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Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

Current Status: Policy currently being developed.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

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

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

Schedule of Outstanding Resolutions

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon (Ppty No: 1640.430)

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

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

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

5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

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

Current Status: Other priorities at this stage and holding this in abeyance.

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

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; LEP

852

Cr Marshall

Cr Boyd

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

Current Status: Awaiting release of the Study.

REPORTS FROM SUB-COMMITTEES

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

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.

Schedule of Outstanding Resolutions

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.

19 JUNE 2002

REPORTS FROM DIRECTOR ENGINEERING SERVICES

20. NSW Floodplain Management Authorities Annual Conference

Floodplain Management - Annual Conference

1113

Cr Boyd

Cr Marshall

RESOLVED that officers bring forward a report on the estimated costs in relation to raising the Murwillumbah East Levy and the Dorothy Street Levee.

Current Status: Report being prepared.

ORDERS OF THE DAY

2. Complying Development Applications

Notice of Motion; Building Code; DW678238

1126

Cr Lawrie

Cr Youngblutt

RESOLVED that Council requests staff to:-

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

Current Status: Being investigated.

Schedule of Outstanding Resolutions

3. Bruce Chick Park

Notice of Motion; Bruce Chick Park; DW678989

1127

Cr Boyd

Cr Marshall

RESOLVED that:-

1. A plan be developed for road access and parking at Chick Park;
2. An estimate of cost be prepared for such work to be carried out.

Current Status: Plan and cost involved being prepared.

QUESTION TIME

Census Population Data

Population Statistics

Cr Boyd

What is the population of Tweed Shire?

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

Current Status: Report to Council Meeting 21 August 2002.

3 JULY 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

10

Cr James

Cr Davidson

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

Current Status: Awaiting response from NSW Fisheries.

Schedule of Outstanding Resolutions

17 JULY 2002

6. **Draft Open Space Infrastructure Policy, Amendment of Section 94 Contribution Plan No 5 - Local Open Space and Draft Section 94 Plan No 26 - Shire Wide/Regional Open Space**

GT1/S94/5 Pt1; GT1/S94/26 Pt1; GT1/S94/5-A Pt1; S94

69

Cr Lawrie

Cr Youngblutt

RESOLVED that this item be deferred so that “like” information on a shirewide basis is brought before Council for further consideration.

Current Status: Report pending.

Mayoral Minute

Councillors,

1. Tweed Heads PCYC Redevelopment Planning Workshop

Councillors' Invitation

19 July attended Tweed Heads PCYC Redevelopment Planning Workshop

2. Public Information Forum on Mental Illness

Disabled Matters

20 July attended a Public Information Forum on Mental Illness conducted by the Rotary Club of Mt Warning AM held in the Murwillumbah Auditorium.

3. Latitude28

DA4040/100 Pt. 7

24 July attended a meeting with Planning NSW at Tweed Head Civic Centre to discuss aspects of the Latitude 28 Project

4. Cudgen Fire Station

Rural Fire Service

28 July attending the Opening by the Hon. Bob Debus of the Cudgen Fire Station

5. National Roads Congress – Toowoomba

Seminars General

28-30 July together with Crs. Davidson and Beck and the General Manager Dr. John Griffin attended the National Roads Congress in Toowoomba

6. Pottsville Village Strategy

Strategic Planning

30 July attended meeting of the Pottsville Community Association to discuss the future direction of Pottsville.

Mayoral Minute

7. Tweed Schools Debate

Local Government Week

31 July attend the THCC for the Tweed Schools Debate organised as part of Local Government Week

8. Kingscliff Community Health Centre

Kingscliff Community Health Centre

1 August attend the opening of the Kingscliff Community Health Centre by the Hon. Craig Knowles MP

9. Lindisfarne Anglican School

Councillors' Invitations

2 August attending the Ordination to Diaconate of Mr. Russell Trickey and Dr. John Tyman and the official opening and naming of school Buildings

10. Yelgun to Chinderah Freeway

R5495 Pt.7

4 August attend the official opening of the Yelgun to Chinderah Freeway

11. United Hospitals Auxiliaries of NSW

Hospitals

5 August attend the Annual General Meeting of the Tweed Heads Hospital Auxiliary

12. South Tweed Bowls Club – Ken Williams Memorial Fours Pro-Am

Councillors' Invitations

5 August – attend BBB afternoon at South Tweed Bowls Club for start of the 2002 Ken Williams Memorial Fours.

13. Veterans' Affairs Network

Councillors' Invitations

6 August attend opening by The Hon. Danna Vale MP of the Veterans' affairs Network office at Tweed Mall Shopping Centre

Mayoral Minute

14. Geographical Names Board

Geographical Names Board

7 August meet with the members of the Geographical Names Board of NSW to discuss current naming issues

INVITATIONS ACCEPTED:

- 8 August -Open Marine Environmental Study Centre at Hastings Point
- 9 August – Citizenship Ceremony THCC
- 10 August – Lindisfarne Foundation Ball at Club Banora
- 14 August – Red Cross Zone Conference at Club Banora
- 14 August – Wreath Laying Ceremony 29th Australian Infantry Brigade Assoc. at Twin Towns
- 15 August – Proposed visit to Sydney to meet with Premier re Art Gallery (to be confirmed)
- 17 August – Annual Antique & Collectable Fair (THCC)
- 19 August – United Hospital Auxiliaries – Annual General Meeting of the Murwillumbah Hospital Auxiliary
- 19 August – Annual Sponsors’ Dinner Tweed Heads Bowls Club

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

- **LGSA Learning – Councillor Professional Development Program**
Two Councillor Weekend Workshops are scheduled, one on 24-25 August at the Sebel Resort & Spa, Hawkesbury, Windsor and the other on 21-22 September in Queanbeyan
 - **International Cities & Town Centres Conference** to be held at the Caloundra Culture Centre, Caloundra 18-21 August
 - **Alice Springs Town Council invitation to “Outback Central 2002, Songlines from the Alice”** to be held in Alice Springs from 23 August until 1 September a premier event to celebrate the year of the outback
-

Mayoral Minute

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

5 August 2002 Sub-Regional General Managers' Group Meeting
Mullumbimby

8 August 2002 Town Centres Forum
Sydney

13 August 2002 Lismore Living Centres Reference Group Meeting
Mullumbimby

14 August 2002 Launch of iPlan & Meeting to Discuss planFIRST
Grafton

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

5 August 2002 Sub-Regional General Managers' Group Meeting
Mullumbimby

6 August 2002 NRITG Meeting
Casino

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

Nil.

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

5 August Consultative Committee Coastal Area of the RTA
Grafton Northern Region

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

Nil.

Items Deferred

ITEMS DEFERRED FROM MEETING HELD 17 JULY 2002

ORDERS OF THE DAY – NOTICES OF MOTION

2. *Water Supply*

Notice of Motion; Water Supply – General; DW683854

96

Cr Polglase

Cr Beck

RESOLVED that this item be deferred to a meeting where Cr Boyd could be present to speak to his Motion.

2. **Notice of Motion - Cr Boyd**

Water Supply

Notice of Motion; Water Supply – General; DW683854

That Council:-

1. Debates the issue of the possible sale of water from the Tweed Valley to the Gold Coast City Council;
2. Seeks a response from the relevant New South Wales Minister as to whether any such sale would be sanctioned by the New South Wales Government.

3. *Tweed Heads Civic Centre*

Notice of Motion; Southern Cross Uni; Civic Centre - Tweed Heads; DW683855

97

Cr Polglase

Cr Beck

RESOLVED that this item be deferred to a meeting where Cr Boyd could be present to speak to his Motion.

Items Deferred

3. Notice of Motion - Cr Boyd

Tweed Heads Civic Centre

Notice of Motion; Southern Cross Uni; Civic Centre - Tweed Heads; DW683855

That Council clarifies its position concerning the statement attributed to Cr Lawrie in the recent edition of the Tweed Sun wherein he alleges Council is considering the sale of the Tweed Heads Civic Centre to the Southern Cross University.

Reports from Director Development Services

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

Reports from Director Development Services

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Reports from Director Development Services

1. **ORIGIN:** Development Assessment Unit
FILE REF: DA3120/100 Pt1, Ppty No: 3120.100

REPORT TITLE:

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

SUMMARY OF REPORT:

Council has considered two reports in relation to the Review of Determination application made for the subject application to amend a three lot subdivision at Lundberg Drive, Murwillumbah.

On 17 July 2002 Council resolved that the Director of Development Services brings back a report presenting options to Council for consideration.

The following report addresses the options available to Council with regard for a recent submission with the applicant dated 23 July 2002 and on site negotiations undertaken.

The applicant also seeks the support of Council in relation to two matters that are likely to form a future Section 96 application, these being car parking and kerb and gutter as detailed in the following report.

RECOMMENDATION:

That the application to Review the Determination of Development Application 0028/2002S96 for an amendment of Development Consent 0661/2001DA for a three (3) lot industrial subdivision at Lot 3 DP 717401 and Lot 12 DP 1000868 No. 22 Lundberg Drive, Murwillumbah, be refused.

Reports from Director Development Services

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

Cost: Nil

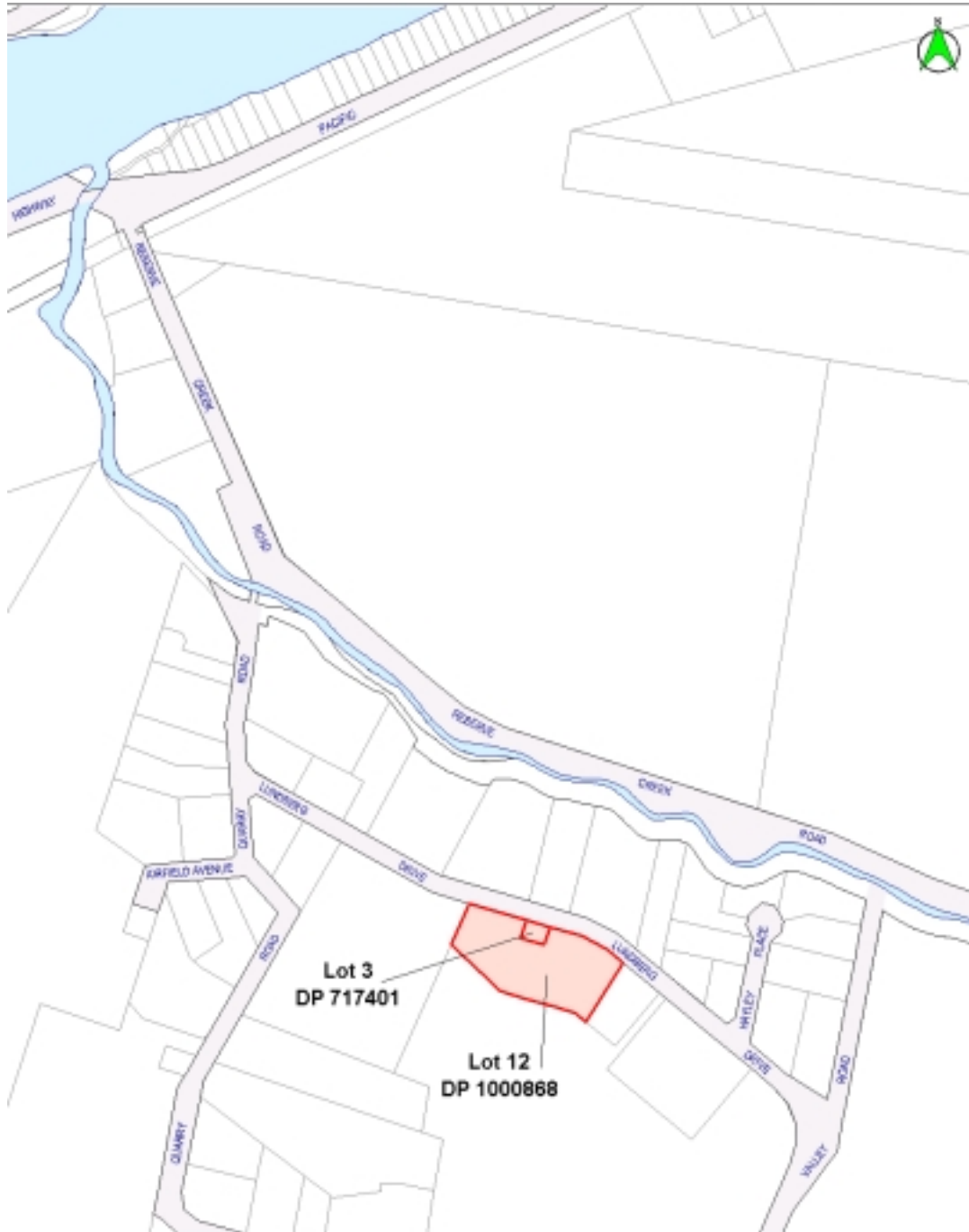
BACKGROUND

Council has considered a report in relation to the application to amend the development consent on 15th May 2002. Subsequently Council has considered two reports in relation to an application to review the determination on 3rd July 2002 and 17th July 2002.

This report addresses the issues raised by the applicant in further submission received 23/7/2002.

Reports from Director Development Services

SITE DIAGRAM



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TWEED SHIRE COUNCIL
 Lot 3 DP 717401 & Lot 12 DP 1000868
 22 Lundberg Drive, Murwillumbah
 File: N:\Info\Info d... Site Plan Wor Author: J. Batchelor Date: 31/May/02

STRATEGIC PLANNING UNIT

Site Plan
 Sheet 1 of 1
 Revision: _____

Reports from Director Development Services

CONSIDERATIONS OF MATTERS RAISED IN THE REVIEW OF DETERMINATION SUBMISSION

The applicant has submitted as part of the Review of Determination submission a number of requests beyond the original amendment application submitted with Council. As stated in a report to Council dated 17th July 2002 the applicant will have to pursue these changes by way of a fresh Section 96 application.

The applicant has made a further submission on 23/7/2002 identifying the various amendments being sought at this stage, and those to be sought by way of a future Section 96 application.

The following report addresses the submission in relation to matters being sought at this stage for the Review of Determination and those being sought in the future with the Section 96 application. The applicant is requesting Council's agreement to his submission in relation to the content of the future Section 96 application.

REVIEW OF DETERMINATION

Contributions

The applicant maintains the submission that Condition No.1 and Condition No.2 are onerous. These are the monetary contributions applicable to subdivision in the Shire. These total \$9,36,741 at the time of consent and are applicable for one year commencing from 31/10/2001 after which the new rates will apply.

Comment

As stated in the report to Council of 15th May 2002 these conditions should be reaffirmed as they are in accordance with Council's Contributions Plans and Fees and Charges.

Options

1. Reaffirm the conditions as provided for in Development Consent 0661/2001DA, or
2. Delete Condition No.1 and / or Condition No.2 of Development Consent 0661/2001DA.

Stormwater

The applicant maintains the submission that Condition No.36 and Condition No.37 are not relevant and should be deleted.

Comment

As detailed in the report to Council dated 15th May 2002 the stormwater conditions are in accordance with the Tweed Urban Stormwater Management Plan and are relevant to the approval to the extent that the increase in impervious area requires management of stormwater run off.

Option

1. Reaffirm Condition No.36 and Condition No.37, or
2. Delete Condition No.36 and Condition No.37.

Sewerage

The applicant maintains the original submission that Condition No.38 should be deleted.

Comment

Council's report of the 15th May 2002 details the standard practice for a development of this nature.

Reports from Director Development Services

The risks associated with the applicant's request may compromise Council's physical ability to access the main for maintenance purposes as such is under a building.

Options

1. Reaffirm the condition, or
2. The following restrictions as to user be imposed:

Restriction as to user be imposed on proposed lot 15 stating that the land does not have direct access to public sewer and that any future development application for the development of that land may require the extension of Council's main.

Restriction as to user be imposed on proposed lot 14 that details the requirements and intent of condition 38(2), or
3. Delete Condition No. 38(1), (2) and (3), retaining the basic requirement that each lot be serviced.

Option No. 3 is strongly recommended not be supported.

Easement for Sewer

The applicant originally submitted in the amendment application that Condition No.38(3) which relates to sewer over the subject land places onerous requirements particularly in relation to the provision of easements for sewer and that such will be a barrier for future sale of property.

Comment

The report to Council on 15th May 2002 detailed this aspect and stated that 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.

Option

1. Replace Condition No.38(3) with the following statement;

"Structures are not permitted over sewer mains.", or
2. Reaffirm the existing condition.

Review of Fee

The applicant has requested the review of determination fee of \$165.00 be refunded.

Comment

The fee charged is in accordance with Council's Fees and Charges and the Regulations.

Options

1. Decline to refund the fee, or
2. Refund the \$165.00 Review of Determination Fee.

FUTURE SECTION 96 APPLICATION

Car Parking

The applicant originally submitted in the amendment application that Condition No.16 was onerous in construction standard and the requirement prior to release of subdivision certificate.

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Since addressing the Community Access Committee the applicant is prepared to provide on site car parking at a reduced rate for proposed lot 13 from the required 26 spaces to 16 spaces. In addition it is submitted that these be provided on an existing concrete slab with the existing bitumen driveway and compressed ground area.

Comment

To support the proposed changes to Condition No.16 the applicant will need to accompany the fresh application to amend consent with a car parking submission in relation to the requirements of Development Control Plan No.2 – Access and Car Parking. Depending on the content of such submission there may be justification for the reduction in the number of spaces for proposed lot 13.

However it is noted that the applicant will still need to provide car parking to proposed lot 14 and proposed lot 15 as detailed in the condition. The applicant to date has not objected to the number of spaces in relation to these two allotments.

The applicant continues to make submission in relation to the construction standard of such car parking. These spaces need to be marked and provided in accordance with Development Control Plan No.2. The use of existing concrete may be appropriate providing all spaces are afforded the required standard and are marked. This means that compressed ground areas are not acceptable. The dust nuisance created by these areas will continue to reduce the quality of the development.

In addition, the car parking needs to be provided to all three allotments prior to release of subdivision certificate. If the works are not undertaken prior to release of subdivision certificate, Council will have difficulty enforcing the provision of car parking without taking action in the Land and Environment Court.

Option

The applicant be advised that:

1. Condition No.16 be reaffirmed as provided in Development Consent 0661/2001DA, or
2. Condition No.16 could be supported in the amended form of;

“Proposed lot 13 shall provide 16 off street car parking spaces, proposed lot 14 shall provide 5 off street car parking spaces and proposed lot 15 shall provide 2 off street car parking spaces. The layout and construction standards are to be in accordance with Development Control Plan No.2 – Parking Controls. These car parking areas are to be provided prior to the release of subdivision certificate. The proposed car parking area to proposed lot 13 shall include a landscaped area on the Lundberg Drive frontage adjacent to proposed spaces to afford screening of the car parking to the road.”

Where it can be demonstrated by a planning submission with a fresh application to amend the consent that proposed lot 13 and its development can be supported by 16 off street car parking spaces in accordance with Development Control Plan No.2.

Kerb and Gutter

The applicant originally submitted that the current kerb and gutter was adequate and that Condition No.28 should be deleted.

Since addressing the Community Access Committee the applicant has amended this position to be that kerb and gutter be provided for the full frontage of proposed lot 13 and that the requirement for kerb and gutter for proposed lots 14 and lot 15 be deleted.

Reports from Director Development Services

Comment

The applicant has not submitted as to why the standard is unreasonable other than not wishing to have the expense. The report to Council dated 15th May 2002 detailed the importance of kerb and gutter.

Options

1. Condition No.28 be reaffirmed as provided in Development Consent 0661/2001DA.
2. If Council wished to support the applicant –
Condition No.28 could be amended to;

The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. *Construct along the full length of the proposed lot 13 of the subdivision vertical face kerb and gutter on a 13m wide alignment, including any road widening that may be necessary along with associated sub-surface and over-land stormwater drainage systems.*

OPTIONS

1. Council can resolve to Review the Determination of the Section 96 Application and accept all or some of the applicants submissions for conditions 1, 2, 36, 37 and 38 for each condition as reported, or
2. Reaffirm the conditions as recommended.
3. Council can indicate support to the applicant for any Section 96 application submitted in accordance with Option 2 in relation to Condition No.16; and Option 2 in relation to Condition No. 28 kerb and gutter; or not support the intentions of the proposed likely future Section 96 Application.
4. If Council accepted the applicant submissions in the Section 96 Application for Conditions 1, 2, 36, 37 and 38, having had regard for the implications of deleting Condition No.38 - sewerage, then the appropriate decision in relation to Development Consent 0661/2001DA would be:
 - Delete Condition No.1, and
 - Delete Condition No.2, and
 - Delete Condition No.36, and
 - Delete Condition No.37, and
 - Delete Condition No. 38(1), (2) and (3), retaining the basic requirement that each lot be serviced.
5. Should Council have accepted the applicant's submissions accept in relation to sewerage the appropriate decision in relation to development Consent 0661/2001DA would be: -
 - Delete Condition No.1, and
 - Delete Condition No.2, and

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- Delete Condition No.36, and
- Delete Condition No.37, and
- Reaffirm Condition No. 38 and replace Condition No. 38(3) with the following statement;

“Structures are not permitted over sewer mains.”

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

As stated in the report of the 15th May 2002 the following financial/resource implications are raised by the application:

1. Reduction in Section 64 and 94 collection by \$9,836.71.
2. Continued damage to Council’s footpath due to the lack of kerb and gutter for proposed lot 14 and lot 15.
3. Continued use of the public roads 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 concluded that the application to Review the Determination and refund the fee should be refused and the determination to refuse the application to amend the development consent dated 27/5/2002 be reaffirmed.

It is open to the applicant to make a further application to modify the consent in relation to Condition No. 16 (car parking) and Condition No. 28 (kerb and gutter) as detailed in the report. Such application will need to be accompanied by supporting documentation at such time the merits of the application will be assessed.

If Council accepted the applicant submissions in the Section 96 Application for Conditions 1, 2, 36, 37 and 38, having had regard for the implications of deleting Condition No.38 - sewerage, then the appropriate decision in relation to Development Consent 0661/2001DA would be:

- Delete Condition No.1, and
- Delete Condition No.2, and
- Delete Condition No.36, and
- Delete Condition No.37, and
- Delete Condition No. 38(1), (2) and (3), retaining the basic requirement that each lot be serviced.

Should Council have accepted the applicant’s submissions accept in relation to sewerage the appropriate decision in relation to development Consent 0661/2001DA would be: -

- Delete Condition No.1, and
- Delete Condition No.2, and
- Delete Condition No.36, and

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- Delete Condition No.37, and
- Reaffirm Condition No. 38 and replace Condition No. 38(3) with the following statement;

“Structures are not permitted over sewer mains.”

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2. ORIGIN: Development Assessment Unit

FILE REF: DA2150/885 Pt1, Pty No: 2150.885, Tree-Removal

REPORT TITLE:

Application for Removal of Trees - Lot 3 DP 1000385 Fraser Drive, Tweed Heads South

SUMMARY OF REPORT:

A request has been received under Council's Tree Preservation Order for the removal of approximately 11 trees (Blackbutt and ironbark) on the above property to use for fencing and stockyard maintenance. The land is one of the last englobo parcels left for urban development in the Banora Point West/Tweed Heads South urban release area. No assessment has been made in the application of the impacts of the proposal on flora and fauna on the scenic quality of the area.

RECOMMENDATION:

That the application by W & R Sullivan under Council's Tree Preservation order for the removal of trees on Lot 3 DP 1000385 Fraser Drive, Tweed Heads South be refused as no impact of the clearing on flora and fauna as well as the scenic quality of the locality has been carried out by the applicants.

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REPORT:

On 24 May 2002 Council received an application from W & R Sullivan to remove 11 trees (Blackbutt and ironbark) from Lot 3 DP 1000385 Fraser Drive, Tweed Heads South. The trees are to be used for upgrading of fences and stockyards on the subject land.

A copy of the application form and the plan indicating the area from which the trees are to be removed are attached to this report and marked "A".

The subject land is zoned partly 2(c) Urban Expansion, 2(e) Residential Tourist and 6(b) Recreation. The property is also covered by Council's Tree Preservation Order.

Clause 54 of Tweed Local Environmental Plan 2000 (TLEP 2000) relates to Tree Preservation Orders and the objective of this clause is: -

"To enable the protection of vegetation for reasons of amenity or ecology".

A representative of Council's Recreation Unit met with Mr Sullivan on site on 3 June 2002 to discuss this matter. At this meeting Mr Sullivan indicated that he could not get enough trees of suitable quality in the stand of trees indicated on his application (see plan in Attachment A) and that he would need to obtain additional trees from another area on the site. The locality from which the trees are now to be removed are shown in the plan attached to this report and marked "B".

On 11 June 2002 the Manager Development Assessment advised Mr Sullivan that he did not support the application for the removal of the tree particularly having regard to the zoning of the subject land under TLEP 2000. It was noted that the trees were mature and in good condition.

At the request of Mr Sullivan this decision was reviewed by the Director of Development Services who confirmed Council's previous advice in a letter dated 9 July 2002.

Mr Sullivan addressed Council's Community Access session on 10 July 2002 and a copy of his further submission is attached to this agenda and marked "C".

COMMENT

As mentioned earlier in this report the subject land has urban zonings and is part of the urban release area of West Banora Point/Tweed Heads South and is one of the last remaining areas of undeveloped engloba land in Development Control Plan No. 3 – Banora Point West/Tweed Heads South.

The localities from which the trees are proposed to be removed has significant vegetation and no assessment has been made in this application on the likely impact on flora and fauna or the scenic quality of the area. Any application for the development of the site in accordance with the zoning under Council's LEP would need to include such an assessment.

In the absence of such an assessment approval should not be given to the removal of the trees as requested.

OPTIONS

The options available to Council in relation to this matter are as follows: -

1. Refuse the application.
2. Defer a decision on the application and request the applicant to provide additional information with regards the impact on flora and fauna and scenic quality of the area.

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3. Approve the request.

CONCLUSION

For the reasons referred to above option 1 is recommended.

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- 3. ORIGIN:** Strategic Town Planning Unit
FILE REF: Industrial Land Investigation Study

REPORT TITLE:

Industrial Land Investigation - Update

SUMMARY OF REPORT:

Over the last two years there has been a growing appreciation for economic development within the Tweed Shire. In 2000 the Strategic Planning Unit undertook a shire wide constraints analysis to identify any potential new areas that could accommodate industrial land. On 5 April 2000, Council adopted the Industrial Land investigation report for potential industrial land within Tweed Shire. Over the last 2 years work has been undertaken to advance the proposed actions originally adopted in the April 2000 report.

This report reviews the work already undertaken and updates the original action plan for approval by Council.

RECOMMENDATION:

That:

1. The Mayor convenes meetings with:
 - a) key landowners within the Cobaki Lakes/Bilambil area to determine future employment generating lands within this area;
 - b) key landowners along Cudgera Creek Road to determine future employment generating lands within this area;
 - c) key landowners of undeveloped industrial or commerce and trade areas within the Shire to determine the impediments to their development.

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REPORT:

BACKGROUND

Currently there is 221 Hectares (2.2km²) of zoned industrial land within Tweed Shire. Some of this zoned land is currently undeveloped, but due to physical constraints such as flooding, slope and infrastructure provision, it is currently too costly to develop.

A review of the undeveloped industrial land within the Shire has indicated that there is approximately 114ha of undeveloped industrially zoned land. It is understood that there are constraints over particular portions.

These undeveloped parcels of land are:

1. Tweed Heads West
15ha
Industrial Zoned land at Tringa Street
2. Kingscliff/Chinderah
37ha
Industrial Zoned land west of Highway (RTA)
Industrial Zones land east of Highway (Gales Holdings)
3. Greenway Drive (Enterprise Ave)
12ha
Industrial Zoned land at Expo Park
4. Murwillumbah
50ha
Industrial Zoned land – Council Quarry, Brims Quarry, Wardrop Valley land

In 2000 the Strategic Planning Unit undertook a shire wide constraints analysis to identify any potential new areas that could accommodate industrial land. Over the last two years there has been a growing appreciation for economic development within the Tweed Shire.

Over the last 2 years work has been undertaken to advance the proposed actions originally adopted in the April 2000 report. In particular this work has culminated in the following (refer Table 1, Map 1);

Table 1 – Work Undertaken to Date on Industrial Land

<i>Map Ref</i>	<i>Area</i>	<i>Priority</i>	<i>Action</i>
1	Cobaki Lakes/ Bilambil Heights	Low	That Council undertake a review of the general Cobaki Lakes/ Bilambil Heights area with relevant landowners for inclusion of future Industrial/Commerce and Trade areas in the overall planning for these urban release areas.
2	Tweed Heads West Industrial Area	High	That Council continue negotiations with planningNSW and other relevant State Government agencies to promote this area for industrial purposes. That Council not pursue any LEP amendment process until the

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<i>Map Ref</i>	<i>Area</i>	<i>Priority</i>	<i>Action</i>
			development application for the Tugun Bypass has been approved by the Minister for Planning.
3	Kingscliff West <i>Draft LEP amendment 14)</i>	High	That Council continue work on the LEP amendment for Kingscliff sewerage treatment.
4	Kingscliff South	Low	That Council undertake a review of the general Kingscliff South area with relevant landowners for inclusion of future industrial/Commerce and Trade areas in the overall planning for these urban release areas when the Kings Forest LEP Amendment is recommenced.
5	Tanglewood	Med	That Council consider any proposal for industrial land in the Tanglewood estate as part of a Structure Plan for the whole area. Consideration has been given to the preliminary plans proposed by the owners of Tanglewood. This initial assessment has concluded that it would be premature to undertake an LEP Amendment for the industrial component of the Plans separately.
6	Hastings Point/ Round Mountain	Nil	That Council no longer pursue any draft LEP amendments within this locality for industrial purposes. This action to be deleted.
7	Pottsville - Cudgera Ck Rd <i>(Draft LEP amendment 29)</i>	High	The draft LEP Amendment No 29 'Pottsville Road' has been withheld due to issues raised in consultation with State Government Agencies. The proponents are currently reviewing the situation of this draft LEP. Further investigation is required.
8	Existing Highway, Murwillumbah South (Johansens)	Nil	That Council no longer pursue any draft LEP amendments within this locality for industrial purposes. This action to be deleted.
9	Murwillumbah Industrial Area <i>(Draft LEP Amendment 9)</i>	Low	That Council withhold any further work on the preparation of a draft LEP amendment for this area until all undertakings to sell Council's industrial land at Wardrop Valley have been finalised in accordance with Council's resolution of 19 December 2001.

DEVELOPMENT OF INDUSTRIAL LAND

The current pressing need for industrial land is simply not just to have land zoned for industrial purposes. There is also a need to have some of the existing zoned land released for development.

It is proposed that to achieve this, meetings be held between Council and current landowners of undeveloped industrial and commerce and trade land. The purpose of these meetings is to allow the

Reports from Director Development Services

landowners to articulate their perception of any impediments preventing the development of these lands.

These impediments need to include matters which are the responsibility of both State and Federal Governments. This will allow Council to assist in lobbying government to develop measures to overcome these identified impediments.

Incentives to industry to establish or expand in the Tweed should be considered as a completely separate matter to assistance to landowners wishing to subdivide and develop industrial land.

TWEED ECONOMIC DEVELOPMENT STRATEGY

In January this year Council adopted its Economic Development Strategy. The Strategy identified four key areas of economic development within the Shire. These are:

1. Primary Production;
2. Tourism and Cultural Industries;
3. Employment Generating Lands;
4. Community and Training Industries.

By identifying Employment Generating Lands the future sustainability of Tweed employment is acknowledged. Within this section of the Strategy one of the project is to ensure that there is an adequate supply of land to accommodate employment-generating industries. Equally as important, the Strategy identifies that the other following projects are important to economic development:

- A review on investment incentives;
- Development of a marketing strategy to attract and promote the Tweed as an attractive area to establish employment generating industries;
- Promotion of home based businesses.

OTHER WORK BEING UNDERTAKEN TO ASSIST IN THE DEVELOPMENT OF EMPLOYMENT GENERATING INDUSTRIES

- Amendment to Development Control Plan 3 – Banora Point to review the requirements of industrial development within 200 meters of the Banora Point Sewerage Treatment Works.
- Options presented to Council for providing an incentives package for attracting employment generating industries.

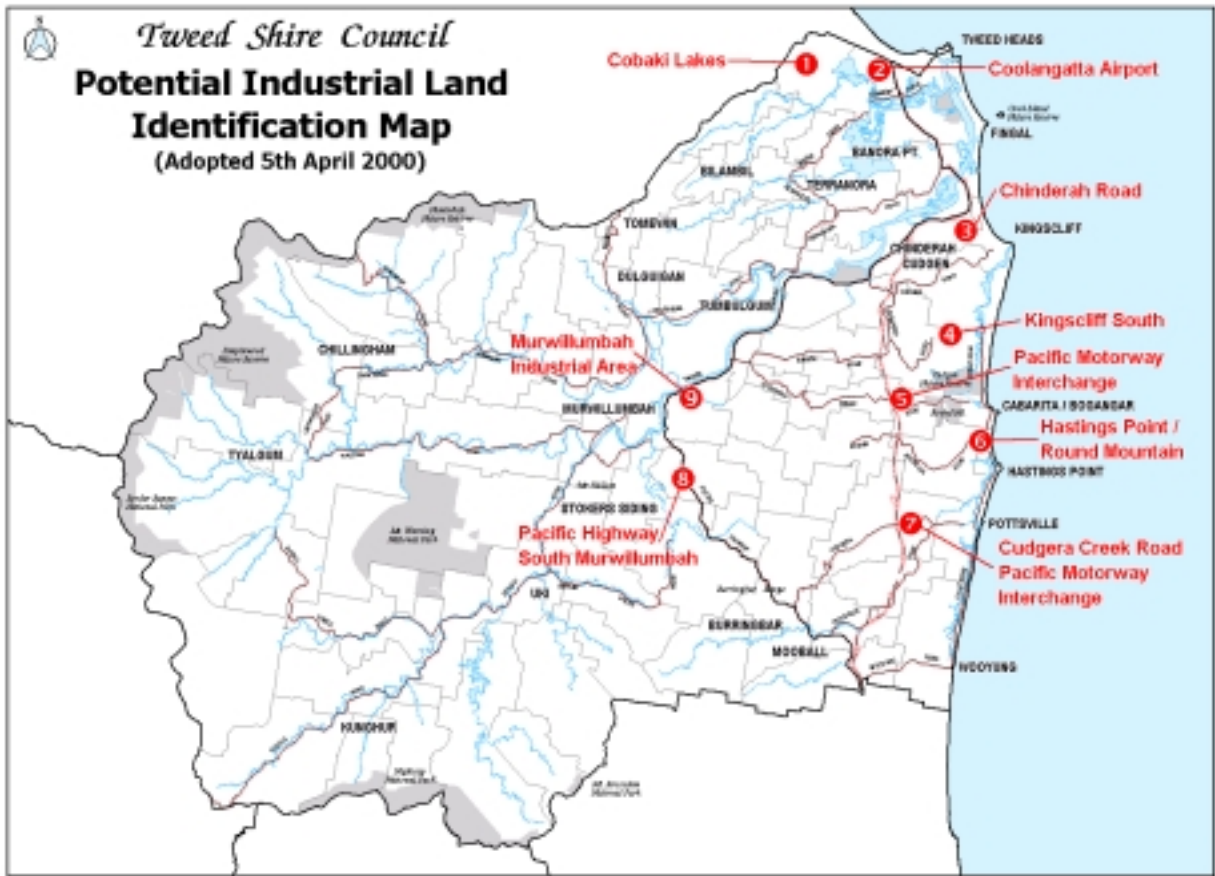
NEW PRIORITIES OF INDUSTRIAL LAND INVESTIGATION

Given the progress that has been undertaken on the Industrial Land Action Plan adopted on 5 April 2000 it is considered appropriate to update these priorities in accordance with Table 1.

CONCLUSION

From the work undertaken to date, work has progressed on zoning large amounts of existing zoned land already.

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Map 1 – Potential Industrial Land Identification Map

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4. ORIGIN: Development Assessment Unit

FILE REF: GS4/94/53 Pt3, Subd Appln

REPORT TITLE:

Bellevue Heights Estate, North Arm Road, Murwillumbah

SUMMARY OF REPORT:

The residential subdivision known as the Bellevue Heights Estate at Murwillumbah is subject to three development consents. The first consent issued in September 1991 included the requirement for a caveat over a proposed lot in the subdivision restricting any dealings with the lot without the approval of Council and until such time as open space requirements within the subdivision have been resolved. A request has now been received to lift this caveat. This report addresses the open space requirements for the development and the current status of the provision of suitable land and if there is now a need for the caveat.

RECOMMENDATION:

That

- A. In relation to the withdrawal of Caveat 1215382 over part of the land known as the Bellevue Heights Estate, North Arm Road, Murwillumbah, the owners be advised that subject to satisfactory arrangements being made for the payment of a contribution for casual open space for 59 lots - \$28,910 - in accordance with Clause 13.1 of Section 94 Contribution Plan No. 5 - Open Space Contribution, Council will support the withdrawal of the caveat.
- B. Any documentation associated with the withdrawal of Caveat 1215382 be executed under the Common Seal of Tweed Shire Council.

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REPORT:

BACKGROUND

The residential subdivision known as the Bellevue Heights Estate, North Arm Road, Murwillumbah is the subject of 3 development consents as follows: -

1. Development Consent S91/30 – this consent was issued on 25 September 1991 and was for the creation of 73 allotments. At the time of issuing this consent the requirements for open space had not been finally resolved and accordingly the following condition was included in the consent in relation to this matter: -

“17. A caveat or restriction as to user shall be registered over proposed Lot 16 restricting any dealings with this lot without the approval of Tweed Shire Council until such time as open space requirements within the subdivision have been resolved”.

2. Development Consent S92/73 – this consent was issued on 23 September 1992 and was for the creation of 15 allotments. This consent contained no specific conditions in relation to provision of open space however condition 17 of Consent S91/30 remained in force over the subject land.

3. Development Consent S94/53 – this consent was issued on 7 March 1996 and was for 106 lots. Condition 34 of this consent related to open space and was as follows: -

“34. Proposed lot 102 shall be dedicated as passive open space and suitably embellished including grassing, landscaping, seating and playground equipment in accordance with plans to be submitted and approved with the Part XII engineering plans. Work to be completed prior to the release of the linen plan.”

Consents S91/30 and S92/73 have been fully implemented and subdivision certificates issued for the residential lots that have been created in these approvals. Work on the first stage of consent S94/53 has been completed and a subdivision certificate issued for the lots created in that stage. That plan dedicated Lot 102 as open space and has an area of 2160m².

REPORT

A submission has now been received from the owners requesting the lift of the caveat over part of the subject land. A copy of the submission in support of lifting the caveat is attached to this agenda for the information of Councillors.

As can be seen by the submission from Castlefield Enterprises Pty Ltd central to that consideration is the provision of casual open space to meet the demands created by the subdivision.

The requirements for casual open space is contained in Section 94 Contribution Plan No. 5 – Open Space Contributions and in relation to Murwillumbah this requires the dedication of 33m² of land per lot or a contribution in lieu of the dedication of land of \$490 per lot.

The total number of residential lots either created or to be created under the 3 development consents referred to in the background section of this report are 193. This number of lots generates a demand for the dedication of 6369m² of land.

The most recent stage to be completed of this development has incorporated part of the area first identified for dedication as casual open space. This has enabled a critical assessment to be made of the area proposed to be dedicated for this purpose. Following a detailed site inspection of this land

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by the Manager Recreation Services agreement was reached in relation to the actual area of land to be dedicated. Because of site constraints the actual area acceptable under Council's current criteria has been reduced to 4416m². This is 1950m² less than the demand generated by the approvals.

Because of the topography of the remainder of the site there are no other suitable areas where land could be dedicated. In accordance with Section 94 Contribution Plan No. 5 this shortfall can be satisfied by the payment of a contribution in lieu of the dedication of the land. As previously indicated in this report this equates to \$490 per lot and for the area required this equates to an equivalent of 59 lots and therefore a contribution of \$28,910 should be required to satisfy the full requirements for casual open space associated with the 3 approvals referred to in the background section of this report. The submission from Castlefield Enterprises Pty Ltd attached to this agenda argues that this amount should be reduced and has offered \$15,000 to finalise the matter.

CONCLUSION

The submission from the owners in relation to this matter is for the withdrawal of Caveat 1215382. As indicated in Development Consent S91/30 this caveat is in place pending resolution of the open space requirements for the subdivision.

Although the original development consent indicated that there was an area of 8000m² proposed to be dedicated now that access roads have been constructed to this locality within the site a critical assessment has been able to be made of the suitability of this land to satisfy the casual open space needs. That assessment has concluded that 4416m² of that land is acceptable for use as casual open space. The embellishment of this area is a requirement of condition 3 of Consent S94/53.

The submission by the owners in relation to past payments of Council rates and Government land tax has no direct relationship with the obligations created by the subdivision for the provision of casual open space.

It is therefore concluded that for Council to be in a position to support the lifting of the caveat over the subject land it needs to be satisfied that condition 17 of consent S91/30 has been satisfactorily resolved. Now that an agreement has been reached on the actual area of land to be dedicated the contribution in lieu of dedication of the shortfall can be calculated as referred to earlier in this report. Therefore subject to satisfactory arrangements being made for the payment of the shortfall in lieu of the dedication of the land, ie. \$28,910, then the caveat could be withdrawn.

Any withdrawal of this caveat will also require the common seal of Council to be affixed to this document and a resolution would also be required to authorise this.

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5. ORIGIN: Strategic Town Planning Unit

FILE REF: DA1393/320 Pt1

REPORT TITLE:

Child Care Facilities at Banora Point Community Centre

SUMMARY OF REPORT:

This report addresses an issue arising from the Establishment Committee for the Banora Point Community Centre. A proposal to incorporate a community pre-school in the design has been submitted. Council and government policies have an important bearing on this issue, and it is concluded that the scope of the facilities provided should be limited.

RECOMMENDATION:

That Council advises the Establishment Committee for the Banora Point Community Centre that the policy is to disengage from the provision of community preschool centres, but that Council will consider such a proposal as part of the Community Centre development if the Committee considers there is a justifiable case for some form of adjunct child care to support other activities carried on at the Community Centre, that:

- a) is in accordance with Version 3 of S94 Plan No 3;
- b) would share some of the common facilities; and
- c) would not limit opportunities for other activities.
- d) will not involve Council in terms of any insurance liabilities other than those associated with the Community Centre building itself.

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REPORT:

BACKGROUND

The Banora Point Establishment Committee has been investigating what facilities should be included in the design of the proposed Community Centre. Amongst suggested ideas is a proposal for a community preschool which would occupy specially-designed facilities forming part of the Centre during the daytime hours. This has given rise to controversy in the light of Council's changed policy in its S94 Plan for Banora Point concerning provision for child minding facilities.

In its original form Section 94 Plan No.3: Banora Point West/Tweed Heads South Community Facilities provided for child minding facilities as the stage 3 component ('childcare/other specialist group annexe') of the Community Centre, but when legislation introducing private child minding centres was passed in 1998 Council resolved to change its previous policy of supporting community-based child minding centres, and modified the S94 Plan. Version 3 of the S94 Plan dated 24 June 1998 only referred to 'adjunct child care' as part of extensions planned for stage 2. of the Community Centre.

ISSUES FOR CONSIDERATION.

- **Competition:**

Advice from DoCS Children's Services Worker indicates that childcare is profitable enough to be a market driven business. Council's major involvement in providing without cost a specialised facility with a full range of services as normally provided in a private child minding centre would be likely to provide an economic advantage to one business over other private businesses that finance their own facilities. The only way of avoiding this advantage would be if the proponent leased its facilities from the Community Centre.

The proponent does propose to lease the space it uses at the Centre in the usual manner. It does not propose to pay for any special adaptation of the room used, but requests Council to design it so that furniture can be rolled to the side, with lockable cupboards, so that the room can also be used by other groups, mainly during evenings and weekends.

There are some differences in the services provided by community preschools and private child minding centres:

- Preschools cater mainly for years 3-5, while minding centres provide also for babies,
- Preschools operate during school terms, minding centres all year (though vacation care may be provided in this proposal),
- Preschools have age classes and focus on preschool learning, while minding centres mix ages and do not prioritise learning.

- **Coordinator Funding:**

In the case of community preschool facilities, the people who staff the facility are usually funded by DoCS. In this case the proponent operates a community preschool in Tweed Heads, and the proposal is simply the relocation of an existing funded service. It is unlikely that DoCS would support Council in providing an additional preschool centre.

It should be noted that private child minding centres are funded by the Commonwealth in a similar way to community preschools by DoCS, including coordinator salary and per capita payments.

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- **Demand:**

Information from DoCS about the number of preschool facilities operating in the area indicates that some existing private centres are currently proposing expansions. Banora Point has probably the largest concentration of young families in the Shire, and demand for a range of family services is very strong in the area, as indicated by the recent re-location of The Family Centre family support organisation into South Tweed.

The proponent claims that there is no preschool in the Banora Point area, and the proposal will therefore provide choice between preschool and child minding services; and that most of the existing clientele in Tweed Heads comes from Banora Point residents.

- **Liability:**

It is assumed that any staff arising from a child care facility in the Community Centre would be the responsibility of the operator. However, Council may inherit other liabilities if it was to include such a facility notwithstanding the fact that any operator would also require public liability insurance. This would arise from Council's ownership of the Centre.

OPTIONS FOR BANORA POINT COMMUNITY CENTRE:

Council and the Establishment Committee have a limited range of options for child care facilities:

S94 Plan No.3 would allow Council to accept a proposal for adjunct child care to support other activities carried on at the Centre, which may include playgroups, before- and after-school care, occasional and vacation care. Facilities should be designed to be shared part-time with other users, such as by having special facilities for safe storage of equipment and furniture. This would be justified as being in line with the intention of the S94 Plan to encourage adjunct child care at the Community Centre as a service for those taking part in other activities there.

CONCLUSIONS

The issues surrounding the provision of child care facilities have become somewhat confused. There has never been an intention to eliminate child care facilities entirely from the Community Centre. The adjustments made to the S94 Plan in 1998 were a necessary response to changed circumstances, to re-focus the issue while still providing for legitimate child care needs.

These needs were seen both as a way of building synergy in the functioning of the Centre, and expanding the range of child care services available in an area of high demand.

It is considered that the current proposal could be tailored to meet the intentions written into the S94 Plan in 1998, and would not result in direct competition with the core activities of other private businesses.

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6. ORIGIN: Strategic Town Planning Unit

FILE REF: Industrial Development – General, TEDC

REPORT TITLE:

Employment Generating Incentives Package

SUMMARY OF REPORT:

At its meeting on 7 November, 2001 Council 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.”

This report was presented to Council on 5 June 2002. At this meeting Council resolved to undertake a Workshop with the Tweed Economic Development Corporation (TEDC) and Council to discuss options for investment incentives. This Workshop was held on 26 June 2002.

This report reviews the original report and puts forward new recommendations.

The purpose of the report is to explore the investment incentives that Council already offers potential industrial, commercial and retail developments as well as reviewing alternative methods of attracting industries to establish within the Tweed.

Some investment incentives presented in this report are options that Council could pursue. Each example will have costs associated with it, whether it is financial or resources.

In January 2002 Council adopted its Economic Development Strategy. The focus of the Strategy is to promote economic development, and subsequently employment generation, in the areas of primary production, employment generating lands, tourism and cultural industries as well as education and training. The Vision of the Strategy is “to establish a culture that encourages job creating investment growth that is beneficial to the community of the Tweed”.

In seeking to achieve this Vision Council has undertaken numerous programs which promote employment generating investment into Tweed Shire.

Council’s strategic planning role is a vital contributor to local economic development.

This report examines Council’s commitments to economic development, and other methods of assistance. The level of commitment is substantial, including \$729,696 to TEDC, TACTIC and Tweed Town Centres Committee. This amount has been increased from the exhibited draft Management Plan.

RECOMMENDATION:

That Council: -

1. Continues its current levels of financial assistance to economic development; and
2. Reaffirms its role and financial commitment to economic development based upon the Tweed Economic Development Strategy.

Reports from Director Development Services

REPORT:

BACKGROUND - NEED FOR AN INCENTIVES PACKAGE

A number of factors make job generation critical in the Tweed:

1. Unemployment in Tweed Shire is currently one of the highest in the State with 11.3% unemployment in the September, 2001 quarter.
2. That traditional industries of the Shire are facing decline presents unique challenges for economic development for the Tweed.
3. Over the last 20 years Commonwealth assistance to industry has declined dramatically through reductions in trade barriers and tariffs. This has increased the importance of state and local assistance.

At its meeting on 7 November, 2001 Council 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.”

This report was presented to Council on 5 June 2002. At this meeting Council resolved to undertake a Workshop with the Tweed Economic Development Corporation (TEDC) and Council to discuss options for investment incentives. This Workshop was held on 26 June 2002.

This report reviews the original report and puts forward new recommendations.

The purpose of the report is to explore the investment incentives that Council already offers potential industrial, commercial and retail developments as well as reviewing alternative methods of attracting industries to establish within the Tweed. This report:

- Sets out the specific investment incentives available to Council;
- Identifies selection criteria to determine eligible companies;
- Identifies those incentives which would be most appropriate for Council to pursue.

WHAT IS AN INCENTIVE?

The Industry Commission's assessment of investment incentives in Australia is a mechanism through which regions compete for economic development. Nationally this represents a zero-sum game. That is where one region may win over a new industry another region will lose that industry.

State and local governments play a fundamental role in facilitating economic development and this has been articulated into most of their major objectives. However competition between states or regions for economic benefit through industry attraction can undermine good economic policy and the most effective allocation of funding of social and physical infrastructure.

What actually constitutes assistance is extremely difficult and complex to define. Incentives can range from quantifiable financial incentives to providing advice. Some incentives become even more difficult to define when they start to encroach on service and infrastructure provisions that Council have a mandate to provide.

However some general categories include;

- 'In kind' facilitation
- 'In kind' data/information service

Reports from Director Development Services

- Cash grants
- Loans
- Loan guarantee
- Land at concessional cost
- Rate holidays
- Concessional cost for capital works
- Local purchasing preference

Specific State (NSW) and Federal assistance packages can offer far more attractive financial bonuses than Council can achieve. But this will not specifically attract these businesses to the Tweed.

Local government financial assistance to industry attraction represents an average of between 2 – 3% on individual local government budgets Australia wide.

Table 1 - Government Assistance to Attract Industry

Commonwealth	\$10.2 billion
State	\$2.1 billion
Payroll Exemptions	\$4.8 billion
Local Government	\$0.18 billion
Total	\$17.28 billion

Source: State, Territory and Local Government Assistance to Industry, Industry Commission, 1996.

In 1996 the Federal Government's Industry Commission undertook an extensive study paper on the effects on industry assistance. In the industry focus group interviews conducted through this study it was identified that what particular businesses want from their dealings with Council is to be welcomed to the region. This is usually manifest in the planning process.

Extensive research in Australia and overseas over the last 10 years has consistently reached the conclusion that the best industry incentive local governments can offer are not direct financial incentives. Council can attract industry by providing the right 'lifestyle' choice. Furthermore, the International Economic Development Council conducted a survey in the United States which identified that a majority of location decisions for corporate headquarters were made on 'where the spouse wants to live'. This can be achieved by providing the right quality of social and physical infrastructure offering a unique combination of urban, business and natural environments.

EXISTING INVESTMENT INCENTIVES UNDERTAKEN BY COUNCIL

Currently Council is undertaking numerous means of attracting investment to the Tweed. These are specifically listed below (Table 3).

Reports from Director Development Services

Table 2

Financial Assistance to Economic Development	2002/03 Budget
TEDC	\$204,500
TACTIC	\$290,808
Villages Program	\$100,000
Tweed Town Centres Program	\$51,500
TOTAL	\$729,696

Table 3 - Council's Assistance to Industry

2001/2002 Budget	2001/02	% Council Budget
Cross subsidisation of Farmland Rate	\$490,000 (Est)	0.4
Net cost to administer development services	\$250,000	0.2
Financial assistance to TEDC	\$150,000	0.1
Financial assistance to tourism industry, including TACTIC	\$235,808	0.2
Main St Coordinator (Tweed Town Centres Committee)	\$50,000	0.04
Financial assistance to festivals and events	\$31,930	0.03
Cross subsidisation of business rate (ie, maintaining business rate the same as residential rate)	\$1,700,000(Est)*	1.7
(* Note – based on business rate for NSW Local Government areas)		
TOTAL	\$2,167,738	2.1

Table 4: Existing Incentives Schemes

Incentive Scheme	Classification	Organisation
Local/Regional Incentives		
Tweed Investment Brochure	Promotional	TEDC
Business developer/Council facilitation	Administrative	TEDC
Invest Northern Rivers (Aquaculture, Forestry, Tourism, BioTech, Regional Cuisine, Multimedia, Environmental Science, Education)	Promotional	NRRDB
Direct Business Attraction	Promotional	TEDC
Tweed Shire Council		
Developer Bonuses		

Reports from Director Development Services

Incentive Scheme	Classification	Organisation
<ul style="list-style-type: none"> Floor Space Ratios in zone 3(a) & 3(b) in Tweed Heads (TLEP 2000, DCP 18) 	Policy	Tweed Shire Council
Tweed Roads Contribution Plan (S94 No 4)		
<ul style="list-style-type: none"> In-kind contributions and credits 	Policy	Tweed Shire Council
<ul style="list-style-type: none"> Deferred Payments 	Policy	Tweed Shire Council
<ul style="list-style-type: none"> Job creating developments – 40% discounts (Excludes residential construction) 	Policy	Tweed Shire Council
All other S94 contributions plans do not apply to retail, industrial and commercial developments except for S94 Administration Offices (S94 Plan No 18), Offsite Parking (S94 Plan No 23)	Policy	Tweed Shire Council
State Government		
Country Centres Growth Strategy	Grant/ Coordination	NSW State Govt
Living Centres	Grant	DUAP
Establishment Grant	Grant	DSRD
Expansion Grant	Grant	DSRD
Location Feasibility Analysis	Grant	DSRD
Business Planning and Technical Consultancy Subsidies	Grant	DSRD
Plant and Equipment/Key personnel Removal Costs	Grant	DSRD
Skills Training	Training	DSRD
Contributions Towards Infrastructure	Grant	DSRD
Offset Local Government Charges (Excludes DA Fees)	Grant	DSRD
Contribution to Regional Opportunities Investigations	Grant	DSRD
Contribution to Pay Roll Tax, Land Tax and Stamp Duty	Grant	DSRD
Country Centres Growth Strategy (Tweed)	Package	DSRD
Business Retention and Expansion Program	Package	DSRD
Agribusiness Alternatives Program	Package	DSRD
Federal Government		
Export Market Development Grants	Grant	AusTrade
Core Start	Grant	AusIndustry
Start Plus	Grant	AusIndustry

Reports from Director Development Services

Incentive Scheme	Classification	Organisation
Start Premium	Grant	AusIndustry
Start Graduate	Grant	AusIndustry
Concessional Loans	Loan	AusIndustry
R & D Tax Concession	Tax Relief	AusIndustry
Innovation Investment Fund	Grant	AusIndustry
Partnerships for Development	Package	Invest Australia
Regional Headquarters Initiative	Package	Invest Australia
Feasibility Study Fund	Grant	Invest Australia
Export Finance and Insurance Corporation (EFIC) (Federal Government)	Assistance	EFIC
Numerous other Industry Specific Incentives		

According to the 1999/2000 NSW Local Government Comparative Indicators prepared by the Department of Local Government, the following Average Rate per Business Assessment is as follows:

- NSW State average
\$3,162
- Category 4 Councils (small-medium Urban Regional Councils) \$2,000
- Tweed Shire Council
\$1,802

To attract a preferred type of employment generating industry to the Tweed it is important to have a consolidated approach to investment incentives. This will also need to be done in conjunction with incentives offered by State and Federal governments.

TYPES OF INVESTMENT INCENTIVES COUNCIL CAN EMPLOY

Given the findings of the Federal Government's Industrial Commission as well as the financial incentives provided by both State and Federal Government, it is not appropriate or effective for Council to undertake to provide cash incentives to assist employment-generating development.

It is important Council focus any investment incentives towards areas Council has resources, willingness and a mandate to undertake. A list of potential incentives is listed in Table 5. Currently the Tweed Economic Development Strategy has identified four particular industries which Council believe efforts should be invested to create employment and economic development. These areas are:

- Primary production;
- Tourism and cultural;
- Employment generating land;
- Community and training.

Reports from Director Development Services

It is important to ensure all of these sectors are supported through an investment incentives package. Particular investment incentives for these industries could include:

- Primary Production
 - LEP Amendments to ensure uses are in suitable zones (ie, forestry, aquaculture).
- Tourism
 - Direct officer assistance and advice to developments providing tourism infrastructure;
 - Undertake a review of requirements for tourism infrastructure.
- Employment Generating Lands
 - Ensuring adequate supply of suitable serviced land to accommodate employment generating industries;
 - Establish a complying development code for certain employment generating activities in zones 3(c) Commerce and Trade and 4(c) Industrial;
 - Review of business rating structure;
 - Direct enhanced officer assistance and advice to developments providing employment generation (Employment Generating Development Scheme);
 - Planning to facilitate more home based industries, businesses and employment.

From these guidelines it is recommended that a review include costs and sources of funds as well as presenting the more detailed proposals, which are limited to:

- Involvement in Shire wide and regional strategic planning to identify and promote future employment generating development lands;

OTHER ISSUES

- Any discounting of a S94 contribution plan will require alternative funding arrangements to be considered to make up the shortfall.
- If no specific arrangements are made then these shortfalls will ultimately be met through general revenue, which ultimately represents a cost to all ratepayers.
- S94 is a regulatory tool that effectively enables a mechanism to offset the public cost for private development.
- Any special rate must be linked to a specific benefit to the landowner and is open to challenge in the Land & Environment Court.

TWEED ECONOMIC DEVELOPMENT CORPORATION (TEDC)

The Tweed Economic Development Corporation (TEDC) was asked to give comment on what they considered to be important issues affecting investment incentives. The full impact of its response is Annexure 1 to this report.

The key issues identified in this response are industry attraction by developing industrial land with infrastructure, which is done in collaboration with State Government. Secondly, identify specific industries to target by conducting a review of which Tweed industries demonstrate a competitive advantage.

Reports from Director Development Services

In the 2002/03 Budget Council will expend \$729,696 on economic development within the Shire. This amount has increased substantially from the exhibited draft Management Plan. Considering this, it would be appropriate to encourage TEDC and TACTIC to merge to allow greater efficiencies to economic development programs as well as allow savings in administration costs.

TEDC'S RESPONSE

In the preparation of this report a draft was forwarded to TEDC for comment. TEDC's response is Annexure 1. The specific issues raised are addressed below.

1. *As a matter of urgency, a Tweed industry audit needs to be conducted as a joint venture action between TEDC and TSC.*

Conducting an industry audit is considered an important step in establishing which industry sectors we need to be able to adequately accommodate in the future. Some of this work has already been done through the Tweed Economic Development Strategy. There may be some scope to jointly pursue funding sources to undertake a study of this nature, however this is not considered relevant as part of an incentives package.

2. *That specific industry growth opportunities be identified, for example, marine manufacturing industry, food processing industry, and other yet to be identified.*

This becomes an implementation on Point 1. The Tweed Economic Development Strategy provides a mechanism for identifying opportunities for key industry growth.

3. *That industry specific incentives be developed to include:*

- a) *provision of hard infrastructure eg, boat launching facility at Condong;*
- b) *industry specific high yield job and wealth creation incentives eg, rate holidays, water rate subsidies etc;*
- c) *free and concessional water rates for up to 10 years for major industries;*
- d) *assistance with construction of internal roads;*
- e) *assistance with effluent disposal;*
- f) *leasing out of Council-owned and developed land for specified periods at minimal rates with an option to purchase; and*
- g) *rate holidays and/or substantial discounts for specified periods.*

The specific incentive opportunities identified cover concessions to the provision of infrastructure. These types of subsidies represent considerable capital cost. If Council were to subsidise these costs it would need to be borne from Council's existing budget allocations to Economic Development.

Estimated costings on these items cannot be determined, as each prospective development would be assessed on a case-by-case basis for eligibility.

4. *That a 'one stop shop' approval process be developed for specific, identified industries such as marine industry expansion to the proposed Tweed Valley Enterprise Park. Potential for recognised industry pre-approval as part of approval process – as happens in the Coomera Marine Precinct.*

Reports from Director Development Services

5. *That the 'one stop shop' approval process investigate the possibility of, in specified areas and within specified criteria, gaining the pre-approval of State and Federal Government agencies such as EPA, DUAP, DLWC and NPWS for specific industries in order to cut short the approval periods and red tape.*

Again, this is an approach that warrants further investigation. This would involve coordination by planningNSW. Also the role of TEDC becomes important as a conduit between potential employment generating developments, Council and State Government Agencies.

6. *Funds made available on an 'as needs' basis for TEDC to actively promote identified industrial, investment and growth opportunities. For example, Gold Coast City Council has a budget of \$60,000 to attend specific industry trade shows and more to develop marketing "industry specific" material, brochures etc.*

Currently Council allocates \$729,696 to economic development comprising funding for TEDC, TACTIC and Tweed Town Centres Committee. A specific budgetary allocation for this purpose would require the reorganisation of the Economic Development Principal Activity within the Budget.

The opportunity cost to Council of expending this \$729,696 would be:

1. Allocation of the 3% rate base being allocated to other functions of Council,
2. Savings attributed to interest of approximately \$4 million (being approximately \$5 million repaid over 20 years to accommodate the economic development function for 5 years).

Government Collaboration and Promotion

Currently there are a considerable number of incentive and investment schemes offered by the NSW State Government and Federal Government. It is essential that Council is aware of what schemes are already offered and that no duplication occurs. Furthermore it may be prudent to leave direct financial and grant incentives to the State and Federal governments.

The joint promotion of the Tweed as a conducive business climate will need to be done in collaboration with Tweed Economic Development Corporation, Department of State and Regional Development and AusIndustry. This collaboration should move towards the establishment of one package that offers all relevant information in one source.

CONCLUSION

Council already fulfils a very significant economic promotion role (refer Table 2) that is spread across Council's Divisions and funded external agencies. To attract a preferred type of employment generating industry to the Tweed it is important to have a consolidated approach to investment incentives. This will also need to be done in conjunction with incentives offered by State and Federal governments.

Reports from Director Development Services

Table 5: Optional Investment Incentives Available to Council

Investment Incentive	Classification
Land Use Incentives	
Preferred Development Assistance (<i>proposed Employment Generating Development Scheme</i>)	Administrative/Financial
Developer Bonuses (LEP/DCP)	Policy
Identification and release of land from Council's operational land stock	Administrative
• Council as developer	
• Joint Venture	
• Outright sale	
Pre-subdivision rate applies to developer, accumulate foregone rates and transfer to purchaser	Financial
Financial Incentives	
Rates Holiday	Policy/Financial
Reduced Commercial Rate	Financial
Discounting of DA fees	Financial
Tweed businesses develop a discount voucher scheme to newly established businesses	Financial
Discounting of S94 contribution charges for employment generating industries	Financial
Infrastructure Provision	
Provision of Infrastructure to employment generating areas	Financial
Fees and Charges (S608, 502, 501, 496 LG Act)	
Special Rate (S495 LG Act)	
Inclusionary Zoning and Specific Developer Contributions (S94 EP&A Act)	
General Rate increases (S508 LG Act)	
Borrowings/Loans (S621, 622, 623 LG Act)	
Grants	
Negotiated Agreements/Bargaining	
Joint Venture	
Asset Sales	

Reports from Director Development Services

Investment Incentive	Classification
Business Climate	
Business Networks	Promotional
Tweed Economic Development Strategy	Policy/Promotional
Lifestyle Promotion (Social Capital, attractive natural environment)	Promotional
Local Area Investment Promotion	
Support of local/regional economic development organisations	Promotional

Reports from Director Development Services

Annexure 1 – Response Received from Tweed Economic Development Corporation

22 February 2002

Mr Douglas Jardine
Manager, Strategic Town Planning Unit
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Dear Douglas,

Re: TEDC Comment on Incentive Package Proposal

Thank you for the opportunity to comment on the report titled “Employment Generating Incentive Packages”.

The proposal would appear to be a very good overview of Council’s role in terms of the planning process, infrastructure provision and an outline of the generally available, broad based incentives. The incentives that are available and proposed are, in our view, general and broad based and not necessarily specific enough.

A review by TEDC of recent research in the field of investment attraction indicates a need for a specific, targeted, investment growth and attraction strategy supported by tailored incentive packages. Perusal of other economic development units and local government authorities also indicates a definite focus on incentives targeted specifically at an appropriate industry sector, supported by a more general package of incentives which are smaller in benefit terms, compared to the industry specific incentives.

Industry specific incentives are greater in terms of benefits provided based on the fact that industries have the capacity to deliver greater returns to the community in terms of job and wealth creation. For example, to give a 10% rate reduction across the board may, on the surface, seem to be an adequate incentive to some businesses, but if the particular project or business had a greater job or wealth creating capacity – that is, economic value to the broader community – then Council may consider a rate holiday for an established period. This could be with a ‘no repayment’ clause or with a levy on rates after the term has expired.

Investment growth statistics show (as a general rule):

.../2

Reports from Director Development Services

Tweed Economic Development Corporation

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- New start up – 2%
- Relocated to the region – 11%
- Expanded into region – 20%
- Existing business expansion – 66%

In the case of the Tweed it is only of recent times that we have recognised the need to actively encourage the growth of our industry base. Most of the Tweed's focus in the past has been to react to growth, particularly in the areas of land subdivision and residential growth associated with an increase in demand for retail, service provider industries and social and community services.

This approach has been understandable in the past, but now due to the recognition of the region's demographics and associated high unemployment/low employment participation rates and low average per capita disposable income – there is an emerging shift in thinking. That shift is in recognising the need to develop a broader industry base targeted at developing a new economy focused on (in no specific order) tourism, manufacturing, warehousing, distribution centres, etc.

It is for this reason that the TEDC sees the need to quite specifically and quite deliberately focus incentives to better target our chosen market segments.

To begin the process, there is clearly a need to identify the current industry base in the Tweed. This was TEDC's aim behind the initial Murwillumbah Future's Study, a study that was hijacked by the prescriptive demands of the funding organisation at the time. The Tweed therefore still has not identified or audited its industry base and until such time as this is done, the Tweed will continue to follow a hit and miss, scatter gun approach to the encouragement of industry investment growth and attraction. **Our target audience is those we reach by accident!** Further, until such time as we identify our industry base, we will be unable to accurately measure growth.

Infrastructure as an Incentive

Clearly the provision of hard infrastructure as an incentive in specifically targeted industries creates a climate for that industry's growth both in terms of expanding the local businesses and in promoting the opportunities for investment and growth in that specific industry. For example, the provision of boat launching facilities at Condong is clearly an incentive for that industry. The marine industry is a growing industry in the Tweed and has the potential to grow if infrastructure is part of the climate. There should not be a need to ask industry to contribute to the hard infrastructure, nor complete reliance on government grants to provide the necessary infrastructure.

The TEDC's economic impact assessment on the marine industry (current) clearly demonstrates the broad community benefits in economic terms (including for Council) of this new to the Tweed, industry. Gold Coast City Council – who are our competitors in the field of industry attraction – are a classic example of what is needed in the Tweed, having an aggressive, appropriately funded approach to specific industry attraction.

How do they do it? Coomera Marine Precinct recently sent two Economic Development Unit officers to the National Boat Show in Sydney, armed with brochures and packages to attract marine industry operators to the Gold Coast. Their budget to attend trade shows is \$60,000.

Reports from Director Development Services

Tweed Economic Development Corporation

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What is the Tweed's approach? Wait for businesses to come to the Tweed where we have no industrial land, limited hard infrastructure, limited incentives, no 'one stop shop' approval process, no marketing of opportunities, no recognition of industry base, no pro-active, funded approach to investment attraction (aggressive or otherwise!), and where we can't even get a concrete pad on the riverbank to park a crane to launch the boats built here. The result: no manufacturing, processing, warehousing or distribution centres and local industry that has to expand out of the Tweed. No job or wealth creating industry growth.

A further example of the proactive approach is that of Leeton Shire Council in the Riverina. Leeton Shire Council has set aside an enormous industrial land bank, which they own and develop. Their vision for industrial growth was developed based on an industry audit which obviously highlighted the opportunity of value adding in agricultural products. Leeton targets small enterprises employing 20 or more people and their incentives include:

- Discount leasing of land for five years to business at minimal rents and with an option to purchase after 5 years or continue leasing at commercial rates;
- providing land for 5 years at no cost to the business with the option to purchase after 5 years;
- no rates charged for the first 5 years, or discounting rates;
- providing free water for up to 10 years for major industries;
- discounting water rates and/or periods of free water depending on jobs created;
- assistance with construction of internal roads; and
- assistance with effluent disposal.

Example: For the proposed Berry juice factory (now established), Council payed for a water filtration plan and allowed the Berry Company to pay the cost back over 10 years.

Leeton Shire has to purchase water rights and have purchased \$1 million of water rights for industry development alone. Leeton adopts a "very much structured", merit-based approach to incentive packages.

A summary of incentives offered by other Councils is attached for your information.

TEDC's Suggested Actions and Incentives

1. As a matter of urgency, a Tweed industry audit needs to be conducted as a joint venture action between TEDC and TSC.
2. That specific industry growth opportunities be identified, for example, marine manufacturing industry, food processing industry, and others yet to be identified.
3. That industry specific incentives be developed to include:
 - a) provision of hard infrastructure, e.g., boat launching facility at Condong;
 - b) industry specific high yield job and wealth creation incentives, e.g., rate holidays, water rate subsidies, etc.;
 - c) free and concessional water rates for up to 10 years for major industries;
 - d) assistance with construction of internal roads;
 - e) assistance with effluent disposal;
 - f) leasing out of Council-owned and developed land for specified periods at minimal rates with an option to purchase; and
 - g) rate holidays and/or substantial discounts for specified periods.

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Tweed Economic Development Corporation

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4. That a 'one stop shop' approval process be developed for specific, identified industries such as marine industry expansion to the proposed Tweed Valley Enterprise Park. Potential for recognised industry pre-approval as part of approval process – as happens in the Coomera Marine Precinct.
5. That the 'one stop shop' approval process investigate the possibility of, in specified areas and within specified criteria, gaining the pre-approval of State and Federal Government agencies such as EPA, DUAP, DWLC and NPWS for specific industries in order to cut short the approval periods and red tape.
6. Funds made available on an 'as needs' basis for TEDC to actively promote identified industrial, investment and growth opportunities. For example, Gold Coast City Council has a budget of \$60,000 to attend specific industry trade shows and more to develop marketing "industry specific" material, brochures, etc.

Doug, these are some thoughts and I would be happy to discuss them with you further.

Yours sincerely,

**TWEED ECONOMIC DEVELOPMENT
CORPORATION LTD**

**TOM SENTI
DEPUTY CHAIR and
CHIEF EXECUTIVE OFFICER**

Reports from Director Development Services

Tweed Economic Development Corporation

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Tamworth

- Industrial land at Tamworth is owned and was developed by Tamworth City Council.
- Will negotiate on price of land but will not sell below development cost.
- Council will also negotiate on water costs to balance capital down stream drainage costs and will allow some fees to be paid off over ten years.
- Council will negotiate on other costs and charges depending on number of jobs created.

Dubbo

- Dubbo City Council owns and developed industrial land.
- Land sells from \$20/m² down to \$10/ m².
- Will negotiate price of industrial land with most sites 1800 m² to 2000 m².
- Negotiate discounts on head works charges and DA fees and associated costs depending on number of jobs created.
- Water charges are not negotiable and are based on user pays.

Albury Wodonga

- Industrial land owned by Albury Wodonga Development Corporation – purchased over past 20 years.
- Will negotiate on price but won't sell below Valuer-General's.
- Negotiate rate holidays from 3 to 5 years.
- Negotiate on gutters, fences, water and sewerage as well as Council fees depending on number of jobs created.
- Develop packages for various projects and, in appropriate cases, the energy providers also become involved and offer incentives.
- Albury Wodonga has purchased \$1.2 million site for future industrial land.

Coffs Harbour

- Offers establishment and/or relocation grants as part of a local incentives scheme, depending on number of jobs created and does not include government jobs.
- Coffs Harbour Councillors are very involved in the incentives program and actually promote and present the incentives.
- Also offer discounts on DA fees, Section 94 contributions, rate holidays, water and sewerage and arrange energy discounts as part of a package.
- The above are determined and based on the economic impact of the business and in most cases are negotiated individually.

Leeton Shire Council

- Offer discounts on DA fees and Section 94 contributions.
- Negotiate rate holidays and on energy costs.

Reports from Director Development Services

7. ORIGIN: Development Assessment Unit
FILE REF: DA4170/35 Pt1, Ppty No: 4170.35

REPORT TITLE:

Request for Refund of Development Application and Construction Certificate Fees and Developer Contributions Paid for 1 x 2 and 1 x 3 Bedroom Units at Lots 1 and 2 DP 808125 Pearl Street, Kingscliff

SUMMARY OF REPORT:

The applicant requests full refund all application fees and Section 64 and 94 contributions already paid for a development involving the erection of 1 x 2 and 1 x 3 bedroom units, which has already been commenced. This totals \$14,130.01.

It is recommended that no development application fees or Section 64 and 94 contributions be refunded.

RECOMMENDATION:

That the request to refund all application fees and Section 64 and 94 contributions as itemised below which have already been paid for the erection of 1 x 2 and 1 x 3 bedroom units at Lots 1 and 2 DP 808125 Pearl Street, Kingscliff not be supported.

- * Development Application fees - \$770
- * Construction Certificate fees - \$654
- * Driveway access fee - \$80
- * Sewerage disconnection - \$80
- * Section 64 headworks: -
 - Water - \$3840
 - Sewer - \$3215
- * Section 94 contributions: -
 - TRCP - \$1820
 - Open Space (Structured) - \$426
 - Open Space (Casual) - \$333
 - West Kingscliff Drainage - \$363.20
 - Library Facilities - \$225
 - Eviron Cemetery - \$126
 - Community Facilities - \$492
 - Emergency Facilities - \$201
 - Council Administration - \$344.8
 - Cycleways - \$160

Reports from Director Development Services

REPORT:

Council has received a request seeking a refund of all application fees and Section 64 and 94 contributions already paid for a development approved by Council on 5 October 2001. The development involves the erection of 1 x 2 and 1 x 3 bedroom units at No. 8 Pearl Street, Kingscliff. The construction of the dwellings has already commenced.

The units will be associated with St Anthony's Presbytery and School currently operating on adjoining land. The units will in fact provide accommodation for the nuns and priests having duties with the existing school and church.

The applicant has paid the following: -

- Development application fees - \$770
- Construction certificate fees - \$1654
- Section 64 (Water and Sewer) - \$7,055
- Section 94 contributions - \$4,491.01
- Driveway access fee - \$80
- Sewerage disconnection - \$80
- Total - \$14,130.01**

The reason the applicant is seeking the refund is because of a precedent already set in recent times by Council and the Catholic Church in the community does equally as good a work as any other religious entity.

It is understood that Council does not refund application fees or Section 64 and 94 contributions for developments already determined. In addition, work has already commenced and Council's Building Officers have already undertaken a number of inspections.

The development is likely to create extra demand on Council's infrastructure and services. In addition the processing of the applications required many hours of work by Council officers resulting in a conditional approval. Inspections of the work already undertaken has also been carried out by Council's Building officers.

Subsequently, it is considered the costs of providing the infrastructure and services for the development should be fully met by the developers. The administration costs for processing the application should also be retained by Council.

Subsequently in this instance it is considered that no fees or contributions be refunded.

Reports from Director Corporate Services

8. ORIGIN: Director
FILE REF: TACTIC & TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc (TACTIC) Funding Agreements

SUMMARY OF REPORT:

Following Council's resolutions of 20 March 2002 Council's solicitors, Stacks the Law Firm with Halliday & Stainlay, have prepared draft funding agreements for both the Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc. (TACTIC) that reflects these resolutions.

RECOMMENDATION:

That the draft agreements for the Tweed Economic Development Corporation (TEDC) for three years and Tweed and Coolangatta Tourism Inc (TACTIC) for one year be adopted and executed under the Common Seal of Council.

Reports from Director Corporate Services

REPORT:

In accordance with Council's resolutions of 20 March 2002 the draft funding agreements for the Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc. (TACTIC) have been prepared by Council's solicitors Stacks the Law Firm with Halliday & Stainlay, based on the previous agreements and incorporating the resolution directives.

The draft documents have been referred to TEDC and TACTIC for their comment. To date no response has been received from either TEDC or TACTIC on this matter.

Following the presentation to Council by Terry Watson, General Manager, TACTIC, the attached letter was provided to the Mayor. The letter raises a number of funding expectations that are not provided for in the current Management Plan/Budget.

Reports from Director Corporate Services

**Tweed and Coolangatta
Tourism Incorporated**

10th July 2002

Mayor Warren Polglase
Tweed Shire Council
PO Box 816,
Murwillumbah NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	TACTIC
DOCUMENT No.	[] [] [] [] [] []
RECD	23 JUL 2002
BOX No.	[] [] [] []
ASSIGNED TO	CARPENTER J
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Mayor Polglase,

Further to our presentation to Councillors on 10th July 2002, and having met Council's condition of providing a fully costed Strategic Plan, we are hereby requesting a renewal of the contract between Tweed Shire Council and Tweed & Coolangatta Tourism Inc for the three years to 30th June 2005.

As discussed during the presentation, we are seeking:

- » \$259,000 for 2002/03; and
- » \$300,000 for the two subsequent years.

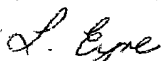
As further discussed during our presentation this funding will allow the organisation to substantially strengthen our tourism promotion and development program over the coming years.

TACTIC is currently pursuing an aggressive growth strategy including developing a brand for the Tweed, acquisition and installation of an on-line reservations systems and seeking funding to provide a full time Festivals & Events Liaison Officer in conjunction with TEDC and the TSC Cultural Development program. We are looking to substantially increase our revenue over the coming years which will then be returned to the Tweed economy via increased promotional activity.

We would like to take this opportunity to thank Council for their continued support and we look forward to strengthening our relationship over the coming years to ensure maximum value for the ratepayers' dollar.

Please don't hesitate to contact us if we can provide any further assistance with this issue.

Yours sincerely,



Lee Eyre
Chairman
Tweed & Coolangatta Tourism Inc

World Heritage Rainforest Centre: P O Box 336 Murwillumbah NSW 2484 Phone: (02) 6672 1340 Fax: (02) 6672 5948
Accommodation and Tour Bookings: Phone: 1800 674 414
Administration: P O Box 19 Tweed Heads NSW 2485 Phone: (07) 5536 4244 Fax: (07) 5536 4204
Email: tweedcool@bigpond.com Website: www.tweed-coolangatta.com

Reports from Director Corporate Services

The documents now require Council's endorsement and execution under the Common Seal of Council.

Reports from Director Corporate Services

9. ORIGIN: Financial & Information Services Unit

FILE REF: Fire Services Rural Fire Brigade

REPORT TITLE:

Increase in Fire Brigade Levy

SUMMARY OF REPORT:

Council has received advice from the NSW Fire Brigades that Council's 12.3% share of the 2002/03 contributions for the Tweed Heads Fire District operations will be \$209,833,000 an increase of 81% (\$94,531) over the 2001/02 levy. Council's contribution has been increased to provide for the permanent salaries and staffing operating costs of fire fighters at Tweed Heads. Council budget only provided for a 3.3% increase in accordance with the 2002/03 rate pegging limit set by the NSW Government. This budget shortfall needs to be considered by Council.

RECOMMENDATION:

That:-

1. Council makes representations to the Minister for Local Government, NSW Fire Brigades and Minister for Emergency Services objecting to its extent of the 2002/03 Fire Brigades contributions increases.
2. A copy of Council's submission be forwarded to Local Government and Shires Association.
3. The funding for the additional \$93,538 contribution for the three (3) 2002/03 fire levies be considered in Council's first Quarterly Budget Review (30 September 2002).

Reports from Director Corporate Services

REPORT:

Council has received advice from the NSW Fire Brigades that Council's 12.3% share of the 2002/03 contributions for the Tweed Heads Fire District operations will be \$209,833,000 an increase of 81% (\$94,531) over the 2001/02 levy. Council's contribution has increased to include the permanent salaries and staffing operating costs of fire fighters at Tweed Heads Fire District. Council only provided for a 3.3% increase in accordance with the 2002/03 rate pegging limit set by the NSW Government.

BACKGROUND TO LOCAL GOVERNMENT CONTRIBUTION TO FIRE BRIGADE COSTS

During each financial year, the Minister makes an estimate of fire brigade expenditure for the following financial year for approval by the Treasurer. Once funds have been appropriated for these purposes, the Commissioner prepares an estimate as to the fire brigades' requirements for each fire district for the Minister's approval (s 45). Quarterly payments comprising 12.3 per cent of the contributable amounts are to be made to the Department, on prescribed dates, by those local government areas that contribute to the fire district.

Councils are to provide this statutory contribution from their consolidated funds.

INCREASES STATEWIDE FOR FIRE BRIGADE LEVY

The NSW Fire Brigade have advised Council that 2002/03 contributions will increase by an average of 13.3% in 2002/03. For Tweed Shire the Kingscliff and Murwillumbah fire districts, each increased by 14.4% over the 2001/02 contributions.

Local Government Shires Association Circular 21/02 – 24 May 2002.

“The estimated average increase of 13.3 per cent far exceeds the rate pegging limit of 3.3 per cent for 2002-03. The actual increase may vary between individual councils as contributions are based on the aggregated five year moving average of land values in Fire Districts shared by more than one LGA, eg the Sydney Fire District.

Total contributions by councils in the Sydney Fire District alone currently exceed \$30 million. A 13.3 per cent increase is approximately \$4 million. The average contribution made by a Sydney council is approximately \$780,000. An increase of 13.3 per cent would average \$104,000 per council in the Sydney Fire District. Increases in the levy averaged approximately 5 per cent in 2001/02 and 2.7 per cent in 2000-01.

The LGSA have made representations to the Minister for Local Government, Harry Woods; Premier, Bob Carr and the Minister for Emergency Services, Bob Debus objecting to the extent of the increase. The Government has been urged to limit the increase to no more than the rate pegging limit of 3.3 per cent. Short of this, the LGSA have sought full accommodation of the increase by way of special variations for all affected councils.”

FINANCIAL IMPLICATION: NO PRIOR ADVICE

Tweed Shire's total contribution for the three Fire Districts will total \$243,538 whilst the 2002/03 budget provision is \$150,000. A budget shortfall of \$93,538.

Council will need to consider this increased cost in the September 2002 Budget Review.

Reports from Director Corporate Services

Contribution Trend Over Last Five (5) Years

Financial Year	Total Levy/Contribution for 3 Fire Districts
1997/98	\$56,837
2002/03	\$243,538
Total	\$186,701 or 328% increase

The NSW allowable rate pegging increase for the same five year period was 13.57%.

A request has been made by Council to the NSW Fire Brigades asking for a full break-up of the estimate costing for the 2002/03 fire levy calculations as well as a detail financial statement of the audited expenditure for the last three (3) years.

CONCLUSION

That Council make representation to the Minister for Local Government, NSW Fire Brigades and Minister for Emergency Services objecting to the extent of 2002/03 Fire Brigade Levy increases. The levy increases should be no more than the rate pegging limit of 3.3 per cent.

Reports from Director Corporate Services

NEW SOUTH WALES FIRE BRIGADES

227 Elizabeth Street, Sydney NSW 2000
PO Box A249, Sydney South NSW 1232
Telephone (02) 9265 2999 Facsimile (02) 9265 2988



Home Page www.nswfb.nsw.gov.au Email nswfb@nswfire.nsw.gov.au ABN 12 593 473 110

////////////////////////////////////
Your Reference
File No
Contact Officer

Telephone No
Facsimile No
Email

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

RURAL FIRE BRIGADE

TWEED SHIRE COUNCIL	CHO/01443
FILE No. FIRE SERVICES	
DOCUMENT No.	
RECD 27 JUN 2002	
BOX No.	
ASSIGNED TO G. EDWARDS	5 June 2002
HARD COPY <input type="checkbox"/>	IMAGE <input type="checkbox"/>

Dear Sir/Madam

COUNCIL CONTRIBUTION TOWARDS THE COST OF FIRE PROTECTION IN THE TWEED HEADS FIRE DISTRICT FOR FY 2002/03

The Treasurer and the Minister for Emergency Services recently approved the aggregate net funded Fire District Estimates (FDE) for 2002/03 of \$388.784 million for the NSW Fire Brigades. Under Section 50 of the Fire Brigades Act, local government contributes 12.3% of the Brigades' aggregate expenditure. The total contribution payable by all contributing Councils for FY 2002/03 is \$47,820,432. The NSW Fire Brigades estimates it will spend \$1,705,958 in the Tweed Heads Fire District in 2002/03. Your Council's contribution, which is 12.3% of this, is \$209,833.

Your Council's contribution for FY2002/03 has been adjusted to include the salaries and operating costs of the additional firefighters that Tweed Heads fire station will receive during the current financial year. These additional costs have contributed to a greater than average increase in your contribution.

The next quarter's invoice, which will be issued in early September 2002, will reflect your FY 2002/03 contribution and corresponding adjustments will be made to the subsequent quarterly invoices.

If you have any enquiries, please do not hesitate to contact Lota Vargas, Assistant Director Finance (Phone: 9265-2911), or Sian Blundell, Management Accounting Officer (Phone: 9265-2955).

Yours faithfully

David Bailey
Director Finance and Administration Division

Reports from Director Corporate Services

New South wales Fire Brigades

Page 1 of 2

Philippa Howell

From: David Philpott [council@boorowa.nsw.gov.au]
 Sent: Monday, 1 July 2002 2:28 PM
 To: nswcouncils@dlg.nsw.gov.au
 Subject: New South wales Fire Brigades

FROM: BOOROWA COUNCIL
 TO: GENERAL MANAGER

BUSH FIRE BRIGADES

TWEED SHIRE COUNCIL	
FILE No.	126 SERVICE BUILDING
DOCUMENT No.	LEVY
RECD	2 JUL 2002
BOX No.	BUCKLEY J
ASSIGNED TO	GENERAL MANAGER
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

CC: 2437

New South Wales Fire Brigades

Recently all councils would have been advised that the fire brigades levy increase for all Councils was going to be 13.3%. Boorowa Council in line with rate pegging has advised the New South Wales Fire Brigades that as Council is governed by rate pegging that It will not be paying the levy above that of 3.3%.

I have been notified that " The Treasure and the Minister for Emergency Services recently approved the aggregate net funded Fire District Estimates (FDE) for 2002 / 2003 of 388,784 Million dollars for NSW Fire Brigades. Under section 50 of the Fire Brigades Act , Local Government contributions payable by all contributing Councils for FY 2002 / 03 is \$47,820,432

Councils have all been advised of its contribution and they will be adjusted accordingly for the next quarters invoice in early September, 2002 to reflect FY 2002 / 03 contribution.

This is very similar to the Rural Fire Service attempting to override the Local Government Act when it comes to rate pegging. My Council can't afford a 13.3% increase & has to live with a 3.3% increase.

It would appear that the Rural Fire Service and New South Wales Fire Brigades are immune to rate pegging which is not fair on Councils even though Councils contribute 13.3% and 12.3% respectively to the running of these organisations.

If you have a concern with this 13.3% increase may I suggest that all correspondence be addressed to;

New South Wales Fire Brigades
 P.O. Box A249
 Sydney south nsw 1232

Pressure in numbers is the only way that this significant increase may be stopped and any assistance that you are able to provide will be appreciated.

1/07/2002

Reports from Director Corporate Services

New South wales Fire Brigades

Page 2 of 2

Yours Faithfully
D.W. PHILPOTT

David Philpott
General Manager
Boorowa Council
(02) 63 853-303

Reports from Director Corporate Services

10. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Report - June 2002

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for June 2002 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of June 2002.

5.1.1 The number and category of financial members of TACTIC:

	April 2002	May 2002	June 2002
Corporate Members	3 (including 10 businesses)	4 (including 10 businesses)	4 (including 11 businesses)
TACTIC Members	141	139	143
Service Members	19	21	22
Total	163	164	169

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

	April 2002	May 2002	June 2002
World Heritage Rainforest Centre	2486 (including 172 from bus groups)	2284 (including 385 from bus groups)	2143 (including 236 from bus groups)
Tweed Heads Visitors Centre	785	735	641
Total	3271	3019	2784

The two centres undertake a survey on the type of enquiries received:

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from 2001	Type of Enquiry	No of Enquiries	%	Variance from 2001
Tourism	564	56	-23%	Tourism	252	68	Nil
National Parks	189	19	+10%	National Parks	5	1	-1%
Street Directions	117	12	+6%	Street Directions	29	8	-3%
Bus Timetables	8	1	Nil	Bus Timetables	31	8	-2%
Other	117	12	+7%	Other	57	15	+6%

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

Internet Site

- Current management contract expires in July and ongoing management will be put to tender as soon as possible. Research on a "live" reservation system linked to our site has been positive and has been put to the board as part of the strategic plan.

Reports from Director Corporate Services

Review of operations of the tourist Information Centre

- Development of an information booth in Tweed Mall is progressing well with this site now being the recognised “Gateway” Centre.
- TACTIC has been liaising with the Kingscliff Business Corporation in the development of information centre in the Amenities Hall in Kingscliff. TACTIC would be providing support by auspicing the Accreditation of the centre and the requisite procedures. In addition TACTIC will also coordinate, train and maintain the volunteer staffing of the centre.
- With the pending sale of the Tweed Business Centre, new administrative offices are being sourced.

Strategic Marketing Plan

- Draft Plan has been presented to Board with the overall direction being accepted. The Plan will now be finalised and an Action Plan to be developed to meet the strategic requirements. Once completed this will be put to the Board to be adopted and implemented.
- The Strategic Plan will be presented to Tweed Shire Council at a workshop in early July.

Networking

- The next Network Night will be held in conjunction with the launch of the Strategic Plan in July.
- The network update is now being distributed twice per month to members with more state and national industry information being provided in addition to the existing TACTIC and regional information. Business development information, their organisations, and links to sites with current business issues are also being included.

Group Bookings

Accommodation is currently being coordinated for:

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

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

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

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

See attached bank reconciliation for the General Account for June 2002.

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

The Tweed was represented at Sydney’s Convention and Visitor Bureau’s major trade show last month with Northern Rivers Tourism and Twin Towns Quality Resort and Services Club

Reports from Director Corporate Services

sharing a booth. The Tweed and Coolangatta Visitor Guide and a Meetings and Conventions Planner for the Northern Rivers was distributed to delegates.

TACTIC will be represented at the Domestic Tourism Exhibition (DTE) in July at Conrad Jupiters, which is attended by Travel Agents from around Australia.

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

TACTIC Marketing Committee

- The next Marketing Committee meeting will be held mid July to discuss the recommendations from the Strategic Plan.

Shopping Centre Promotions

- The Carindale Shopping Centre was very successful with level of awareness of “Tweed” being raised and a good range of product being represented.
- The next shopping centre promotion will be held in August in conjunction with a “Festivals Fever” promotion being planned to support the local festivals in August and September.

Domestic Marketing and Advertising

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

Familiarisations

- A famil will be conducted in the Northern Rivers with Tourism NSW and journalists from NRMA Open Road has been deferred until the November/December issue.

5.1.8 The amount of retails sales:

Monthly Sales Figures *

WHRC & THVC	Total Profit Retail	Tours Comm.	Accomm Comm.	Total Sales Income	Variance from 2001	%	No. of Bookings
April	1004.26	138.60	487.55	1630.41	2264.51	-28	36
May	863.60**	202.20	288.90	1354.70	2585.70	-48	33
June	1080.00	268.10	593.80	1941.90	2571.39	-24	37
Total	2947.86	608.90	1370.25	4927.01	7421.60		106
YTD	14069.26		14231.50	28300.76	26291.15	+8	

*All figures are in dollars

** Extra expenditure in cost of goods this month (\$500.00) which has decreased profit margin

Reports from Director Corporate Services

5.1.9 The number and value of the booking system growth:

	April 2002	May 2002	June 2002
Number	36	33	37
Total	\$1,630.41	\$1,354.70	\$1,941.90

5.1.10 Minutes of Tweed and Coolangatta Tourism Incorporated Board meeting:

No meeting was held this month due to Strategic Plan meetings. Next Board meeting to be held Thursday, 1 August 2002.

Reports from Director Corporate Services

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Reports from Director Corporate Services

11. ORIGIN: Financial & Information Services Unit

FILE REF: Donations

REPORT TITLE:

In Kind and Real Donations – 1 April 2002 to 30 June 2002

SUMMARY OF REPORT:

The following report details “In Kind” and “Real” Donations for the period 1 April 2002 to 30 June 2002.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The following report details "In Kind" and "Real" Donations for the period 1 April 2002 to 30 June 2002.

In Kind and Real Donations - April to June 2002

Financial Assistance

Amount	Recipient	Donated Item	Date
\$ 250.00	Burringbar Village Arts Centre	2nd Round Donation	4/02/2002
\$ 250.00	Murwillumbah Community Support Centre	2nd Round Donation	4/02/2002
\$ 500.00	Ashley Renton	Ashley Renton 2nd Round Donation	4/02/2002
\$ 3,000.00	Twin Towns Little Athletics	Storage Shed Walter Peate Oval	4/03/2002
\$ 181.80	Mt Burrell Community Centre	2nd Round Donation	4/03/2002
\$ 8,430.00	Art, Food & All That Jazz Festival	2nd Round Donation	4/03/2002
\$ 1,500.00	Mooball Fish'n'nana Carnival	2nd Round Donation	4/03/2002
\$ 223.20	Twin Towns Friends Association	2nd Round Donation	4/03/2002
\$ 500.00	Terranora Retirement Village	2nd Round Donation	4/03/2002
\$ 1,561.00	Uki Residents Association	2nd Round Donation	4/03/2002
\$ 1,500.00	Tweed Coolangatta Chess Club	2nd Round Donation	4/03/2002
\$ 72.96	Murwillumbah Croquet Club	Donation	4/03/2002
\$ 215.00	Murwillumbah High School	Donation	4/12/2002
\$ 55.00	Murwillumbah Community Support Centre	Harmony Day Celebrations in the Park	17/04/02
\$ 40.00	Murwillumbah RSL Sub-branch	Book Voucher	23/04/02
\$ 1,000.00	Mt Burrell Cultural Gardens	Mt Burrell	21/06/02
\$ 19,278.96			

Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$ 152.00	Showground	Trees	18/06/02
\$ 80.00	Carool Primary School	Trees	26/06/02
\$ 200.00	Cudgen Public School	Mulch	4/01/2002
\$ 200.00	Greencorps Tumbulgum	Mulch	4/01/2002
\$ 240.00	Wollumbin High School	Trees	2002
\$ 276.00	Cudgen Nature Reserve	Trees	21/05/02
\$ 160.00	Burringbar Primary School	Trees	14/06/02
\$ 300.00	Caldera Environment Centre	Superceded Computer	4/09/2002
\$ 300.00	Ashley Renton	Superceded Computer	4/09/2002
\$ 300.00	Tweed Valley Arts Council	Superceded Computer	4/02/2002
\$ 300.00	Curious Art Minus Zero	Superceded Computer	4/02/2002
\$ 300.00	Uki Out of School Hours Association	Superceded Computer	4/11/2002
\$ 300.00	Sarah's Daughters	Superceded Computer	4/02/2002
\$ 300.00	Computer Association Tweed Seniors Inc.	Superceded Computer	4/10/2002
\$ 3,408.00			

Provision of Labour and/or Plant & Equipment

Amount	Recipient	Donated Item	Date
\$ 1,832.37	Life Education	Moving of Van	Apr-Jun
\$ 201.38	Murwillumbah RSL Sub-branch	Provision of Barriers and Signs for Anzac Day	25/04/02
\$ 91.67	Rural Fire Service	Labour for Provision of Sand	26/04/02
\$ 310.97	Tweed Valley Vehicle Restorers Club Inc.	Provision of Barriers and Signs for Car Rally	03-10/05/02
\$ 583.52	Kingscliff Food and Jazz Festival	Provision of Barriers and Signs	17-24/05/02
\$ 90.98	Kingscliff Junior Rugby League Club	Provision of Barriers and Signs for Fundraiser	24/05/02
\$ 222.66	Wintersun Festival Committee	Provision of Barriers and Signs	31/5-14/06/02
\$ 104.91	Murwillumbah Services Soccer Club	Provision of Barriers and Signs	14/06/02
\$ 3,438.46			

Administration

Amount	Recipient	Donated Item	Date
\$ 6.80	Palliative Care	Photocopying	April
\$ 16.32	Neighbourhood Watch	Photocopying	April
\$ 23.12			

Reports from Director Corporate Services

Room Hire Amount	Recipient	Donated Item	Date
\$ 155.45	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	4/09/2002
\$ 155.45	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	23/04/02
\$ 144.55	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	30/04/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	13/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	14/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	20/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	21/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	23/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	27/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	28/05/02
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	6/03/2002
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	6/05/2002
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	6/11/2002
\$ 45.82	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	6/12/2002
\$ 144.55	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	13/06/02
\$ 155.45	Murwillumbah Theatre Company	Murwillumbah Civic Centre Room Hire	21/06/02
\$ 162.73	Far North East NSW Sus. Regions Program	Murwillumbah Civic Centre Room Hire	6/07/2002
\$ 31.82	Coolangatta Tweed Lions Club	South Tweed Community Hall Room Hire	18/04/02
\$ 50.91	Tweed Heads Hospital Auxiliary	Tweed Heads Civic Centre Room Hire	4/01/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	4/01/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	4/03/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	4/04/2002
\$ 28.18	Twin Towns Garden Club	Tweed Heads Civic Centre Room Hire	4/08/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	4/08/2002
\$ 25.45	Twin Towns Land Group	Tweed Heads Civic Centre Room Hire	4/10/2002
\$ 36.73	Tweed Theatre Group	Tweed Heads Civic Centre Room Hire	4/10/2002
\$ 36.73	Tweed Theatre Group	Tweed Heads Civic Centre Room Hire	4/11/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	4/12/2002
\$ 36.73	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	13/04/02
\$ 137.45	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	15/04/02
\$ 137.45	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	16/04/02
\$ 137.45	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	17/04/02
\$ 6.18	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	18/04/02
\$ 50.91	Friends of The Library	Tweed Heads Civic Centre Room Hire	24/04/02
\$ 50.91	Crime Prevention	Tweed Heads Civic Centre Room Hire	24/04/02
\$ 649.09	Tweed Theatre Company	Tweed Heads Civic Centre Room Hire	28/04/02
\$ 50.91	Tweed Heads Hospital Auxiliary	Tweed Heads Civic Centre Room Hire	5/06/2002
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	5/08/2002
\$ 28.18	Twin Towns Garden Club	Tweed Heads Civic Centre Room Hire	13/05/02
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	15/05/02
\$ 25.45	Twin Towns RSL Card Group	Tweed Heads Civic Centre Room Hire	15/05/02
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	22/05/02
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	29/05/02
\$ 50.91	Library Book Sale	Tweed Heads Civic Centre Room Hire	30/05/02
\$ 50.91	Library Book Sale	Tweed Heads Civic Centre Room Hire	31/05/02
\$ 50.91	Tweed Heads Hospital Auxiliary	Tweed Heads Civic Centre Room Hire	6/03/2002
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	6/05/2002
\$ 51.82	The Family Centre	Tweed Heads Civic Centre Room Hire	6/05/2002
\$ 126.82	Winter Sun Carnival Organisers	Tweed Heads Civic Centre Room Hire	6/07/2002
\$ 126.82	Winter Sun Carnival Organisers	Tweed Heads Civic Centre Room Hire	6/08/2002
\$ 126.82	Winter Sun Carnival Organisers	Tweed Heads Civic Centre Room Hire	6/09/2002
\$ 28.18	Twin Towns Garden Club	Tweed Heads Civic Centre Room Hire	6/10/2002
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	6/12/2002
\$ 25.45	Twin Towns Card Group	Tweed Heads Civic Centre Room Hire	6/12/2002
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	19/06/02
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	26/06/02
\$ 50.91	Friends of the Library	Tweed Heads Civic Centre Room Hire	26/06/02
\$ 50.91	Counterpoint Disco Organisers	Tweed Heads Civic Centre Room Hire	28/06/02
\$ 45.82	N.R.S.O.	Tweed Heads Civic Centre Room Hire	30/06/02
\$ 12.73	Aboriginal Advisory Council	South Tweed HACC Centre Room Hire	4/05/2002
\$ 20.91	Twin Towns Friends Association	South Tweed HACC Centre Room Hire	4/10/2002
\$ 19.09	Twin Towns Friends Association	South Tweed HACC Centre Room Hire	5/08/2002
\$ 12.73	Visually Impaired	South Tweed HACC Centre Room Hire	15/05/02
\$ 19.09	Twin Towns Friends Association	South Tweed HACC Centre Room Hire	6/12/2002
\$ 12.73	Blind & Visually Impaired	South Tweed HACC Centre Room Hire	19/06/02
\$ 4,376.50			
\$ 30,525.04	Total Donations		

Reports from Director Corporate Services

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Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: DW684726; SROC

REPORT TITLE:

SouthROC Business Plan

SUMMARY OF REPORT:

At the SouthROC meeting of 13 June 2002 the draft Business Plan was adopted.

A copy of the Business Plan is attached for Councillors information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

As per summary of report.

Reports from Director Corporate Services

13. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June, 2002

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for April to June 2002 is detailed in this report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with the terms of agreement between Tweed Shire Council and the Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period April to June 2002:

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

5.1.1 Industrial Land: TEDC continues to field inquiry from parties seeking large lot industrial zoned land in Tweed Shire. TEDC has been approached on several occasions by a local enterprise specialising in the construction of frames & roof trusses who is seeking 5 acres of land to purchase or lease. The purchase of this land would allow the expansion of the company operations. The company currently employ 20 staff in this division and expansion of their operation would see staff numbers increase to 30 staff. The inability of the Shire to meet the company's need to expand will undoubtable see the company relocate its operation to South East Queensland, which potentially will result in a nett loss of 30 or more jobs when the flow on effects are taken into account. The urgency of developed industrial land availability is now more "than a matter of urgency".

TEDC continues to facilitate the process with the Dickinsons and is optimistic that a DA will be lodged in the near future.

Coolangatta Airport Industrial Land

The council would be aware that on Friday 12 July 2002 a meeting was convened by planning NSW to discuss issues arising out of the proposal to consider the re-zoning of land covered by the TEDC sponsored Coolangatta Airport Industrial Land Study.

I would expect that officers of TSC would submit a report on this meeting.

Tweed Industry Incentives

On Wednesday 26 June 2002 TEDC attended a workshop at TSC on incentives. TEDC continues to support the need to develop Tweed Shire Industry Incentives.

TEDC has taken the initiative by submitting an Expression of Interest under the Sustainable Regions Funding Program, requesting funding support for the purposes of attracting industry to the Tweed by offering incentives packages.

TEDC has applied for:

\$250,000:00 over two years to be used for research and marketing of available Industrial Land opportunities in Tweed Shire;

\$250,000:00 over two years to be used to develop incentive packages to facilitate the attraction of industry to the Tweed;

\$250,000:00 to assist with infrastructure development for stage 1 of the proposed 40-hectare industrial estate at Murwillumbah.

Marketing

TEDC has met with a marketing agency to discuss the need for marketing of business opportunities in the Tweed, particularly, with a focus on industrial land.

Reports from Director Corporate Services

A brief is to be submitted by the agency outlining the information required as part of the process of developing a marketing package. Included in discussions of the brief will be discussions on implementation costs. At this stage the proposal is to contract out marketing rather than TEDC employ a person with marketing skills. The final decisions will be made when all research and information is to hand.

Tweed Economic Model

TEDC has submitted an application to the Federal Government Regional Assistance Programme for a \$36,000:00 grant to fund the development of a Tweed Input/Output economic model. TEDC hopes to bolster the grant with cash to the value of \$10,000:00. TEDC has approached a private sponsor for a \$5,000:00 cash contribution and would like to think TSC may see fit to contribute a further \$5,000:00 cash contribution if and when the application is successful.

The need to develop such a model, evolved as a result of the Rural Land Use Study and subsequent to discussions with Professor Guy West University of Queensland, Professor Rod Jensen and Steve Noakes, CRC Griffith University.

The Tweed Shire Council, I understand does have some data at present but it is incomplete and out of date and is not in a model format.

This information is seen as critical and basic in terms of understanding the Tweed economy. It is also critical in determining a future direction for the Tweed economy. A model will provide factual statistical base on which to accurately measure changes in the Tweed economy in terms of jobs, G.D.P., value of specific industry sectors, including retailing, wholesaling, manufacturing, processing, exporting, agriculture etc.

The data will also identify "Industry Gaps" in Tweed Shire. This is again critical in terms of attracting new industry to create jobs on the soon to be created industrial estate.

Once the model is developed, the plan is to have the data updated annually, by the CRC Griffith University. The data will be shared by TEDC & TSC.

Boat Ramp Facility Condong

TEDC has submitted an expression of interest under the Sustainable Regions Programme for \$48,000:00 for the construction of a boat launch pad at Condong. Total project funding is \$135,600:00 and will include toilet facilities, all weather road access, parking and a pontoon. Tweed River Committee and TSC will fund these additional facilities at a cost of \$87,200:00.

Economic Development, tourism Vision & Strategy

TEDC, in partnership with CRC Griffith University/University of Queensland and TACTIC are developing a brief to develop a Vision & Strategy for the Tweed along the lines of the Vision & Strategy launched on the Gold Coast recently.

Funds will need to be sourced for this project once the brief has been completed and signed off on. CRC Griffith University have indicated the availability of some funds and resources through a number of avenues, and in due course these avenues will be pursued. The cost of the project is approximately \$300,000:00

Tweed River Link Project

The funding application is still progressing, through Regional Solutions Programme.

Reports from Director Corporate Services

The first stage, Heritage Wharf was recently launched by TSC and the community response to date has been excellent.

John Foster of Murwillumbah Central Rotary Club has indicated the Club is prepared to meet a fair proportion of the cost of construction of the Historic Interpretation Centre at the end of Wharf Street, Murwillumbah. The cost of construction has been quoted at \$18,000:00 plus GST. The gesture by Murwillumbah Central Rotary is just an example of the level of community support for the TEDC Tweed River Link Project.

TEDC has also drawn up Expressions of Interest for two private operators who applied for funding under Sustainable Regions.

One private operator wishes to establish hire boat facilities and other related facilities at a total project cost of \$1,060,000:00.

The other private operator has included educational facilities as part of his industry's future expansion program.

TEDC has now established the Tweed Chambers Liaison Group, which includes representatives from Murwillumbah, Tweed Heads, Kingscliff & Pottsville Chambers as well as Mark Tickle, TSC Economic Planner, representing the interests of TSC.

TEDC has now met with Professor Lawson Savey, Executive Dean Of Business, Southern Cross University and Ros Derrett, Lecturer Southern Cross University. The purpose of the meeting was to develop closer working relationship between SCU & TEDC.

Rural Land Use Study

TEDC expects the final document to complete the Rural Land Use Study to be presented to TEDC by 26 July 2002.

TEDC has experienced much difficulty in seeing the project completed. TEDC is aware of the urgency in completing the study, but despite our best efforts, the delay has been on the part of the consultant.

As soon as TEDC receives and signs off on the project, it will be released.

Town Centres Program Funding

Both TSC and TEDC have met with Regional Manager of the NSW Department of State and Regional Development to discuss a resolution to the outstanding fund situation. TEDC has submitted a full report to the Regional Manager and TEDC is optimistic of a resolution to the issue.

TEDC has held discussions with the EMT of TSC in relation to a future direction of the former Tweed Town Centres Program.

Both TEDC & TSC are in agreement as to a direction for the future and are working together to achieve a suitable new direction.

Tweed Heads CBD Redevelopment Task Force

As the Council is aware, a Ministerial appointed Tweed Heads CBD Redevelopment Task Force has now been established. The position of project manager has been advertised and an appointment is expected early August.

Reports from Director Corporate Services

TEDC is represented on the task force by the CEO.

Number & Category of TEDC Members for year 2001/2002

Directors	9
Sponsors	4
Members	22
Total	35

5.1.6 Financial Statements for the June quarter ending 30 June 2002 will be ratified at the Board meeting of Friday 26 July 2002 and endorsed at the next TEDC Board meeting of 30 August 2002.

MEETINGS HELD BETWEEN 1 APRIL 2002 TO 30 JUNE 2002

New Business	7
Existing Clients	31
Government & Government Agencies	17
Tweed Shire Council	8
Community Organisations	8
Consultants	2
TOTAL	73

Documented Phone Calls Between 1 April to 30 June 2002 By CEO Only

April	411
May	322
June	509
Total	1342

Note: CEO away on leave for month of May

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

Dates of Board Meetings for 2002

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

- 30 August 2002
- 27 September 2002
- 25 October 2002
- 29 November 2002
- 24 January 2003

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: General Manager

FILE REF: Staffing Levels

REPORT TITLE:

Organisation - Staffing

SUMMARY OF REPORT:

Increased staffing levels are to be provided within the Building Services and Development Assessment Units to address the increasing requirements for development applications and construction certificates and to enhance the timeframe for determination.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

This report details increased staffing resources to be put in place to address the increasing requirements for development applications and construction certificates and enhancing the timeframe for determination.

BUILDING SERVICES UNIT

2 Building Surveyors (alternative: 1 Building Surveyor and 2 Cadet/Trainee Building Surveyors)

1 Administration Support

DEVELOPMENT ASSESSMENT UNIT

2 Town Planners

1 Administration Support

JOINT POSITION

Building Services/Development Assessment Units

1 Technical/Administrative Support Officer.

(This position is to be developed to provide technical and administrative support, particularly to community members involved in "one-off" projects not utilising consultants. The support will be in the form of assistance regarding advice of processes to be followed as required by the relevant legislative processes and the completion of relevant application forms.

Budgetary funding is available to support the positions derived from better than expected budgetary performance during 2001/2002 and some carry over funding.

Office accommodation may possibly present some problems in the short term until proposed and budgeted increased office facilities within the complex are completed.

These positions detailed above are in addition to the two additional Town Planners being provided in the Strategic (Town) Planning Unit.

Reports from Director Corporate Services

15. ORIGIN: Administration Services Unit

FILE REF: Local Government Department - Circulars

REPORT TITLE:

Local Government Amendment (Miscellaneous) Act 2002

SUMMARY OF REPORT:

Council has recently been advised of an amendment to the Local Government Act 1993. A copy of the Department of Local Government's Circular to Councils (02/36) is attached for Councillors information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Local Government Act 1993 has recently been amended in relation to a number of issues.

A copy of the Department of Local Government's Circular to Councils (02/36) is attached, outlining the amendment to the Act. The amendments commenced on 1 August 2002.

Reports from Director Corporate Services



Department of Local Government
Circular to Councils



Circular No: 02/36
Date: 25/07/2002
File No: AF02/0010/02
Contact: Joanne Smith
(02) 9793 0872
smith.j@dlg.nsw.gov.au

LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) ACT 2002

The Local Government Act 1993 has recently been amended by the Local Government Amendment (Miscellaneous) Act 2002 in relation to council meetings, plans of management for community land, council ward boundaries, fees for councillors, water supply, sewerage and stormwater drainage works by councils, sewerage system approvals, and other matters.

It is expected that the amendments will commence on 1 August 2002.

Community Land

Councils are required by the Local Government Act (the Act) to hold a public hearing in respect of a proposed plan of management for community land. New section 40A(3) clarifies that a council must hold a further public hearing in respect of a proposed plan of management if the council decides to amend the plan after a public hearing has been held, and the amendment would alter the categorisation of the land under s.36(4) from the categorisation that was considered in the initial public hearing.

A number of councils work closely with Aboriginal communities in relation to the management of sites of cultural significance to Aboriginal people on community land. New section 36DA provides that a council may resolve to keep confidential parts of a plan of management that would disclose the nature and location of a place or an item of Aboriginal significance on community land.

A council proposing to prepare a draft plan of management must consult with the appropriate local Aboriginal communities regarding public access to, and use of, information concerning a place or item of Aboriginal significance on the land. This consultation must be in accordance with the regulations. As an interim measure, it is proposed that such consultation be in accordance with cl.20 of the Local Government (General) Regulation 1999.

New section 46(1)(a1) provides that a council may grant an easement over community land to provide pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider. An express authorisation in the plan of management is no longer required for the granting of such easements.

Reports from Director Corporate Services

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Powers of entry

New section 191A provides that a council employee or other person authorised by a council may enter any premises to carry out water supply work, sewerage work or stormwater drainage work on or under the premises. The council must be authorised by the Act or any other Act to carry out the work.

The amendments also clarify that ownership of works rests with the council that installed them. Private property owners will be able to claim adequate compensation for any damage caused by the work (under s.198 of the Act), but not for the loss of the land or the loss of future use of the land.

Ward boundaries

Amendments have been made in relation to ward boundaries:

New sub-section 210(7) provides that the division of a council's area into wards, or a change to ward boundaries, must not result in a variation of more than 10 per cent between the number of electors in each ward in the area (this rule was found in s.211(4) of the Act, prior to the amendments).

New section 210A provides a mechanism for public consultation regarding ward boundaries. The council must consult the Electoral Commissioner and Australian Statistician (as was required by s.211(3)), and prepare and publicly exhibit for at least 28 days a plan detailing the proposed ward division or ward boundary alteration. Submissions may be made to the council on the ward boundary plan for a period of not less than 42 days.

Section 211 has also been amended. A council must keep its ward boundaries under review. If during a term of office the council becomes aware that the number of electors in one ward differs by more than 10 per cent from the number of electors in any other ward, and the difference remains at the end of the first year of the next term of office, the council must alter its ward boundaries to rectify the imbalance in the number of electors in each ward.

Accountability of councillors

New sub-section 234(2) provides that a councillor applying for a leave of absence from a council meeting or meetings does not need to make the application in person and the council may grant the leave in the absence of that councillor.

If a councillor is absent, with or without leave of the council, from ordinary meetings of council for any period of more than 3 months, the council must not pay any annual fee or part of an annual fee to the councillor that relates to the period in excess of 3 months (amended sub-section 254A(a) and new sub-section 254A(2)).

Appointment of auditors

Section 422 has been amended to clarify that auditors must not be appointed or re-appointed unless tenders have been called.

Reports from Director Corporate Services

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Closing council meetings

Section 10A of the Act has been amended to clarify that council meetings and council committee meetings are not to be closed to the public to discuss personnel matters concerning a particular councillor, such as the payment of travel claims or the fees and expenses policy. These topics should be discussed in an open meeting.

Management plans

Section 377 has been amended to provide that a council may delegate to the general manager or any other person or body (other than employees of council) the function of adopting management plans, except for the adoption of the council's general management plan under s.406 of the Act. Adoption of this management plan is not a delegable function and must be performed by the council.

Section 403 has been amended so that regulations may require a council's draft management plan to contain a statement with respect to matters including social, community and cultural matters. Regulations may also prescribe further particulars that must be included in the management plan's statement of principal activities.

Renewal of approvals to operate sewage management systems

New section 107A establishes a streamlined mechanism for the renewal of approvals to operate sewage management systems. A council may send a notice, for example an account or invoice, to any person who has been granted an operating approval and invite the person to apply for the renewal of the approval. If the person simply pays the approved fee, the person will be taken to have made an application to renew the approval on the same terms as the original approval.

The requirement for an approval to operate a system of sewage management has been moved to Part C of the Table to s.68 of the Act from Part 4 of the Local Government (Approvals) Regulation 1999. Consequential amendments will be made to the Local Government (Approvals) Regulation 1999 in due course.

Application of penalties

Councils may seek enforcement of State laws, such as planning and environmental legislation, by obtaining a Court order with which a person must comply. If the person does not comply with the order, the council may sue the person for contempt of court. As an incentive for councils to enforce these laws, councils may receive the benefit of a fine imposed for contempt of court where the council has effectively been the prosecutor of the action.

Section 694 of the Act has therefore been amended to allow a council to retain any penalty, fine or forfeiture recovered in proceedings by a council where the penalty, fine or forfeiture is imposed for contempt of a court order to remedy or restrain a breach of the Act.

Reports from Director Corporate Services

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Further information

The Local Government Amendment (Miscellaneous) Act 2002, including the full explanatory notes, and the Minister for Local Government's Second Reading Speech may be viewed on the Parliament's website at www.parliament.nsw.gov.au under 'Bills' and 'Hansard', respectively.



Garry Payne
Director General

Reports from Director Engineering Services

16. ORIGIN: Water Unit

FILE REF: Vandalism, Clarrie Hall-Recreation, Clarrie Hall - General

REPORT TITLE:

Clarrie Hall Dam - Public Toilet and Barbeque Amenities

SUMMARY OF REPORT:

Council erected and is maintaining toilet and barbecue facilities at Clarrie Hall Dam. Vandalism is increasing with Council continually repairing the facilities.

RECOMMENDATION:

That Council closes and removes the amenities and barbeque facilities as appropriate at Clarrie Hall Dam.

Reports from Director Engineering Services

REPORT:

Council erected and has been maintaining a toilet block and barbecue facilities at Clarrie Hall Dam for public use. These facilities are located in a remote area and have been the target of increasing attacks by vandals. The attacks have comprised but are not limited to:-

- Destruction of water pipe work;
- Forced removal of cisterns from walls;
- Theft of taps;
- Breakage of windows;
- Theft of BBQ plates;
- Defecating on BBQ plates;
- Theft of water pump and booster tank (twice);
- Graffiti;
- Destruction of doors to store;
- Lighting of fires against wall of the block, and in addition
- The site is the source of and ever increasing supply of used syringes.

Considerable resources in the form of labour, plant and materials are continually being expended on the repair of these facilities which, because of their remote location, are difficult for either the Council or public to monitor.

The public use of these facilities is minimal and does not warrant the increasing cost of repair.

Reports from Director Engineering Services

17. ORIGIN: Water Unit

FILE REF: Water Management – Planning DW680397

REPORT TITLE:

Tweed Valley Integrated Water Cycle Plan

SUMMARY OF REPORT:

Council proposes a large and on going water and sewerage capital works program involving significant expenditure over the next decade. Council has undertaken a number of planning studies and associated community consultation over the years.

An opportunity exists to develop an Integrated Water Cycle Plan (IWCP) for the Tweed Valley that will complement the above activities. DLWC has a pilot program of 12 IWCP's representing a diversity of country towns in NSW in terms of location, size and climate. The Tweed Valley has been proposed as one of these study areas. Within the region, Kyogle and Kempsey Councils are also a part of the pilot program.

RECOMMENDATION:

That Council accepts the Department of Land and Water Conservation's offer to prepare a "Context Study" as the initial study of the Tweed Valley Integrated Water Cycle Plan.

Reports from Director Engineering Services

REPORT:

Discussions have been held with the Department of Land and Water Conservation with a view for Council to be involved in the 'Integrated Water Cycle Plan' pilot scheme.

Following is a letter from the Department detailing their offer.

The initial study will be at full cost to DLWC with further study costs being shared between Council and the Department.

The Department has completed initial studies for other authorities and it would appear that there is a benefit in applying this holistic approach. Utilising rain water tanks to offset water supply capital works is one such benefit recognised in the Eurobodalla Study. The study will require Council officers to complete an audit on the catchment and provide DLWC with various reports and investigations that have been completed to date. DLWC will also liaise with officers from their own department and the EPA to collect any information relevant to the catchment.

It is envisaged that this "context study" will provide Council and the Department with a better understanding of the priorities in our water cycle and will assist in providing a focus for future studies.

Reports from Director Engineering Services

TWEED SHIRE COUNCIL	
FILE No.	WATER MANAGEMENT - PLANNING
DOCUMENT No.	
RECD	20 JUN 2002
BOX No.	
ASSIGNED TO.	RAYNER M
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>



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

Our Ref
[tweed nwcp offer 19jun02 doc]

Attention: Mr Mike Rayner

10 June 2002

Dear Sir

Re: TWEED VALLEY INTEGRATED WATER CYCLE PLAN

I refer to discussions regarding the Tweed Valley Water Supply and Sewerage Schemes and the presentation by officers from the Department's Town Water Treatment and Recycling Branch on 21 May in Murwillumbah on Integrated Water Cycle Management studies and the pilot program.

The Department is aware that council proposes a large and on going water and sewerage capital works program involving significant expenditure over the next decade and that Council has undertaken a number of planning studies and associated community consultation over the years. The Department is also aware that Tweed Shire Council (TSC) is undertaking an extensive community consultation program regarding the location of the discharge points from the Banora Point and West Tweed WWTPs into Teranora Creek. It is recognised that because this area involves a sensitive estuarine environment, a diverse range of stakeholders and an educated and concerned community, a carefully considered consultation program will be required, as well as a clear commitment to implement the agreed outcome.

An opportunity exists to develop an Integrated Water Cycle Plan (IWCP) for the Tweed Valley that will compliment the above activities. DLWC has a pilot program of 12 IWCPs representing a diversity of country towns in NSW in terms of location, size and climate. The Tweed Valley has been proposed as one of these study areas. Within the region, Kyogle and Kempsey Councils are also apart of the pilot program.

The first phase of the IWCP process involves a "Context Study" that would draw on relevant catchment information while considering the urban water cycle in terms of water, sewage and stormwater. This initial phase of the study would be prepared at full cost to DLWC. Subsequent stages of the study would involve consultation with all stakeholders as part of developing an integrated strategic plan for the Tweed Valley Water Supply, Sewerage and Stormwater drainage Schemes. These latter studies would be funded jointly by TSC and DLWC.

NSW DEPARTMENT OF LAND AND WATER CONSERVATION
North Coast Region Alstonville Plaza Alstonville NSW 2477 PO Box 664 Alstonville NSW 2477
Telephone (02) 6627 0113 International +61 2 6627 0113 Facsimile (02) 6628 6011

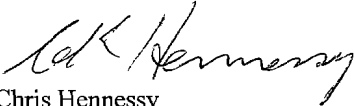
Reports from Director Engineering Services

- 2 -

Please advise the department's Alstonville Office whether or not Tweed Shire Council wish to be involved in the IWCP pilot program.

The Department looks forward to Council's participation the IWCP process. Should council wish to discuss these issues further I can be contacted by telephoning (02) 6627 113.

Yours sincerely



Chris Hennessy
Senior Natural Resources Officer,
Urban Water

Reports from Director Engineering Services

18. ORIGIN: Design Unit

FILE REF: GR3/12/7 Ppty No: 1041.780, Road-Charles Street, Subj-Road Closures-Terranora7

REPORT TITLE:

Closure & Purchase of Public Road at Charles Street, Tweed Heads

SUMMARY OF REPORT:

An application has been received from B & P Surveys on behalf of Mr Mark Hurst, the registered proprietor of 62 Charles Street, Tweed Heads, to close and purchase part of Charles Street, a public road.

The property has vehicular access via a road formation which lies parallel to Charles Street, but is within the road reserve of Charles Street.

Mr Hurst is the registered proprietor of Lot 31 in Section 2 DP 3123, the plan which follows shows the property having a pedestrian thoroughfare frontage which extends from the vehicular access for this part of Charles Street. It should be noted that properties to the north of the subject property have closed and purchased part of the road reserve, please see plan numbered "1".

Mr Hurst's application is to close and purchase the area shown on plan numbered "2" which follows.

RECOMMENDATION:

That :-

1. Council approves the closing of part of the pedestrian thoroughfare adjacent to and forming part of the road reserve of Charles Street, Tweed Heads;
2. The applicants bear all the survey and legal costs;
3. The title of the closed road be consolidated with the adjacent land with a public positive covenant registered with Council as the benefiting authority;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application has been received from B & P Surveys on behalf of Mr Mark Hurst, the registered proprietor of 62 Charles Street, Tweed Heads, to close and purchase part of Charles Street, a public road.

The property has vehicular access via a road formation which lies parallel to Charles Street, but is within the road reserve of Charles Street.

Mr Hurst is the registered proprietor of Lot 31 in Section 2 DP 3123, the plan which follows at the end of this report and shows the property having a pedestrian thoroughfare frontage which extends from the vehicular access for this part of Charles Street. It should be noted that properties to the north of the subject property have closed and purchased part of the road reserve, please see plan numbered "1" at the end of this report.

Mr Hurst's application is to close and purchase the area shown on plan numbered "2" which follows.

Charles Street is 20.113 metres wide and the area proposed to be closed and purchased will not impinge on the road formation.

The proposed closure will reduce the width of the pedestrian thoroughfare to approximately 2.5 metres wide, which is not considered prohibitive.

There are no services within the road reserve, however, a positive covenant is required for support, as the area to be purchased includes a retaining wall which supports the footpath. The positive covenant will burden the consolidated land, with Council as the benefiting authority, and to be in the following terms:-

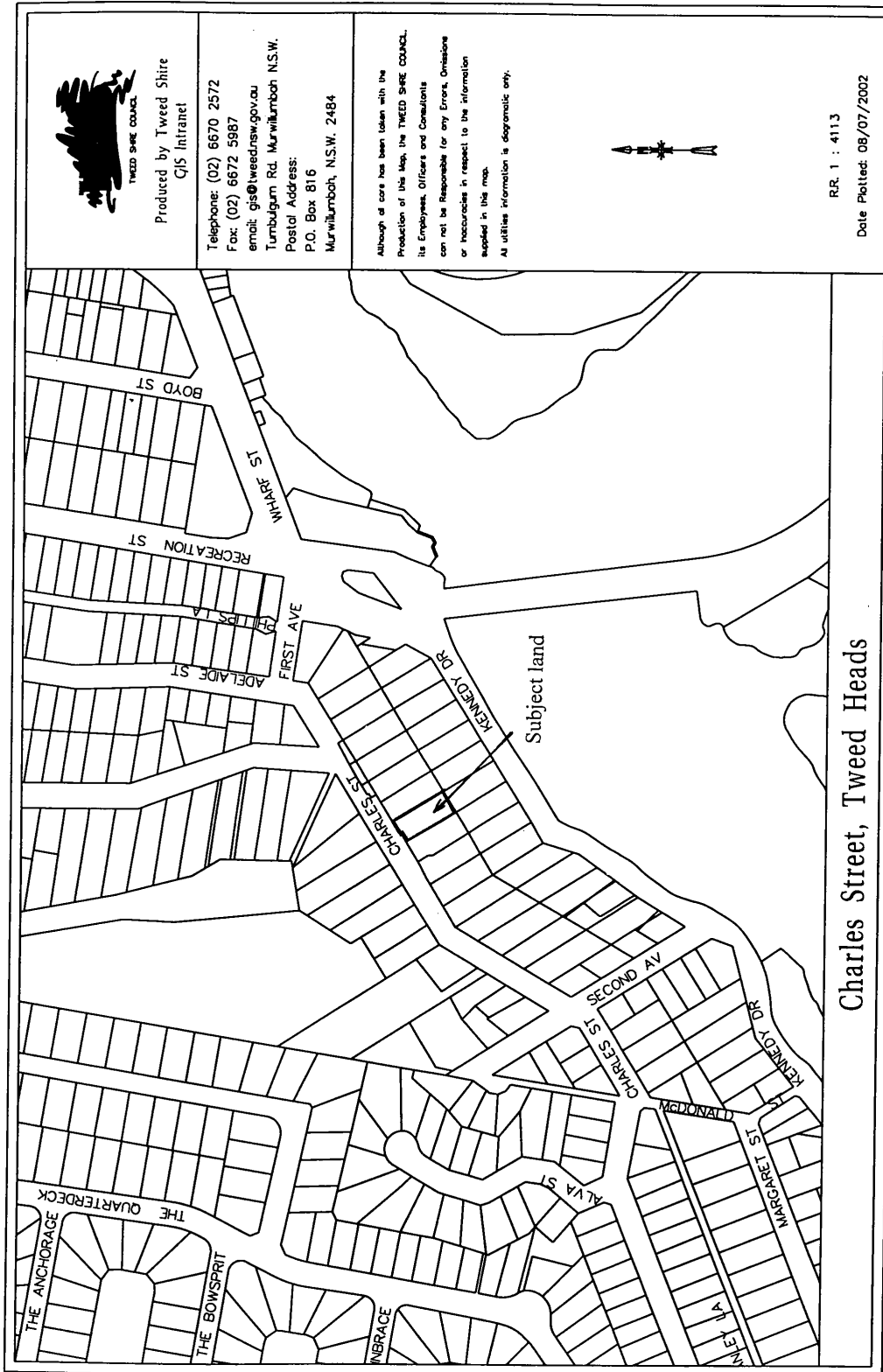
- "1. The owner of the Lot burdened may construct and maintain on the lot burdened, but only within the area shown on the plan, whatever embankment or construction that is necessary to support the surface of the footpath or any part of it adjacent to the lot burdened.*
- 2. The owner of the Lot burdened must not:*
 - (a) interfere with the embankment or the support it offers, or*
 - (b) use any part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the embankment.*
- 3. If the owner of the lot burdened does or allows anything to be done which damages the embankment or impairs its effectiveness, the authority benefited may serve not less than 14 days' notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed.*

If the owner of the lot burdened does not comply with the notice, the authority benefited may enter and repair the damage or remove the impairment and may recover any reasonable costs from the owner of the lot burdened.
- 4. In exercising those powers (whether or not after serving such a notice), the authority benefited must:-*
 - (a) ensure all work is done properly, and*

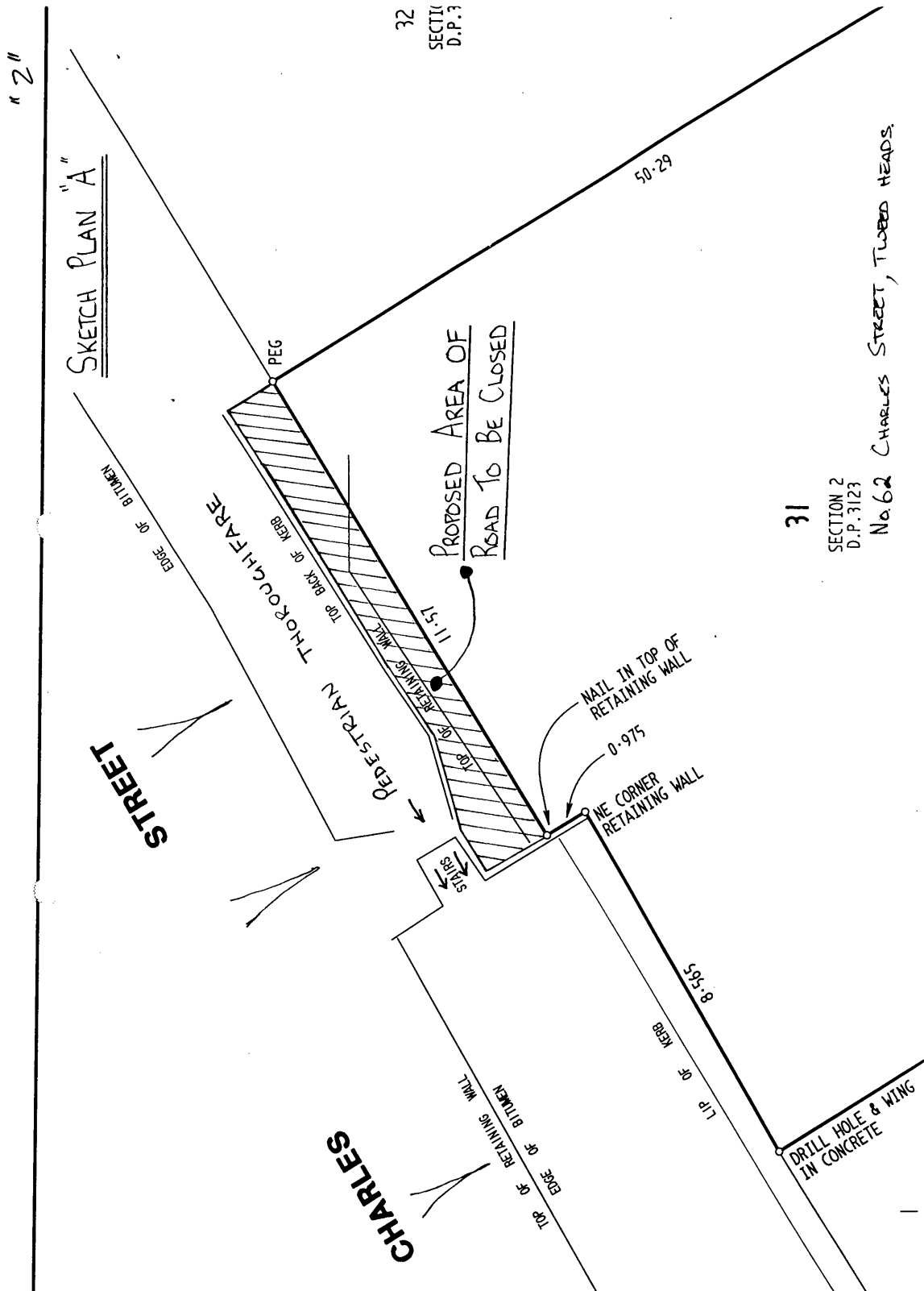
Reports from Director Engineering Services

- (b) *cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and*
- (c) *cause as little damage as is practicable to the lot burdened and any improvement on it, and*
- (d) *restore the lot burdened as nearly as is practicable to its former condition, and*
- (e) *make good any collateral damage.”*

Reports from Director Engineering Services



Reports from Director Engineering Services



32
SECTION
D.P. 3

31

SECTION 2
D.P. 3123

No. 62 CHARLES STREET, TWEED HEADS.

Reports from Director Engineering Services

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Reports from Director Engineering Services

19. ORIGIN: Planning & Infrastructure Unit

FILE REF: GS/98/33 Pt6 Ppty No; 4030.2820 Subj: Sewer Pumping Station

REPORT TITLE:

Classification of Land as Operational - Subdivision of Lot 1 in DP 204461, Lot 1 in DP 709200 and Lot 3 in DP 224232 at Shallow Bay Drive, Tweed Heads South

SUMMARY OF REPORT:

The developers of a subdivision at Shallow Bay Drive, Tweed Heads South, registered a subdivision plan, DP 1008592 which created, amongst others, Lot 3 which contains a Sewage pumping station. Development Consent S98/33 required that Lot 3 be dedicated as a Pumping Station. Lot 3 has now been transferred to Council.

Lot 3 should be classified as Operational under the provisions of Section 31 of the Local Government Act, 1993.

RECOMMENDATION:

That the land transferred to Council as a Pumping Station, described as Lot 3 in DP 1008592 be classified as Operational under Section 31 of the Local Government Act, 1993.

Reports from Director Engineering Services

REPORT:

The developers of a subdivision at Shallow Bay Drive, Tweed Heads South, registered a subdivision plan, DP 1008592 which created, amongst others, Lot 3 which contains a Sewage pumping station. Development Consent S98/33 required that Lot 3 be dedicated as a Pumping Station. Lot 3 has now been transferred to Council.

Lot 3 should be classified as Operational under the provisions of Section 31 of the Local Government Act, 1993.

A copy of DP 1008592 showing Lot 3 follows:-

Reports from Director Engineering Services

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Reports from Director Engineering Services

20. ORIGIN: Design Unit

FILE REF: DA3570/290 Pt1 Pty: 3570.290

REPORT TITLE:

Relinquishment of Right of Footway Variable Width - Lot 11 in DP 576205 being 24 Moss Street, Kingscliff

SUMMARY OF REPORT:

At a meeting held on 6 February, 2002 it was resolved by Council to relinquish a Right of Footway over the property known as 26 Moss Street, Kingscliff.

The neighbours, Mr and Mrs Bowman, have sought the relinquishment of the Right of Footway over their adjacent property.

However, unlike the former application, the current proprietors are not direct descendants of the original grantee of the Right of Footway, and it is considered appropriate that should Council relinquish the Right of Footway, that the Bowmans reimburse Council for the relinquishment, such reimbursement to be determined by the State Valuation Office, together with the payment of all of Council's legal, survey and administrative costs.

RECOMMENDATION:

That Council:-

1. Relinquishes the Right of Footway on Lot 11 in DP 576205, subject to the applicant reimbursing Council current market price determined by the State Valuation Office, as well as meeting all legal, survey and administrative costs. The applicant to provide a written undertaking that any objections, claims for compensation or accommodation works in regard to the current boardwalk will not be made in the future; and
2. Endorses all necessary documents under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

At a meeting held on 6 February, 2002 it was resolved by Council to relinquish a Right of Footway over the property known as 26 Moss Street, Kingscliff. The applicants (Steven & Barry Clough) were direct descendants of the original grantee of the Right of Footway and apart from Council's legal and administrative fees, no compensation was paid by the applicants.

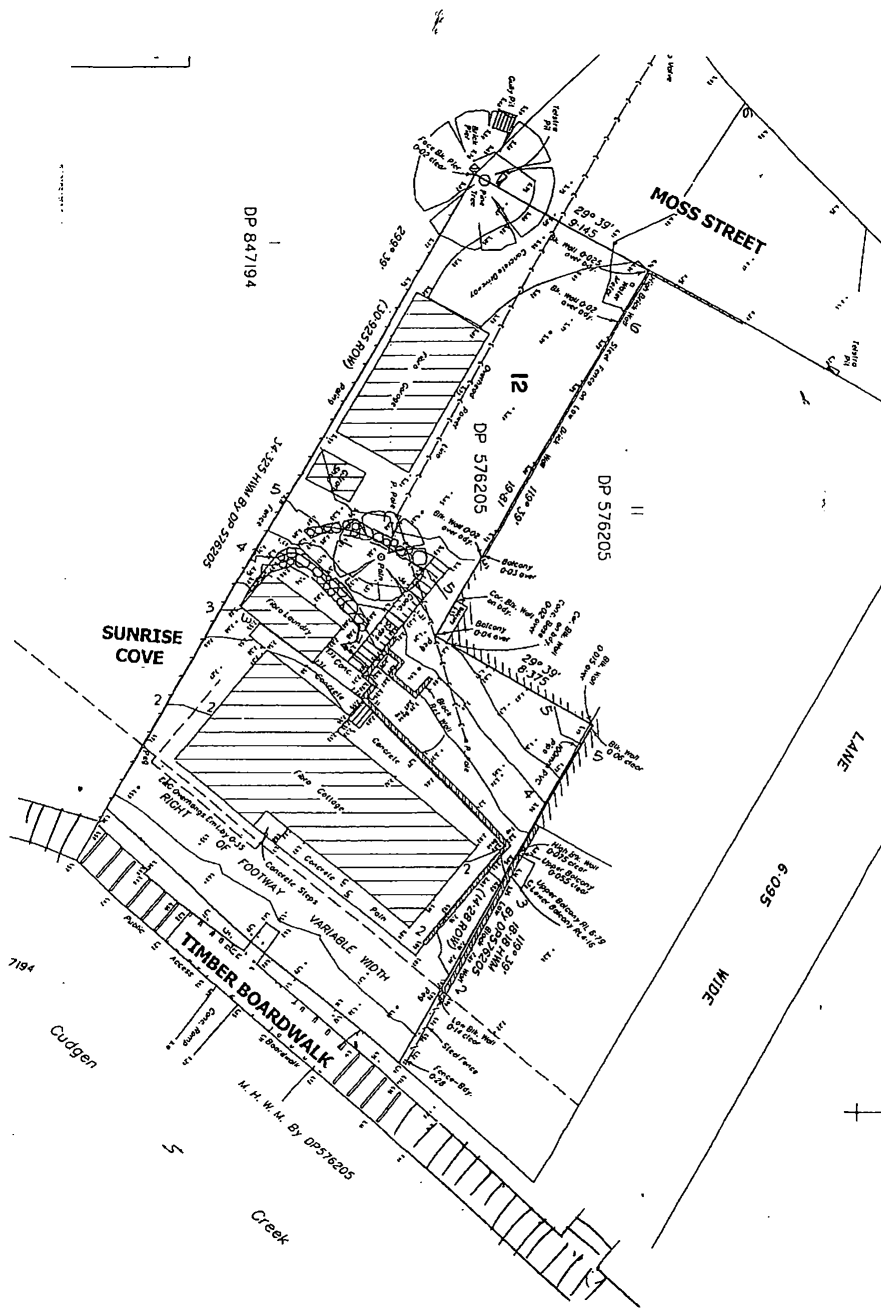
As you may recall, a timber boardwalk is constructed along Cudgen Creek fronting, amongst others, both 24 and 26 Moss Street. The timber boardwalk lies totally outside the boundaries of the Right of Footway within Lots 11 and 12, as shown in the following plan, and does not utilise any area within the Right of Footway.

The neighbours, Mr and Mrs Bowman of 24 Moss Street, Kingscliff, are now seeking the relinquishment of the Right of Footway which burdens their property, Lot 11 in DP 576205.

However, unlike the former application, Mr and Mrs Bowman are not direct descendants of the original grantee of the Right of Footway, and it is considered appropriate that should Council relinquish the Right of Footway, that the Bowmans reimburse Council for the relinquishment, such reimbursement to be determined by the State Valuation Office, together with the payment of all of Council's legal, survey and administrative costs.

A copy of DP 576205 follows showing the location of the Right of Footway within Lots 11 and 12, together with a plan showing the timber boardwalk lying outside the Right of Footway within each Lot.

Reports from Director Engineering Services



Reports from Director Engineering Services

21. ORIGIN: Water Unit

FILE REF: Water - Capital Works - Water Pumping Station

REPORT TITLE:

Water Pump Station No 3 Upgrade

SUMMARY OF REPORT:

Water Pump Station (WPS) No3 is located in Terrace Street, Chinderah. It is a major pump station in Council's water conveyancing system drawing potable water from the Hospital Hill Reservoir in Murwillumbah and delivering water to Banora Point and Kingscliff.

Upgrading WPS No3 is required to address the following:

- Occupational, health and safety issues;
- Noise, vibration and ventilation;
- Flow measurement;
- Provision of automatic control valve to improve water quality in the Kingscliff distribution system; and
- Increased pump capacity when pumping to Banora Point reservoir.

RECOMMENDATION:

That Council invites proposals from suitably qualified and experienced consultants to undertake the necessary detailed design and documentation.

Reports from Director Engineering Services

REPORT:

Water Pump Station (WPS) No3 is located in Terrace Street, Chinderah. It is a major pump station in Council's water conveyancing system drawing potable water from the Hospital Hill Reservoir in Murwillumbah and delivering water to Banora Point and Kingscliff.

Upgrading WPS No3 is required to address the following:

- Occupational, health and safety issues;
- Noise, vibration and ventilation;
- Flow measurement;
- Provision of automatic control valve to improve water quality in the Kingscliff distribution system; and
- Increased pump capacity when pumping to Banora Point reservoir.

Egis Consulting (now GHD) were engaged by Council to develop the design criteria, investigate options and develop the design concept. Their report (may 2002) addresses the above issues and concludes that the estimate for the cost of the upgrade is \$684,000. Funds for this project have been allocated in the current capital works budget.

The next phase of the project is for Council to call tenders for the detailed design and documentation.

Reports from Director Environment & Community Services

22. ORIGIN: Environment & Health Services Unit

FILE REF: HACC, Govt Grant-Comm Options

REPORT TITLE:

Home and Community Care (HACC) Funding

SUMMARY OF REPORT:

A letter has been received from the Department of Ageing & Disability advising that approval has been received for additional HACC funding for Tweed Community Options Program for an amount of \$5200 to cover client administration costs.

RECOMMENDATION:

That Council:

1. Accepts the approved funds
2. Votes the expenditure accordingly
3. Completes all necessary documentation under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

A letter has been received from the Department of Ageing & Disability advising that approval has been received for additional HACC funding for Tweed Community Options Program for an amount of \$5200 to cover client administration costs.

It is recommended that Council:

1. Accepts the approved funds.
2. Votes the expenditure accordingly.
3. Completes all necessary documentation under the Common Seal of Council.

Council's Community Worker Aged and Disability, has checked with the Department and the term 'Viability Funding' in the covering letter is a mistake. It should read 'Additional Funding'. However, this does not affect the allocation or documentation to be completed by Council.

The additional allocated funds of \$5200 are to cover an increase in client subsidy to increase client's brokerage for the period 2001/2002.

This funding is pursuant to Clause 6.11 of the Department of Ageing Disability and Home Care Funding Agreement. Council has been issued with a revised Schedule 2 Part A, which correctly shows the funding has been allocated for 2001/2002.

This funding is recurrent.

There is no requirement for Council to provide matching funds.

A copy of the letter is reproduced as follows:-

Reports from Director Environment & Community Services



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

GOV GRANT - COMMUNITY OPTION

TWEED SHIRE COUNCIL	
FILE No	HACC
DOCUMENT No	[] [] [] [] [] [] [] []
RECD	13 JUN 2002
BOX No	[] [] [] [] [] [] [] []
ASSIGNED TO	EDWARDS G
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Our Ref: D02/1990
Contact Cecil Moloney
Tel 8270 2132

Dear Dr Griffin

You will be aware that approval has been received for HACC Viability funding for your organisation for an amount of \$5,200. Details of the funding are listed on the enclosed Schedule 2 Part A

This change to your funding is made pursuant to Clause 6.1.1 of the Department's Funding Agreement. Funding will be in accordance with the terms and conditions of that Agreement. In order to secure these funds you will need to sign and return both copies of the enclosed Acceptance of Funding Variation to us. Once signed these funds are considered part of your current Funding Agreement. Included in the enclosed package are:

- 1 Two copies of the Acceptance of Funding Variation which you are required to sign,
- 2 Schedule 2 Part A to the Agreement

Your prompt attention to this matter will ensure the additional recurrent funding is processed without delay.

Should you require any further information regarding this approval please do not hesitate to contact Cecil Moloney on 8270 2132. Further enquiries about the documentation enclosed may be directed to Pieter Van Keppel on 8270 2306 in the Contract Management Unit.

Yours sincerely


For Terry Lee-Williams
Manager Contract Management
05 June 2002

Strategic Finance Directorate
Level 13, 83 Clarence Street, Sydney NSW 2000
Tel (02) 8270 2000 Fax (02) 8270 2490 TTY (02) 8270 2167 DX 10485 SSE
The Home Care Service of NSW can be contacted on (02) 9689 2666

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

23. ORIGIN: Building Services Unit
FILE REF: DA02/0624 Pt1 Ppty No: 3340.17604

REPORT TITLE:

Development Application DA02/0624 for alterations and additions to an existing dwelling house at Lot 8 Sec 8 DP 758571, No. 254 Marine Parade, Kingscliff

SUMMARY OF REPORT:

An application has been received to carryout alterations and additions to the single dwelling house located on the subject property. The proposal includes addition to the rear of the dwelling comprising of a family room, study, laundry, deck, two bedrooms and a rumpus room beneath the bedrooms.

The land is situated on the western side of Marine Parade Kingscliff, with a site area of approximately 847m². The subject land is Zoned 2(b) Medium Density Residential under the provisions of the Tweed Local Environmental Plan 2000. The proposal is permissible with consent within the zone however the primary objective of the zone is to provide and encourage development for the purpose of medium density housing. Notwithstanding the primary objectives of the zone approval of the development would not preclude the redevelopment of the site in long term for medium residential development.

RECOMMENDATION:

That Development Application DA02/0624 for alterations and additions to an existing dwelling house at Lot 8 Sec 8 DP 758571, No. 254 Marine Parade, Kingscliff be approved subject to the following conditions:-

GENERAL

- 1 The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
[GEN0020]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0120]
3. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and

Reports from Director Environment & Community Services

- c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

[GEN0150]

4. Section 94 Contributions

- (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

S94 Plan No. 7

West Kingscliff - Drainage: \$131.70

[PCC0050/PSC0005]

5. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

[PCC0260]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. The footings and floor slab are to be designed by a practicing Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0160]

7. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:

Reports from Director Environment & Community Services

- (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

[PCC0310]

PRIOR TO COMMENCEMENT OF WORK

8. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
- [PCW0040]
9. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Reports from Director Environment & Community Services

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0050]

10. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.

[PCW0070]

11. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0090]

12. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

13. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

14. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

During Construction

[PCW0250]

15. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.

[DUR1020]

Reports from Director Environment & Community Services

16. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
17. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1050]
18. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]
19. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR1160]
20. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Lot8 Sce8 DP758571 Marine Parade, Kingscliff. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The foot paving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed. [DUR0520]
21. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.

Reports from Director Environment & Community Services

- iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - iv. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000. [DUR1200]
22. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1210]
23. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Inspection of drainage works prior to covering is required. [DUR1220]
24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made). [DUR0010]
25. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR0080]
26. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
27. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. completion of work
- [DUR0170]
28. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
29. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays. [DUR0900]
30. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building. [DUR0960]

Reports from Director Environment & Community Services

31. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.

[DUR1000]

Reports from Director Environment & Community Services

REPORT:

Applicant: Mr L McCormack and Mrs I McCormack

Owner: Mr Leslie J McCormack and Ms Irene A McCormack

Location: Lot 8 Sec 8 DP 758571, No. 254 Marine Parade Kingscliff

Zoning:

Cost: 80000.00

BACKGROUND

Council is in receipt of an application to carry out substantial alterations and additions to the single dwelling located on the subject property. The proposal includes addition to the rear of the dwelling comprising of a family room, study laundry, deck, two bedrooms and a rumpus room beneath the bedrooms. The existing building is a three-bedroom brick veneer dwelling with a corrugated fibro roof approximately 40-50 years old, in fair to good condition.

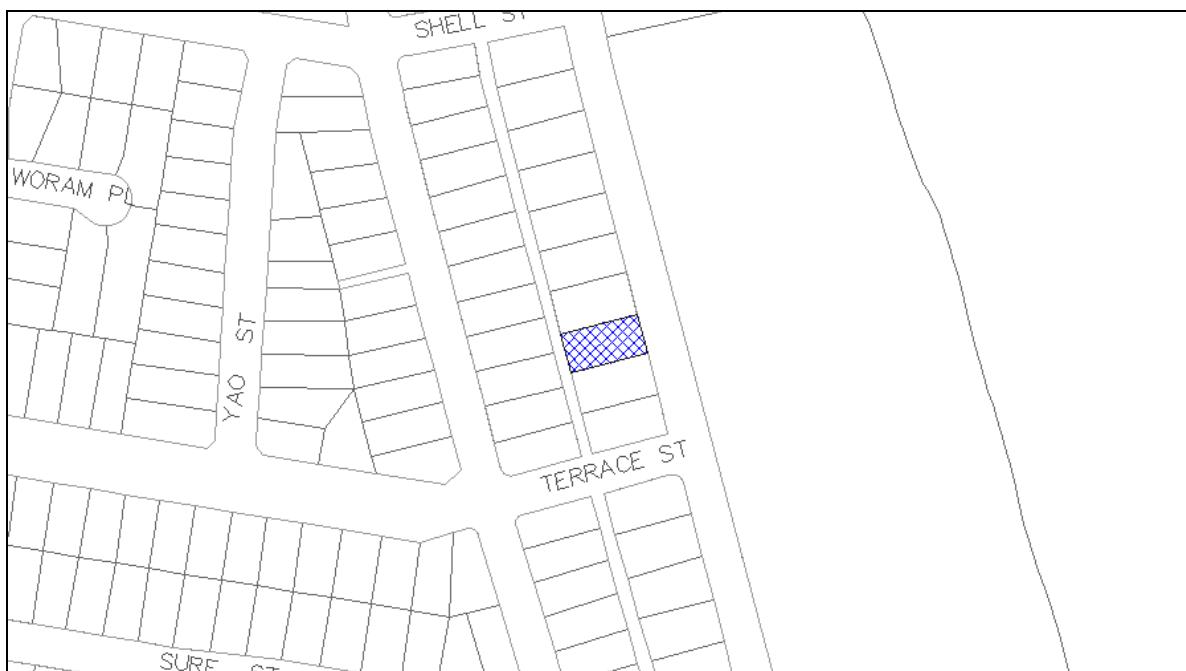
The land is situated on the western side of Marine Parade Kingscliff, with a site area of approximately 847 m² and is located within a medium density residential 2 (b) Zone.

The applicant has previously approached Council's Development Assessment Panel on the 22 February 2002 to discuss the proposal because of its location within the 2 (b) medium density residential zone. The applicant's submission at that time did not address the zoning objectives associated with the Residential 2 (b) zoning. The applicant was advised that:

"The development Assessment Panel noted that the zoning objectives associated with the Residential 2(b) zoning were not being addressed in their submission which comprises a major re-construction of an existing single dwelling, and that a decision can only be made after a full merit assessment of a formally submitted Development Application"

In conjunction with this Development Application a submission has been made by Darryl Anderson Consulting Pty Ltd, addressing the 2 (b) zone objectives for the development.

SITE DIAGRAM



Reports from Director Environment & Community Services

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

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

North Coast Regional Environmental Plan 1988 (NCREP 1988)

The proposal is considered to be consistent with the relevant provisions of the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policies (SEPPs)

No SEPPS affect this development

Tweed Local Environmental Plan (TLEP 200)

The subject land is Zoned 2 (b) medium density residential under the provisions of the TLEP 2000. The proposal is permissible with consent within the zone however the **primary objective** of the zone is to provide and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regions centre) that achieves good urban design outcomes. Further to the above one of the **Secondary objectives** is to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-region centre.

While it is acknowledged that the 2 (b) Zone objectives encourage medium density residential development in the area, this style of development has the potential to allow a streetscape of three storey buildings along Marine Parade. The existing mixture of one, two and three storey buildings along Marine Parade in this area provides for more variety and a less imposing streetscape.

The applicant in support of their application and to address the zone objectives have noted

- The proposed alterations and additions are estimated to cost approximately \$80,000. They are relatively modest in scale and do not result in any additional bedrooms but do increase the living areas/recreation areas required by the younger family members in particular.
- The proposed alterations and additions do not significantly extend the economic life of the dwelling house (which is structurally sound). The additions will be constructed on piers with timber bearers and joists and timber flooring. External cladding will be brick and new roof areas will be colourbond.
- Similar lots within the 2(b) zone in Marine Parade have recently sold for approximately \$800,000. Clearly, the expenditure of \$80,000 on the proposed alterations and additions to make the existing dwelling more liveable does not result in an overcapitalisation of the site improvements which would give rise to a need to retain the building for a lengthy period as a means of recouping the capital investment.
- Approval of the alterations and additions will not preclude redevelopment of the site for multi-dwelling housing if circumstances change in the short to medium term. The scale and value of the proposed work is relatively small vis a vis the value of the land and as such it is considered that the economic life of the

Reports from Director Environment & Community Services

development will not be significantly increased as this will continue to be determined by the adequacy and soundness of the existing forty year old (dwelling house).

In so far as the secondary objectives are concerned, again they do not preclude the approval of dwelling houses in the 2(b) zone. They do “discourage the under-utilisation of land for residential purposes” however as discussed above, approval of this application would not significantly extend the economic life of the dwelling house as that will continue to be determined by the age, adequacy and state of repair of the existing building.

The issues raised by the applicant appear to address the Zone objectives and while approval of the additions to the dwelling might not meet the primary zone objective in the short term, approval of the additions would not preclude the redevelopment of the site in the long term. The escalating cost of beachfront land should ultimately result in the redevelopment of the site for multi residential dwellings as the existing dwelling reaches the end of its economic life



For Council’s information the owner of the property at No 250 Marine parade (two properties to the South along Marine Parade) approached Council in July 1998 to carryout alterations and Additions to their existing dwelling. The Development Assessment Panel advised the applicant “ Having regard to the zone objectives any alterations and additions to the existing dwelling which extended the economic life of the existing by a significant amount would not be appropriate”. In this instance the building was in a very poor condition and any additions to the building would have significantly extended the economic life of the building. The owner subsequently demolished the building and constructed an attached dual occupancy on the property.

Reports from Director Environment & Community Services

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

No draft Environmental Planning Instruments affect this property.

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

DCP No 2- Site Access & Parking Code

The proposal is satisfactory in regards to the provisions of DCP 2

DCP No 39- Energy Smart Homes

The proposed additions are subject to the requirements of DCP 39 as the additions are greater than 50% of the existing floor area of the dwelling. Details have been provided confirming compliance with the DCP requirements.

DCP No 9 –West Kingscliff

The development is subject to section 94 Contributions under this plan for storm water disposal.

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

None apparent

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

It is considered that the proposed additions will have no additional impact on the natural and built environments and social and economic impacts in the locality than to that which already exists, as the property will still be used as a single dwelling.

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

It is considered that the proposed additions to the dwelling are suitable for the site. The dwelling has been constructed on the property for many years and is part of the existing streetscape. Apart from the Zone objectives encouraging medium density residential development there are no other known factor that would prevent the approval and construction of the proposal.

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

No submissions were made in accordance with the Act or Regulations

(e) **Public interest**

It is considered that the development will not prejudice the public interest and the approval of the additions to the dwelling will not adversely affect the amenity of residences in the area or that of the public. The long-term objectives of the zone will still be maintained, as the proposed works will not preclude the future demolition of the dwelling for redevelopment of the site.

OPTIONS

1. Council can approve the application in accordance with the recommendation and attached conditions.
2. Council could refuse the application as the proposal is not in accordance with the primary objectives of the 2 (b) Zone for the locality.

Reports from Director Environment & Community Services

LEGAL/RESOURCE/ FINANCIAL IMPLICATIONS

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

CONCLUSION

While the development does not meet the primary objectives of the 2 (b) zone, the development is not prohibited and approval of the proposed works will not preclude the future redevelopment of the site for multi residential development. The cost of the proposed building works of \$80,000 only represents approximately 10% of the stated land value of the property. It is obvious from the applicants submission that redevelopment of the site for Multi residential development will not occur in the short to medium term as the owners intend to reside in the dwelling on a permanent basis and therefore refusal of the proposed works would serve no real purpose.

Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit

FILE REF: Civic Centre Tweed Heads-Hire

REPORT TITLE:

Tweed Hospital Staff Christmas Review - Tweed Heads Civic Centre

SUMMARY OF REPORT:

The Northern Rivers Area Health Service has requested use of the Tweed Heads Civic Centre for the above Review and Party and has requested a waiver of the fee.

RECOMMENDATION:

That Council:-

1. Approves the use for the facility for the Tweed Hospital Staff Christmas Review and Party including the service of alcohol;
2. Levies the normal applicable fee.

Reports from Director Environment & Community Services

REPORT:

A request addressed to the Mayor and as reproduced below has been received:-



NORTHERN RIVERS AREA HEALTH SERVICE

The Tweed Hospital, Powell Street, Tweed Heads

All correspondence to. P O Box 904 TWEED HEADS NSW 2485 Tel: (07) 5536 1133 Fax: (07) 5506 7411

TH/lp 02-741

19 July 2002

Mr Warren Polglase
Mayor
Tweed Shire Council
P O Box 816
MURWILLUMBAH NSW 2484

FILE No.
SUBJECT No.
DOCUMENT No.
REC.	7 4 JUL 2002
DOCUMENT TYPE
LOCATION CODE
ED P. PROCESSED

TWEED SHIRE COUNCIL	
FILE No.	CIVIC CTR - TH - HIRE
DOCUMENT No.
REC'D	25 JUL 2002
BORN No.
ASSIGNED TO	EDWARDS G
HARD COPY	<input type="checkbox"/>

Dear Mr Polglase,

We confirm the telephone booking made by Mr Ross O'Neill on behalf of The Tweed Hospital for use of the Tweed Civic Centre on Friday, 29 November 2002.

We are planning to hold a Tweed Hospital Staff Christmas Revue and party on the evening of 29 November. With this in mind, we seek your approval to the following requests:

- a) In order to set up and decorate the area, could we please have access to the room for the entire day;
- b) As this is a Staff Christmas party, could we please have approval to serve alcohol; and
- c) Would it be possible to waive the cost of hiring this room?

We look forward to hearing from your in the very near future and thank you for considering our request.

Yours faithfully

Trish Hogan
Executive Officer

*DCS
Report to Council
11/24/02*

A teaching hospital of the University of Sydney, Bond University, Southern Cross University and Griffith University

Reports from Director Environment & Community Services

In relation to the issues raised the following comments are provided:-

- a) The room is available as requested for the entire day as well as the evening and tentative approval has been given to this request.
 - b) Approval to serve alcohol raises no objection.
 - c) This event is a private staff Christmas Party and as such is completely outside the current guidelines for fee reduction and therefore it is recommended that the normal hire fee for use of the facility for the entire day and evening stand ie \$352.00.
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Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

25. ORIGIN: Environment & Health Services Unit

FILE REF: PF5950/510 Pt4 Ppty No: 5950.510, Cvan Pks-Drifters

REPORT TITLE:

Application to Install Unregisterable Moveable Dwelling

SUMMARY OF REPORT:

Application has been made to Council to install an unregisterable moveable dwelling (UMD) at site 28 Drifters Van Village, Chinderah. The applicant has requested that the application be reported to Council.

Drifters Van Village is a high hazard flood prone park. Installation of UMDs in such parks is not permissible under Council Policy E2.29. This restriction is intended to protect long term residents and their property from exposure to flood conditions.

If an approval were granted, it would set a precedent which other people are likely to pursue, namely approval for more UMDs in flood prone parks.

Officers recommend that the Policy not be varied and the application be refused.

RECOMMENDATION:

That Council refuses the application to install an unregisterable moveable dwelling on site 28 Drifters Van Village.

Reports from Director Environment & Community Services

REPORT:

Mr Brian Smart wrote to Council on 14 June enquiring about the possibility of relocating an unregistrable moveable dwelling (UMD) from site 235 Banora Point Caravan Park to site 28 Drifters Van Village, Chinderah. The UMD is a manufactured home which cannot be towed off-site in flood conditions.

A response letter dated 28 June advised Mr Smart that the installation of the UMD in Drifters is not permissible under Council Policy E2.29. A personal visit was also made to Mr Smart by a Council officer to explain the background to the Policy and why the installation is not permissible. Mr Smart was advised that he could make official application to Council for relocation of the structure if he so chose, but it would be unlikely to be approved.

Mr Smart has chosen to make application, and below is his letter which supports the application. It would be 'normal' for officers to advise that an approval cannot be given in accordance with Council Policy. However Mr Smart has requested that the matter be reported to Council for determination.

"Sir,

I am in receipt of your correspondence regarding the above relocatable and your decision not to grant approval as Drifters Van Village is classed as a high flood prone Park. I appreciate your forwarding of the attached application which I submit for further consideration by the Council.

There is probably little I can add to my letter of the 14 June 2002 regarding the conditions of Banora Point Caravan Park and my very real desire to vacate this place. I have made tentative inquiries as to cost to me to have the home transported from Banora Point to Drifters and this would approximately \$7,000.00. I mention this only to underline how desperate I am to get away from here as being a pensioner I really have to struggle to raise this amount.

The site mentioned on attached application is on the highest ground in Drifters and would be in keeping with other relocatables in that street.

I am prepared to do whatever is required to indemnify the Council should any damage occur due to floods in the future.

My cheque for amount of \$95.00 attached."

COUNCIL POLICY E2.29 – UNREGISTERABLE MOVEABLE DWELLINGS AND ANNEXES ON FLOOD LIABLE LAND

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

Part k of the Policy relates to the placement of UMDs, and states the following:

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

E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.

Reports from Director Environment & Community Services

E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.”

The Policy is intended to prevent persons placing UMDs on long term sites within flood prone parks as the structures would be exposed to flooding, and cannot be towed away. This situation places the occupants and their possessions at risk, and may incur liability for Council.

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

The current Policy restrictions have operated since about 1989.

SUBJECT PROPOSAL

Site 28 in the Drifters is a long-term site and the ground level within the Park is believed to be about 2m AHD. Drifters Van Village is classified as a ‘high hazard flood prone park’ by Council records. The minimum floor level required in the structure by DCP 5 and Policy E2.29 is 3.6m AHD. This level equates to 300mm above the ‘adopted design flood level’ for Chinderah. Therefore the structure would need to be placed some 1600mm above ground level to be free from flood waters. Council’s existing Policy does not permit floor levels to be placed more than 1200mm above ground level for reasons of aesthetics and stability.

Officers are sympathetic to Mr Smart’s desire to vacate his current site. However there are a number of significant and valid reasons why Council should not vary the current Policy and permit placement of the structures, as follows:

- The site is a long-term site and the occupant would be exposed to flood conditions. It may be said that there are many structures in caravan parks which would be exposed to flood waters. However, there is no good reason why this should be compounded by the approval of additional UMDs in these circumstances. Council Policy has not permitted such installations for a number of years.
- Unless the structure is raised about 1600mm above GL, then the structure would be inundated by flood water. This is undesirable for reasons of aesthetics and structural stability. Whilst structural stability could be overcome by robust construction, caravan parks in the Tweed would look quite peculiar if it were permissible to install manufactured homes at 1600mm above ground level.
- Mr Smart says that he would indemnify Council, however the structure would eventually transfer to separate ownership.
- Importantly, any approval would set a precedent. There is likely to be many other people who would seek approval to install UMDs. Officers regularly take enquiries from persons interested in installing UMDs in flood prone parks. This needs to be considered in terms of the safety of these people and their possessions if they were exposed to future flood conditions.
- There are other non flood prone caravan parks for which Mr Smart could pursue an approval to relocate the UMD to.

Reports from Director Environment & Community Services

There are substantive and valid reasons why the application to place a UMD on site 28 Drifters Van Village should be refused. Officers recommend that the current Policy not be varied and that the application be refused.

POLICY E2.29 - UNREGISTERABLE MOVEABLE DWELLINGS AND ANNEXES ON FLOOD LIABLE LAND

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

Policy

- a. Unregisterable moveable dwellings and rigid annexes will not be permitted in any caravan park or addition to caravan park on flood liable land constructed after 1 December 1986.
- b. Unregistered moveable dwellings and rigid annexes may be permitted in caravan parks that are located on flood liable land within flood fringe and non-critical flood storage areas where the park is filled above Council's design flood level for the locality and where Council's investigations have shown that filling will not have any significant adverse impact on the flood pattern.
- c. In caravan parks not excluded by Clause (a), unregisterable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregisterable moveable dwelling the floor level of the registrable moveable dwelling whilst maintained in a mobile state shall be at least 300 millimetres above the design flood level.
- d. In no instances shall the floor level be more than 1200 millimetres above the ground level.
- e. Low hazard for the purpose of this policy shall mean that the site and normal surrounding ground and road levels shall be not more than 800 millimetres below the design flood level and that there shall be access which will be not more than 800 millimetres below the design flood level from the moveable dwelling site to flood free land considered by Council to be a suitable refuge.
- f. In high hazard caravan parks, except Greenhills Caravan Park, Tweed Ski Lodge Caravan Park and any park excluded under clause (a) rigid annexes may, with the approval of Council, be attached to registrable moveable dwellings on long term sites provided:-
 - E1. Where levels permit, the annexe floor level shall be in accordance with clauses (c) and (d) of this policy.
 - E2. Where Item 1 cannot be complied with, the floor level of the annexe is not below the floor level of the registrable moveable dwelling to which it is attached.
 - E3. Any flooring fitted less than 300 millimetres above the designed flood level for the site shall be of hardwood or water resistant grade material.
 - E4. The method of attachment to the registered moveable dwelling shall be such as to allow disconnection within one hour.
- g. Short term sites will not be allowed to be converted to long term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.

Reports from Director Environment & Community Services

- h. The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand flood water and wind loadings and adequate design and documentation is to be submitted to Council to allow it to determine compliance with this clause.
 - i. No unregistrable moveable dwelling or annexe is to be placed upon flood liable land without prior approval of Council.
 - j. Each application for approval under this policy is to be made upon the approved form and be accompanied by a fee to be as determined by Council.
 - k. In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that:-
 - E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.
 - E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.
 - l. A fee of \$50.00 will apply for applications to place unregistrable moveable dwellings or rigid annexes on flood liable land will apply from 4 June 1992 for the remainder of 1992.
 - m. Council's Environment and Community Services Division will ensure that each park has an approved evacuation plan and means of communication to all tenants.
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Reports from Director Environment & Community Services

26. ORIGIN: Environment & Health Services Unit

FILE REF: Community Services - Civic Centre - Murwillumbah - Hire

REPORT TITLE:

Introduction of Cutlery and Crockery Hire - Murwillumbah Civic Centre

SUMMARY OF REPORT:

The recently appointed new caretaker/manager of the Murwillumbah Civic Centre will be allowing self-catering of events, an option that has not previously been available. Self-catering will include the use of the Civic Centre kitchen and if requested, hire of Council owned cutlery and crockery.

As hire of cutlery and crockery has not previously been possible, Council has established no charge. The hire charges of four regional commercial hire services have been obtained and a hire charge for Council's equipment established. Council's charge offers substantial savings on commercial rates.

The provisions of Section 612 of the Local Government Act 1993 require Council to give public notice of a proposed fee.

RECOMMENDATION:

That in accordance with the provisions of Section 612 of the Local Government Act 1993 Council give public notice of the below proposed fees for the hire and use of cutlery and crockery at Murwillumbah Civic Centre functions and that these fees be charged with the agreement of any hirer in the interim or the equipment not be made available.

Usage requirement	Details	Cost/person
Light refreshment.	Cup or glass, saucer and small plate.	\$0.50
Cutlery and crockery only – no glassware.	Cutlery and crockery for side, entrée, main and dessert.	\$1.00
Glassware only – no cutlery and crockery.	Water, spirit, beer, and/or wine glass.	\$1.00
Cutlery, crockery and glassware.	Cutlery and crockery for side, entrée, main and dessert; and Water, spirit, beer, and/or wine glass.	\$1.50

Reports from Director Environment & Community Services

REPORT:

In its meeting of the 19th June 2002, Council resolved to appoint David Martain as the new caretaker/manager of the Murwillumbah Civic Centre.

Mr Martain will allow self-catering of events held at the Civic Centre, an option that has not previously been available. Self-catering will include the use of the Civic Centre kitchen and if requested, hire of Council owned cutlery and crockery.

As hire of cutlery and crockery has not previously been possible, Council has established no charge. The hire charges of four regional commercial hire services were researched and the lowest cost per person for a three course meal with drinks and tea/coffee was \$3.70.

A proposed schedule of costs for use of Council equipment has been developed. This schedule is significantly less costly than commercial rates, particularly for a three course meal with drinks and tea/coffee.

The proposed schedule is as follows:

Usage requirement	Details	Cost/person
Light refreshment.	Cup or glass, saucer and small plate.	\$0.50
Cutlery and crockery only – no glassware.	Cutlery and crockery for side, entrée, main and dessert.	\$1.00
Glassware only – no cutlery and crockery.	Water, spirit, beer, and/or wine glass.	\$1.00
Cutlery, crockery and glassware.	Cutlery and crockery for side, entrée, main and dessert; and Water, spirit, beer, and/or wine glass.	\$1.50

Prior to adoption of these charges, the provisions of Section 612 of the Local Government Act 1993 require Council to give public notice.

Reports from Director Environment & Community Services

27. ORIGIN: Building Services Unit

FILE REF: DA02/0569 Pt1, Ppty No: 3220.410

REPORT TITLE:

Building Enclosure Below Council's Design Flood Level - Lot 5 DP 248042 10 McLeod Street, Condong

SUMMARY OF REPORT:

This application was originally presented to the Council Meeting of 19 June 2002. The report was deferred at that meeting and represented to the Council Meeting of 3 July 2002.

Due to a misunderstanding in the deferral of the original reports and Council Meeting dates, the application is again presented to Council for determination.

The submission from the applicant's Consultant has been included for consideration.

The two previous reports of 19 June 2002 and 3 July 2002 are also included as annexures of this report.

It is considered that the resolution of the meeting held 3 July 2002 should be re-affirmed.

RECOMMENDATION:

That the resolution of the Council Meeting of 3 July 2002 be re-affirmed, being:-

"... that Council invites the applicant to amend the proposal allowing an enclosed lower floor area which would comprise a double garage and a workshop area within the front portion of the lower floor with laundry and bathroom facilities permitted at the rear. The proposed workshop and storerooms within the rear portion as depicted in the proposed plan are to be deleted, with suitable openings being provided to these areas to reduce the excessive enclosed lower floor area."

Reports from Director Environment & Community Services

REPORT:

This application is re-presented to Council due to a misunderstanding of Council Meeting dates and also provides opportunity for Council to further consider a submission from the applicant's Consultant in relation to the original report.

The following submission from the applicant's Consultant was received by Council on 10 July 2002:-

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH 2484

Re: DA 02 / 569, Proposed Alterations and Additions,
10 McLeod Street, Condong.

I thank Councillors for deferring consideration of the above Development Application, allowing the following response to the recommendation tabled on behalf of the owners. The points raised reflect the sequence of issues tabled within Council's report.

HISTORY (summary)

- Initial discussions were held with Council planning staff during October 2001. Staff advised concern was raised for the existing stair in front of the dwelling. It was tabled this was prohibited requiring relocation. No other issues were raised.
- Several discussions with staff resulted in building staff advising the stair was permissible however a fee of approximately \$68.00. Now January 2002.
- Full development detail was lodged with Council, at this point the \$68.00 fee had increased to

Reports from Director Environment & Community Services

The General Manager

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above \$200.00. Staff advised this was a result of poor performance by private certifiers and must be paid.

- During assessment of the application staff raised concern for compliance with DCP5.
- A full submission dated April 2002 was lodged with Council detailing compliance with all aspects of DCP5.
- Staff advised that a requirement to demolish more than 50% of the existing lower level of the dwelling would be required as a condition of consent.
- A further meeting was held with staff however no change in the determination was offered hence the current reports before Councillors.

ISSUES

Existing Enclosed Area

Council officers confirm the existing enclosure of the lower level on page 125 of the report. The description of one wall of slat timber not forming an enclosure is not supported. Photographs within Councils report identify the existing building on two elevations only are misleading. Photographs of the other two elevations would confirm the lower level cladding as being part of the original construction noting the extent of continuous fibro sheet well into the upper level.

DCP5 – Development

As required by the DCP, the “Habitable” area of the residence is above the minimum floor level. Within the definitions of Councils DCP, Habitable is defined as;
Lounge room, living room, dining room, kitchen, bedroom or the like and includes rooms constructed and furnished for these purposes but may exclude areas used for recreational purposes provided that any furnishings therein are of a movable nature.

Initially Council officers raised concern for the description of area on the lower level as falling into the category of habitable. This point was accepted and resulted in amendments to the plan identifying the actual use proposed.

However, it is confirmed the lower level use is for recreational use (rumpus, hobby, play area).

As identified in the definition this area is excluded provided furnishings are of a moveable nature

The DCP tables any area larger than 50m² will only be considered when the additional area enclosed will not provide any greater restriction on flood flow.

As previously tabled there shall be no additional area enclosed as a result of this development. Staff have advised that the applicant is “missing the point” in this regard and although there may be no impact on the flow of floodwaters any area above 50m² is considered to only be a little bit. This comment leaves myself and family in bewilderment as the DCP clearly tables:

Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow. The free flow of floodwater must be a major consideration in the design of any area to be enclosed.

As previously stated, there shall be no additional area enclosed as a result of the development.

To assist staff in determining the application a full submission confirming the proposed works do not impact on the flow of flood waters in any way whichever way they wished to define the existing lower structure.

LEGAL RAMIFICATIONS

The advice tabled on page 126 of the report clearly refers to new dwellings. In this instance the enclosing walls of the lower level are existing, the current owners, grand children of the previous occupants and builder during 1956, can confirm these to be part of the original home through many childhood memories. To require demolition is only seen as retrospective.

MANAGER, WATER

Reports from Director Environment & Community Services

The General Manager

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The advice provided by the Manager, Water confirms the relationship to "additional" enclosed areas. Again it is considered there is no additional enclosed area being provided as a result of this application. It was also tabled at our most recent meeting with staff there will be negligible impact on flood waters as a result of this application.

CONCLUSION

Staff now confirms it may be argued the existing lower floor is enclosed and was in place prior to the introduction of DCP5. Staff also confirms the works are unlikely to effect the flood characteristics of the locality. This further confirms the impact even if only three walls area applied.

It now appears the recommendation for refusal rests solely on the potential for damage to property and contents. Reference to this is found in the last sentence of the description of *development* (pg 126) This statement comes as a complete surprise as it has never appeared on any copy of the DCP provided by staff nor on the Council Web site. I would ask Council to confirm the accuracy of this statement and the date of adoption of the amended DCP.

In any case the owners ask what property and contents will be impacted on that is not already subject to flood? If Councils DCP allows furnishings in this area subject to there be of a movable nature, why is this a point of refusal?

OPTIONS

Option 1

Option 1 is the favoured outcome considering the lower level exists and the owners can meet all criteria within the DCP.

Option 2

The option is considered inappropriate as the application is in compliance with all aspects of the DCP.

Option 3

The requirement to demolish the existing lower is considered to be inappropriate and retrospective.

Option 4

"Approve the application subject to a full hydraulic Engineering Report certifying no significant restriction to flood flows"

This option advises the application may be approved. However the requirement is at odds with Council staff confirming the development is unlikely to effect the flood characteristics of the neither area nor addresses any deficiencies in the report already lodged with Council.

This requirement has also been met in the submission dated April 26th, 2002 confirming the impact is so minor it cannot be accurately measured.

Council's Manager, Water also confirmed at a joint meeting with the owners "there will be negligible impact of flooding".

In closing the owners and myself believe the proposed works are compatible with Councils standards and shall only serve to improve the amenity of the area, provide modern building techniques compatible with flood waters and raise the standard of residential accommodation for a young family.

Reports from Director Environment & Community Services

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The General Manager

Yours faithfully

R D Hanby
C/- 10 McLeod Street
Condong 2484

To clarify a point in the conclusion of the submission, it should be noted that following paragraph was wrongly depicted as an excerpt from Development Control Plan No 5 in the original report:-

“The restriction of a total enclosed area below the design flood level of 50m² minimises the risk for potential loss and damage to property and contents when any enclosed area is inundated in times of flood”.

It is considered that the previous reports adequately address all issues associated with this application. The submission of R Hanby dated 9 July 2002 is to be noted and the previous Council Resolution of 3 July 2002 is to be re-affirmed.

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28. ORIGIN: Environment & Health Services Unit
FILE REF: GC12/5-200238 Pt1, Les Burger-Comm Centre

REPORT TITLE:

Cabarita Community Centre - Hire Fees

SUMMARY OF REPORT:

Council is currently upgrading the Cabarita Community Centre, Coast Road, Cabarita. It is envisaged that the building will be available for hire by the public in early August 2002.

A structure of hire fees needs to be identified, advertised and adopted in accordance with the Local Government Act, 1993.

Draft fees have been identified in this report and are the same as apply to the South Tweed Community Hall. It is recommended that these fees be advertised for 28 days in accordance with the Act.

RECOMMENDATION:

That Council approves that the hire fees identified in this report be placed on public exhibition for a period of 28 days in accordance with Sections 612 of the Local Government Act, 1993 and these fees apply in the interim by agreement should any person desire to have the facilities prior to these fees being formally adopted by Council.

Reports from Director Environment & Community Services

REPORT:

Council is currently upgrading the Cabarita Community Centre, Coast Road, Cabarita. It is envisaged that the building will be available for hire by the public in early August 2002.

A structure of hire fees needs to be identified, advertised and adopted in accordance with the Local Government Act, 1993.

Having considered Council's existing adopted hire fees the South Tweed Community Hall is the most similar facility and accordingly, the following draft fees have been identified for consideration:

Hall		A2235	
1.	Religious and Community groups	hour	12.40
		½ day	36.00
		full day	60.00
2.	Private Functions/Commercial ventures	hour	23.80
		½ day	71.00
		full day	119.00
Office			
1.	Religious and Community groups	hour	6.20
		½ day	17.60
		full day	30.00
2.	Private Functions/Commercial ventures	hour	12.40
		½ day	36.00
		full day	60.00

The proposed fees are not proposed to impact existing arrangements for use of the canteen, change rooms or toilets with local sporting groups, and this use will remain subject to the existing license agreements. If however those sporting groups wish to use the community hall or offices, they will be subject to any adopted fees.

The fees need to be reasonable in terms of providing some income for use and maintenance of the building, and relevant to Council's capital expenditure on the property. However the fees also need to be priced to facilitate affordable regular use of the facilities by the community. Regular use of the facility will result in community ownership of the building and general area, which will reduce the likelihood of vandalism or similar issues.

It is recommended that the above fees be advertised for 28 days in accordance with Section 612 of the Act.

Reports from Director Environment & Community Services

29. ORIGIN: Environment & Health Services Unit

FILE REF: Aboriginal Matters

REPORT TITLE:

Northern Rivers Regional Aboriginal Heritage Study

SUMMARY OF REPORT:

In line with Council's resolution on Wednesday, 3 April 2002, that a report be prepared on both the need for an Aboriginal Heritage Study and options for the form and scope of such a study, Council is advised in the following report.

RECOMMENDATION:

That Council pursues the cooperation of relevant neighbouring authorities to undertake a regional Aboriginal Heritage Study.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND INFORMATION:

Aboriginal heritage is an integral component of the broad heritage process and is a specialised field of study involving particular cultural sensitivities.

In the NSW government Heritage Policy Statement of May 1996, the NSW Minister for Urban Affairs and Planning announced measures to integrate and improve the process for the management of Aboriginal heritage within the NSW heritage system.

In NSW, the three main Acts containing provisions for dealing with Aboriginal heritage are:

- The Heritage Act 1977 (NSW)
- Environmental Planning and Assessment Act 1979 (NSW)
- National Parks and Wildlife Act 1974 (NSW)

Under this legislation, various types of orders and instruments are made and administered by local councils and State Government agencies. For example, Aboriginal heritage items (including known and potential archaeological sites) are protected under the standard heritage provisions in local environmental plans made under the EP&A Act. At present, the National Parks and Wildlife Service has the major role in managing Aboriginal heritage within NSW. Under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service is the statutory authority responsible for the protection of Aboriginal relics and sites in NSW.

Aboriginal sites are part of the cultural heritage of NSW and are places with meaning and significance to Aboriginal people. These include: ceremonial grounds, burial sites, occupation sites, missions, reserves, camp sites, quarries, water holes, lagoons, mountains and rocks.

ABORIGINAL HERITAGE STUDY PROJECT RATIONALE

The study aims to provide improved administration in preserving and protecting Aboriginal Heritage as well as providing more certainty in decision-making processes in respect to development issues.

The study will:

- Identify sites and places in Tweed Shire that are of significance to the Aboriginal community
- Produce a public document that can be used by Council as a strategic land use planning resource
- Improve public knowledge of aboriginal cultural issues and minimise adverse impacts on sites or places of Aboriginal heritage
- Involve the local Aboriginal community in all phases of the study process

The study will also support key strategies outlined in Council's Cultural Policy and will support the on-going development of a Shire-wide Heritage Trail.

Cultural Policy - adopted 1999

Council's Cultural Policy and five-year Cultural Program Plan recognises the significant role cultural tourism plays in many regional communities and seeks to maximise the potential links between cultural and economic activities within the Tweed Shire.

Reports from Director Environment & Community Services

- *Built and Natural Environment - Vision Statement: A community that understands and appreciates the significance of its cultural heritage*
- *Cultural Diversity - Vision Statement: Reaching out to all our citizens to encourage participation and enjoyment of our cultural diversity*

Council is currently working in partnership with the NSW Heritage Office to implement a much broader heritage assessment. The Community Based Heritage Study will begin in mid August and it is envisaged that the proposed Aboriginal Heritage Study would be developed in concert with the wider study.

PROJECT PROPOSAL

To implement this project, two options are available to Council:

Option 1.

The geographical boundaries of the Bunjulong nation is located between Tallebudgera in the North, down through the border ranges to Minion Falls in the South, across to Byron Bay and all areas within this boundary.

It is therefore proposed that Council pursue the cooperation of relevant neighbouring authorities to undertake a regional study. This will enable a holistic and systematic approach in the assessment and documentation of heritage significance as well as increase the potential for funding the project. Project partners would comprise all relevant neighbouring Councils, State Government Bodies, such as The NSW Heritage Office and National Parks and Wildlife, Local Land Councils and their communities.

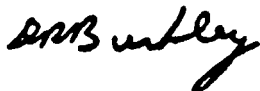
Please note that The NSW Heritage Office has dollar for dollar funding up to \$15,000 available to Local Government Authorities to undertake an Aboriginal Heritage Study.

Option 2.

Option 2 proposes that Council develop a Tweed-centric study.

This option would still enable Council to apply for funding from the NSW Heritage Office and would support local objectives. The project would be developed in partnership with State Government Bodies, Local Land Councils and the Tweed Aboriginal Community.

This option, although possibly easier to manage, would not deliver a true and comprehensive mapping of heritage significance in relation to the original boundaries.



ACTING GENERAL MANAGER

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 11 July 2002

Dunecare

VENUE:

Pottsville Environment Centre

TIME:

4.00pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Ms Kate McKenzie (Land Care Co-ordinator), Jeannette Davison (Cabarita), Len Greer (Pottsville Dune Care), Kay Bolton (Fingal), Ian Anderson (Kingscliff North), Peter Langley (Kingscliff Enviro Group), Mr Stewart Brawley, Mr Cliff Chadburn

Informal: Rhonda James, Ron Butler, Mrs Blyth Short (Recorder)

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: J Davison

Seconded: L Greer

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Wednesday 8 May 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Dune Care Records

Cr James working on Dune Care forms.

Reports from Committees/Working Groups

2. Rural Bush Fire Service

Senior Fire Officer to attend the September meeting.

3. Natural Heritage Trust – Bitou Bush Control Strategy

Aerial spraying of Bitou bush was carried out 28 June 2002.

General discussion.

S Brawley advised that some negative phone calls were received as expected. However, most callers were seeking clarification.

General discussion regarding the letter to the editor – Daily News.

Moved: H James

Seconded: S Brawley

RESOLVED that the letter not be responded to directly; rather, information on the whole program to be placed in the Link when the strategy is further developed.

R James informed that there is a lot of yellow present in the bitou that was sprayed and it is unusual for this to occur so quickly during winter. It is suspected that frost may have contributed to the vegetation dying off. Rhonda advised that there are various ‘control areas’ throughout the site. Wattle will be seeded once the seeds become available.

4. Dune Care Conference

K MacKenzie encouraged all Dune Care Groups to send at least one representative to this years conference, as next year it will be held south of Sydney.

Glory Lilly information handed out to all in attendance.

S Brawley advised that seven positions have been registered to attend the conference in August. K MacKenzie noted names of representatives for Council to confirm in writing.

5. WorkCover Certificates

C Chadburn advised that one representative from each group will be trained for their Chemical users certificates. The course will be conducted over 3 days. Dune Care groups to forwards names to Council.

Reports from Committees/Working Groups

6. Whale-watcher's Boardwalk Proposal - Kingscliff

S Brawley advised that funds are available through sustaining the Tweed Program. Council carpenters are designing for disabled access.

CORRESPONDENCE:

7. Conservation Volunteers Australia

Conservation Volunteers Australia thank Council for their continued support.

GENERAL BUSINESS:

8. Letitia Spit - Fingal

Letitia Spit

K Bolton advised that Fingal Residents and Dune Care Group are concerned that issues such as parking, rubbish control, access tracks, destruction of habitat, 'Rave' parties and tourist ventures will not be considered before the Letitia Spit road is sealed.

General discussion.

Moved: Kay Bolton

Second: Peter Langley

The motion was carried unanimously.

RECOMMENDATION:

That Council gives consideration to a number of issues, develop a plan to cater for increase in number of people and vehicles using the area, and build facilities to cater for them before the road to Letitia Spit is sealed. Concerns are:

- Lack of parking and facilities
 - Rubbish dispersal
 - Traffic speed control
 - Barriers to prevent the development of additional vehicle tracks and related erosion
 - Erosion of vegetation destruction from increased car and foot traffic
 - Destruction of natural habitats especially rare and endangered bird species in the area
 - Control of destructive activities eg 'Rave' parties and 'Mother Goose' tourist ventures
-

9. Rubbish Dumping

L Greer and Cr James advised that rubbish is continually being dumped along the coastal reserves. General discussion.

Reports from Committees/Working Groups

Cr Boyd commented that there is merit in fencing certain areas to prevent camping, parties and litter dumping. It was suggested that the rangers should be encouraged to regularly police these areas.

10. Tweed Coast Caravan Parks

The importance of the Tweed Coast Caravan Parks financial contribution toward the maintenance of the coastal reserve was raised and discussed. Those present all agreed that the vegetation south of Cabarita Headland is of significant importance and would not be a desirable location for a caravan park.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 12 September 2002.

The meeting closed at 6.15 pm

Director's Comments:

That the recommendation under item 8 be referred to the General Manager for a report on the matters raised to be brought forward to Council.

DIRECTOR'S RECOMMENDATIONS:

8. Letitia Spit - Fingal

Letitia Spit

Committee Recommendation:

That Council gives consideration to a number of issues, develop a plan to cater for increase in number of people and vehicles using the area, and build facilities to cater for them before the road to Letitia Spit is sealed. Concerns are:

- Lack of parking and facilities
- Rubbish dispersal
- Traffic speed control
- Barriers to prevent the development of additional vehicle tracks and related erosion
- Erosion of vegetation destruction from increased car and foot traffic
- Destruction of natural habitats especially rare and endangered bird species in the area
- Control of destructive activities eg 'Rave' parties and 'Mother Goose' tourist ventures

Director's Recommendation That the recommendation under item 8 be referred to the General Manager for a report on the matters raised to be brought forward to Council.

Reports from Committees/Working Groups

2. Minutes of the Sports Advisory Committee Meeting held Tuesday 16 July 2002

Sports Advisory Committee

VENUE:

Buchanan Depot Murwillumbah

TIME:

5.00 pm

PRESENT:

Committee Members: Crs George Davidson, Warren Polglase, Phil Youngblutt; Mr Merve Edwards, Ms Leanne Sharp, Mr Peter Moschogianis, Mr Ray Jarrett, Mr Stewart Brawley

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Ms Glennys Kenny and Ms Linda Threlfo

CONFIRMATION OF MINUTES:

Moved: Cr Youngblutt

Seconded: R Jarrett

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

BUSINESS ARISING:

Nil

CORRESPONDENCE:

1. Queensland Netball Association

Donations

Queensland Netball Association request \$5,000 for sponsorship for the 2003 Origin Shield. General discussion.

Moved: Cr Youngblutt

Second: Ray Jarrett

RECOMMENDATION:

That Council consider under the donations policy supporting the Queensland Netball Association request for \$5,000 sponsorship of the 2003 Netball Origin Shield.

2. Tweed Coast Raiders Junior Rugby League Football Club (TCRJRLFC)

Les Burger Field; Assets Reserves Fund Application

TCRJRLFC have submitted an Assets Reserve Trust Fund application for the construction of a concrete verandah onto the existing building at the Les Burger Field, Cabarita Beach. Total cost of the project is \$8,000 and the clubs is requesting \$4,000. General discussion. Those

Reports from Committees/Working Groups

present noted that it would be sensible to consider the application now while the builders were on site working on the refurbishment of the building.

Moved: Cr Davidson
Second: Cr Youngblutt

RECOMMENDATION:

That Council contributes \$4,000 from the Sports Field Assets Reserve Fund to Tweed Coast Raiders Junior Rugby League Football Club for the construction of a concrete veranda onto the existing building at the Les Burger Field, Cabarita Beach.

3. Burringbar Public Recreation Reserve Trust 67652 (BPRRT) Tom O'Connor Reserve; Asset Reserve Fund Application

BPRRT have submitted an Assets Reserve Trust Fund application on behalf of the Trust Hockey, Cricket and Soccer Clubs for improvements to the lighting and power supply at the Tom O'Connor Reserve, Burringbar. The total cost of the project is \$90,000 and the Trust is requesting \$10,000.

Moved: Cr Youngblutt
Second: Leanne Sharp
Motion was carried unanimously.

RECOMMENDATION:

That Council contributes \$10,000 from the Sports Field Assets Reserve Fund to Burringbar Public Recreation Reserve Trust 67652 for improvements to the lighting and power supply at the Tom O'Connor Reserve, Burringbar.

GENERAL BUSINESS:

4. Grand Stands Assets Reserve Fund Application

S Brawley advised that Council receives regular requests from sporting clubs for grand stands to be moved from field to field for sporting carnivals. It was suggested that Council considers purchasing lightweight portable stands for this particular purpose and to cater for the increased demand for spectator seating.

Moved: Cr Davidson
Seconded: Cr Youngblutt

RESOLVED that S Brawley obtains quotes for the grand stands to present to the August meeting.

Reports from Committees/Working Groups

5. South Tweed Facilities

S Brawley advised that the planned improvements to the facilities at South Tweed Sporting Fields are progressing. Concept plans for facilities for Junior and Senior Rugby League and cricket and soccer are completed. A separate building to house change rooms is also planned. All the clubs, Twin Towns Services Club and Council will contribute to the facilities. Total cost of facility is anticipated at approx \$200,000. S Brawley foreshadowed that each of the clubs will apply for \$5,000 from the Asset Reserve Trust Fund toward the facilities and the committee may consider recommending the funds be allocated at this meeting. The issue was discussed and agreed to hold off at this stage until further costing and contributions are received.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 20 August 2002 at the Tweed Heads Civic Centre.

The meeting closed at 5.30 pm

Director's Comments:

1. That the request under Recommendation item 1 be referred to the Director of Corporate Services for consideration by Council under the donations policy.
2. That Council adopts the recommendation under item 2.
3. Note that although these fields are controlled by a separate Trust, Council carries out maintenance of the fields and the Trust pays Council the same fees as clubs using Council controlled fields. Recommend that Council contribute from the Sports Field Asset Reserve the sum of \$10,000 for lighting of the Burringbar Sportsfields subject to the balance of the funds to cover the project being available.

DIRECTOR'S RECOMMENDATIONS:

1. Queensland Netball Association

Donations

Committee Recommendation:

That Council consider under the donations policy supporting the Queensland Netball Association request for \$5,000 sponsorship of the 2003 Netball Origin Shield.

Director's Recommendation: That this item be referred to the Director Corporate Services for consideration by Council under the donations policy.

Reports from Committees/Working Groups

**2. Tweed Coast Raiders Junior Rugby League Football Club (TCRJRLFC)
Les Burger Field; Assets Reserves Fund Application**

Committee Recommendation:

That Council contributes \$4,000 from the Sports Field Assets Reserve Fund to Tweed Coast Raiders Junior Rugby League Football Club for the construction of a concrete veranda onto the existing building at the Les Burger Field, Cabarita Beach.

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

**3. Burringbar Public Recreation Reserve Trust 67652 (BPRRT)
Tom O'Connor Reserve; Asset Reserve Fund Application**

Committee Recommendation:

That Council contributes \$10,000 from the Sports Field Assets Reserve Fund to Burringbar Public Recreation Reserve Trust 67652 for improvements to the lighting and power supply at the Tom O'Connor Reserve, Burringbar.

Director's Recommendation: That Council contributes from the Sports Field Asset Reserve the sum of \$10,000 for lighting of the Burringbar Sportsfields subject to the balance of the funds to cover the project being available.

Reports from Committees/Working Groups

3. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 18 July 2002

Disability Access Cttee

VENUE:

Buchanan Room, Murwillumbah

TIME:

1pm

PRESENT:

Cr Wendy Marshall, Maggie Groff, Graham Williams, Ross Cameron, Ron Douglas, Stephen Pollitt

APOLOGIES:

Cr Max Boyd, Una Cowdroy, Anna Fisher, Bill McKennarley (Chair), Ray Clarke

MINUTES OF PREVIOUS MEETING:

Moved: Ross Cameron

Seconded: Ron Douglas

RESOLVED that the meeting held Thursday 16 May 2002 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

1. Outdoor Dining Policy

Disability Access Cttee

Council is drafting a policy that covers outdoor dining, sale of goods, signs, ticket sellers, and buskers. The draft policy indicates clear path of travel will be a 2 (two) metre-wide path through these areas. It will go to the first Council meeting in August, and then be put out for public comment.

Moved: Cr Marshall

Seconded: Ron Douglas

RESOLVED that the Committee requests the draft policy on Outdoor Dining be sent to the Disability Access Committee for comment prior to going to Council.

2. Access to Shops at Kennedy Drive

Disability Access Cttee

Ross has received notification that the building in question is under contract for sale. It is noted that the new owners and builders will have to comply with disability access.

Reports from Committees/Working Groups

3. Vantage Point at North Kingscliff

Access Matters

Maggie has written to Mr McKenzie regarding this issue.

4. Disability Parking Sign at Cudgen Headland Surf Life Saving Club

Access Matters

A letter has been received advising that this matter has been referred to the Local Traffic Committee, and a report will be forwarded to the Access Committee in due course.

5. Tweed Bridge Club

Access Matters

The work on the ramp has been completed.

6. Sealed Footpaths in Darlington Drive

Access Matters

A letter has been sent to Mrs Cowdroy informing her that the section from Cromer Court to Leisure Drive has been listed for funding consideration in the upcoming budget.

7. Street Lighting Chinderah Bay Drive

Access Matters

Ray Clark to give report at next Committee meeting.

8. Parking at Coolangatta Airport

Access Matters

Maggie to write to Mr Dennis Chant, General Manager of Gold Coast Airports, to request they consider providing a disabled parking space outside the main terminal, and invite them to our next Access Committee meeting should they wish to attend for further discussion on this issue.

9. International Day of People with a Disability

Disability Access Cttee

The Working Party, formed from Access Committee members and community representatives, is organising events for International Day of People with a Disability on 3 December 2002. A ten-pin bowling tournament will be held at Coolangatta Tweed Heads

Reports from Committees/Working Groups

Tenpin Bowling on 3 December and two art workshops will be organised for children to make Christmas items.

Moved: Cr Marshall
Seconded: Graham Williams

RESOLVED that Council endorse and support International Day of People with a Disability, and authorise the organised events as an activity of Council.

RECOMMENDATION:

That Council endorses and supports International Day of People with a Disability, and authorise the organised events as an activity of Council.

10. Beach Wheelchair for Pottsville Creek

Disability Access Cttee

Council has endorsed expenditure of \$3600 from Access budget for beach wheelchair as detailed in previous minutes. Maggie reports that Pottsville Creek is ideal for a beach wheelchair as there is easy access to the creek and to the ocean via the footpath or bush walk. The wheelchair could be kept at Pottsville South Holiday Park and loaned out as at Kingscliff. The manager, Reg Carter, is happy to do this if he can find suitable storage. The Freewheeler beach wheelchair purchased last year has been very successful and the committee agreed to purchase same brand for Pottsville. It will be purchased once storage is guaranteed.

Moved: Cr Marshall
Seconded: Ron Douglas

RESOLVED that the Committee purchase a Freewheeler beach wheelchair for Pottsville Creek. Cost \$3600

11. MLAK Access for Disability Toilets

Access Matters

The MLAK is a universal lock and key that allows people with a disability 24 hours a day access to public disability toilets using the system. It is already widely used in Britain and Australia. Council is in the process of fitting the lock to new disability toilets. The MLAK system will need to be advertised locally to ensure those with disabilities are aware of it. To purchase a key (normal cost \$8.50 from MLAK locksmith) you need to have a disability affecting mobility. The Committee discussed using part of current Access budget to subsidise cost of keys to shire residents, and agreed to subsidise each key to the value of \$4.50. The Committee decided that 20 keys would be purchased initially at \$8.50 and available to residents from Council for \$4.00.

Moved: Cr Marshall
Seconded: Steve Pollitt

RESOLVED that the Committee allocate funds from Access Budget to purchase 20 MLAK keys at a cost of \$8.50, and that these keys be made available to people with a disability in Tweed Shire for a cost of \$4.00. Monies recouped will be used to purchase more keys as required.

Reports from Committees/Working Groups

RECOMMENDATION:

That Council endorses expenditure of \$170 from Access budget for 20 MLAK keys.

CORRESPONDENCE:

12. Placement of Elevated Disability Parking Sign at Cudgen Headland Surf Club - Access Matters

Letter received from Council notifying the Committee that this matter has been referred to the Local Traffic Committee.

GENERAL BUSINESS:

13. Forum on Public Transport

Access Matters

Short notice: Jacob Balwyn is conducting a forum on public transport, specifically looking at rural transport issues, at Murwillumbah Community Centre on Friday 19 July 2002 at 10am.

14. Australian Quadriplegic Association

Access Matters

The AQA is offering free 12 months membership at the moment.

15. Information on Access Budget

Access Matters

The Committee discussed Access Budget balance, and who has access to it. The Committee would like notification of budget balance and quarterly updates on credits and debits.

Moved: Ron Douglas

Seconded: Cr Marshall

RESOLVED that the Committee requests the Access Budget Balance, who has access to it, and establishes provision of quarterly updates on credits and debits.

16. Disability Accommodation

Access Matters

Earlier in the year the Committee discussed establishing a disability accommodation directory. Maggie has found the STOP program (Short-term Time Out Project) has a comprehensive guide to accommodation for the disabled that was prepared by an occupational therapist.

Reports from Committees/Working Groups

ACTION: Maggie to obtain copy and, if appropriate, distribute to TACTIC and inform Tourism NSW.

NEXT MEETING:

The next meeting will be held 19 September 2002 at 1pm

The meeting closed at 2.10pm

Director's Comments:

Nil

[document2]

DIRECTOR'S RECOMMENDATIONS:

9. International Day of People with a Disability

Disability Access Cttee

Committee Recommendation:

That Council endorses and supports International Day of People with a Disability, and authorise the organised events as an activity of Council.

Director's Recommendation: That Council endorses the Committee's recommendation.

11. MLAK Access for Disability Toilets

Access Matters

Committee Recommendation:

That Council endorses expenditure of \$170 from Access budget for 20 MLAK keys.

Director's Recommendation: That Council endorses the Committee's recommendation.

Reports from Committees/Working Groups

4. Minutes of the Local Traffic Committee Meeting held Thursday 18 July 2002

Traffic Committee

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Sgt Bill Darnell, NSW Police.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina, Mr Neville Newell, MP, Member for Tweed.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 20 June 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

5. Kennedy Drive, Tweed Heads West

R2830 Pt5 -

The following item was discussed at the meetings held on 14 March and 16 May 2002 (item 5) and is reproduced as follows:-

“Request received for assistance with parking problems experienced on Kennedy Drive outside the Matilda Motel.

Photographs of the problem have been made available for discussion at the Local Traffic Committee meeting. The Committee identified that this entire section of Kennedy Drive has significant traffic related problems and that continually dealing with isolated complaints does not provide the best overall solution.

The Committee decided that a review of traffic management for the length of Kennedy Drive from the Motorway to the Bridge needed to be undertaken. This review to be brought forward to the Local Traffic Committee meeting of May 2002.

For Council’s information.”

From the meeting held 16 May 2002:-

“The resources for the speed counts to be undertaken have not been available and due to other works being undertaken in this locality the speed counts are to be reported to the July meeting of the Committee.

Reports from Committees/Working Groups

For Council' information."

Deferred to the next meeting to enable all data to be available.

For Council's information.

2. Kyogle Road, Mount Burrell

R2970 Pt9 DW672229

Brought forward from meeting held 20 June 2002 (item 2). The item is reproduced as follows:-

"Request received for the provision of a mirror at the corner of Cadell Road and Kyogle Road where the new bridge is being built. It is reported that as vehicles go over the bridge towards Cadell Road and turn right into Cadell Road sight distance is limited to oncoming traffic.

Deferred to the next meeting for a site inspection to be undertaken.

For Council's information."

The Committee noted that sight distance at this location is adequate and that installation of a mirror is not required. The applicant should be advised that if right turns are made where the gap in the double centre lines occurs then sight distance is adequate.

For Council's information.

14. Frances Street, Tweed Heads

R2131 Pt2

Brought forward from meeting held 20 June 2002 (item 14). The item is reproduced as follows:-

"Request received for the provision of a marked pedestrian crossing at the end of the walkway from McGregor Place to Tweed Mall. Results of survey to be tabled at this meeting.

Counts showed RTA warrant levels at 18,000 for 1 hour 63,000 next hour and 33,453 next hour. From the preliminary counts the provision of a pedestrian crossing is marginal and more detailed counts need to be taken.

To be deferred to the next meeting for the provision of further counts.

For Council's information."

In 7 hours there were 546 pedestrians but only met the RTA warrants for a one (1) hour period and was very close in three other periods. The RTA Representative agreed that the provision of a crossing could be supported on these figures. It was noted that most pedestrians were elderly.

Reports from Committees/Working Groups

The Committee supported the installation of a marked pedestrian crossing at the end of the walkway from McGregor Place to Tweed Mall on Frances Street as long as it conformed with Austroads Part 13 for crossing sight distance.

RECOMMENDATION:

That the provision of a marked pedestrian crossing at the end of the walkway from McGregor Place to Tweed Mall on Frances Street be installed conforming with Austroads Part 13 for crossing sight distance.

10. The Quarterdeck, Tweed Heads

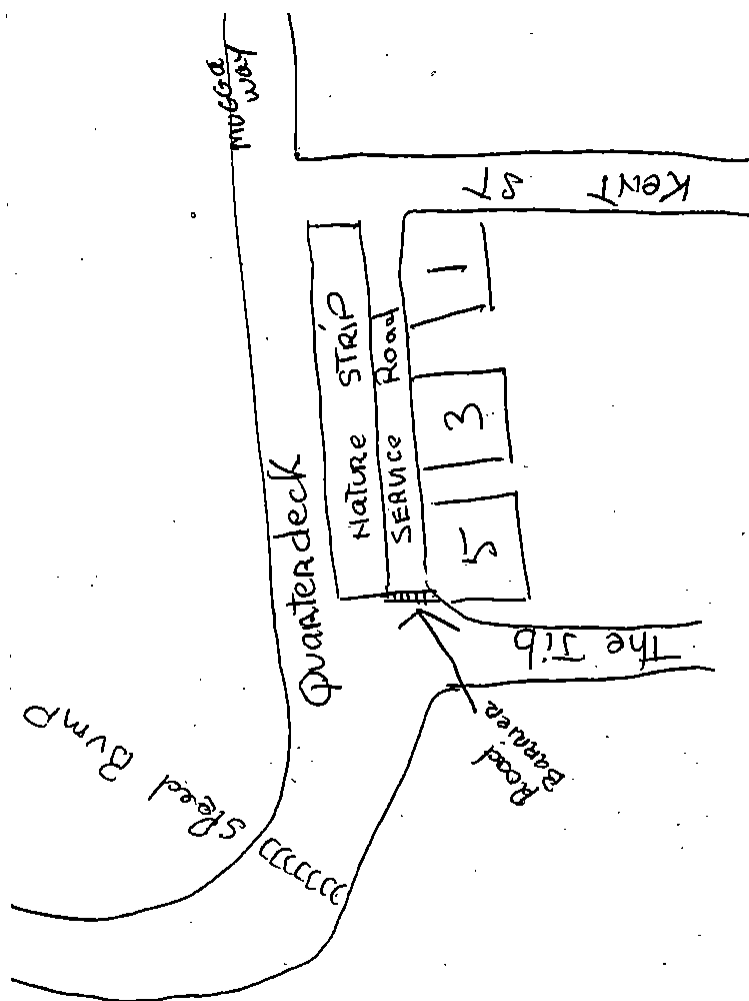
R4490 Pt1 Traffic – Safety; 4490; DW661698, 665840

Brought forward from meeting held 18 April 2002 (item 10). Mr Gary Johnson of 7 The Quarterdeck has requested a meeting with the Committee at 9:30am. The item is reproduced as follows:-

“Request received for Local Traffic Committee assistance with speeding vehicles on The Quarterdeck cutting through from Kennedy Drive. It is suggested that the service road (servicing house numbers 1, 3 and 5 The Quarterdeck) be blocked off outside No. 5 leaving it as a service road only. Safety concerns have been raised for children in the area as vehicles are travelling at high speeds.

The following drawing has been submitted:-

Reports from Committees/Working Groups



The Committee recommended that an additional short "No Entry" sign be installed adjacent to the existing sign (north) on the nature strip outside No. 5. Also that linemarking be installed on the service road between the two "No Entry" signs.

The Police Representative gave an undertaking to enforce speeds on the Quarterdeck.

RECOMMENDATION:

That:-

1. An additional short "No Entry" sign be installed adjacent to the existing sign (north) on the nature strip outside No. 5, and
2. Linemarking be installed on the service road between the two "No Entry" signs"

The resolution is reproduced as follows:-

"RESOLVED that:-

1. An additional short "No Entry" sign be installed adjacent to the existing sign (north) on the nature strip outside No. 5, and
2. Linemarking be installed on the service road between the two "No Entry" signs

Reports from Committees/Working Groups

Voting – Unanimous”

Mr Johnson joined the meeting at 9:45am.

He advised that he had lived at no. 7 for 7 years and said that there was a lot of speeding and dangerous driving at that location. Mr Johnson requested that the “No Entry” be made at the Kent Street side. However the Committee noted that drivers would need to be looking over their right shoulder when entering The Quarterdeck if access was allowed in the Jib. The Committee acknowledged the use of Kent Street as a shortcut and the potential high speed of vehicles on the service road..

Mr Johnson left the meeting at 10:00am.

The RTA Representative suggested that The Quarterdeck be closed at the Jib end as this provided better road geometry and offered the best sight distance.

RECOMMENDATION:

That the access road be physically closed at The Jib subject to written agreement from the three (3) affected householders that they support the closure and are willing to move their garbage disposal bins to a location appropriate for collection.

16. Pacific Highway and Cane Road, Condong

R4031 R0940

Previously discussed at the meeting held on the 22 September 2000 (item 16) as follows:-

“Request received for the installation of “Left Turn Arrows” at the intersection of Pacific Highway and Cane Road to indicate that it is only a left turn bay and not the start of the overtaking area 400m further along.

It has been reported that slow vehicles move into the left turn bay, believing it is the start of the overtaking lane.

The RTA Representative advised that this would be attended to and the location of the “Overtaking Lane” sign checked.

For Council’s information.”

At the meeting on the 24 August 2001 (item 16) discussed as follows:-

“It is again reported that vehicles heading north on the Pacific Highway are pulling into the left turn lane confusing it for the overtaking lane further north. Left turn pavement arrows would mostly eliminate the problem.

The RTA Representative undertook to request that left hand arrows be painted on the Pacific Highway at the intersection with Cane Road next time they are in the area.”

Brought forward for further discussion and resolution.

Reports from Committees/Working Groups

The RTA Representative advised that this has been requested and that a further request would be given to the RTA Works Unit. Since the meeting the RTA has advised that a maintenance contract was underway currently and the arrows will be marked shortly.

For Council's information.

GENERAL BUSINESS:

1. Clothiers Creek Road, Tanglewood

R1160 Pt6 DW680642

Request received for a reduction in the speed limit to 60kph on Clothiers Creek Road between Tanglewood Drive and Sliprails Road. Particular emphasis has been placed on the stretch of road between Tanglewood Drive and the bend at the fire trail east of Tanglewood Drive. There have recently been 3 accidents at this location. It is reported that the bend at the fire trail has an advisory speed of 55kph but that most drivers are travelling at 80kph and do not slow down. A resident has expressed concern that when the motorway opens the increased traffic flow on Clothiers Creek Road may mean more accidents.

Cr Davidson raised concerns that when the motorway is opened a lot more traffic would be using the road and they would be unfamiliar with the area. The RTA representative advised that the rural environment did not support lower speeds. Speed counts revealed that in the Tanglewood Flats area they were 100kph.

The Committee was advised that Council has funding available for the reconstruction of this section of road and has for some time been endeavouring to gain approval from National Parks NSW for the works however to date progress has been slow.

The Committee noted that a 3km length of road was needed for speed zone changes. The RTA Representative recommended that the hazards that are there need to be highlighted.

The Committee decided that a 3km length of 70kph speed zoning was required to slow drivers in this area as a temporary measure extending from the Bogangar 60kph zone to 700m west of Tanglewood Drive. It was noted that installation needed to be organised as soon as possible as the motorway is due to open in 3 weeks time.

RECOMMENDATION:

That a 70kph speed zone be installed from approximately 700m west of Tanglewood Drive for a distance of 3km on Clothiers Creek Road to Bogangar on a temporary basis until the reconstruction of this section of Clothiers Creek Road is completed.

2. Anconia Avenue, Tweed Heads West

R0160 DW675576, 681910

Request received for footpaths and safe pedestrian access to Boyd Family Park from Anconia Avenue. A pedestrian has had an accident walking along Anconia Avenue and turning into Piggabeen Road adjacent to the Boyd Family Park. The pedestrian moved to the left as a

Reports from Committees/Working Groups

vehicle came over the hill, going over on his ankle on the edge of the road surface. He lost his balance and fell and as there was insufficient room between the road edge and the slope into the park he slid down the slope.

A letter requesting safer pedestrian access states:- *“The portion of road between Anconia Avenue and the entrance to the Boyd Family Park has no footpaths, no guardrail or border along the slope at the top of the park, no lighting and in some places only 30cms or less of slippery pebbly dirt between the elevated road edge and the slope. Also there are no warning signs (to be wary of pedestrians) as the traffic approaches on the rise before Anconia Avenue then proceeds down the hill. And amazingly the speed limit increases from 50 to 60kph at the top of the rise! This is the only route pedestrians may take unless they go down through the Park which at night no-one should attempt.”*

The Committee considered a suggestion that a wider shoulder be provided by altering the linemarking but because of potential conflict with vehicles suggested a 1m wide cleared zone be created behind the kerb and gutter on the western side of Piggabeen Road between Gollan Drive and Anconia Avenue. The Committee also supported the relocation of 50kph signs to Gollan Drive and that the area be included for assessment on the 2002/2003 Streetlighting Program.

RECOMMENDATION:

That:-

1. A 1m wide cleared zone be created behind the kerb and gutter on the western side of Piggabeen Road between Gollan Drive and Anconia Avenue.
2. The 50kph signs be relocated to Gollan Drive.
3. The area be included for assessment on the 2002/2003 Streetlighting Program.

3. Florin Lane / Myrtle Street, Murwillumbah

R2110 Pt1, R3660 Pt1

Local Traffic Committee comment and approval is sought regarding the possibility of converting Florin Lane to one-way traffic flow in either direction.

The Committee viewed aerial photographs of the area and noted the long history with Florin Lane. The Committee noted that safety concerns relating to the use of Florin Lane as a shortcut were dangerous right turn manoeuvres from Byangum Road to Florin Lane and the fact that they are often made at high speed. The previous failure of the “No Right Turn” signs to prevent irresponsible drivers making this turn. This highlights the reluctance of certain drivers to abide by signage. Given the fact that they blatantly disregarded “No Right Turn” signs it is expected that one-way signage would be ignored by the same drivers. A blind crest exists in Florin Lane and the combination of some expectations of drivers that it is one-way and the likeliness of drivers ignoring one-way signs would create a highly dangerous situation. Florin Lane is used by school children to access the primary and high schools and they are constantly put at risk by drivers using the lane as a short cut. It should also be noted through traffic using Florin Lane shortcut over Condong Street passing the adjacent Primary School creating further conflict with school related traffic. Florin Lane is a lane which was

Reports from Committees/Working Groups

constructed to perform the function of providing access to properties, not to carry through traffic. If Florin Lane were to be re-opened it would require reconstruction at significant expense to through-road status and traffic control devices at the Byangum Road intersection.

It should also be noted that an adequate and appropriate distributor and collector road network has been constructed that effectively services the commercial area of Murwillumbah without the need for inappropriate use of narrow laneways.

The following is a summary of the history associated with the Florin Lane closure to through traffic:-

Date	Comments
14/3/1990	Letter from resident requesting closure of Florin Lane
10/4/1990	LTC deferred subject to investigation by TSC Engineering Department and adopted by TSC on 2/5/1990
15/5/1990	Letter to resident advising of investigation
30/4/1990	Survey by letter of local residents
4/7/1990	LTC considered results and recommended closure to TSC which adopted resolution and advertised closure in accordance with requirements
7/7/1990	Advertised. Submissions for and against
24/2/1993	Due to opposition to closure TSC accepted LTC recommendation to abandon closure plans at this time but to put in concrete median at Myrtle Street and Florin Lane
8/3/1993	Letter to resident re development and Murwillumbah Traffic report by consultants did not mention Florin Lane as closure will go to LTC on 16/3/1993
16/3/1993	LTC again recommended closure of Florin Lane at its meeting on 16/3/1993
24/3/1993	TSC motion to close lane but then decided to inspect (all Councillors) on site
19/5/1993	Resident addressed Council on 19/5/1993
19/5/1993	Report recommends trial closure of Florin Lane. TSC resolves to undertake LATM study
2/9/1998	Complaint to Ombudsman by resident re failure to close Florin Lane
7/10/1998	LTC recommendation LATM be abandoned and "No Right Turn" into Florin Lane be installed
9/11/01	Residents unhappy with the median / barrier on Florin Lane & Myrtle Street Report recommends (resolved at Council meeting 21 November 2001):- <ol style="list-style-type: none"> 1. Florin Lane be closed following public advertising to all traffic at Byangum Road. 2. The trial median on Myrtle Street preventing vehicles turning into Condong Street be removed at the same time.

The Committee did not support the 'one way' request noting that many drivers ignored the 'No Right Turn' signs into Florin Lane and the same drivers are unlikely to ignore 'one-way' signage. In any case a 'one-way' system would still encourage 'rat running' in one direction at the detriment of residents and pedestrians and could result in higher speeds as drivers would expect no oncoming traffic as is the case with two way traffic flow. Florin Lane is a lane constructed for residential access. Well constructed distributor roads serve the area and the attractors in and around the CBD and would add less than 30 seconds to travel times compared to Florin Lane.

Reports from Committees/Working Groups

RECOMMENDATION:

That no further action be taken with traffic flow in Florin Lane.

4. Coast Road and Potts Point Road, Pottsville

R1181 Pt12 DW681862

It is reported that the intersection of Coast Road and Potts Point Road is on a sweeping curve and vehicles entering the Coast Road need to so with great care.

Request received for Local Traffic Committee approval for a white painted line across the left hand side of Potts Point Road and the installation of a 'Give Way' sign.

The Committee noted that sight distance at this location is adequate in both directions and the road is clearly a T intersection. Further works are not required.

For Council's information.

5. Satinwood Road, Chillingham

R4914 DW681507

Request received for temporary closure of Satinwood Road at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 5:30pm on Sunday 4 August 2002. This is for the Chillingham August Fair and Market Day to allow approved stallholders to set up stalls on the roadside verge with safety. Local access to Satinwood Road would remain open from the southern entrance of this thoroughfare.

The Committee agreed that temporary closure of Satinwood Road at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 5:30pm on Sunday 4 August 2002 is approved subject to normal temporary road closure procedures being in place including Police approval and public liability insurance.

RECOMMENDATION:

That temporary closure of Satinwood Road at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 5:30pm on Sunday 4 August 2002 be approved subject to normal temporary road closure procedures being in place including Police approval and public liability insurance is effected according to RTA guidelines for such public events.

6. Minjungbal Drive, Tweed Heads South

R4031 Pt15 DW682295

Request received for the provision of "No Stopping" signs to be erected 1.5 metres each side of the driveway allowing access to the driveway of Metro Tiles Tweed Heads. The business to the south has no parking and the business on the north has no stopping signs along the full length of its frontage. Vehicles are parking too close to the Metro Tiles entrance and making it difficult for exit and entry of the driveway. It was noted the driveway is too narrow for its

Reports from Committees/Working Groups

use and if the owner widened it to comply with Council policy the problem would be alleviated.

The Committee noted that the driveway needs to be widened and that signs are not usually provided at individual driveways as it puts a burden on Council and Police to enforce when other alternatives are available. The applicant should be advised that Council's driveways inspector can be contacted and arrangements be made to meet on site and regarding what upgrade is required.

The Engineering Services Division will undertake a review of parking signage in this area.

For Council's information.

7. Clothiers Creek Road – Road Safety Audit

R1160 Pt6

This item was discussed at Council on 3 July 2002 (item 17) and items 2, 3 and 4 of the resolution referred to Local Traffic Committee. They are reprinted as follows:-

2. *'Stop' signs at Kindalyn Court be referred to the Local Traffic Committee.*
3. *An investigation of the removal of a section of double centre lines to enable vehicle overtaking movements on approach to Madura Tea be referred to the Local Traffic Committee.*
4. *Additional speed reinforcement signs on Clothiers Creek Road be investigated by the Local Traffic Committee."*

Cr Davidson advised that there are not enough speed zone reminder signs from Tanglewood to Nunderi. The RTA Representative advised that at speed zone changes a reminder sign has to be 300m away and for 80kph zones 1km apart and at junctions should be signposted. The lack of overtaking opportunities is also an issue and the Chairman advised that there are not a lot of opportunities to overtake in this area. The possibility of allowing overtaking opportunities east bound at Madura Tea is possible. The RTA Representative advised that a site inspection had to be undertaken and that RTA guidelines must be met. Cr Davidson stated that he was not in favour of changing anything at the Madura Tea location and was supported by the Police.

After continued discussion the Committee decided not to support changing the double centre lines on Clothiers Creek Road near Madura Tea.

RECOMMENDATION:

That:-

1. The Committee endorsed the provision of 'Stop' signs at the intersection of Kindalyn Court with Clothiers Creek Road.
 2. Additional speed zone reminder signs on Clothiers Creek Road be installed.
-

Reports from Committees/Working Groups

8. Nullum Lane, Murwillumbah

R3771 DW682298

Request received for temporary closure of Nullum Lane from the Kangia Steiner School northern boundary to Prince Street between 9:00am and 2:00pm on Saturday 10 August 2002.

The applicant has undertaken to advise all residents along Nullum Lane of the temporary closure. However the Committee noted that access to those properties can be gained via the northern end of the lane.

The Committee unanimously agreed to the temporary closure.

RECOMMENDATION:

That the temporary closure of Nullum Lane be approved from the Kangia Steiner School northern boundary to Prince Street between 9:00am and 2:00pm on Saturday 10 August 2002 in accordance with Police approval and public liability insurance being effected in accordance with RTA guidelines for such public events.

9. Buckingham Drive, Pottsville

R0581 Pt1

Request received for assistance with reducing the speed of traffic using Buckingham Drive, Pottsville. It is claimed that since opening up the street at the western end it has become a racetrack for both cars and trail bikes with speeds reaching up to 80kph.

The Committee noted that Buckingham Drive whilst extended is still a cul-de-sac.

The Chairman advised that speed counts would be undertaken and referred to the next Local Traffic Committee meeting to enable a more informed discussion on the complaint.

For Council's information.

10. Tumbulgum Road, Murwillumbah

R5570 Pt1

Request received to reduce the bus zone on Tumbulgum Road on approach to Sunnyside Lane. Council has received complaints regarding reduced sight distance for vehicles departing Sunnyside Lane when more than one bus is parked in the zone contrary to the legal usage by buses to pick up and set down passengers. The parked buses obstruct vision of vehicles exiting Sunnyside Lane.

The Road Safety Officer advised that two bus spaces were not needed at any one time. The Police Representative advised that the rules may be found under the Australian Road Rules regarding parked buses. The Committee agreed that a 10 metre no stopping zone south of Sunnyside Lane be installed and the bus zone reduced by this amount.

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RECOMMENDATION:

That the bus zone on Tumbulgum Road at the intersection of Sunnyside Lane, be reduced to allow one bus at a time to pick up and drop off passengers and a 10 metre no stopping zone be installed on Tumbulgum Road from Sunnyside Lane toward the CBD area.

11. Brett Street, Tweed Heads

R0740 Pt2

Late item by Engineering Services Division. The Committee was informed that adjacent to the Civic Centre and University a raised platform has been installed by the developer contrary to the DA requirements. There is a footpath leading to the platform and the Southern Cross University which conflicts with RTA Technical Directions.

The Road Safety Officer advised that a marked crossing needs to be installed or the platform fenced. The RTA Representative advised that for a marked crossing warrants would need to be met and as they won't be met, the platform should be removed or the path moved away from the platform to eliminate confusion of the platforms status.

For Council's information.

12. Boyd Street, Tweed Heads

R0700 Pt1

Late item. The Police Representative requested the installation of linemarking outside the Police Station to keep traffic clear for easier use of the traffic lights.

The RTA Representative advised such line marking outside the Police Station on Boyd Street, Tweed Heads is permissible. As Boyd Street is a Council road, arrangements will be made by the Engineering Services Division to have this work done.

For Council's information.

Part B

NIL

NEXT MEETING:

The next meeting is scheduled for Thursday 15 August 2002.

The meeting closed at 11:40am.

Director's Comments:

<i>Nil.</i>

[document5]

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

14. Frances Street, Tweed Heads

R2131 Pt2

Committee Recommendation:

That the provision of a marked pedestrian crossing at the end of the walkway from McGregor Place to Tweed Mall on Frances Street be installed conforming with Austroads Part 13 for crossing sight distance.

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

10. The Quarterdeck, Tweed Heads

R4490 Pt1 Traffic – Safety; 4490; DW661698, 665840

Committee Recommendation:

That the access road be physically closed at The Jib subject to written agreement from the three (3) affected householders that they support the closure and are willing to move their garbage disposal bins to a location appropriate for collection.

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

1. Clothiers Creek Road, Tanglewood

R1160 Pt6 DW680642

Committee Recommendation:

That a 70kph speed zone be installed from approximately 700m west of Tanglewood Drive for a distance of 3km on Clothiers Creek Road to Bogangar on a temporary basis until the reconstruction of this section of Clothiers Creek Road is completed.

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

2. Anconia Avenue, Tweed Heads West

R0160 DW675576, 681910

Committee Recommendation:

That:-

1. A 1m wide cleared zone be created behind the kerb and gutter on the western side of Piggabeen Road between Gollan Drive and Anconia Avenue.
2. The 50kph signs be relocated to Gollan Drive.
3. The area be included for assessment on the 2002/2003 Streetlighting Program.

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

Reports from Committees/Working Groups

3. Florin Lane / Myrtle Street, Murwillumbah

R2110 Pt1, R3660 Pt1

Committee Recommendation:

That no further action be taken with traffic flow in Florin Lane.

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

5. Satinwood Road, Chillingham

R4914 DW681507

Committee Recommendation:

That temporary closure of Satinwood Road at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 5:30pm on Sunday 4 August 2002 be approved subject to normal temporary road closure procedures being in place including Police approval and public liability insurance is effected according to RTA guidelines for such public events.

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

7. Clothiers Creek Road – Road Safety Audit

R1160 Pt6

Committee Recommendation:

That:-

1. The Committee endorsed the provision of 'Stop' signs at the intersection of Kindalyn Court with Clothiers Creek Road.
2. Additional speed zone reminder signs on Clothiers Creek Road be installed.

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

8. Nullum Lane, Murwillumbah

R3771 DW682298

Committee Recommendation:

That the temporary closure of Nullum Lane be approved from the Kangia Steiner School northern boundary to Prince Street between 9:00am and 2:00pm on Saturday 10 August 2002 in accordance with Police approval and public liability insurance being effected in accordance with RTA guidelines for such public events.

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

Reports from Committees/Working Groups

10. Tumbulgum Road, Murwillumbah

R5570 Pt1

Committee Recommendation:

That the bus zone on Tumbulgum Road at the intersection of Sunnyside Lane, be reduced to allow one bus at a time to pick up and drop off passengers and a 10 metre no stopping zone be installed on Tumbulgum Road from Sunnyside Lane toward the CBD area.

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

Reports from Committees/Working Groups

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

5. **Minutes of the Occupational Health & Safety Committee Meeting held Wednesday 12 June 2002**
 6. **Minutes of the Tweed Shire Council Occupational Health & Safety Committee Meeting held Wednesday 10 July 2002**
 7. **Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 11 July 2002**
 8. **Minutes of the Companion Animal Committee Meeting held Thursday 25 July 2002**
 9. **Minutes of the Communication Committee Meeting held Thursday 25 July 2002**
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Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Motion - Cr Davidson

Development Application K99/1682

Notice of Motion, DA5937/740 Pt3 (DW687700)

That the Director Development Services brings forward a report to the Council Meeting of 21 August 2002, in relation to the Development Application K99/1682 (proposed subdivision at Lot 117 DP 879797 Winders Place, Banora Point), for consideration by Council. The report to include appropriate conditions, in the event that Council decided to determine approval of the development application.

Orders of the Day

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