001DA which consented to a three (3) lot subdivision of the subject land. The conditions which the applicant contends are unnecessary and unreasonable relate to the Section 94 and Section 64 contributions, stormwater, sewer and kerb and gutter.

This report examines the history of the subject land and previous consents, presenting the context from which this application arose.

The Section 96 application is not supported and the justification for this position is detailed in the following report.

**RECOMMENDATION:**

That Development Application 0028/2002S96 for an amendment of development consent 0661/2001da for a three (3) lot industrial subdivision at Lot 3 DP 717401, Lot 12 DP 1000868, No. 22 Lundberg Drive Murwillumbah, be determined as follows:

- A. Conditions 1, 2, 16, 28, 36, 37 and 38 be reaffirmed.

# Reports from Director Development Services

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## REPORT:

**Applicant:** Fruit Ingredients Australia Pty Ltd

**Owner:** Australia P Fruit Ingredients

**Location:** Lot 3 DP 717401, Lot 12 DP 1000868, No. 22 Lundberg Drive Murwillumbah

**Zoning:** 4(a) Industrial

**Est Cost:** Nil

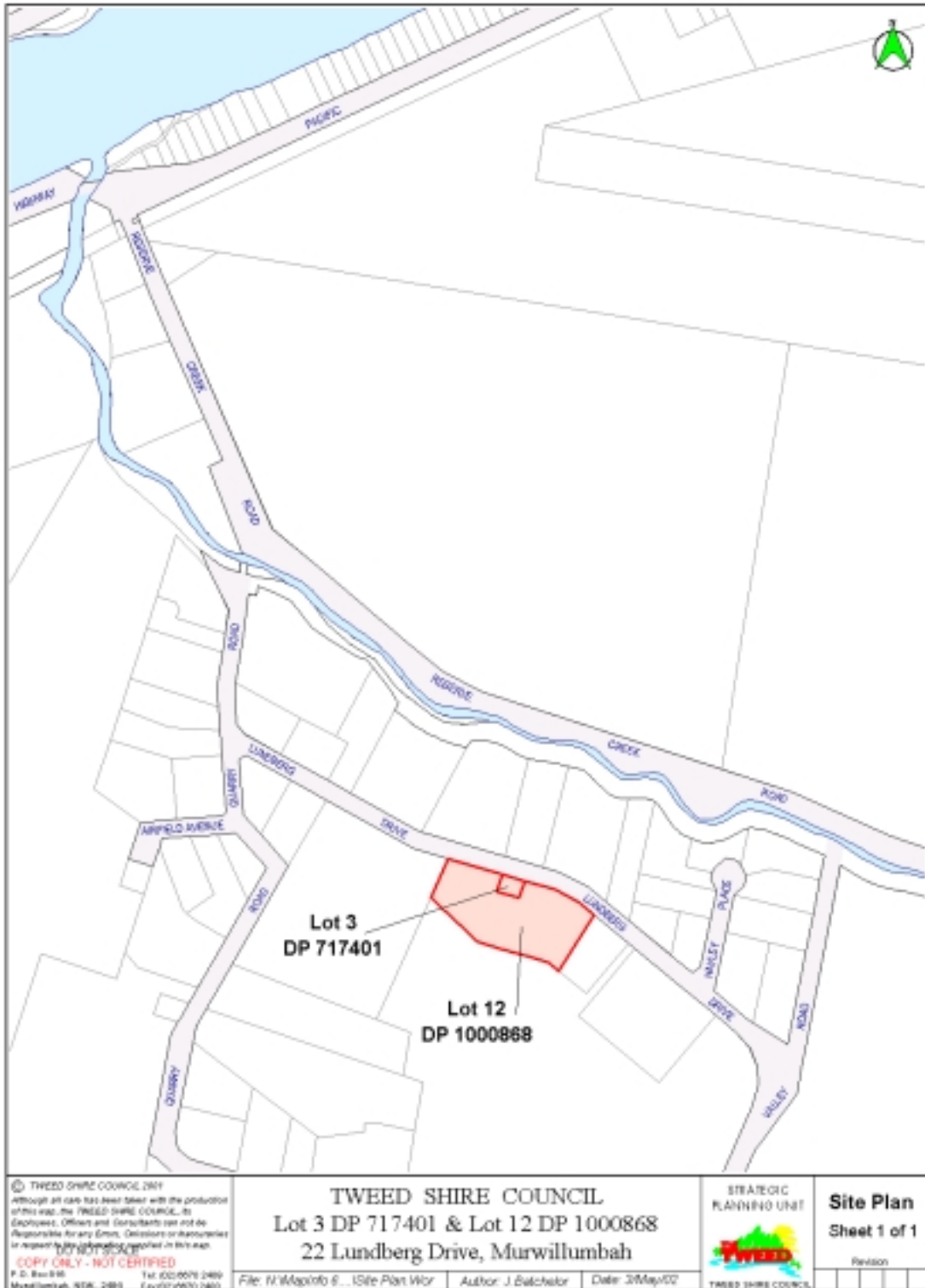
## BACKGROUND

Council is in receipt of an application to modify Development Consent 0661/2001DA which was for a three lot subdivision of the subject lands. The modification being sought relates to the deletion of a number of conditions the applicant considers unnecessary or onerous. The applicant has made a submission in relation to the history of the subject land to support the claims. The following conditions are those to which this application relates.

- Condition No.1 and 2 being the S.94 and S.64 contributions applicable.
- Condition No.16 being the car parking construction requirement.
- Condition No.28 being the provision of kerb and gutter.
- Condition No.36 and 37 that relate to stormwater.
- Condition No.38 relating to the sewer requirement of the subdivision.

# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

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### HISTORY

- 17/5/1978 Council issued Consent for the erection of a Fruit Processing Factory on Lot 2 DP258122. Over the years there have been various extension to the Factory and workshop.
- 13/8/1997 Council issued development consent 97/258 for additions to the existing factory of 78m<sup>2</sup>.
- 23/12/1997 Council issued development consent 97/459 for the installation of underground tanks for waste water treatment. The consent was issued over Lot 11 DP 866644. Lot 11 comes from a consolidation plan of Lot 1 DP 258122 and Lot 2 DP 717401.
- 6/4/1998 Council issued development consent 98/26 for alterations and additions to Tweed Valley Fruit Processors being over Lot 11 DP 866644 and Lots 4 and 2 DP 258122. Condition No.8 of this consent required the titles to be amalgamated into one.
- Upon receiving the consent the applicant raised concern with a number of conditions being the contributions under S.94 and S.64 as well as car parking, kerb and gutter and the amalgamation of titles.
- 17/8/1998 Council issued a modified consent that required a total of 26 off street car parking spaces, reaffirmed that the titles needed to be amalgamated, reduced the TRCP from \$8882.00 to \$2342. The kerb and gutter condition was amended to no longer require the entire frontage of Lot 11 rather just the frontage of the new development with the remaining works to be bonded at \$35.00 per metre to be lodged with Council. And the bonded works were to be constructed within 2 years of the date of the consent.
- 16/9/1998 Council considered a report in relation to the issue of the amalgamation of titles. The applicant had again submitted that it was unreasonable and unnecessary. The applicant had not justified any departure from the standard requirement requiring amalgamation prior to occupation. Council resolved that the amalgamation of the property is considered reasonable and necessary to ensure the whole of the land essential to proper operation of the development is preserved for that use.
- This was essentially based on the fact that car parking for the development needed to be contained wholly within the land to which the development was on, not on various parcels that could be disposed of separately.
- 25/10/1999 A compliance inspection revealed that the on site car parking had not been provided in accordance with the condition of consent and DCP2.
- 4/6/2001 In response to a request to get the subdivision of the previously amalgamated blocks the applicant was advised that from site inspection the car parking had not been adequately provided. Advise in relation to why such had not been provided was requested. In relation to subdivision the applicants attention was brought to the requirement for all car parking for proposed uses to be provided on the land to which the uses pertained.
- 20/6/2001 Response was received that again argued the requirement for car parking and that staff do not need such on site car parking.
- 25/6/2001 Council advised that the applicant had failed to meet the standard required by the development, and that staff have no choice as to where they park as there is not

## Reports from Director Development Services

adequate on site car parking, and that the public road does not serve a function of supporting development where developers fail to meet standard requirements.

16/7/2001 Council received an application to subdivide Lot 3 DP 717401 and Lot 12 DP 1000868.

31/10/2001 Development Consent 0661/2001 for the three lot subdivision was approved subject to a number of conditions to which the applicant has submitted this application to amend the consent on the basis the conditions are unreasonable and unfair.

In addition to the ongoing problems with the development in terms of satisfying development consent conditions the development has been the subject of a Penalty Infringement Notice in relation to drainage of contaminated waste waters from the site.

Of additional concern, it would appear the applicant never paid the bond required for the kerb and gutter along the remaining part of Lot 11. No record of such has been found on the file.

### **CONSIDERATIONS UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following assessment is made of proposed modification submission provided by the applicant.

#### Proposed Modification

The applicant has submitted (summarised):

*“that the subdivision application 0661/2001 basically put back the boundaries that were in an original subdivision plan. We were forced to consolidate our land holdings to provide car parking. We have since acquired further land and consolidating activities onto two thirds of the current total land holding.”*

1. *Condition No.1 and 2 being the contributions are unfair and onerous as the subdivision is simply being restored to its former state. The applicant seeks these contributions be removed.*

#### Comment

The applicant raised the same concern in 1998 with a previous consent. It would appear that the applicant is of the view that his development proposal does not generate contributions.

The contributions which the applicant is objecting to total \$9,836.71. The proposed subdivision had the benefit of 2 equivalent tenements (ET) and as such 1ET was imposed on the consent as the applicant was gaining the benefit of an additional title. These contributions are standard and do not include amounts not applicable to industrial land.

As the applicant states, existing activities are being consolidated onto 2/3 of the existing land. This would allow disposal of the remaining 1/3 for another use in addition to the current use resulting in intensification. This generates the need and justification for the imposition of contributions. Any credits from the three (3) lots previously consolidated would have been absorbed by the existing development on site.

Council's Fees and Charges identify these amounts as being applicable and the relevant s.94 contribution plans also identify the amounts relevant to the application.

The applicant has not provided a justification of any grounds to which these rates could be waived.

## Reports from Director Development Services

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2. *Condition No 16 requires the car parking to be provided for each lot at certain amounts. Objection is made in relation to that standard of construction of these and that such is required prior to release of subdivision certificate. In addition the car parking on proposed lot 13 required landscaping to afford screening of the car parking to the road. The applicant contends that they do not have the money to spend on these works although there is the space for the car parking.*

### Comment

From the history it is evident that the applicant has avoided complying with the car parking requirements of the development to date. It is not adequate to provide the space for such parking as the area does not get efficiently utilised by employees and the area tends to casually take on an alternate use such as interim storage and the like. This has consequently resulted in the public road being utilised as casual car parking.

From site inspection it was noted that the development is of a particularly low standard, is unsightly when viewed from the public road and is a poor example and standard of industrial development in the Shire.

By requiring the on site car parking to be appropriately sealed, marked and landscaped, the development will have less exposed areas to form dust nuisance and facilitate proper stormwater management and the staff will have the opportunity to park on reasonable surfaced areas as opposed to the public road, as there is no other reasonable alternative. The site needs to be formalised so uses such as parking and storage and unloading and loading are clearly delineated.

The applicant has not provided any justification as to why this standard is unreasonable with the exception that he does not want to spend any money. This is not a valid reason as all other developers within the Shire are required to provide and construct on site parking.

It should be noted that the applicant in respect to car parking has failed to comply with previous consent 98/26 and as such it is open to Council to pursue legal action to require the applicant comply with the car parking condition No.7 of consent. Alternatively the applicant could adopt a measure of compliance by providing what is required by development consent 661/2001 and commence to operate in a lawful manner from this point forward.

3. *Condition No. 28 requires kerb and gutter for the full length of the proposed subdivision. The applicant contends that the blocks were purchased from Council and that at that time they did not have kerb and gutter. The current situation is perfectly adequate for industrial use of the land.*

### Comment

Council's Policy under DCP 16 is that all industrial subdivisions shall be provided with kerb and gutter to public roads. The current standards require 13metre wide road pavement and kerb and gutter to minimise ongoing road maintenance of shoulder and table drains and damage to footpaths from use of the area. Past lower standards do not justify relaxation of current standards.

Industrial estates today are the places in which communities work, business is generated and income growth of the Shire occurs. For many communities pride can be taken in the industrial development of the Shire. Industrial estates and development can be attractive, well maintained and presentable spaces to the wider community.

The applicants submission is not a justification why the standard is unreasonable.

## Reports from Director Development Services

It is noted that in relation to development consent 98/26 the applicant held the same objection to the requirement for kerb and gutter. Unfortunately the condition was modified to enable the kerb and gutter to be only provided for the frontage of the new building, and the remainder was supposed to be bonded at \$35.00 a metre, and provided two years from the date of consent.

The bonding did not occur, the kerb and gutter was not provided and consequently the site is of a poor standard. Council's footpath is damaged through casual entry/exit and unformalised car parking from the property. As such it is considered that it is open to Council to pursue legal action to have the previous condition No.13 for kerb and gutter complied with or alternatively the applicant can continue to pursue consent 661/2001DA and comply with the conditions imposed.

4. *Condition No. 36 and 37 of the consent that relate to storm water should be deleted. All buildings on the site have guttering that run storm water to the road side of the blocks and that the site operating as a manufacturing facility has never had any problems in its 23 years of operation in relation to storm water run off.*

### Comment

Council's Drainage Engineer has advised that the conditions referred to are applied to all development applications where the proposed development may lead to an increase in nutrients or pollution of stormwater. The sealed car parking as required by this development are well known sources of stormwater pollutants including sediment, hydrocarbons and heavy metals. These conditions are in accordance with the Tweed Urban Stormwater Management Plan which was adopted by Council in April 2000.

The applicant contends that the stormwater has had no problems for 23 years. However it should be noted that there is no stormwater management of a reasonable standard that would meet current expectations for stormwater quality. Past standards of 23 years ago do not validate relaxation of current standards.

The proposed development, being a three lot subdivision that requires certain works be undertaken, will require stormwater drainage. Section 68 of the Local Government Act 1993 requires the approval of Council for stormwater drainage works. The conditions imposed ensure the applicant gains the required approval for such works.

The applicant has not provided a justification in relation to stormwater management of the site.

5. *Condition 38 of the consent relates to the sewer over the subject land. Places onerous requirements in relation to provision of sewerage connection and manholes. The blocks have approval for the existing layout of these sewers. Why at this stage when we are not changing operation of site should we be required to spend money to provide sewerage outlets and manholes. The provision of easements will be a barrier for future sales of property, this should be removed.*

### Comment

Council's Water and Sewer Design Engineer has advised that it is a standard requirement that each lot should have an outfall to Council sewerage system. Proposed Lot 15 can not be connected to Council sewerage system through private property (proposed lot 14). To achieve this all works required in condition 38 should be constructed.

The condition is clear in that it states that if a manhole is provided within 1.5 metres of proposed Lot 14 the balance of the sewer line to the east of this new manhole will be a private line and not

## Reports from Director Development Services

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require an easement. This is required as there is a building over the existing manhole on proposed lot 14, and that such needs to be curtailed by creating the new manhole.

An easement is not necessarily required over the sewer on proposed lot 13 providing a condition is imposed that does not permit buildings over Council's sewer. The problem with this is that the applicant intends to dispose of property which is the reason for the proposed subdivision. Easements on title are the manner in which people are advised on services over allotments. It would be difficult to regulate clearance of sewer by way of a condition of consent and more acceptable in current standards to impose an easement so that the land and its encumbrances are notified on title.

The applicant has not provided a justification as to why the requirement for public sewerage to each proposed lot is unreasonable. It is understood that the applicant does not want to do the work, however in approving the subdivision Council needs to ensure the services are available to the allotment in an appropriate form for future owners.

### OPTIONS

1. Re-affirm the conditions of consent as issued in 0661/2001DA.
2. Amend the conditions of consent as requested by the applicant.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal to the Land and Environment Court if dissatisfied with the determination of the development application or any conditions imposed.

The financial/resource implications of deleting the requested conditions are:-

1. Reduction in Section 64 and 94 collection by \$9,836.71.
2. Continued damage to Council's footpath due to lack of kerb and gutter.
3. Continued use of public road for casual car parking.
4. Creation of an allotment without the benefit of public sewer connection.
5. Inadequate stormwater quality controls being provided.

### CONCLUSION

It is considered that the applicant has not provided any justification that can be supported to have the conditions of consent referred to deleted. It is noted from the history that the applicant has been dissatisfied in the past in relation to conditions of consent that require some level of output in the way of expense and work. It is unreasonable to expect the community to absorb the cost of the development by waiving fees and charges being generated by the proposal, while the developer gains the benefit of income through sale of land or continued operation of the business.

In addition it is unreasonable for a development to continue to be operated in a sub standard manner in relation to current expectations and codes and policies. The proposed subdivision has highlighted the developers continued non compliance with conditions of consent and the lack of intention to create a development complying with standards required.

It is open to Council to pursue legal action in relation to the non compliances under development consent 98/26 as the applicant is continuing to operate outside of the conditions of consent. Rather than acknowledging this in correspondence from Council and seeking to rectify the past through



## Reports from Director Development Services

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complying with conditions of the subdivision consent the applicant is returning to previous expectations that the subdivision should not have to comply with conditions imposed.

The applicant has submitted that the intention is to dispose of property created by the proposed subdivision. The disposal of property will result in income generation and it is considered that claims of inadequate finance are not sustainable when clear development benefit is gained.

As such it is recommended that the Section 96 application be refused.

Council's resolution of 16/9/1998 accurately stated that amalgamation of the property was considered reasonable and necessary to ensure the whole of the land essential to proper operation of the development is preserved for that use.

The applicant has advised Council that the whole of the land is no longer required however he has requested Council to delete car parking construction requirements/kerb and gutter and other essential service conditions.

The applicant contends that this subdivision is just returning to the number of lots previously held. However the applicant has failed to understand there is no 'development right' with the land that could enable a subdivision to be approved without regard to Council's fees and charges or compliance with current subdivision standards.

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# Reports from Director Development Services

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## Reports from Director Development Services

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

**FILE REF:** Coastal Management

**REPORT TITLE:**

**Coastal Council Workshop**

**SUMMARY OF REPORT:**

The NSW Coastal Council and the Urban Design Advisory Service are holding a series of regional sessions to discuss coastal management initiatives and the recently released discussion paper one of which is in Byron Bay on 27 May 2002.

**RECOMMENDATION:**

That any Councillor interested in attending the Workshop informs the Director of Development Services.

## Reports from Director Development Services

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### REPORT:

The NSW Coastal Council and the Urban Design Advisory Service are holding a series of regional sessions to discuss coastal management initiatives and the recently released discussion paper Coastal Design Guidelines for NSW during May, June and July 2002.

One such session has been arranged for Byron Bay on Monday, 27 May 2002 at the Byron Bay Surf Lifesaving Club.

A Stakeholder component will commence at 5.30pm to which Councillors are invited, along with community groups, general public conservation groups, and industry stakeholders are also invited.

The agenda for the session is as follows:

5.30pm – 6.00pm	Coastal Protection initiatives Coastal Council initiatives Coastal protection package update
6.00pm – 7.00pm	Coastal design guidelines for NSW Introductions Structure of the session Key objectives of the session The NSW Coast 2050 A strategy for the NSW Coast Coastal Design – better practice
7.00pm	Close

# Reports from Director Corporate Services

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**6. ORIGIN:** Director  
**FILE REF:** DW667311; Aboriginal Matters

**REPORT TITLE:**

**Nominations to Host 2004 Annual Conference - NSW Local Government Aboriginal Network**

**SUMMARY OF REPORT:**

The Mayor has received a notice calling for nominations to host the NSW Local Government Aboriginal Network 2004 Annual Conference.

The closing date for nominations is 13 September 2002.

**RECOMMENDATION:**

That Council lodges a nomination to host the NSW Local Government Aboriginal Network 2004 Annual Conference.

## Reports from Director Corporate Services

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### REPORT:

The NSW Local Government Aboriginal Network is calling for nominations from local government authorities to host the 2004 Annual Conference.

The Annual Conference for 2002 is to be held at Ballina from 16 to 18 October. At this Conference a ballot will be conducted to determine the host Council for the 2004 Annual Conference.

The closing date for nominations is 13 September 2002.

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## Reports from Director Corporate Services

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7. **ORIGIN:** Administration Services Unit

**FILE REF:** DW669717; Office Equipment - Telephones; Leases - Special; Legal Costs

**REPORT TITLE:**

**Request for Assistance with Legal Costs - Telecommunications**

**SUMMARY OF REPORT:**

A letter has been received from the Local Government and Shires Association of NSW requesting assistance with legal costs associated with an appeal lodged for Councils in New South Wales and Victoria to be able to charge telecommunications carriers for their use of public land.

**RECOMMENDATION:**

That Council determines this matter.

# Reports from Director Corporate Services

## REPORT:

A letter has been received from the Local Government and Shires Association of NSW requesting assistance with legal costs associated with an appeal lodged for Councils in New South Wales and Victoria to be able to charge telecommunications carriers for their use of public land.

A copy of the letter is reproduced below for Council's information:



## LOCAL GOVERNMENT and SHIRES ASSOCIATIONS of NSW

GPO Box 7003 SYDNEY NSW 2001 • 215 Clarence St SYDNEY NSW AUSTRALIA  
Phone (02) 9242 4000 • Fax (02) 9242 4111 • E-mail lgsa@lgsa.org.au

Our ref: R96/0084: Out-4918  
Further contact: Warren Taylor  
23 April 2002

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

OFFICE EQUIP - TELEPHONES  
LEASES - SPECIAL

TWEED SHIRE COUNCIL	
FILE No.	LEGAL COSTS
DOCUMENT No.	[ ] [ ] [ ] [ ] [ ] [ ]
RECD	29 APR 2002
BOX No.	[ ] [ ] [ ] [ ]
ASSIGNED TO	DONAGHY B
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Dr Griffin

On 11 April 2002, the Federal Court of Appeal handed down its Judgment on an appeal lodged by Telstra and Optus against the decision made in the Federal Court in December 2000, in favour of councils in New South Wales and Victoria being able to charge telecommunications carriers for their use of public land.

The Judgment awarded costs against Local Government for the Appeal. Costs for the first hearing are yet to be considered.

The decision to take both these actions was only after confidential consultation with councils, with attendance and agreement to proceed endorsed by all Metropolitan Councils at a meeting called for the purpose of deciding the ability of a council to seek a fair and reasonable contribution to the community for the use of those facilities.

It was only at the request of councils that the Association agreed to coordinate the actions, on behalf of the fourteen councils which had been notified of Federal Court Action being taken against them.

Very significant legal costs have been incurred on behalf of councils, who must take responsibility for funding these actions.

The Associations sought legal advice on the likely costs and prospects of success in mounting an appeal to the High Court. A QC and advice from the former Solicitor-General of the Commonwealth Sir Maurice Byers believes our case is strong and the Appeal Judges erred.



## Reports from Director Corporate Services

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A meeting of Mayors on 16 April 2002 unanimously endorsed the lodgment of an appeal to the High Court and in light of the benefits to which will flow to all councils, a contribution of \$5,724 based on the pro-rata formula is sought from your council.

This issue is not just about telecommunication cables. It is a challenge to the legal right of councils to charge for the use of public property by commercial interests. It affects all Councils rights to see recompense on behalf of their citizens.

In all of these circumstances, I request that Council urgently endorses the action taken, and provides me with a letter confirming preparedness to contribute to the costs.

Yours sincerely



Brenton (Alby) Taylor  
Executive Director



It is requested that Council determines its response to this request, bearing in mind that the contribution, based on the standard format is \$5,724.00.

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# Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**8. ORIGIN:** General Manager  
**FILE REF:** Councillor-Conferences

**REPORT TITLE:**

**Councillor Professional Development**

**SUMMARY OF REPORT:**

The Local Government & Shires Associations (LGSA) Weekly Circular of 12 April 2002 has detailed a Councillor Weekend program to be held in Sydney 24-25 August 2002.

The Program will include, elements of managing time and stress, the Councillor as a change initiator, executive leadership, dynamic presentation skills and how to lobby successfully.

The costs will be \$693 (Registration) plus travel, accommodation and meals.

**RECOMMENDATION:**

That Council determines whether Councillors attend the Local Government & Shires Associations Councillor Weekend and if so, nominates the attendees.

## Reports from Director Corporate Services

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**REPORT:**

As per summary of report.

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## Reports from Director Corporate Services

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**9. ORIGIN:** Director  
**FILE REF:** Councillor-Conferences

**REPORT TITLE:**

**Australian Regional Tourism Conference 19-21 September 2002**

**SUMMARY OF REPORT:**

Advice has been received, via Cr Wendy Marshall, of the Australian Regional Tourism Conference to be held in Longreach, Queensland from 19 to 21 September 2002.

**RECOMMENDATION:**

That:

1. Any Councillor/s be authorised to attend the Australian Regional Tourism Conference in Longreach, Queensland from 19 to 21 September 2002.
2. The Mayor's Secretary to arrange registration of any interested Councillor/s.

## Reports from Director Corporate Services

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### REPORT:

Advice has been received of the Australian Regional Tourism Conference to be held at Longreach, Queensland from 19 to 21 September 2002.

The inaugural conference was held at Port Macquarie, New South Wales and was attended by representatives of regional tourism organisations and local government.

The advice outlines the aims of the conference as:

*“The Convention provides an opportunity for the regional tourism industry and its key stakeholders to meet and workshop issues of strategic national and local importance. The Convention is structured to maximise delegate participating, and to provide ‘best practice’ models of tourism marketing and management at the enterprise and destination level.”*

Details of the Regional Tourism Conference appear below:

# Reports from Director Corporate Services



## **AUSTRALIAN REGIONAL TOURISM CONVENTION**

centre for  
**REGIONAL TOURISM**  
research

The CRC for Sustainable Tourism, through the Centre for Regional Tourism Research initiated the Australian Regional Tourism Convention in 2001, following the collapse of the Tourism Council of Australia and the subsequent suspension of the Regional Tourism Conference series which had been running since 1995. The Convention was developed as a forum for Regional Tourism Organisations, State Tourism Organisations, Local Government Tourism Offices, and regional tourism enterprises to exchange ideas about ways to promote regional tourism success. The inaugural event was held in Port Macquarie, New South Wales in September, 2001. It was attended by over 140 delegates, primarily representing RTOs and local government. The Convention involved three days of discussion and debate and resulted in a number of outcomes with national, state, and local significance.

The Convention is based on a small number (usually 4) of themes which are addressed through case studies. The bulk of the Convention involves open panel sessions and workshops, where delegates are encouraged to exchange information about successful experiences in their states and regions, and to develop 'practical solutions' for addressing key issues. The four themes in 2001 were: destination branding; new product development; partnership marketing; and resource management.

The Convention includes a half day Regional Tourism Organisation Forum where RTOs and STOs are exposed to management, promotion, and destination development initiatives from across Australia. The Forum was attended by over 80 delegates in 2001. The primary outcome of the Convention is a Regional Tourism Handbook, which features case studies identified throughout the Convention, and summarises the range of approaches and issues raised during the Convention. The Handbook (released in January), provides a series of guides for operators and managers who face similar challenges in driving regional tourism growth.

## **Value of the Convention**

The strength of the Australian Regional Tourism Convention is the participation of the delegates in identifying 'good practice' case studies and exchanging ideas and information. Unlike a conference, the Convention is designed to maximise delegate participation, and to promote successful regions and enterprises as models for sectors of the industry facing challenges. While the Convention has had high profile speakers (including: Minister Jackie Kelly; Sir Frank Moore; Anne Massey[Starwood Hotels]; and Graham Perry[See Australia] in 2001), the focus is on identifying practical opportunities for the regional industry. This is often best achieved through discussions with 'ordinary' operators and managers.

The value of the Convention is that it brings together operators and managers from across the country. These industry participants often face similar challenges, and have valuable lessons to share in terms of strategies which have helped them succeed, as well as strategies which may best be avoided. In 2001, delegates unanimously felt that they had each received at least one suggestion or idea which they could take back to their region and implement.

The Convention also enables the regional industry to raise new issues and to develop procedures for addressing these issues. Throughout the Convention, the regional industry has the ear of State and Federal public sector

## Reports from Director Corporate Services

stakeholders, tourism investors, and colleagues who can provide advice and assistance in meeting challenges and grasping opportunities.

The host region has an opportunity to use the Australian Regional Tourism Convention as a showcase of its capacity to host a nationally significant event. The host region is on show to State and national media as a working example of the strength of the regional tourism industry, and the service and amenities the industry can provide. In 2001, significant media coverage for the host region came from national trade (especially TravelTrade) and general (especially ABC) media, and local and State newspaper, radio, and television outlets. The Convention enables the host region to speak directly to the industry about what it has to offer. As a significant event, the Convention also has economic spin offs for the region through attracting delegates, speakers, and their partners and families.

The host State has the opportunity to use the Australian Regional Tourism Convention to highlight its commitment to the regional industry, and to share its vision for regional tourism with colleagues from within the State and across Australia. The Convention provides a valuable vehicle for State Tourism Organisations to facilitate the growth of regional tourism in their State through its participatory and 'practical solutions' focus.

### FINANCIAL IMPLICATIONS:

Registration	\$495.00
Accommodation	\$320.00 (\$80 x 4 nights)
Travel (rail – 1 <sup>st</sup> class)	\$297.20 return
Budget allocation	\$23,100.00
Balance	\$300.00



## Reports from Director Corporate Services

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**10. ORIGIN:** Director

**FILE REF:** DW662132; Donations; Tourism - General

**REPORT TITLE:**

**Northern Rivers Tourism Inc.**

**SUMMARY OF REPORT:**

The Executive Officer of Northern Rivers Tropical NSW has provided information outlining the achievements and activities of Northern Rivers Tourism Inc. The organisation is developing a three (3) strategic plan titled "Regional Tourism Action Plan for the Northern Rivers".

The organisation believes that local Councils important partners in regional tourism and are seeking the interest of local authorities to become members of the organisation at a membership fee of \$5,500.00 (including GST).

**RECOMMENDATION:**

That Council refers this matter to TACTIC with a recommendation that TACTIC applies for membership of Northern River Tourism Inc to represent the Shire.

# Reports from Director Corporate Services

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## REPORT:

Northern Rivers Tourism Inc. has contacted the local government authorities in the Northern Rivers area of the state of New South Wales seeking their assistance to implement a regional tourism action plan. The organisation have provided a summary of their achievements and these appear below:

### ACHIEVEMENTS REPORT – MARCH 2002

*“Northern Rivers Tourism has made some significant progress in recent months whilst recognising limited resources:*

- 1. Established a strong operational base.*
- 2. Established simplified membership structure.*
- 3. Established a new internal structure of skills based board plus Marketing and Development Teams.*
- 4. Improved industry communications in the region.*
- 5. Developed a strong three-year Strategic Plan.*
- 6. Implemented a limited range of practical marketing initiatives.*

#### **1. Operation Base for Northern Rivers Tourism – Executive Office (EO)**

*From November 2001 Norsearch Ltd. At Southern Cross University in Lismore has been providing administrative and operational management to the Board and Teams of Northern Rivers Tourism. Two staff are engaged on NRT tasks; Julie Burton and Joanne McMurtry.*

#### **2. Simplified Membership Structure**

*NRT is working on a strategic partnership with local government as part of the new membership proposal. NRT is seeking to reduce the number of financial members to the six local government areas that have Tourism Managers with some corporate sponsorship. A two-tier membership structure is being implemented for 2002:*

- Tier 1 – Local Tourism Associations/Local Government*
- Tier 2 – Corporate Sponsors*

*A Membership Prospectus has been completed, and a Sponsorship Prospectus will be completed shortly and applications made to relevant potential partners.*

#### **3. New Internal Structure**

*Northern Rivers Tourism is a membership-based incorporated association, with an Executive Board of 7 Directors. The voluntary directors are selected on the basis of skills and experience and appointed for a two-year term.*

*Northern Rivers Tourism has also established two core sub-committees. These are the Marketing and Development Teams. The marketing team will add value to the tourism industry in the region by providing the essential rationale, focus and direction for marketing activity undertaken by Northern Rivers Tourism. The Development Team will play a key role in the regions tourism development and will also provide an important link with the Northern Rivers Regional Development Board (Invest Northern Rivers).*

## Reports from Director Corporate Services

### **4. Corporate Web Site for NRT**

*First stage of development of a corporate web site for NRT is complete and will be used to 'post' all business papers for Board and Team Meetings. The second stage of this project includes access for subscribers and tourism operators to general information on tourism in the region.*

### **5. Regional Tourism Action Plan for the Northern Rivers**

*A consultant for this planning process was appointed in December 2001. The development of the plan is well under-way with an initial workshop and private interviews already conducted. Rob Tonge and Associates are preparing a draft plan due to be presented to the NRT Board by mid-April. The plan aims to bring together the diverse work completed throughout the region over the past three years and provide a focus to future tourism marketing and development activity not just for NRT but for all agencies and business in the Northern Rivers.*

### **6. Marketing**

*80% of the actions in the current Marketing Activity Schedule are complete or in progress. These activities include:*

*Short Breaks Campaign – print and radio into Brisbane/SE Qld Market for a seven-week period commencing 6<sup>th</sup> May. Currently recruiting for this campaign from VIC's (\$1,000 each) and operators (\$1,000 each) with matching funding from NRT (\$6,000), NSW Department of State and Regional Development (\$18,000) and Tourism NSW (\$30,000) for a total campaign package of \$66,000.*

*NRMA Open Road Magazine – have been approached with the possibility of the Northern Rivers being included in two up coming features 1. Winter Breaks and 2. Eco Tourism.*

*ATE (Australian Tourism Exchange) – Brisbane – NRT has applied for a share booth in the Western Hemisphere for this show and also purchased an appointment schedule. Six local tourism operators have committed to attending ATE.*

*Meetings Industry – NRT has joined the NSW Convention Bureau. NRT has also applied to attend Sydney of Sale for the first time in the regional pavilion. A share booth with Twin Towns has been secured.*

*Conference and Meeting Planner – recruitment of product for this publication is well underway with a planned 20 page Conference and Meeting Planner due for completion by June 2002 representing the style and spread of our meeting industry across the region. Includes a number of club venues, resorts, motels, hire companies and other services relevant to business tourism.*

*Tourism Awards – Tourism New South Wales is again running the State Tourism Awards during 2002. Recommendations for changes to the Awards process have been made at a state level and we are awaiting the outcome. New criteria should be released late April 2002, with the regional awards process occurring between 1<sup>st</sup> July and 30<sup>th</sup> September 2002."*

The organisation has also provided a membership prospectus (copy attached), which provides details about Northern Rivers Tourism Inc., their role, vision, aims and objectives and priorities for 2002. Membership of the organisation is a cost of \$5,500.00 (including GST). The organisation applies this membership fee towards implementing a three (3) strategic plan. The plan is titled "Regional Tourism Action Plan for the Northern Rivers".

## Reports from Director Corporate Services

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The organisation believes that the local authorities are important partners in regional tourism and as such believe that Councils have a responsibility to be involved in this important industry within the region.

Council has a commitment to tourism through its funding of Tweed and Coolangatta Tourism Inc. (TACTIC) and therefore needs to consider its level of support to local tourism and regional tourism.

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## Reports from Director Corporate Services

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**11. ORIGIN:** Director  
**FILE REF:** Sustainable Regions Program

**REPORT TITLE:**

**Sustainable Regions Program**

**SUMMARY OF REPORT:**

Tweed Shire Council has been selected to host the Far North-East New South Wales Sustainable Regions Program.

A grant from the Federal Government of \$99,000.00 has been made available to fund the employment of a Program Executive Officer for 12 months. The funding agreement between the Commonwealth of Australia and Tweed Shire Council needs to be signed under the Common Seal of Council.

**RECOMMENDATION:**

That the funding contract between the Commonwealth of Australia, represented by the Department of Transport and Regional Services and the Tweed Shire Council, be endorsed and executed under the Common Seal of Council.

## Reports from Director Corporate Services

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### REPORT:

The Federal Government recently announced a sustainable regions initiative aimed at assisting regions to develop local solutions to major economic, social and environmental change.

The area comprising of the Shires of Ballina, Byron, Lismore, Kyogle and Tweed have been selected as one of the first regions to participate in the program. The Far North-East New South Wales Sustainable Region Advisory Committee has been formed and the Committee has selected an Executive Officer for a period of 12 months to assist the Committee in achieving their objectives.

Tweed Shire Council has been offered the opportunity to host the employment of the Executive Officer and to be recipient of the grant of \$99,000.00 for the 12-month project.

The Executive Officer will commence employment on Monday, 13 May 2002 and will be located at the Tweed Heads office. The Officer will be directed by the Chair of the Far North-East New South Wales Sustainable Region Advisory Committee (Mr Geoff Provest) and will work under the day-to-day supervision of the Director Corporate Services.

An agreement has been prepared between the Commonwealth of Australia and Tweed Shire Council (see attachment), which sets out the terms of the funding agreement for the project. The agreement requires the endorsement, signing and sealing of the document by Council.

It is recommended that Council endorses the agreement.

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## Reports from Director Corporate Services

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**12. ORIGIN:** Administration Services Unit

**FILE REF:** Councillors - Conferences

**REPORT TITLE:**

**Regional Co-ordination and Development Forum and the National General Assembly of Local Government 3-6 November 2002**

**SUMMARY OF REPORT:**

A program has been received for the Regional Co-ordination and Development Forum and the National General Assembly of Local Government to be held from 3 to 6 November 2002 at the Alice Springs Convention Centre. This assembly is being held at the same time as the National Coast to Coast Conference which is being held at Twin Towns Resort. Tweed Shire Council is co-hosting this conference in conjunction with the Gold Coast City Council.

**RECOMMENDATION:**

That:

1. Council nominates the Mayor and any interested Councillor(s) to attend the Regional Co-operation and Development Forum and the National General Assembly of Local Government from 3 to 6 November 2002.
2. The Mayor's Secretary registers their attendance.
3. Council determines any motions to be submitted by the General Manager for debate at the General Assembly.

# Reports from Director Corporate Services

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## REPORT:

A program has been received for the Regional Co-ordination and Development Forum and the National General Assembly of Local Government to be held from 3 to 6 November 2002 at the Alice Springs Convention Centre.

### REGIONAL CO-OPERATION AND DEVELOPMENT FORUM

The Regional Co-operation and Development Forum highlights the State of the Regions report prepared by National Economics in conjunction with the Australian Local Government Association. This Forum will focus on regions working together to achieve sustainable growth and the development of policies that complement local, state and national policy agendas.

### FINANCIAL IMPLICATIONS

#### Registration

General Assembly Delegates	\$100.00
Forum only registration	\$150.00

### NATIONAL GENERAL ASSEMBLY

The theme of the 2002 National General Assembly is *Civil Society: The Leadership Challenge*.

### MOTIONS FOR DEBATE

Councils and Regional Organisations of Councils are encouraged to submit motions on issues of national importance for debate. Motions should be received by ALGA no later than Thursday, 12 September 2002. As in previous years, the ALGA Executive will develop composite motions to reduce the total number of motions under consideration. The ALGA Executive reserves the right to determine whether motions are applicable to the Assembly debate.

### VOTING PROCEDURES

Each Council is entitled to one voting delegate at each plenary session. Councils will need to nominate their voting delegate. Voting cards will be distributed at the Alice Springs Convention Centre beginning 9.00am Sunday, 3 November 2002 and throughout registration. All motions adopted by the General Assembly will be referred to the ALGA Annual General Meeting on 6 November 2002 for further consideration.

### PROGRAM

#### Sunday, 3 November

- 9.00am Registration
- 9.30am-5.00pm Regional Co-operation and Development Forum
- 5.00pm ALGA Executive Briefing
- 6.00pm Welcoming Reception – Local Government Expo Opening

#### Monday, 4 November

- 7.45am Registration
- 8.30am Opening Session
- 10.00am Keynote Address – Lieutenant General P J Cosgrove, AC, MC



## Reports from Director Corporate Services

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- 11.00am Morning Tea
- 11.30am General Assembly in Plenary Session (Resolutions)
- 12.30pm Lunch
- 1.30pm General Assembly in Plenary Session (Resolutions)
- 3.00pm Afternoon Tea
- 3.30pm National Awards for Innovation in Local Government – The Hon. Wilson Tuckey MP, Minister for Regional Services, Territories and Local Government
- 4.30pm Close
- Evening Drinks and Dinner at Ooraminna Bush Camp

### **Tuesday, 5 November**

- 9.00am The Leadership Challenge: Corporate and Political Perspectives – Mr Neville Roach AO, Chairman Fujitsu Australia
- 10.00am General Assembly in Plenary Session (Resolutions)
- 11.00am Morning Tea
- 11.30am General Assembly in Plenary Session (Resolutions)
- 12.30pm Best Practice in Steel Can Recycling Kogarah City Council
- 1.00pm Lunch
- 1.50pm Melbourne Cup Celebrations
- 2.45pm Concurrent Sessions
- Johannesburg to Australia: Report back from the 2002 World Summit on Sustainable Development Phase 1
  - Diversity in Leadership
  - Local Government and Indigenous Australians
  - E-government
  - Public Transport and Asset Management
- 5.00pm Close
- Evening General Assembly Dinner

### **Wednesday, 6 November**

- 8.30am Caring for Country – Mr Rick Farley, Farley Consulting Group
- 9.30am The Heart Foundation Kellogg Local Government Awards
- 10.00am Morning Tea
- 10.30am General Assembly in Plenary Session (Resolutions)
- 12.00pm Closing Ceremony

# Reports from Director Corporate Services

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12.30pm Lunch

1.30pm Annual General Meeting

2.30-5.00pm ALGA Executive Meeting

2.30-5.30pm Special Session: Johannesburg to Australia Phase 2

## REGISTRATION DETAILS

### Forum Registration Details

- Attendance at all sessions on Sunday, 3 November
- Morning tea, lunch and afternoon tea as per the Forum program
- Forum satchel and materials

### General Assembly Registration

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon teas as per the General Assembly program
- One ticket to the Welcome drinks – Sunday
- General Assembly satchel and materials

### Accompanying Partners Registration

- One ticket to the Welcome Reception – Sunday
- Western MacDonnell Ranges (full day tour)
- Alice Springs Town Tour (half day tour)
- Melbourne Cup luncheon with delegates at the Alice Spring Convention Centre
- Desert Park (half day tour)
- Lunch with General Assembly Delegates on Wednesday, 6 November

## FINANCIAL IMPLICATIONS

### Registration

Early Bird \$675.00

Standard \$725.00

Partner \$240.00

Accommodation between \$83 and \$137 per night

Flight \$892.82

### 2001/2002 BUDGET ALLOCATION

Allocation \$23,100.00

Balance \$300.00

## Reports from Director Corporate Services

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**13. ORIGIN: Financial & Information Services Unit**

**FILE REF: Taxation - GST**

**REPORT TITLE:**

**GST and Developer Contributions - New Amendments to the GST Act**

**SUMMARY OF REPORT:**

Legislation ensuring that GST will not apply to “In Kind Developer Contributions” has been introduced into the House of Representatives.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Corporate Services

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## REPORT:

### BACKGROUND

When a council grants a development consent the supply of the right to develop is exempt from GST if listed in the Federal Treasurer's Determination under Division 81. If a developer pays a contribution in cash in connection with the consent there are no GST consequences as the payment of money is similarly exempt. However, the GST status of "In Kind Developer Contributions" (IKDC) has been in contention since the introduction of GST.

The Australian Taxation Office (ATO) had challenged the inclusion of IKDC's but local government and the development industry have been successful in protecting the GST-free status of IKDC's.

### INTRODUCTION OF A NEW DIVISION 82

The Amendment Bill proposed to insert a new Division 82 into the "A New Tax System (Good and Services Tax) Act 1999" ('GST Act'). Councils are currently exempted from GST on the supply of a consent to develop land by Division 81.

The new Division 82 will override and replace Division 81 in relation to "in-kind developer contributions" and will effectively prevent the supply by council of the right to develop and any non-cash supply provided in connection with that right from being taxable supplies by either the council or developer.

Councils are not specifically mentioned in the legislation. The amendments apply to Australian government agencies. A council is an Australian government agency.

#### *How it affects the developer*

Under proposed section 82-5 the supply by an Australian government agency of a right to develop land will not be consideration for another supply (by the developer) if the other supply by the developer complies with requirements imposed by or under an Australian law.

Section 82-5 deems the grant of the consent to develop as not being consideration for the supply of the 'in-kind contribution' by the developer. Although the developer has made a supply it is deemed not to be a taxable supply.

#### *How it affects councils*

Under section 82-10 the supply by an Australian government agency of a right to develop will not be a supply for consideration to the extent that it is made in return for another supply (the developer's supply) that complies with the requirements imposed by or under an Australian law.

Accordingly, the supply by the council of the right to develop is a supply but not a taxable supply. The 'in-kind contribution' provided by the developer is deemed not to be consideration for the supply by council of the right to develop.

The proposed amendments are stated to have effect from 1 July 2000.

### CONCLUSION

The application of GST IKDC's would have created major complications and this is a significant outcome for local government.

## Reports from Director Corporate Services

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**14. ORIGIN: Financial & Information Services Unit**

**FILE REF: Monthly Investment Report**

**REPORT TITLE:**

**Monthly Investment Report for Period Ending 30 April 2002**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

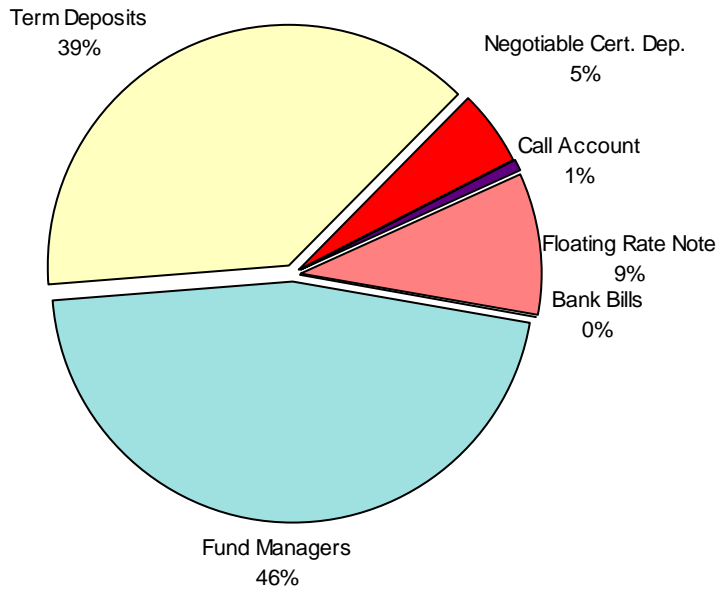
That this report be received and noted.

# Reports from Director Corporate Services

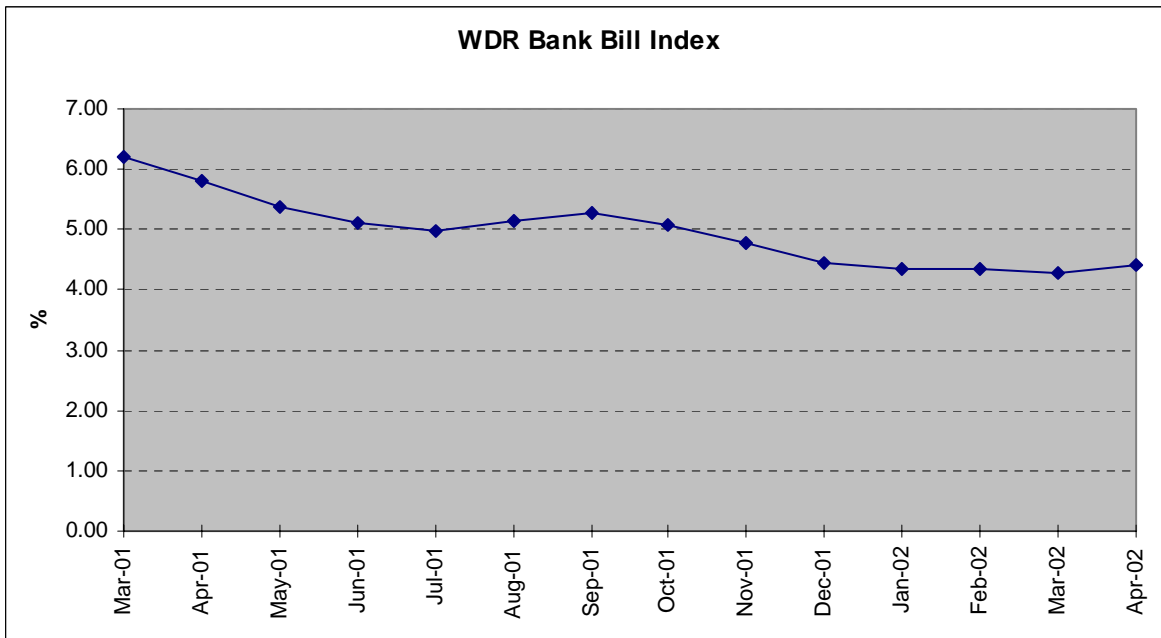
## REPORT:

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

**% of Funds Invested by Category**



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

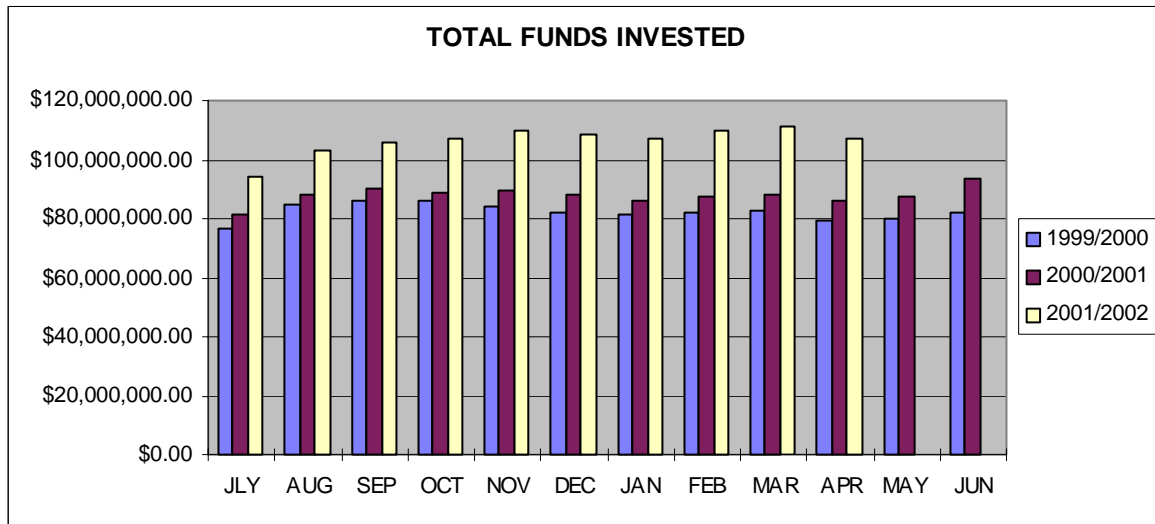


# Reports from Director Corporate Services

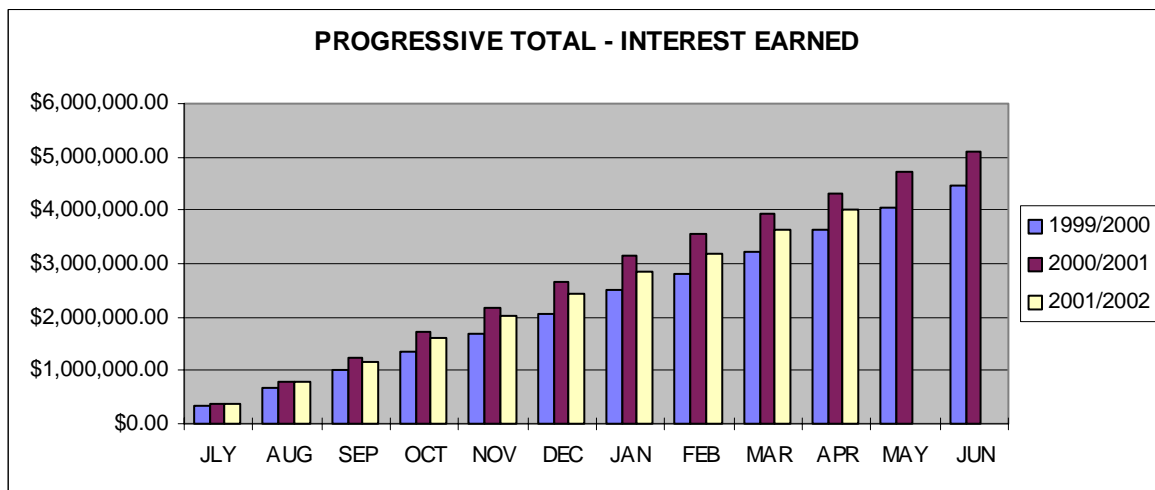
### 3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	4.91	4.65	4.72
Alliance	3.41	4.46	4.55
Deutsche	4.98	5.06	4.97
Macquarie Diversified	5.11	5.06	5.12

### 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

As expected the Reserve Bank of Australia raised official cash rates by 25 basis points to 4.50% on 8 May 2002. Although interest rates will depend upon inflationary pressures, this increase appears to be the first step to reach 5.0% to 5.25% by December.

### 7. INVESTMENT SUMMARY AS AT 30 APRIL 2002

#### GENERAL FUND

BANKS	26,016,662.72	
FUND MANAGERS	5,439,556.73	
LOCAL GOVT. FIN. SERVICES	7,000,000.00	
CALL	25,292.01	<b>38,481,511.46</b>

#### WATER FUND

BANKS	6,000,000.00	
FUND MANAGERS	27,177,945.68	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	<b>37,177,945.68</b>

#### SEWERAGE FUND

BANKS	6,000,000.00	
FUND MANAGERS	16,229,587.43	
LOCAL GOVT. INV. SERVICE	8,000,000.00	
CALL	900,000.00	<b>31,129,587.43</b>

**TOTAL INVESTMENTS**

**106,789,044.57**

It should be noted that the General Fund investments of \$38.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.



## Reports from Director Corporate Services

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

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



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

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# Reports from Director Engineering Services

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**15. ORIGIN:** Director

**FILE REF:** Water-Pumping Stations-General, Water-Pumping Stations-Operations and Maint

**REPORT TITLE:**

**Tweed District Water Supply - Criticality and Risk Assessment of Key Facilities**

**SUMMARY OF REPORT:**

Major water supply infrastructure at Bray Park are critical facilities of the Tweed District Water supply. The facilities include Bray Park Weir, the raw water pumping stations adjacent to the Weir, rising main to Bray Park Water Treatment Plant, Water Treatment Plant, Filtered Water Pumping Station and associated rising mains to Hospital Hill Reservoir.

Augmentation of these facilities is ongoing in order to meet increasing demand as a result of population growth and asset replacement.

A \$4.5 million upgrade of the Filtered Water Pumping Station (WPS2) is proposed for commencement in 2002/2003. Prior to proceeding to detailed design Council engaged Egis Consulting to undertake a detailed criticality and risk assessment of the key facilities to ensure that the timing, configuration and investment proposed for WPS2 was appropriate.

**RECOMMENDATION:**

That Council endorses the implementation of the recommendations of the Criticality and Risk Assessment report including the proposals for the upgrade of Filtered Water Pumping Station No. 2.

# Reports from Director Engineering Services

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## REPORT:

### INTRODUCTION

Major water supply infrastructure at Bray Park are critical facilities of the Tweed District Water supply. The facilities include Bray Park Weir, the raw water pumping stations adjacent to the Weir, rising main to Bray Park Water Treatment Plant, Water Treatment Plant, Filtered Water Pumping Station and associated rising mains to Hospital Hill Reservoir.

Augmentation of these facilities is ongoing in order to meet increasing demand as a result of population growth and asset replacement.

A \$4 million upgrade of the Filtered Water Pumping Station (WPS2) is proposed for commencement in 2002/2003. Prior to proceeding to detailed design Council engaged Egis Consulting to undertake a detailed criticality and risk assessment of the key facilities to ensure that the timing, configuration and investment proposed for WPS2 was appropriate.

### SCOPE

The scope of the assessment included the following facilities as defined in Council's asset register:

- Weir including raw water mains;
- Water Pump Station 1 (WPS1);
- Water Pump Station 1A (WPS1A);
- Water Treatment Plant (clear water storage & associated pipework);
- Water Pump Station 2 (WPS2);
- Hospital Hill water mains;
- Hospital Hill reservoirs; and
- Telemetry and SCADA systems.

The criticality and risk assessment involved the identification of key components of the facilities followed by determining and analysing their path to failure.

*“RISK is the product of probability of failure & criticality.*

*CRITICALITY is a measure of the consequences of failure.*

*HAZARD is an undesirable event, which may be caused by a risk.”*

### METHODOLOGY

Criticality and risk scores were generated for each system component for the identified failure modes and failure cases.

The detailed risk assessment consisted of the following steps:-

1. Determination of the hazards Council wished to manage.
2. Determination of Council criticality management criteria.
3. Detailed site inspections were conducted.
4. Workshops with key O&M staff were held.

## Reports from Director Engineering Services

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5. Definition of facility components for assessment.
6. Determination of failure modes & cases.
7. Detailed risk scoring was conducted.
8. Outcomes were reviewed.

### **HAZARD IDENTIFICATION**

The following hazards have been identified:-

- Component failure resulting in loss of water supply.
- Component failure resulting in environmental harm.
- Component failure resulting in third party property damage.
- Component failure resulting in injury or loss of life.
- Component failure leading to adverse publicity.

### **CRITICALITY CRITERIA**

Criticality (or consequence of failure) management criteria were developed for the identified hazards in conjunction with Council staff. The criticality criteria define the reasonable span of the consequences of failure and aim to centralise within the criteria the point where consequences are no longer considered manageable by Council.

It should be noted that the more conservative the point of consequence management, the greater the potential mitigation cost.

Criticality criteria are tabulated in Table 2.1.

# Reports from Director Engineering Services

**Table 2.1  
Tweed Shire Council Criticality Criteria**

Hazard	Criteria	Comment	Manageable Consequences				Extreme Consequences			
			Low	Slight	Moderate	Significant	High	Extreme		
Loss of water production	Supply Loss	ML/d	< 5ML/d	<10 ML/d	<20 ML/d WPS2 unit 3 capacity	< 30 ML/d	<40 ML/d WPS2 unit 1 or 2 capacity	> 40 ML/d WPS2 capacity	> 1 week	> 1 week
	Supply Loss Duration	Hours	< 6 hrs	< 12 hrs	< 24 hrs (design reservoir capacity MDMM)	< 48 hrs	< 1 week	> 1 week		
	TSC Commercial Impact	Cost of repair	Within Ops corrective budget < \$5,000	Within Ops Eng delegation < \$50,000	Emergency repair delegation < \$100,000	Manager Water Delegation < \$250,000	Executive Team Delegation < \$1M	Council Decision Only > \$1M		
Safety	Injury or loss of life	Public & staff safety impact of a component failure	No safety impact	Slight probability of injury	Moderate probability of injury, no probability of death	Significant probability of injury, slight probability of death	High probability of injury, moderate probability of death	Certainty of injury, significant probability of death		
Environmental harm	POET Act offence	Environmental damage as a consequence of failure	No potential for env. harm	Minor incident, contained by staff	Minor incident requiring specialist assistance	Significant incident, Tier 1 offence	Serious incident, Tier 2 offence	Extreme incident, Tier 3 offence		
Third party damage	TWC commercial impact	Cost of repair, replacement or damages	Superficial only < \$1,000	Within corrective budget < \$5,000	Within Ops Eng delegation < \$50,000	Emergency repair delegation < \$100,000	Manager Water Delegation < \$250,000	Executive Team Delegation > \$250,000		
Adverse publicity	Media reporting	Component failure leading to adverse media coverage - local/regional/national	Minor comment in local print media	Feature reporting in local print media	Full reporting in local media (all forms) over several issues	Full reporting in regional media (all forms) over several issues	Full reporting in national media (all forms) over several issues	Full investigation by regulator as a result of media action		

# Reports from Director Engineering Services

## STUDY OUTCOMES

For each of the identified hazards (loss of water production, safety, environmental harm, third party damage and adverse publicity) risks were scored for each of the facilities. By way of example, for the hazard of loss of water production, the following results were obtained:-

**Table 3.1**  
**Results Overview - Loss of Water Production**

Sub-System	No Failures Identified	Highest Score	Average Score
Weir (incl. mains)	23	1,260	388
Treatment (CWS)	11	864	379
Telemetry	38	1,920	541
Hospital Hill (mains)	48	1,260	303
Hospital Hill (reservoirs)	10	1,620	485
WPS1	15	0	0
WPS1A	56	2,240	574
WPS2	75	6,300	935
<b>TOTAL</b>	<b>274</b>	<b>6,300</b>	<b>563</b>
WPS2A (concept)	83	1,536	441

WPS2 is the highest risk facility with the highest individual risk score and an average risk near double that of the other analysed facilities. The replacement pump station for WPS2 (WPS2A) is currently at concept design stage. An analysis of the design concept revealed an average and highest risk score of less than half that of WPS2. These scores are consistent with the risk profile of the remainder of the system analysed.

## Reports from Director Engineering Services

By way of further example the risk assessment for WPS2 is detailed in the following table:-

### WPS2 High Risks

Component/Failure	Comment	Score
Pset2 Motor - rotor bar	Whilst no 1 motor out for repairs - known design fault in this model Pope motor	6,300
Pset2 Motor - winding failure	Whilst no 1 motor out for repairs	4,500
Pset3 Motor - winding failure	Open windings - susceptible to poor environment promoting failure	4,200
Main switchboard - near lightning strike	No protection currently installed	3,600
Switchroom failure - strike by tree	A large tree over looks the building - collapse of tree or major branch in storm	3,200
Pset3 starter - auto-transformer failure	Unable to utilise Pset3	2,100
Pset2 Motor - rotor bar	Known design fault in this model Pope motor (previous failure of No 1)	2,100
Pset3 Discharge Valve Actuator - failure	Rotork required to start and throttle pump - up to 6 weeks delivery on replacement	2,100
Pset3 Motor - rotor bar failure	Recognition of importance of Pset3	2,100
Pset3 Discharge Valve - gear box failure	Under constant stress due to throttling action on pump, possibility of over torque on closure	2,016

WPS2 had 10 failures that scored above 2,000 including the highest risk scored in the assessment (6,300).

Again, by way of example, the following recommendations were made in regard to WPS2 in order of priority to minimise risk:-

1. Purchase a new motor for one of the pumps in the station retaining the current motor as a spare. (Complete).
2. Fit bracing to No. 2 Pump in order to limit vibration. (Complete).
3. Provide lightening protection and increased ventilation to the main switchboard.
4. Enter into a service agreement with Country Energy to minimise likelihood of external mains failure and to guarantee rapid response.



# Reports from Director Engineering Services

## WPS2 UPGRADE ANALYSIS

WPS2 is located at the Water Treatment Plant and supplies treated water to the entire Tweed District Water Supply System. Obviously in the event of a complete failure, demand is met by reservoir storage throughout the network which can provide approximately 24 hours supply. An analysis of the WPS2 upgrade was undertaken to determine how increasing system demand, due to population growth and WPS2 reliability affect the total system reliability with respect to meeting system demand. This is achieved by combining the probability of meeting demand with facility reliability derived from the combining criticality and risk assessment. Council's design standard is 850 litres per person per day maximum day demand. On historical records this represents the 99.5 percentile demand. In the absence of any upgrade to WPS2 the anticipated best case system reliability will be:-

- 97.0% (demand exceeds capacity for 11 days per year) in 2001
- 96.6% (demand exceeds capacity for 12 days per year) in 2002
- 96.1% (demand exceeds capacity for 14 days per year) in 2003
- 95.2% (demand exceeds capacity for 18 days per year) in 2004
- 92.8% (demand exceeds capacity for 26 days per year) in 2005
- 89.3% (demand exceeds capacity for 39 days per year) in 2006

The analysis indicated that the upgrade of WPS2 as currently proposed will result in 100% reliability until 2011. On that basis it is proposed to proceed to develop the existing concept to detailed design and construction.

## CONCLUSION

The details provided above for WPS2 are typical of the process undertaken in matrix form for all of the identified hazards against each of the facilities down to component level.

The report recommendations are being progressively implemented relevant to priority and funding constraints.

In regard to the \$4 million upgrade of WPS2 engineering decisions related to pump station capacity, reliability and redundancy or stand by requirements are able to now be met on the basis of a scientific analysis guaranteeing optimum benefit to cost ratio for the investment being made.

A summary of the recommendations from the Egis report are reprinted below:-

### F1. WPS2

- “1. A new motor be purchased for Pset2 and the current motor be retained as a spare. This purchase should be completed before Motor 1 is removed for repairs. Approximate cost \$30,000.

*Note: An additional Brooke motor has been purchased by Council and is currently in service with Pset 2. The original Pope motor will be kept as an emergency spare. The new motor exhibits the same phase current issue as the first and is likely to be a function of the winding design. The two new motors should be run to differential hours (say 2:1) to ensure spacing of common failures and major maintenance events.*

## Reports from Director Engineering Services

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2. *Bracing be fitted to Pset 2 in order to limit vibration. This should be carried out in a similar fashion to that successfully fitted to Pset1. Approximate cost \$3,000. (Completed).*
3. *Lightning protection and increased ventilation be fitted to the main switchboard. Approximate cost \$4,000.*
4. *Enter into a service agreement with the electrical supply authority.*
5. *Consider the purchase of a spare motor for pset 3. A minimum action would be to develop a contingency plan including negotiating short period repair or whereabouts of suitable motors including shared spares with other authorities.*
6. *The tree over looking the main switchroom is examined by an arborist and the actual risk or limb shed or collapse assessed. This should be repeated every 2 years.*

### **F2. WPS1A**

*The following recommendations are made with regard to WPS1A in order of priority:-*

1. *Intake Structure Walkway - current walkway has been damaged by flooding and would not meet safety standards regarding hand railing, stiffness or tilt. Remove or reconstruct walkway to ensure safe passage of staff and potentially trespassers.*
2. *Enter into a service agreement with the electrical supply authority.*
3. *Refurbish the discharge pipework at the pump well wall penetration to prevent the corrosion from further progressing.*
4. *Duplicate and increase the capacity of the single sump pump.*
5. *Modify the uPVC sump pump discharge line (material strength & siphon action) and seal the pipe penetration to ensure integrity during an extreme flood event.*
6. *Seal the incoming cable penetration to ensure integrity during an extreme flood event.*
7. *Provide an electrical interlock between ventilation system operation and pump operation to ensure that the pumps only operate in a fully ventilated environment in order to avoid overheating.*
8. *Consider the raising of the roof penetrations (to RL 12.0 m) to provide additional flood security and to minimise the fall hazard of the current arrangement.*
9. *Consider options to utilise WPS1 in an event where WPS1A is lost including:*
  - *use of WPS1 electrical supply (separate line from road) and transformer for emergency supply to WPS1A, including development of a contingency plan and possible preparatory electrical works;*
  - *consider bringing forward the installation in WPS1 of an additional pump from 2006 (timing demand growth related);*
  - *consider purchasing a spare pump set. This pump set could act as spares for WPS1A until installed in WPS1 in 2006.*

## Reports from Director Engineering Services

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### **F3. HOSPITAL HILL RESERVOIRS**

*The following recommendations are made with regard to the Hospital Hill Reservoirs in order of priority:-*

- 1. Weekly inspections of Reservoir 1 be undertaken to search for leaks or other signs of deterioration or impending failure.*
- 2. Planning be undertaken to allow for an internal refurbishment of the reservoir within 3 years. It is understood that this may not be possible until the duplication of reservoir capacity.*
- 3. Annual internal inspections by divers are undertaken to identify and potentially treat critical areas until internal refurbishment is complete when 5 yearly inspections would be sufficient.*

### **F4. TELEMETRY SYSTEM**

*The following recommendations are made with regard to the telemetry system in order of priority:-*

- 1. The repeater facility service provider be instructed to give the SCADA channel a high priority for repair. This may include council suffering the loss of other frequencies in order to achieve this service.*
- 2. Council consider running the system in "manual" mode for a short period each year to ensure staff are prepared and trained for a failure incident.*

### **F5. PIPELINES**

*The following recommendations are made with regard to the pipelines in order of priority:-*

- 1. The Hospital Hill inlet/outlet main route be surveyed or otherwise identified and marked.*
- 2. The Hospital Hill inlet/outlet main be visually inspected at six monthly intervals.*
- 3. A contingency plan be prepared to correct any leak detected.*
- 4. The water treatment plant raw water intake pipework (flow meter and dosing section) be inspected annually and cement mortar lining repaired as required.*
- 5. All exposed pipework be inspected for corrosion annually.*
- 6. Pressure Reducing Valve - hold spare parts to ensure any failure is of small duration.*

### **F6. GENERAL ISSUES**

- 1. Electrical Supply: it is recommended that Council enter into a service agreement with the supply authority to ensure that disruptions to key supplies are given a high priority and corrected within agreed times.*
- 2. Electrical Routine Maintenance: it is recommended that Council institute measures to enable the 6 monthly electrical inspections to be reliably completed.*
- 3. Documentation & Records: it is recommended that:*
  - All manuals and technical documents related to the system are managed centrally, with corporate copies held within a controlled library. It is useful to have a searchable database of this material on Council's intranet.*
  - The completion of maintenance log sheets be made compulsory and a series of failure, cause and activity codes be developed to provide consistency of recording.*

## Reports from Director Engineering Services

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*Consideration should be given to implementing a computerised maintenance management system.*

- *Future projects include a detailed specification for manuals and technical information.*
  - 4. *Equipment Operation: it is recommended that Council stagger running hours on a 1:2 proportion so that standby equipment has approximately half the hours of duty equipment..*
  - 5. *Water Restrictions: Council develop a water restriction policy and communication strategy for rapid and equitable implementation upon a critical failure in order to minimise adverse publicity and impact on the community.*
  - 6. *Condition Monitoring: It is recommended that a condition monitoring plan be developed by Council for key mechanical and electrical equipment, and that Council staff be trained in the trending and interpretation of this data.”*
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# Reports from Director Environment & Community Services

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**16. ORIGIN:** Recreation Services Unit

**FILE REF:** Parks - Naming; GS4/98/31 Pt6

**REPORT TITLE:**

**Naming of Park - The Oasis, Kirkwood Road**

**SUMMARY OF REPORT:**

At its meeting held 20 March 2002 Council resolved to call for comments regarding the naming of the park (lot 901) Falcon Way, The Oasis, "Harold Pearce Park".

At the close of comments, Council received eleven (11) submissions. All submissions were in support of the proposal.

**RECOMMENDATION:**

That Council names the park (lot 109) Falcon Way, The Oasis, Harold Pearce Park and erects appropriate signage.

# Reports from Director Environment & Community Services

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**REPORT:**

As per summary of report.

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## Reports from Director Environment & Community Services

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

**FILE REF:** Waste Minimisation

**REPORT TITLE:**

**Alternative Waste Disposal Technology**

**SUMMARY OF REPORT:**

Council resolved on 15 August 2001 to participate in a working group with Logan, Gold Coast and Redland Councils to investigate alternative waste disposal technologies. Subsequently Beaudesert Shire was added to the group. The investigation is now complete and has identified two preferred technologies and two preferred locations. It is considered that Council should continue the process together with Gold Coast City Council to identify a technology for the southern region.

**RECOMMENDATION:**

That:-

1. The Officers Working Group Report (Attachment 1) be received and noted.
2. Council:-
  - a. Enters into negotiations with Gold Coast City Council to further participate in Stage 2 of this project ultimately leading to a formal tender process and assessment of the tender submissions.
  - b. Completes all necessary documentation under the Common Seal of Council.
  - c. Votes the sum of \$70,000 to the second stage of this project from Waste Management Reserves.

## Reports from Director Environment & Community Services

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### REPORT:

As Councillors will be aware, Council at its meeting on 15 August 2001 resolved to participate in a working group with Logan, Gold Coast and Redland Councils to investigate alternative waste disposal technologies. Beaudesert Shire Council was subsequently included in the group.

The Officer's Working Group report has now been completed, will be presented to the Councillors' Working Group on 27 May 2002 and is now included in this business paper at Attachment 1. Attachment 1A is a Technology Overview which describes the technologies and processes which were considered by the group. Attachment 2 is included in the Confidential Section of the business paper because it includes confidential pricing information.

The Expression of Interest process has identified two technology types of Anaerobic Digestion and Gasification and that the best regional solution would be to locate facilities in both the Southern and Northern Areas of the Gold Coast rather than have one facility.

The northern councils appear to indicate that they will not proceed further at this time as they have existing available landfill space.

Conditions in the southern end are more critical with Gold Coast transporting all its waste to Stapylton at considerable cost and with Council's Stotts Creek landfill only licensed by the NSW Environment Protection Authority (EPA) until October 2004, although Council is confident of approval for further development of the site as would be required for a new landfill.

The recommendations in the Officer's Working Group reflect a regional approach rather than being specific to individual councils. The majority are procedural and do not require a response by Council.

There would appear to be considerable advantages to Council in continuing to participate in further stages of this process with Gold Coast City Council to try and identify a cost effective environmentally sustainable alternative waste disposal solution other than landfilling.

Therefore it is considered that Council should continue to investigate alternative waste disposal technologies for the southern region with Gold Coast City Council.

This process will include execution of a Deed of Participation or similar with Gold Coast City Council and undergo a tender process to identify the preferred technology. Council will then be in a position to decide whether to proceed further or not.

A preliminary estimate of cost for this stage of the process, being preparation of tender specification through to the evaluation of tenders, is of the order of \$300,000 with Council's contribution being of the order of \$70,000. This contribution can be met from existing waste budget reserves, some of which are provided for future planning.



## Reports from Director Environment & Community Services

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

**FILE REF:** Alcohol Free Zones

**REPORT TITLE:**

**Establishment of Alcohol Free Zones - Murwillumbah CBD**

**SUMMARY OF REPORT:**

The Murwillumbah Station of the NSW Police Service and the Murwillumbah District Business Chamber Ltd has requested Council establish alcohol free zones on roads, footpaths and public car parking areas in the Murwillumbah town centre. The request cites examples of intoxication, harassment, offensive language, under-age drinking and damage of property as incidents associated with drinking in the requested areas.

Council may resolve to declare a public place that is a public road or car park an alcohol free zone for up to three years. Prior to an area being declared alcohol free, the Council must undertake public consultation in accordance with the provisions of Section 644 and 644A of the Local Government Act 1993.

**RECOMMENDATION:**

That Council undertakes public consultation in accordance with the provisions of Section 644 and 644A of the Local Government Act 1993 on the proposed establishment of an alcohol free zone on the requested public roads, footpaths and car parks in Murwillumbah town area for a 3 year period.

## Reports from Director Environment & Community Services

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### REPORT:

The Murwillumbah Station of the NSW Police Service and the Murwillumbah District Business Chamber Ltd have requested Council establishes alcohol free zones on roads, footpaths and public car parking areas in the Murwillumbah town centre.

The nominated areas are as follows; business areas licensed by Council for footpath dining are not included:

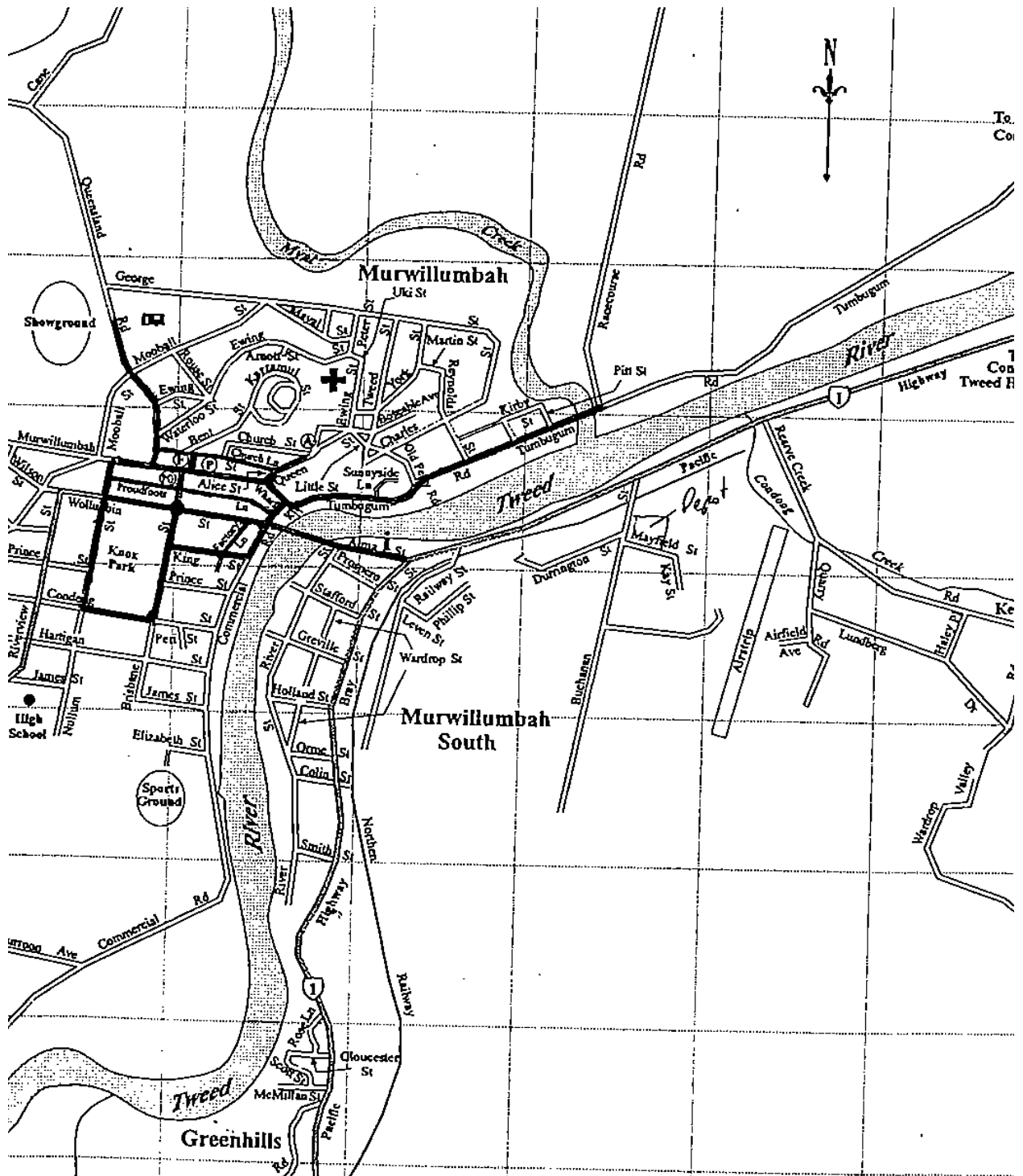
- Queensland Road from 'Harry Williams Gate' of the Murwillumbah Showgrounds to Main Street Murwillumbah, including the car park area near Mount Saint Patricks School on Queensland Road.
- Bent Street from Queensland Road to Church Lane
- Church Lane
- Police Lane
- Queen Street from Main Street to Church Street
- Main Street from the intersection of Nullum Street to Queen Street.
- Wharf Street from Queen Street to Tumbulgum Road.
- Commercial Road from Wharf Street to King Street.
- King Street from Commercial Road to Brisbane Street.
- Brisbane Street from Main Street to Condong Street.
- Condong Street from Brisbane Street to Nullum Street.
- Nullum Street from Condong Street to Main Street.
- Wollumbin Street from Nullum Street to the Commercial Road roundabout.
- Alma Street from the Commercial Road roundabout to the Alma Street/Pacific Highway roundabout.
- Tumbulgum Road from Wharf Street to Racecourse Road.
- Factory Lane.

A map of the nominated areas follows.

The establishment of alcohol free zones provides police with options beyond their existing 'move on' powers including the confiscation of alcohol or the issue of Penalty Notices in problem cases.

The Local Government Act sets out a clear process for the establishment of an alcohol free zone in Sections 644, 644A and 644B. This process requires that the initial proposal be publicly advertised, placed on public exhibition and be provided to adjacent licensed premises for comment. Following consultation, comments and feedback are provided to Council via report and Council may resolve to establish an alcohol free zone.

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## Reports from Director Environment & Community Services

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

**FILE REF:** Budd Park, Alcohol Free Zones

**REPORT TITLE:**

**Establishment of Alcohol Free Zone - Budd Park**

**SUMMARY OF REPORT:**

Alcohol consumption within Budd Park is prohibited by notice of Council. Due to legal limitations this prohibition does not extend to the Budd Park car park. Following community members and the Police Service expressing concern to Council regarding alcohol consumption and anti-social behaviour in the Budd Park car park area, Council resolved in its meeting of 20 March 2002 to undertake consultation on a proposal to declare the car park an alcohol free zone.

This consultation closed on 1 May 2002 with Council receiving a total of three letters all supporting the proposal.

Council has fulfilled the consultation obligations required by Section 644 and 644A of the Local Government Act 1993 and now may resolve to declare the car park an alcohol free zone under the provisions of Section 644B of the Act.

**RECOMMENDATION:**

That Council declares the Budd Park Car Park in Murwillumbah a 24 hour alcohol free zone for a period of 3 years in accordance with the provisions of Section 644B of the Local Government Act 1993.

# Reports from Director Environment & Community Services

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## **REPORT:**

### **BACKGROUND:**

Alcohol consumption within Budd Park is prohibited by notice of Council. Due to legal limitations this prohibition does not extend to the Budd Park car park. Following community members and the Police Service expressing concern to Council regarding alcohol consumption and anti-social behaviour in the Budd Park car park area, Council resolved in its meeting of 20 March 2002 to undertake consultation on a proposal to declare the car park an alcohol free zone.

This consultation closed on 1 May 2002 with Council receiving a total of three letters. These letters came from the Aboriginal and Torres Strait Islander Commission, the NSW Police Service, and the Murwillumbah Services Memorial Club and all supported the proposal.

Council has fulfilled the consultation obligations required by Section 644 and 644A of the Local Government Act 1993 and now may resolve to declare the car park an alcohol free zone under the provisions of Section 644B of the Act. Declaring the car park as alcohol free will provide police with options beyond their existing 'move on' powers including the confiscation of alcohol or the issue of Penalty Notices in problem cases.

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## Reports from Director Environment & Community Services

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

**FILE REF:** Conferences-General

**REPORT TITLE:**

**Regional Arts Australia National Conference**

**SUMMARY OF REPORT:**

Council is advised that "*Groundswell*", the next Regional Arts Australia conference is to be held at Albury/Wodonga from 10-13 October 2002.

**RECOMMENDATION:**

That Council authorises those Councillors nominating to attend should contact Jan Green, Mayor's Secretary for full program details and registration forms.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that '*Groundswell*', the next Regional Arts Australia National Conference is to be held at Albury Wodonga from 10 - 13 October 2002. The national conference is held every two years and is the largest gathering of regional arts industry workers.

The conference program will provide an exciting range of international and national keynote presentations exploring five main themes reflecting current priority areas in regional arts practice.

1. Regional arts festivals
2. Sustaining regional arts practices
3. Indigenous arts and cultural practices
4. Social politics and regional culture
5. Regional regeneration, change and the arts

Speakers will include:

- Donald Horne, AO, Cultural critic, Academic, Author and Editor
- Dr. Robyn Archer, AO, Festival Director, singer, writer and director of international recognition
- Nell Schofield, ABC Arts reporter and scriptwriter
- Lyndon Terrachini, internationally acclaimed performers of contemporary opera and music theatre and founded of Northern Rivers Performing Arts (NORPA)
- Fay Nelson, internationally recognised authority on Australian Aboriginal culture and a leader in the development of Aboriginal and Torres Strait Islander arts and cultural policy
- Helen Gould, from the UK, founder of internationally recognised Creative Exchange
- Dr. Terry Cutler, Chair, Australia Council for the Arts
- Industry consultant and strategy adviser in the information and communication technology sector
- Cathy Craige, Director of the Aboriginal and Torres Straight Islander Arts Board of the Australia Council for the Arts and member of the Arts Advisory Council of the NSW Ministry for the Arts
- Carol Geddes, Director Banff Centre for the Arts, Canada and Film Maker

The conference location will provide delegates with an exciting opportunity to visit this culturally dynamic region. Albury Wodonga is an exceptional example of a regional centre that recognises and builds on its cultural life. Delegates are invited to explore the region through cultural tours and social events reflecting the history and heritage, cultural life and industry of the region.

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# Reports from Director Environment & Community Services

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

**FILE REF:** Noxious Pests

**REPORT TITLE:**

**Entomological Control Report for Period February to April 2002**

**SUMMARY OF REPORT:**

The following report outlines nuisance insect and vermin control carried out during the period February to April 2002.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Environment & Community Services

## REPORT:

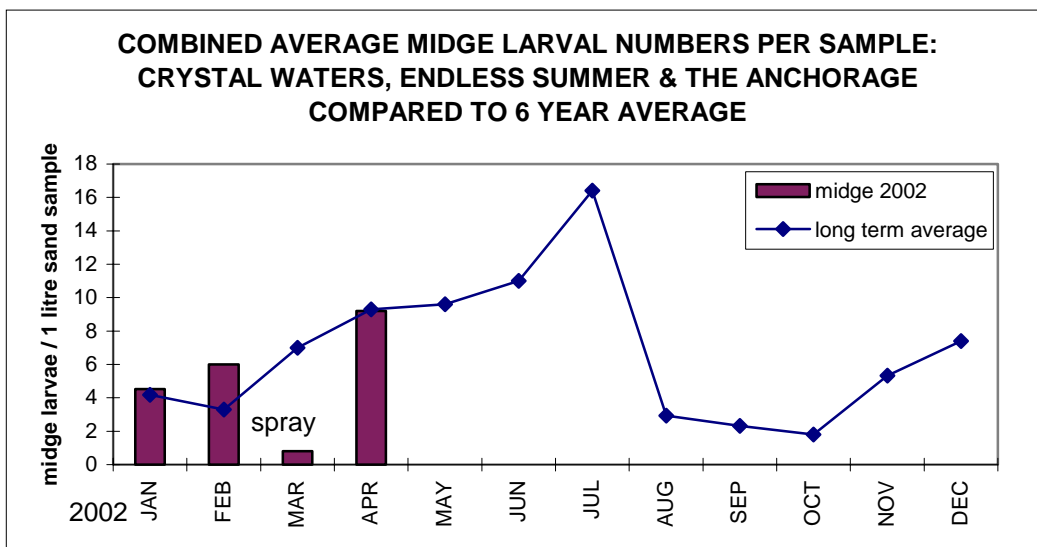
### BITING MIDGE

#### *Seasonal activity*

There were 26 biting midge complaints from residents over the report period. Most complaints were recorded during late February and late April.

Key problem areas were East Banora Point, riverside areas of Tweed Heads West and parts of Tweed Heads South near Ukerebagh Channel and the Boyds Bay area.

Canal Breeding midge larval numbers have remained around average. The following graph depicts combined average biting midge larval numbers in 3 principal Tweed River canals compared to long term averages.



#### *Control*

Midge canal larvicide treatments were unavoidably delayed by several months. Spray results were good but the re-colonisation of treated beaches with newly hatched midge larvae was much quicker than usual.

### MOSQUITOES

#### *Seasonal activity*

Very dry conditions, continuing into late April, restricted mosquito breeding over most of the report period to tidally flooded areas. Late April rain extended breeding into coastal freshwater wetlands and agricultural river flats.

Despite the restricted mosquito breeding, complaint numbers from residents in some areas were high. There was a total of 42 requests for services regarding mosquitoes over the report period. Badly affected areas were Chinderah, Fingal, Tweed Heads South, parts of East Banora Point and the Seagulls area of Tweed Heads West.

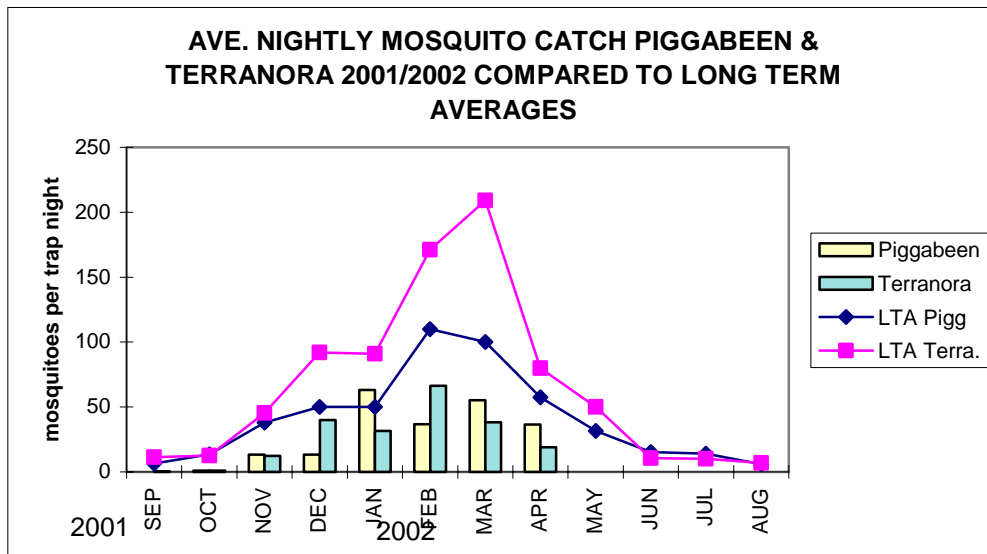
Some very large tides, well above predicted heights, occurred during February and March due to Coral Sea low pressure systems tracking south along the coast. These tides hatched large numbers

# Reports from Director Environment & Community Services

of saltmarsh mosquitoes adjacent to the lower Tweed River and lowlands surrounding Terranora and Cobaki Broadwaters.

Due to the dry conditions and high salinity, most coastal wetlands did not develop effective larvivorous fish populations this season

Carbon dioxide baited traps recorded low to medium numbers of mosquitoes over the report period. The saltmarsh breeding species *Culex sitiens* was the most commonly trapped species followed by *Ochlerotatus vigilax* and *Verallina funerea*. The following graph depicts monthly mosquito trap numbers compared to long term averages.



## Control

Ground based larval mosquito control, utilising biological larvicides, was carried out to pockets of *Oc. vigilax* breeding on agricultural flats and wetlands at Dodds Island, Bilambil, Cobaki, North Tumbulgam, Fingal, Koala Beach and Terranora.

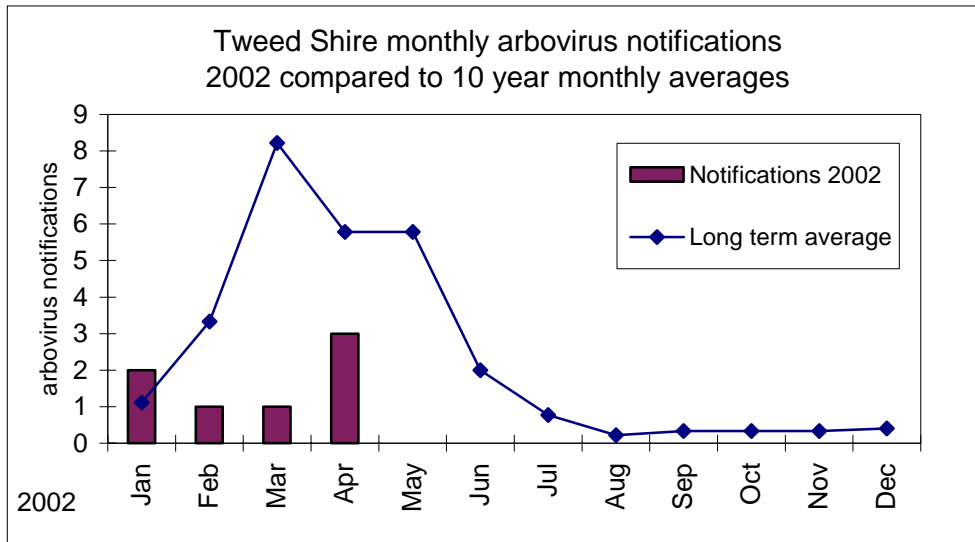
Aerial control with Abate was carried out on 3 occasions to *Oc. Vigilax* and *V. funerea* breeding at North Tumbulgam, Terranora and Bilambil. Post treatment larval reductions were close to 100% at all assessment sites by 24 hr post spray.

## ARBOVIRUS

Reported arbovirus notifications were very low this season. There were 2 cases of Ross River virus reported over the period and 3 notifications for Barmah Forest virus.

The following graph depicts Tweed Shire’s notified cases of arbovirus per month this year compared with long term averages.

# Reports from Director Environment & Community Services



## OTHER PESTS

### *Rodents*

Rodent baiting was carried out monthly along Tweed River rock walls and several Council reserves.

### *Cockroaches*

Cockroach Treatment was carried out during March in several badly infested Murwillumbah sewer mains.

### *Miscellaneous pests*

There were 82 requests for information or service relating to miscellaneous pests over the report period. The largest number of requests related to funnel building ants on lawns and reserves, particularly in the Banora Point and Terranora areas. Funnel ants appear to thrive during very dry years but are generally not noticed until rainfall saturates the soil which causes the ants to build distinctive raised funnel shaped nest entrances. Green head ants were also common, with many people claiming to have suffered their painful stings. Other common requests related to paper wasps, termites, flies and redback spiders.

**Dr J Griffin**  
General Manager

# Reports from Committees/Working Groups

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1. **Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 23 April 2002**

**Vegetation Management Plan**

**VENUE:**

Canvas & Kettle Restaurant.

**TIME:**

5.10pm.

**PRESENT:**

**Council:** Cr Henry James, Cr Phil Youngblutt, Mr Graham Judge, Mr Doug Jardine

**Others:** Mr Brian Sandercock, Ms Barbara Stewart, Ms Rhonda James, Mr Jim O'Brien, Mr Paul Hopkins, Mr Peter Mason, Mr Mark Kingston (Ecograph), Mr Bruce Hungerford (DLWC).

**APOLOGIES:**

Ms Kate McKenzie, Mr Robert Quirk, National Parks & Wildlife Service.

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Jim O'Brien

**Seconded:** Rhonda James

**RESOLVED** that the minutes of the Vegetation Management Plan Steering Committee meeting held Tuesday 26 March 2002 be confirmed as an accurate record of the proceedings of that meeting.

**Carried Unanimously**

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**BUSINESS ARISING:**

1. **Advice from State Agencies and Committee Response - RVMP or no RVMP?**

- In response to a decision by the Committee at the last meeting, Graham Judge had undertaken a review of the pros and cons of the landuse planning framework options. The review included consideration of comments and advice received from DLWC and NPWS.
- Five (5) options were reviewed by Graham, and they were as follows:
  1. Independent Tweed LEP (No Regional Vegetation Management Plan);

## Reports from Committees/Working Groups

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2. Tweed LEP integrated with the Native Vegetation Conservation Act;
  3. Tweed LEP listed on Schedule 1 of the Native Vegetation Conservation Act (NVC Act partially excluded from operating in Tweed Shire);
  4. Tweed LEP listed on Schedule 2 of the Native Vegetation Conservation Act (NVC Act fully excluded from operating in Tweed Shire);
  5. Status Quo – Integrated Tweed LEP and Tweed RVMP.
- Graham distributed a summarised description and comments on the five options to the Committee Members and provided a verbal presentation on the review. Graham Judge indicated that he had discussed the review with the Director of Development Services, David Broyd. Based on that discussion, option 2 (Tweed LEP integrated with the Native Vegetation Conservation Act) was the preferred option.
  - Option 2 is the preferred option because:
    - Option 1 would exacerbate current inconsistencies and administrative problems between the NVC Act and Council's LEP;
    - Option 3 and 4 are currently not supported by the Minister for DLWC. Without the Minister's support these options cannot be implemented;
    - Option 5, the current Committee and Council option, is becoming increasingly difficult to implement. Significant amendments to the Committee's adopted framework to address issues and concerns raised by the DLWC and NPWS would not provide the benefits Council and the Committee were seeking from an integrated LEP and RVMP;
    - Option 5 requires a considerable amount of Committee and Council resources to prepare an integrated draft RVMP and LEP that may not be acceptable to State Agencies. There is no guarantee the Director-General of DLWC will approve the draft RVMP;
    - Council should await finalisation of the Clarence and Richmond RVMP and review of the NVC Act by DLWC before proceeding with either Option 3, 4 or 5.
  - Graham Judge advised the Committee that David Broyd also suggested that the Minister for DLWC be formally requested to review the NVC Act, and possibly the EP&A Act, to address administrative and policy impediments to listing Councils on Schedule 2 of the NVC Act.
  - Discussion by Committee Members on the review of options.
  - Bruce Hungerford, in response to a question from Paul Hopkins on DLWC's position on their preferred option, indicated that Option 2 was probably the best option at this stage.

## Reports from Committees/Working Groups

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- Bruce Hungerford, in response to a question from Rhonda James, indicated that there is no obligation under the NVC Act for DLWC to prepare a Regional Vegetation Management Plan (RVMP). In the absence of a RVMP the provisions (including clearing exemptions) will continue to apply to the Tweed.
- Graham Judge indicated that there is no timetable for completing the review of the NVC Act exemptions by the DLWC. It is unlikely, however, that the review would be completed before the next State election (advice from David Hart).
- Douglas Jardine, in response to a question from Peter Mason, indicated that the Council's LEP Advisory Committee was dealing with the Rural Settlement Strategy and not vegetation management. The Committee was awaiting the finalisation of a Rural Viability Study commissioned by the Tweed Economic Development Corporation before proceeding further.
- Mark Kingston suggested that the Committee go with Option 2 (Tweed LEP integrated with the NVC Act) in the short term, but retain the potential to implement Options 4 or 5 in the long term.

**Moved:** Paul Hopkins  
**Seconded:** Cr Henry James

**Carried Unanimously**

### **RECOMMENDATION:**

That Council:

1. Advises the DLWC that at this stage Council does not wish to proceed with preparation of a draft Regional Vegetation Management Plan;
2. Finalises the Tweed Vegetation Management Strategy and prepares a draft Tweed Local Environmental Plan (vegetation management) that is integrated with the Native Vegetation Conservation Act (short term);
3. Advises the DLWC that Council wishes to retain the opportunity to have either a fully integrated LEP for Tweed Shire (Schedule 2 of the NVC Act) or an integrated Tweed LEP and RVMP as potential long term options.

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### **2. Draft Catchment Management Board Blueprint**

- Mark Kingston gave a presentation on his review of the draft Catchment Management blueprint (Northern Rivers Catchment Board) currently on public exhibition.
- Discussion by Committee Members on the draft Plan and Mark Kingston's review.

**Moved:** Paul Hopkins  
**Seconded:** Jim O'Brien

## Reports from Committees/Working Groups

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**RESOLVED** that the Committee supports Mark Kingston's review of the draft Catchment Management Blueprint and that Mark's comments be forwarded to the Minister of DLWC as a submission from the Committee.

**Carried Unanimously**

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### 3. Tweed Vegetation Management Strategy (TVMS) - Goals, Guiding Principles etc

- Graham Judge indicated that the goals of the TVMS will need to be reworded in response to the Committee's decision not to prepare a draft RVMP.
- Graham Judge outlined some of the recent changes to the Goals, Guiding Principles, Aims and Objectives in response to the feedback (questionnaire) from Committee Members.
- Graham Judge indicated that a request by Barbara Stewart to include 'no net loss of vegetation' was not included in the current review because of the difficulty in defining and measuring 'no net loss of vegetation'. Graham Judge further indicated that he was mindful of the review of the TVMP 1999 by the CSIRO (Dr Richard Hobbs). Dr Hobbs indicated that there needed to be clear conservation goals or targets.
- Discussion by Committee on 'no net loss'. Some of the issues raised were:
  - If there is to be no net loss of vegetation, what vegetation are we talking about, how do we measure net loss and over what time frames? Is there an argument for net loss but net increase in quality (Graham Judge)?
  - 'No net loss of vegetation' could be applied as a principle when assessing clearing applications;
  - Would native grasses be included in 'no net loss'?
  - Would native regrowth be included in calculation of 'no net loss of vegetation'?
- Some Members could not recall seeing the latest version of goals, guiding principles, aims and objectives. Graham Judge to distribute current version to Committee Members for their information.
- Douglas Jardine indicated time was running out to discuss this item. To be discussed further at the next Committee meeting. Committee Members invited to contact Graham Judge regarding feedback on Goals, Guiding Principles etc.



## Reports from Committees/Working Groups

### 4. Meeting with Tweed Byron Aboriginal Land Council

- Graham Judge advised the Committee that he and Mark Kingston will be meeting with representatives from the Tweed Byron Aboriginal Land Council (Russel Logan and Clarence Phillips) tomorrow at 1.00pm. The purpose of the meeting is to initiate consultation with the Tweed Aboriginal community regarding the preparation of the TVMS.

### GENERAL BUSINESS:

- Barbara Stewart indicated that there was a document on the benefits of filter strips along riparian areas produced by Peter Sanger (Southern Cross University). The document is relevant to areas in the sub-tropics and may be of use when considering vegetation management within riparian areas in the Tweed.
- Graham Judge indicated that introducing another 'prescribed stream' map for the Tweed LEP would be confusing if the current mapping of State Protected Lands under the NVC Act is to be retained as part of the new planning framework. State Protected Lands, under the current NVC Act, includes mapping of 'Prescribed Streams' in Tweed Shire. The Committee will need to consider if it wishes to introduce another prescribed stream map in addition to the DLWC State Protected Land 'Prescribed Stream' maps.
- Mark Kingston pointed out to the Committee that the letter from NSW Fisheries circulated to Committee Members recommended a 50 metre buffer zone of riparian vegetation along waterways. NSW Fisheries also highlighted the importance of suitable vegetation along 1<sup>st</sup> and 2<sup>nd</sup> order streams.
- Bruce Hungerford, in response to a question from Douglas Jardine, indicated that amendments to the identification of 'prescribed streams' (State Protected Land) by DLWC would be possible but would need to be consistent with other North Coast areas ie, Clarence and Richmond RVMP.

### NEXT MEETING:

The next meeting of the Vegetation Management Plan Steering Committee will be held on Tuesday, 25 June 2002.

The meeting closed at 7.15pm.

### **Director's Comments:**

*Recommendation as part of Item 1 will be the subject of a report to Council on 5 June 2002.*

[vmpscminx.doc]

## Reports from Committees/Working Groups

### DIRECTOR'S RECOMMENDATIONS:

1. **Advice from State Agencies and Committee Response - RVMP or no RVMP?  
Vegetation Management Plan**

### Committee Recommendation:

That Council:

1. Advises the DLWC that at this stage Council does not wish to proceed with preparation of a draft Regional Vegetation Management Plan;
2. Finalises the Tweed Vegetation Management Strategy and prepares a draft Tweed Local Environmental Plan (vegetation management) that is integrated with the Native Vegetation Conservation Act (short term);
3. Advises the DLWC that Council wishes to retain the opportunity to have either a fully integrated LEP for Tweed Shire (Schedule 2 of the NVC Act) or an integrated Tweed LEP and RVMP as potential long term options.

***Director's Recommendation:***

*This will be the subject of a report to Council on 5 June 2002*

## Reports from Committees/Working Groups

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

2. **Minutes of the Public Transport Working Group Committee Meeting held Tuesday 16 April 2002**
3. **Minutes of the Sports Advisory Committee Meeting held Tuesday 16 April 2002**

# Reports from Committees/Working Groups

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# Delegate's Reports

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**1. ORIGIN: Cr Wendy Marshall**

**FILE REF: Councillors - Conferences**

**REPORT TITLE:**

**Impacts 2002 – First Joint NZPI/RAPI Conference, Wellington April 2002**

**RECOMMENDATION:**

That this report be received and noted.

## Delegate's Reports

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### REPORT:

***re: Impacts 2002 - First Joint NZPI/RAPI Conference, Wellington April 2002***

Prior to attending the conference in Wellington & in light of the proposed re-development of the Tweed Heads CBD, it was too good an opportunity to miss whilst on the North Island, not to inspect & investigate the re-development of the Auckland waterfront & wharf area. On discussion with Councillors from Auckland City Council, I have made contact with the Project Managers who are more than happy to provide information & assistance on how they have achieved the impressive results so far. An information package has been mailed to Council & will be available to all those interested. In annexures 1, 2 & 3, it can be seen that Auckland City has a problem in not only urban & industrial sprawl, but also extensive heritage wharfage areas, warehousing, mariners & commercial container wharves. What they have achieved so far is to eliminate those buildings which were not classified as heritage & were "too" far gone to preserve, replace them with "thoughtfully" designed townhouse developments, restore & internally improve existing heritage buildings (including re-construction to earthquake standards) & re-vitalise the wharves.

Annexure 2 shows an impressive use of an old wharf, by building a "liner" styled structure, which is used not only for serviced apartments & offices, but as popular waterfront restaurants & cafes & at the very front section a prestigious five star hotel. Annexure 3, in the bottom left area, more clearly shows the extent of the work still to be carried out. Demolition has occurred in a large area & carefully designed apartments & offices on the same scale & height as the existing buildings will be constructed to conform with the existing style of the area.

It is evident throughout this re-vitalised area that community access to waterfront walks & cycleway is paramount. There are dedicated paved areas, with historical information boards at regular intervals, interesting landscaped areas with seating & recreational facilities. Wherever possible views are maintained & high rise buildings not encouraged outside of the centre of the CBD (& even then negligible).

*Note: I apologise for the quality of the photographs, only it was very cloudy, wet & windy in Auckland!*

In comparison, Wellington has leapt ahead (see annexure 3a). Being a totally different topography & not having the industrial impacts of Auckland, Wellington Council has

## Delegate's Reports

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managed to produce an impressive, colourful & memorable city of heritage, culture & community. They too have ensured complete waterfront access by community with walk/cycleway access all around the city. Cr Andy Foster of Wellington City Council & Chair of their Built & Natural Environment Committee has provided me with brief details as to how they have achieved this result & what their plans are for the future (annexure 3b). Again, considering our plans for Tweed Heads CBD, researching other Councils methods & results is very beneficial. Cr Foster would be only too happy to supply more in depth information should we wish to contact him further.

The conference commenced with a special workshop for Councillors & Senior Managers - "Governance in the 21st Century". I attach for your information the abstracts from the speakers. The breakout session I attended was most enlightening on recycling "grey" water. I would strongly recommend that Council research this matter further, as the presenter Mike Shield from Brighton Council, Tasmania had convincing evidence about the benefits of not discharging stormwater & waste emissions into the estuary & utilising it for productive agricultural use. Not that many of us need convincing of this.

*See annexures 4, 5 & 6.*

Mr D Broyd, Director Development Services is doing a full report on the conference, I would like to say however, that this was my my first Planning conference & I was most impressed. Not only was the content full & varied, but the quality of the majority of presenters was excellent. So many choices on so many subjects of relevance to Tweed Shire made it very difficult to know what to choose to make the most of the allocation.

Mr Broyd & I attended different field trips. This was a wise move, due to the high calibre of the trips. In annexure 7, full details of the extensive professionally narrated tour I undertook (also attended by a GCC Councillor) of the Wairau Plains around Blenheim in the council district of Marlborough on the South Island. Thirty subject sites were visited covering such subjects as:

<<< Bush Fires, Beach Restoration, Drainage Management, Floods, Contamination of Groundwater, Industrial conflicts on creeks, Erosion, Stormwater runoff, Wetlands management, Residential expansion, Rural development controls, Viticulture growth, Ecology projects, Waste water disposal, Aquifer. There was also a special report on impacts of the new high-speed ferry on the Marlborough Sound, the contents of which can certainly be applied (scaled down) to our river.

I also attach as Annexures 8 & 9 information collected from workshops on:- Consultation & Mediation - Environmental Legal Aid: History & Hurdles & The New Zealand Waste Strategy - towards Zero waste. Both make interesting reading & give an insight for comparison to the systems we have in place here in Australia.

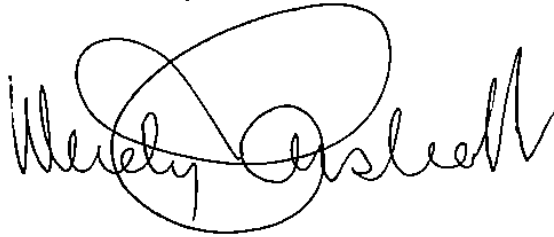
In conclusion, I can only thank Council for giving me the opportunity of attending & therefore increasing my knowledge in so many important fields as was covered by this

## Delegate's Reports

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innovative, informative & rewarding conference. I would highly recommend Councillors attend any future planning conference as the subject & content is so far reaching & varied. This can only assist us in the difficult task ahead in assessing matters which come before us & understanding the reasons behind recommendations & reports to Council for our deliberation & decision.

Yours Sincerely,





# Orders of the Day

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## 1. Notice of Rescission - Cr Brinsmead, Cr Lawrie and Cr Youngblutt

### **Development Application 0758/2001DA for the Erection of Tourist Accommodation Comprising 4 Units at Lot 6 Section 3 DP 9453, No. 4 Sutherland Street, Kingscliff**

**Notice of Rescission; DA5345/280 Pt1; 5345.280; DW670457**

That Council resolution at Minute No 934 in relation to Item 2 of the Meeting held Wednesday 1 May 2002 being:-

*".....that Development Application 0758/2001DA for the erection of tourist accommodation comprising 4 units at Lot 6 Section 3 DP 9453, No. 4 Sutherland Street, Kingscliff be refused for the following reasons:-*

- 1. The proposed development exceeds the height limitation of the Tweed Local Environmental Plan 2000 (79C(1)(a)(i) EP&A Act 1979), and the objection lodged under State Environmental Planning Policy No. 1 is not acceptable.*
- 2. The proposed development does not meet the building type for the site provided under Development Control Plan No.43 – Kingscliff (79C(1)(a)(iii) EP&A Act 1979).*
- 3. The proposed development does not meet the building setback requirements provided under development Control Plan No.6 – Multi Dwelling Housing (79C(1)(a)(iii) EP&A Act 1979).*
- 4. The undesirable precedent that would be set by the development for potential development of adjoining or other land in the locality (79C(1)(b) EP&A Act 1979).*
- 5. The proposed development is unsuitable for the site and is likely to impact on the existing amenity and character of the locality through the precedence of that development to development in the locality (79C(1)(c) EP&A Act 1979).*
- 6. The proposed development undermines the planning objectives for the locality and precinct and would not be in the public interest (79C(1)(e) EP&A Act 1979)."*

**be rescinded.**

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## 2. Notice of Rescission - Cr Boyd, Cr Carroll and Cr James

### **Council Meeting Policy**

**Notice of Rescission; Council Policies; DAP; Council – Meetings; DW670456**

That Council resolution at Minute No 345 in relation to Item 3 Orders of the Day of the Meeting held Wednesday 17 October 2001 being:-

## Orders of the Day

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*".....that pursuant of the Section 232 of the Local Government Act defining that the role of a Councillor "as a member of the governing body of the Council" is "to direct and control the affairs of Council," "to play a key role in the creation and review of the Council's policies," "to review the performance of the Council and delivery of services," "to provide leadership and guidance to the community,; and "to facilitate communication between the community and the Council" pursuant also with the General Manager's initiatives already undertaken to promote a better flow of information and communication between Councillors and staff: and pursuant of Council's policy to foster a transparent and open process in the planning and development process:*

*Council clarifies its policy and its attitude in respect to meetings or talks with business persons and developers doing business and proposing to do business with Council, as follows:*

- 1. It is appropriate that the Mayor and/or any other Councillor attend any meeting of the Development Assessment Panel.*
- 2. It is appropriate that the Mayor and/or any other Councillor should, upon the request of a development applicant (or any other party doing or proposing to do business with Council), meet with such an applicant in talks with relevant Council officers.*
- 3. It is appropriate that the Mayor and/or any other Councillor should, if the need arises, initiate and be present at talks between a development applicant (or any other party doing or proposing to do business with Council) and relevant Council officers.*
- 4. It is appropriate that the Mayor and/or any other Councillor attend talks with any applicant (or any person doing business with Council) and Council officers at the request of Council officers.*
- 5. The Mayor should liaise with the General Manager in all matters involving the Council staff."*

**be rescinded.**

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### **3. Notice of Motion - Cr Boyd**

#### **Wardrop Valley Industrial Land**

#### **Notice of Motion; Land Development - Wardrop Valley; Industrial Development - General; 5810.305; DW671041**

That with the impending development of the Wardrop Valley industrial land that Council approaches the NSW Department of State and Regional Development to ascertain whether it is in a position to proceed with the development of the Wardrop Valley Foodpark as proposed in its Tweed Valley Country Centres Growth Strategy.

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## Orders of the Day

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### 4. Notice of Rescission - Cr James, Cr Luff and Cr Carroll

#### **Negotiations for Public Open Space around Lake Kimberley and Related Development Control Plan Amendment and Development Application**

#### **Notice of Rescission; DA5937/740 Pt3; Land – Purchase; DW672055**

That Council resolution at Minute No 553 in relation to Item 13c of the Meeting held Wednesday 19 December 2001 being:-

*".....that:-*

- 1. Council endorses the proposal to Bradshaw Developments in terms of \$551,085 to acquire parcels 1, 2 and 5 in option 2, plus 1566m2 adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP No 3 – Banora Point/South Tweed, amendment as sought to LEP of amendment no. DA K99/1682.*
- 2. Compensates Bradshaw Developments \$22,500, being half the cost of the bridge.*
- 3. Acknowledges Bradshaw Developments forthcoming application and intent to construct a sewerage pump station and/or stormwater."*

**be rescinded.**

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# Orders of the Day

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# Workshops

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Councillors,

Following are details of upcoming Workshops of Council:-

**1. Kingscliff Centres Study Workshop**

**Date:** 29 May 2002  
**Time & Duration:** 7.30 – 9.00pm  
**Organiser:** Doug Jardine  
**Resolved by Council:** No

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# Workshops

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