



Tweed Shire Council

BUSINESS PAPER AGENDA

7 March 2005

Dear MINUTE BOOK

NOTICE IS GIVEN that a Meeting of Council will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on **Wednesday 16 March 2005**, commencing at **5.00pm**.

Submitted,

A handwritten signature in black ink, appearing to read 'J Griffin'.

Dr J Griffin
General Manager

AGENDA

1. Prayer
2. Confirmation of Minutes
3. Apologies
4. Disclosure of Interest
5. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
6. Schedule of Outstanding Resolutions
7. Mayoral Minute
8. Items Deferred
9. Reports through General Manager
 - Reports from Director Planning & Environment
 - Reports from Executive Manager-Office of the General Manager
 - Reports from Director Engineering and Operations
 - Reports from Director Environment & Community
10. Reports from Sub-Committees/Working Groups
11. Delegates Reports
12. Outstanding Inspections
13. Items of Information and Interest
14. Orders of the Day
15. Workshops
16. Question Time
17. Confidential Matters - (exclude Press and Public)

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CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held Wednesday 2 March 2005

UNDER SEPARATE COVER:

Minutes of the Ordinary Council Meeting held Wednesday 2 March 2005 (DW1166681)

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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

21 [ES] Proposed Water Reservoirs Adjacent to Koala Beach Estate

202

Councillor H James

Councillor B M Luff

RESOLVED that Council investigates the further option of constructing the proposed Reservoir at a location on the Mooball-Pottsville Road.

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

8 [DS] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

432

Councillor M R Boyd

Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Deferred.

4 August 2004

2 [NOM] Section 149 Certificates

NOTICE OF MOTION:

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be prepared on "puting in place" a procedure for the processing of URGENT applications for S149 Certificates to be made available to the applicant within, say, two (2) hours of lodgement of the application and appropriate fee, in lieu of the current forty-eight (48) hours.

Current Status: Meeting held. Data cleansing to be completed.

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

This report is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 123 RESOLUTION:

That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.

Current Status: A further DCP Workshop was held in November and a report on Development Control Plan No 5 will be presented to Council upon finalisation of the Flood Study.

6 October 2004

7 [PE] Northern Rivers Farmland Protection Project

Cr R D Brinsmead

Cr J F Murray

RESOLVED that a report be prepared as to how the implementation of the Farmland Protection Project will affect the Tweed Shire.

Current Status: Report being prepared.

19 January 2005

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

18 [EC] Council Land, Pandanus Parade, Cabarita

Cr L F Beck
Cr G B Bell

RESOLVED that Council defers a decision on this matter until after a report has been received from the Probity Officer.

Current Status: Probity Officer's report received and included in Business Paper of 16 March 2005.

16 February 2005

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

7 [PE] Development Application DA04/1129 for a Part 2 and Part 3 Storey Residential Development Comprising Six (6) dwellings at Lot 3 DP 617743, No. 15b Charles Street, Tweed Heads

Cr G J Lawrie
Cr J F Murray

RESOLVED that this matter be deferred and that the Director Planning & Environment prepares a report for Council's consideration that contains conditions for approval including reference to colour of the building.

Current Status: Report being prepared.

8 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 10 - Urban Release Area E - Terranora

Cr L F Beck
Cr G J Lawrie

RESOLVED that the Director of Planning and Environment prepares a comprehensive report on all the issues pertaining to the draft Plan to enable Council determination on how to proceed with the draft Plan.

Current Status: Report being prepared.

ORDERS OF THE DAY

1 [NOM] Abandoned Shopping Trolleys

Cr J F Murray
Cr M R Boyd

RESOLVED that the Tweed Shire Council forwards notices to all shopping centres on the Tweed seeking input on how best to address the abandoned shopping trolley menace throughout the Shire. The maximum response period for submissions will be (6) months from when notices are sent out at which time the Council will debate various options to remedy the situation.

Current Status: Notice being prepared.

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Local Government

3 March – Local Government Working Party (amendments to Act) in Sydney

2. Von Bibra Motors

4 March – opening new premises of Von Bibra Motors in Tweed

3. Tweed War Widows Guild

7 March – 15th Birthday Celebration of War Widows Guild at Twin Towns

4. Tweed View Club

8 March – International Women’s Day function at Tweed

5. Green Corps

8 March – Launch Green Corps Project at Stotts Island

6. Family Centre

8 March – Family Centre Open Day at South Tweed

7. Local Government Advisory Group

10 March – attend Local Government Far North Coast Strategy Advisory Group at Ballina

8. Tweed River Art Gallery Foundation Board

10 March – Tweed River Art Gallery Foundation Board Meeting at Murwillumbah

9. NOROC

11 March – NOROC meeting at Tweed Heads

10. Lindisfarne

11 March – Lindisfarne Principal's Garden Party

11. Banora Point Multi Purpose Centre

12 March – Opening of Banora Point Multi Purpose Centre

12. Twin Towns Uniting Church

12 March – Opening of new book shop "Mustard Seed" at Coolangatta

13. Tweed Fitness Centre

12 March – Cocktail Party in aid of "local kids with disabilities" at South Tweed

14. Local Government

13 March – Opening Seniors Week at Murwillumbah

15. Coastal Homeshare

14 March – Official launch Coastal Homeshare at Tugun

16. Tweed Chamber of Commerce

15 March – Business Breakfast at Tweed Heads

17. Lot 490

15 March – Lot 490 Committee meeting at Tweed

INVITATIONS ACCEPTED:

- 17 March – Appear at Inquiry
- 18 March – TEDC Board Meeting
- 18 March – Citizenship Ceremony at Tweed
- 19 March – Open Dog Show Murwillumbah Showground
- 19 March – Official Opening MUNA (Rotary Model United Nations Assembly) at Tweed
- 20 March – Harmony Day Celebrations at Murwillumbah

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

- Australian Water Summit, **30/31 March**, Sydney
 - National Local Roads & Transport Congress, **3-5 July**, Launceston, Tasmania
 - Small Towns Conference, **11-13 July**, Bendigo
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REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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.

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- 1 [PE] Section 96 Application DA04/0180.04 for an amendment to Development Consent DA04/0180 for Alterations & Additions to Club at Lot 3 DP 591720, Wommin Bay Road, Chinderah

ORIGIN:

Development Assessment

FILE NO: DA04/0180 Pt1

SUMMARY OF REPORT:

Council is in receipt of a request to delete, amongst others, s.94 contributions imposed within a s.96 approval (DA04/0180.03) for the Cudgen Leagues Club.

This report concludes that proper justification for the waiver of s.94 contributions is not considered warranted and the remaining subject conditions should be upheld.

RECOMMENDATION:

That Council advises the applicant that the request to waive the Tweed Road Contribution is not supported and the contribution levy is to be paid in full.

REPORT:

Applicant: Cudgen Leagues Club Limited
Owner: Cudgen Leagues Club Limited
Location: Lot 3 DP 591720 Wommin Bay Road, Chinderah
Zoning: 6(b) Recreation
Cost: \$100,000.00

BACKGROUND:

Issues for Consideration

Council approved a Section 96 modification application on 6/10/2004 (DA04/0180.03) that sought the deletion of the kitchen and additional poker machine area. The modified development consent included the addition of a new condition (Condition No. 7.1), requiring the payment of Section 94 contributions based on the provisions of Plan No. 4 – Tweed Roads Contributions Plan.

The applicant has made a subsequent request dated 19 February 2005 seeking a waiver to the payment of Section 94 contributions.

The applicant has requested an exemption from Section 94 contributions for the reasons established within their letter dated 15 November 2004.

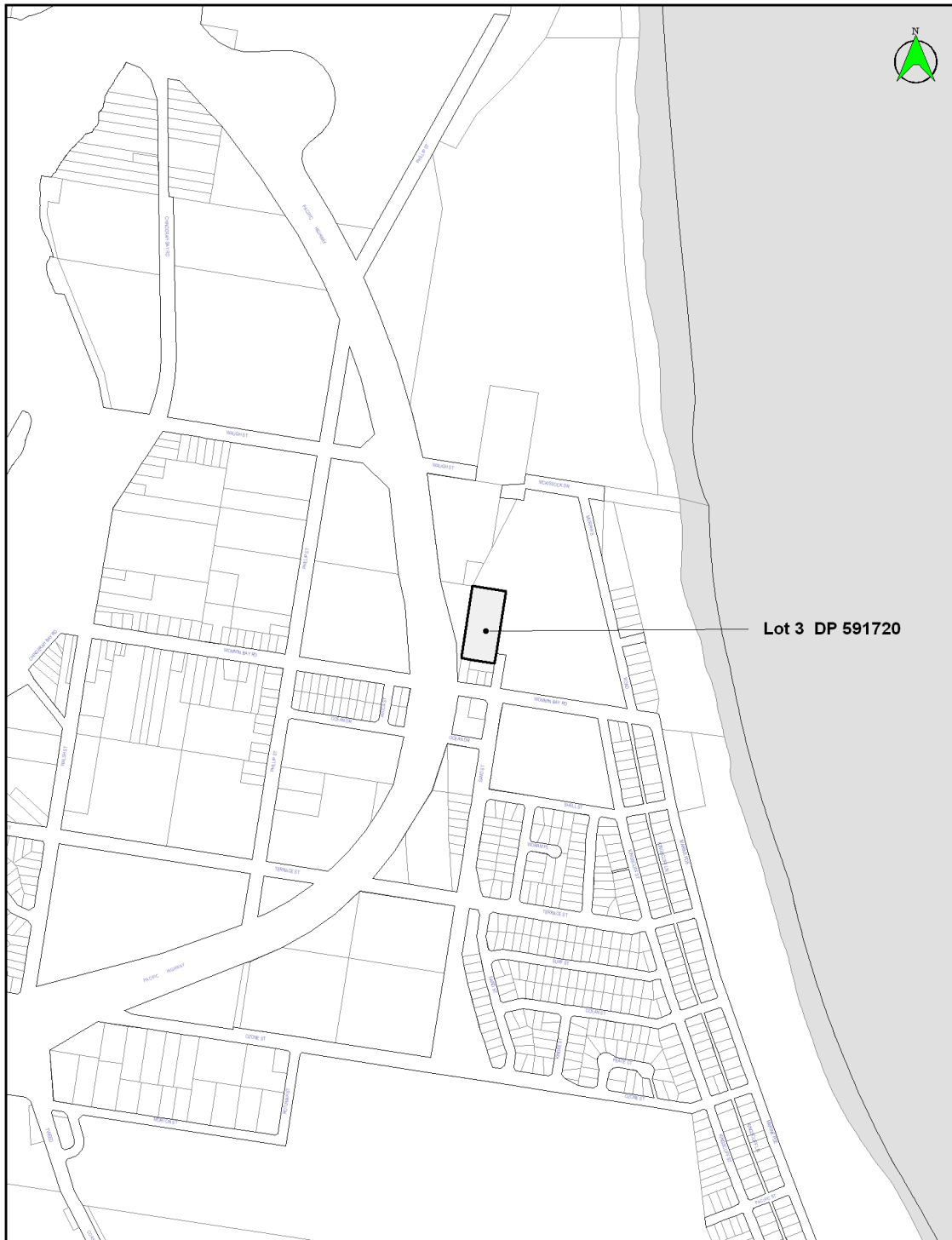
Contribution Plan No. 4 levies contributions to allow the provision of roads in the Tweed to satisfy travel growth demands as required as a consequence of growth.

Section 94 contributions were levied within DA04/0180.03 as the proposal was seen to increase the amount of floor area to be used for 'Club' purposes, as opposed to ancillary uses. The contributions were generated at a 'Licensed Club' rate and a 40% job creating concession was included within the levy.


It is noted that the Cudgen Leagues Club has encountered some financial difficulties however, it must also be recognised, irrespective of the Club's difficulties that the development is a commercial operation. All new or expanding commercial operations are subject to the imposition of Section 94 contribution levies. Consequently, the wavering of applicable Section 94 levies would establish an undesirable precedent and is considered to create an un-equitable circumstance to similar operations.

It is therefore considered necessary in the circumstances to require the full contribution levy be maintained.

SITE DIAGRAM:



Lot 3 DP 591720

<p>© TWEED SHIRE COUNCIL 2005 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 3 DP 591720 Wommin Bay Road, Chinderah</p>		<p>STRATEGIC PLANNING UNIT Site Plan</p>	
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 09/Mar/2005</p>	<p>Scale: 1:10,000</p>	<p>Sheet: 1 of 1</p>

OPTIONS:

1. That Council advises the applicant that the request to waive the Tweed Road Contribution is not supported and the contribution levy is to be paid in full.
2. Waive the Contribution Plan No. 4 levy in the amount of \$12,600.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

The waiving of Section 94 contributions without a properly justified reason may lead to an undesirable precedent and is considered to create an un-equitable circumstance to similar operations. Section 94 Plans are an essential mechanism within Council to enable the collection of monies, in this instance, to allow the provision of roads in the Tweed to satisfy travel growth demands as required as a consequence of growth. The waiving of contributions may also create adverse cumulative impact, potentially undermining the integrity of Council's Section 94 Plans.

CONCLUSION:

On the matters raised in this report it is concluded that request to waive the Section 94 contributions levy for roads is not justified.

UNDER SEPARATE COVER:

1. A copy of the submission from the Club in support of their request is attached as a confidential attachment (DW1141277)
-

2 [PE] Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA03/0667

SUMMARY OF REPORT:

Council resolved at its meeting of 17 September 2003 to prepare a draft local environmental plan and to advise the Director-General of the Department of Infrastructure, Planning and Natural Resources of its intentions to do so. The Director-General was also advised that in Council's opinion a Local Environmental Study is not required, in this instance.

Draft Tweed Local Environmental Plan 2000 (Amendment No.55) was publicly exhibited from 25 February to 24 March 2004. The amendment seeks to include Lot 6 DP 10297, Kennedy Drive, Tweed Heads into Schedule 3 to enable development for the purposes of a self-storage facility and associated managers residence. No submissions have been received. The proposed development is considered satisfactory. It is recommend that the draft LEP be adopted and procedures implemented to expedite the Plans gazettal by the Minister administering the *Environmental Planing and Assessment Act, 1979* ('the Act'), and that the development be approved subject to the consent conditions provided in this report upon gazettal of the Tweed LEP amendment.

RECOMMENDATION:

That: -

1. Council forwards the draft Tweed Local Environmental Plan 2000 (Amendment No. 55), as exhibited, to the Minister administering the Environmental Planning and Assessment Act, 1979 requesting that the Plan be made in accordance with Section 70 of the said Act.
2. Upon gazettal of draft Amendment No. 55 to the Tweed Local Environmental Plan 2000, Development Application DA03/0667 for a self storage facility at Lot 6 DP 10297 No. 111 Kennedy Drive, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook and Associates Pty Ltd dated May 2003, to the extent of inconsistency with the amended Plans Nos. 01-024 DA 01 Revision D, 01-024 DA 02 Revision C and 01-024 DA 03 Revision D prepared by R J Sinclair Pty Ltd and dated 18 July 2001, and the Acoustic Assessment dated 24 January 2003 and addendum of 3 August 2004 prepared by Richard Heggie Associates, except where varied by these conditions.

2. Amenity landscaping of Council's Ducat Park is to be carried out to the satisfaction of Council's Director Engineering and Operations. Prior to carrying out any works within the park Council's Manager Recreation Services shall be consulted on the level of work to be undertaken. Any required landscaping works are not to exceed that identified on the Landscape Plan No.01-024 L 01 Revision P1 prepared by R J Sinclair Pty Ltd dated 5 July 2004.

[GEN0010]

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

[GEN0120]

4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and

- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

- 5. The maximum intensity of any external lighting at 3⁰ above the horizontal shall not exceed 150 candella.
- 6. External building materials shall not be reflective, in particular all roofed areas.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 94 Contributions

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

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

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

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

Residential Component

- | | |
|--|---------|
| a. Tweed Road Contribution Plan:
S94 Plan No. 4 (Version 4.0)
Sector1_4 | \$1,288 |
| b. Open Space (Structured):
S94 Plan No. 5 | \$780 |
| c. Open Space (Casual):
S94 Plan No. 5 | \$167 |
| d. Shirewide Library Facilities: | \$688 |

	S94 Plan No. 11	
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$126
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$215
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$344.81
h.	Cycleways S94 Plan No. 22	\$160
i.	Regional Open Space (Structured) S94 Plan No. 26	\$1,177
j.	Regional Open Space (Casual) S94 Plan No. 26	\$221

Industrial/Commercial Component

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$4,410
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Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist.	average haulage distance of product on Shire roads (trip one way)
\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
Admin.	Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18 \$608.80

[PCC0050/PSC0005]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Residential Component

Water:	1 ET @ \$4325	\$4,325
Sewer:	1 ET @ \$3490	\$3,490

Industrial / Commercial Component

Water:	2.058 ET @ \$4325	\$8,901
Sewer:	2.058 ET @ \$3490	\$7,182

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

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0070/PSC0004]

9. The site is to be filled to a minimum of RL2.65m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

[PCC0100]

10. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
- (i) Runoff from all impervious hardstand and driveway areas (excluding roof areas) must be treated to remove oil and sediment pollutants prior to the discharge to the public realm. Permanent stormwater quality control devices shall be sized according to Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Full engineering details of

treatment devices, including maintenance schedules, shall be submitted with a s.68 Stormwater Application.

- (ii) Roof runoff does not require treatment and should be discharged downstream of any treatment devices, or the treatment devices shall be sized accordingly.

[PCC0230]

11. (a) A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

- (b) The following additional detail shall be submitted with the s.68 Local Government Act: Stormwater Application, prior to the issue of a Construction Certificate:

- (i) Written certification, from a suitably qualified practicing engineer, that the existing stormwater pump system operates according to the minimum standards detailed on R.J Sinclair Pty Ltd Drawing No.98 034 H 03 C, "Hydraulic Services Plant Room Layout and Schedules", dated 12/12/98.
- (ii) Should the existing pump system not meet the minimum standards referred to in part (i) above, details of the required pump system upgrades to meet these minimum standards shall be submitted for approval.
- (iii) Details of the current stormwater pump system maintenance contract, as described on R.J Sinclair Pty Ltd Drawing No.98 034 H 03 C, "Hydraulic Services Plant Room Layout and Schedules", dated 12/12/98. Updated maintenance contract details shall be supplied to council annually, for the life of the storage unit building.

[PCC0240]

12. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*. [PCC0320]
13. The drainage system for the self storage units shall be adequately sized to provide storage of stormwater up to the ARI 20 year storm event without exceeding the capacity of the stormwater discharge pump system. [PCCNS01]
14. Prior to the issue of a Construction Certificate an acoustic consultant shall provide details to Council on the form of all damping/insulation that is required for the loading areas and any cover plates. Stormwater grates and the like, which is necessary to prevent the emission of offensive noise.
15. Prior to the issue of a Construction Certificate the location and details of all proposed mechanical plant shall be provided to Council on a suitably detailed plan. The plant is not to be located close to the boundary that adjoining any neighbouring residential premises unless such mechanical plant is acoustically treated so as to prevent the emission of offensive noise.
16. Prior to the issue of a Construction Certificate an acoustic consultant is to provide construction details of all proposed acoustic fencing and acoustic barriers to Council that detail the level of noise attenuation that will be achieved against each of the noise sources and predicted noise levels that are indicated in table 5.3.1 of the Acoustic Assessment prepared by Richard Heggie and Associates dated 24 January 2004, as well as any other potential noise sources that may be present on the site. The construction of the acoustic fencing and barriers shall be sufficient to prevent the emission of offensive noise. [PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

17. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

18. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

19. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

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

[PCW0090]

21. Prior to commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council. [PCW0200]
22. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site. [PCW0210]
23. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued. [PCW0030]
24. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. [PCW0220]

DURING CONSTRUCTION

25. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made). [DUR0010]
26. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR0080]
27. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
28. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0170]
29. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]

30. 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. [DUR0900]
31. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR0950]
32. 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 and prior to occupation of the building. [DUR1020]
33. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
34. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
35. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
36. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]
37. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

[DUR1160]

38. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

[DUR1200]

39. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

40. Landscaping within Ducat Park, for ameliorative screening of the proposed building, is to be to the Satisfaction of Council's Director Engineering and Operations.

[DURNS01]

41. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR0730]

42. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
[DUR0850]
43. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
[DUR0870]
44. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
[DUR0880]
45. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0920]
46. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
[DUR0930]
47. The burning of builders waste on site by open fire is prohibited.
[DUR0940]
48. All fill material imported to the site shall be from an approved source. All material shall be free of from any contaminants that would exceed the recommended Soil Health Investigation Levels as specified in Schedule B (7a) of the National Environmental Protection Council Measures for the proposed use of the land.
[DURNS02]
49. All excavations below 2.0mAHD shall be subject to compliance with the Preliminary Acid Sulfate Soils Management Plan prepared by Martin Findlater and Associates dated 22 April 2003.
[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

50. 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 and conditions of Consent.
[POC0020]
51. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an

occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

52. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

53. Prior to the issue of an Occupation Certificate an acoustic consultant shall in conjunction with the applicant provide a noise management plan to Council for approval. It must identify how all the noise sources are to be controlled. Such noise sources shall include but may not be limited to: roller doors, unloading trolleys, raised voices, car movement and related noises. Particular attention shall be paid to the control of all noise sources at night.

[POCNS02]

54. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0160]

55. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0190]

USE

56. All external artificial lighting shall be shielded where required to the satisfaction of Council's Director Environment and Community Services so as to prevent the spill of light or glare causing nuisance to the occupants of the neighbouring or adjacent residential premises.

The storage of any hazardous or explosive materials is not permitted without the prior separate approval of NSW WorkCover Authority.

[USENS01]

REPORT:

Applicant: Whale Auto Wash Pty Ltd
Owner: Dabav Pty Ltd
Location: Lot 6 DP 10297 No. 111 Kennedy Drive, Tweed Heads
Zoning: 2(a) Low Density Residential
Cost: \$1,200,000.00

BACKGROUND:

Council is in receipt of a development application made in accordance with Division 4B of the *Environmental Planning and Assessment Act*, 1979 comprising a proposed and presently prohibited development and a facilitating *Tweed Local Environmental Plan 2000* amendment.

The proposed development comprises the erection of a predominantly two-storey self-storage facility with a three-storey component comprising a managers residence. The development consists of the following principle elements:-

1. Filling of the land to Tweed Council's adopted design flood level of RL 2.65m AHD from the current ranging natural site level of 1-2m AHD;
2. The construction of a part two and three-storey storage building comprising:-
 - 107 storage units, office / reception and W.C. area on the ground floor,
 - 244 storage units on the first floor,
 - a manager's residence on the second floor,
3. The provision of five (5) designated car parking spaces;
4. A building constructed of pre-cast concrete tilt up wall panels on the boundary elevations with colourbond walls and roller doors forming the remainder. The roof is proposed as colourbond roof sheeting;
5. Erection of the development in two-stages, and
6. Modification of the existing traffic island on the Kennedy Drive entrance to accommodate large rigid vehicles. Access to the complex would be via the existing carwash, which benefits from a shared right of carriageway over the neighbouring service station off Kennedy Drive.

The total floor area of the proposed facility, including undercover driveway and unloading areas, is 3959.8m².

The matter was reported to Council's ordinary meeting of 18 June 2003 raising concern that the development, as then proposed, had the potential to adversely impact upon

neighbouring residences and would have adversely contributed to the locality through the provision of a generally uncharacteristic and visually obtrusive three-storey development. It was recommended that the proposed self-storage facility should be no greater than single-storey in height. The Council resolution of 18 June read:

“RESOLVED that this item be deferred to allow the applicant to discuss the development application with Council planners.”

Subsequent to consultation between the Applicant and Council’s Development Assessment Unit on 26 June 2003 amended plans were submitted.

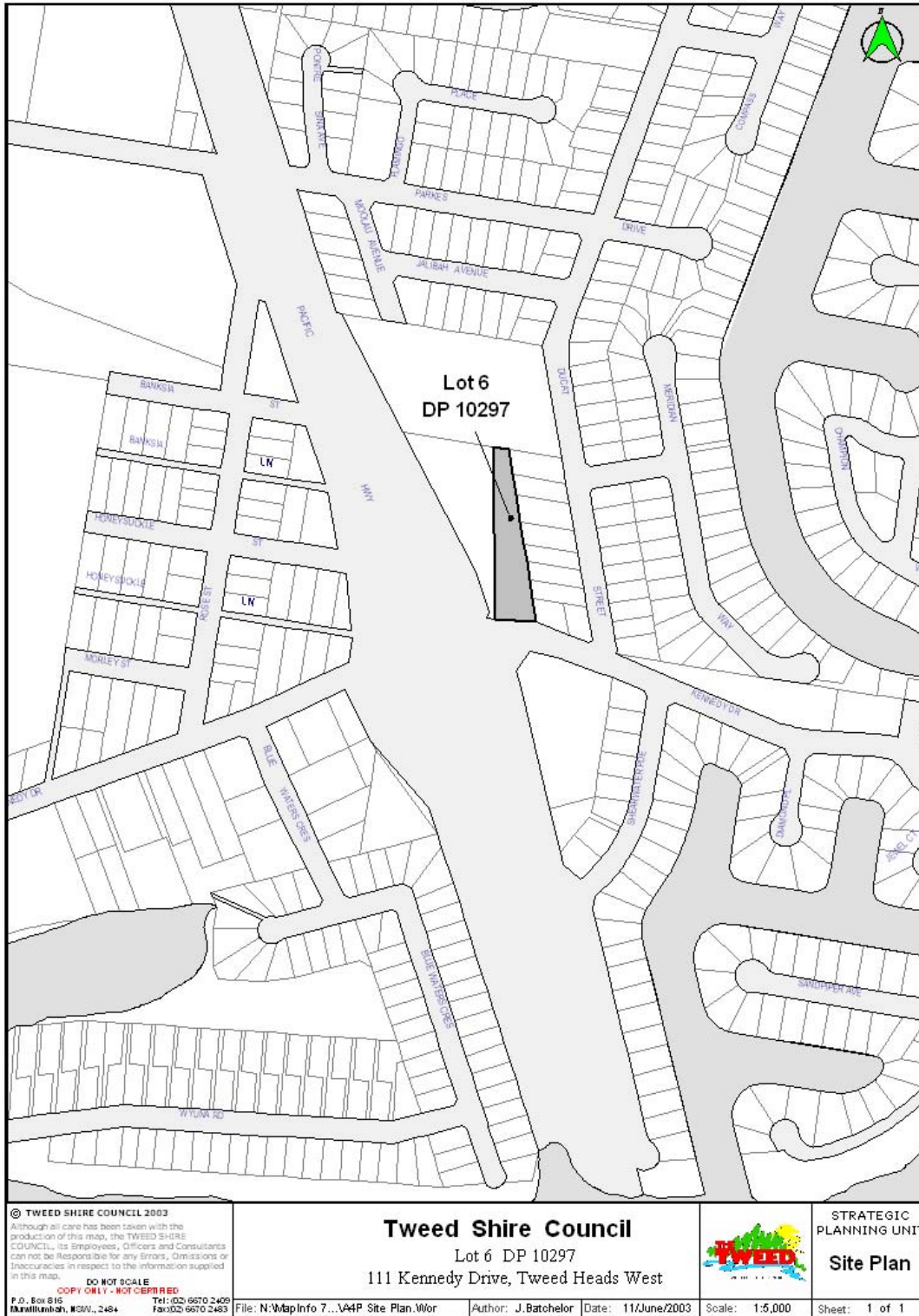
At its meeting of 17 September 2003 Council considered a further Planning Report that was based upon the amended development design, Council further resolved:

“RESOLVED that Council: -

- 1. Prepares a draft Tweed Local Environmental Plan 2000, to include Lot 6 DP 10297, Kennedy Drive, Tweed Heads into Schedule 3 to enable development for the purposes of a self-storage facility.*
- 2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act, 1979 informs PlanningNSW of Council’s intention to prepare a draft Local Environmental Plan.*
- 3. Advises the Director General of PlanningNSW that in Council’s opinion a Local Environmental Study is not considered required in this instance.*
- 4. Advises the applicant that in initiating the draft Local Environmental Plan amendment, support is not, at this stage, given to the development application plans.”*

As reported, no public submissions have been received against the proposal. No issues have arisen with the proposed LEP amendment or the amended development design. As such there exists no justifiable reason for the facilitating draft LEP not to proceed to gazettal, to be subsequently followed by the approval of the development.

SITE DIAGRAM:



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Tweed Shire Council
 Lot 6 DP 10297
 111 Kennedy Drive, Tweed Heads West



STRATEGIC PLANNING UNIT
Site Plan
 File: N:\MapInfo 7...\M4P Site Plan.Wor Author: J. Batchelor Date: 11/June/2003 Scale: 1:5,000 Sheet: 1 of 1

NSW Department of Planning

Further to Council's resolution of 17 September 2003 and the communication of such to the Department of Infrastructure, Planning and Natural Resources (DIPNR) the Director-General advised on 12 November 2003 of the dispensation of the requirement to prepare a Local Environmental Study and therefore Sections 57 and 61 of the Act. In this regard, the plan is inconsistent with Section 117 Direction S26 relating to the NSW Coastal Policy and as such Council does not have delegation to refer the draft plan directly to the Minister under s.69 of the Act. Any draft Plan must therefore be forwarded to the Director-General pursuant to s.68(4) of the Act.

Section 62 Consultation Process

Prior to the certification or exhibition of the Draft Tweed Local Environmental Plan (Amendment No.55) Council, pursuant to Section 65 of the Act, consulted with all relevant external authorities, which comprised:-

- DIPNR.
- NSW Roads Traffic Authority (RTA).
- NSW Environment and Conservation (EAC).

A response from two agencies was received, with the EAC having not formerly responded. However, It was advised by an Officer, Mr Brett Rudd, of the EAC in telephone communication of 15 April 2004, that the EAC raises no objection or requires any further involvement. Issues raised in DIPNR's letter of 12 November 2003 have been considered and assessed by appropriate Council staff and formed part of the draft LEP notification exhibition material as requested. The matters raised in DIPNR's letter have been assessed accordingly and where required conditions of development consent are proposed. The RTA raised no objection to the development based on the traffic assessment. Council's Traffic and Transport Engineer has reviewed the access and manoeuvring development plans, and traffic capacity of Kennedy Drive, raising no issue with the proposed development.

Further to the above, consultation with the Gold Coast Airport Limited, care of Rigby Consulting Pty Ltd, for the purposes of satisfying any requirements of the Department of Transport and Regional Services, was undertaken. It was advised that the caretaker's residence would likely be more seriously affected by noise from Kennedy Drive, the bypass and the existing carwash than from aircraft noise and as such a condition relating to aircraft noise would be superfluous. The proposed land-use itself is considered "acceptable" between the 20 and 25 ANEF noise contours under Australian Standard (AS)-2021.

As the site is situated in the airport's Lighting Zone C, it will be necessary to impose appropriate conditions of any approval to ensure that that maximum intensity of lighting at 3° above the horizontal does not exceed 150 candela, and that roofing materials comprise non-reflective materials. These requirements would be imposed on any approval issued for the proposed development.

No other issues of concern are raised against the proposed development.

Public Exhibition of Draft LEP

The Draft Local Environmental Plan Amendment No.55 was publicly exhibited in accordance with Section 66 of the Act from 25 February to 24 March 2004, utilising the delegated authority provisions granted to the Manager – Strategic Planning under Section 65. No submissions have been received against the proposed development. Since the exhibition there has been lengthy negotiations with the applicant relating assessment of the development application component of the submission. These issues have now been satisfactorily resolved.

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

The land is zoned 2(a) Low Density Residential under the Tweed LEP 2000. Storage units are a prohibited land-use in the zone. The Statement of Environmental Effects submits that appropriate planning justification for an amendment to the Tweed LEP exists, to enable the proposed development to be carried out on the land. Accordingly the Applicant has made provision in the development application, pursuant to Section 72J of Division 4B of the *Environmental Planning and Assessment Act, 1979* for the re-zoning (Schedule 3 amendment) and paid the relevant processing fee in addition to the general application fees.

LEP Amendment

To enable the erection of a self-storage facility over the subject land Council can amend the Tweed LEP by either:

1. Amend the land-use zoning from Residential 2(a) to another zoning, e.g. Industrial 4(a), or
2. Include the subject land in Schedule 3 (Development of Specific Sites) of the Tweed LEP, facilitating an exemption from the Residential 2(a) zoning table for the specifically nominated land-use.

Option 1 was not considered the preferred option because it would permit a far broader application of the land and could provide for undesirable land-use intensification. Option 2, which is sought by the Applicant, would limit development beyond the zoning provisions to that specifically nominated, and which is the preferred option.

North Coast Regional Environmental Plan 1988

The proposal is consistent with both the plan preparation and development control provisions of the NCREP 1988. The relevant clauses are discussed below:

Clause 15 - Development control - wetlands or fishery habitats

The site is not adjacent to a waterway. However, consideration needs to be given to the quality of water leaving the site and its impact on waterways. Management measures during both the construction and operational phase of the development are proposed to ensure that the proposal complies with the provisions of the Tweed Urban Stormwater Quality Management Plan. Council's Engineering and Operations Unit has invested considerable review and assessment of various stormwater management proposal's for the site in conjunction with the applicant, over several months. A suitable stormwater management system has been devised that is considered satisfactory and that has permitted the formulation of appropriate conditions of consent.

Clause 32A - Plan preparation - coastal lands

This clause applies to land to which the NSW Coastal Policy applies. It requires that a draft LEP shall include provisions which are consistent with the Coastal Policy and it also contains requirements in respect of development in coastal protection zones and on dunes, beaches and headlands.

The proposed development and facilitating draft LEP are not inconsistent with the provisions of this clause.

Clause 32B - Development control - coastal lands

This clause applies to land covered by the NSW Coastal Policy 1997 and the North Coast Design Guidelines.

The North Coast Design Guidelines contains general principles concerning the location of development, particularly in relation to development on headlands and ridges, foreshores, wetlands, rainforests, inland waterways and hilly country. The proposal is consistent with the locational criteria in this document. The remainder of the document primarily concerns itself with residential and tourist development, which is not applicable to this proposal.

Clause 39 - Plan preparation - retail, commercial or business activities

This clause requires that a draft LEP for the establishment of significant retail, commercial or business development is to meet certain locational criteria. The proposal does not constitute "significant" commercial development, and therefore this clause does not apply.

Clause 45A - Plan preparation - flood liable land

The proposal does not seek to change the zoning of the land but rather to amend the development schedule through a specific land-use inclusion in Schedule 3 of the Tweed LEP. Under the current zoning and Council policies the land would have to be filled to 2.65m AHD to enable residential development. The proposal seeks to comply with the requirement notwithstanding that it is not a necessary requirement when carrying out commercial development. Therefore, in terms of flooding considerations, the proposal does not result in the intensification of development per se, i.e. the amount of proposed land filling is the same as that which would ordinarily have to occur having regard to the present land-use zoning.

The proposal is consistent with the provision of this clause. Council's Infrastructure Engineer has reviewed the proposed development and raises no issues.

Clause 47 - Plan preparation and development control - principles for commercial and industrial development

The clause requires that before preparing a draft LEP relating to commercial or industrial development that the Council should take into account a number of principles. These principles relate to the maintenance of strong multi-functional town centres, incorporation of flexible provisions in the LEP to enable the development of a light service industry near the CBD, and the adequate supply of industrial zoned land.

The proposed 'rezoning' is a facilitating amendment only that seeks to permit the orderly and economic development of a heavily constrained residential allotment. The nature of the proposed development is not considered likely to have a detrimental impact upon existing industrial/commercial or town centre areas nor will it act as a catalyst for further development. In this regard, the proposal is consistent with these principles. It is noted that the development, as amended, will satisfactorily maintain existing local amenity. No public submissions or enquiries have been received that would indicate otherwise.

NSW Coastal Policy 1997

The subject land is affected by the NSW Coastal Policy. The Policy is essentially a strategic management document that sets out *directions to be taken by local and state government in the planning and management of the coast .. (it) is underpinned by a number of principles which are designed to guide decision making and to clarify the basic philosophy of the goals.*

The Policy is required to be given effect, where necessary, through specific planning instruments. This application does not raise any inconsistencies in respect of those provisions. It is noted however that with respect to the Section 117 Direction, S26, that an inconsistency has occurred by virtue of the

Minister waiving the need for an environmental study. Otherwise, the proposed development is not inconsistent.

State Environmental Planning Policies

State Environmental Planning Policy No.71 – Coastal Protection

The site is within the coastal zone and therefore the provisions of the Policy apply. When preparing a draft local environmental plan and determining a development application the Council as consent authority must take into consideration the matters outlined in Part 2 of the Policy. With respect to those matters of relevance the Applicant provides:

- “• *the site is well removed from natural waterways,*
- *the proposal does not generate the need to provide any new public access to, or along, the foreshore,*
- *the development would not be visible from the foreshore,*
- *the site is not affected by coastal processes,*
- *the development would not adversely impact on flora and fauna, and*
- *there are no known heritage items on, or within close proximity of, the site.”*

With respect to the matters in Part 4 of the Policy, it is commented that: -

- *The proposal would not affect the right of access of the public to or along the foreshore.*
- *Effluent would be disposed of by a reticulated system.*
- *The development would not discharge untreated stormwater to the sea or creek.*

The applicant contends that the proposal is consistent with the aims of the Policy, this view is concurred with.

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

There are no draft environmental planning instruments known to exist that would have any bearing on neither the assessment nor determination of the subject development application.

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

Development Control Plan No.2 - Access and Parking Code applies. The development proposal complies with the provisions of the Plan.

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

Satisfactory.

(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

Land Contamination

The Applicant has advised, based upon investigation of a series of historical aerial and topographical maps, that the site is not contaminated. Council's Environment and Health Services Unit carried out an investigation based on Council's files and historical site data that supports this view. In addition, it should be noted that the site proposed to be filled. Conditions of consent are proposed so as to ensure that any fill material is sourced from an approved location and free of contamination.

Acid Sulfate Soils

The land is identified as Class 3 on Council's Acid Sulfate Soil Planning Map. There are no works proposed beyond 1 metre below the natural ground surface. Therefore, in accordance with the provisions of this clause, further investigation for the presence of acid sulfate soils is not required. However, the engineering investigation of the site indicates that field investigation for the occurrence of acid sulfate soils is warranted. Accordingly, the Applicant has provided an Acid Sulfate Soil Management Plan for assessment. Council's Environment and Health Services Unit has reviewed the preliminary Acid Sulfate Soil Management Plan and raises no objection subject a condition of consent ensuring that any excavation works that may occur below 2 metres AHD are carried out in accordance with the preliminary Acid Sulfate Soil Management Plan prepared by Martin Findlater and Associates. In addition, it should be noted that the land is proposed to be filled.

Designated Roads

Kennedy Drive is a designated road and the proposed development seeks to utilise the existing car wash access to this road. Clause 22 of the Tweed LEP provides that Council may grant development consent if it is satisfied of certain matters relating to traffic safety and efficiency, traffic noise and scenic quality. Council's Traffic and Transport Engineer has assessed the existing road traffic capacity and site access as satisfactory. Having regard to the site context it is considered that there will be no adverse impact on existing levels

of traffic noise, safety or efficiency. Scenic quality will remain materially unaltered.

Development Impacts – Noise: Amenity: Overshadowing

The self-storage facility is proposed to operate seven days a week, 24hrs a day. The application is accompanied by an acoustic report and associated addendum. The impact of the proposal upon the neighbouring residences has been assessed by Council's Environment and Health Service Unit. Noise impacts are considered likely to be minimal on the information provided. Detailed design and type of all plant and acoustic ameliorative measures is to be provided at the construction certificate stage. A condition of consent is proposed to this effect

Overshadowing of neighbouring properties and Council's open space land will occur to varying degrees. The reduced scale of the amended development design has resulted in reduced amount of proposed shadow. No public submissions have been received from neighbouring residential lands, which are situated to the east. The level of shadow impact is considered acceptable as it will not severely impact upon the use and functionality of the private recreation areas. Council's Parks and Recreation Unit has reviewed the proposed development and raised no objection to the level of overshadowing likely to occur in Ducat Park. In this regard, it is noted that the applicant has been advised of and has agreed to minor landscape works in the Park to assist in minimising the visual impact of the development. The result of landscaping works would in itself result in overshadowing.

The amenity of the neighbouring residential properties and of Ducat Park is not considered to be significantly affected by the proposed development. The proposal is not inconsistent with this provision of the Act and no issue of overwhelming significance arise that warrant further assessment.

(c) Suitability of the site for the development

Having regard to the matter raised in this report it is concluded that the site is suitable for the proposed development. This is particularly so having regard to the constraints of the land that essentially prohibit land-uses that would ordinarily be permissible under the existing land use zoning.

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

Draft Tweed Local Environmental Plan 2000 (Amendment No.55) and the proposed development, which comprises the s.72J Development Application, was publicly exhibited from 25 February to 24 March 2004. No submissions were received.

(e) Public interest

Having consideration to the matters raised in the assessment of the subject development application, DA03/0667, it is concluded that no adverse or detrimental impact is likely to arise on the public interest.

OPTIONS:

1. Resolve to forward the draft Tweed Local Environmental Plan 2000 (Amendment No.55), as exhibited, to the Minister administering the Environmental Planning and Assessment Act, 1979 requesting that the Plan be made in accordance with Section 70 of the said Act and upon gazettal of the Plan issue development consent subject to the conditions provided in this report.
2. Resolve not to proceed with the rezoning / refuse the development application and provide reasons for the resolved action.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

A merit assessment of all relevant issues of consideration concludes on balance that the erection of the proposed facility is acceptable in the circumstances of the case. It is necessary, given that the Tweed LEP 2000 does not have provision to enable the approval of the facility under the present land-use zoning, to facilitate inclusion of the land in to Schedule 3 of the Tweed LEP in order for the site specific proposal to proceed.

UNDER SEPARATE COVER:

1. Council Report of Wednesday 18 June 2003 (DW 919387)
2. Council Report of Wednesday 17 September 2003 (DW 950787)

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3 [PE] Tugun Bypass Environmental Impact Statement (EIS)

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

The Tugun Bypass is an integral part of the traffic planning for the management of growth in the Shire. It will provide the principal connection between the Tweed and South East Queensland.

Council has been included in the planning for the Bypass. In 1999 Council representatives were included in a Value Management Workshop which examined the options for the Bypass. This identified route C4 as the preferred route. On 20 October 1999 Council resolved to accept the C4 route with qualifying comments concerning aspects of the detailed engineering design. The EIS is based on the C4 route.

The EIS has been examined in terms of traffic, flora and fauna, flooding, noise, air quality and landscape. The major deficiency rests with the deletion of the Boyd Street interchange.

RECOMMENDATION:

That Council informs the Queensland Main Roads that:

1. The Council Resolution No. 113 of 16 February 2005 be reiterated.
2. (a) Further analysis is required in respect of declared endangered population and endangered ecological communities under the Threatened Species Conservation Act as they are affected by the Bypass.

(b) Given that there will be likely adverse noise impacts as a result of construction activities even after the implementation of noise mitigation measures it is recommended that the proponent engages in extensive community consultation with those receivers in NSW that are likely to be adversely affected. This may serve to lessen the number of complaints likely to be received from these residents if they are well informed of the impacts beforehand and are given the opportunity to discuss the effectiveness of the noise mitigation measures to be employed.

(c) The need for the use of architects to ensure high quality acoustic barriers designed using contemporary construction techniques. The use of painted murals is not supported without further details.

- (d) The need for high quality landscape and acoustic barrier design outcomes is not compromised by cost efficiency outcomes alone.
- (e) Further details are required of any border identification signs.

REPORT:

The Tugun Bypass EIS has been placed on exhibition for public comment. This report sets out a response to the exhibition.

Background

The Tugun Bypass is an integral part of the traffic planning for the management of growth in the Shire. It will provide the principal connection between the Tweed and South East Queensland.

Council has been included in the planning for the Bypass. In 1999 Council representatives were included in a Value Management Workshop which examined the options for the Bypass. This identified route C4 as the preferred route. On 20 October 1999 Council resolved to accept the C4 route with qualifying comments concerning aspects of the detailed engineering design. The EIS is based on the C4 route.

The EIS examines a number of critical issues, each of which is examined below: -

1. Traffic

a. Airport and Kennedy Drive Interchange

The Gold Coast Traffic Model forms the basis of the traffic predictions in the EIS. Council has its own traffic model through Veitch Lister Consulting (VLC) which does not model specific intersections but has been used to compare the EIS predicted traffic volumes. The EIS predicts 59,600 vehicles per day in 2017 and the VLC model predicts 61,500 vehicles per day in 2021 at Tugun and just north of Kennedy Drive 62,900 and 55,500 vehicles per day respectively. These figures correlate reasonably well given the projected time frame and therefore should translate into accurate intersection analysis discussed below.

The traffic analysis shows that the Kennedy Drive roundabouts in 2027 are predicted to operate between Level of Service C and D (E is at capacity) with average delays to vehicles of between 23 and 62 seconds. This will result in queue lengths up to 290 metres to the west on Kennedy Drive. In 2017 the Level of Services is A or B, average delays of 11 to 17 seconds and queues up to 61 metres to the west.

The EIS does not contain a plan of this part of the works, which was requested from Queensland Main Roads.

The plan provided incorporates previously requested alterations to north-bound access to the highway. The plan also includes dual service roads between the interchange and Kennedy Drive. This configuration will be easily adapted to complement any of the highway / service road proposals between Kennedy Drive and Kirkwood Road.

b. Boyd Street Interchange

The EIS does not include the provision of an interchange at Boyd Street. This is a critical element to the development of the north east of the Shire. On 16 February 2005 Council considered this issue and resolved that: -

"1. The Queensland Department of Main Roads be advised that:-

- (a) Council officially supported the Tugun Bypass C4 Route in October 1999, however this support was for the C4 route presented by them that included a full interchange at Boyd Street. The Boyd Street interchange is considered a critical element of the Tweed Shire arterial road network and its inclusion is essential for the traffic movement in the Tweed/Tugun area and for the amenity of residents of Tugun in Gold Coast City.*
 - (b) Council opposes the Tugun Bypass C4 proposal as exhibited in the Environmental Impact Statement which has now deleted the Boyd Street Interchange.*
 - (c) Council will reconsider its opposition to the proposal if the Queensland Department of Main Roads issues a supplement to the currently exhibited EIS which includes a full interchange at Boyd Street and that this interchange becomes an integral part of the Tugun Bypass proposal in terms of the environmental approval process.*
- 2. The local Federal and State Members of Parliament and the NSW Roads and Traffic Authority (RTA) be advised of Council's position in this matter and that they be requested to assist Council in securing the inclusion of the Boyd Street Interchange into the Tugun Bypass project.*
 - 3. A meeting be convened with representatives of the Gold Coast City Council to advocate inclusion of the Boyd Street interchange in the Tugun Bypass proposal."*

This resolution should be reiterated in respect of the EIS.

2. Flora and Fauna

Following the identification of C4 as the preferred route a number of matters have changed, which have a bearing on the assessment of that route:

- a. Draft Tweed LEP Amendment No. 21 (Vegetation Management Plan)

Draft Tweed LEP 2000 Amendment 21 (draft TLEPA21) and draft DCP 40 (Amendment 3) are currently on public exhibition and affect the proposed route of the Tugun Bypass. The draft LEP focuses on a review of rural and environmental protection zones and integrating the Council LEP with the State Government natural resource management reforms, particularly the Native Vegetation Act 2003. A copy of draft TLEPA21, Tweed Vegetation Management Strategy 2004 and other

exhibition material was sent to the project manager for the Tugun Bypass (QDMR) for comment on the 15 December 2004.

Draft TLEPA21 proposes to rezone some of the land along the route of the proposed Bypass from 1(a) Rural, 6(a) Public Open Space to 7(a) Environmental Protection. The draft 7(a) zones were put in place as a result of the findings of the Tweed Vegetation Management Strategy 2004 and the detailed information on flora and fauna contained in the draft EIS – Technical Paper No. 10 (flora and fauna assessment) dated December 2001. Draft TLEPA21 did not attempt to pre-empt the outcomes from the approval process for the bypass but simply identify areas of high conservation value that meet criteria to be zoned 7(a) Environmental Protection.

There is a substantive amount of flora and fauna survey work that has been undertaken as part of the EIS. The issue of whether the methodology for the flora and fauna surveys were adequate along with the mitigation and compensatory measures is a matter for flora and fauna specialists to review as part of the assessment of the proposal by the consent authority.

The information on flora and fauna contained in the exhibited EIS however does indicate that the remnant native vegetation and wildlife habitat within and around the bypass route is significant (regional and state significant vegetation, threatened species, endangered ecological communities etc) and that these remnants meet the criteria under clause 29 of the North Coast Regional Environmental Plan for an environmental protection zone under Council's Tweed Local Environmental Plan 2000. Both the draft and final EIS for the Tugun Bypass contain flora and fauna information that supports the proposed 7(a) zones contained in draft TLEPA21 currently on exhibition.

Once the exhibition of draft TLEPA21 is complete and a decision on the bypass has not been finalised by the approval authority (DIPNR), Council has the option of deferring the draft TLEPA21 zone maps affected by the Tugun bypass. This enables council to finalise a recommendation on the deferred part of the draft TLEPA21 at a latter time when a decision of the bypass has been finalised.

b. Threatened Species Conservation Act

The SIS identifies the Potoroo as vulnerable under the Threatened Species Conservation Act (TSCA) and that there is a preliminary listing of the Cobaki Lakes Population as a endangered population. The Scientific Committee has now determined that this potoroo population is an endangered population under the TSCA. The proponent must now consider this final listing as part of the SIS.

The SIS correctly identifies Littoral rainforest and coastal saltmarsh as endangered ecological communities under the TSC Act that may be affected by the bypass. The SIS does not acknowledge the recent (December 2004) final determinations by the Scientific Committee for three other endangered ecological communities;

- Freshwater wetlands on coastal floodplains
- Swamp Oak Floodplain forest
- Swamp Sclerophyll Forest

The SIS states that these communities were preliminary listings that would have been correct at the time of preparing the SIS. The proponent must consider the listing of the endangered ecological communities as part of the SIS.

Notwithstanding the removal of the Boyd Street Interchange from the EIS (as noted above), there still remain issues about these environmental issues and possible impact of any future “Boyd Street overpass” and “Boyd Street access track” and the feasibility of the connection.

“Consent is also required by the residential developers to construct the Boyd Street overpass. Detailed examination of the Long-Nosed Potoroo population, as part of the Tugun Bypass, has recommended that if the overpass is approved then mitigation should be required for the Long-nosed Potoroo. It is suggested that this include the provision of underpasses and predator control fencing.

Without compensatory measures there is a risk that the Long-nosed Potoroo population would be significantly affected by cumulative impacts.”

“It is unlikely that the proposed bypass by itself would significantly affect the population of Long-nosed Potoroo found near the Queensland-NSW border. However, the nearby Cobaki Lakes development and associated Boyd Street access track were approved with few mitigation measures for potoroos and none have currently been constructed. Despite the mitigative measures and compensatory measures associated with the proposed bypass, there is still a risk that the small disjunct population may become extinct as a result of cumulative impacts. If built, the Boyd Street overpass may assist in providing access under the Cobaki Lakes development access track. However, the length of the underpasses may preclude movement through them and the construction of the overpass would also remove an additional area of habitat from the already isolated population.”

c. Industrial Land

The Species Impact Statement (SIS) accompanying the EIS implies that Council is considering industrial use at the southern end of the Bypass route. Draft TLEPA21 clearly identifies some of these areas for environmental protection, not industrial use. The draft TLEPA21 however does recognise an existing DA approval for industrial use in current Tringa Street by retaining the current 4(a) Industrial Zone.

The SIS leaves a significant environmental issue unresolved in the future and places the onus of resolving these flora and fauna impacts with the Cobaki Lakes developer (proponent?) and Tweed Shire Council (consent authority?). This is a further reason for requiring the Boyd Street interchange to be dealt with as part of the EIS.

3. Flooding

The Tweed River Floodplain has been the subject of extensive flood modelling over the last 20 years. This model has been the basis of Tweed Shire Council's adopted flood design levels and floodplain development controls.

Peak ocean levels have been recognised in lower Tweed flood studies to be significant determinants of flood levels, due to the geography and hydrology of the catchment. As a result of studies in the 1980's, a peak ocean level of 2.6m AHD has been adopted. This level may now be considered to be conservative when accounting for ocean storm surge and tidal effects of global warming and ocean level rises.

It is proposed to construct the Tugun Bypass to be immune from inundation during a 1 in 100 year ARI flood event. In accordance with previous advice from Tweed Shire Council engineers, affluxes due to development on the floodplain less than 50mm are generally considered to be acceptable/insignificant, and reflect model accuracy.

Modelling of Bypass results in increased flood levels in Cobaki, Terranora Creek and Banora Point (ref Figure 4.3), as some flood storage area to be north-east of the road formation is lost. These increases are predicted to be no more than 3mm in the ARI 100 year flood, so are considered to be insignificant. Impacts on the predicted rate of flood rise and recession and time of inundation are similarly insignificant. Impacts on existing residential property would be immeasurable.

The modelling has shown that the construction of suitable drainage structures can reduce flow impacts on the existing drains and watercourses along the route to insignificant levels.

A second set of modelling results have also been presented to assess the cumulative flood impacts of the Tugun Bypass, the neighbouring Cobaki Lakes residential development, future infill development around the Gold Coast Airport, and residential development of the "Sullivan" land in Tweed Heads South.

This predicts a maximum flood level increase of 13mm in Cobaki, 4-7mm in Terranora Creek, and 8mm in Banora Point, for the ARI 100 year flood. Tweed River levels are barely affected. The cumulative impacts are far less than the arbitrary 50mm limit of "significance", and are not expected to produce any measurable impacts on residential property in any of the localities.

Based on the flood impart results presented in the EIS, the Bypass is not predicted to produce any significant adverse impacts on flooding behaviour in the Tweed Shire.

4. Noise

a. Construction Noise

Even with the noise mitigation measures in place day time construction activities will still result in adverse noise impacts to the majority of residential receivers in NSW.

b. Vibration Noise

The investigation concludes that structural damage to buildings from excessive ground vibrations is unlikely provided that the road alignment does not encroach closer than 40 metres to buildings and that blasting is not undertaken during construction works. (It should be noted that the report states that blasting is not anticipated during construction works). The report however recommends that vibration monitoring still be carried out at likely sensitive receptor locations during construction works.

c. Traffic Noise

Application of the NSW DEC Environmental Criteria for Road Traffic Noise 1999, indicates that there is likely to be 11 residences in NSW where it would be necessary to employ noise mitigation measures, the Lakeside Christian College would also be affected to the extent that such mitigation measures would be necessary at that location.

The report concludes that with the implementation of feasible noise mitigation measures noise levels would be reduced such that compliance with the DEC criteria would be achieved at all receptors. The selection of the most appropriate noise mitigation measure for the particular circumstance is intended to be reviewed at the detailed design stage to enable community and affected owner input to occur.

The Environmental Health Unit recommends that given that there will be likely adverse noise impacts as a result of construction activities even after the implementation of noise mitigation measures it is recommended that the proponent engages in extensive community consultation with those receivers in NSW that are likely to be adversely affected. This may serve to lessen the number of complaints likely to be received from these residents if they are well informed of the impacts beforehand and are given the opportunity to discuss the effectiveness of the noise mitigation measures to be employed.

5. Air Quality Assessment

The report concludes that **without** the proposed Bypass, air pollutant concentrations for the years 2007 and 2017 would exceed the relevant guidelines at a distance of 10 metres from the kerb. This would result as a consequence of traffic congestion on the current road system. If on the other hand the construction of the Bypass goes ahead, pollutant concentrations would remain **below** relevant guidelines.

The report also concludes that dust from construction activities will need to be managed and therefore mitigation measures will need to be employed via the implementation of an appropriate environmental management plan.

Therefore with the appropriate management of construction phase impacts, the proposed Bypass will have a positive effect on air quality impacts due to traffic in 2007 and 2017.

6. Landscape and Visual Impact Assessment

a. Landscape Concept

The proposed plant groups (Coastal heath, Forest, and Woodland) appear to be an adequate response to the lack of complexity in the existing vegetation of the project area. It is anticipated that detail design will establish a wider variety of vegetated textures along the length of the Bypass, and differentiate the feature planting from the main sections.

There does, however, appear to be very little reference made to the use of the landscape area to treat the water runoff from the road pavement. Given the proximity of some of the sections of the Bypass to the Cobaki Broadwater and Hidden Valley, it would seem integral to this project to employ a form of landscape treatment to the runoff if possible. At the very least, a section describing how this aspect of the road function is to be treated solely through the subsurface infrastructure, due to lack of space in the right of way, would be appreciated (if that is the case).

b. Acoustic Walls

The proposed use of mounds for sound attenuation must be limited to areas where existing vegetation is not considered significant.

TSC should encourage the use of architects to design the acoustic barriers to ensure a high quality designed walls using contemporary construction techniques. Painted murals similar to those alongside the Gold Coast Highway are not necessarily the preferred option and only involve artists with experience in the public art field. It is recognised that the proposed concepts for both the northern and southern sections of acoustic barrier, and the retaining walls along the tunnel are meant to respond to the endemic culture of the area. However, the use of terms such as 'decorative panelling' and 'illustrated' conveys a slight parochialism. Given the high profile nature of this gateway and the growing interstate and international significance of this location, this gateway is an opportunity to establish a more sophisticated image for the Gold Coast/Tweed area, and differentiate it from the northern sections of the highway.

TSC should encourage the RTA and Qld Government to consider the benefits of a higher quality design outcome over a purely cost efficient one. The recent work of

Richard Goodwin in NSW and Taylor Cullity Lethlean in Victoria are good examples of simple elegant designs that capture a sense of place.

c. Border Crossing

No mention is made in the document to a method of demarcating the exact border crossing location. Is this to be considered at all, even from a simple signage perspective (as currently exists south of the Airport) or is it proposed to use the overall design approach to the acoustic walls to establish this?

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

4 [PE] Pottsville Youth Facility

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

This report sets out community effects to support youth initiatives in the Pottsville area.

Consequently the Pottsville youth facility proposal raises a number of significant issues: -

- Is youth a priority for the allocation of Council resources?
- What should be the role of Council: - to provide services? – to provide buildings? To facilitate others to meet youth needs?
- What sources of funding, capital and current, are available?
- Where should youth programs/activities be located within the Shire?
- What would be an appropriate, best-practice management model; how much involvement should the Council itself have, and are there other partner organizations willing to contribute?
- What level of resources is needed to sustain a continuing program of youth activities?

Resolution of these issues requires some specialist analysis and advice in youth matters, as well as a policy framework.

It would be unwise to finalise an approach to youth development without undertaking consultation with young people, community organizations and the community generally. This should be part of the work for a consultant, and would provide feedback influencing the consultant's recommendations. It could build on the previous consultation.

RECOMMENDATION:

That Council:

1. Undertakes a youth needs analysis within the Shire.
2. Uses the findings:
 - (a) As the basis for community consultation on the possible provision of services and facilities for youth:
 - generally in the Shire, and
 - specifically to meet any identified needs of Pottsville.

(b) To review and update as appropriate the Social Plan for the target group of Young People.

REPORT:

Background

Local proponents of a Youth Club Project at Pottsville last June put forward a case for a youth facility in Pottsville and requested Council assistance to apply for grant funding for a building and for a youth worker. Council land was also being sought for the facility. They initiated proposals for a youth club to provide evening activities and operate as a drop in centre seven days per week, to overcome a perceived lack of activities for young people in this isolated and rapidly-growing township.

The committee's proposal included a 'constitution' setting out how the youth centre would be managed by a community-based committee and operated by a youth committee. The 'constitution' proposed management of the Centre by a two-tier community/youth committee, with community volunteers supporting a professional youth worker to operate activities. It was assumed that a single youth worker with a support team would be able to maintain services and activities.

A 'Needs Analysis' prepared when the Pottsville Neighbourhood Centre was under consideration in 2000 had been used to provide support for the need to focus on youth development in Pottsville. This analysis indicated preferred services, including youth activities (the highest score for any single preferred service at 76%). A separate Youth Survey at the time identified preferred facilities and services for a Centre.

Two grant applications were prepared by Council officers as follows: -

- Federal Attorney-General's Department, National Community Crime Prevention Programme, to employ a youth development worker and provide activities for two years: \$170,000 (including \$30,000 Council contribution).
- Federal Department of Transport and Regional Services, Regional Partnerships Programme, to build a youth centre (including office for partners Uncle Tweed Coast Inc.) in Pottsville: \$175,000.

Neither application has been successful, but there are indications that the applications may succeed if further supporting information is submitted. This will require more detailed consultation with the community.

The proponents have recently had further discussions with the Mayor and General Manager. They have submitted a renewed proposal to Council for consideration, which includes income generation to fund a Council loan to fund the centre to supplement grant application.

In recent weeks an additional proposal has been put to Council officers by the Baptist Church, which would incorporate facilities for use by the local youth. Again the proponent is seeking the use of public land.

Council officers have prepared a brief for an assessment of youth needs in the Shire.

The Social Plan

The Council has not previously focused on youth development as a major community policy, as proposed in the adopted Social Plan. Therefore to address the Pottsville project it is necessary to review in more detail youth issues in the Tweed.

Local Government Department Guidelines require the Social Plan to make proposals for seven mandatory target groups, including 'Young People 12-24 years'. Among major initiatives recommended by the Plan is "Encourage social participation and development of young people."

The particular difficulties of building social capital in new urban release areas is described in the Plan. Despite the predominance of older age groups, the size of the 10-14 years age group in Tweed is the same as the NSW average at 7.0% of the population. The 15-19 years age group is only 6.0% due to the tendency to move away for education and work at that age. Despite this, it is estimated that the 0-24 years age group could increase by 4000 over the next ten years.

Social Plan Strategies include allocating resources for youth centres in growing urban areas, and a youth worker to improve support services and information for young people. The Social Plan includes a provision to prepare a Quality of Life Programme for inclusion in this year's budget. The draft Program highlights youth needs by recommending the inclusion of the two grants already applied for and also projects providing youth activities and youth transport.

ISSUES:

Council provides a limited investment in youth development at present; it funds The Family Centre Youth Worker for an additional 7 hours/week. At this level it would not be possible to operate a separate youth facility. It is considered unlikely that a single full-time youth worker could operate a facility that was open every evening, at least without a substantial backup team of volunteers or supporting organizations.

Apart from funds that may be voted by Council, there are no specific Council funds allocated for youth development, and no S.94 funds have been accumulated except for the Shire Wide Fund, which is not allocated to a specific purpose.

Pottsville is emerging as a significant urban centre equivalent to Kingscliff or Murwillumbah in population within a decade. It is attracting more young/mature families and fewer retirees than towns further north, because of lower property prices and greater distance from medical facilities. As a new urban area, it has fewer community, commercial and recreation facilities than other towns of similar size. There is therefore a case for supplementing its facilities/services, particularly for young people.

A number of partner organisations have been identified by the proponents that could provide support to the new organization, but the subject of managing such a youth enterprise would benefit from professional specialist advice and further community consultation.

Council should beware of devoting all its youth resources to one localized project, and should expect similar expectations to arise in other new urban areas. It needs a shire-wide strategy.

Six possible sites on public land in central Pottsville have been examined, and enquiries with DIPNR commenced regarding use of Crown Land. There is concern amongst some local residents about the impact of a facility on their immediate locality.

Consequently the Pottsville youth facility proposal raises a number of significant issues: -

- Is youth a priority for the allocation of Council resources?
- What should be the role of Council: - to provide services? – to provide buildings? To facilitate others to meet youth needs?
- What sources of funding, capital and current, are available?
- Where should youth programs/activities be located within the Shire?
- What would be an appropriate, best-practice management model; how much involvement should the Council itself have, and are there other partner organizations willing to contribute?
- What level of resources is needed to sustain a continuing program of youth activities?

Resolution of these issues requires some specialist analysis and advice in youth matters, as well as a policy framework.

A Consultation Program:

It would be unwise to finalise an approach to youth development without undertaking consultation with young people, community organizations and the community generally. This should be part of the work for a consultant, and would provide feedback influencing the consultant's recommendations. It could build on the previous consultation.

Conclusions

There is an undoubted need to devote resources to youth development in the Shire as identified by its high priority in the adopted Social Plan. Youth development is an important part of community strengthening. However, the Social Plan also identifies other areas of need which similarly require resourcing.

Historically, youth facilities have been satisfied to a degree by provision of recreation and sporting facilities, and through multi-purpose community centres, but not through youth-targeted programs.

Specialised professional advice and wider community debate is needed prior to forming a policy approach that would absorb considerable ongoing resources.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Attached to this report is material provided by both proponents setting out their respective proposals.
-

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

5 [OGM] Probity Audit - Council Land - Pandanus Parade, Cabarita

ORIGIN:

General Manager

FILE NO: DA03/1221 Pt 14

SUMMARY OF REPORT:

The Probity Audit relating to Council owned land at Pandanus Parade, Cabarita has been received from Adams Consulting and Training (Mr Neil Adams) and is attached.

Council will need to consider the report and in particular the Conclusions (Page 7) and to develop a recommendation.

RECOMMENDATION:

That Council considers the report and determines appropriate action.

REPORT:

As per Summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Probity Audit in connection with a proposal to purchase land at Pandanus Parade and Palm Avenue, Cabarita. (DW1167301)
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6 [OGM] Code of Conduct

ORIGIN:

Governance

SUMMARY OF REPORT:

The Department of Local Government released a new Model Code of Conduct for Local Councils in NSW, which took effect from 1 January 2005.

The Model Code has applied to Council since this date and Council may resolve to vary the minimum requirements in the Model Code, provided that the varied provisions are in effect more onerous than those provisions in the Model Code.

Following the externally facilitated workshop held on 8 March 2005, Council now has an opportunity to enhance the Model Code.

RECOMMENDATION:

That :-

1. The Code of Conduct as amended be adopted.
2. Nominations be called for community representatives to the Conduct Committee.

REPORT:

The Department of Local Government released a new Model Code of Conduct for Local Councils in NSW, which took effect from 1 January 2005.

The Model Code has applied to Council since this date and Council may resolve to vary the minimum requirements in the Model Code, provided that the varied provisions are in effect more onerous than those provisions in the Model Code.

There are a number of new requirements and standards to be observed by councillors, members of staff and delegates of Council. Some of these new requirements are as follows:

- *"A duty to ensure that development decisions are properly made. This includes ensuring that actions are, and can be perceived as, proper.*
- *As a minimum, the disclosure of the nature of any non-pecuniary conflict of interests in a matter.*
- *Specifying a broad range of options for managing the conflict. A council official must deal with a non-pecuniary conflict of interests in one of the ways provided in the Model Code.*
- *Advice to councillors that matters involving campaign donors may give rise to a non-pecuniary conflict of interests.*
- *Prohibiting councillors from contacting or issuing instructions to the council's contractors or tenderers, including the council's legal advisers.*
- *Specifying what amounts to inappropriate interactions on the part of councillors and council staff, including:*
 - ⇒ *Councillor attendance at on-site inspection meetings with lawyers and/or consultants, and*
 - ⇒ *Council staff meeting with developers alone and outside office hours.*
- *Requiring councils to establish a conduct committee consisting of the Mayor, the general manager and at least one independent person in order to ensure a fair and transparent review of the process for allegations of breach of the Model Code.*

The conduct committee will be responsible for making enquiries into allegations of breaches of the council's code of conduct and reporting its findings to the council."

(Excerpt from Circular No. 04/63)

Following the externally facilitated workshop held on 8 March 2005, Council now has an opportunity to enhance the Model Code.

Enhancements for Council's consideration are as follows:

6.8 Non-Pecuniary Interest

The addition of:

"Attention has to be given to ensure that the influence of the non-pecuniary interest does not conflict with the obligations to exercise due diligence in the determination of the matter, or that a reasonable person would believe that the person could be inappropriately influenced.

6.12

The addition of:

"Council's conduct committee, upon request, will review the declaration of the non-pecuniary interest in relation to section 6.15 Political Support."

6.15 Political Support

The addition of:

- "• that the campaign donors be suitably identified,
- that there is an expectation that a reasonable person would believe that the councillor could be inappropriately influenced by the receipt of the campaign donation.
- that the Councillor declares the non-pecuniary interest and determines under section 6.12 of this Code the circumstances and the appropriate action in this matter."

7.10 Gifts of Value

The addition of :

"Value exceeding \$20 on any one occasion and a value exceeding a cumulative value of \$100 per annum."

New Item

9.24 Public Comment by the General Manager and/or Senior Staff

- "Public comment" includes public speaking engagements (including comments on radio and television), expressing views in letters to the press or in books or notices or where it is reasonably foreseeable that publication or circulation will enter the public domain.
- The General Manager and other Senior Staff should confine public discussion or comment on Council matters to material that is in the public domain as Council policy or direction, except where required by

law, as authorized by the Mayor or Council, or in accordance with a relevant Council policy or code of conduct.

- The General Manager and other Senior Staff who are required to make public comment are expected to perform this duty with professionalism, objectivity and integrity. They should not supplant their own values over those explicit or implicit in Council's policy and should be able to negotiate the boundaries between policy development/implementation and political objectives without intruding into the political arena.
- Whilst the General Manager and other Senior Staff in their private capacity as members of the community have the right to make public comment, they need to be sensitive to the fact that because of their responsibility and status, there will tend to be the implication that the public comment, although clearly made in a private capacity, is in some way an official comment of the Council. They will need to clearly state that such public comment reflects personal opinion only.

10.8 Complaint Handling Procedure - Councillor and General Manager Conduct

The addition of:

"Council will invite nominations from the community for representations on the committee, in addition to the legal adviser. Attendance at this committee by community representatives will be on a random basis."

This committee will comprise of at least two persons independent of Council.

10.9

The addition of:

"The conduct committee will operate in both a pre-emptive and reactive capacity and be able to meet on an urgent as required basis."

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

This will replace Policy O3 - Code of Conduct

UNDER SEPARATE COVER:

1. Tweed Shire Council - Code of Conduct (March 2005)
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7 [OGM] Tyalgum Community Preschool

ORIGIN:

General Manager

SUMMARY OF REPORT:

In accordance with Council Resolution No. 90 of the Ordinary Meeting held 16 February 2005 a meeting was held with the President and Committee Member of the Tyalgum Community Preschool regarding Section 94 Charges.

The General Manager attended the meeting accompanied by Cr Henry James and the Director Planning and Environment.

The following letter has been forwarded to the President of the Preschool and was an outcome of the discussions.

2 March 2005

Dear Ms Binder

Thank you for attending the meeting on Monday, 28 February 2005 accompanied by Ms Tania Bruin, with Cr Henry James, Mr Noel Hodges (Director Planning & Environment) and myself, to discuss aspects of the Tyalgum Community Preschool.

I propose to provide to Council the following advice in regard of Section 94 payments and other matters:

There be no repayment of the Section 94 charge for a period of 3 years from the commencement of operation of the Preschool and the amount be repaid in subsequent years at the rate of \$500.00 per annum.

I will also explore with the Department of Community Services the opportunity for that Department to provide grant funding towards the Section 94 charges.

I confirm that the lease arrangement to be entered into between Council and your organisation will be of a 'peppercorn' nature and that Council general rates will not be levied. Council charges regarding water and sewerage and garbage disposal will be made by your organisation.

Yours faithfully



DR JOHN GRIFFIN
General Manager

The Development Application detailed a 5-day per week operation with a maximum number of children of 20. Currently it is proposed the operation will be 2 days per week with approximately 5 children. Financial viability will be enhanced when the operation grows to the ultimate level.

RECOMMENDATION:

That in regard of payment of Section 94 Charges by the Tyalgum Community Preschool that payments of \$500.00 per annum be made by the preschool to Tweed Shire Council commencing after the expiration of 3 years of operation of the preschool.

REPORT:

As per Summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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8 [OGM] Second Round Donations 2004/2005 - Donations Policy

ORIGIN:

Governance

SUMMARY OF REPORT:

Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and working towards the enhancement and the well being of its residents and the Shire.

Therefore, second round applications for financial assistance under Council's Donation Policy were sought and are now submitted for Council's determination.

RECOMMENDATION:

That Council determines the distribution of funds for the second round of donations in accordance with the adopted Policy and the funds voted in the 2004/2005 Budget.

REPORT:

Council at its meeting held on 17 March 1999 adopted the Donations Policy. As a result of the Policy the second round of applications for 2004/2005 have been received and are now documented for Council's consideration.

The following application criteria is used to determine applications:

- No financial assistance will be given to privately owned businesses/companies.
- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
- No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
- No financial assistance will be given to sporting organisations as these organisations have ample other avenues for financial assistance.
- The funds are not to be used for a social activity for members of the organisation exclusively.

Council at its meeting of Wednesday 6 October 2004 resolved to form a Working Group consisting of Councillors Bell and Carroll and the Acting General Manager to bring forward to Council a recommendation of the allocation of funds to applicants. It was decided by the Working Group that application that fell within the following criteria would not be eligible for a donation.

- Preschools.
- Priority to organisations that have no other source of funding from – State, Council, Local Businesses eg. Registered Clubs.
- Low priority where previous In-Kind/Cash support from Council.
- Elimination of Service Clubs – ability to raise their own funds.
- Elimination of funding to Council owned assets.
- Churches/Religious based Groups.
- Other Government agency functions.
- Residents Associations.
- Sporting Groups.

	Applicant	Donation Requested	Purpose
1	Bilambil Community Preschool Inc	\$1,500.00	to build new outside playground equipment for the preschool.
2	Blind & Vision Impaired Support Group Far North Coast Inc	\$1,500.00	to improve the well-being of the blind and visually impaired residents of the Shire.
3	Camp Quality Northern NSW	\$2,000.00	to assist with funding of camps for local children living with cancer.
4	CERRA Advisory Committees	\$1,000.00	to subscribe to the first run printing of "Remnants of Gondwana".
5	Cooloon Childrens Centre Inc	\$1,500.00	to cover costs associated with the 2005 Kids Festival.
6	Cudgen Progress Association	\$2,000.00	to purchase and install bronze pledges at the Cudgen War Memorial
7	Fingal Head School	\$2,000.00	to assist in the organisation of a Community Ball.
8	Friends of the Pound	\$2,000.00	for the desexing of rescued animals and providing an education for pet owners of the Shire.
9	Grandparents Assisting Grandchildren Support Inc	\$2,000.00	to assist in covering public liability insurance costs.
10	JCI Tweed Valley	\$2,000.00	to assist in the promotion of the JCI Tweed Valley organisation.
11	Kingscliff Lions Club Inc	\$1,000.00	to assist in providing professional entertainment for the 2005 Carols by Candlelight.
12	Kunghur Community Preschool	\$2,000.00	to update children's outdoor equipment at the preschool.
13	Mt Warning Community Preschool Inc	\$2,000.00	for improvements to playground and repairs to some equipment.
14	Murwillumbah Meals on Wheels Services Inc	\$1,500.00	to assist in purchasing a new freezer for the storage of meals.
15	Murwillumbah Quilters	\$1,645.60	for the purchase of sixteen (16) quilt stands.
16	Murwillumbah Uniting Church Preschool Inc	\$800.00	to assist with the construction of a concrete base for a storage shed.

	Applicant	Donation Requested	Purpose
17	Northern Rivers Area Health Services	Undisclosed	to assist in providing advisory signage in the hospital precinct at Tweed Heads.
18	Pippies Early Childhood Centre	\$2,000.00	to purchase new facilities for the Centre.
19	Possums Community Preschool	\$2,000.00	to assist with the repair of kitchen and benches in line with OH&S requirements.
20	Rosellas Community Preschool	\$2,000.00	to assist with costs associated with repairs to the roof of the Preschool.
21	Surfrider Foundation	\$2,000.00	to assist in the formulation of an environmental educational package.
22	The Family Centre Community Projects Inc.	\$2,000.00	to update and print a men's resource booklet for 2005/2006.
23	Tsunami Judo Club	\$1,500.00	to assist with costs associated with the 2005 Australian Kodokan Judo Championships.
24	Tweed Heads Pallative Support Inc	\$2,300.00	for the training and education of volunteers in the 2005 year.
25	Tweed Shire Family Day Care	\$2,000.00	to purchase ancillary equipment for the Administration/Playgroup facility
26	Tweed Shire Vacation Care	\$1,000.00	to purchase 50 swim shirts for the protection of children and staff at swimming and beach activities.
27	Twin Towns Family History Group Inc	\$1,910.00	to purchase NSW archive Kit items.
28	Twin Towns Playgroup	\$1,500.00	for the upgrade of security of the buildings and provision of screen to windows.
29	Uki Hall Public Hall & Recreation Reserve Trust	\$2,000.00	to restore and repolish the flooring of Uki Hall.
	TOTAL	\$48,655.60	

The approximate amount requested for the second round of donations for 2004/2005 is \$48,655.60, plus an undisclosed amount from the Northern Rivers Area Health Service.

Under the Council's Donations Policy the following amounts were distributed in the first round of applications.

Arthritis Foundation	\$200.00
Burringbar School of Arts	\$1,000.00
Burringbar Village Arts Centre	\$500.00
Caldera Environment Centre Inc.	\$1,000.00
Kids in Need	\$1,500.00
Murwillumbah Musicians Club	*(\$1,000.00)
Pottsville Community Association Inc.	\$450.00
Tweed Combined Country Halls Association Inc.	\$1,000.00
Tweed District Safety House	\$1,500.00
Tweed Parkinson Support Group	\$500.00
Twin Towns & District Garden Club Inc.	\$410.00
Tyalgum Literary Institute	\$1,000.00
Uki Village & District Residents Associations Inc.	\$700.00
TOTAL	\$9,760.00

*It should be noted that the funds provided to the Murwillumbah Musicians Club were returned due to the event being cancelled.

The 2004/2005 Budget allocation for donations is \$20,000.00 of this amount \$9,760.00 has already been allocated, leaving \$10,240.00 available for distribution in the second round.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2004/2005 Budget allocation for donations is \$20,000.00.
Expenditure to date is \$9,760.00

POLICY IMPLICATIONS:

Donations Policy

UNDER SEPARATE COVER:

1. Bilambil Community Preschool Inc (DW 1164771)
2. Blind & Vision Impaired Support Group Far North Coast Inc (DW 1161077)
3. Camp Quality Northern NSW (DW 1164071)
4. CERRA Advisory Committees (DW 1164767)
5. Cooloon Childrens Centre Inc (DW 1162445)
6. Cudgen Progress Association (DW 1164070)
7. Fingal Head School (DW 1164072)
8. Friends of the Pound (DW 1160473)
9. Grandparents Assisting Grandchildren Support Inc (DW 1163803)
10. JCI Tweed Valley (DW 1165450)
11. Kingscliff Lions Club Inc (DW 1163159)
12. Kunghur Community Preschool (DW 1164069)

13. The Family Centre Community Projects Inc. (DW 1164068)
 14. Mr Warning Community Preschool Inc (DW 1165451)
 15. Murwillumbah Meals on Wheels Services Inc (DW 11578888)
 16. Murwillumbah Quilters (DW 1164768)
 17. Murwillumbah Uniting Church Preschool Inc (DW 1163074)
 18. Northern Rivers Area Health Service (DW 1167985)
 19. Pippies Early Childhood Centre (DW 1164067)
 20. Possums Community Preschool (DW 1159389)
 21. Rosellas Community Preschool (DW 1163802)
 22. Surfrider Foundation (DW 1163158)
 23. Tsunami Judo Club (DW 1165757 & 1160175)
 24. Tweed Heads Pallative Support Inc (DW 1165279)
 25. Tweed Shire Family Day Care (DW 1163801)
 26. Tweed Shire Vacation Care (DW 1159916)
 27. Twin Towns Family History Group Inc (DW 1162444)
 28. Twin Towns Playgroup (DW 1164769)
 29. Uki Public Hall & Recreation Reserve Trust (DW 1165280)
-

9 [OGM] Second Round Donations 2004/2005 - Festivals Policy

ORIGIN:

Governance

SUMMARY OF REPORT:

Tweed Shire Council recognises a need to assist non-profit community groups and organisations and individuals who are interested in and working towards the enhancement and the well being of its residents and the Shire, through the promotion of appropriate festivals.

Further to the adoption of Council's Policy on Festivals, applications were sought for the second round of funding and are now submitted for Council's determination.

RECOMMENDATION:

That Council determines the distribution of funds for the second round of donations to Festivals in accordance with the adopted policy and the funds voted in the 2004/2005 Budget.

REPORT:

Council, at its meeting held on 21 April 1999, adopted the Festivals Policy. As a result of the Policy, the first round of applications for 2004/2005 were resolved by Council at its meeting on 15 September 2004 and are documented for Council's information.

The following application criteria is used to determine applications:

- No financial assistance will be given to privately owned businesses/companies.
- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
- No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
- No financial assistance will be given to sporting organisations as these organisations have ample other avenues for financial assistance.
- The funds are not to be used for a social activity for members of the organisation exclusively.

Second round applications have been received as follows, with the following funds available for distribution.

The 2004/2005 Budget allocation for festivals is \$33,990.00, of which \$17,000.00 (net) has already been distributed, which leaves a balance of \$16,990.00 available for second round funding.

Applicant	Amount Requested	Purpose
1. Cabarita Beach SLSC	\$2,000.00	To fund the running costs of the annual Tweed Coast Raft Race & Family Picnic Day.
2. Mooball & District Movers	\$2,000.00	To assist in the running of the Tour de Tweed.
3. Wintersun Festival Association	\$7,500.00	To assist in the running of the 2005 Wintersun Festival
4. Wollumbin Dreaming Inc	\$6,000.00	To assist in the running of the 2005 Wollumbin Festival
5. Speed on Tweed Pty Ltd	\$4,500.00	To assist with the running of the 2005 Speed on Tweed event
6. Murwillumbah Community Centre	\$1,000.00	To assist with the organisation of Harmony Day on 20 March 2005
7. Tyalgum Festival Committee Inc	\$4,000.00	To assist with the organisation of the Tyalgum Festival of Classical Music
TOTAL	\$27,000.00	

In the first round of the 2004/2005 Budget for Festivals, funds were distributed as follows:

Festival	Allocation	Date Held/Proposed to be Held	Reported to Council
Greenback Tailor Fishing Competition	\$2,500.00	Requested return of funds - event cancelled.	
Tweed Coast Outriggers	\$2,000.00	May 2005	TBA
Tweed Shire Senior Citizens' Week	\$4,500.00	March 2005	TBA
Tweed Valley Banana Festival & Harvest Week	\$8,500.00	Sept 2004	
Tyalgum Diggers Sports	\$2,000.00	July 2005	TBA
TOTAL	\$19,500.00		
ADJUSTED TOTAL (Net)	\$17,000.00		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2004/2005 Budget allocation for Festivals is \$33,990.00.
 Expenditure to date for 2004/2005 is \$19,500.00 with a refund of \$2,500.00 pending from the organisers of the Greenback Tailor Fishing Competition.

POLICY IMPLICATIONS:

Festivals Policy

UNDER SEPARATE COVER:

1. Cabarita Beach Surf Lifesaving Club (DW 1159193)
2. Mooball & District Moovers Inc (DW 1161078)
3. Wintersun Festival Association Inc (DW 1163800)
4. Wollumbin Dreaming Incorporated (DW 1164770)
5. Speed on Tweed Pty Ltd (DW 1165281)
6. Murwillumbah Community Centre (DW 1165282)
7. Tyalgum Festival Committee Inc (DW 1165283)

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10 [OGM] Monthly Investment Report for Period Ending 28 February 2005

ORIGIN:

Financial & Information Services

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:

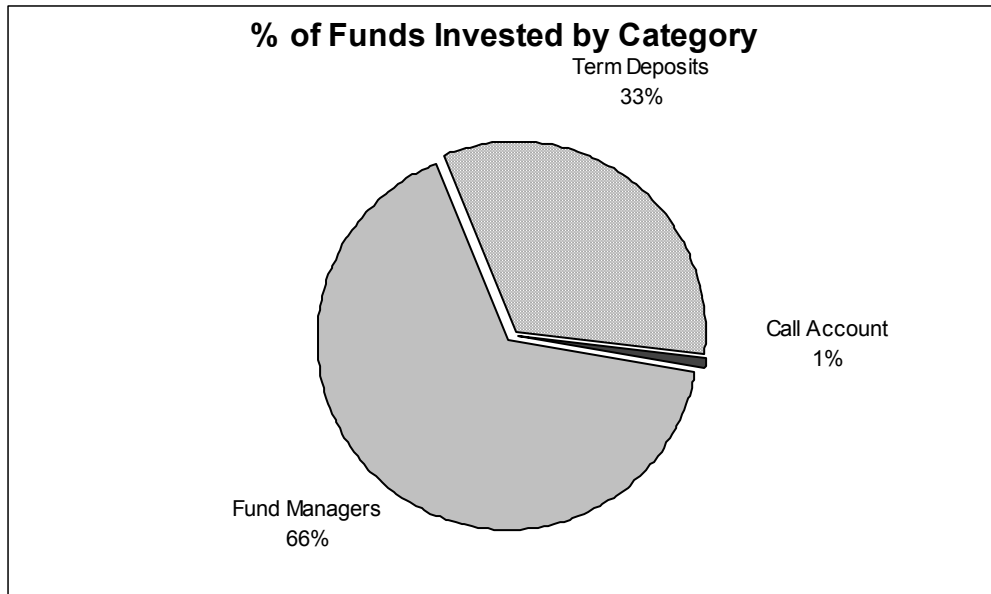
That this report be received and noted.

REPORT:

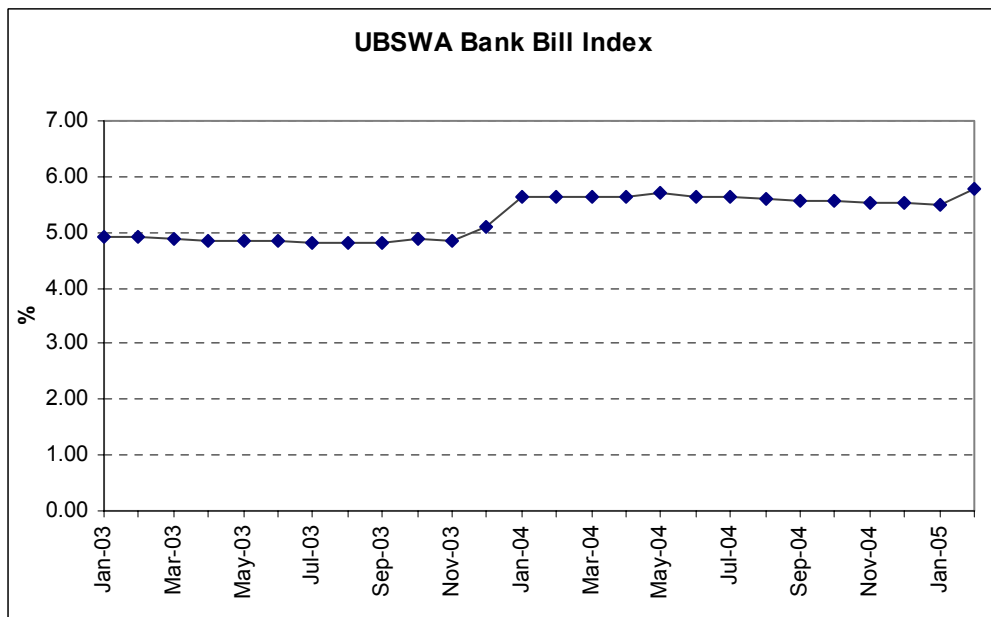
Report for Period Ending 28 February 2005

The "Chief Financial Officer" being the responsible accounting officer must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with the Local Government Act (1993), the Regulations and Council policies.

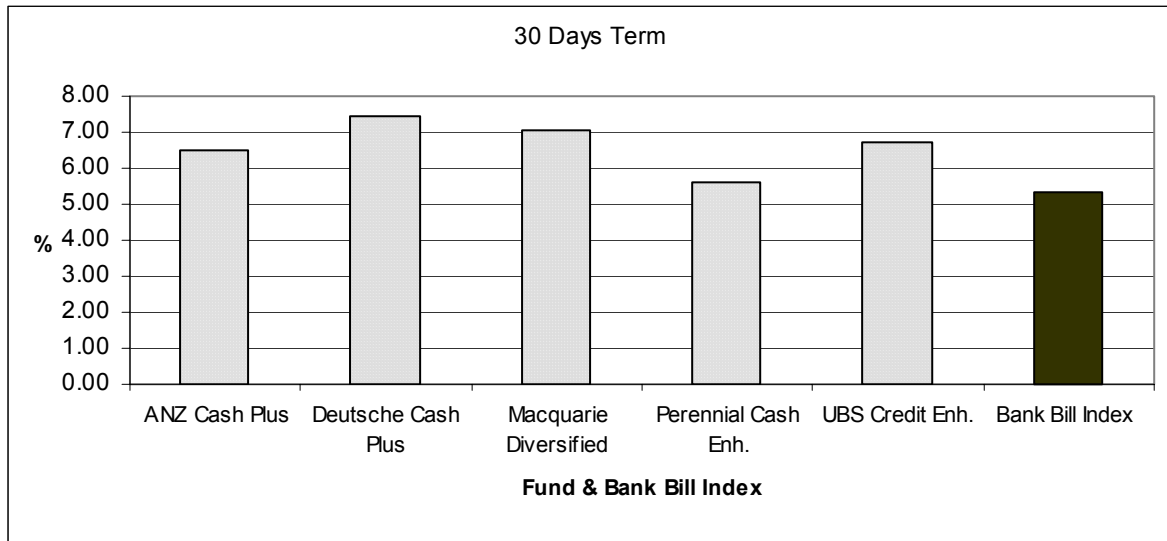
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



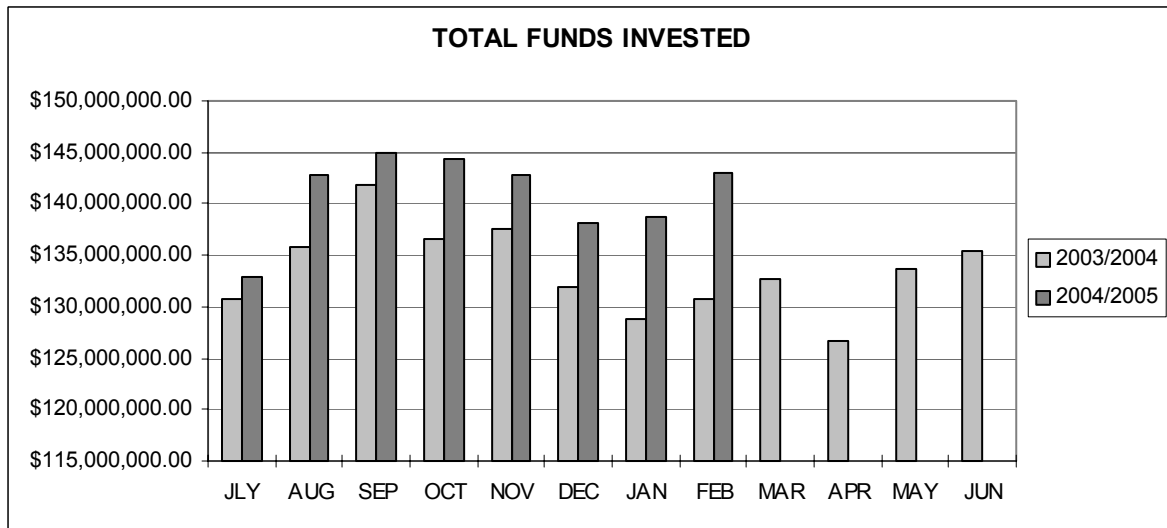
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



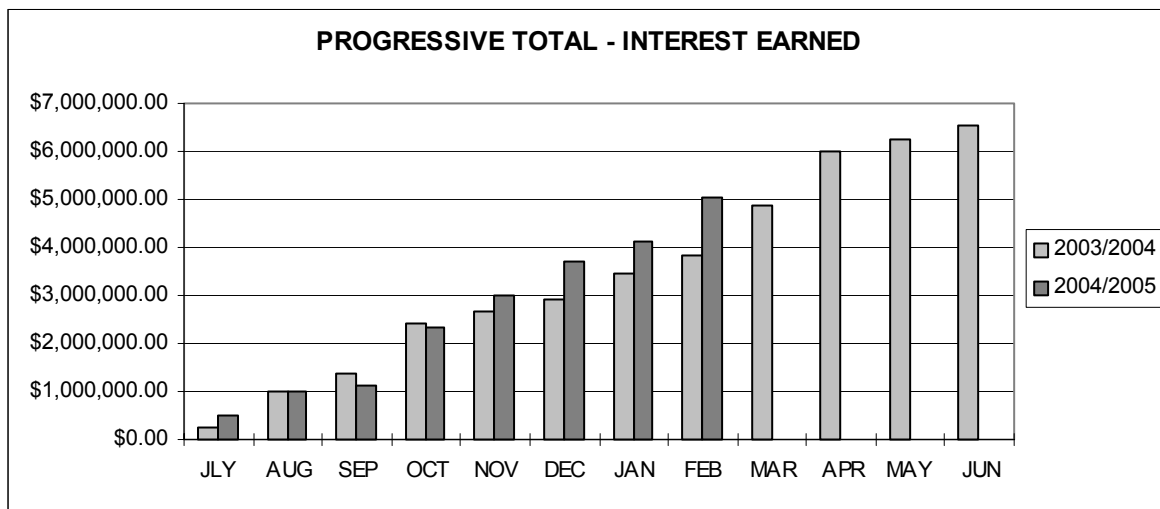
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - GROSS OF FEES



4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

Domestic Economy

As expected, the Reserve Bank increased the official cash rate by 25 basis points, to 5.5% at its board meeting held on the 1 March. In a statement accompanying the announcement, the Bank cited the following main considerations for this action:

1. Limited spare capacity in the labor and goods market
2. Stronger inflationary pressures
3. Strong domestic spending
4. Strongly supportive economic conditions

The Reserve Bank judged that an increase in the cash rate was warranted in order to reduce the risk of an unacceptable rise in inflation in the medium term. Although the news did not come as a surprise to the market, there are still those that question the need for an increase in light of evidence that Australia's economic growth has moderated.

The subject of interest rates kept journalists and economists busy during the month, overshadowing some other interesting economic developments including Australia's real Gross Domestic Product (GDP) grew by 0.1% in the December quarter, following a revised increase of 0.2% in the September quarter. This is the slowest quarterly growth rate since December 2000. Over the course of the year, GDP grew by 2.9%, the weakest year since 2001. In contrast, GDP growth in 2003 was 3.6%.

According to the National Accounts figures for the December quarter 2004, household consumption rose by 0.4%, new business investment rose by 5.8%, domestic final demand rose by 1.0% and dwelling investment fell by 3.5%.

Australia's current account deficit rose by \$900m in the December quarter to \$15.17 billion from \$14.3 billion in the September quarter. Exports rose by 1.3% but were outpaced by imports, which rose by 3.2%.

Housing finance approvals rose by 1.2% in December. Approvals are now 6.5% lower than a year ago. The value of approvals for investment loans rose by 2.9%.

The Global Economy

United States

The December trade balance recorded a deficit of \$56.4 billion in December, a slight improvement on the revised figure reported for November.

Minutes from the Federal Reserve's monthly meeting revealed that the committee believes that current rates are below what is needed to maintain stable inflation over the medium term.

January retail sales fell 0.3% after a 1.1% gain in December. Housing starts rose by 4.7% in January to their highest level since February 1984, following a 14.3% lift in December. Net foreign investment in the US was \$61.3 billion in December, down from the \$89.3 billion witnessed in November. The Consumer Price Index (CPI) rose by 0.1% in January, consistent with market expectations.

Other Countries

Eurozone GDP rose by 0.2% in the December quarter, following a 0.3% gain in the September quarter. UK CPI fell by 0.5% in January, following the 0.5% rise set the previous month. Annual inflation remains 1.6% for the year.

Japan's GDP contracted by 0.1% in the December quarter, following a revised 0.3% drop in the September quarter. Germany's GDP fell by 0.2% in the December quarter after being flat in the September

7. INVESTMENT SUMMARY AS AT 31 OCTOBER 2004

7	Investment Summary as at 28 February, 2005.			
	GENERAL FUND			
		TERM DEPOSITS	26,282,625.00	
		FUND MANAGERS	27,281,186.32	
		FLOATING RATE NOTE	0.00	
		CALL	1,000,000.00	54,563,811.32
	WATER FUND			
		TERM DEPOSITS	2,200,000.00	
		FUND MANAGERS	39,091,539.73	41,291,539.73
	SEWERAGE FUND			
		TERM DEPOSITS	18,800,000.00	
		FUND MANAGERS	27,416,135.17	
		CALL	0.00	
		FLOATING RATE NOTE	0.00	46,216,135.17
		TOTAL INVESTMENTS		142,071,486.22

It should be noted that the General Funds investments of \$54 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 (Sect.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.



Chief Financial Officer (Responsible Accounting Officer)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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11 [OGM] Country Week - Regional Development Expo

ORIGIN:

Governance

SUMMARY OF REPORT:

Council has been advised that a Regional Development Expo is to be held in Parramatta on 5 –7 August 2005. In 2004, it was a co-operative partnership between the three tiers of Government as well as the corporate sector and a variety of semi-government agencies. It is anticipated that in 2005 this combination of sponsors will be the same.

The focus of Country Week is designed to build awareness within metropolitan Sydney of the opportunities awaiting Sydney businesses and residents to country and regional New South Wales.

The estimated cost to Council to participate at this is event is \$18,360, based on site and marketing charges of \$13,860 and indirect costs of \$4,500.

RECOMMENDATION:

That Council does not participate in the Country Week Regional Development Expo 2005.

REPORT:

Council has been advised that a Regional Development Expo is to be held in Parramatta on 5 –7 August 2005. In 2004, it was a co-operative partnership between the three tiers of Government as well as the corporate sector and a variety of semi-government agencies. It is anticipated that in 2005 this combination of sponsors will be the same.

The Expo is convened by a private company, but it does have some form of State Government involvement as the Department of State and Regional Development are a sponsor for the event.

The focus of Country Week is designed to build awareness within metropolitan Sydney of the opportunities awaiting Sydney businesses and residents to country and regional New South Wales.

The estimated cost to Council to participate at this is event is \$ 18,360, based on: -

Site Charges	\$3,500
Marketing Levy	\$10,000
Website Access Fee (per annum)	\$360
Indirect Costs: (Wages, Travel, & Promotional Material)	\$4,500
Total	\$18,360

Mr Tom Senti of the Tweed Economic Development Corporation (TEDC), has advised that Council would achieve a better outcome for its funds through the conduct of other promotional activities.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2005/2006 Budget Allocation – No allocation has been provided in draft budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

12 [OGM] Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Reports

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance reports for October 2004 and January 2005 are provided in accordance with the Agreement criteria.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The Agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accordance with a number of specific requirements.

The following details were presented to TACTIC Board Meetings held in October 2004 and January 2005.

October 2004

Reservations & Sales

a.) Visitor Numbers to Visitor Information Centres

September-04

	WHRC				Tweed Heads				Uki			
	2004	%	2003	Variance	2004	%	2003	Variance	2004	%		
Total Visitors	2560		2450	4.49%	Total Visitors	1992		2114	-5.77%	Total Visitors	205	
Type of Enquiry					Type of Enquiry					Type of Enquiry		
Tourism	937	64.75%	829	13.03%	Tourism	725	50.10%	887	-18.26%	Tourism	53	3.40%
National Parks	122	8.43%	118	3.39%	National Parks	10	0.69%	23	-56.52%	National Parks	8	0.51%
Street Directions	81	5.60%	106	-23.58%	Street Directions	185	12.79%	115	60.87%	Street Directions	35	2.25%
Bus Timetables	10	0.69%	11	-9.09%	Bus Timetables	121	8.36%	81	49.38%	Bus Timetables	1	0.06%
Other	79	5.46%	105	-24.76%	Other	67	4.63%	81	-17.28%	Other	12	0.77%
TOTAL	1229		1169	5.13%	TOTAL	1108		1187	-6.66%	TOTAL	109	

Highlights

- Slight decrease to the visitor numbers to Tweed. This is the first time since the Mall opening.
- Similar number of visitors to Murwillumbah as same period last year.
- The majority of visitors to Tweed originate from NSW and Queensland.

Year to Date

	2004/05	2003/04	Variance	2004/05	2003/04	Variance	2004/05	2003/04	Variance
	WHRC			Tweed Heads			Uki		
Sept Qtr	8362	8164	2.43%	7003	6471	8.22%	405	0	#DIV/0!
Dec Qtr	0	0	#DIV/0!	0	0	#DIV/0!	0	0	#DIV/0!
Mar Qtr	0	0	#DIV/0!	0	0	#DIV/0!	0	0	#DIV/0!
Jun Qtr	0	0	#DIV/0!	0	0	#DIV/0!	0	0	#DIV/0!
Total	8362	8164	2.43%	7003	6471	8.22%	405	0	#DIV/0!

Highlights

- Marginal increase to Murwillumbah visitor numbers in comparison to the first quarter of the previous year.
- Tweed Heads visitor numbers continue to increase, although the last month of the quarter influenced a previous average of 15% increase per month.

b.) Retail Sales

Murwillumbah	Sept 2004	Sept 2003	Tweed Heads	August 2004
Number of Sales	443	552	Number of Sales	77
Avg \$ per sale	\$8.28	\$8.80	Avg \$ per Sale	\$5.32
Avg \$ per visitor	\$1.43	\$1.98	Avg \$ per Visitor	0.11

Highlights

- Sales for September were again noticeably below budget.
- Visitors spending in books increased this month – especially children's books which increased average \$ per sale compared to last month.
- Murwillumbah retail sales totalled \$3,668.
- Retail sales of our product at the Mall for September totalled \$410.
- Wholesale sales totalled \$575, have now allowed for sales for wholesale product, one day per week to increase sales.
- Total sales for the month \$4,653, lower than the budget of \$6,664.

c.) Reservations

- Accommodation and tour booking commissions earned \$3,883.00. This is \$1,628 above the September budget. A great result.
- Again this was a strong month for tour bookings through the Tweed Centre.

d.) Reservations System

	No. Bookings	No. Nights	Total Value	Av. Stay (Nights)	Av. Value Per Bkg	Avg value per night
July	10	23	\$1,885	2.30	\$189	\$82
August	9	18	\$1,812	2.00	\$201	\$101
September	21	42	\$5,814	2	\$277	\$138
Totals	40	83	\$9,511	2.08	\$238	\$115

- Record of 21 bookings made through the reservations system this month.
- Still need more operators on line with the opportunity to make bookings direct, i.e. rooms available – not on request. This would noticeably increase bookings made through the system.

e.) Group Bookings

- Events/Conferences/Meetings planned for 2004/2005 which we are working towards securing business from:

- Society Of Medical & Biological Engineers at Twin Towns in April.
- Transforming Education Conference, January 2006 at Twin Towns – with accommodation and retail and tour opportunities.
- Good response to the Local Governments Association Conference being held in November. To date 68 rooms have been booked, and over \$2,000 in commissions earned.

Group/Event Booking	Dates:	No Pax	Room Nights Bked	Total \$ Value To Date	Comment:
NSW Veterans State C'ships Murwillumbah/Mullinbinby	6th - 10th Sept 2004	2	7	\$490.00	Accommodation & booking sheets sent to NSW clubs March 2004
Speed On Tweed 2004	17th - 19th September		29	\$4,102.70	Murwillumbah. 35 day tickets sold
The Great Escape 2004	18th September		9	\$1,302.00	Fund Raising for Cystic Fibrosis- Wangaratta to Coolangatta Car Rally
SCU - 26th Annual AARMEC Sthn Cross University	25th - 28th Sept 2004	3	8	\$870.00	Accomm. & booking sheets sent to Marilyn 2/3/04- to be displayed on conf. webpage
Mc Donald /Howard Wedding	9th October 2004				
Wedding Dennis/Daley	16th October 2004	2	2	\$170.00	
Society Medical & Biological Engineers (SMBE 2005)	3rd - 6th April 2005				Held at Twin Towns Services Club
Wintersun 2005	4th - 14th June 2005	26	64	\$7,317.00	
1st Field Squadron Reunion	26th - 28th Aug 2005				Being held Club Banora - 600 attendees

Group/Conference Bookings	Dates	Property	Room Nights Bked	Total \$ Value Accomm	Comments
Parson Brinckerhoff State Managers Conference	1st-2nd September	Paradiso Kingscliff	15	\$3,495.00	1 day confrence 20 persons, team building exercise and dinner 20pax booked at Marine
Local Govt Association	18-19 November 2004	Twin Towns	149	\$20,685.00	Booking confirmed at Twin Towns
Total To Date:			283	\$38,431.70	

f.) Family Visits- September

Caravan Parks in the Tweed – River Retreat, Billabong and Colonial. 10 attendees.

Marketing

a.) Marketing Campaign

- Final report being produced for the TACTIC Board and Tweed Shire Council.

b.) Brochure

- Prospectus has been mailed out.
- \$6,700 worth of sales so far received – around half total.
- All small adverts have been sold.
- Medium 13/24 sold.
- Large 1/3 sold – awaiting confirmation from Casuarina & Spirit of the Bay.

- Production aimed for end November with distribution in December.

c.) Public Relations

Media Coverage

- Autumn/Winter 2004: HOLIDAY for COUPLES: Caroline Gladstone (EPV \$9,900)
- 7 August: BENDIGO ADVERTISER: " Tweed Coast" Jim Shrimpton (EPV \$ 3,600)
- 5 September: SUN HERALD: "Accommodation Tweed" Jim Shrimpton (EPV \$81,000)
- 19 September: "SUNDAY MAIL " Gold Coast Lifestyle" (EPV \$5,000)

Total EPV	\$99,500.00
Total EPV to date (known)	\$715,724.00

Media Releases

- 13 September: Local media (10) "Tweed visitor numbers up" (also given to the Courier Mail's John Wright)
- 13 September: Food Writers Festival launched (preliminary release only)
 - John Wright, Peter Howard ('Friday' magazine columnist),
 - Helen O'Neill Food Writer, Weekend Australian, Keith Austin
 - Travel Editor, SMH and Food Writer SMH "Good Living".
- 19 September: Sunday Mail, "Gold Coast Lifestyle", Editorial & images: Tweed beaches.
- November 2004: "Holiday with Kids". A 200-word editorial & images were sent for the November edition.

(Note: This is the first in a series of releases to be issued to selected Australia. Wide media as contracts for the presenters and program details are confirmed).

Gourmet Media Tour 'The Tweed's Moving Feast' 26 to 28 October 2004.

- Five writers confirmed:
 - Rosemary Desmond - AAP Queensland (Australian wide distribution)
 - Alison Cotes - Sunday Mail Queensland
 - Brian Mossop (or Patricia Mossop, Food Writer) Gold Coast Bulletin
 - Danielle de Gail - Virgin Blue's in Flight Magazine 'Voyeur'
 - Eva Maria Bobbert - Lifestyle Editor 'Good Taste" magazine (Woolworth's & Newsagents nationally).
- FOC accommodation for 2 nights provided by Casuarina Beach Resort.
- Sandbar + Grill will host a dinner on Wednesday 27 October.
- Media Kit will include as much information as possible on the Food Writers Festival.
- This is the largest media trip to date and has required extensive research to find suitable 'food / tourism' product.
- In the main, producers, chefs, restaurants, food companies, growers etc. have been most cooperative.

- If successful, it can be used as a template for similar media trips for and as further submissions to TV lifestyle, food, cooking, gardening television programs in 2005 – Hueys Cooking Adventures: “Great Outdoors’ (both already been contacted) and possibly “Burke’s Back Yard” and a new Channel 9 Lifestyle program with Geoff Jansz. This will be done shortly as most of these programs go into recess at the end of October/November.

General

- Courier Mail - John Wright’s visit, 15/17 September, most successful! He enjoyed his stay at the Kingscliff Beach Holiday Park. His article on the Tweed Coast ‘then & now’ will be published this month.
- Jim Shrimpton continues to prepare & distribute articles. New material sent to him included information on the Condong Sugar Mill tours. We understand a further article on “Culinary Delights of the Tweed” has been released; we are trying to track it down.
- Virgin Blue - Newcastle flights to Gold Coast from 24 November just announced. Visits by Newcastle media being investigated.

Membership

a.) Current Financial Members

	October 2004	October 2003
Service	33	35
TACTIC	117	130
Reciprocal	3	4
Corporate	6	6
Corporate Affiliates	9	9
TOTAL	168	184

b.) New members to be ratified

- **TACTIC 2**
Tumbulgum B&B
Out’n’Back Tours

c.) Total Financial Members end September 2004

170 including affiliates.

Breakdown of renewals

Members Renewed	October 2004		October 2003	
Service	28		16	
TACTIC	110		104	
Corporate	6	(Affiliates: 9)	4	(Affiliates: 4)
Total	144		124	
Total invoices sent	192	75.0%	168	73.21%

- Total non-renewals 48
- 1 Corporate - 30 TACTIC members – 17 Service members
- Non-renewal rate for 2004 - 25%
- Estimated non-renewal rate for 2004 - 25%
- Total non-renewal rate for 2003 – 26.79%

Comments

- There are four members counted in the non-renewals who have indicated that they will be rejoining: Tyalgum Association (awaiting funding), Kingscliff Chamber (awaiting Board approval), Regent Court Apartments (new owner changeover) and Tweed Valley CTC (funding difficulties). The last member is a concern as the membership was a prerequisite for the support they receive from TACTIC as a Level 3 Visitor Information Centre.
- We are also still waiting for final confirmation the corporate member, Quadrant Marketing.
- While we have slightly less members than for the same period as last year we have slightly improved our retention rate. The lower numbers could also be attributed to less hours being allocated to gain new membership.

Terry Watson - 26th October 2004

January 2005

Tourism Forum

- Forum Agenda now finalised as distributed.
- Presentations to be made on behalf of TACTIC by Lee Eyre and Terry Watson.
- Council presentation to be made by Mayor Warren Polglase.
- Submissions will be invited from Industry and Community
- Industry and Community Speakers will have approximately 8 minutes each. Written submissions can also be made.

Reservations & Sales

a.) Visitor Numbers to Visitor Information Centres

December-04

WHRC				Tweed Heads					
	2004	%	2003	Variance		2004	%	2003	Variance
Total Visitors	2095		2460	-14.84%	Total Visitors	1596		1717	-7.05%
Type of Enquiry					Type of Enquiry				
Tourism	626	55.06%	757	-17.31%	Tourism	525	46.17%	592	-11.32%
National Parks	117	10.29%	152	-23.03%	National Parks	16	1.41%	26	-38.46%
Street Directions	100	8.80%	129	-22.48%	Street Directions	145	12.75%	127	14.17%
Bus Timetables	16	1.41%	7	128.57%	Bus Timetables	109	9.59%	78	39.74%
Other	96	8.44%	122	-21.31%	Other	174	15.30%	144	20.83%
Retail	37	3.25%	0	#DIV/0!	Retail	0	0.00%	0	#DIV/0!
TOTAL	992		1167	-15.00%	TOTAL	969		967	0.21%

Uki			Pottsville		
	2004	%		2004	%
Total Visitors	62		Total Visitors	7	
Type of Enquiry			Type of Enquiry		
Tourism	27	2.30%	Tourism	6	0.51%
National Parks	4	0.34%	National Parks	0	0.00%
Street Directions	13	1.11%	Street Directions	0	0.00%
Bus Timetables	0	0.00%	Bus Timetables	0	0.00%
Other	4	0.34%	Other	1	0.09%
Retail	0	0.00%	Retail	0	0.00%
TOTAL	48		TOTAL	7	

Highlights

- Noticeable decrease to visitor numbers for both Tweed Heads and Murwillumbah in comparison to the same period last year.
- Uki figures inaccurate for total month due to inconsistencies in staffing on various days.
- Welcome to Pottsville, albeit a slow start.
- There was an increase in Shopping Mall enquiries compared to December 2003.

	2004/05	2003/04	Variance	2004/05	2003/04	Variance	2004/05	2003/04	Variance
	WHRC			Tweed Heads			Uki		
Sept Qtr	8362	8164	2.43%	7003	6471	8.22%	212	0	#DIV/0!
Dec Qtr	6753	7457	-9.44%	5446	5721	-4.81%	262	0	#DIV/0!
Mar Qtr	0	0	#DIV/0!	0	0	#DIV/0!	0	0	#DIV/0!
Jun Qtr	0	0	#DIV/0!	0	0	#DIV/0!	0	0	#DIV/0!
Total	15115	15621	-3.24%	12449	12192	2.11%	474	0	#DIV/0!

Year to Date

Highlights

- Decrease in visitors numbers to both centres for the December quarter, significant decrease to Murwillumbah of 9.44%.
- Domestic market is still the strongest market for visitors to the centres, predominantly local visitors, NSW and Queensland.
- Murwillumbah has strong visitation from European and UK markets.

b.) Retail Sales

Murwillumbah	Dec 2004	Dec 03	Tweed Heads	Dec 04
Number of Sales	427	566	Number of Sales	92
Average \$ per Sale	\$12.57	\$8.66	Average \$ per Sale	\$5.20
Average \$ per Visitor	\$ 2.56	\$1.99	Average \$ per Visitor	\$0.30

Highlights

- Murwillumbah retail sales totalled \$5,366 and \$1,159 above sales for November.
- Wholesale sales totalled \$708.00
- Total retail sales for Tweed VIC was \$479.00
- Total sales for the month \$5,553 against budget of \$9,635.

c.) Reservations

- Commissions revenue significantly under budget this month – actual - \$3,134, budget - \$4,518.
- Reservations appear to be slowing down for December, mainly due to lack of availability of accommodation in coastal destinations, apartment style during the peak season.
- Majority of commissions earned for accommodation booked for this peak season were attributed in earlier months when deposits were collected at point of reservation.

	No. Bookings	No. Nights	Total Value	Av. Stay (Nights)	Av. Value Per Bkg	Avg value per night
July	10	23	\$1,885	2.30	\$189	\$82
August	9	18	\$1,812	2.00	\$201	\$101
September	21	42	\$5,814	2	\$277	\$138
October	9	21	\$2,036	2.3	\$226	\$97
November	4	9	\$1,056	2.25	\$264	\$117
December	4	13	\$1,854	3.25	\$464	\$143
Totals	57	126	\$14,457	2.21	\$254	\$115

d.) Reservations System

- Continued trend – limited availability of on-line properties
- Reservations slowed through the on-line reservation system.
- Several operators such as South Tweed Motor Inn, Bella Mare and Greenmount Beach Resort have changed availability status to closed or on request due to inexperience of managing live sites or fear of overbooking during in peak season.
- Currently in the process of updating rates for 2005 – 2006 with a view to encouraging more members to participate with available inventory.

e.) Group Bookings

- Events/Conferences/Meetings planned for 2004/5/6 which we are working towards securing business from:
 - Society Of Medical & Biological Engineers at Twin Towns in April.
 - Transforming Education Conference, January 2006 at Twin Towns – with accommodation and retail and tour opportunities.

Group/Event Booking	Dates:	No Pax	Room Nights Bked	Total \$ Value To Date	Comment:
Phantom Masters Softball	14th-16th January 2005	34	26	\$1,775.00	Piggabeen
8RAR Vietnam Veterans Reunion	24 - 27 February 2005	2	3	\$465.00	Twin Towns
Society Medical & Biological Engineers (SMBE 2005)	3rd - 6th April 2005				Held at Twin Towns Services Club
Netball Carnival	9th-10th April 2005	26	9	\$632.00	
Wintersun 2005	4th - 14th June 2005	35	97	\$9,220.00	
Veterans Week Of Golf Tweed Coolangatta Golf Course	8 - 12 August 2005				
1st Field Squadron Reunion	26th - 28th Aug 2005				Being held Club Banora - 600 attendees
Delta Co. 4RAR Reunion	18th-24th Sept 2005				
Transforming Education	Jan-06				350 - 400 pax Twin Towns

Group/Conference Bookings	Dates	Property	Room Nights Bked	Total \$ Value Accom	Comments
Caloundra Netball	9th April 2005	M'bah Motor Inn	19	\$1,920.00	Numbers TBC - \$32.00pp
Total To Date:			135	\$12,092.00	

f.) Family/Events- October

- No family visits scheduled December/January during the peak holiday season.
- Successful Staff & Volunteers Christmas Dinner held at 4 Seasons Restaurant at Twin Towns, attended by 25 volunteers, 2 directors and 11 staff.

Marketing

a. Results of Marketing Campaign

The call to action in the campaign was directed to the 1800 number and the website www.tweedcoolangatta.com.au

Visits to the website have been steadily increasing during the campaign time with increases between 26% (June) to 123% (August) in 2004 compared to the same month in 2003.

	2003	2004	%
July	3897	4916	+26%
August	3243	7237	+123%
September	4171	8021	+92%
October	5400	8604	+59%
November	5036	8544	+69%
December	4620	9060	+96%

Enquiries and bookings through the 1800 number are difficult to track as comparable figures are unavailable for a sufficient period of time to make comparisons. However commissions (10%) from bookings have increased as per below:

Month	Commission	Booking Value	
July-November 2002	\$ 6,749.00	\$ 67,490.00	
July-November 2003	\$12,430.00	\$124,300.00	+ 84%
July-November 2004	\$19,385.00	\$193,850.00	+ 56%

Advertisements appeared in the following range of print media:

- Head for the Coast (SEQ Holiday Feature various APN papers)
- Coast with the Most (SEQ Holiday Feature various News Ltd papers)
- Melbourne Age
- Toowoomba Chronicle
- Sunday Mail
- NSW & VIC Retirees Biannual
- NRMA 'Open Road'
- RACQ 'Road Ahead'
- Holiday with Kids Magazine
- Gold Coast Bulletin Holiday Features

- Coffs Harbour Advocate
- Brisbane News Magazine
- Northern Rivers Accommodation Guide Magazine
- Northern Star Holiday Feature
- UBD Northern Rivers Map

b. Product Brochure

- The brochure is at the printers after some delays with advertisers copy.
- Revenue Budget of \$10,000 has been achieved with actual revenue being \$11,385.00.

c. Public Relations

Media Coverage – December

- 21, 22 Dec - Daily News, WHRC and Gold Star Volunteers articles. (Two releases sent) - EVP: to come.

EVP total to date remains at: \$ 780,677.00

Still to come

- 'Tourism Byron Bay to Noosa' magazine (now published)
- Voyeur Magazine, February 2005 confirmed. Further information and images have now been provided.
- 'Good Taste Magazine' to be advised.

General

- Media visits expected to recommence mid February/March. Negotiations proceeding with Adelaide Advertiser, Aust. Seniors Traveller, Newcastle Herald, Aust. Retirees, New Zealand dailies (via Freedom Air's PR consultants).

Freedom Air Launch

- Liaising shortly for assistance with media trips from NZ.

Screen Works

An initial meeting with Manager Kate Ingham and consultant Adam Black to discuss their proposal for a joint production for on-air segments with Better Homes & Gardens (and if successful to other Lifestyle, Food, Travel television programmes.) This will involve in-kind assistance from both NRT and Tweed Tourism and could create opportunities for training, experience and paid employment for film and TV professionals and for developing talent in the region. More information will be available mid to late January.

Food Writers Festival

The first draft of the marketing budget has been done based on a budget of \$ 15,000. Sponsorship of \$5,000 obtained from Salt, prospectus and meetings organised with Twin Towns, Gold Coast Airport and Casuarina.

Other

- Working with Outrigger on media related activity following soft opening on 4 January.
- Negotiations will resume with Channel 10's Great Outdoors on return from their recess later this month.

Membership

a.) Current Financial Members

	December	December 2003
Service	33	35
TACTIC	121	133
Reciprocal	3	4
Corporate	6	6
Corporate Affiliates	10	9
TOTAL	173	187

b.) New members to be ratified

Service 1

- Luffley Café, Murwillumbah

TACTIC 6

- Blue C Apartments, Coolangatta
- Calurla Chalets & Tea Gardens, Lillian Rock
- Numinbah Valley Adventure Trails, Numinbah Valley
- Reflections on the River, Murwillumbah
- Three Figs, Cawongla
- Wombat Scenic Tours, Gold Coast

Corporate 0

c.) Total Financial Members end January 2004

180 including affiliates.

Terry Watson
20th January 2005

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Financial Results - October 2004
 2. Financial Results - January 2005
 3. Tweed & Coolangatta Tourism Incorporated (TACTIC) Board Attendance.
-

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

13 [EO] WADAMP Grant Offers for Boating Facility Upgrades

ORIGIN:

Water

SUMMARY OF REPORT:

The NSW Maritime Authority, through its Waterways Asset Development and Management Program (WADAMP), has offered Council two grants on a dollar for dollar basis. One is for the upgrade of Lakes Drive Boat Ramp and installation of a floating jetty. The second is for the installation of floating pontoons on the public jetties at Ray Pascoe Park and Pioneer Park. The combined grant offer for these two projects is \$100,350.

RECOMMENDATION:

That:-

1. Council accepts the Waterways Asset Development and Management Program (WADAMP) grant offers from the NSW Maritime Authority for installation of two pontoons on public jetties in Terranora Creek and upgrade of Lakes Drive Boat Ramp and floating jetty and
2. All documentation be executed under the Common Seal of Council.
3. Council matches the grant on a Dollar for Dollar basis and votes the expenditure of \$58,425 for the Lakes Drive Boat Ramp and \$41,925 for public jetties at Ray Pascoe Park and Pioneer Park.

REPORT:

The NSW Maritime Authority, through its Waterways Asset Development and Management Program (WADAMP), has offered Council two grants on a dollar for dollar basis.

One is for the upgrade of Lakes Drive Boat Ramp and installation of a floating jetty. The second is for the installation of floating pontoons on the public jetties at Ray Pascoe Park and Pioneer Park.

Lakes Drive Boat Ramp requires an upgrade of the existing boat ramp. The old timber jetty that was removed several years ago due to its unsafe condition will be replaced with a floating jetty adjacent to the boat ramp. The estimated cost is \$116,850 and a grant offer has been made of \$58,425 as a 50% contribution to the works. The matching funds will be allocated from the Boat Ramps Construction and Waterways Asset Management budgets.

The public jetties at Ray Pascoe Park and Pioneer Park along Kennedy Drive have fixed lower stages. These have been found to be unsafe due to timber rot and Toredoworm infestations. Replacement of the fixed lower stages with floating pontoons will enable the jetties to be used across the full range of tides and ensure boats of all sizes will be able to access the jetty for loading and unloading passengers. Installation of the pontoons made from high quality marine-grade materials will reduce ongoing maintenance costs.

The estimated cost is \$83,850 and a grant offer has been made of \$41,925 as a 50% contribution to the works. The matching funds will be allocated from the Waterways Asset Management budget.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The matching Council funds (\$ for \$) for the WADAMP grant offers will come from Waterways Asset Management and Boat Ramps Construction budget allocations.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

14 [EO] Environmental Trust Grant Offer - Byrrill Creek Riparian Rehabilitation Project

ORIGIN:

Water

SUMMARY OF REPORT:

Tweed Shire Council has been awarded a grant of \$100,000 by the NSW Environmental Trust to undertake riparian rehabilitation works in the Byrrill Creek sub-catchment of the Tweed River. This project is proposed to be undertaken in conjunction with the Northern Rivers Catchment Management Authority and local land owners. The project will involve works to remove weeds and protect water quality in this ecologically significant part of the Tweed Valley.

RECOMMENDATION:

That Council accepts the grant of \$100,000 being offered by the NSW Environmental Trust for riparian rehabilitation in the Byrrill Creek sub-catchment and votes the expenditure.

REPORT:

The NSW Environmental Trust provides funding for local governments and community organisations to undertake environmental restoration and rehabilitation works on ecologically significant land throughout NSW. In August 2004 Council submitted an application to the trust for \$100,000 funding to undertake ecological restoration works in the Byrrell Creek sub-catchment of the Tweed River. This application has been successful.

Byrrell Creek was chosen as the subject of this grant application for several reasons, foremost being the relatively large number of High Conservation Value riparian forest areas that are found within it. Byrrell Creek also contributes water to the Tweed potable supply, and is designated as a priority sub-catchment for protection and restoration under the Northern Rivers Catchment Management Blueprint.

There are a number of weed species which have infested the stream banks and slopes of the Byrrell Creek catchment which seriously threaten the quality of native vegetation within this area and downstream areas of the Tweed Valley. As well as systematically controlling these weeds, this project will seek to enhance the connectivity of wild life corridors and address any problems which may lead to a reduction in water quality.

A key strength of the application made to the Environment Trust was the demonstration of technical and financial support for the project from the Northern Rivers Catchment Management Authority, Tweed Land Care, the Tweed River Committee and Council.

While it is recognised that at some time in the future there may be a proposal to construct a dam in this catchment, this does not reduce the need to manage this significant natural area, and the downstream environments influenced by it, in the intervening period.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Over the three year duration of funding from the Environment Trust, Council will commit the following supplementary funds to this project: -

Tweed River Committee	\$35, 000
Water Unit	\$70, 000

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

15 [EO] Water Supply and Sewerage Performance Report

ORIGIN:

Water

SUMMARY OF REPORT:

Tweed Shire Council reports annually at a state level on its water supply and sewerage performance. Comparison reports against specific criteria are subsequently issued.

These reports have again been consolidated into a single Water Supply and Sewerage Performance Monitoring Report 2002/2003 for Tweed Shire Council.

RECOMMENDATION:

That Council:-

1. Notes the Water Supply and Sewerage Performance Report for 2002/2003.
2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.

REPORT:

As Council would be aware, Tweed Shire Council reports on a wide range of operating criteria on an annual basis to the Minister for Energy and Utilities. In response to the data provided Council receives performance comparison reports against all NSW operators.

For the benefit of reporting to Council and the community these reports have again been consolidated in the Water Supply & Sewerage Performance Monitoring Report 2002/2003. A copy of the report has been provided separately to Councillors. This report recommends that copies of the report be made available at both Civic Centres. A full report of the 2002/2003 NSW Water Supply and Sewerage Performance Comparisons report is available from the Director Engineering and Operations.

The table below details Council's performance against the average from NSW Non Major Utilities:-

Tweed's Performance Comparison with NSW Non Major Utilities

CRITERIA	TWEED	AVERAGE
Average Residential Consumption (kL/property)	213	261
Unaccounted for Water (%)	13	13
Water - Economic Real Rate of Return (%)	2.8	2
Water Quality Complaints (per 1,000 properties)	2	5
Water Customer Interruption Frequency (per 1,000 properties)	60	39
Water Average Customer Outage Time/Property (minutes)	7	6
Water – Number of Breaks (per 100km main)	4	14
Water Operating Costs (\$/property)	210	264
Sewer Economic Real Rate of Return (%)	5.1	2.5
Sewage Overflows (per 100km main)	7	13
Sewer Operating Cost (\$/property)	252	291
Business Performance – Water - Debt to Equity	0	0.04
Business Performance – Sewer - Debt to Equity	0.05	0.09
Average Water Bill for Residential Customers (\$/property)	239	353
Average Wastewater Bill for Residential customers (\$/property)	410	397

There are 69 non-major utilities. On any assessment Tweed Shire Council continues to perform strongly.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Water Supply & Sewerage Performance Monitoring Report 2002/2003.
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16 [EO] Murwillumbah Traffic Study

ORIGIN:

Works

SUMMARY OF REPORT:

Council at its meeting on 15 December 2004 resolved the following:-

- "1. Before Council makes a final decision about the revised Masterplan for the Barnby Street subdivision it conducts a traffic modelling study to review network options for mitigating impact on the existing and proposed Barnby Street precinct, including but not limited to a northern ring road.*
- 2. The model incorporate current traffic flows which result from these options."*

Accordingly Veitch Lister Consulting (VLC) have been requested to provide a quotation to undertake the Study. It is considered that as VLC have already set up a traffic model for the Shire they will provide the most competitive price. VLC have quoted \$26,000.00 but have advised that they consider the price can be reduced by deleting some of the options being modelled.

RECOMMENDATION:

That:-

1. A maximum of \$26,000.00 be transferred from S94 Plan NO. 4 to cover the cost of the Murwillumbah Traffic Study.
2. Veitch Lister Consulting Pty Ltd (VLC) be engaged to undertake the Murwillumbah Traffic Study for a maximum of \$26,000.00.
3. Council votes the expenditure.

REPORT:

Council at its meeting on 15 December 2004 resolved the following:-

- "1. *Before Council makes a final decision about the revised Masterplan for the Barnby Street subdivision it conducts a traffic modelling study to review network options for mitigating impact on the existing and proposed Barnby Street precinct, including but not limited to a northern ring road.*
2. *The model incorporate current traffic flows which result from these options."*

Accordingly Veitch Lister Consulting (VLC) have been requested to provide a quotation to undertake the Study. It is considered that as VLC have already set up a traffic model for the Shire they will provide the most competitive price. VLC have quoted \$26,000.00 but have advised that they consider the price can be reduced by deleting some of the options being modelled.

Veitch Lister Consulting Pty Ltd have recently completed the review of the Lower Tweed Transportation Study and already have a traffic model set up for tweed Shire. After discussions with the Murwillumbah Residents Group 16 various options were developed and incorporated into Council's brief (EQ2005-038) copy attached, for the project.

VLC have quoted a maximum of \$26,000.00 (copy attached) for the work and have suggested that the price can be reduced by eliminating some of the 16 options, some of which are similar.

It is proposed to have a meeting between Council staff, community representatives and Veitch Lister staff to review the options with a view to eliminating up to 7 options reducing the cost by \$7,500.00.

It is recommended that VLC be engaged to undertake the Murwillumbah Traffic Study based on their quotation submission and satisfactory past performance.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

1. EQ2005-038 (DW 1155135)
 2. Veitch Lister proposal for EQ2005-038 (DW 1164225)
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17 [EO] Dedication of Land as Road - Lot 1 in DP1060215 - Extension of Eastlakes Drive, Tweed Heads South

ORIGIN:

Design

FILE NO: R1801 Pt 1

SUMMARY OF REPORT:

At its meeting of 19 February 2003 Council approved the compulsory acquisition of a parcel of land having an area of 1020m² at Tweed Heads South for the extension of Eastlakes Drive so that it connected to Shallow Bay Drive.

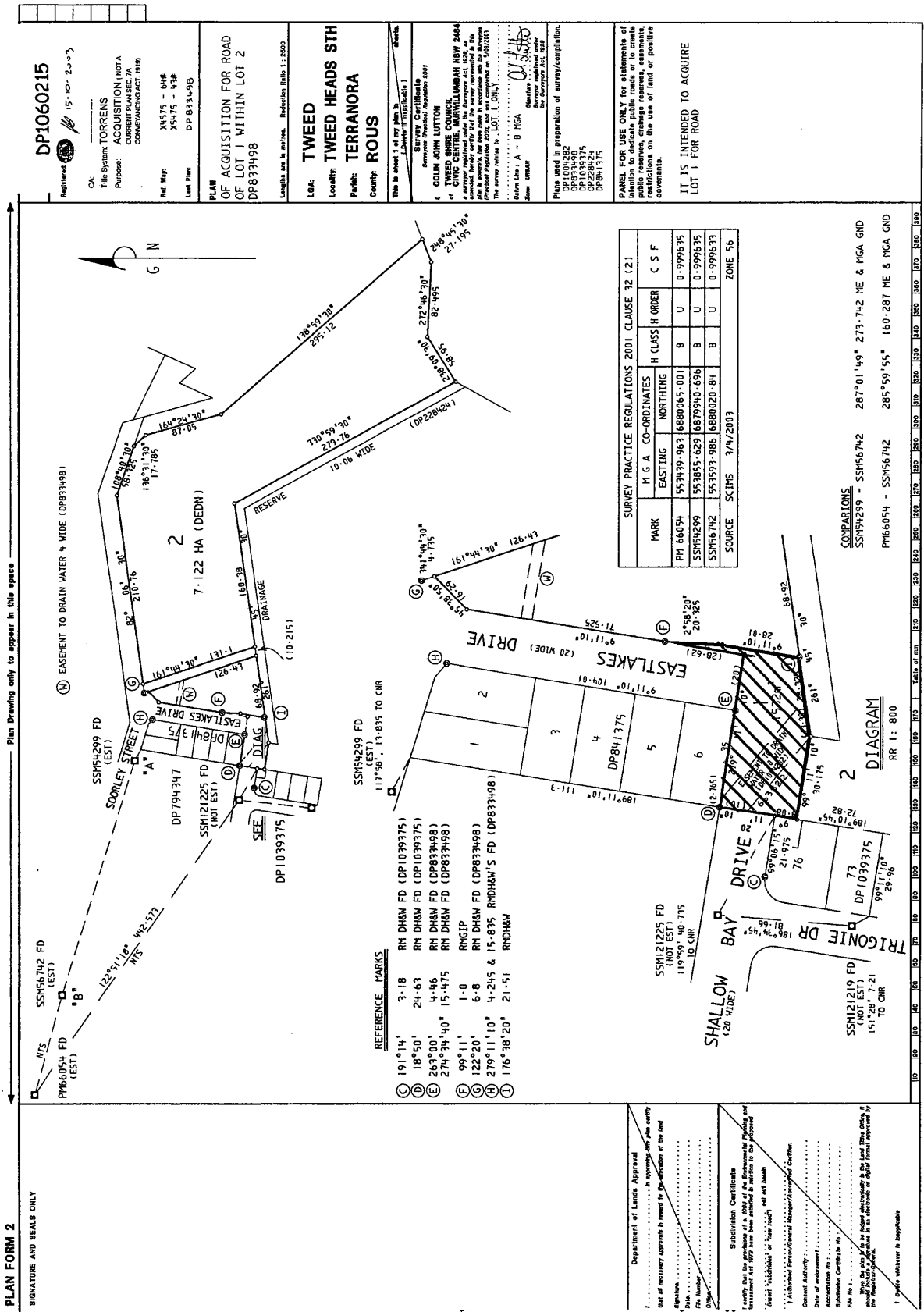
The acquisition has been completed and it is now necessary to dedicate the land as road under the provisions of the Roads Act, 1993.

RECOMMENDATION:

That Council approves the dedication of Lot 1 in DP 1060215 at Tweed Heads South as road under the provisions of section 10 of the Roads Act 1993.

REPORT:

As per Summary of Report. A copy of DP 1060215 is below showing the land to be dedicated as road as hatched:



PLAN FORM 2
SIGNATURE AND SEALS ONLY

DP1060215
Registered
Title System: TORRENS
ACQUISITION (NOT A CURRENT PLAN SEC 7A CONVEYANCING ACT 1999)
Ref. Map: X4575 - 64#
X5475 - 47#
Last Plan: DP 83349B

PLAN
OF ACQUISITION FOR ROAD OF LOT 1 WITHIN LOT 2 DP83349B

Lengths are in metres. Reduction Ratio: 1:2000
LOA: TWEED
Locality: TWEED HEADS STH
Parish: TERRANORA
County: ROUS

This is sheet 1 of my plan in accordance with the provisions of the Survey Act 2001.
COLIN JOHN LUTTON
of **TWEED SHIRE COUNCIL**
CIVIC CENTRE, MURWILLUMBAH NSW 2464
do hereby certify that the survey represented in this plan was carried out in accordance with the provisions of the Survey Act 2001, and was completed on 14/07/2004.
The survey relates to: **LOT 1, ONLY**
Station: A - B MGA
Datum: 1984
Scale: 1:2000
Plan used in preparation of survey/compilation:
DP83349B
DP1039375
DP83349B
DP83349B

PANEL FOR USE ONLY FOR STATEMENTS OF INTENTION TO DEDICATE PUBLIC ROADS OR TO CREATE EASEMENTS, CHARGE RESERVES, ASSIGNMENTS, PARTICIPATIONS OR TO SET OUT FURTHER COVENANTS.
IT IS INTENDED TO ACQUIRE LOT 1 FOR ROAD

MARK	M G A CO-ORDINATES		H CLASS	H ORDER	C S F
	EASTING	NORTHING			
PM 66054	553439.963	6680065.001	B	U	0-999635
SSM54299	553855.629	6879940.696	B	U	0-999635
SSM56742	553997.986	6880020.84	B	U	0-999633
SOURCE SCIMS 3/4/2003					ZONE 56

COMPARISONS
SSM54299 - SSM56742 287°01'49" 273.742 ME & MGA GND
PM66054 - SSM56742 285°59'55" 160.287 ME & MGA GND

WARNING - CREATING OR FOLDING WILL LEAD TO REJECTION

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

18 [EO] SALT Central Park Plan of Management

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

At its meeting held 15 December 2004, Council resolved to place the Draft SALT South Kingscliff Central Park Plan of Management on exhibition under the provisions of Section 36 of the Local Government Act, 1993.

The submission period closed 25 February 2005, at which time nine (9) submissions were received.

RECOMMENDATION:

That the SALT South Kingscliff Central Park Plan of Management (March 2005) be adopted.

REPORT:

At it's meeting held 15 December 2004, Council resolved to place the Draft SALT, South Kingscliff, Central Park Plan of Management (the plan) on exhibition under the provisions of Section 36 of the Local Government Act, 1993.

The provisions allow for an exhibition period of 28 days allowing 42 days for submission of comments. Additionally, a public meeting was held at Kingscliff Community Hall on 16 February, 2005.

At the close of the submission period on 28 February 2005 nine (9) submissions were received. The issues raised are summarised in the table below:-

Summary of Comments Received Regarding The Draft Salt Central Park Plan of Management

N*	Issue	Comments
7	Markets: Concerns expressed that the plan allows for markets. The major concern is the effect another market would have on the existing market calendar and existing market operators	<p>The plan is an enabling document. It merely states the type of activities and improvements that are allowable within the park. Any proposed market for this site would require Council approval in accordance with Council's markets policy.</p> <p>It should be noted that the same applies for all other appropriately zoned public land. That is, were markets prohibited, this would be the only area in the Shire with such restrictions.</p>
2	Parking: Concerns expressed at various parking options raised for the major events	Each major event will require a separate Development Application in which parking and access will be considered. Not an issue for this POM.
3	Arts Trust: The Ray Group presentations on the proposed format of the main events referred to an offer of "up to \$25,000 per event" to an Arts Trust as payment for use of the park.	The fees for the events are not specified in the plan of management. The plan notes that fees will be determined annually as part of the Management Plan process.

	<p>There is concern at the potential that this may result in a financial benefit to the resorts but limited funds being contributed to the Trust whilst it will be the local community that is inconvenienced.</p> <p>Also comment that some of the funds should be used in coastal revegetation programs.</p>	
1	<p>Access: Note that restricted access to the beach and park should be limited as much as possible.</p>	<p>Comment to be forwarded for consideration when assessing Development Application for major events</p>
1	<p>Concern that the park will not be administered by Council, but by the Ray Group</p>	<p>Council will administer the park. The Ray Group is at no time referred to in the draft management plan</p>
1	<p>Fireworks displays: Suggestion the document notes requirement for relevant NSW Workcover permits</p>	<p>Plan amended to include reference to requirement for Workcover permit</p>
1	<p>Mobile food vans: The table of permitted uses in the draft plan states "Mobile food and beverage vendors subject to licence approval (only permitted from a distance of no less than 250 metres from the nearest food/drink retailing establishment operating on the same day)".</p> <p>Council's Environment and Community Services note that this reference is only relevant to the selling of food at one day events. As a general use it is not consistent with the sale of food in coastal parks and reserves and that trade of food vans is restricted by a DCP.</p>	<p>Plan amended to remove this reference</p>
1	<p>Alcohol restrictions: Councils Environment and Community Services Unit suggests restrictions on the sale or possession of alcohol as with other coastal reserves.</p>	<p>Alcohol restrictions can be implemented independently of this plan</p>
1	<p>Locality map: Comment at the public meeting that the locality map on page 3 of the plan does not accurately illustrate Pass Street.</p>	<p>Plan amended: locality map replaced</p>

N Number of submissions commenting in relation to particular issue.*

Other amendments to the draft plan are in Section 2.0 Management issues and options. This section of the draft refers to the “suggested” management option and “proposed” use of the reserve. Section 2.0 has been amended to remove references to options and proposals.

As the amendments to the draft plan are not significant, it is recommended the SALT South Kingscliff Central Park Plan of Management (March 2005) be adopted by Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

1. DW Numbers 1163027; 1163029; 1161110; 1163028; 1163871; 1163869; 1163872; 1165397.
 2. SALT South Kingscliff Central Park Plan of Management (March 2005) (DW 1169841)
-

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

19 [EC] Addition to Tweed River Art Gallery

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The Tweed River Art Gallery Foundation have obtained a price from Multi Span Australia, the builder of the Gallery, to design and construct the Gallery, Storeroom and carpark that were deleted from the original project due to budget constraint.

The cost is \$1,137,905 and the Foundation have offered to provide \$850,000 and request Council to provide the balance. However, it is considered a contingency should be allowed, as a budget of between \$1,150,000 and \$1,200,000 should be adopted.

RECOMMENDATION:

That Council considers the priority and financing of \$350,000 for this project at the Management Plan Workshop on 23 March 2005.

REPORT:

The Tweed River Art Gallery Foundation has obtained from the builders of the Gallery, Multi Span, a cost to add an addition to the Gallery consisting of an additional exhibition gallery and store room. This proposed gallery and store was deleted from the original Gallery due to funding constraints. The fixed cost of the work from Multi Span on a design and construct basis is \$1,137,905. The Foundation have \$850,000 to part fund the addition and have requested that Council provide the balance to allow the project to proceed.

Legal advice is being sought as to whether the project can be completed as a variation to the original contract with Multi Span.

This Gallery and workshops will be sufficient to cater for the Gallery needs into the foreseeable future and will allow permanent display of Council portraiture and other collections.

This almost 3 for 1 dollar offer from this Foundation is considered most reasonable for a community building and as such is recommended for support.

A copy of the letter from the Gallery is as follows:



Tweed River Art Gallery Foundation Ltd

2 Mistral Road PO Box 816 Murwillumbah NSW 2484 Phone 02 6670 2790 ABN 2900 3230 073

Dr. J. Griffin
General Manager,
Tweed Shire Council,
Box 816,
MURWILLUMBAH, 2484

NEW ART GALLERY
41900+24177

TWEED SHIRE COUNCIL
FILE No. D3488.112 Pt. 7
DOCUMENT No. [] [] [] [] [] [] [] [] [] []
RECD - 16 MAR 2005
ASSIGNED TO EDWARDS, G
HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/>

7th. March 2005

Dear Dr. Griffin,

The Tweed River Art Gallery Foundation Board has unanimously resolved to offer an amount of \$850,000.00 to Council as a major contribution towards the cost of constructing the next stage of the new Tweed River Art Gallery.

The Board has received a firm quote of \$1,137,905.00 from Multispan to carry out this work.

This provides a marvelous opportunity as the cost to complete this much needed extension will certainly escalate rapidly. We understand that the price of steel alone is expected to rise steeply in the short term.

In making this offer, the Board is most anxious to assist Council to build upon the huge success of the first stage and bring to fruition the original vision.

There is an element of urgency involved as the price quoted by Multispan will, of necessity, only stand for a limited time.

The Board trusts that Council is in a position to accept this offer and expeditiously finalise the contract.

Yours faithfully,
Tweed River Art Gallery Foundation Ltd.

Penny Sochacki
Secretary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

20 [EC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that: -

"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:

That Council provides:

1. Wollumbin Ozone Production with use of the Murwillumbah Auditorium for the purpose of rehearsals at the cost of \$10 which does not secure the facility from a full fee paying booking. Also provide the same company use of the Auditorium for its production subject to payment of 10% of the proceeds of all tickets sold.
2. The Murwillumbah Branch of the Returned Services League of Australia use of 200 chairs from the Murwillumbah Auditorium and use of the Auditorium in the event of inclement weather on Anzac Day 2005.

REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows: -

Organisation	Request	Est \$ Amount	Application Summary	Meet Guidelines?
Wollumbin Ozone Productions (All Australian Theatre Works)	The request is to have the hire fee for the Murwillumbah Auditorium waived.	\$1228.40	The Wollumbin Ozone Productions are performing 'The Wizard of Woz' with all profits to be donated to the Tweed Valley Wildlife Carers Inc.	Yes, for reduced rehearsal fee and ticket deal in lieu of full fee.
The Returned and Services League of Australia - Murwillumbah Sub-Branch	Free use of Auditorium on Anzac Day if wet weather. Use of 200 Chairs for Anzac Ceremony.	\$174.00	The Sub-Branch will be holding it's annual ANZAC Day Service and Ceremony on Sunday, 25 th April 2005.	Yes.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

POLICY IMPLICATIONS:

In considering this request, reference should be made to: -

Festivals Policy.

Donations Policy.

Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER:

1. Correspondence dated 10 February 2005 from Wollumbin Ozone Productions (All Australian Theatre Works). (DW1156510)
2. Correspondence dated 22 February 2005 from The Returned and Services League of Australia - Murwillumbah Sub-Branch (DW1161658)

21 [EC] Murwillumbah Memorial Pool Complex and Car Park Redevelopment

ORIGIN:

Environment & Health Services & Design

SUMMARY OF REPORT:

A Master Plan for the Murwillumbah Memorial Pool complex and Car Park was prepared by GHD Pty Ltd. The Master Plan was placed on public display for comment between 18 October and 12 November 2004.

The responses received were positive to redeveloping the pool complex and car park. It is considered appropriate that Council adopt the Master Plan as exhibited.

This report also investigates possible options for funding the Master Plan including current Section 94 Developer Contribution Plans. The investigation reveals that there is a shortfall of approximately \$3.2M between anticipated Section 94 Contributions and the full cost of implementing the Master Plan. It is therefore appropriate that Council consider the priority and financing of this project along with other major projects at the Management Plan Workshop on 23 March 2005.

RECOMMENDATION:

That Council:-

1. Adopts the Master Plan as exhibited for the car park and swimming pool complex.
2. Considers the priority and financing of this project at the Management Plan Workshop on 23 March 2005.

REPORT:

Introduction

The Murwillumbah Swimming Centre has provided recreational services to the region for many years, with the original pool dating back to 1938. Popularity and use of the Centre has increased over time, with the original 1938 pool being converted to the diving, learners' and toddlers' pools in 1961. The existing 50 metre pool was constructed in the same year and the teaching pool being installed in 1985.

A technical audit of the Centre was undertaken in November 2001 and a report on existing conditions and possible developments was prepared. That report identified a number of maintenance and operational issues, which needed to be addressed. As well, the report identified a number of possible improvements to the existing centre.

More recently a parking shortfall has been identified in the Murwillumbah Shopping Precinct. That shortfall could be addressed by constructing a three level car park adjacent to the swimming complex. The need for a car park building was seen as an opportunity to integrate the site and provide some of the updated facilities required by the swimming centre. A Master Planning process was initiated so that an overall vision for the site could be developed.

The Master Plan and concept design of the Murwillumbah Memorial Pool Complex and Car Park redevelopment as prepared by GHD Pty Ltd was presented to a Councillor Workshop on 22 September 2004. The workshop consensus was to continue with the project, consulting with the public to obtain community comment.

Results of Community Consultation

The Master Plan and concepts were publicly advertised in the Tweed Link on 12 October 2004, with displays at Council's Murwillumbah and Tweed Civic Centres, Murwillumbah Library and the Murwillumbah Memorial Pool Complex. The display was also posted on Council's web page. The Master Plan and concept design was on display between 18 October and 12 November 2004 and included a take away information sheet, feed back form and details for providing comment. In addition, the pool Stakeholder Group that was consulted during the concept design, was invited to a presentation similar to the Councillor workshop on 21 October 2004.

The community responses received are as follows: -

- Feedback forms received at the Murwillumbah Library = 2
- Feedback forms received at the Murwillumbah Civic Centre = 7
- Feedback forms received at the Tweed Heads Civic Centre = 3
- Feedback forms received via Council's records = 6
- Letters received via Council's records = 3
- A petition received from the Murwillumbah = 1

Swimming club with 50 signatures

The response to the Master Plan and concept design was positive to redeveloping the pool complex and car park and also to relocating the library. Many responses congratulated Council on the project and expressed how impressed they were with the concept. Comments and suggestions tended to relate to detailed design that has not yet commenced.

FUNDING

If the Master Plan is adopted, the following works will be undertaken:-

1. Repair and upgrade the Murwillumbah swimming pool (\$4,044,000).
 2. Construct a multi-level car park over the existing car park adjacent to the Murwillumbah swimming pool (\$3,569,000* including \$1,403,000 for library)
- * The Stage encompassing the CWA Hall as listed in the GHD report has been omitted from these calculations, as a response from the Association has, to date, not been received. This work could be added as an additional stage to be completed at a later date, if additional parking space is required.

At this stage the funding arrangements for the above have not been finalised, however it is anticipated that Section 94 (S94) funds will be used to fund most of the works. Funding for each major component is discussed in the following sections:-

Murwillumbah Swimming Pool

The proposed upgrade will maintain the pool complex as a regional facility. The works that are attributed to population growth can be funded by an increase in Section 94 contributions.

Currently under Contribution Plan (CP) No. 26 - Shire Wide/Regional Open Space there is an allocation of \$1.5M for the upgrade of the Murwillumbah swimming pool. However this plan came into effect in 2002 and it is estimated that building costs have risen 50%. Therefore the new cost for the upgrade of the Murwillumbah pool to be funded under the current S94 Plan, is \$2,250,000 and it is recommended that the Plan be amended to reflect this revised amount.

Assuming the S94 Plan is modified as recommended there is still a shortfall of \$1,594,000** to fund all components of the Master Plan and options to raise these funds could include:-

- Increase S94 plan contributions. An increase of approximately \$600 per residential allotment would be required.
- Loan.
- Rate increase.

If the proposed upgrade were not undertaken it is estimated that \$1,000,000 in maintenance expenditure would be required over the next 5 years for works including:-

- Retiling main pool
- Replacing existing pipe work
- Repairing and replacing pumps
- Repairs to all pools
- Repairs to dressing sheds

** It should also be noted that the Murwillumbah based Mount Warning AM Rotary Club has currently listed raising \$200,000 towards the hydrotherapy pool as its major fund raising activity for 2005 and so this has been subtracted from the total. Refer also to Council resolution of 17 December 2005.

Murwillumbah Car Park Extensions

There are currently two S94 plans that are associated with the planned car park works. These are Contribution Plan (CP) CP18 - Extension to Council Offices and CP 23 - Shire Wide Car Parking. The Council Chambers and Pool Complex are not included in the contribution area for CP23.

Nevertheless, under CP18 there is a commitment by Council to provide car parking for the extra staff employed in the extensions to Council Offices and the Depot. It is projected that future extensions to the Council offices will be required to accommodate an additional 142 staff over the next 20 years. It is proposed that Council will contribute at the same rate as CP23 for 60 car spaces as part of these extensions. The contributions towards these spaces will raise approximately \$577,000 which could be put towards the cost of the car parking facility.

CP23 relates to Car Parking in the Tweed Shire and there is a component in that Plan for car parking in Murwillumbah. Currently, the plan has \$550,000 in it which has been transferred as a result of previous Civic Centre extensions. It is also proposed that these funds be directed towards the cost of the multi level car park.

It would be possible to construct the car park in two stages, being level 1 and level 2. It is estimated that Stage 1 would cost \$1,166,000 to construct and Stage 2 an additional \$1,000,000.

Therefore, approximately \$1,038,000* would have to be funded through other means (e.g. loan funds), to construct both stages.

Library

The estimated cost of the Library included in the car park structure is \$1,403,000.

The relocation of the Library into the car park structure will allow the existing Library to be used for office accommodation. Therefore the relocation of the Library can partially be funded under CP 18. As the proposed Library is 50% larger than the existing, only 2/3 of its cost can be recovered from CP 18. The remaining \$463,000 would have to be funded through other means (e.g. loans, amendments to CP 11 - Libraries, rate rise etc.)

Funding Summary

	Cost \$M	S94	Donation	Shortfall
Car Park - Stage 1	1,166	1,128		38
Car Park - Stage 2	1,000			1,000
Library	1,403	940		463
Pool & Complex	4,044	2,250	200	1,594
Total:	7,613			3,116

TIMING

To minimise disruption of the swimming season, construction of both the car park and swimming complex should not begin before March of any year. Assuming Council support for the Master Plan the earliest construction could commence would be March 2007. To achieve this target the following timetable would be required:-

Council report	March 2005
Prepare tender documents for detailed design consultancy	April 2005
Advertise for, assess and appoint design consultant	June 2005
Complete detailed design	January 2006
DA lodged	March 2006
Development Consent	July 2006
Prepare tender documents for construction	September 2006
Advertise for, assess and appoint construction contractor	January 2007
Construction commences	March 2007

If Stage 1 of the car park was constructed as a stand alone project, it is envisaged that detailed design and development consent could be obtained in approximately six months. Construction of the facility would require a further six months.

Contribution Plans

This report mentions a number of Developer Contribution Plans as partial sources of many of the components of the Master Plan.

As many of these Plans are currently in the process of being amended, proposed revisions will be reported to Council separately at a later date.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Comments by Chief Financial Officer

- The funding of the Swimming Pool will require an increase in CP26 contributions with associated advertising etc. The current balance of the plan cannot fund the \$2,250,000 listed in the report and as a result, loans will need to be borrowed in advance of the contributions.

- If adopted on 23 March 2005 Council will need to determine how these loan repayments will be paid.

Summary - Major Projects

Apart from the decisions on value for money and perceived community benefits, the financial issues relating to project priorities, CP reviews, debt service levels, the availability of loan funds, funding of loan repayments need to be addressed. This project, along with other major projects, should not proceed until Council has:-

- 1) Reviewed, combined and prioritised all Council strategic plans and the subsequent financial effect.
- 2) Developed and adopted set criteria for assessing and prioritising projects and
- 3) Adopted the Long Term Financial Plan along with its associated policy and parameters eg. Debt Service Ratio.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 22 February 2005

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Buchanan Street Depot, Murwillumbah

TIME:

5.00pm

PRESENT:

Committee Members:

Cr Warren Polglase, Cr Max Boyd, Cr Bernie Bell, Cr Steve Dale; Stewart Brawley, Merve Edwards, Glynnis Kenny, Ray Jarrett, Linda Threlfo, Dr Barry Digby, Cherie Aston, and Rod Neinhuis.

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Peter Moschogianis

CONFIRMATION OF MINUTES:

Moved: Glynnis Kenny

Seconded: Merve Edwards

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 16 November 2004 be accepted as a true and accurate record of the proceedings of that meeting.

Guest Speaker

Julia Hunt - Australian Sports Commission (Federal Government)

Active After-schools Communities Program

Active After-schools Communities is a national program, which is part of the Australian Governments \$116m Building a Healthy, Active Australia package. It provides primary school aged children access to free physical activity programs in the after-school timeslot of 3.00pm to 5.30pm. The program is designed to engage traditionally non-active

children in structured physical activities and build pathways between local community organizations and sporting clubs.

Julia is the Regional Coordinator from Iluka to Tweed. This year 15 local schools and after school care services will be given opportunities to participate in the program commencing in Term 2. Grants will be available to fund delivery of the program. Request the Committee forward contact of people whom may be interested in delivering the program. There are provisions within the grants for payment for the deliverers.

BUSINESS ARISING:

5. Item from Meeting held 16 November 2004

"Cherie Aston requested exercise trails be considered for the outer perimeters of the Arkinstall Park and South Tweed Sports Fields eg 100, 200m markers and sit up planks. These facilities cater for the downtime use of the fields.

Stewart Brawley to consider options."

Stewart to follow up for next meeting.

CORRESPONDENCE:

- 1. In - Tools for Sport Rage Prevention www.dsr.nsw.gov.au/sportrage**
- 2. Regional Sports and Recreation Facilities Plan**
S Brawley presented overview of consultant brief to prepare a Regional Recreation Facilities Plan. Submissions close 30 March 2005.
- 3. In - Sports Field Assets Reserve Trust Fund Application - Kingscliff Soccer Club**
External Safety Audit presented concerns with perimeter fence behind goal mouths and children retrieving balls across the road. Total project cost \$2800.

Moved: Glynnis Kenny
Second: Cr Bell

RECOMMENDATION:

That Council contributes \$1400.00 from the Assets Reserve Trust Fund towards upgrading perimeter fencing at the Reg Dalton Oval.

GENERAL BUSINESS:

1. Sports Field Plan of Management

S Brawley presented committee members with a report from Nuturf, which covered detailed analysis of soil & water tests undertaken on 3 sports fields. This information is utilised to produce a targeted, effective improvement program for fields. Coupled with a renovation program will assist the fields cope with increasing demands.

2. "Boot Muster" Nairobi

Stewart Brawley advised the committee of the background to the development of relationships with Nairobi communities. Advised that soccer is a very popular sport and the Murwillumbah Services Soccer Club have sent over 400 soccer shirts no longer required by the club. Mr Brawley recommends that the Committee consider having a Boot Muster to collect unused soccer boots for the Nairobi children.

General discussion. Committee supports unanimously.

Moved: Glynnis Kenny

Seconded: Cr Boyd

3. Toilets at Ned Burns Field, Cudgen Leagues Club

Merv Edwards advised that the toilets are unhygienic and building dangerous. Manager Recreation Services (S Brawley) to discuss matter with the Council Health Officers.

4. Vandalism/Break-Ins

Glynnis Kenny advised that Arkinstall Park has had five attempted break-ins in the last few weeks. S Brawley advised that Netball have been getting targeted as well. Security services are patrolling the area for the next few months.

General discussion on security devices.

5. Seabreeze Sports Fields

Cr Dale enquired about the progress of the sports facilities at Seabreeze Sports Fields.

S Brawley explained the construction of the change rooms/clubhouse has been held up due to varying interpretations of the S94 plan between Council and Metricon. It is anticipated an agreement will be reached in the near future.

6. Koala Beach Sports Fields

Cr Dale expressed concerns with the same issue of delays with Koala Beach Sports fields.

S Brawley advised that a bond has been accepted by Council to cover costs of future sporting facilities.

7. West Murwillumbah Residential Development

Cr Boyd enquired about the West Murwillumbah residential development and future sporting fields. S Brawley advised that the land is not suitable for sporting fields and that small parcels are not suitable for active open space.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 19 April 2005 at Cabarita Beach Sports Centre.

The meeting closed at 6.30pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

3. In - Sports Field Assets Reserve Trust Fund Application - Kingscliff Soccer Club

As per the Committee's recommendation.

[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

1. Minutes of the North Coast Mosquito Focus Group Meeting held Thursday 10 February 2005. (DW 1163289)
 2. Minutes of the Communications Committee Meeting held Thursday 17 February 2005. (DW 1164460)
 3. Notice and Minutes of the Contiguous Local Authorities Group Regional Mosquito Control Committee Meeting held Thursday 24 February 2005. (DW 1163290)
 4. Minutes of the Tweed Agricultural Working Group Meeting held Tuesday 1 March 2005. (DW 1168678)
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ORDERS OF THE DAY

1 [NOM] Cabarita Beach/Bogangar - Locality Plan & Sale of the Car Park at Pandanus Parade

NOTICE OF MOTION:

Councillor D M Holdom moves:

1. The DCP 50 and Locality Plan for Cabarita Beach/Bogangar to be completed as soon as possible.
 2. No further action be taken on the sale of the car park at Cabarita Beach/Bogangar and that no member of staff undertake negotiations on any sale of the land without resolution of Council.
-

2 [NOM] Alteration of the Planning Policy where Development Applications for new Shopping Centres contains either a Return Deposit System for Shopping Trolleys or a System acceptable to Council that limits Shopping Trolleys to the confines of the Centre

NOTICE OF MOTION:

Councillor J F Murray moves:

That a report be called forward that considers the altering of Planning Policy whereas Development Applications for new Shopping Centres or major renovations for existing Shopping Centres contains either a return deposit system for shopping trolleys or alternate system acceptable to Council that limits the trolleys to the confines of the Shopping Centre

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CONFIDENTIAL MATTERS

CONFIRMATION OF MINUTES

Minutes of the Confidential Council Meeting held Wednesday 2 March 2005

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REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

1 [OGM] Melbourne 2006 Commonwealth Games

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
-

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] Sale & Lease of Land at Chinderah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
-

3 [EO] EC2005-032 Manufacture, Supply, Delivery and Unloading of DICL and MSCL Large Diameter Pressure Pipe, Fittings and Valves

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

4 [EO] Parks Renaming - SALT, South Kingscliff

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer