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Schedule of Outstanding Resolutions

16 OCTOBER 2002

ORDERS OF THE DAY

1. **Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 Coast Road, Cabarita**

LEP; Land Nos. 42329; 45126; 41175; Notice of Motion

393

Cr Beck

Cr Lawrie

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

Current Status: Included in Strategic Planning works Program Report in August.

20 NOVEMBER 2002

ITEMS DEFERRED

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

DA1180/425 Pt1; Land No 41178

479

Cr Boyd

Cr Marshall

RESOLVED that the Mayor and Director Development Services (and/or his nominee) meet with representatives of the Tweed Coast Sea Rescue, and NSW Fisheries to discuss the position with this Development Application.

Current Status: Meeting scheduled for 26 June 2003, not held due to personnel being unavailable. Further meeting to be scheduled.

Schedule of Outstanding Resolutions

4 DECEMBER 2002

ORDERS OF THE DAY

2. Policy - Incentives for Conservation of Water

Notice of Motion; Water Management - General

560

Cr Beck

Cr Brinsmead

RESOLVED that as soon as possible Tweed Shire Council develops a policy to give incentives to developments that make provision for the conservation of water.

Current Status: Policy to be submitted to Council for August meeting.

18 DECEMBER 2003

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

28a. Surf Life Saving Services - Casuarina Beach

Surf Life Saving; Casuarina Development

604

Cr Youngblutt

Cr Davidson

RESOLVED that

3. The Director Development Services and Director Environment & Community Services in the long term considers and develops a policy in regard to the responsibility and obligations where a private developer proposes to pay for the provision of surf lifesaving services. This policy should also consider any necessary conditions of consent for future developments.

Current Status: Policy to be prepared.

Schedule of Outstanding Resolutions

19 FEBRUARY 2003

ORDERS OF THE DAY

4. **Production Demonstration - Airboats Industries Australia Pty Limited**
SES; Notice of Motion

115

Cr Boyd

Cr Luff

RESOLVED that Council invites Airboats Industries Australia Pty Limited to demonstrate its product on the Tweed River to our local State Emergency Services representatives and others interested in this revolutionary craft.

Current Status: To be finalised.

19 MARCH 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Land East of Old Bogangar Road, Cudgen**
GT1/LEP/2000 Pt1; GT1/LEP/A113 Pt6; LEP

208

Cr Lawrie

Cr Marshall

RESOLVED that this item be deferred for Cudgen landholders to address Council at a Community Access meeting.

Current Status: Landowners deferred presentation to Community Access meeting on 14 May 2003. Report to be submitted to Council.

ORDERS OF THE DAY

1. **Rehabilitation of Cudgen Creek**
Dredging - Cudgen Creek; Area 5 - Tweed River; Notice of Motion

227

Cr Youngblutt

Cr Lawrie

RESOLVED that the Tweed Coastal Committee be requested to provide Council with a report detailing what action has been proposed and taken to rehabilitate Cudgen Creek from the mouth up to and past the boat ramp.

Current Status: Report being prepared by DSNR.

Schedule of Outstanding Resolutions

7 MAY 2003

ORDERS OF THE DAY

- 3. Cudgen Creek
Government Grant-Boat Ramps; Government Grant - Water; Cudgen Creek; Notice of Motion**

354

Cr Youngblutt

Cr Beck

RESOLVED that:-

1. Cudgen Creek be rehabilitated forthwith to a navigatable condition for small craft from the mouth up to and beyond the boat ramp.
2. The spur wall on the southern training wall be removed.
3. The General Manager be asked to contact relevant Government departments regarding this project and our Local Member, Mr Neville Newell, for his assistance in obtaining Government funding.

Current Status: Action underway.

18 JUNE 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 9. Draft Development Control Plan No 16 - Subdivision Manual
GT1/DCP/16 Pt2; Subdivision Policy; Development Control Plan - DCP**

511

Cr Boyd

Cr Youngblutt

RESOLVED that Council holds a workshop and inspections of sites in relation to Development Control Plan No. 16.

Current Status: Workshop to be organised.

Schedule of Outstanding Resolutions

2 JULY 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. Development Application DA02/1408 for Alterations and Additions to an Existing Housing Development at Lot 16 DP 21680 No. 21 Moss Street, Kingscliff**

DA02/1408 Pt1; LN 2157

548

Cr Marshall

Cr Beck

RESOLVED that this item be deferred to allow negotiations between Council and the applicants.

Current Status: Meeting be arranged.

- 2. Development Application DA02/1635 for Multi-Dwelling Housing Development over Proposed Lots 33 and 34 in the Subdivision of the Subject Land. The Multi-Dwelling Housing Development is in Two Stages: Stage 1 - 74 Units, Managers Residence, Recreation/Community Facilities, Internal Roads, Associated Landscaping & Visitor Car Parking: Stage 2 - 56 Units, Internal Driveway, Fencing & Landscaping at Lot 9 DP 822830, Lot 1 DP 823640, Kirkwood Road, Tweed Heads South**

DA02/1635 Pt2; LN 34814

549

Cr Boyd

Cr Beck

RESOLVED that this deferred to allow the applicant to make a presentation to Council, to allow further negotiations between the Director Development Services and the Mayor and to conduct a Councillor inspection of the site.

Current Status: Meeting arrange for 11 July 2003.

Schedule of Outstanding Resolutions

5. Cudgen Creek

Cudgen Creek; Estuary Management; Notice of Motion

594

Cr Brinsmead

Cr Youngblutt

RESOLVED that Council brings forward a report on the effect that farming practices at Cudgen are having on the water quality of the area, especially Cudgen Creek and estuary system after heavy rains and in preparing this report, monitor and measure the water pollution levels of the Cudgen Creek system before and after heavy rains.

Current Status: Report to be prepared.

6. Vehicle Access to Beaches

Licence – Beach Vehicle; Notice of Motion

597

Cr Brinsmead

Cr Beck

RESOLVED that Council brings forward a report on the application, for a licence to drive on to the beach for commercial purposes, from TBS Coach Tours including suitable conditions of approval should council determine to approve the application.

Current Status: Report to be prepared.

Mayoral Minute

Councillors,

1. Queensland Netball

Sport Rec General- Councillors' Invitations

4 July – met at Tweed Heads with representatives of Queensland Netball

2. Tweed Theatre Company

Councillors' Invitations

4 July – attended Tweed Theatre Company Performance of “Fiddler On The Roof”

3. Apex Club of Murwillumbah

Councillors' Invitations

5 July – attended Apex Club of Murwillumbah Changeover Dinner

4. Tweed Taskforce

Tweed Heads Ministerial Taskforce

7 July – attended Taskforce Jack Evans Boat Harbour Steering Committee Meeting at Tweed Heads

5. Tweed River War Widows' Association

Councillors' Invitations

7 July – attended Tweed River War Widows' Association AGM at South Tweed

6. Tweed Chamber of Commerce

Councillors' Invitations

8 July – attended Tweed Chamber of Commerce Breakfast meeting at South Tweed

Mayoral Minute

7. NOROC

NOROC

8 July – with Acting GM attended Forum on Natural Resource Management Issues at Casino

8. Tweed Coast Outrigger Club

Councillors' Invitations

9 July – paddled outrigger canoe on Tweed River organised by Tweed Heads Bowls Club with Tweed Coast Outrigger Club

9. Twin Towns Friends Association

Councillors' Invitations

9 July – Morning tea with Volunteers of the Friends Association at South Tweed Heads

10. NRMA Insurance

Councillors' Invitations

10 July – attended the launch of NRMA Insurance Community Defibrillator which is supported by St John Ambulance (Tweed City Shopping Centre)

11. Tweed Coast Media

Tourism General

11 July – joined Tweed Coast Media for part of its Tour of the Tweed Valley

12. Red Cross Tweed Heads Branch

Councillors' Invitations

11 July – attended the AGM of the Tweed Heads Branch of the Australian Red Cross at Club Banora (Guest Speaker Dr Rob O'Regan AM QC, the National Chairman of Australian Red Cross)

13. Kingscliff Soccer Club

Councillors' Invitations

12 July – attended the Kingscliff Soccer Club's 25 Year Celebration Dinner at South Tweed

Mayoral Minute

14. Citizenship Ceremony

Citizenship Ceremony

14 July – conducted Public Citizenship Ceremony at Tweed Heads

15. Tweed Media & Marketing Club

Councillors' Invitations

15 July – Tweed Media & Marketing Club Lunch at Cudgen Lifesaving Club

16. Sports Advisory Committee Meeting

Sport Advisory Committee

15 July – Sports Advisory Committee Meeting at Tweed Heads

17. Blind & Vision Impaired Support Group

Councillors' Invitations

16 July – Blind & Vision Impaired Support Group – mid year Christmas Party at Murwillumbah.

INVITATIONS ACCEPTED:

- 18 July – Community Options Regional Seminary at Tweed Heads
- 18 July - Murwillumbah Croquet Club Luncheon
- 18 July – UDIA Gold Coast/Tweed Annual Gala Dinner Merrimac
- 19 July – Murwillumbah evening CWA – International Evening
- 20 July – Dedication of Salvation Army Emergency Services Trailer – Banora Point
- 23 July – Police & Emergency Services Metals & Awards Day South Tweed
- 24 July – Opening Juddy's Kingscliff
- 25 July – TEDC Board Meeting
- 25 July – Meeting re Bilambil Tennis Club
- 25 July – Mayoral Ball
- 26 July – Tyalgum Diggers Sports Family Day

Mayoral Minute

- 27 July – PCYC “Musical Morning in the Park” Tweed Heads
 - 28 July – Local Government Week Bus Trip
 - 30 July – Local Government Week Schools Debate – Murwillumbah
 - 31 July – Local Government Week Bus Trip
 - 31 July – Private Citizenship Ceremony Murwillumbah
 - 1 August – Local Government Week Bus Trip
 - 2 August – Induction Service The Rev. Benjamin Richardson & Mrs. Margaret Richardson Churches of Christ Murwillumbah
 - 3 August – City of the Arts Gala Launch Tweed Heads
 - 4 August – City of the Arts
 - 4 August – Tweed Hospital Auxiliary AGM
 - 4 August – Banora Point Residents Association Meeting
-

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

- **22 July & 5 August (Tweed Heads) 23 July & 6 August (Wollongbar) 24 July & 7 August (Coffs Harbour)** Fresh Fields Strategic Business Planning Workshops for Food Producers
- **23-26 November** National General Assembly of Local Government “forging our Future Local Governance Towards 2020” - National Convention Centre Canberra

Mayoral Minute

ABSENCES FROM SHIRE BY EXECUTIVE, MANAGERS AND COUNCILLORS

EXECUTIVE

Name	From	To	Location	Details
A/GM	14 July 2003		Mullumbimby	Sub-Regional General Managers' Group Meeting
DCS	14 July 2003		Mullumbimby	GMs Subregional Forum
DCS	14 July 2003		Mullumbimby	GMs SubRegional Forum Meeting
DCS	21 July 2003		Coffs Harbour City Council	LG Network Meeting
DCS	24 July 2003		Logan City Council	SouthROC
DCS	31 July 2003	1 August 2003	Melbourne	The City & The Bush Economic Conference
DDS	9 July 2003	18 July 2003		Annual Leave
GM	1 August 2003		Melbourne	The City & The Bush - What The Economic Modellers Have Found About Rural and Regional Australia Conference

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 2 JULY 2003

ORDERS OF THE DAY

1. ***Knox Park - Duck Pond***

Parks – Knox Park; Notice of Motion

588

Cr Beck

Cr Polglase

RESOLVED that this item be deferred pending further information being distributed to Councillors.

The above information was distributed to Councillors in the Council Chamber on
9 July 2003

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

Knox Park - Duck Pond

Parks – Knox Park; Notice of Motion

That a report be brought forward on the advisability and cost of filling the Murwillumbah “Duck Pond”, and extending the parking area and putting in netball courts.

Items Deferred

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Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

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

FILE REF: GT1/DCP/44 Pt1; DCP

REPORT TITLE:

Draft Development Control Plan No 44 (Amendment No 2) - Dual Occupancy Controls - Tweed Shire

SUMMARY OF REPORT:

Current controls have established that dual occupancy development is permitted with Council consent on allotments that are of a sufficient size and that which provide a flexible building envelope i.e. an area of not less than 900m². DCP44 states that these controls apply for all residential areas zoned 2(a) Low-Density Residential, 2(c) Urban Expansion and 2(d) Village.

Recent dual occupancy development applications in Casuarina Beach have been on land with an area that is 600m². The subject allotments are zoned 2(e) Residential Tourist. Casuarina Beach is effectively a low-density residential development. As such the same controls applying to those areas zoned 2(a) Low-Density Residential, 2(c) Urban Expansion and 2(d) Village should also apply to the 2(e) Residential Tourist zone.

The approved Friday Island subdivision at Bogangar has promoted the development, based on concept plans, as providing "unique island home sites". A recent proposal for dual occupancy and multi dwelling housing on allotments not identified in the subdivision as per the requirements of DCP44 has been put forward. Friday Island is also effectively a low-density residential development. Future residents should be assured that the development as approved will result. Therefore a Development Control Plan for Friday Island will best ensure that the desired future character is achieved.

Minor amendments to Tweed Local Environmental Plan 2000 has resulted in there being a discrepancy between it and DCP44 in regard of what land area defines sufficient size and flexible building envelope for dual occupancy development. Therefore DCP44 should be amended to be in accordance with Tweed LEP 2000.

RECOMMENDATION:

That Council: -

1. Places on public exhibition draft Development Control Plan No 44 (Amendment No 2) Dual Occupancy Controls – Tweed Shire subject to the following: -
 - a. Amends Section 2.1 sub-clause (iii) (a) of DCP No44 by deleting the words, marked ~~striketrough~~, as follows:
 - An area of not less than 900m² or an area of not less than 500m² (~~other than a corner block~~) if the land is within 300 metres distance of a business centre listed under Schedule 8 of Tweed Local Environmental Plan 2000;
 - ~~If it is a corner allotment, it must have a minimum area of 1000m².~~
 - b. Amends Section 2.2 sub-clause (b) of DCP No 44 as follows:
 - (b) If it is not within a subdivision approved by Council that has identified land for that purpose, the development is proposed in a form where -

Reports from Director Development Services

- Within 2(a), 2(c), 2(d) and 2(e) the land has an area of not less than 900m² or an area of not less than 500m² if the land is within 300 metres distance of a business centre listed under Schedule 8 of Tweed Local Environmental Plan 2000;
 - Is not a battleaxe allotment; and
 - Is not irregular in shape or have large circular arc frontages to public roads.
2. Prepares and exhibits a Development Control Plan for Friday Island, Bogangar which maintains the approved residential pattern of the area.

Reports from Director Development Services

REPORT:

Recent development proposals have raised concern regarding the possible over development in some low-density residential areas. In particular dual occupancy/multi dwelling development on land zoned 2(e) Residential Tourist at Casuarina Beach and land zoned 2(c) Urban Expansion at Friday Island, Bogangar.

PLANNING ISSUES

Development Control Plan No 44 - Dual Occupancy Controls - Tweed Shire

Current controls for dual occupancy development applies to all land in the Tweed Shire that is zoned 2(a) Low Density Residential, 2(c) Urban Expansion and 2(d) Village. Land, which is zoned 2(e) Residential Tourist, is also affected but only when it is a corner allotment (*Development Control Plan No44 - Dual Occupancy Controls - Tweed Shire*). DCP44 has established that dual occupancy development is permitted with Council consent on allotments that are of a sufficient size and provide a flexible building envelope i.e. an area of not less than 900m² or an area of not less than 500m² if the land is within 300 metres distance of a business centre listed under Schedule 8 of Tweed Local Environmental Plan 2000.

Casuarina Beach

Recent applications for dual occupancy development in Casuarina Beach, where allotments are zoned 2(e), have been on land with an area that is 600m². Casuarina Beach is effectively a low-density residential development and is not within 300 metres distance of a business centre. Therefore DCP44 should be amended to apply to those areas zoned 2(e) Residential Tourist.

A review of DCP44 revealed that recent minor amendments to Tweed Local Environmental Plan 2000 has resulted in there being a discrepancy between the two in regard of what land area defines sufficient size and flexible building envelope for dual occupancy development. The Environmental Planning and Assessment Act states that the provisions of a DCP cannot override those of a LEP. Therefore DCP44 should be amended to be in accordance with Tweed LEP 2000.

Friday Island, Bogangar

The approved Friday Island subdivision at Bogangar has promoted the development, based on concept plans, as providing "unique island home sites". Two (2) lots within the Island have been nominated for dual occupancy development in accordance with DCP44 however a proposal has been put forward for additional dual occupancy development and multi dwelling housing. Friday Island is also effectively a low-density residential development. Future residents should be assured that the development as approved will result. Therefore a Development Control Plan for Friday Island will best ensure that the desired future character is achieved.

Reports from Director Development Services

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Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/47 Pt1; LEP - Master Planning

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 47 - Master Planning

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No 47 that proposes to incorporate the provisions of Section 92A of the EP&A Regulation 2000 regarding the preparation of Development Control Plans, S94 Plans and Master Plans, was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979. The draft LEP was exhibited between Wednesday, 7 May 2003 and Wednesday 4 June 2003.

No submissions were received from members of the general public. Submissions were received from NSW Agriculture and the Coastal Council during this exhibition period. Comments relating to these submission are in this report. Jim Glazebrook & Associates and NSW National Parks & Wildlife Service lodged late submissions. Comments relating to Jim Glazebrook's submission are in this report. National Parks & Wildlife Service has no objections to the Amendment.

There were no comments received from State Agencies during the consultation process undertaken in accordance with Section 62 of the Environmental Planning and Assessment Act, 1979.

It is considered that the proposed LEP Amendment can be forwarded to the Minister with changes to the exhibited Plan as outlined in this Report.

RECOMMENDATION:

That Council:

1. Amends the exhibited draft Tweed Local Environmental Plan 2000, Amendment No 47, by:
 - Replacing the word "Council" with the words "consent authority".
2. Forwards the amended Draft Tweed Local Environmental Plan 2000, Amendment No. 47, to PlanningNSW and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.
3. Declines to hold a Public Hearing in accordance with Clause 68(1) of the Act.

Reports from Director Development Services

REPORT:

BACKGROUND

Section 92A of the Environmental Planning and Assessment Regulation 2000 provides for the ability for Council to request preparation of a Development Control Plan, Section 94 Plan or a Master plan prior to granting consent to a development application. For this provision to come in force the necessary clause needs to be inserted within Council's LEP. Providing for the ability for Council to request a DCP, S94 Plan or a Master plan will ensure Council adopts a sound holistic approach to particular developments and generally provide for better planning. It would enable Council to pursue balanced development by taking into consideration all relevant social, economic, environmental and physical infrastructure needs of the proposed development.

At its Ordinary Meeting of 20 March 2002, Council resolved to amend the Tweed LEP 2000 to incorporate the provisions of Section 92A of the EP&A Regulation 2000 in the following manner by inserting the following Clause after Clause 53 of the Tweed LEP 2000:

"53A Master Plans

(1) Objective

- To ensure proper consideration of development that may have significant social, environmental, and/or economic impact.*

(2) Pursuant to this clause, where the consent authority considers that a proposed development is likely to have a significant impact in the locality, a development application must not be determined by Council (unconditionally or subject to conditions) unless:

- (a) a development control plan has been approved for the land, and/or*
- (b) a contributions plan has been approved for the land, and/or*
- (c) there is a master plan for the land that has been available for inspection by the public since it was made or adopted,*

as the case may require.

(3) Notwithstanding subclause (2) Council may waive the need for the preparation of a development control plan, a contributions plan or a master plan should it determine the development does not warrant such investigations".

A Master Plan is defined in the Act in the following terms:

"a plan, whether it is referred to as a master plan or otherwise (but not an environmental planning instrument, a development control plan or a contributions plan):

- (a) that makes provisions for or with respect to the development of land; and*
- (b) that has been made or adopted by the Minister or a public authority".*

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant State Government agencies. No responses were received.

Reports from Director Development Services

PUBLIC EXHIBITION

In accordance with Section 66 of the Environmental Planning and Assessment Act 1979, draft LEP Amendment No 47 was placed on public exhibition between 7 May 2003 and 4 June 2003.

During this period of public exhibition no submissions were received from members of the public. Submissions were received from NSW Agriculture and the Coastal Council during this exhibition period. Jim Glazebrook & Associates and NSW National Parks & Wildlife Service lodged late submissions. Comments relating to Jim Glazebrook's submission are in this report. National Parks & Wildlife Service has no objections to the Amendment.

NSW Agriculture stated that the Department has no in-principle concern with the proposed Amendment, but suggests *some internal guidance on what may constitute a 'significant impact' could assist in interpreting and applying this provision.*

Comment

The intention of Section 92A of the Environmental Planning and Assessment Regulation 2000 is to avoid ad hoc planning and provide for a rational planning framework by requiring the preparation of Development Control Plans, Section 94 Plans and Master Plans where it is deemed appropriate. In incorporating the provisions of Section 92A of the EP&A Regulation 2000 into Tweed LEP 2000, Council has deemed it appropriate to include the term 'significant impact'. In the context of development in the Tweed, 'significant impact' constitutes development such as the following:

- Major residential release areas;
- Industrial land release sites;
- Retail and/or commercial centre sites;
- Large rural residential estates.

Council already has a number of Section 94 Plans and Development Control Plans (DCPs) in place to guide certain development. Amongst these are specific release area Contribution Plans that apply only to that release area eg, Development Control Plans such as DCP 3 – Banora Point/Tweed Heads South. These documents provide the guidance for the particular development while also allowing some flexibility where needed. Council is currently in the process of developing a comprehensive planning framework for the Terranora - Area E urban land release site that will establish a DCP, Masterplan and S94 Plan for the area. This subject draft Plan intends to implement the principles being provided for by the Area E project.

As there are so many variables in determining what constitutes 'significant impact', particularly in relation to the proposed scale of development and its context (location etc), it would be difficult to provide any meaningful guidance on this term. The Environmental Planning and Assessment Act itself makes a number of references to 'significant effect' and 'significant development' without limiting itself with a definition for each. Further, there is currently various planning legislation in place including the EP&A Act and Regulations, SEPPs, NCREP, DCPs, LEP and Strategic Plan that provide guidance to 'significant impact' without needing to specifically define this term within the Plan. This also affords Council a degree of discretion and flexibility when applying the subject provisions.

Reports from Director Development Services

Therefore, while Council has not prepared written guidelines for determining whether an application constitutes having ‘significant impact’ on a locality, it does reference such issues as threatened species, designated development and the general objectives of the Tweed LEP 2000 which promote development that is consistent with the principles of ecologically sustainable development.

Coastal Council noted that the amendment should incorporate reference to SEPP 71 (Coastal Protection) requirements.

Comment

This Amendment implements the requirements under Section 92A of the Environmental Planning and Assessment Regulations 2000. Any requirements under SEPP 71 are a separate matter, and do not need to be addressed in this Amendment.

Jim Glazebrook and Associates, who are acting on behalf of Gales Holdings, have lodged a late submission. It would appear that the submission is, in part, a result of the recent Development Application for a boundary adjustment and shopping centre at Kingscliff which was refused by Council at its last meeting. Due to the number of concerns with the proposed Amendment, the issues raised by the submission are set out in the table below.

Issue	Comment
Any reference to DCPs or contribution plans should be deleted. The preparation and adoption of DCPs and contribution plans is entirely at the discretion of the Council. Its failure to do so in a strategic, proactive and or timely manner, should not prejudice a landowners opportunity to obtain approval for development.	Limited Council resources do not always allow the timely implementation of a strategic planning framework. This availability of resources however should not impede professional strategic planning, instead of an incremental approach. The proposed clause attempts to provide Council with an opportunity to minimise any potential strategic planning shortfalls so that desirable planning outcomes are achieved. This amendment formalises the provisions of Section 92A of the Regulations and therefore provides clear guidance to both Council in preparing the plans, and to developers as they proceed through the development process
The proposed clause would provide Council with a wide ranging discretion to determine if, and when, the clause might be invoked leading to uncertainty in the development process.	The proposed clause is intended to apply to those developments likely to have significant impact in the locality. The term ‘significant impact’ has been left undefined for reasons outlined earlier in the report.
A proponent could incur considerable expense to prepare and lodge an application, only then to have Council determine that a special contributions	Developers and consultants are encouraged to meet with Council staff to discuss applications before they are lodged. The applicant is then advised what additional documentation may be

Reports from Director Development Services

Issue	Comment
plan or DCP is required.	required. This approach attempts to save both expense and time for the applicant.
We would question the need for a development control plan, where a master plan has been approved.	The proposed amendment establishes a rational planning framework for development. In the case of Area E, a DCP, Master Plan and Section 94 plan are planned for the area. The DCP provides urban design guidelines for such issues as density and building height while the Master Plan provides the detail on the ground. The two documents therefore compliment each other.
The specific reference to the 'Council' in the draft clause 53A, might prevent the Land and Environment Court from determining applications where the Council has failed to adopt a master plan, DCP or Section 94 plan. Either outcome would be entirely inconsistent with the provisions of the Act. It is recommended that all references to Council be amended to 'consent authority' and an additional clause be added, expressly stating that nothing in the clause affects any right of appeal under the Act.	Agreed. References to Council will be changed to 'consent authority'. The proposed amendment is implementing the provisions of Section 92A of the Regulations which are consistent with the Act.
It is unclear as to the relationship between the operation of the draft clause and SEPP 71, the provisions of which might also require the preparation of a master plan in respect of an area of land or specific development type. It is recommended that the clause be amended to avoid the possible duplication of requirements and further, a potential conflict between the provisions of the Tweed LEP and those of SEPP 71.	This amendment implements the requirements under Section 92A of the Regulations. Any requirements under SEPP 71 are a separate matter, and do not need to be addressed in this amendment
There is no savings provision, which exempts those applications made before the amendment comes into effect, from the operation of the clause. It would be appropriate to include such a provision.	It is not considered necessary to include savings provisions as the draft LEP includes provisions to waive the need for a DCP where it is not warranted. If there is a need for a DCP to determine a development application the DLEP should apply irrespective of when the

Reports from Director Development Services

Issue	Comment
	development application has been lodged.
In view of the concerns it is requested that a public hearing be held in accordance with clause 68 (1) of the Act.	In the light of the above discussion and the fact that this submission is the only one objecting to the amendment, it is not recommended that a public meeting be held.

SECTION 69 REQUIREMENTS

The Amendment is Shire wide and therefore within the Coastal Policy area, and a Local Environmental Study (LES) is therefore required. PlanningNSW has advised that an LES is not required in this case, however the Plan is not consistent with Section 117 Direction - S26 as this LES is not to be undertaken as required under this section. Therefore Council's delegation to report to the Minister under Section 69 of the Act cannot be used, and under these circumstances Council is required to provide to PlanningNSW a report pursuant to Section 68 of the EP&A Act setting out the consultation process.

PlanningNSW will then forward the information provided to it to the Minister to make the Plan.

CONCLUSION

It is recommended that the Plan be finalised by asking the Minister to make the Plan.

Reports from Director Development Services

3. ORIGIN: Strategic Town Planning Unit

FILE REF: PF1431/190 Pt5; GTq/LEP/2000/44 Pt1; LN: 18879; LEP-2000/44

REPORT TITLE:

Proposed Rezoning - Lot 156 DP 628026 Creek Street, Hastings Point

SUMMARY OF REPORT:

This property is part zoned 2(e) Residential Tourist and 7(a) Environmental Protection (Wetlands & Littoral Rainforest) as indicated by Figure 1. Darryl Anderson Consulting Pty Ltd (DAC), on behalf of the landowners has requested a rezoning of that part of the site zoned 2(e) to 2(c).

In support of the proposal DAC submitted that the site has very limited potential to be developed for viable tourist related purposes because of its location, accessibility and adjacent land uses.

The principle issue is the loss of 2(e) zoned land. Such zoned land is a key element in the economic development of the Shire. Given the location and size of this particular property it offers a considerable economic opportunity for the Shire.

The DCP is the vital element in this project. If the proponents are genuine in their representations that a part of the site will be developed for tourist purposes, then there is merit for the proposal. Nevertheless, Council should lay down clear guidelines at the outset as to its expectations as to the amount and nature of the tourism development. This should be detailed prior to any Section 54 resolution.

The Study should determine optimum location and amount of land to be set aside for tourist development, using an appropriate "tourism economic" consultant at the proponents cost.

RECOMMENDATION:

That:-

1. Council indicates to the proponents there is merit in their proposal to prepare a draft Local Environmental Plan to rezone that part of the property zoned 2(e) Residential Tourist to 2(c) Urban Expansion and prepare a draft Development Control Plan for tourist development.
2. Council considers including the project in the next review of the Strategic Planning Work Program.

Reports from Director Development Services

REPORT:

This property is part zoned 2(e) Residential Tourist and 7(a) Environmental Protection (Wetlands & Littoral Rainforest) as indicated by Figure 1. On 7 February 2003 Darryl Anderson Consulting Pty Ltd (DAC), on behalf of the landowners, requested Council to amend the zoning for the property, namely:

- “1. Rezoning of that part of the site zoned 2(e) to 2(c);
2. Inclusion of a special clause within the instrument to permit development for the purposes of drainage and water quality facilities within the artificial water body on the site, which is to remain within a 7(a) zone”.

In support of the proposal DAC detailed the following points:

- The site has very limited potential to be developed for viable tourist related purposes because of its location, accessibility and adjacent land uses;
- A 2(c) zoning would result in development of the site for predominantly residential purposes which would be more compatible with community expectations and the sites capabilities;
- A 2(c) zoning would permit a range of dwelling types and densities together with some tourist uses if required. Future uses can be determined and controlled by way of a Development Control Plan for the site;
- Rezoning of the 2(e) land to 2(c) would facilitate transfer to Council of all land on the property currently zoned 7(a) or proposed to be zoned 7(a).

DAC provided further justification for the proposal by letter dated 16 May 2003 as follows: -

“Lot 156 has been zoned mainly 2(e) Residential Tourist for approximately 15 years. Over recent years a number of prospective purchasers have carried out feasibility investigations in relation to the viability of developing the land for a mix of tourist and residential purposes. However, no development has occurred mainly because the developable area of the land (approximately 8ha) is very limited and its location and accessibility are not conducive to establishing viable tourist accommodation. A general requirement for a nominal 50:50 ratio between residential and tourist development is inflexible, as are the 2(e) zone objectives. A 2(c) zoning would provide greater flexibility whilst still ensuring some tourist development occurs on site by way of a Development Control Plan.

To ensure that part of the site is developed for tourist purposes while still providing flexibility in relation to the mix, special distribution and types of development on site, it is proposed that a clause be included in the Tweed LEP 2000 pursuant to Section 80(11) of the Act and Clause 92A of the Regulations. The clause would simply provide that,

Council shall not consent to any development on the site unless Council has first prepared a Development Control Plan for the site and the development will be generally consistent with the Development Control Plan.

Under the provisions of State Environmental Planning Policy No. 71, the developer will need to prepare a Master Plan for this time for approval by the Minister (based on input from Council). The approved Master Plan would then form the basis of the Development Control Plan, thus ensuring that part of the site is developed for tourism, suitably integrated with a viable and sustainable residential development.

Reports from Director Development Services

Other proposed LEP amendments are addressed in our submission dated 7 February 2003 and the Report titled "Analysis of Environmental Constraints, Lot 156, Creek Street, Hastings Point, James Warren & Associates, January 2003".

Discussions have been held with the proponents in respect of the mix of residential and tourism development they are considering for the property. They have indicated that a minimum of 60-80 residential lots is required to make the development viable; and a tourist resort or about 1.6ha accommodating 45 units and associated facilities.

A recent communication from Walter Elliott Holdings has offered the following arguments in support of their rezoning application.

- "1. Hastings Point already has a major holiday caravan park. Further tourist development in the area would be at the detriment of the residents in that their peace and enjoyment of their environment would be far greater affected by holiday makers than by permanent residents.*
- 2. The site is not of a magnitude to be afforded the on site facilities that tourists of today demand within a holiday resort.*
- 3. We believe a quality controlled residential development with a small percentage of tourist accommodation would have less affect on the surrounding eco-system.*
- 4. The site has stood dormant for at least 10 years under the current zoning. In that time no owner has wished to activate the development of the site. We also believe that a tourist development of the site is not the best use of the site and leaving the site vacant for years to come will benefit no one.*
- 5. Rezoning of the land will enable us to develop the site to its full potential thus enabling us to provide a quality product in terms of presentation and final building design.*
- 6. Development of the site will create immediate employment in construction and long term employment in terms of the local service industry, home maintenance services and retailing. We argue this ongoing employment will have a greater benefit on employment than a tourist development where employment will be centered around holiday peak times.*
- 7. Upon rezoning and development of the land we would transfer to Council the land zoned 7(a) for environmental and conservation purposes.*
- 8. This rezoning could be incorporated with the current Proposed LEP Amendment No. 44 to enable Council to deal with strategic planning issues in an integrated manner."*

REVIEW OF REZONING PROPOSAL

The current zoning of the land allows for a mix of residential and tourism development. However, given the extent of residential development the proponents objectives could not be met within those current arrangements.

The principle issue is the loss of 2(e) zoned land. Such zoned land is a key element in the economic development of the Shire. Given the location and size of this particular property it offers a considerable economic opportunity for the Shire. This long-term objective ought not to be negated by short-term economic expediency.

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There are few other opportunities along the coast specifically for tourist development. Currently there is 318Ha of land zoned 2(e) Residential Tourism within the shire. Extensive areas of this zone are located at Kings Forest, Casuarina, Seaside City; and other smaller areas at Cabarita and the subject property at Creek St, Hastings Point.

The Tweed Economic Development Strategy identifies tourism as one of the key economic drivers for the Tweed economy. Of the industries that generate economic wealth for the Shire, tourism is the fastest growing. Employment generating lands are scarce within the Tweed.

As tourism is one of the Shire's key economic drivers the future supply of tourism land is vital to maintain the industries growth. Although these areas will not generate nearly as much employment per hectare as an industrial estate, any tourism component to this zone will contribute to the tourism industry of the Tweed.

Having said that, no doubt the residents of Creek Street would prefer low density residential development, although a 2(c) zone would also permit medium density development.

The DCP is the vital element in this project. If the proponents are genuine in their representations that a part of the site will be developed for tourist purposes, then there is merit for the proposal. If Council agrees to prepare a draft LEP for the property an Environmental Study will be required. The Study should determine optimum location and amount of land to be set aside for tourist development, using an appropriate "tourism economic" consultant at the proponents cost.

STRATEGIC PLANNING WORK PROGRAM

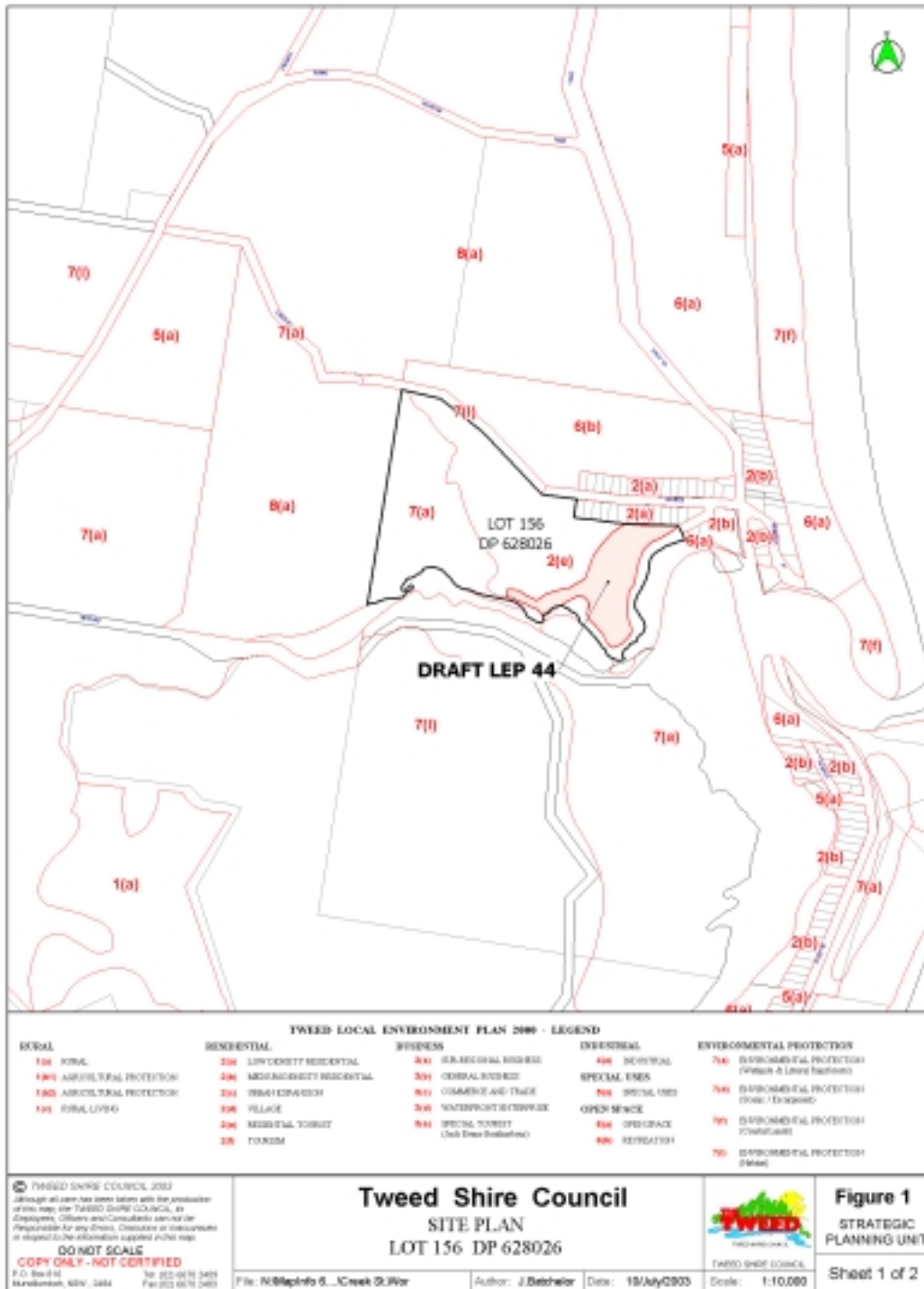
This project has not been included in the Work Programme. If Council wishes to prepare an amendment to the LEP and associated DCP the options available to Council are: -

1. Remove a project from the programme to accommodate this project.
2. Consider the inclusion of this project with the next review of the programme, anticipated to be in August 2003.

Option 2 is preferred.

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FIGURE 1



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4. ORIGIN: Strategic Town Planning Unit

FILE REF: Social Plan

REPORT TITLE:

Exhibition of the Tweed Shire Social Plan Update 2003/04

SUMMARY OF REPORT:

No submissions have been received following exhibition. This report provides NSW Department of Local Government data on community services expenditure in 2001/02.

RECOMMENDATION:

That Council:

1. Adopts the Social Plan Update 2003/04.
2. Notes the current low level of expenditure on community support services.

Reports from Director Development Services

REPORT:

The draft Social Plan Update 2003/4 was exhibited for public comment for a period of 28 days, ending on 17 June.

No submissions have been received within the 28 day period, and consequently the Council may proceed to adopt the Social Plan Update 2003/4.

The Update is primarily concerned with the Council's role in planning for community facilities and services. While community facilities are well represented in the Management Plan adopted on 18 June 2003, community services are not so well provided for, which weakens the support available to members of the Tweed community.

Data collated by the NSW Department of Community Services, quoted in the Management Plan, shows Tweed Shire Council expenditure on Community Services as:

- Actual 2001/02 - \$7.71 per capita
- Estimated 2002/03 - \$6.00 per capita
- Estimated 2003/04 - \$6.00 per capita.

The average expenditure of Councils in Group 5, in which Tweed is included, is \$19.89 per capita.

A breakdown of the data from Council's Budget which was used to produce the figure \$7.71 is as follows:

Community Services & Education – Net Cost of Services for the year ended 30 July 2002:

Administration	\$35,000
Family Day Care	\$6,000
Youth Services	\$26,000
Aged & Disabled	\$23,000
Other Comm. Services	(\$30,000)
Education	\$10,000
Total	\$70,000 (expenses \$577,000 revenues \$507,000)

If the average Group 5 expenditure were applied to the Tweed's estimated population of 76,229, the expenditure would be \$1,516,195.

It is concluded that there is scope for consideration to be given to gradually expanding Council's community support services in future years.

Reports from Director Development Services

- 5. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/26 Pt1; LEP-2000/26

REPORT TITLE:

Amendment to Development Control Plan No 40 - Exempt and Complying Development

SUMMARY OF REPORT:

At its ordinary meeting of 5 June, 2002 Council, pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, resolved to amend and exhibit Development Control Plan No 40- Exempt and Complying Development (Version 2). At this meeting Council also resolved to prepare draft LEP Amendment No 26 which proposes to reflect the new date Council will adopt Development Control Plan No 40.

Both documents were publicly exhibited from 4 December 2002 to 10 January 2003 in accordance with the Environmental Planning and Assessment Act 1979.

Following the exhibition of the draft amendment to DCP 40 and a review by Council officers a number of changes and additions to the exhibited draft DCP are proposed. Although these changes and additions are relatively minor, it is recommended that the amended draft DCP be re-exhibited for public comment because of the number of proposed changes and additions. It is also recommended that the amended draft Plan be referred to State Agencies for their comment.

The changes to DCP 40 are outlined in this report.

RECOMMENDATION:

That Council:

1. Amends Development Control Plan No 40 - Exempt and Complying Development in accordance with the changes as outlined in this report; and
2. Exhibits the amended draft Plan in accordance with Clause 72 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

At its ordinary meeting of 5 June, 2002 Council, pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, resolved to amend and exhibit Development Control Plan No 40- Exempt and Complying Development (Version 2). At this meeting Council also resolved to prepare draft LEP Amendment No 26 which proposed to reflect the new date Council will adopt Development Control Plan No 40.

Both documents were publicly exhibited from 4 December 2002 to 10 January 2003 in accordance with the Environmental Planning and Assessment Act 1979.

Following the exhibition of the draft amendment to DCP 40 and a review by Council officers a number of changes and additions to the Plan are proposed. Although these changes and additions to the exhibited draft Plan are relatively minor, it is recommended that the amended draft Plan be re-exhibited for public comment because of the number of proposed changes and additions. It is also recommended that the amended draft Plan be referred to State Agencies for their comment.

The following are the additional changes to DCP 40 (additional words are in italics):

2.0 Exempt Development

1. Clause 2.1 - Add the following words to "What is Exempt Development" – "*all exempt development must relate to structures with a lawful entitlement and does not contravene any condition of a development consent applying to the land*".
2. Change Tweed LEP 1998 to Tweed LEP 2000.
3. Clause 2.2 - Add the following words to 'exempt development does not apply to the following: (e) land that is within Environmental Protection Zones 7(a), 7(d), 7(f) and 7(l), except for – "*existing dwelling in which*" home occupation "*is proposed*".
4. Clause 2.2 - Add the following sub clause to 'exempt development does not apply to the following' – "*(f) proposed structures likely to be sited over an easement or services such as sewer, stormwater etc and which are not in compliance with Council's adopted Policy N.5 Sewerage*".

3.0 Complying Development

1. Clause 3.3 – Issuing of a Complying Certificate – add to 'does not involve a change in classification as determined under Part A3 of the Building Code of Australia' the following to sub clause (b) – "*other than a change of classification from a 1a to a 1b for a Bed and Breakfast in a 1(a), 1(b), 1(c) zone per Council's Tweed Local Environmental Plan 2000*".
2. Clause 3.3(c) – include the following words – "*the portion of the allotment on which the proposal is to stand*" is not on land that...
3. Clause 3.3(viii) – add after "or in an area having significant bushfire risk" the words "*as identified in the Rural Fires and Environmental Legislation Amendment Act 2002*".
4. Add Clause 3.4 – "*To what development does Complying Development apply? Complying development relates only to the proposed work or development and not the entire propose and existing development*".

Reports from Director Development Services

4.0 Dictionary

1. Add the following meanings:

- *“Designated road – includes: an RTA classified road, and a council designated road as shown on the map marked ‘Tweed Local Environmental Plan 1998 – Designated Roads’, as amended by the maps listed in Part 4 of Schedule 6 of the Tweed LEP 2000.*
- *Earthworks – means the addition or removal of any solid material on, or from land, or any other work which will substantially alter the existing ground level or character of the surface of the land.*
- *Waterbed means*
 - (a) *a lake or lagoon either naturally formed or artificially modified, or*
 - (b) *a watercourse, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the water flow, or which has a defined bed and banks, or*
 - (c) *tidal waters (other than the ocean) including any bay, estuary or inlet, or*
 - (d) *a constructed waterway, canal, inlet, bay, channel or lake which connects to a waterbed specified in paragraph (a), (b), or (c),*

but does not include an agricultural drain or a dry detention basin or other construction that is only intended to hold water intermittently”.

Schedule 1 – Exempt Development Requirements

1. Add the following developments:

- *“Cut and Fill*
 - (a) *Does not involve the addition or removal of any solid material on, to or from land, or any other work which will substantially alter (as determined by Council) the existing ground level or character of the surface of land.*
 - (b) *Approval has been granted under Section 68 of the Local Government Act for erosion and sediment control works where disturbed soils have the potential to pollute ‘waterbeds’.*
- *Events on Community Land & Crown Reserves (for organised events such as surf carnivals, community awareness programs, fundraising activities and the like).*
 - (a) *Must comply with the requirements of the ‘Procedure for issuing temporary licences for events on Community Land & Crown Reserves’ (procedures are at Attachment A to this Council report).*
- *Footpath Trading – Must comply with the procedures and guidelines contained in the Tweed Footpath Trading Policy.*

Reports from Director Development Services

- *Sails –*
 - (a) *Maximum size of 25m².*
 - (b) *Maximum height of 3 metres.*
 - (c) *Not affixed to the fence.*
 - (d) *Not closer than 900mm to the side boundary to any point on the structure.*
 - (e) *Design and anchorage to satisfy wind loading for the area.*
 - (f) *Must comply with the Building Code of Australia.*
 - (g) *Must observe and maintain existing building line setback”.*
- 2. Delete the current requirements for Film Shoots Production and Water Tanks and replacing it by “*All requirements are covered under SEPP4*” (attached to the DCP)
- 3. Amend provisions relating to Bird Aviaries in relation to locating to an adjoining property boundary by adding “*measured to any part of the building*”, and by adding the sub-clause:
 - “*Exempt development does not apply in circumstances where a bird aviary already exists on the premises*”.
- 4. Amend the provision relating to Cabanas/Gazebos by adding the sub-clause:
 - “*Exempt development does not apply in circumstances where a cabana/gazebo already exists on the premises*”.
- 5. Amend the provision relating to setbacks from a boundary for Carports by adding “*to any part of the carport*”, and by adding the following sub clauses:
 - “*Must comply with Council’s Building line*”.
 - “*Must observe and maintain existing building line setback*”.
 - “*Must be clear of any services (sewer, water etc) in accordance with Council’s policy*”.
- 6. Amend the provision relating to setbacks from a boundary for Decks by adding “*measured from any part of the deck to the boundary*”, and by adding the sub-clause:
 - “*Exempt development does not apply in circumstances where a deck already exists on the premises*”.
- 7. Amend the provision relating to Driveways and Pathways by adding the following sub-clause:
 - “*Does not involve earthworks as defined in this DCP*”.
- 8. Amend the provision relating to setbacks from a critical habitat for Farm Sheds by adding the words “*an adjoining*” critical habitat.

Reports from Director Development Services

9. Amend the provision relating to Garden Sheds by adding to the sub-clause 'free standing, prefabricated' the words "*or constructed of new building materials*", and by adding the following sub-clause:
 - "*Exempt development does not apply in circumstances where a garden shed already exists on the premises*".
10. Amend the provision relating to Greenhouses by adding the sub-clause:
 - "*Exempt development does not apply in circumstances where a greenhouse already exists on the premises*".
11. Amend the provision relating to Fowl House by adding the sub-clause:
 - "*Exempt development does not apply in circumstances where a fowl house already exists on the premises*".
12. Amend the provision relating to setbacks from a boundary for Patio or Pergola at Ground Level by adding "*to any part of the proposal*", and by adding the sub-clause:
 - "*Exempt development does not apply in circumstances where a patio or pergola at ground level already exists on the premises*".
13. Amend the provision relating to Re-cladding of Roofs or Walls by adding the following sub-clause:
 - "*Must be fixed, attached, secured and restrained in accordance with relevant Australian Standards and manufacturers instructions.*
 - "*Wall cladding must maintain sub-floor ventilation in accordance with the requirements of the Building Code of Australia*".
14. Amend the provision relating to Retaining Walls by adding the sub-clause:
 - "*Not for a purpose requiring development consent under Tweed LEP 2000*".
15. Amend the advisory note relating to Retaining Walls by adding the following words:
 - "*...and does not permit timber retaining walls on or within 2 metres of the property boundary*".
16. Amend the provision relating to A-frame signs under Advertising Signs by deleting the words "*must be licensed by Council*" (Council's adopted Policy still applies).

Schedule 2 – Complying Development Requirements

The changes below apply to all single dwelling houses:

1. Amend reference to alterations or additions to one storey dwelling houses by adding "*and single storey alterations or additions to a two storey house*".
2. Amend reference to carports, or garages by adding "*sheds or the like*".
3. Amend reference to Energy Efficiency by using the words "*The dwelling is to comply with Council's current requirements/Development Control Plan for Energy Efficiency*".
4. Amend Bulk and Scale with the following:

Reports from Director Development Services

- Cut and fill not to exceed “one metre” (previously 900mm)
- Cut and fill not be closer than “one metre” to any property boundary (previously 900mm), and add “where the overall height at any point exceeds 500mm”.
- Add to ‘The external wall’ the words “or any post support...”.

The changes below also apply to single dwelling houses and ancillary development on lots between 1,000 and 5,000m²

1. Amend reference to a shadow diagram adding the following “*This is not required where the building is to be sited greater than 10 metres from the side or rear boundaries*”.
2. Amend reference to Privacy and Security by adding the words “*External balconies, verandas, decks and the like at the second storey level are to be provided with a suitable privacy screen where deemed necessary to the satisfaction of the Principal Certifying Authority*”.

The change below also applies to single dwelling houses and ancillary development on lots more than 5,000m²

1. Amend ‘Includes’ by adding the words “*water tanks in excess of 20,000 litres*”.

Schedule 3 – Complying Development Conditions

1. Delete the following Clause
 - Section 68 Local Government Act 1993, Approval for Stormwater Drainage Works
2. Include the following clause for Single Dwelling Houses and Additions to Dwelling Houses:
 - “*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:*
 - i. *43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick and disabled persons; and*
 - ii. *50°C in all other classes of buildings*

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of the works”.

CONCLUSION

It is recommended that amendments to draft Development Control Plan No 40 outlined in this report be re-exhibited for public comment in accordance with the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

6. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/5 Pt1; Sect 94 Plan

REPORT TITLE:

Draft Amendment of Section 94 Contribution Plan No 5 - Local Open Space

SUMMARY OF REPORT:

This draft amendment to Contribution Plan No 5 involves:

- Revised costs for the Piggabeen Sports Ground to account for the interest component required to service the loan to date for the payment of the sportsground (\$190,000) and an additional 80 car spaces at a total cost of \$100,000 as the lack of parking is causing problems with adjoining residential estates.
- Revised costs for the Bray Park open space area. The cost associated with acquiring the land (\$266,250) has been deleted as the land was dedicated. The other costs associated with capital costs, project costs and establishment costs have been transferred to upgrading Murwillumbah sportsfields, including the Bray Park fields.

RECOMMENDATION:

That Council endorses the draft Amendment of Section 94 Contribution Plan No 5 - Local Open Space for public exhibition for 28 days in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000.

Reports from Director Development Services

REPORT:

INTRODUCTION

Contribution Plan No 5 – Local Open Space – applies to all new residential and tourist accommodation development on land within the Shire of Tweed in relation to structured and passive open space, except those areas covered by urban release area plans.

A number of issues have contributed to the need to amend this Plan, including a lower than anticipated collection of contributions outside of the release areas, competing priorities for the funds collected to date and the dedication of land by developers requiring the deletion and also transfer of contributions to other areas.

PROPOSED AMENDMENT

This draft amendment to Contribution Plan No 5 involves changes to the Structured Open Space Work Program as follows:

- Piggabeen Sports Ground. This cost has been revised for the following reasons:
 - o Funds have been borrowed to pay for the sports ground as there were not sufficient funds to pay for the ground when it was required. The interest component required to service the loan to date (and now due) for the payment of the sportsground is \$190,000. This amount is still accruing and will continue to do so until the sportsground is paid off in full. It is deemed appropriate that the above amount be included at this stage. Further interest costs will be included in subsequent amendments.
 - o Additional car parking is required at the Piggabeen sportsground as the lack of parking is causing problems with adjoining residential estates. A total of 80 car spaces are required at a total cost of \$100,000.
- Acquire and Upgrade open space land at Bray Park:
 - o The cost associated with acquiring the land (\$266,250) has been deleted as the land was dedicated. The other costs associated with capital costs, project costs and establishment costs have been transferred to upgrading Murwillumbah sportsfields, including the Bray Park fields.

CONTRIBUTION RATE

As a result of the proposed amendment the contribution rate will be increased from \$774 per single residential lot to \$780 and \$506 per medium density dwelling to \$510.

Reports from Director Development Services

- 7. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/S94/1 Pt1; Section 94 Plan

REPORT TITLE:

Draft Amendment of Section 94 Contribution Plan No 1 - Banora Point West/Tweed Heads South Open Space

SUMMARY OF REPORT:

This draft amendment involves revised or additional expenditure required at the following active open space areas:

- Area 1 (South Tweed oval)
 - new facilities (canteen, change rooms etc) at the sporting fields at South Tweed - \$205,000
 - upgrading of the carpark area - \$15,000
- Area 2 (South Tweed oval)
 - Field upgrade (drainage etc) - \$85,000
- Area 3 (Sullivan's Land, Fraser Drive)
 - revalued in December 2002 from \$650,00 to \$900,000 plus a 10% contingency = \$990,000
 - the amenities block has been increased in size - \$681,450
 - a car park area accommodating 140 cars has been added - \$336,000
 - embellishment costs have been increased - \$537,896
- Area 5 (Banora Green)
 - Lights, carparking upgrade and amenities upgrade have been added - \$75,000

There is no change to the levy rate.

RECOMMENDATION:

That Council endorses draft Amendment of Section 94 Contribution Plan No 1 - Banora Point West/Tweed Heads South Open Space for public exhibition for 28 days in accordance with Clause 31 of the Environmental Planning and Assessment Regulations.

Reports from Director Development Services

REPORT:

INTRODUCTION

Open Space Contribution Plan No 1 applies to residential development on land affected by Development Control Plan No 3 – Banora Point West/Tweed Heads South.

A number of changes to the Plan are required following a review of the structured open space (sportsfields) requirements for the remainder of this release area. The projected population for the remainder of the DCP area at the time of this draft amendment is approximately 2,200. The increased use of some of the playing fields has required their upgrade and the introduction of additional facilities. General cost increases due to CPI and land cost escalations have been incorporated into this amendment.

While additional facilities have been added to the Work Plan and revaluation costs have increased the cost of proposed facilities, the levy rate has remained the same as the current rate as part of this amendment. This is based on the current balance in the fund, the estimated remaining population to be levied and the remaining commitments under the Plan. It would appear then that Contribution Plan No 1 is achieving its objectives of providing appropriate, affordable and timely structured and passive open space in Banora Point West/Tweed Heads South.

PROPOSED DRAFT AMENDMENT

This draft amendment involves revised or additional expenditure at the active open space areas below. The amounts shown below for Area 3 are the revised totals (except for the car parking area), while the amounts for Areas 1, 2 and 5 represent additions to the work program.

- Area 1 (South Tweed oval)
 - new facilities (canteen, change rooms etc) at the sporting fields at South Tweed - \$205,000
 - upgrade carpark area (resurfacing)- \$15,000
- Area 2 (South Tweed oval)
 - field upgrade (drainage etc) - \$85,000
- Area 3 (Sullivan's Land, Fraser Drive)
 - land revaluation in December 2002 from \$650,00 to \$900,000 plus a 10% contingency - \$990,000
 - the size of the amenities block has increased to bring it up to current standards - \$681,450
 - a car park area accommodating 140 cars has been added as it was not originally in the plan- \$336,000
 - embellishment costs have been increased due to CPI increases - \$537,896
- Area 5 - Banora Green
 - Lights, carparking upgrade and amenities upgrade have been added - \$75,000/

There is no change to the levy rate.

Reports from Director Development Services

CONCLUSION

It is recommended that Council resolve to exhibit the draft Plan for public comment in accordance with the Environmental Planning and Assessment Act and Regulations.

Reports from Director Development Services

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Reports from Director Development Services

- 8. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/3 Pt9; LEP-Seaside City 2000/3

REPORT TITLE:

Tweed Local Environmental Plan 2000, Amendment No 3 - Seaside City

SUMMARY OF REPORT:

On 19 February 2003 Council resolved to request the Director-General of the Department of Local Government for the utilisation of Council staff to progress the Local Environmental Study for the Seaside City project.

The Department of Local Government has now responded by letter dated 7 July 2003 to the effect that if Council is to proceed with the LES for the Project at all, it should do so in accordance with the findings and recommendations of the Bulford Report, namely that consultants should be engaged by Council to undertake the Project. This response has been made in conjunction with the Department of Infrastructure, Planning and Natural Resources. The full text of the letter is Figure 1.

If Council is to proceed with the Project, appropriate funds will have to be identified. If those funds are to be found from the Strategic Planning Unit budget other projects will have to be deleted from the Strategic Planning Program. At this stage there has not been the opportunity to examine the options, and therefore a further report will have to be brought before Council in August 2003.

RECOMMENDATION:

That the Director of Development Services brings forward a report in August 2003 to identify the options for the funding of consultants to complete Tweed Local Environmental Plan 2000, Amendment No. 3 – Seaside City, and associated Environmental Study.

Reports from Director Development Services

REPORT:

As per summary.

Reports from Director Development Services



Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

FF: 01/0095
OUR REFERENCE DTS: 76836
YOUR REFERENCE
CONTACT Angus Broad
02 4428 4192

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

30 JUN 2003
LEP-SEASIDE CITY

TWEED SHIRE COUNCIL	
FILE No.	GT/LEP/2000/3 A9
DOCUMENT No.	2815177
RECD	7 JUL 2003
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Dear Dr Griffin

I refer to your letter of 20 February 2003 in which you seek the Department's consent for the utilisation of Council's staff to complete the Local Environmental Study for the Seaside City project.

I further refer to the telephone call between Mr Carpenter of Council and Angus Broad of this Department on 7 May 2003.

As you are aware, the findings and recommendations contained in the Bulford Report anticipate that if the Council wished to restart the project, it should do so using different consultants. Further, that those consultants undertake both a review of the work to date, as well as completing what has not been done.

It is noted that the Council passed a resolution on 19 February last, that the LES for the Seaside City project (the project) is to be completed by Council officers, for adoption by Council and immediate submission thereafter to PlanningNSW within 40 days of receipt of the material from the McInnes Group.

This resolution is not consistent with the findings and recommendations of the Bulford Report.

This Department has contacted the Department of Infrastructure, Planning and Natural Resources (IPNR) with respect to Council's resolution of 19 February. The preliminary view of IPNR does not favour the course proposed by Council's resolution of 19 February, and favours a course of action in accordance with the findings and conclusions of the Bulford Report.

It is the view of this Department that if the Council is to proceed with the LES for the Seaside City project at all, it should do so in accordance with the findings and recommendations of the Bulford Report. I note this view has been previously indicated to you.

T 02 4428 4100 F 02 4428 4199 ITV 02 4428 4209
E dlq@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



Reports from Director Development Services

2

I have written to the Department of Infrastructure, Planning and Natural Resources seeking confirmation of its preliminary views. Council should be reminded that if it persists with the course suggested by the resolution of 19 February, it may find the LES not accepted.

I apologise for my delay in responding to you.

Yours sincerely



Garry Payne
Director General

Reports from Director Development Services

9. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/25 Pt1; Kings Beach Development; Section 94 Plan

REPORT TITLE:

Amendment to Section 94 Contribution Plan No 25 - Kings Beach North Open Space and Associated Car Parking

SUMMARY OF REPORT:

Council resolved at its meeting of 21 May 2003 that an amended Contribution Plan No 25 – Kings Beach North Open Space and Associated Car Parking be placed on public exhibition for 28 Days. The Plan was exhibited from 4 June 2003 until 2 July 2003. No submissions were received in response to the exhibition.

RECOMMENDATION:

That Council:

1. Approves the amended Section 94 Plan No 25 as advertised; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plans come into effect on the date of the public notice.

Reports from Director Development Services

REPORT:

The amendment to Contribution Plan No 25 – Kings Beach North Open Space and Associated Car Parking involves:

- The inclusion of structured open space into the Contribution Plan (to be located at West Kingscliff);
- Renaming of the contribution plan to SALT;
- An amended contribution rate.

The current Plan foregoes any structured open space contributions and accepts all land dedication and contributions as passive open space due to the development being of a primarily tourist orientation. The Master Plan for the proposed development (SALT) which has been determined by Council, indicates that just over 50% of the proposed development will consist of permanent residents, and therefore there will be a demand for some structured open space.

Through negotiations with the Ray Group it has been agreed that 1.6ha of structured open space be acquired in the West Kingscliff area as land in the SALT development has a premium urban value because it is in close proximity to the beach.

The structured open space levy for a single residential lot under the amendment will be \$1,531.80 and for a medium density residents \$1,001.55

PUBLIC EXHIBITION

Council resolved at its meeting of 21 May 2003 that Contribution Plan No.25 – Kings Beach North Open Space and Associated Car Parking be placed on public exhibition for 28 days for public comment. No submissions were received in response to the exhibition.

A notice in the form required by the Environmental Planning and Assessment Regulation 2000 was placed in the Tweed Link on 4 June 2003 and the exhibition was until 2 July 2003.

The Environmental Planning and Assessment Regulations provides that:

“...a Council may:

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

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

It is recommended that Council adopt the exhibited Plan and publish a notice of the approval of the Plan specifying that the amended Contribution Plan comes into effect on the date of the public notice.

Reports from Director Development Services

10. ORIGIN: Development Assessment Unit

FILE REF: DA03/0265; LN: 30027

REPORT TITLE:

Development Application DA03/0265 for an Addition to 4 Units at Lot 1 DP 810006 No. 6 Moss Street, Kingscliff

SUMMARY OF REPORT:

Council has received a development application to partially enclose four balconies on four upper floor units at a residential flat building at 6 Moss Street, Kingscliff, known as Kings Mariner. The building comprises four-storey and was approved by Council in 1987. The proposed additions will result in additional living area to the four units with Unit 17 also including an additional bedroom with ensuite, and add to the fourth storey. The enclosures are proposed to rectify a significant waterproofing problem throughout the building and in particular protect those units directly beneath the subject awnings. The additions do not totally enclose the balconies with the area to be reduced on Units 16 from 112.5 m² to 76.3 m², Unit 17 from 105.8 m² to 54.5 m², Unit 19 from 95.3 m² to 56.8m² and Unit 20 from 98.5 m² to 56.8 m² respectively

Due to the area of enclosure proposed in relation to the existing balconies, and the size, bulk, scale and mass of the existing building it is considered the proposal will have minimal impact upon the built environment in terms of privacy and overshadowing of adjoining premises. The additions will be difficult to discern from the existing building when viewed from the east, and no noticeable change will be seen from Moss Street or adjoining premises, and as such the scenic amenity of the locality will not be affected. The land though under Tweed Local Environmental Plan has a two storey height limit and the applicant has submitted a State Environmental Planning Policy No. 1 Objection to vary this Development Standard.

Having considered the various issues affecting this proposal the application is considered to have merit, and due to the nature of the proposal the additions are unlikely to create a precedent or prejudice the public interest. It is recommended that a variation to the two-storey height limit be supported in this instance and the Development Application be approved subject to the recommended conditions of consent.

RECOMMENDATION:

That Development Application DA03/0265 for an addition to 4 units at Lot 1 DP 810006 No. 6 Moss Street, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos P231WD01 and P231WD02 prepared by Glen Petersen Architect Pty Ltd and dated 21/8/02, except where varied by these conditions.
2. 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

Reports from Director Development Services

- (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
 - 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.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all wind load designs, prior to the issue of a construction certificate.

PRIOR TO COMMENCEMENT OF WORK

5. 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.

DURING CONSTRUCTION

6. 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).
7. 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.
8. 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.
9. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
10. 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.
11. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
12. 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 or public holidays.
13. 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.

Reports from Director Development Services

14. 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.
15. 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.
16. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

17. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
18. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

Reports from Director Development Services

REPORT:

Applicant: Sotepi Pty Ltd
Owner: Sotepi Pty Ltd
Location: Lot 1 DP 810006, No. 6 Moss Street, Kingscliff
Zoning: 2(b) Medium Density
Cost: \$150,000.00

BACKGROUND

Council issued Development Consent D87/384 for a residential flat building comprising 21 units at 6 Moss Street, Kingscliff which was constructed during the course of 1990. The building as currently constructed is part 3 part/ 4 storeys in height due to the sloping nature of the allotment from Moss Street towards Cudgen Creek. The applicant is seeking development consent to enclose part of the balconies attached to units 16, 17, 19 and 20. These balconies currently provide large external living areas containing spa baths and the like. The proposal will see the removal of the spas and result in an extension of enclosed living area for the four units with Unit 17 containing an additional bedroom with ensuite. It is not proposed to totally enclose the balconies and substantial outdoor areas will remain.

Reports from Director Development Services

SITE DIAGRAM



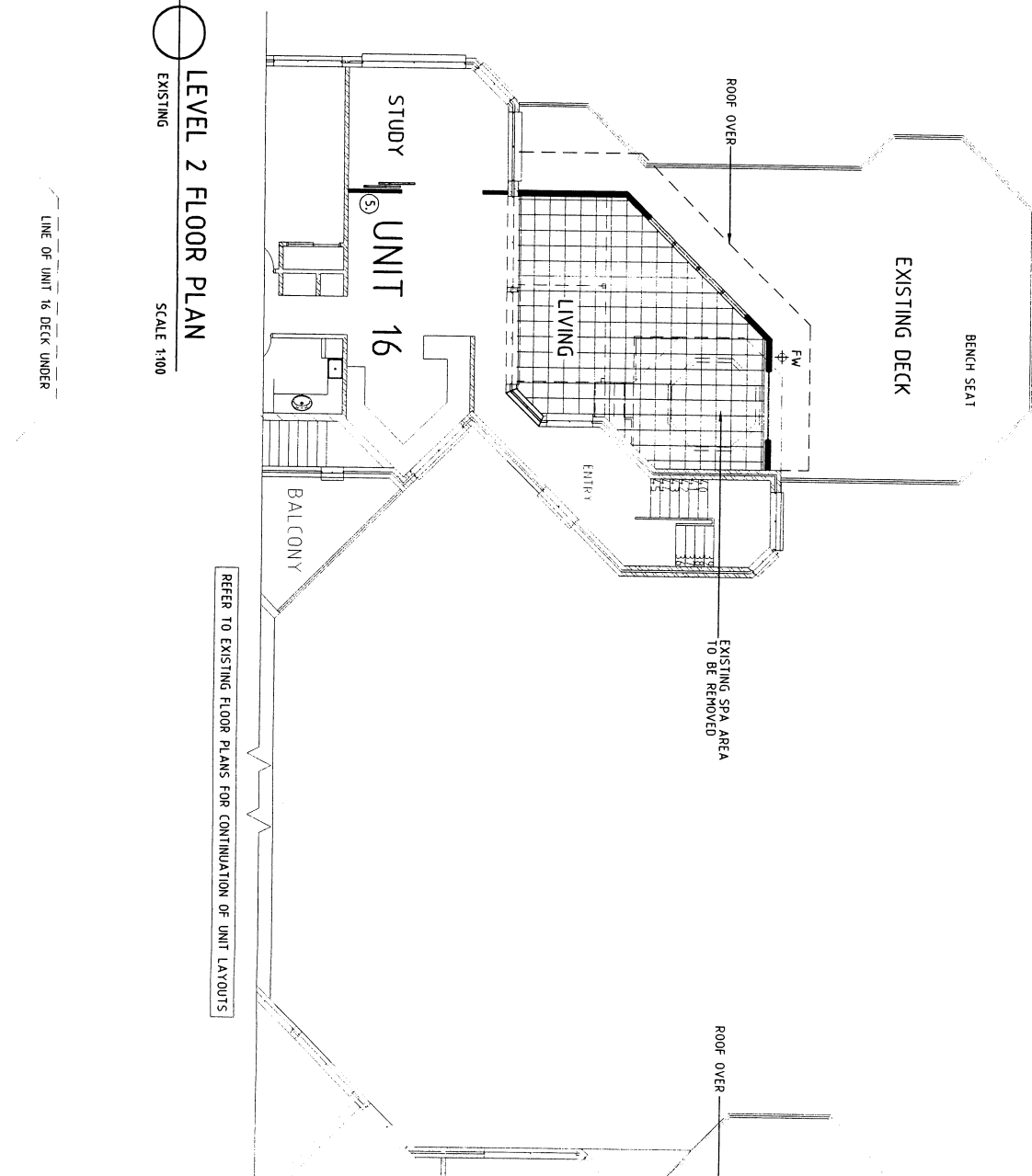
Reports from Director Development Services

FIGURE 2 – EXISTING BUILDING VIEWED FROM OPPOSITE SIDE OF CUDGEN CREEK

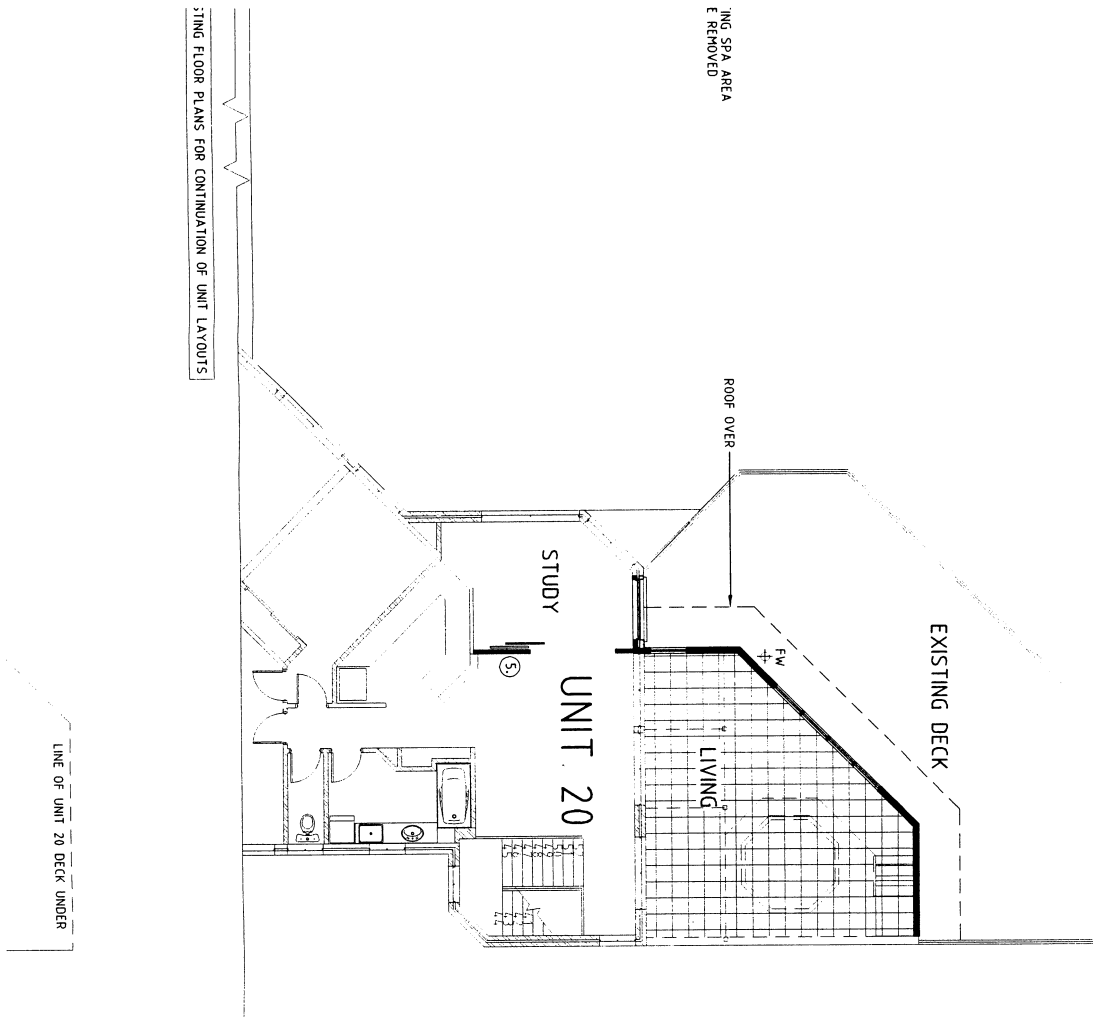


Reports from Director Development Services

FLOOR PLANS



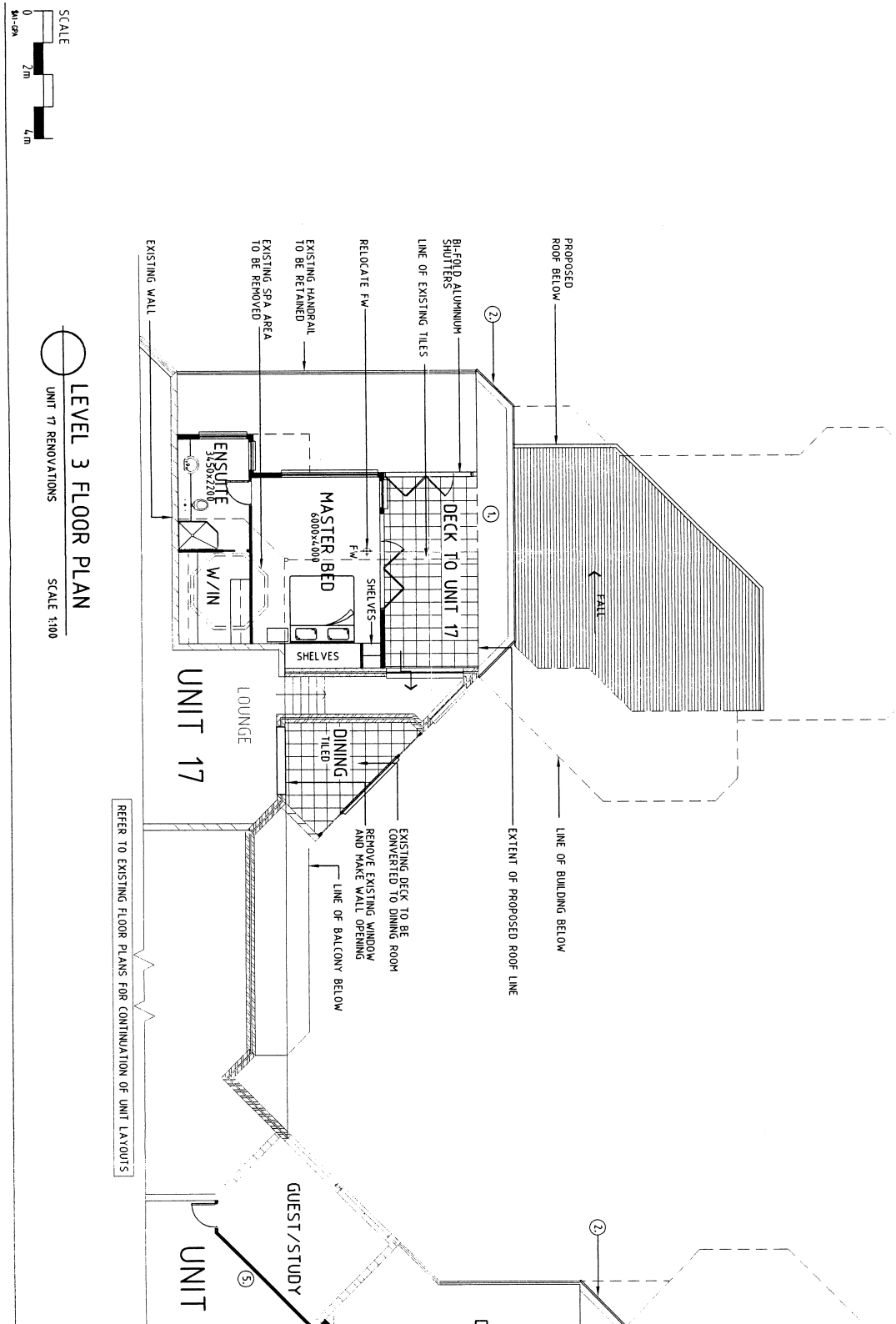
Reports from Director Development Services



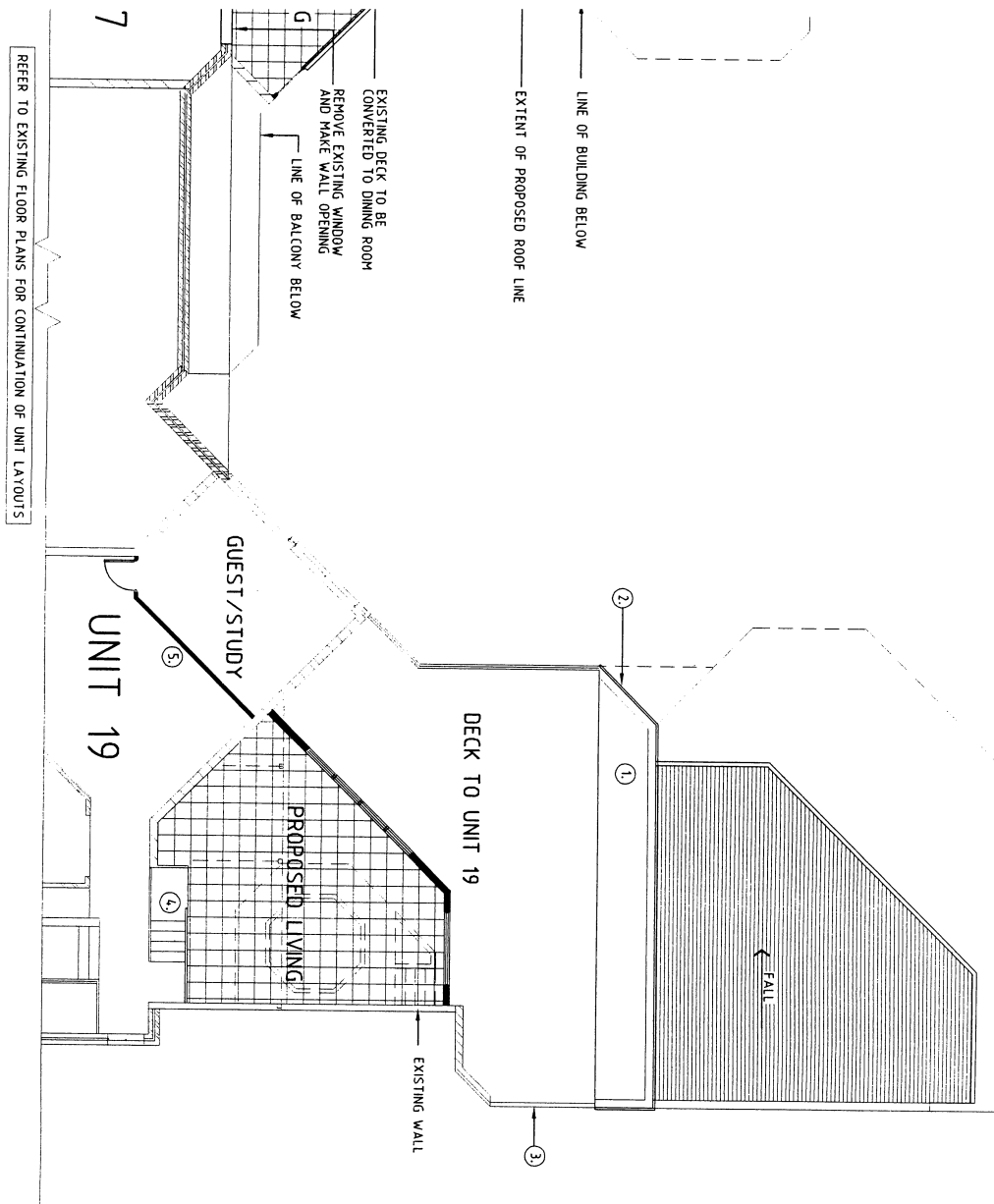
SCOPE OF WORKS - HERITAGE PINE	
1.	EXISTING PLANTER TO BE SEALED & CONVERTED INTO A BENCH SEAT
2.	EXISTING HANDRAIL TO BE REMOVED & REPLACED WITH 1200 HIGH GLASS BALUSTRADE AS SHOWN ON ELEVATIONS.
3.	HORIZONTAL ALUMINIUM SCREEN.
4.	EXISTING DOOR AND WINDOW TO BE REMOVED & SELECTED HANDRAIL TO BE INSTALLED IN THE SAME POSITION.
5.	PROPOSED 90mm TIMBER STUD FULL HEIGHT WALL

UNIT 20 DECK UNDER

Reports from Director Development Services



Reports from Director Development Services



Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

Clause 8 – Zone Objectives

The subject site is zoned 2(b) Medium Density Residential. As the proposal is an addition an existing medium density development the proposal is not inconsistent with the objectives of the zone.

Clause 16 - Height of Buildings

The subject site is located within an area possessing a two storey height limit pursuant to Clause 16 of Tweed LEP 2000. The building as constructed is in effect partly a three/ four storey building. The proposal having regard to the finished ground level around the building should be viewed as fourth storey additions to the development. In support of this non-compliance the applicant has submitted a SEPP No. 1 Objection seeking a variation on the two storey limit which is discussed below.

Clause 31 Development Adjoining Waterbodies

The subject site adjoins Cudgen Creek along the eastern boundary. The proposal consists of minor alterations to an existing development and as no earthworks are proposed will not have an adverse impact upon water quality or habitat of the adjacent waterway. Visually the proposal will be difficult to distinguish from the existing building, as the enclosures are setback from the edge of the balconies overlooking the creek.

State Environmental Planning Policy No. 1 Objection – Two Storey Height Limit.

As discussed above the proposal consists of a fourth storey addition to the existing building. As constructed the building is considered to be a part three – part four storey residential flat building. The building presents to the street as a three storey development, but from the east the building could be misconstrued as a five storey development due to it being stepped down the embankment towards Cudgen Creek.

The applicant is proposing to partly enclose four balconies upon four units on the upper two floors. The applicant has submitted that strict compliance with the two storey height limit is both unreasonable and unnecessary in this instance for the following reasons:

- *The proposed awnings will sit within the external limits of the existing building, with only a minor addition in height to the existing privacy fins (see Units 19 & 20) proposed. Indeed, the proposed additions will only be visible from a small portion of Moss Street (western end) and the public reserve opposite the site. When viewed from the reserve opposite, the proposed additions will have no noticeable impact upon the building height existing, with the ridgeline (of the built form) to remain unaltered by the proposal.*

Reports from Director Development Services

- *The existing development was erected prior to the adoption of the two (2)-storey height limit for the area. Accordingly, the existing building and several within the general locality do not comply with the existing height controls.*
- *The existing building already provides for areas of four (4) and three (3) storeys.*
- *The proposed works are urgently required so as to stop the continued degradation of the existing structure.*
- *The proposed additions will replace the existing shade sails, which although they were in all probability erected without approval, provide for an indication of the ultimate visual impact of the proposed additions.*
- *The proposed additions are entirely consistent with the built form and height of the adjoining building to the west, which also provides four (4) storeys. A number of other examples of three (3) and four (4) storey buildings are also located with frontage to Moss Street.*
- *The proposed additions will be oriented towards the creek itself and not to any adjoining buildings or units. Indeed, with the exception of upper windows of the adjoining units to the west, no other developments within the general locality will be able to view the proposed additions.*
- *The proposed development is consistent with existing surrounding development in terms of height, bulk, scale, character, design and external appearance.*
- *The proposed additions will not create any additional overshadowing in relation to adjacent public lands, foreshores or watercourses.*
- *The proposed variation does not raise any matters of significance relative to state or regional environmental planning.*

Comment: It is acknowledged that the existing development does not comply with Council's height limits and as such has existing use rights pursuant to Clause 42 of the Environmental Planning and Assessment Regulations 2000.

Units 19 and 20

These two units are located on the upper floors of the southern wing of the development. The existing balconies of Units 19 and 20 have an area of approximately 95.3 m² and 98.5 m² respectively. The two enclosures will increase the living area of both units by approximately 38 m² each reducing the size of the balcony for Unit 20 from 98.5 m² to 60.3 m² and Unit 19 from 95.3 m² to 56.8 m².

The southern wall of the extension is all but built and currently acts as a mechanism to protect the balconies from cold sea breezes and adverse weather from the south. This part of the proposal will have little impact if any upon neighbours in terms of overshadowing, privacy or view loss.

Reports from Director Development Services

In further support of the proposal the applicant has submitted approval has been granted to construct a pergola over part of the areas to be enclosed. This is noted on the Building Application Plans 213/89B.

Visually the part enclosure of the balconies to Units 19 and 20 will be difficult to distinguish from the existing building when viewed from the east due to the articulated design of the building, the size of the area to be enclosed compared to the overall balcony areas, and the area is already partly enclosed by the existing wall along the southern elevation. In conclusion this part of the proposal is considered to have merit and will have little impact upon built environment.

Units 16 and 17

These two units are located on the upper floors of the northern wing of the development. The existing balconies of Units 16 and 17 have an area of approximately 112.5 m² and 105.8 m² respectively. The two enclosures will increase the living area of Unit 16 by approximately 36.2 m² and Unit 17 by approximately 51.3 m² reducing the size of the balcony for Unit 16 to 76.3 m² and Unit 17 to 54.5 m².

These additions will also have no impact upon the built environment in terms of privacy or overshadowing with any additional shadow cast onto the existing building. When viewed from the foreshore areas north of the site near the boat ramp the view of the building is screened by a number of Norfolk Island Pines, and as the enclosures do not extend right to the edge of the balcony along the northern elevation the additions will be near impossible to see from adjoining premises.

In conclusion it is considered the additions to all four units will have little impact upon the built environment in relation to overshadowing, privacy or visual amenity, having regard to the size, bulk and scale of the existing building and those parts of the balconies proposed to be enclosed. It is considered that the SEPP No.1 Objection be supported in this instance and that compliance with the two storey height limit is unnecessary and unreasonable. Council can assume the Directors Concurrence on this matter to vary the height controls, and if the application is supported

Reports from Director Development Services

SEPP 71 – Coastal Protection

The application was forwarded to Planning NSW as the land is within 100 metres of a tidal estuary being Cudgen Creek. The Department advised that they did not need to be involved in this development application. Having regard to the matters listed under Clause 8 of the SEPP, the proposal does not affect any foreshore areas from overshadowing or restricts public access nor does it impact upon any habitats areas for flora or fauna (marine or terrestrial). Visually the proposal will be difficult to discern from the existing residential flat building and the scenic qualities of the area will not be compromised having regard to the urban nature of the neighbourhood. The proposal is on land, which is landward of the mapped erosion lines and is unlikely to be adversely affected by coastal processes. The development is therefore not inconsistent with the provisions of clause 8 of the SEPP.

North Coast Regional Environmental Plan 1988

Clause 81 Development Adjacent to the Ocean or a Waterway

The proposed additions will not impact upon foreshore open space or visually detract from the scenic amenity of the adjoining Cudgen Creek. The proposal is not inconsistent with the provisions of this clause.

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

No draft Environmental Planning Instruments affect this policy.

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

DCP No. 42 Notification Policy

Adjoining landowners were notified and the application was exhibited for a two week period. Five submissions were received the details of which are discussed below.

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

Coastal Policy

The proposal is located on land identified within the Coastal Zone. The proposed additions will impact upon foreshore access or result in any overshadowing of foreshore reserves or coastal open space. Visually the additions will be difficult to distinguish from the remainder of the building as the balconies are not to be fully enclosed. The proposal is not inconsistent with the Coastal Policy.

Clause 94 of the EPA Regulations 2000

The proposal has been assessed by Council's Building Service Unit who have raised no objection to the proposal in terms of compliance with the Fire Safety Measures under the Building Code of Australia. Appropriate conditions of Consent have been recommended.

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

The proposed additions to the development comprise of part enclosures to the existing balconies on four units on the upper two floors of an existing residential flat building

Reports from Director Development Services

and will impact upon the natural environment. As discussed above the additions will be difficult to distinguish from the existing building once completed, and will not adversely impact upon adjoining landowners in terms of privacy, overshadowing or loss of amenity.

(c) Suitability of the site for the development

The proposal is minor in nature having regard to the bulk, scale height and character of the existing development and the surrounding development. The proposal does not raise any questions in terms of site suitability.

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

Five submissions were received from the public objecting to the proposal. The following issues have been raised:

- **Not in accordance with Two Storey Height Limit.**

The proposed additions are to partly enclose four balconies of four units upon the upper two storeys of an existing residential flat building. The existing development being a par three part four storey development does not comply with the current planning controls in relation to height limits. As discussed above the proposed additions will have minimal impact upon adjoining premises in terms of overshadowing, privacy or views. Visually the additions will be difficult to distinguish from the existing building and the proposal in terms of non-compliance with height is considered to have merit. In this regard Council can approve the development under the Environmental Planning and Assessment Regulations 2000 as the land has existing use rights and can be approved.

- **Overshadowing**

The proposal is considered to have minimal impact upon adjoining premises from overshadowing. The two balconies on the southern elevation are already partly enclosed by an existing parapet wall. These walls already overshadow the property to the south and the addition of a roof to this wall have little impact upon the residents to the south.

- **Waterproofing – What happens if the works do not correct this problem**

The applicant has applied to carry out these works to rectify a waterproofing problem on the balconies. As part of the proposals the spa baths are to be removed outdoor areas are to be resealed and part of the balconies are to be covered. It is not envisaged that the entire balconies will need to be enclosed, and should this be required in the future a further development application will be required which will again be assessed on it's merits. .

- **Insufficient parking**

The proposal will have not generate the demand for additional car parking as it does not create any further dwellings.

- **Precedent**

Reports from Director Development Services

Should Council receive any new applications for additions to existing buildings in the area which comprise of further storeys, each application will be viewed on their merits and assessed accordingly.

(e) **Public interest**

Although the proposal is contrary to Council's planning controls for the land in relation to the two storey height limit, the proposal is considered to have merit in that it repairs an existing waterproofing problem within the unit and the additions have little impact upon the built environment. It is considered in this instance the proposed part-enclosure of the existing balconies as opposed to the enclosure of a roof top terrace or the addition of a further storey within the roofline will not create an undesirable precedent or prejudice the public interest.

Building Services Unit

No objection raised, although the question of whether this proposal would create a precedent was raised. As discussed above it is considered the proposal will not create a precedent. Should the application be approved, conditions of consent have been recommended by the Unit.

OPTIONS

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse through Land and Environment Court to appeal any decision made by Council. This will have a financial implication upon Council's budget in defending any such appeal.

CONCLUSION

It is considered the proposed part enclosure of the four balconies on Units 16, 17, 19 and 20 will have little impact upon the built environment in relation to overshadowing, privacy or visual amenity. Having regard to the size, bulk and scale of the existing residential flat building and those parts of the balconies proposed to be enclosed it will be difficult to differentiate the additions from the existing development, and that compliance with the two storey height limit is unnecessary and unreasonable. In conclusion the proposal is considered to have merit and will not create an undesirable precedent or prejudice the public interest and is recommended for approval.

Reports from Director Development Services

11. ORIGIN: Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/7 Pt3; LEP - 2000/7

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 7 - Bogangar – Preparation of Supplementary Report to Environmental Study Consultant Brief

SUMMARY OF REPORT:

Council has been engaged in the preparation of a draft LEP for this property for a considerable period. Following the preparation of an Environmental Study, Government Departments raised a number of issues concerning the adequacy of the Study. It was considered that a Supplementary Report to the Study was required.

A Consultant's Brief for Sites 3 and 4 has been prepared and circulated to five (5) Consultants, and a response received from two (2), as follows:

GHD	\$46,848
Aspect North	\$33,845

Both bids have been reviewed and both Consultants are capable of undertaking the task.

RECOMMENDATION:

That Council awards the tender for the preparation of a Supplementary Report to the Environmental Study in respect of Tweed Local Environmental Plan 2000 Amendment No. 7 – Bogangar to Aspect North subject to the following:

- a) Receipt of full funding from the proponent.
- b) Endorsement of the General Manager of the Contract of Engagement of Aspect North.

Reports from Director Development Services

REPORT:

As per summary.

Reports from Director Development Services

12. ORIGIN: Development Assessment Unit

FILE REF: Appeals - Land & Environment Court; LN: 14978

REPORT TITLE:

Development Application D97/0286.01 for an Amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah - Appeal in the Land and Environment Court Matter No. 10067 of 2003 (Tweed Shire Council ats Jim Glazebrook and Associates Pty Ltd)

SUMMARY OF REPORT:

Development Application D97/0286.01 sought approval to amend Development Consent D97/0286 to enable 24 hour trading at a Brothel at 31 – 33 Morton Street Chinderah. Council refused the application on 6 November 2002, which in effect restricted the hours of operation of the Brothel to 6 pm to 6 am as per Condition No. 3 of the Consent. The applicant appealed Councils determination and the matter was heard in the Land and Environment Court on 26 June 2003. The Court upheld the appeal and Development Consent D97/0286 has been amended with the deletion of Condition No. 3. The Brothel is now free to trade 24 hours per day seven days per week.

The Court Orders are contained in the report below.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

As per summary

COURT ORDERS

01 JUL 2003

In the Land and Environment Court of New South Wales

No. 10067 of 2003

Jim Glazebrook & Associates Pty Limited

Applicant

Tweed Shire Council

Respondent

Order

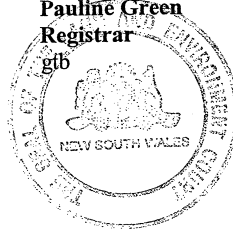
The Court orders that:

1. The appeal is upheld.
2. Development application No.D97/0286 to operate a brothel at 31 – 33 Morton, Street Chinderah is modified by the deletion of condition 3.
3. The exhibits may be returned.

Ordered: 26 June 2003

By the Court

Pauline Green
Registrar
gtb



Reports from Director Development Services

13. ORIGIN: Environment & Health Services Unit/Strategic Town Planning Unit

FILE REF: Development Control Plan; DCP 39; GT1/DCP/39 Pt1

REPORT TITLE:

Amendment to Development Control Plan 39 - Energy Smart Homes

SUMMARY OF REPORT:

On 2 April 2003, Council resolved to prepare and exhibit Development Control Plan No 39 (Amendment No 1) – Energy Smart Homes Policy. The purpose of the amendment was to remove Section 4.9 - Water Heating to enable new home owners to install a water heating system regardless of its energy efficiency.

Submissions to the amendment were received from Maroochy Shire Council, Queensland Conservation Council, Brisbane City Council, Solahart Energy Saving Centre and the NSW Sustainable Energy Development Authority (S.E.D.A).

In addition to its submission, S.E.D.A have indicated that the S.E.D.A \$500 discount for solar hot water systems and heat pump hot water systems will remain in place until at least September 2003 and that new home-buyers will only be eligible for this discount if their council requires the installation of a greenhouse efficient hot water system.

RECOMMENDATION:

That Council defers consideration and adoption of Development Control Plan No 39, Amendment No 1, for a period of three (3) months.

Reports from Director Development Services

REPORT:

In April 2000 Tweed Shire Council adopted Development Control Plan No 39 – Energy Smart Homes Policy under the direction of the NSW Sustainable Energy Development Authorities (S.E.D.A's) 'Energy Smart Homes Program'.

On 2 April 2003 Council resolved to prepare and exhibit Development Control Plan No. 39 (Amendment No. 1) – Energy Smart Home Policy. The purpose of Amendment No 1 was to remove Section 4.9 Water Heating from the plan and thus remove Council provisions that require new homeowners to install a greenhouse efficient water heating system in the construction of a residential dwelling.

A copy of Council's resolution is attached.

PLANNING ISSUES

Current controls are economically disadvantaging new home buyers in the Tweed Shire when compared to residents elsewhere in New South Wales by requiring residents to install greenhouse efficient water heating systems. The Tweed Shire being mostly unserved by reticulated gas forces residents to install either solar or heat pump hot water systems which are significantly more expensive to purchase than gas or electric hot water systems or to install bottled gas hot water systems which are more costly to operate.

In support of the amendment six other local Council's in New South Wales have adopted an Energy Smart Homes Policy without including a requirement for residents to install a greenhouse efficient hot water system.

SUBMISSIONS

The draft Plan was exhibited for 28 days beginning on Wednesday 7 May 2003. Submissions relating to the amendment were received from Maroochy Shire Council, Queensland Conservation Council, Brisbane City Council, Solarhart Energy Saving Centre and the NSW Sustainable Energy Development Authority.

A copy of each submission is attached.

The issues identified in the submissions include:

- Global warming and the emission of greenhouse gases into the atmosphere is becoming increasingly recognised as an important issue by governments and the communities around the world.
- Australia is the world's highest emitter of greenhouse gases per capita.
- Hot water use accounts for nearly 40% of an Australian households energy consumption.
- Installing an energy efficient hot water system enables a saving of 5 tonnes of greenhouse gas per household per annum.
- Appropriate policies to reduce the level of household energy consumption is one way of reducing greenhouse gas emissions and household running costs.
- 15 of the 50 N.S.W Councils with an energy efficient hot water component to their DCP do not have access to a reticulated gas supply.

Reports from Director Development Services

- By comparison, solar hot water systems are the most cost effective of all systems to install and operate – even where reticulated gas is available.
- A discount of up to \$1000 from the Commonwealth Government still applies for installing an energy efficient hot water system.

In addition S.E.D.A have indicated that:

- The \$500 discount for solar hot water systems and heat pump hot water systems is expected to remain in place until at least September 2003.
- 265 discount vouchers valued at \$132,500 have been distributed to new home buyers in the Tweed Shire since DCP 39 was adopted in 2000.
- If s4.9 of DCP 39 is removed new home buyers in the Tweed Shire will not be eligible for the \$500 discount.

However, it is unclear how the adoption of the Plan, as exhibited, will affect existing holders of S.E.D.A vouchers.

As Council is aware, representatives from the Master Builders Association and the NSW Sustainable Energy Development Authority addressed Council's Community Access Meeting held on 9 July 2003 and outlined the current situation involving recent initiatives with the building industry to make the installation of solar hot water systems a more cost effective proposition.

In light of this, they suggested that Council defer a decision regarding the adoption of Amendment No 1 to Development Control Plan No 39 for a period of three months to enable further approaches to be made to the industry and for some additional initiatives to be pursued to resolve the current objections in relation to certain elements of the DCP.

OPTIONS

To resolve the identified planning issues and those raised by received submissions, Council should proceed with one of the following options: -

1. Defer consideration and adoption of Amendment No 1 to the Development Control Plan for a period of three (3) months.
2. Proceed with the exhibited plan in accordance with Council's resolution of 2 April 2003.
3. Proceed with the plan as amended by the following: -

“Section 4.9 Water Heating Systems

Background Principles

In many instances water heating is the biggest greenhouse gas generator in the home. Greenhouse gas is recognised universally as a key contributor to global warming. Therefore, new home owners should be encouraged to install a greenhouse efficient water heating system.

Objective

- *To require the installation of greenhouse efficient water heating systems and water efficient devices that minimise greenhouse gas generation.*

Reports from Director Development Services

Preferred Outcomes

- *All dwellings should be fitted with an energy efficient hot water system which achieves a minimum greenhouse efficiency rating of 3.5 stars provided that they are cost effective when compared to the installation and running costs of a traditional electric hot water system.*
- *Hot water storage should be located close to the most used hot water outlets (generally the kitchen) and household service areas should be grouped together to shorten hot water pipe runs.”*

CONCLUSION:

The total cost of a hot water system includes the purchase price, installation costs and, most significantly, the cost to run the system.

Cost comparisons between electric hot water systems and solar hot water systems indicate that solar is by far the more cost effective over the life of the home. A higher purchase price is more than compensated by the reduced running costs. In addition, a solar hot water system will reduce greenhouse gas generation by approximately 5 tonnes per annum. With 1.6% of NSW Development Applications in the Tweed Shire, this represents an annual abatement of over 2600 tonnes of greenhouse gases from Tweed households.

Given that Australia is the highest emitter of greenhouse gases (per capita) in the world, the requirement to install a greenhouse efficient hot water system that will save residents money over the life of their home is both economically viable and socially responsible.

In the circumstances identified at Council's Community Access Meeting, Option 1 is recommended to defer further consideration and/or adoption of the DCP for a period of three months.

Reports from Director Corporate Services

14. ORIGIN: Administration Services Unit

FILE REF: Legal Costs; Local Government Shires Association - General

REPORT TITLE:

Request for Assistance with Legal Costs - Willoughby City Council

SUMMARY OF REPORT:

A request has been received from the Local Government Association of NSW seeking assistance with legal costs in relation to matters under the Environmental Planning and Assessment Act, 1979.

RECOMMENDATION:

That Council pays an amount of \$2054.00 to the Local Government Shires Association of NSW to assist Willoughby City Council with legal costs and this amount to be debited to legal costs.

Reports from Director Corporate Services

REPORT:

A request has been received from the Local Government Shires Association of NSW seeking assistance with legal costs in relating to Willoughby City Council concerning matters they were involved in.

Following please find a copy of the letter from Local Government Shires Association of NSW.

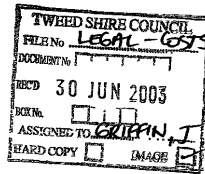
Local Government
Association of NSW



Shires Association of NSW

Our ref: R00/0041: Out 8531
Further contact: Peter Coulton
24 June 2003

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



Dear Dr Griffin

Willoughby City Council – Request for Assistance with Legal Costs

Willoughby City Council has approached the Associations for assistance with legal costs in litigation in which it has been involved.

The Council lodged a public interest objection in the Licensing Court against an application to the transfer of a liquor license to a hotel within its area. The objection was to the provision of 22 gaming machines at the premises, on the basis that the premises “adjoined” a retail shopping and so the provision of gaming machines was prohibited under section 161A(1) of the *Liquor Act* 1982. The Council succeeded before the Licensing Court, but was unsuccessful in the subsequent appeal which the applicant brought in the Court of Appeal.

The matter was seen as one of significance to local government because it is one which has confronted many councils. A council’s position as consent authority has been compromised with respect to the control of gaming in its area, particularly by the 1997 amendments to the Act, and so councils are largely powerless to stop the increase in gaming machine numbers and hence the increase in problem gambling. The process of objection before the Licensing Court is one of the few avenues open to a council in these situations.

The Council incurred the sum of \$185,012 in defending its position. Your council’s proportion of this amount, calculated in accordance with the usual formula, is \$2054, and I would appreciate receipt of Council’s cheque for this amount at your earliest convenience.

Yours sincerely

Peter Coulton
Director Corporate Services

GPO Box 7003 Sydney NSW 2001
215-217 Clarence St Sydney NSW 2000
Tel (02) 9242 4000 • Fax (02) 9242 4111
www.lgov.org.au • lgov@lgov.org.au

Reports from Director Corporate Services

15. ORIGIN: Administration Services Unit

FILE REF: Legal Costs; Local Government Shires Association - General

REPORT TITLE:

Request for Assistance with Legal Costs - Cowra Shire Council

SUMMARY OF REPORT:

A request has been received from the Local Government Shires Association of NSW seeking assistance with legal costs in relation to matters under the Environmental Planning and Assessment Act, 1979.

RECOMMENDATION:

That pays an amount of \$214.00 to Local Government Shires Association of NSW to assist Cowra Shire Council with legal costs and this amount to be debited to legal costs.

Reports from Director Corporate Services

REPORT:

A request has been received from the Local Government Shires Association of NSW seeking assistance with legal costs in relating to Cowra Shire Council concerning matters they were involved in.

Attached please find a copy of the letter from Local Government Shires Association of NSW.

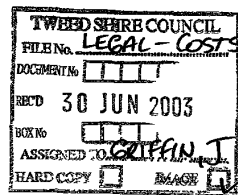
Local Government
Association of NSW



Shires Association of NSW

Our ref. R00/0045: Out- 8532
Further contact: Peter Coulton
24 June 2003

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



Dear Dr Griffin

Cowra Shire Council – Request for Assistance with Legal Costs

Cowra Shire Council has approached the Associations for assistance with legal costs in litigation in which it has been involved

A development application for the establishment and operation of a quartz mine in the Council's area was called in by the Minister for Urban Affairs and Planning pursuant to section 76A of the *Environmental Planning and Assessment Act 1979* on the basis that it was State-significant development. It was determined by the Minister by granting development approval subject to certain conditions, including the payment to the Council of a section 94 contribution of \$100,000 for community services and bushfire services, which was the amount offered by the applicant for these matters. Under the Council's section 94 plan, the contribution would have been \$100,000 plus an amount of \$30,000 per annum over the 21 year life of the development. The Council resolved to challenge the Minister's decision, but the Land and Environment Court dismissed the action and substantially reduced the figure set by the Minister. Based on its legal advice, the Council decided to take the matter no further

The matter does not come within the guidelines for assistance, but the Executrves of the two Associations considered that its circumstances warranted giving support to it It was considered that there were issues of ethics and appropriateness in the Minister's decision to disregard the Council's contribution plan, and that if allowed to stand it would set a precedent for the Mimister in disregarding a plan which the consent authority would otherwise have to take into account.

The Council incurred the sum of \$19,336 in defending its position. Your council's propotion of this amount, calculated in accordance with the usual formula, is \$214, and I would appreciate receipt of Council's cheque for this amount at your earliest convenience.

Yours sincerely

Peter Coulton
Director Corporate Services

GPO Box 7003 Sydney NSW 2001
215-217 Clarence St Sydney NSW 2000
Tel (02) 9242 4000 • Fax (02) 9242 4111
www.lgsv.org.au • lgsv@lgsv.org.au

Reports from Director Corporate Services

16. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for the Period Ending 30 June 2003

SUMMARY OF REPORT:

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

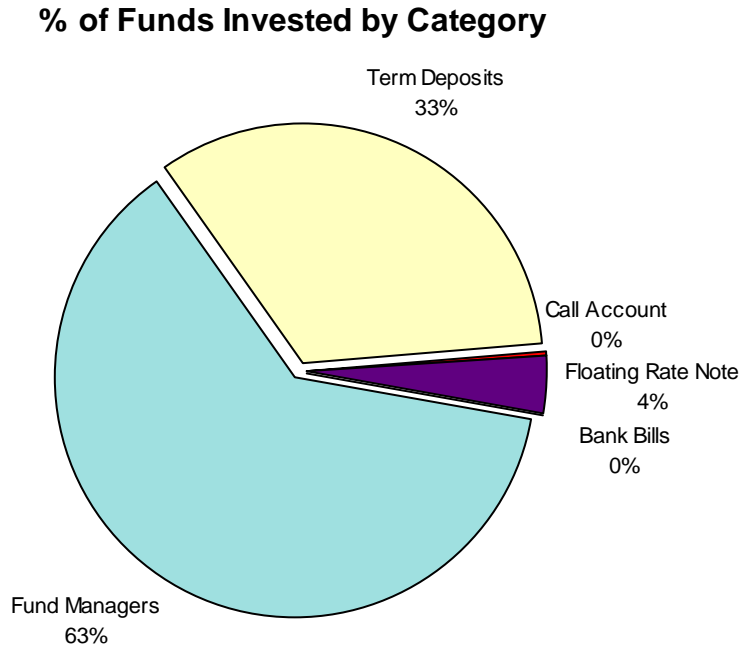
RECOMMENDATION:

That this report be received and noted.

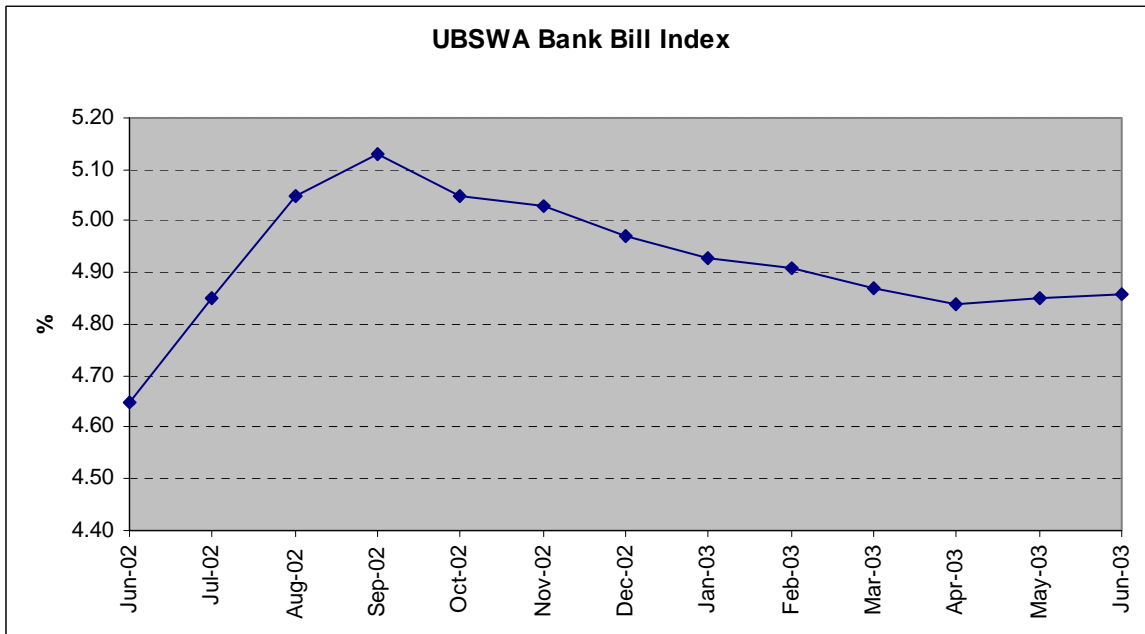
Reports from Director Corporate Services

REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



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

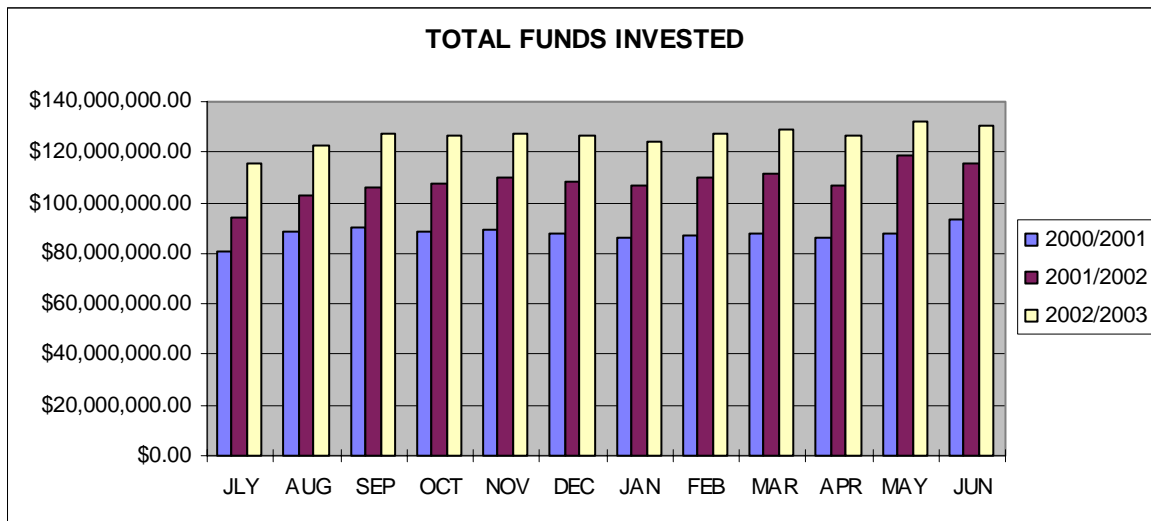


Reports from Director Corporate Services

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

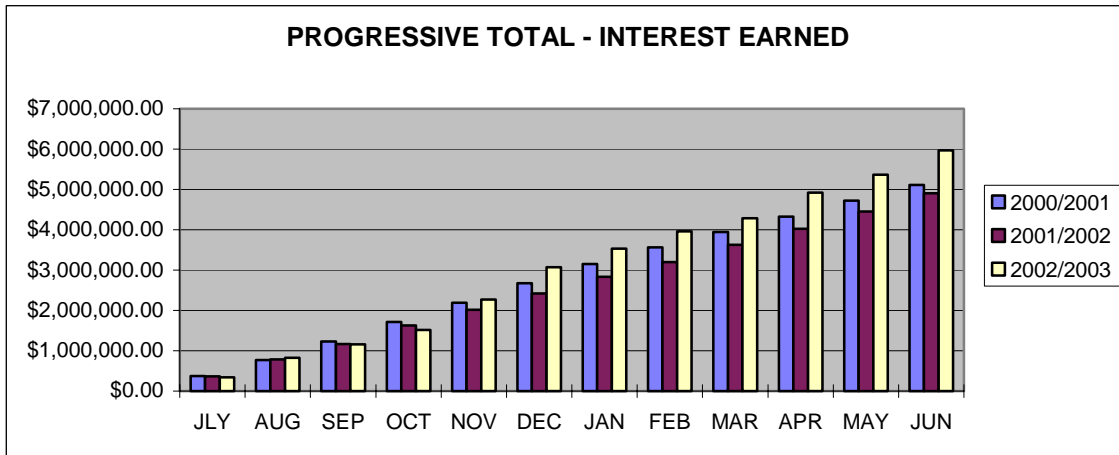
Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ Cash Plus	6.75	5.87	5.27
Alliance Cap Cash	5.06	4.56	5.08
Deutsche Cash Plus	6.30	6.11	5.14
Macquarie Diversified	5.51	5.64	5.16
UBS Credit Enh.	6.78	6.45	5.47

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Director Corporate Services

5. ANNUAL PROGRESSIVE TOTAL



6. MARKET COMMENTARY

The Reserve Bank of Australia met on 1 July 2003 and decided to leave official interest rates unchanged at 4.75%. This means there has been no change to official rates for 13 months.

The RBA has made it quite clear that they are comfortable with the current policy stance. Certainly a weaker global economy coupled with a weakening housing market would constitute a need to cut interest rates.

Commentators predict a 25 basis point cut in the third quarter of 2003 will be necessary to counter the effect a rising Australian dollar will have on our export competitiveness.

7. INVESTMENT SUMMARY AS AT 30 JUNE 2003

GENERAL FUND

BANKS	24,406,750.00	
FUND MANAGERS	18,637,283.33	
LOCAL GOVT. FIN. SERVICES	500,000.00	
CALL	526,278.52	44,070,311.85

WATER FUND

BANKS	6,500,000.00	
FUND MANAGERS	36,516,182.22	
LOCAL GOVT. FIN. SERVICES	0.00	43,016,182.22

Reports from Director Corporate Services

SEWERAGE FUND

BANKS	12,000,000.00	
FUND MANAGERS	26,112,164.20	
LOCAL GOVT. FIN. SERVICES	5,000,000.00	43,112,164.20

TOTAL INVESTMENTS **130,198,658.27**

It should be noted that the General Fund investments of \$44 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

STATUTORY STATEMENT - LOCAL GOVT FINANCIAL MANAGEMENT REGULATIONS (SEC.19)

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



R R Norvill FCPA
Responsible Accounting Officer
Manager Financial & Information Services

Reports from Director Corporate Services

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Reports from Director Corporate Services

- 17. ORIGIN:** Administration Services Unit
FILE REF: DW922339; Local Government Department - Circulars;
Amalgamations; Voluntary Structural Reform

REPORT TITLE:

Open Council Meetings - Structural Reform

SUMMARY OF REPORT:

Advice has been received from the Department of Local Government concerning the proposal for Council amalgamations or boundary alterations to be dealt with in open Council.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Circular 03/14 has been received from the Department of Local Government concerning the matter of Council amalgamations or boundary alterations to be dealt with in open Council.

A copy of the circular is reproduced below for Councillors information:



Circular No 03/14
Date 26/06/2003
File No

Contact Helen Guerman
02 4428 4212
helen.guerman@dlg.nsw.gov.au

OPEN COUNCIL MEETINGS – STRUCTURAL REFORM

Councils would be aware of the latest initiatives announced by the Premier and the Minister for the Local Government in their speeches to the Shires Association Annual Conference on 4 June 2003 and in recent media releases encouraging structural reform in Local Government

A number of councils are considering proposals for boundary amalgamations or alterations. However, the Department has been advised that several councils have closed their meetings to discuss these issues

Section 10A of the Local Government Act 1993 clearly identifies grounds for closure of council meetings. The section does not support a decision to close a meeting or part of a meeting during which discussions are held by councillors with respect to a proposal for structural reform

Local Government reform is promoted in the best interests of ratepayers. It is proper to encourage as much participation and contribution from the public as possible in the decision making process. The Department's view is that council meetings dealing with the issues of structural reform should be open meetings and councils are encouraged to maintain transparency and accountability in their deliberations and decision making.

Garry Payne
Director General

Reports from Director Corporate Services

18. ORIGIN: Financial & Information Services Unit

FILE REF: Financial Policies; Financial Reporting; Budget

REPORT TITLE:

Local Government Financial "Health Check"

SUMMARY OF REPORT:

The Local Government Act gives councils significant responsibility and autonomy in their operations. Fundamental to these arrangements is that local government both knows and is able to demonstrate that it is providing services effectively, efficiently and equitably in meeting the community's needs. Performance information and indicators are an integral part of this management process.

The Minister for Local Government, Mr Tony Kelly, recently announced that there were 30 NSW councils on "financial watch" by the Department of Local Government. Tweed Shire is not one of the Councils being monitored.

A new set of financial indicators that assesses a Council's financial status has been developed for NSW Councils. These indicators have been called "Local Government Financial Health Check" and are intended to be indicative of financial health and presence of good business management practices in Councils. For the health check to be effective and valid it must be realised that not all councils are the same as they differ in size, location, growth and future direction.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Local Government Act gives councils significant responsibility and autonomy in their operations. Fundamental to these arrangements is that local government both knows and is able to demonstrate that it is providing services effectively, efficiently and equitably in meeting the community's needs. Performance information and indicators are an integral part of this management process.

The Minister for Local Government, Mr Tony Kelly, recently announced that there were 30 NSW councils on "financial watch" by the Department of Local Government. Tweed Shire is not one of the Councils that is being monitored. Council will recall this "Financial Health Check" was the result of the Minister naming councils in Parliament last year for failing the test of financial responsibility.

A new set of financial indicators that assesses a Council's financial status has been developed for NSW Councils. These indicators have been called "Local Government Financial Health Check" and are intended to be indicative of financial health and presence of good business management practices in Councils. For the health check to be effective and valid it must be realised that not all councils are the same as they differ in size, location, growth and future direction.

RATING BY COLOUR CODING/TRENDS

Where appropriate a colour trends coding system has been developed for use by NSW councils to 'rate and present the relative position of a Council's performance under the health check. Colour codings are green, amber and red.

All indicators where possible show a trend analysis rather than a static one year perspective, which may reflect distortions or some exceptional circumstances.

FINANCIAL INDICATORS

1. Revenue Sources

Sources of Total Ordinary Revenue Before Capital

	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
	%	%	%	%	(est) %	(est) %
Rates and Charges	46.83	42.59	42.98	39.09	39.0	38.0
User Charges and Fees	12.50	11.88	11.87	12.13	12.0	13.0
Interest	5.22	5.74	6.45	5.07	5.0	4.8
Grants	12.90	13.88	12.12	12.04	12.0	11.8
Contributions & Donations	21.00	25.01	25.89	31.23	31.6	32.0
Other	1.19	0.91	0.70	0.43	0.40	0.40
Total %	100	100	100	100	100	100

The NSW average for total rates and charges is 49%.

2. Cash/Liquidity Position

Cash and cash management is vital for the short and long term survival and good management of any business. Local Government with its restricted and limited source of income is no different. Normal business cycle necessitates business meeting their current obligations or

Reports from Director Corporate Services

liabilities from current assets which can and will be converted into cash in time to meet there obligations.

Unrestricted Current Ratio

This is a measure/solvency of Council's ability to pay debts as they fall due.

$$\frac{\text{Current Assets less Externally Restricted Current Assets}}{\text{Current Liabilities less Specific Purpose Current Liabilities}}$$

	1998/99	1999/00	2000/01	2001/02	2002/03 (est)	2003/04 (est)
General	1.38:1	1.43:1	1.57:1	2.07:1	2.1:1	2.2:1
Water	25:1	29:1	23:1	29:1	20:1	29:1
Sewerage	15:1	17:1	7:1	7:1	8:1	7:1

Measure	1:1 = Red	1:1 to 2:1 = Amber	Over 2:1 = Green
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Available Cash Position

This allows the assessment of funds available to respond to opportunities and to react to unforeseen commitments that may arise.

	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %	2003/04 (est) %
<u>Available Cash Assets</u>						
Total Ordinary Revenue before Capital	25.71	23.13	28.38	28.83	28.00	28.00
<u>Unrestricted Available Cash Assets</u>						
Total Ordinary Revenue before Capital	4.5	3.44	4.8	1.36	1.40	1.41

These figures reflect in Note 6 of Council's General Purpose Financial Statements and are provided for information only.

3. Operating Result \$'000 – General Fund

This results from ordinary operations of Council before receipt of capital grants & contributions.

	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03 (est)	2003/04 (est)
General	-\$8,982	-\$7,530	-\$7,613	-\$7,013	-\$9,526	-\$9,200	-\$9,200

4. Debt Service Ratio

The ratio is an assessment of the operating revenue committed to the repayment of loan debt. Generally the ratio would be higher for councils in growth areas such as Tweed Shire where loans

Reports from Director Corporate Services

have been required to fund infrastructure e.g. roads, community buildings, bridges, water and sewerage works. The ratio is also affected by prevailing interest rates and loan terms.

Fund	1998/99	1999/00	2000/01	2001/02	2002/03 (est)	2003/04 (est)
General	13.87%	13.14%	12.58%	14.62%	10.9%	10.6%
Water	13.86%	13.82%	11.08%	4.55%	4.50%	3.2%
Sewerage	16.06%	15.75%	13.63%	11.93%	10.00%	10.00%

Consolidated for 2002	
NSW	TSC
6%	9.94%

Measure	<15% = Green	15-20% = Amber	>20% = Red
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5. Outstanding Rate, Charges and Fees.

This ratio compares the level of outstanding debts from debtors to annual revenue for year. The ratio is a reflection of Council's debt management policies.

These ratios are difficult to benchmark against other councils as it depends on local economy, number of pensioners (Tweed has 50% more pensioners per percentage of population compared to NSW State Figure), unemployment rate and new property valuations (issued in second half of financial year) in a fast growing Council such as Tweed.

	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %	2003/04 (est) %
General	5.38	6.34	8.45	7.11	7.00	6.3
Water	6.31	7.97	6.10	5.06	5.00	3.0
Sewerage	5.85	7.51	5.21	4.84	4.50	4.5

Measure: Rural Councils Rates Outstanding	<6% = Green	6-9% = Amber	>9% = Red
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	1998/99 %	1999/00 %	2000/01 %	2001/02 %	2002/03 (est) %	2003/04 (est) %
Other Debtors	8.53	3.54	8.19	5.28	4.80	5.3

Outstanding:

Note: 2003/04 Full User Pay Charges for Water

Measure	<10% = Green	10-15% = Amber	>15% = Red
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"Other debtors" includes accounts issued late June 2003 but paid in the current financial year. The figure does not include deferred debtors.

Reports from Director Corporate Services

6. Re-votes of Carryover Expenditure

This indicator compares the total re-votes of expenditure to the total annual expenditure. It is important Council properly budget for and manages the resources that are available to fulfil its management plans.

Re-Votes of Expenditure – General Fund as %

2000/01	2001/02	2002/03 (est)	2003/04 (est)
2.44%	3.17%	3.0%	3.0%

Measure	<2% Green	2-5% Amber	>5% Red
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7. Asset Replacement – 2003/04

Category	Depreciation \$,000	Replacement funding in Budget \$,000
	\$	\$
<u>General Fund</u>		
Bridges	366	1,000
Buildings	356	47
Car Parks	68	
Drainage	1,328	1,600
Footpaths	41	
Furniture & Fittings	69	23
Other	88	
Pools	45	24
Roads	7,380	5,198
TCHP	345	
Waterways	107	13
Plant & Equipment	1,520	2,396
	11,713	10,300
<u>Water Fund</u>	2,936	2,928
<u>Sewer Fund</u>	3,458	3,579
TOTAL	\$18,106	\$16,807

Reports from Director Corporate Services

8. Accuracy/Timeliness of Financial Data/Budget/Compliance

“Local Government Councils are very significant business and trading enterprises. They are financially and operationally managing very significant assets, earning sizable revenues and incurring significant expenses. They also employ significant resources and personnel. As in any commercial enterprises, good business management practices dictate that the business undertake formal planning and budgeting functions and that management and the elected corporate governance representatives receive regular and up to date financial management information and reports.

It is a measure of the Corporate Health of the council as to the timeliness and accuracy of financial information and the ability of the council to stay within and also properly predict its budgeted performance. This must be achieved over a period of time and not contrived by or impacted by any one off instance.”

Source: LGMA 2002

	1998/99	1999/00	2000/01	2001/02	2002/03 (est) & 2003/04 (est)
a) Financial Bottom Line (before Capital) matched to forecasts to a level of + or - 10% NOTE: This is a comparison to original budget not the budget reviews during the year.	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
b) Receipt of unqualified audit reports	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
c) Statements lodged to meet compliance deadline	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
d) Timeliness of results and reporting to management and statutory authorities					
1. Do you report to management – within 5 days or month end	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
2. Do you report quarterly statutory – within 21 days of quarter end	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
3. Do you report annual statutory - within 21 days of year end NOTE: Council’s Financial Statements are required to be prepared and forwarded to the Department of Local Government by 6 November statutory date each year.	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
e) Budgets incorporate a 3 year plan where the 2 nd year becomes the base of the following year.	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
f) Rigour of budget review & ongoing monthly/quarterly budget to actual analysis	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
g) Does RAO (Responsible Accounting Officer) formally report to Council on the sign off of the statements – Section 413	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Total for Tweed Shire Council = 9

Measure	8 or 9 = Green	5-7 = Amber	4 or less = Red
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Reports from Director Corporate Services

9. Quarterly Budget Review

This 'financial health check' report will form part of the quarterly budget review.

GENERAL COMMENTS

Tweed Shire Council has for many years made extensive use of these and other performance information and indicators to support and improve its management practices and financial performance. Council is also currently updating its long-term financial plan to 2006/2007.

Reports from Director Corporate Services

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Reports from Director Engineering Services

19. ORIGIN: Design Unit

FILE REF: GR3/12/7 Pt2; Road-Old Ferry Road; Road-Closure-Terranora; DW: 896470

REPORT TITLE:

Application to Close and Purchase Public Road - Old Ferry Road, Banora Point

SUMMARY OF REPORT:

An application has been received from McLauchlan surveying on behalf of a developer to close and purchase part of Old Ferry Road, Oxley Cove. The developer is seeking to close an area of 219.5m², a corner of Old Ferry Road, so that it can be incorporated into the development to provide a bin storage area, where the access road into the subdivision meets Old Ferry Road.

The applicant has an application for an amendment to a construction certificate currently being investigated with Council, the inclusion of the bin storage area forms part of the amendment.

RECOMMENDATION:

That Council:-

1. Approves the closure of part of the road reserve adjacent to Lot 26 in DP 879517 being Old Ferry Road, Banora Point subject to the amended construction certificate being issued by Council;
2. The road closure be consolidated with Lot 26 in DP 879517 following transfer to Council;
3. Easements are created where necessary over any existing public authority services;
4. All necessary documentation be endorsed and executed under Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application has been received from McLauchlan Surveying on behalf of a developer to close and purchase part of Old Ferry Road, Oxley Cove. The developer is seeking to close an area of 219.5m², a corner of Old Ferry Road so that it can be incorporated into the development to provide a bin storage area, where the access road into the subdivision meets Old Ferry Road.

The applicant has an application for an amendment to a construction certificate currently being investigated with Council, the inclusion of the bin storage area forms part of the amendment.

The option to lease the area has been considered, however, Council's Policy for Private Structures on Public Roads discusses the issues arising out of leases of council roads. Some of the issues discussed in the Policy include:

- The Roads Act, 1993 provides that the maximum lease period of 5 years in most instances, but in most instances Council would be obligated to allow renewal options which virtually assures "leases in perpetuity"
- Leasing is usually followed by Development Application or Construction Certificate Applications which cannot be revoked if the lease lapses
- Leases run with the land but vendors may fail to disclose the lease in sale documentation
- Council has an ongoing obligation to ensure that lessees comply with lease conditions, payments, renewals and public indemnity and the prospect of instituting legal proceedings to remove encroachments which may have been given development consent
- Leases can conflict with the provision or maintenance of public utilities

Council's Policy concludes that Council will not accept any applications or enter into any leases within Public Road reserves to encompass existing or proposed private structures.

A copy of the plan showing the area of road sought to be closed and purchased hatched in black follows. An area sought for road widening is also shown on the plan, this road widening was required as a condition of consent for this development on Old Ferry Road

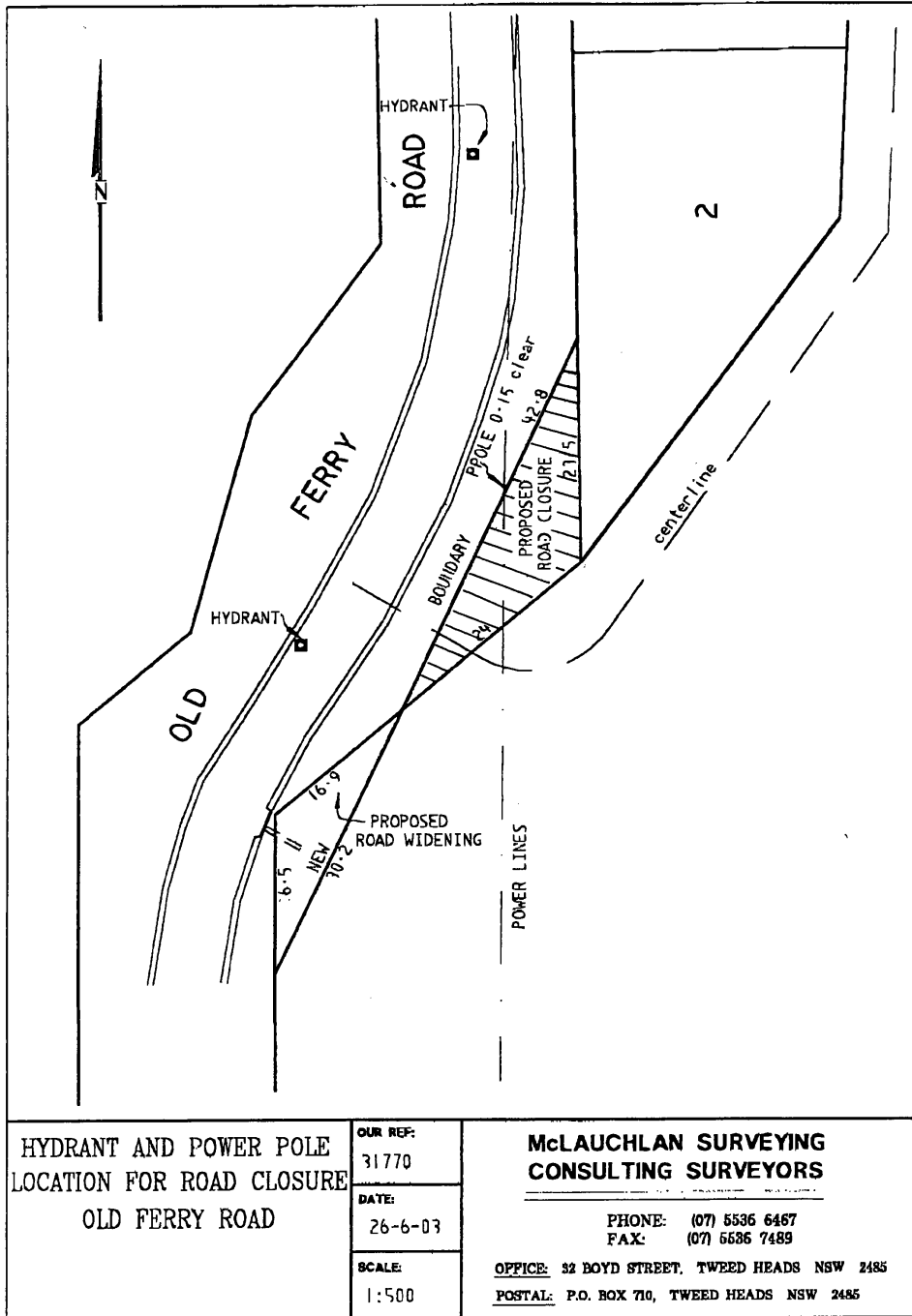
Reports from Director Engineering Services

27 Jun 03 08:16a

MCLAUCHLAN SURVEYING

07-55367489

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Reports from Director Engineering Services

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Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Rangers

REPORT TITLE:

Proposal for Council Rangers to be Granted Similar Powers to RSPCA Inspectors

SUMMARY OF REPORT:

During a recent review of the Prevention of Cruelty to Animals Act 1979 (POCTAA) a proposition was raised by the NSW Department of Agriculture to involve Council Rangers in the enforcement of the Prevention of Cruelty to Animals Act.

RECOMMENDATION:

That Council rejects the proposal due to:

1. The limited resources available to implement the Act; and
2. Council's predominant role in this area has been in animal management, not traditionally in animal welfare

Reports from Director Environment & Community Services

REPORT:

During a recent review of the Prevention of Cruelty to Animals Act 1979 (POCTAA) the difficulty of the RSPCA and the Animal Welfare League (AWL) having sufficient numbers of inspectors to fully respond to all public complaints and requests for their services was noted. Despite the local Police having powers under POCTAA, in some instances they are reluctant to become involved in animal welfare issues. A suggested solution to the shortfall of POCTAA enforcement officers was to involve Council Rangers in the enforcement of POCTAA.

Letters have been forwarded to all Councils from the Department of Agriculture in NSW, canvassing Council's opinion on Local Government assuming responsibility under POCTAA as follows.

“Council has received correspondence from the Department of Agriculture in NSW canvassing Councils opinion on Local Government assuming responsibility under the Prevention of Cruelty to Animals Act (POCTAA). A copy of the letter is attached.

It would appear that organisations such as the RSPCA and the Animal Welfare League are not sufficiently resourced to fulfil the intentions of the Act and hence the request for Local Government to assume some responsibility.

The introduction of POCTAA to the Rangers workload would place a great strain on current resources. There are a number of issues raised from the proposal. Training would be needed in this field, would there be funding, response times to complaints, staffing issues, there would be expenses associated with veterinarian reports, legal fees, the seizure and impounding of animals.

I recently attended a meeting for the Australian Institute of Local Government Rangers where this topic was discussed and it was unanimous that this proposal be rejected by the institute. The Northern Division RSPCA inspector, Peter Bartley presented a speech in relation to the functions of POCTAA. In this talk he stated that 80% of all complaints made relating to the Act were vexatious.

Council's involvement in the Companion Animals management stems from the recognition that poor animal management (barking, straying, etc) has the capacity to adversely affect the amenity of the community at large. This role in animal management therefore is consistent with many of the core tasks of Local Government. Council's have not traditionally been involved in animal welfare issues.

At present I feel the Regulatory Services Unit does not have the resources to undertake this function and propose that Council oppose moves for it to assume responsibilities under the Prevention of Cruelty to Animals Act.”

It would appear that organisations such as the RSPCA and the Animal Welfare League are not sufficiently resourced to fulfil the intentions of the Act and hence the request for Local Government to assume some responsibility.

The introduction of POCTAA to Local Government would place a great strain on current resources. There are a number of issues raised from the proposal.

Reports from Director Environment & Community Services

- Who would provide the training in this field and at whose expense?
- Would funding be provided?
- Staffing issues?
- Work loads and response times?
- Expenses associated with veterinarian reports and legal fees?
- The seizure, impounding and housing of animals?

At a recent meeting for the Australian Institute of Local Government Rangers the topic was discussed and it was unanimous that the institute reject this proposal. During this meeting the Northern Division RSPCA inspector, Peter Bartley, made a presentation in relation to the functions of POCTAA. It was stated that 80% of all complaints made relating to the Act were vexatious. This in itself would involve a great deal of Council resources.

The current growth rate of the Shire will inevitably create an even greater community demand to enforce all areas associated within the Rangers current duties. Council Rangers currently deal with a regular influx of complaints associated with on and off street parking, abandoned vehicles, the dumping of rubbish, illegal camping, overgrown land, illegal signage, beach patrols, roaming livestock, illegal road side stalls, barking, straying and dangerous dogs and also complete initial investigations on development control matters. If POCTAA was included as a function of the Rangers duties it is inevitable that complaint response and customer satisfaction level will fall because such functions will be beyond Council's current resources thus creating demand for additional staff.

Issues relating to POCTAA are highly sensitive and Council officers are not qualified to undertake the associated duties without intensive training. Animal welfare organisations specific function is to deal with the issues relating to the animals well being and are trained in assessing and processing each complaint in accordance with the relevant sections of the Act.

Council's involvement in the Companion Animals management stems from the recognition that poor animal management (barking, roaming, etc) has the capacity to adversely affect the amenity of the community at large. This role in animal management therefore is consistent with many of the core tasks of Local Government. Council's have not traditionally been involved in animal welfare issues.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: Sponsorship; Donation; Child Minding-Day Care/Pre-schools; DW:
918003

REPORT TITLE:

Family Day Care - Request for Assistance

SUMMARY OF REPORT:

The Tweed Shire Family Day Care have requested Council assistance in their proposed relocation to a new building to be constructed on Council land.

RECOMMENDATION:

That Council advises that it regrettably is unable to approve the Family Day Care's request for assistance in their proposed relocation to a new building to be constructed on Council land for the reasons outlined in this report.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the following request has been received from the Family Day Care:-



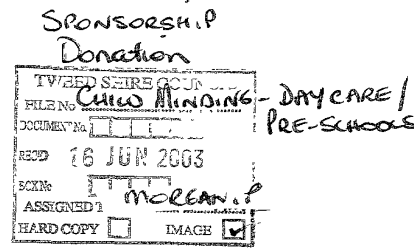
THE No.1 CHOICE IN CHILDCARE

Tweed Shire
FAMILY DAY CARE
41 Boyd Street
Tweed Heads

P O Box 512
Tweed Heads 2485
Phone: 07-5536 1865
Fax: 07-5536 8069
tsfdc@norex.com.au

W/user/ms/john griffen

The General Manager
Dr. John Griffen
Tweed Shire Council
Civic Centre
Tumbulgum Road
MURWILLUMBAH NSW 2484.



12th June 2003.

Dear Sir

We are writing to inform you of a building project to be undertaken by Tweed Shire Family Day Care hopefully within the next 6 months

Tweed Shire Family Day Care supports over 980 children and their families by providing a home-based quality assured childcare service. Directly through the employment of 14 staff in the Co-ordination Unit we support 90 small business operators as Registered Carers under the scheme. Additionally we support around 750 Ratepayers by freeing them up to attend work, training and leisure commitments.

Family Day Care being a community non-profit organization funded under the Commonwealth Governments Childcare Program and licensed by the State Department of Community Services marries well with the Stronger Families, Stronger Communities initiatives of the Commonwealth Government.

Tweed Shire Family Day Care assist to keep wealth in the shire through facilitating work or training opportunities, resourcing and up skilling parents by assisting them to access parenting or child development training and provide direct work opportunities for many residents throughout the Shire.

Tweed Shire Council have been most generous to us over the years and were our first Service Sponsor. In fact it was to the credit of Council that we secured this funding to begin back in 1984. We have grown significantly since those days and now turn over a budget of over 3.5 million per annum. As a non profit organization we have ploughed resources back into the community to ensure families benefit.

Reports from Director Environment & Community Services

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We currently operate out of an old council cottage at 41 Boyd Street, Tweed Heads and find this facility now unsuitable to continue our operations. We have funding to build a new facility and due to assistance from Geoff Edwards and Stuart Brauley have secured a block of land for our new facility to be built on next to Cooloon Children's Centre in Recreation Street, Tweed Heads. We have had approval for the block of land from the Councils Reserve Trust Committee some time ago and are ready to go on to the next stage of the project. We have had plans drawn up and quantity surveyors to determine our overall costing. What we hope to secure now is support from council to progress our project.

The most beneficial and practical way we feel council could support us would be to provide the site preparation. Initial quotes for this service to be contracted to us are in the vicinity of \$50 000. We feel with council support the cost to us would be significantly reduced.

We anticipate site preparation to include

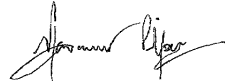
- Excavation and levelling of block at Park Street, Tweed Heads including the car park area.
- Installation of stormwater and sewerage.
- Footings, formwork, reinforcing for concrete slab.
- Asphalt, kerbing and guttering for car park area.

Tweed Shire Family Day Care would meet the costs associated with the materials.

We would like to request a meeting with yourself, the Mayor and other appropriate personnel to discuss the proposal at length and endeavour to secure a commitment of further support from the council.

I look forward to hearing from you soon.

Yours faithfully



Margaret Piper
Manager

The Day Care Centre operates out of a Council owned house located at 41 Boyd Street Tweed Heads and has done so for in excess of fifteen years with Council paying all maintenance costs, rates and charges. The Day Care Centre also operates from Council premises in Myall Street Murwillumbah under the same circumstances.

Council will recall that it has itself resolved to allow the Day Care Centre to build new premises on Council land forming the park in Recreation Street Tweed Heads. The value of this area of land is estimated to be worth \$300,000 (three hundred thousand dollars).

In relation to the request for assistance in the vicinity of \$50,000 (fifty thousand dollars) it is advised that in the initial discussion for assistance from Council to relocate the Day Care Centre, only the provision of land was requested.

Also there are no funds for this purpose provided in the current budget.

Accordingly it is recommended that Council advise that as no funds have been provided in its current budget that it is unable to agree to the Day Care Centre request.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

22. ORIGIN: Environment & Health Services Unit

FILE REF: Licences - Beach Vehicle

REPORT TITLE:

Clean Beach Challenge

SUMMARY OF REPORT:

A request for a beach vehicle permit by Casuarina Town Hall Pty Ltd has been received by Council to facilitate the Clean Beach Challenge. Should Council agree to provide such permit for long term use, the conditions contained in the recommendation should be applied.

RECOMMENDATION:

That:-

1. Council approves a Special Beach Permit for Casuarina Town Hall Pty Ltd to access the section of beach adjacent to the Casuarina community to facilitate the Clean Beach Challenge, subject to:
 - a) The permit being valid for the specific purpose of the inspection and collection process associated with the Clean Beach Challenge – joy riding and picnicking and any other activities not being permitted.
 - b) The vehicle not being driven above the high tide mark, except when travelling to and from the beach at the designated access points.
 - c) The vehicle must be a conventional 4WD vehicle. Motor cycles and beach buggies are **PROHIBITED**
 - d) Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
 - e) Vehicles are to be driven only on the section of beach between Kingscliff and Cabarita Beach as specified by the attached plan.
 - f) The vehicle nominated on the permit is the only vehicle to be driven on the beach.
 - g) The permit is to be produced on demand to authorised Council Officers.
 - h) The National Parks & Wildlife Service (NPWS) has management responsibilities for beaches within the Wollumbin Nature Reserve. The boundary of this reserve is at the mean low water mark. Permit holders are required to comply with any direction given by an authorised NPWS Officer whilst within these areas.
 - i) Failure to comply with any of the conditions of the permit by the owner or driver of the vehicle will require immediate forfeiture of the permit and in such case, Council reserves the right to refuse any further application in respect of such vehicle or by the owner thereof.
 - j) The permit fee to facilitate the Clean Beach Challenge being \$210.00 per annum as per Council's adopted Fees and Charges.
 - k) The use of motor vehicles below the high tide mark is now controlled by Local Councils in New South Wales. This section of beach is defined as a Public Reserve and is therefore considered to be open to and used by the public.

Reports from Director Environment & Community Services

That section of beach open to and used by motor vehicles is now considered by Law as being a Public Street, under the meaning of Section 2 Motor Traffic Act 1909. As such the person in charge of the vehicle will be required to obey all regulations under both the Local Government Act 1993 and the New South Wales Motor Traffic Act 1909.

- l) Any offences committed will result in permanent suspension of your beach vehicle permit, prosecution by the Council and prosecution by the New South Wales Police.

The above will apply especially to the following: -

- i) Driving an unregistered motor vehicle upon a public beach.
 - ii) Driving a motor vehicle whilst unlicensed or disqualified.
 - iii) Driving a motor vehicle whilst under the influence of intoxicating liquor.
 - iv) Exceeding the 30kph speed limit at any time.
- m) All vehicles must be registered with the appropriate Road Traffic Authority

Reports from Director Environment & Community Services

REPORT:

The Clean Beach Challenge is a community-based competition, which aims to enhance beach side communities and the environment by promoting personal initiative, civic pride and environmental awareness. The challenge is the Keep Australia Beautiful Fun Beach Program, which has been initiated to provide a community focus and link to the preservation and management of New South Wales beaches.

Through competition and awards, the Clean Beach Challenge provides recognition to people who care for their community and who protect and enhance their beach and surrounding environment. The Challenge is open to all NSW local Councils, community groups, dune care groups or any person or group involved in the care of beaches. The Clean Beach Challenge program awards structure is conducted at regional levels with the applicants competing in various categories and an overall cleanest beach awarded in each region. The winners then proceed into the statewide challenge to determine NSW cleanest beach. For the winners, the publicity would provide benefits for local, national and possibly international tourism.

Casuarina Town Hall has requested vehicle beach access to facilitate the Clean Beach Challenge. The access requested comprises of an inspection and collection process to be conducted once every fortnight. Casuarina Town Hall envisages this process to be a long-term application to keep the beach in a pristine condition.

Council's current Policy does not specifically address vehicle access in the associated circumstances. Council's Policy E11.5.3 Issue of Special Permits, states:

E11.5.3 Issue of Special Permit

- a) A very small number of permits may be issued by the Director of Environment and Community Services Division in special circumstances considered appropriate such as to paraplegic persons or persons while engaged in Dune Care works*
- b) The current fee shall be applicable.*
- c) All general conditions as set out above will apply except for in some instances*
- d) Sub-section b) and c) may be waived by the Director of Environment and Community Services.*

In circumstances involving dune care work and in the case of paraplegics the Special Permit fee is Waivered, however all other associated Special Permit applicants pay the correct fee of \$210.00. Accordingly, should Council agree to provide such a permit for long term use, it is recommended that the full fee apply, and the conditions contained in the recommendation be applied.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: Museums; Historical Society; Arts Advisory Council; Grants - General

REPORT TITLE:

Tweed Museum Development

SUMMARY OF REPORT:

In November 2002 Council received a \$28,000 grant from the NSW Ministry for the Arts towards a strategic Museums Development project. No report has been put to Council advising of this grant and requesting that Council vote to accept the funds. In order to rectify and formalise the procedure we now ask that Council approves the grant and votes the expenditure.

RECOMMENDATION:

That Council accepts the NSW Ministry for the Arts grant and votes the expenditure.

Reports from Director Environment & Community Services

REPORT:

The NSW Ministry for the Arts approved a grant of \$28,000 under the 2003 Museums Program to the Tweed Shire Council towards the Tweed River Coordinated Museums Development Project.

Built on the foundation of our cultural plan, this project is a collaborative and strategic program that aims to maximise the profile, participation and economic viability of our Museums. The project will involve the Tweed Heads and District Historical Society and Museum, Tweed River Historical Society and Museum and Uki and South Arm Historical Society and Museum

The outcome of this project will provide Council with a blueprint to further the cooperative development of the museums in line with community cultural development, tourism, education and the local economy.

Recent Conservation Surveys prepared for the Museums and Galleries Foundation of NSW by Ms. Jessica Blaxwell, have identified major issues facing the three Museums. These include areas in need of urgent attention, such as building maintenance, displays and storage, environmental conditions as well as items of significance requiring conservation.

In response to this report Council resolved to implement a staged approach over the next three years and has allocated an initial budget for preliminary capital works on the Maritime Museum as well as the Tweed River Historical Museum in Murwillumbah.

The Ministry for the Arts fund is to be used to engage the services of professional Museum Consultant, Ms. Kylie Winkworth. Kylie is currently working with the three Museums to develop strategic plans and a framework to coordinate future collaborative museum activity and development.

The main focus of the project is to:

- Advise Council on Museum development needs, emphasising building development
- Review the history, development and current status/needs of the three Museums
- Undertake an overview assessment of significance of the collections held in the three museums, highlighting collection strengths, themes and significant objects
- Conduct and facilitate workshops in Collection Management, Interpretation of significant objects and Collection Policy.

Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit

FILE REF: PF1070/510/ Pt2; Caravan Parks - Royal Pacific; LN: 14620

REPORT TITLE:

Application to Install Unregistrable Moveable Dwelling

SUMMARY OF REPORT:

Application has been made to Council to install an unregistrable moveable dwelling (UMD) and rigid annexe on site 15 Royal Pacific Tourist Retreat and Caravan Park, Chinderah.

Royal Pacific Tourist Retreat and Caravan Park 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 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 not approve the application for placement of a rigid annexe attached to unregistrable moveable dwellings in site 15, Royal Pacific Tourist Retreat and Caravan Park, as the structures do not conform to Council Policy E2.29 which reflects Council's responsibility and liability for management of activities in flood prone caravan parks in accordance with the requirements of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 and the Flood Plain Management Manual.

Reports from Director Environment & Community Services

REPORT:

Application has been made to Council to install an unregistrable moveable dwelling (UMD) and rigid annexe on site 15 Royal Pacific Tourist Retreat and Caravan Park, Chinderah. The structure is a UMD as it is 2700mm wide, and therefore is not registrable.

Royal Pacific Tourist Retreat and Caravan Park is a high hazard flood prone park. The installation of UMDs in such parks is not permissible under Council Policy E2.29. This restriction is intended to protect residents and their property from exposure to flood conditions.

Council Policy E2.29. – Unregistrable 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 of the Policy relates to the placement of UMDs, and states the following:

In a high hazard park unregistrable moveable dwellings may be installed in 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 design flood level but not more than 1200mm above the 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.

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. 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 15 in the Caravan Park 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 floodwater. Council's existing Policy does not permit floor levels to be placed more than 1200mm above ground level for reasons of aesthetics and stability.

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.

Reports from Director Environment & Community Services

- 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.
- Unless the structure is raised about 1600mm above GL, than the structure would be inundated by floodwater. 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.
- Council may be liable for any further damage to property or injury to occupants in the event of flooding.
- 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 persons and their possessions if they were exposed to future flood conditions.

Related Resolutions

On 7 August 2002 council resolved to refuse an application to place a UMD on site at 28 Drifters Caravan Park.

Also, on 16 October 2002, in three very similar applications, Council resolved *'that Council not approves the applications for placement of rigid annexes attached to unregistrable moveable dwellings on sites 59, 65, and 112, Homestead Caravan Park, as the structures do not conform to Council Policy E2.29 which reflects Council's responsibility and liability for management of activities in flood prone caravan parks in accordance with the requirements of the Local Government (Caravan Parks, Camping Grounds and Mobile Dwellings) Regulation 1995 and the Flood Plain Management Manual.'*

Conclusion

There are substantive and valid reasons why the application to place a UMD on site 15 Royal Pacific Tourist Retreat and Caravan Park should be refused. Officers recommend that the current Policy not be varied and that the application be refused.

Policy E2.29

Unregistrable Moveable Dwellings and Annexes on Flood Liable Land

Objective

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.

Policy

Reports from Director Environment & Community Services

- a. Unregistrable 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 in the flood pattern.
- c. In caravan parks not excluded by Clause (a), unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregistrable movable dwelling whilst maintained in a mobile state shall be at least 300millimetres 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 not be not more 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 300millimetres 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 into long-term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.
- h. The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand floodwater 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.

Reports from Director Environment & Community Services

- 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 dwelling may be installed in 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

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Reports from Director Environment & Community Services

25. ORIGIN: Environment & Health Services Unit

FILE REF: Pre School - Tyalgum; Land- Acquisition; LN: 31713; LN: 14859

REPORT TITLE:

Proposed Site for Tyalgum Preschool

SUMMARY OF REPORT:

Council previously considered a report concerning the above and resolved to obtain indicative valuations of the allotment involved. The valuations have now been obtained and it is considered that Council should purchase Lot 110, Carraboi Terrace Tyalgum and fund same through the sale of Part of Lot 22 Wollumbin Street, Tyalgum.

RECOMMENDATION:

That Council:

1. Proceeds to purchase Lot 110 DP 728119 Carraboi Terrace, Tyalgum
2. Proceeds to re subdivide Lot 22, DP 617126 Wollumbin Street, Tyalgum so as to retain the watercourse in Council ownership.
3. Completes all necessary documentation under Council seal.

Reports from Director Environment & Community Services

REPORT:

Council at its meeting on the 4 June 2003 considered a report concerning a proposed site for the Tyalgum Pre School. The report advised of the two preferred options by the preschool being Carraboi Terrace and Coolamon Street and raised the possibility of the use of Council owned land in Wollumbin Street although this is not favoured by the Preschool.

Council resolved that indicative valuations be obtained from a Land Valuer for the three parcels of land then a further report be presented. A copy of the previous report appears as a confidential attachment to this item. This information has now been obtained and is set out below:

Lot 110 Carroboi Terrace \$25,000 - \$40,000

Lot 105 Coolamon Street \$30,000 - \$100,000 (large range due to contamination issues)

Lot 22 Wollumbin Street \$50,000 - \$100,000 (depends on Councils requirement for drainage)

Discussion with the Preschool committee have revealed that all their finances will be required for the construction of the building and therefore little if any is available for lease, rental or loan payment

No funding has been provided in the budget for the purchase of any land. An option to fund any purchase is to subdivide the lot in Wollumbin Street which Council owns so as to retain the watercourse that transverses the land in Council ownership and sell the remainder using these funds to purchase the land.

As stated above the Preschool preference is Lot 110 Carroboi Terrace with closure of the unfenced Hobwee Street, which Council has previously resolved to close. As previously advised Council has been granted approval to purchase this site.

Lot 105 in Coolamon Street offers a much larger area of land but does contain contamination from its former use as storage for tickacide used in cattle dips, plus the preferred location on the site for the preschool has no formal access and requires an extension of the unformed part of Cudrigan Street.

Accordingly it is recommended that Council proceeds to purchase Lot 110 Carroboi Terrace and close the unformed Hobwee Street. Such to be funded by the sale of the residence at Lot 22 Wollumbin Street following its subdivision to retain the natural watercourse portion in Council ownership.

Reports from Director Environment & Community Services

26. ORIGIN: Environment & Health Services Unit

FILE REF: Civic Centre Murwillumbah - Hire; Civic Centre - Tweed Heads - Hire

REPORT TITLE:

Use of Civic Centre Auditorium

SUMMARY OF REPORT:

The Council has endorsed current informal guidelines for making decisions to discount fees for the use of its Tweed Heads and Murwillumbah Civic Centres. These include a \$10 rehearsal fee, the advantages of which is, use by the Tweed Heads and Murwillumbah Theatre Companies and the Northern Rivers Symphony Orchestra. Requests have been received for this advantage to be extended to local bands.

RECOMMENDATION:

That Council

1. Endorses a change to the informal guidelines for Civic Centre hire to allow the rehearsal concession to be extended to local bands.
2. Such concession to include rehearsal periods of up to five hours with appropriate scheduling to allow equitable use.

Reports from Director Environment & Community Services

REPORT:

Council in considering the use of its Tweed Heads and Murwillumbah Auditorium has endorsed informal guidelines for making decisions on the discount of hall hire fees. These guidelines include a fee of \$10 for rehearsal with the Northern Rivers Symphony Orchestra subsequently being granted 140 hours at no fee. Currently the Tweed Heads and Murwillumbah Theatre Companies take advantage of this fee which does not secure the facility from a full fee paying booking.

Council has now been requested to allow local bands to use the auditorium under the same arrangement. It is considered that such use would fit in with the guidelines and allow use of the facilities when they would be otherwise empty. Naturally booking would have to be made and it is felt that a rehearsal period for a band should be limited to five hours with such being scheduled to allow at least 2 rehearsal periods per day/night if demand so requests and restrict any band to one period per day if demand so deems necessary.

Accordingly it is recommended that the current endorsed informal guidelines reflect the use of these facilities for local band rehearsal as above.

Reports from Committees/Working Groups

1. Minutes of the Community Cultural Development Advisory Committee Meeting Held Thursday 22 May 2003

Cultural Development - Advisory Cttee

VENUE:

Rous Room, Tweed Shire Council

TIME:

3.40 p.m.

PRESENT:

Cr Max Boyd, Cr Barbara Carroll, Greg Manson, Judith Sutton, Bill Bainbridge, Russell Logan, Gary Corbett, Lesley Buckley, Pam Veness (Minutes)

APOLOGIES:

Geoff Edwards

MINUTES OF PREVIOUS MEETING:

Moved: Greg Manson

Seconded: Gary Corbett

RESOLVED that the Minutes of the Community Cultural Development Advisory Committee meeting held Thursday 24 April 2003 be accepted as a true and accurate record of the proceedings of that meeting.

The Committee welcomed Russell Logan.

BUSINESS ARISING:

1. Tweed Shire City of the Arts Disability Project

Cultural Development - Advisory Cttee

Lesley advised that a meeting between key stakeholders was scheduled for 4 June 2003

Reports from Committees/Working Groups

2. Tweed Shire City of the Arts Website

Cultural Development - Advisory Cttee

Glenda Nalder, Lesley Buckley and Greg Manson, recently met with Council IT staff to discuss the planned website.

Lesley and Glenda will work on copy and conceptual design and report back to IT staff.

Other cultural outlets for the City of the Arts include: Muzart.TV.art.net; Musicians Club newsletter, Tweed Link and TACTIC website.

3. Tweed Shire City of the Arts Partnerships and Further Funding

Cultural Development - Advisory Cttee

- Cr. Boyd and Lesley to meet with Larry Anthony on Thursday 12 June to discuss methods to leverage existing funds
- The Area Consultative Committee has approved \$27,500 (GST inclusive) for the employment of a Festival and Event Liaison Officer. Funding, made available through the Regional Assistance Program, is contingent on supporting funds from Department of State and Regional Development. It was noted that although Council would employ the Officer, the position would be managed on a day to day level by TACTIC. The Project Steering Committee will comprise: Council representatives, 3 Festival Event representatives, TACTIC and TEDCO representatives, Ann Carkery (ACC) and Trevor Wilson (DSRD).
- Lesley & Terry Watson have recently completed DSRD Developing Regional Resources application. Trevor Wilson has advised that he will not be able to process the application until first week in June. The application has been emailed to Trevor Wilson and we await his response. The turn around for notification is around 6 weeks.
- Twin Towns Services Club has donated \$2,500 towards the City of the Arts Launch
An application has been submitted to the CDSE program for support funds for the ATSI project, Accessible Arts project and the Big hART project. Lesley advised that she has been invited to brief the CDSE Committee on 18 June.

4. Tweed Shire City of the Arts Homegrown Filmworks Project

The Committee discussed proposed changes to the *project concept*.

A Steering Committee has been formalised and has recently met to brainstorm project concept in line with original proposal.

Reports from Committees/Working Groups

The committee comprises key stakeholders representing the Tweed's film and cinema community:

- TAFE - Sophie Ehrenburg and Sharyn Lane
- Regent Cinema - Vince and Jahnavi Morton,
- Tyalgum Community Media - Barbara Goodrich and Soolaba Doyle, Brian and Magali McDuffie (Pandion Pictures) and
- Scriptwriter - John Dingwall
- Film-maker - Greg Manson

In order to maximise the long term benefits of this project the process will now support the development and production of winning scripts, instead of awarding prizes to the best short film. Mentorship, training and professional development opportunities in script development and pitching is identified as a greater need.

The committee will identify a suitable project manager to facilitate the development of this exciting project. The position is to be advertised in the Link, at the Regent Cinema and through TAFE. A Project Brief is to be drafted by the Steering Committee in the next month

Lesley Buckley to report concept changes to the NSW Ministry for the Arts.

Moved: Cr Barbara Carroll

Seconded: Judith Sutton

RESOLVED: That in order to fully develop and maximise the mentorship and training potential of this project, this Committee agrees to ratify the development of the Homegrown Filmworks project as proposed.

GENERAL BUSINESS:

1. Community Based Heritage Study

Cultural Development - Advisory Cttee

The committee discussed Council's Community Based Heritage Study and the vast amount of historical information currently being researched and compiled. It was noted that reports from such studies are usually published.

Bill Bainbridge has submitted the following report.

History of the Tweed and the Celebration of the 100th Anniversary of the Shire

1.0 Amplification of the discussion with the Mayor last week.

- 1.1 It is many years since the Shire published Mr Denning's book A Historical Manuscript of the Tweed. It has not been available for a long time.

Reports from Committees/Working Groups

- 1.2 There has been no alternative History of the Tweed published since.
- 1.3 Much has happened in the last 25 years which has not been recorded and a great deal of material that was not available to Mr Denning has been brought back to the Tweed by the Historical Societies.
- 1.4 The Shire is in the process of having a history compiled as part of the current Community Based Heritage Study.

We would recommend that this Report be published as a book in celebration of the 100th Anniversary of the Shire of Tweed in 2006.

2.0 Setup & Printrun

- 2.1 The City of the Gold Coast has published a number of local histories by Robert Longhurst. He advises that:
 - 2.1.1 A print run of less than 2000 is generally not economic.
 - 2.1.2 Some L.G.A's have had great success with their books and have had a second and even a third printing.
 - 2.1.3 A laminated hard cover and a reasonable quality paper makes for a professional presentation.
 - 2.1.4 Normally such books do not exceed 220 pages and to ensure wide acceptance should contain some 180 to 200 photographs.
 - 2.1.5 On this basis cost per copy could be expected to be in the order of \$20 to \$25 per unit. ie. \$40000 to \$50000.

3.0 Usage.

- 3.1 Some consideration of how the material is to be used would be desirable.
- 3.2 Such a print run given its association with the Anniversary could reasonably be expected to be used for:
 - 3.2.1 As presentation gifts to official guests during the course of the celebration year, and after,
 - 3.2.2 As presentations to surrounding LGAs.
 - 3.2.3 As mementos to councillors and staff,
 - 3.2.4 As presentations to those involved in the running of the Anniversary and those who undertook the research for the book through the Community Heritage Study.
 - 3.2.5 As presentations to all educational institutions in the Shire and tertiary institutions on the Gold Coast and Lismore.
 - 3.2.6 As required by the statutory requirements.
 - 3.2.7 To meet the requirements of the Regional Library.
 - 3.2.8 To compensate the Historical Societies whose material, often copyright, & time has been donated to make up the content of the book.

Reports from Committees/Working Groups

3.2.9 For sale to the general public.

4.0 Sale to the Public:

- 4.1 It can be assumed that a proportion of a first run printing costs can be met by sale to the public and that any subsequent runs would be self supporting.
- 4.2 Points of sale could be the two Shire Offices, the Art Gallery, the Historical Societies, the Information Bureaus etc. Consideration would need to be given to commissions for non Shire bodies.
- 4.3 We are advised that some LGAs prefer not to have their staff tied up with the mechanics of sales over any length of time and prefer to arrange for external points of sale.

5.0 Publicity.

- 5.1 It is crucial that there be an effective marketing strategy devised well prior to any printing.
 - 5.1.1 The co-operation of the press should be sought.
 - 5.1.2 Provision made for ongoing space in the Tweed Link budget.
 - 5.1.3 The making of a prepublication offer with a discount of say 10% in a flyer sent out with the rate notices.
 - 5.1.4 Pre sale publicity from the points of sale.

5.2 We are advised that the willingness of the Mayor to advertise the book in his official duties around the Shire can also be a potent source of sales.

Bill Bainbridge and Lesley Buckley have spoken briefly to the Mayor, who has indicated support.

A Steering Committee would need to be formed to drive such a project. It was noted that this would be a logical and beneficial extension of the Community Based Heritage Study Project.

Moved: Bill Bainbridge

Seconded: Russell Logan

RESOLVED that the paper be referred to Council with a recommendation that Council adopt the project.

RECOMMENDATION:

That Council:-

1. Receives and notes the paper;
 2. Adopts the project.
-

Reports from Committees/Working Groups

2. Tweed Valley Arts Council Insurance

Cultural Development - Advisory Cttee

Greg Manson advised that the Arts Council was still awaiting full details on Regional Arts NSW offer on public liability insurance.

It is feared that it will ultimately be too cost prohibitive for the Arts Council to continue.

3. Tweed Heads Town Centre Taskforce

Cultural Development - Advisory Cttee

The Committee discussed the Master Plan currently being developed by Magdy Youseff. Lesley Buckley advised that a Working Group focusing on culture, heritage and youth issues has been convened and is to meet on 27 June 2003.

As the Master Plan includes the old Border Caravan Park site it was noted that it is imperative that a suitable Indigenous name be put forward as soon as possible.

Lesley Buckley and Russell Logan to liaise.

Moved: Bill Bainbridge

Seconded: Greg Manson

RESOLVED that this Committee recommends the naming of the Old Border Caravan Park site within the Jack Evans Boat Harbour precinct be reserved for an aboriginal title in recognition of the site having significance to the Aboriginal community.

RECOMMENDATION:

That Council supports the naming of the Old Border Caravan Park site with within the Jack Evans Boat Harbour precinct be reserved for an aboriginal title in recognition of the site having significance to the Aboriginal community.

4. Tweed Shire City of the Arts Gala Launch

Cultural Development - Advisory Cttee

Lesley Buckley tabled a letter received from Dot Holdom, President, Tweed Coast Business Corporation, requesting that the City of the Arts Gala Launch be merged with the Art, Food and All that Jazz Festival. The Jazz Festival Committee proposes to reschedule their event to the planned Launch date of August 3 which would involve changing the venue of the Launch.

This Committee unanimously agreed that the arrangements as previously made should stay in place, for the following reasons:

- The significance of the City of the Arts will be lost in the Jazz Festival promotion
- Jack Evans Boat Harbour is a very suitable location for the event
- Twin Towns Services Club have committed \$2,500

Reports from Committees/Working Groups

- NORPA have indicated that they would rather not be involved if arrangements are changed.

NEXT MEETING:

The next meeting of Community Cultural Development Advisory Committee will be held on Thursday, 26 June, 2003 at 3.30 p.m.

The meeting closed at 7.30 p.m.

DIRECTOR'S RECOMMENDATIONS:

1. Community Based Heritage Study

Cultural Development - Advisory Cttee

Committee Recommendation:

That Council:-

1. Receives and notes the paper;
2. Adopts the project.

Director's Recommendation:

That the Cultural Advisory Committee put forward a project plan advising Council on how the project will tie in with the current Community Based Heritage Study.

3. Tweed Heads Town Centre Taskforce

Cultural Development - Advisory Cttee

Committee Recommendation:

That Council supports the naming of the Old Border Caravan Park site with within the Jack Evans Boat Harbour precinct be reserved for an aboriginal title in recognition of the site having significance to the Aboriginal community.

Director's Recommendation:

The item was subject to a report to Council on Wednesday 2 July 2003.

Reports from Committees/Working Groups

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

2. **Minutes of the Public Transport Working Group Committee Meeting held Friday 20 June 2003**
-

Orders of the Day

1. Notice of Motion - Cr Boyd

Workshop - Amalgamation

Amalgamations; Notice of Motion

That in view of the prospect of forced amalgamations, Council has a Workshop to consider what options it may wish to take if the State Government does proceed with a rationalisation of local government boundaries.

2. Notice of Motion - Cr Lawrie

Vehicles Traversing Terranora Road, Terranora

Terranora Road; R5431 Pt4; Notice of Motion; Weight of Vehicles

That the Local Traffic Committee be requested to investigate the legality/possibility, benefit/detriment of imposing both weight and length restrictions on vehicles traversing Terranora Road, Terranora and to thereafter report to Council.

3. Notice of Motion - Cr Boyd

Hire - Community Centre, South Tweed Heads

Notice of Motion; Donations; Rural Hall-South Twd Comm Ctr

That Council makes the Community Centre at South Tweed Heads available to the Twin Towns Friends Association for four (4) meetings each year free of charge.

Orders of the Day

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