



Tweed Shire Council

BUSINESS PAPER AGENDA

11 May 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 18 May 2005, commencing at **4.00pm**.

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 Council Meeting held 4 May 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Council Meeting held 4 May 2005 (DW 1200024)
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Minutes of the Extraordinary Council Meeting held 11 May 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Extraordinary Council Meeting held 11 May 2005 (DW 1201261)
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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.

4 August 2004

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.

16 February 2005

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: Copies of correspondence to operators being provided to Councillors. Further discussions to be held with operators prior to a further report being presented to Council.

6 APRIL 2005

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

26 [EO] Seaside City Road Network

**Cr H James
Cr D M Holdom**

RESOLVED that Council defers consideration of the Seaside City road network until it has received the Consultant's Local Environmental Study / Draft Local Environmental Plan Report.

Current Status: Awaiting report.

QUESTION TIME

Animal Management

Cr G J Lawrie

Asked if Council was intending to relocate the Off Leash area, south of Cudgen Creek.

The Director Environment and Community Services advised that this question would be taken on notice with a response to be provided in the near future.

Current Status: Matter being researched.

20 APRIL 2005

REPORTS FROM DIRECTOR PLANNING AND ENVIRONMENT

4 [PE] Development Application DA04/1300 for an Integrated Housing Development Incorporating 6 Dwellings Being Part Two (2) and Part Three (3) Storey at Lot 15 DP 21680, Lot 14 Sec 6 DP 17606, No. 17 and 19 Moss Street, Kingscliff

**Cr J F Murray
Cr G J Lawrie**

RESOLVED that this item be deferred for a further report to be submitted to Council.

4 MAY 2005

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 3 [PE] Section 96 Application DA04/0723.01 for an Amendment to Development Consent DA04/0723 for a Pylon Sign at Lot 2 DP 1045941, Minjungbal Drive, Tweed Heads South**

At the request of the applicant, this item is deferred to be considered by Council at its meeting on 1 June 2005.

Current Status: To be reported to Council 1 June 2005.

- 5 [PE] Amendment to Tweed Local Environmental Plan 2000**

1 RESOLUTION:

**Cr H James
Cr M R Boyd**

RESOLVED that this item be deferred for a further report to Council.

Current Status: To be reported to Council 1 June 2005.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Membership of Council's Community Cultural Development Advisory Committee

2 RESOLUTION:

**Cr H James
Cr D M Holdom**

RESOLVED that this item be deferred pending further clarification on the question of the proposed fee and its disbursement.

Current Status: Awaiting further report.

14 [EC] Banora Point Caravan Park

3 RESOLUTION:

**Cr M R Boyd
Cr L F Beck**

RESOLVED that:-

1. This report be received and noted.
2. The Park Owner/Operator's Application for Approval to Operate be determined under delegated authority in accordance with the Consent Orders.
3. Council staff be required to bring forward regular reports with regard to the implementation of the Consent Orders.

Current Status: Reports to be presented in accordance with Consent Orders timeframe.

QUESTION TIME

1 [QT] Kings Forest - Court Case

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked in view of the astounding decision by the Director of Public Prosecutions to drop the majority of charges against Tim Barr, will Council seek an explanation from the Director of Public Prosecutions and the Police?

The General Manager advised that he is hoping to meet with police investigator and that he will advise Council of this meeting.

2 [QT] Kings Forest - Legal Advice

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked what legal action can or should Council take with regard to the alleged forged documents and other evidence discovered in this case.

The General Manager responded that he would seek advice on this issue.

3 [QT] Palms Village - South Tweed Heads

PF2920/15 Pt3

Cr D M Holdom

Asked can the General Manager please investigate and report back to Council as to why a relocatable mobile home at "The Palms", Dry Dock Road (Site 222) has gone in next to Site 221 approximately 80cm away from this site and now a firewall is being proposed to go in between the two relocatable mobile homes, when the Local Government Act (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulations, 1995 states that there is to be a three (3) metre separation between all dwellings and a ten (10) metre separation between buildings and roads?

The General Manager advised that he will arrange for advice on this matter to be brought back to Council.

Current Status: Matter discussed in Community Access 11 May 2005 - report to be prepared.

4 [QT] Media Reports - Kings Forest

GT1/LEP/2000/20 Pt14

Cr D M Holdom

Asked that, as I am one of four new Councillors, I would like to know the following (with regard to the breaking story this week on Kings Forest - false Council documents).

What legal action (if any and if not, why not) is Council going to take, relating to the false Council documentation. I ask this question because regardless of the fact that 35 fraud charges have been dropped by the NSW Director of Public Prosecutions, the outstanding issue is who (and why) falsified Council documents and especially the "why"?

The General Manager responded that he will seek advice on this matter.

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MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Local Government

5 May – Local Government Working Party Meeting in Sydney

2. Management Plan

5 May – Public Meeting at Kingscliff on Management Plan

3. Local Government

6 May – Local Government Cultural Awards held in Sydney. Congratulations to Lesley Buckley, Council's Cultural Development Officer, who was awarded the inaugural Brendan Hartnett Award. This Award is well-deserved recognition from her peers throughout New South Wales. Tweed Shire also received the Cultural Infrastructure Award for the new Art Gallery building. These are two very prestigious Awards which recognise Tweed Shire's commitment to culture and art.

4. Fire Stations

7 May – attended Tweed Fire Station Open Day

5. TS Vampire

7 May – TS VAmPire Annual Inspection & Ceremonial Parade

6. Management Plan

10 May – Public Meeting at Murwillumbah on Management Plan

7. NRACC

12 May – NRACC Meeting at Tweed

8. Local Government Drug Information Project

13 May – Local government Drug Information Project meeting (Gail Le Bransky)

9. South Tweed Sports Club

13 May – Black Douglas Ladies Singles Presentation

10. Mt. St. Patricks College

13 May – Mt. St. Patricks Debutante Ball Murwillumbah

11. Thanksgiving Day

14 May – Ministers' Fraternal – Day of Thanksgiving Murwillumbah

12. Cudgen Surf Life Saving Club

14 May – Cudgen SLSC Presentation Night

13. NRACC

16 May – NRACC Business Planning Meeting at Ballina

14. Aged Services

16 May – Discussions on Aged Services in Tweed with GM & SCU representative

15. BEX Awards

16 May – Launch BEX Awards at Seagulls

16. Guide Dogs NSW/ACT

17 May – Open Guide Dogs NSW/ACT Information Day at South Tweed

17. Tweed Regional Art Gallery

17 May – Morning Tea to celebrate new Art Gallery

18. Business Excellence

18 May – Business Excellence Breakfast at Tweed Bowls Club

19. Tweed Hospital

18 May – Opening of Tweed Hospital Emergency Management Unit by Hon. Morris Iemma

INVITATIONS ACCEPTED:

- 19 May – Address rally at Budd Park for Public Education Day
- 23 May – Palliative Care Week – Partners in Caring Morning Tea
- 24 May – BEX Awards Gala Night (Seagulls)
- 31 May – NRCMA/NOROC Workshop Lismore

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

- Government Policy Evolution **26/27 July** National Convention Centre Canberra
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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] Development Application DA04/0754 for a 2 Lot Subdivision at Lot 193 DP 249155, No. 28 The Quarterdeck Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA04/0754 Pt1

SUMMARY OF REPORT:

Council is in receipt of a Review of Determination for DA04/0754, which sought approval to undertake a subdivision of an existing parcel to create one additional allotment. The site is an irregular splayed shape located on the corner of The Bowsprit and The Quarterdeck, Tweed Heads. The proposed new allotment is to have a site area of 450m² with the existing single dwelling house to remain adjacent to the canal with an area of 932m².

Despite the fact that this application achieved numerical compliance with the applicable criteria, the application was considered to be contrary to the low-density characteristics of the area, contrary to the existing subdivision pattern and generally inappropriate for the site given its shape, size and orientation. Subsequently Council originally refused the application on 16 September 2004 and gave eight (8) reasons for refusal.

Upon review of the applicant's arguments, the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification it is considered that the original determination for refusal is considered warranted.

Subsequently it is recommended that Council resolve to uphold the original determination for refusal.

RECOMMENDATION:

That the original determination of Development Application DA04/0754 for a 2 lot subdivision at Lot 193 DP 249155, No. 28 The Quarterdeck, Tweed Heads be upheld.

The original reasons for refusal are as follows:

- "1. The proposed development is not consistent with the 2(a) zone objectives in that the application is not considered to achieve good urban design and does **not** achieve a density or scale, which is consistent with the low-density nature of the area. The 2(a) zone objectives read as follows;*

“to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity” and

“to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the low density nature of the area and the existing character of the area;*
3. *The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*
4. *The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:*

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"
5. *The application is not considered to be consistent with the character of the low-density estate.*
6. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*
7. *The application could potentially set an unwarranted precedent.*
8. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.”*

REPORT:

Applicant: G Bismire
Owner: Mr GF Bismire
Location: Lot 193 DP 249155, No. 28 The Quarterdeck, Tweed Heads
Zoning: 2(a) Low Density Residential
Cost: \$10,000.00

BACKGROUND:

Council is in receipt of a Review of Determination for DA04/0754, which sought approval to subdivide the subject site to create one additional allotment. Council originally refused the application on 16 September 2004 and gave eight (8) reasons for refusal.

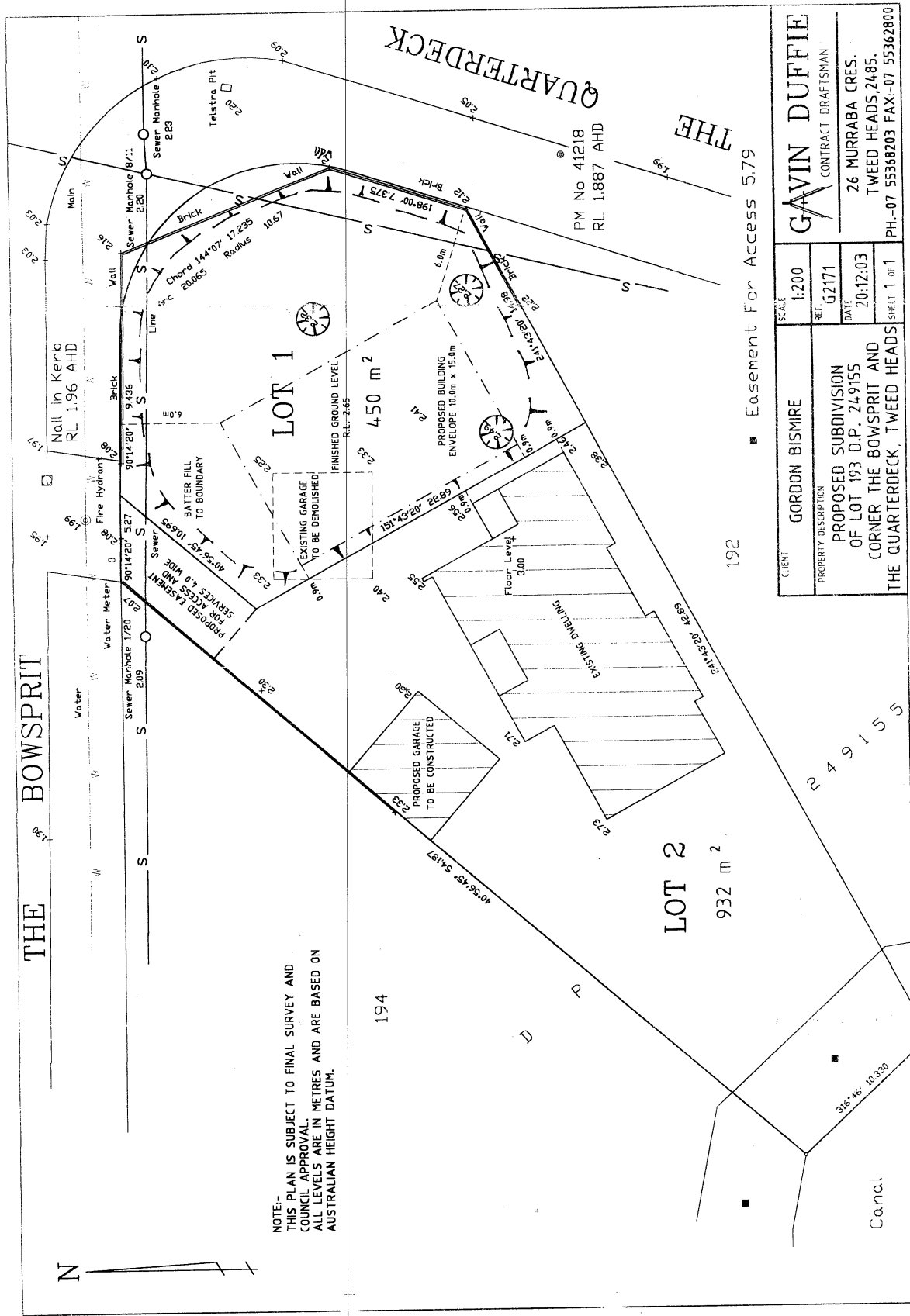
The Review of Determination was formally re-notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-notification resulted in Council receiving a total of eight submissions. Four (4) of these objected to the proposed subdivision with another four (4) letters providing support to the proposed subdivision.

Since the original determination of the application the applicant has provided arguments to dispute the reasons for refusal and substantiate why the application should be approved. These include the numerical compliance with the 2(a) zone objectives, the lack of environmental constraints of the land, the capacity of the site to support dwellings in accordance with Councils Policies, the extent of existing screening, the adequacy of the existing access, and generally the capacity of the re-subdivided blocks to be considered low density.

Despite these arguments, an assessment of the application demonstrates that approval of this subdivision would create an uncharacteristic subdivision pattern, and would not be considered good planning having regard to the cumulative impact on density, parking and general amenity.

The applicant's request for Review of Determination has been considered having regard to the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification. On consideration of all of these factors the original determination for refusal is considered warranted.

PROPOSED SUBDIVISION PLAN



NOTE:-
THIS PLAN IS SUBJECT TO FINAL SURVEY AND
COUNCIL APPROVAL.
ALL LEVELS ARE IN METRES AND ARE BASED ON
AUSTRALIAN HEIGHT DATUM.

CLIENT	GORDON BISMIRE	SCALE	1:200
PROPERTY DESCRIPTION	PROPOSED SUBDIVISION OF LOT 193 D.P. 249155 CORNER THE BOWSPRIT AND THE QUARTERDECK, TWEED HEADS	REF.	G2171
		DATE	20.12.03
		SHEET	1 OF 1

GAVIN DUFFIE
CONTRACT DRAFTSMAN
26 MURRABA CRES.
TWEED HEADS, 2485.
PH.-07 55368703 FAX.-07 55362800

SUBMISSION UNDER S82A REVIEW OF DETERMINATION

The applicant has provided comments to each of the reasons for refusal which are detailed below:

Reason For Refusal

1. *The proposed development is not consistent with the 2(a) zone objectives in that the application is not considered to achieve good urban design and does **not** achieve a density or scale, which is consistent with the low-density nature of the area. The 2(a) zone objectives read as follows;*

“to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity” and

“to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.”

Applicants Comments

- *The site has an area of 1382m². The proposed development would create 1 additional allotment with a size of 450m², therefore enabling the erection of one additional dwelling and achieving a density of 1 dwelling per 691m² of total site area.*
- *A density of one dwelling per 691m² of site area is considered to be a low density residential environment, which is in accordance with the zone objectives.*
- *Clause 51A of the Tweed LEP provides that multi-dwelling housing could be erected at a density of one dwelling per 450m² of the site area in the 2(a) zone. This provision infers that a density of one dwelling per 450m² is accepted as being consistent with the objectives of the 2(a) zone. As previously mentioned the subject development has a density of one dwelling per 691m², which is far less than the LEP allows in the zone.*
- *Based on the above information, it is submitted that the subdivision meets the primary objective of the 2(a) zone which is “to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity”.*
- *The secondary objectives of the zone are not applicable to the proposed development as they refer to a diversity of housing types (ie. not detached dwellings, as would result from the proposed development) and to non-residential development.*

Council Comments

As provided in the original report the subject application may be seen as achieving numerical compliance, however, the proposed development is not considered to achieve good urban design and does **not** achieve a density or scale, which is consistent with the low-density nature of the area.

Whilst the subject site is currently screened from view of the street by extensive vegetation and a high 1.8m fence, these screens are not permanent in nature and would not screen a two-storey building which would be considered necessary given the required street setbacks and the remaining footprint area.

Subsequently this application is not considered to be consistent with either the primary objective or the secondary objective of the subject zone. Therefore, this reason for refusal is considered appropriate and justified. No change is recommended to this reason for refusal.

Reason For Refusal

- 2. The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the low density nature of the area and the existing character of the area;*

Applicants Comments

- Clause 43 of the REP specifies that: Council shall not grant consent to development for residential purposes unless: (a) it is satisfied that the density of the dwelling has been maximised without adversely affecting the environmental features of the land. Note parts (b)-(e) of Clause 43 are not applicable to the proposal.*
- The proposed subdivision would optimise the residential density in accordance with the requirements of the Clause. The site is unconstrained by environmental features and hence Council's refusal of the application is inconsistent with Clause 43 of the REP.*
- Council's comments relating to the proposed density have been addressed in the previous section.*

Council Comments

Council's original assessment of the application provided that the proposed density (one additional allotment) is considered to be excessive having regard to the zoned low-density nature of the subdivision and the approved land use character of the area.

It is acknowledged that the proposed new lot (proposed at 450m²) technically complies with the minimum allotment size in accordance with the Tweed LEP. However, due to the existing subdivision pattern and the constrained allotment shape the proposed density is considered unsuitable.

It is considered that this reason for refusal may not be entirely applicable to this development and could be removed. However, removal of this reason for refusal would not warrant an approval to be issued.

Reason For Refusal

- The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*

Applicants Comments

- The matters for consideration under Clause 8 of SEPP 71 were addressed within the Statement of Environmental Effects. From the wording of the second sentence of this "reason for refusal" it is assumed that the comment would relate to point q) of Clause 8 regarding possible 'cumulative impacts'.*
- Cumulative impacts are highly unlikely to arise, as there is very limited scope for any similar development to occur in the locality. The subject site lends itself to subdivision due to its' dual road frontage, the positioning of the existing dwelling and the large size of the allotment due to the change in the alignment of The Quarterdeck adjacent to this site. Few lots in the locality share these qualities. The majority of lots in the immediate area are occupied by substantial dwellings which are positioned so as to make subdivision impossible without demolishing the structure. This would be highly uneconomic and hence unlikely to occur.*

Council Comments

This subdivision application may set a dangerous precedent for other lots with similar allotment shapes and sizes to further subdivide their allotments. This would have an undesirable cumulative impact and result in an unacceptable development, which would be contrary to Council's original subdivision pattern, which specifically allowed for larger allotments on more constrained sites.

This reason for refusal is considered to be valid and still applicable to this application.

Reason For Refusal

- The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:*

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"

Applicants Comments

- The proposal generally complies with the provisions of DCP 16 in relation to the information requirements and conceptual design details for a minor infill subdivision.*

- *The overall impacts on the locality and adjacent development would be negligible, and hence the proposal is not in contravention of the aims and purposes of DCP 16.*
- *All services required by the subdivision are able to be provided to the development.*

Council Comments

The submitted plan merely details the proposed subdivision with only on site parking for the existing allotment demonstrated. Furthermore, the reduction in useable area per lot will not guarantee correct orientation of living space, leaves little landscaping opportunities and would generally necessitate a two-storey building to ensure adequate garage and living space given the shape and size of the proposed new allotment.

This is not considered appropriate due to the potential streetscape implications of such a plan. Subsequently this reason for refusal is considered valid and is not recommended for amendment or deletion.

Reasons For Refusal

5. *The application is not considered to be consistent with the character of the low-density estate.*
6. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*

Applicants Comments

The issue of density is discussed previously. With regard to character and amenity of the area the following comments are offered:

- *The proposal would result in the construction of one additional detached dwelling. One dwelling would have a negligible impact on the character of the area. A low density detached character would be maintained.*
- *The site of a potential future dwelling on the lot would comply with building setback requirements and would be set behind the existing solid brick wall approximately 1.8m in height. Hence, the future building would not dominate the streetscape and would be compatible with the character of existing development in the locality. Existing gardens and substantial landscaping would also be retained, where possible, which would provide an established landscaped screen to the future dwelling.*
- *The immediate locality contains numerous sites with large dwellings occupying a large proportion of the site, with bulky carports built to the front property boundary. As demonstrated on the application plans, the current proposal would allow for a*

dwelling to be constructed on the proposed lot in full compliance with setback requirements.

- *Following the construction of a dwelling on the proposed lot, the site coverage of the property would remain low, and consistent with the site cover achieved on other lots in the locality.*
- *The subdivision would have no detrimental effects on the road network. Road widths are appropriate for the subdivision and on street parking would remain available.*
- *The proposal would maintain the existing single gated driveway to the site. This driveway would serve the existing dwelling any future dwelling on the proposed lot. Accordingly the proposal would present from the street as a single dwelling allotment.*

Council Comments

The existing subdivision pattern currently balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield. Further subdivision of the approved allotments would disrupt this balance and set a dangerous precedent for other allotments in the area. Residents and surrounding property owners should be assured that the existing balance will be maintained, with only applications based on good planning principals being supported.

Reason For Refusal

7. *The application could potentially set an unwarranted precedent.*

Applicants Comments

- *Every development application must be considered on its merits and therefore a decision to approve an application does not create a legal precedent.*
- *The proposal is unlikely to create a precedent for the re-subdivision of existing lots as the site has particular attributes that lend itself to subdivision that other lots in the locality do not possess.*
- *The site is unusually large with an area of 1382m², which is double the size of a standard residential allotment. The site has dual frontages and the existing dwelling is positioned so that a vacant lot could be created without demolishing the dwelling. Other lots in the locality do generally not share these attributes.*

Council Comments

The merit assessment of this application warrants refusal of the application. Should approval be granted for this application it could set a precedent for other blocks in the area to follow and therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Reason For Refusal

8. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.*

Applicants Comments

- *The Statement of Environmental Effects, and the additional comments provided in this submission demonstrate that this proposal is consistent with the density and amenity of the locality and that the proposal would not set an unreasonable precedent;*
- *The land is not considered to be constrained as a vacant lot can be achieved in compliance with the provisions of the Tweed Local Environmental Plan and other relevant Council Policy requirements;*
- *The proposal would not impact on the interests of the general public, as the low density character of the area would be maintained;*
- *The proposal is consistent with urban consolidation objectives and ESD principals and will also achieve more efficient use of existing infrastructure. We submit that the public interest would be best served by approval of the application.*

Council Comments

The original application was notified to neighbouring properties between 7 July 2004 and 21 July 2004. Council received four (4) objections to the proposal from adjoining residences.

The Review of Determination was formally re-notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-notification resulted in Council receiving a total of eight submissions. Four (4) of these objected to the proposed subdivision with another four (4) letters providing support to the proposed subdivision.

The reasons for objections focussed on the potential change to the character and amenity of the existing neighbourhood, the potential undesirable precedent for other properties, the potential negative impact on the streetscape and scenic amenity of the area and the basis that no other water front block has a dual occupancy.

One of the reasons for forward planning (via a master plan or original subdivision plan) is to allow existing and future residents to make educated decisions about where they would like to live while also ensuring good planning principals are maintained. This application has not been made based on good planning principals. It is an attempt to achieve numerical compliance without considering the existing subdivision pattern.

This reason for refusal is considered valid and is not recommended for amendment or deletion.

OPTIONS:

1. Uphold the decision to refuse the application based on the eight reasons for refusal previously provided.
2. Uphold the decision to refuse the application but modify certain reasons for refusal.
3. Support the proposal and request appropriate conditions for approval be submitted to the next Council Meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with the decision for the Review of Determination the applicant may determine to lodge an appeal with the Land & Environment Court.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

As detailed originally this application may generally comply with the numerical requirements for land within the 2(a) zone, however, further intensification of this site is unreasonable when considering the proposed change in visual amenity for adjoining property owners, and the existing subdivision pattern. The wider planning principals and cumulative issues involved warrant refusal of this application.

The arguments presented by the applicant for the S82A review are not considered sufficient to warrant approval of this application.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Development Assessment Panel report of 10 September 2004 (DW 1094516)
-

2 [PE] State Significant Development Applications

ORIGIN:

Director

SUMMARY OF REPORT:

Council does not receive any fees for assessing planning applications which are determined by the Minister. Council's practice has been to provide comprehensive advices to the Department of Infrastructure, Planning and Natural Resources (DIPNR). These applications are for major development and there is a significant cost to Council in the amount of planning, engineering and environmental staff time required to provide such comprehensive reports to DIPNR. The service which Council provides for local planning applications where fees are paid to Council is lower as a consequence of experienced staff working on DIPNR applications. A Council direction on assessing future applications from DIPNR is required. The recommendation is for DIPNR to be provided with a list of key issues to be addressed by DIPNR staff in their planning reports with an offer to provide comprehensive advices on a fee for service basis if required. The pros and cons of this approach are detailed.

RECOMMENDATION:

That Council endorses the following approach for State Environmental Planning Policy Number 71 (SEPP 71) and other State Significant development applications:

-

1. Key issues will be identified for detailed assessment by Department of Infrastructure Planning and Natural Resources (DIPNR) staff;
2. Draft conditions relative to Council's specific areas of interest including Section 94 and Section 64 contributions be provided; and
3. If Department of Infrastructure Planning and Natural Resources (DIPNR) requires detailed assessment by Council staff and draft conditions on any of the key development issues or other Section 79(c) matters that these advices be provided on a 'fee for service' basis.

REPORT:

Under current planning legislation (SEPP71) all of the major subdivisions and tourist facilities along the Tweed Coast area determined by the State Government. These applications and others that are 'called in' by the Minister are referred to Council for comments and for the provision of draft conditions which may be attached to any consent the Minister issues. DIPNR works with Councils to help ensure local issues are considered in the assessment of proposals under the SEPP71 legislation.

The practice in Tweed Shire Council has been to fully assess these applications as though Council is the determining authority. Comprehensive advices have been prepared by Council's planning, engineering and environmental staff and forwarded to DIPNR. The planning staff in DIPNR have generally incorporated these advices into their reports as well as the conditions prepared by Tweed Shire Council staff. There has been major restructuring in DIPNR and many planning staff were offered redundancies. In addition there is an overall shortage of experienced planning staff. In some recent applications it is apparent that relatively inexperienced staff are assessing the DIPNR applications. The comprehensive advices and assessments provided by Tweed Shire Council are both facilitating the approval of these developments as well as ensuring the approvals issues by the Minister comply with Tweed's planning, engineering and environmental standards. It is far from certain that this would be the case if the comprehensive advices from this Council were not provided to DIPNR.

The fees for assessing State Significant applications are paid to DIPNR and there is no payment to Council for the work that is carried out by Council staff. The cost of Council's experienced planning, engineering and environmental staff in assessing DIPNR applications is significant. In the current year there have been ten (10) development applications and four (4) Section 96 applications referred to Council from DIPNR. If these applications were lodged with Council for assessment additional income of \$150,000 would have been obtained. This loss of income is likely to increase in the future.

There are two (2) options which could be pursued to address this issue: -

1. Negotiate with the State Government to have State Significant applications assessed by Tweed Shire Council staff with DIPNR retaining control and an overview of these applications.

The fees for these applications would be lodged with Council and an agreed percentage forwarded to DIPNR to cover its costs.

2. Provide the key issues which need to be assessed for a particular application to DIPNR together with specific conditions relative to Council's areas of interest including Section 94 and 64 contributions. If the Minister proceeds to approve the application. In this approach DIPNR could request comprehensive advices from Council on particular issues on a fee for service basis or use local consultants to provide the necessary information.

The advantage of Option 1 is that Council staff have extensive knowledge of local conditions and local concerns which would ensure that the development applications approved by the Minister meet community expectations and comply with Council's policies and development standards. The disadvantages is that such a change is likely to be difficult to achieve and take a long period of time to reach agreement. There is a reform agenda being undertaken by DIPNR and any changes proposed to current practices are likely to be resisted or deferred. For example, the reform agenda proposes standard LEP provisions and the reduction or removal of State Environmental Planning Policies (SEPPs). It may be difficult to achieve a change in the interim of these reforms being implemented. Another disadvantage of Option 1 is that it does not free up staff for development applications. The current level of service could be maintained. The only difference being an increase in development application fee income.

The advantage of Option 2 is that it can be implemented immediately. This approach also frees up existing development assessment staff in Council to help reduce the delays in development applications. It would enable a higher level of service to be provided to development proponents within the Tweed Shire who are paying development application fees. The disadvantage of Option 2 is that there is a much higher potential for development to be approved which does not meet Council's development and environmental standards. It is ironic that the State Government purportedly brought in the SEPP71 legislation to improve the standard of coastal development and it is considered the opposite outcome may be the result in the Tweed. Another disadvantage of this approach is that if errors and omissions occur with DIPNR planning reports it could be embarrassing for the State Government and strain relations between Council and DIPNR.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

There are resource constraints within Tweed Shire Council from increased development activity and the general shortage of experienced development assessment staff. These resource constraints are exacerbated by the current practice of providing comprehensive advices to DIPNR in relation to SEPP71 development and other State Significant development applications. This practice is also reducing the level of service Council provides to development proponents who pay development fees to Council. It is not considered unreasonable to provide these development assessment advices on a 'fee for service' basis.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

3 [OGM] Mayor & Councillors Annual Remuneration 2005-2006

ORIGIN:

Corporate Performance

FILE NO: Councillors - Fees

SUMMARY OF REPORT:

The Local Government Remuneration Tribunal has handed down its report and determination on the fees paid to Mayors and Councillors for the period 2005/2006.

RECOMMENDATION:

That Council determines:

1. The annual fee for the Mayor for the period 1 July 2005 to 30 June 2006.
2. The annual fee for Councillors for the period 1 July 2005 to 30 June 2006.

REPORT:

The determination of the Local Government Remuneration Tribunal has been received. The Tribunal has deferred any changes to the fee structure, until the results of the Department of Local Government's review of the expenses policies adopted by councils and the development of new guidelines for expenses.

Furthermore, the Tribunal has also deferred making any changes to the categories of councils for 2005/2006.

Tweed Shire Council is classified as a Category 3 Council.

The annual fees are as follows:

Councillor/Member Annual Fee

Minimum \$5,875.00

Maximum \$12,925.00

Mayor/Chairperson Additional Fee*

Minimum \$12,490.00

Maximum \$28,215.00

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/member (s249(2)).

The current fee paid to the Mayor is \$28,215.00 and to Councillors is \$12,925.00.

Council is to determine and fix the annual fee in accordance with Sections 248 and 249 of the Local Government Act for application on and from 1 July 2005.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2005/2006 Budget – Allocation for Councillor Fees and Allowances.
Local Government Act – Sections 248 and 249

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

4 [OGM] Monthly Investment Report for Period Ending 30 April 2005

ORIGIN:

Financial 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:

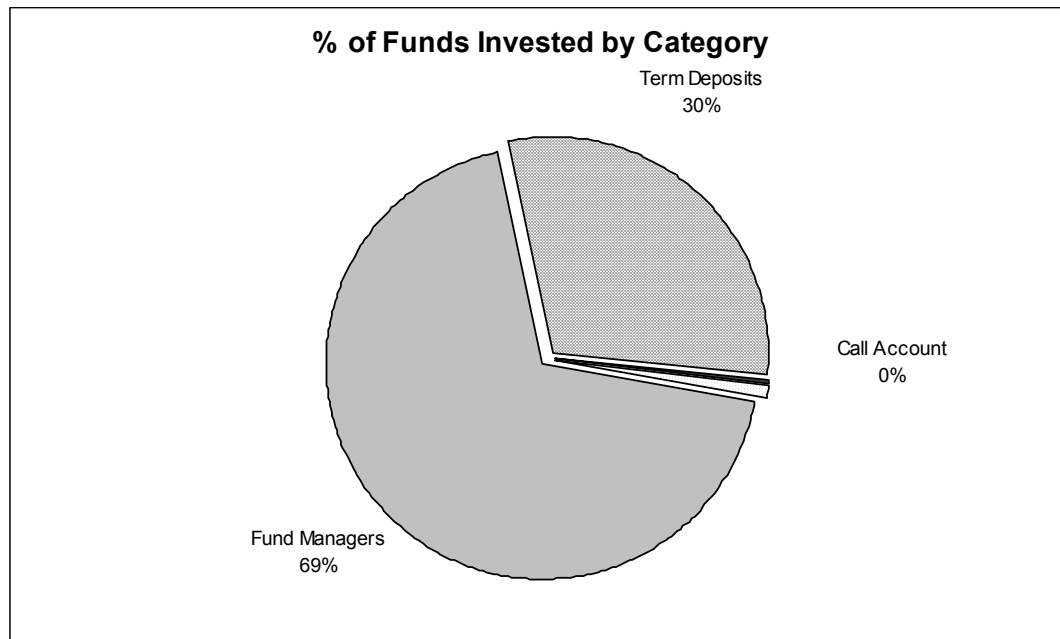
That this report be received and noted.

REPORT:

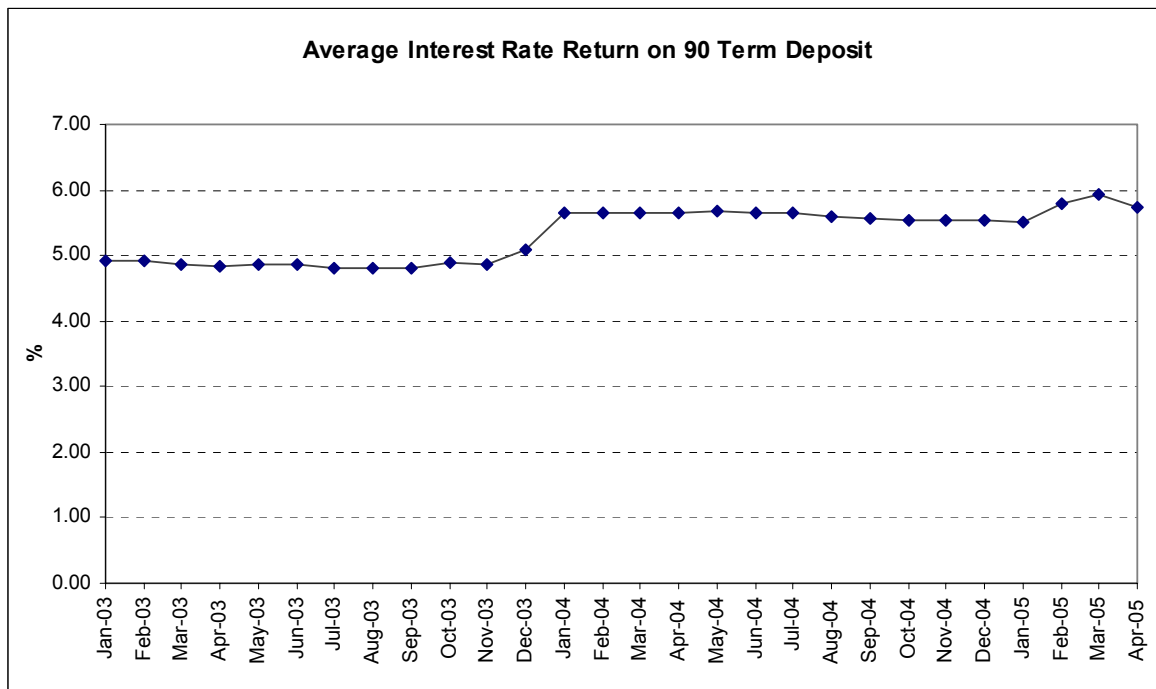
Report for Period Ending 30 April 2005

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.

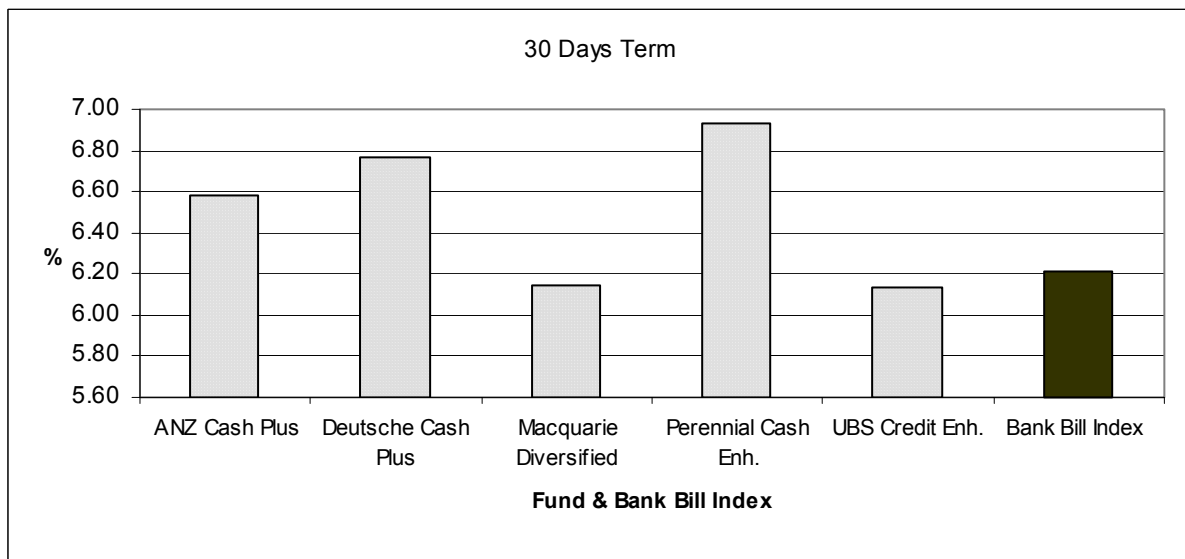
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



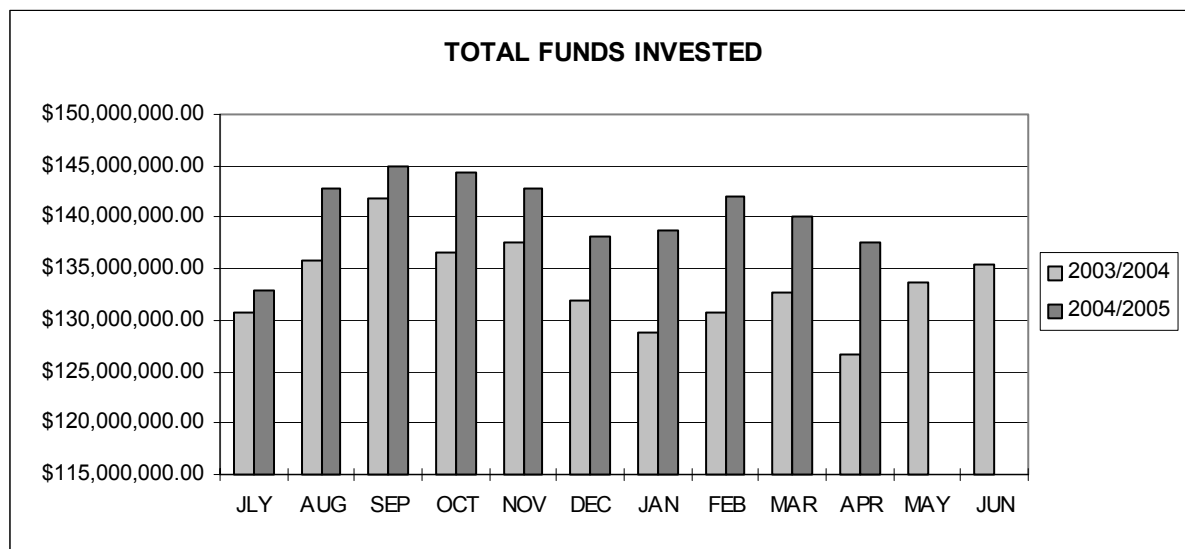
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



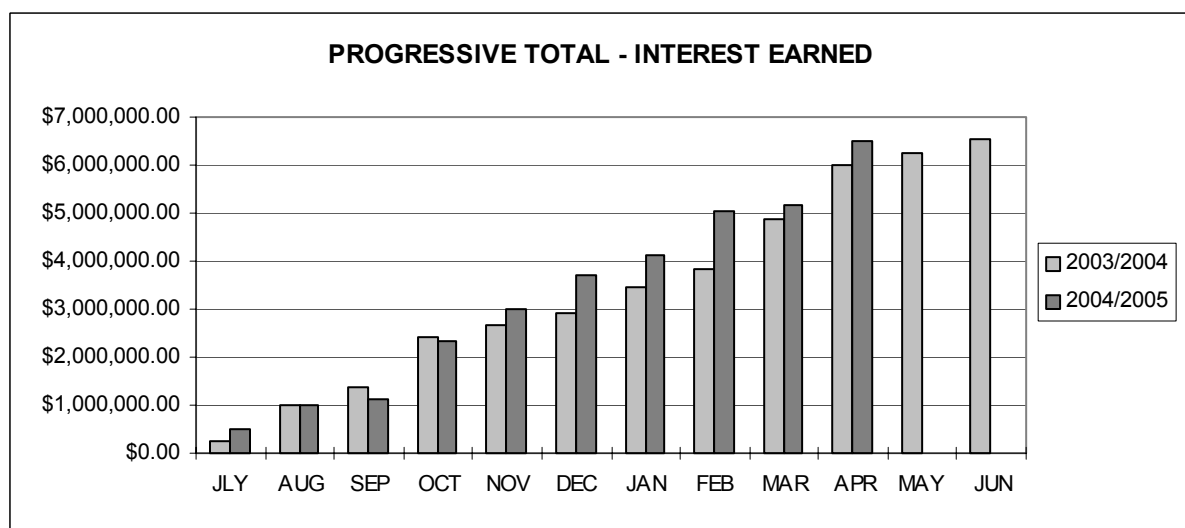
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

The Domestic Economy

Interest Rates

Official interest rates were left unchanged this month at 5.50%. The market had largely dismissed the likelihood of an increase in rates following the release of the March quarter inflation figure and weaker housing data, lending weight to the notion that the domestic economy is slowing.

Inflation

The CPI inflation rate was lower than the market had expected in the March quarter, increasing by 0.7%, following the 0.8% rise in the December quarter. The annual inflation rate moved to 2.4% from 2.6%.

The underlying inflation rate (which excludes volatile items such as food and petrol) was up 0.5% in the quarter to give an annual rate of 2.2%. This result surprised the market given the emphasis the RBA has placed on inflation prospects in recent communiqués. The inflation figure is currently resting at the lower end of the RBA's target range of 2-3%.

March Economic Releases

Australia's balance on goods and services was in deficit by \$2.67 billion in March, the second largest monthly deficit ever recorded. Imports of petroleum had the greatest bearing on the international trade balance figure, with imports rising 29%.

The value of new housing finance approvals rose in February by 5.3%, to be at its highest level in 15 months. The number of housing finance approvals to owner-occupiers rose by 3.7%, the seventh increase for the series over the past eight months.

The National Australia Bank business survey for March showed a further moderation in activity. Among the components that are assessed in the survey, trading conditions, profitability, employment and new orders all eased.

Dwelling approvals fell by 6.8% in March, following a revised 0.3% rise (previously a 0.5% fall) in February. This is the first fall after four successive increases. In the past year however, approvals have fallen by 19.1%. The main contributor to the monthly result was approvals for private other dwellings (units/apartments) which fell 25.5% in March.

Credit provided to the private sector rose by 0.8% in March following a 1.0% rise in February, to give a 12.9% increase over the past year. Housing credit rose by 1.0% in March, to be up 13.6% over the past year, while personal credit rose by 0.7% in the month, giving a 15.2% increase from a year earlier.

Retail trade was flat in March, following a rise of 0.6% in February. Over the course of the past year, sales have grown by 1.5%, down from 2.1% in the year to February. In trend terms, retail trade grew by 0.1% in the month and has been close to flat for the past four months. Clothing and soft goods was the best performing sector, up 0.5% in the month while recreational goods suffered the largest fall, down 2%.

The number of new motor vehicle sales fell by 3.7% in March following a 0.3% drop in February.

The Global Economy

United States

Interest Rates

The Federal Reserve raised its target for the federal funds rate by 25 basis points to 3% this month. The Committee stated in its press release that, "even after this action, the stance of monetary policy remains accommodative and, coupled with robust underlying growth in productivity, is providing ongoing support to economic activity. Recent data suggest that the solid pace of spending growth has slowed somewhat, partly in response to the earlier increases in energy prices. Labour market conditions, however, apparently continue to improve gradually. Pressures on inflation have picked up in recent months and pricing power is more evident. Longer term inflation expectations remain well contained."

Inflation

US CPI inflation rose by more than expected in March, up 0.6% in the month and is now up 3.1% for the year. A 4% increase in energy prices boosted the headline inflation rate in the month.

March Economic Releases

US economic growth (GDP) slowed to an annualised rate of 3.1% over the March quarter from the 3.8% recorded at the end of the December quarter. The main detractor from growth in the quarter came from net exports.

The US Federal Reserve's Beige Book of economic activity reported that 'price pressures have intensified' in a number of areas and 'upward price pressures have strengthened, although actual increases to date in vendor prices and selling prices have generally remained moderate.' US industrial production rose by 0.3% in March, following a 0.2% gain in February, to give a 3.9% increase over the past year.

Manufacturing production was weaker than expected, falling by 0.1% in March, after a 0.3% increase in February.

US retail sales were weaker than expected in March, rising by just 0.3% in the month, following a revised 0.6% increase in February. Sales were driven by increases in autos, petrol and building materials.

The US trade balance widened to a record US\$61.0 billion in February from US\$58.5 billion in January. This compares with a US\$45.9 billion deficit a year ago. Imports rose by 1.6% in February, partly driven by higher oil prices, while exports were flat.

US housing starts fell 17.6% in March from the record highs set last month. The fall was evenly spread across all areas of the US and is now 8.2% lower than a year earlier.

US house prices increased 11.4% over the year to March, the largest annual increase in 25 years.

OTHER

The International Monetary Fund maintained its global growth forecasts for 2005 and 2006 at 4.3% and 4.4% respectively. Growth expectations were revised down for Europe and Japan but this was offset by upward revisions to the estimates for China (up 1%) and the US (up 0.5%).

China's Gross Domestic Product grew at an annual rate of 9.5% in the March quarter, the same rate it grew over the course of 2004!

The Reserve Bank of New Zealand left its official cash rate unchanged at 6.75%, as was expected. The RBNZ maintained a firm tightening bias and said "further policy tightening cannot be ruled out".

Investor implications

The market's preoccupation with the Reserve Bank's monthly meeting to decide on monetary policy appears to be having a dampening affect on consumer behaviour as the question of 'will they or wont they' (put up interest rates) continues to upset the market. As is its custom, the RBA does not comment publicly on their decision to leave rates unchanged. This has prompted many in the economic community to push for a regular monthly commentary to remove some of the month-to-month volatility caused by speculation as to what the RBA will do.

90 bank bill yields fell 22 basis points over the course of the month, to a low of 5.71%. 180 day bank bills finished the month at 5.75%, 25 basis points lower than the yield recorded at the end of March. Strong buying activity at the short end became a feature of the market following the RBA's decision to keep rates on hold in April.

A slowdown in activity (retail sales, building approvals) removes the pressure on the RBA to increase rates in the short term. We expect that interest rates may stay where they are for a while yet.

7. INVESTMENT SUMMARY AS AT 30 APRIL 2005

TERM DEPOSITS	23,241,250.00	
FUND MANAGERS	27,551,348.74	
FLOATING RATE NOTE		
CALL	500,000.00	51,292,598.74

WATER FUND

TERM DEPOSITS	1,000,000.00	
FUND MANAGERS	39,477,029.88	40,477,029.88

SEWERAGE FUND

TERM DEPOSITS	17,000,000.00	
FUND MANAGERS	27,689,426.65	
CALL	0.00	
FLOATING RATE NOTE	1,004,590.00	45,694,016.65

TOTAL INVESTMENTS **137,463,645.27**

It should be noted that the General Funds investments of \$51 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/FURTHER INFORMATION:

Nil.

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5 [OGM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2005

ORIGIN:

Corporate Performance

FILE NO: TEDC

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for January to March 2005 is detailed in this report.

RECOMMENDATION:

That this report be received and noted.

REPORT:

In accordance with the terms of agreement between Tweed Shire Council and the Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period January to March 2005.

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

1. Economic Input / Output Model / Regional Accounts

- The 29th April 2005 has been set aside for a one (1) day training session for two (2) representatives from each of the participating local government areas, in the northern rivers region;
- The training session will be held at the Canvas & Kettle Civic Centre, Murwillumbah;
- An invitation has been extended to John Anderson, Deputy Prime Minister, and Minister for DOTARS, to officiate at a launch of the model, at a date in May yet to be confirmed, and subject to the availability of John Anderson;
- Discussions are taking place with the NSW government, who has indicated a strong interest in the implementation of the TEDC Tweed & Northern Rivers Economic Model across regional NSW.

Update 22 April 2005:

At the request of the NSW State Government, a presentation of the Economic Model Project, was made to DIPNR personnel in Sydney (by Ms Barbara Bayne, Research Fellow at the University of Queensland), on 29 March 2005. As a direct result of the presentation, the Deputy Director General, Mr Peter Cosier, requested a meeting with the TEDC CEO (Tom Senti), to discuss various TEDC projects and initiatives including the economic model.

The meeting took place in Tweed Heads on Wednesday, 20 April 2005. The meeting was refreshingly frank and open and canvassed a range of issues concerning many of the TEDC projects, including specifically the economic model project. Mr Cosier paid complement to the TEDC approach to economic development and has requested further information and dialogue on several projects.

2. Gold Coast Transport Aviation Hub Project

- Project is progressing on schedule, and is scheduled for completion in August 2005;
- Initial research by the consultants indicates an opportunity to grow general aviation business at the Murwillumbah airstrip. The issue has been raised on a formal basis with the General Manager of TSC;
- Research by the consultant also confirms an opportunity in the medium to long-term for the Tweed to attract large distribution warehouse companies to the

northern rivers region, based on the fact that road freight transport from the southern states shows 70% using the Pacific Highway route, and 30% using the inland New England route. Research also confirms that road freight transport is expected to double in the next 10 years, within appropriate proportional increases on each route;

- This information confirms the TEDC view that there is a need to provide appropriate infrastructure to grow both these industry sectors – large lot enterprise land, and improved facilities at Murwillumbah airstrip.

Update 22 April 2005:

On Friday, 22 April 2005, a meeting was held with Mike Rayner and Richard Adams of TSC to discuss issues regarding the future of the Murwillumbah airstrip, with particular emphasis on identifying future growth opportunities related to aviation / transport industries, and the ability for the Tweed to capitalise on any overflow as a result of the growth at Gold Coast airport.

It was agreed to follow up on the outcomes of the Gold Coast and Tweed Aviation Transport and Distribution Hub project and further meetings are planned with John Giles Consulting and other private parties.

3. Tweed Marine Industry Association

- An EOI has been submitted to Sustainable Regions, applying for funds for the reconstruction of the southern boat harbour slipway;
- Members of the TMIA have agreed to a levy to raise substantial funds, as part of their commitment to the reconstruction of the slipway;
- The TEDC is facilitating meetings between various state and local government agencies, to progress the matter of developing a plan of management for the southern boat harbour, including redevelopment proposals;
- The TEDC has also made representations to various state government agencies for the provision of an unleaded fuel outlet at the southern boat harbour.

Update 22 April 2005:

1. The Tweed Marine Industry Association (TMIA) has now raised \$39,500.00 through levies.
2. The Expression of Interest (EOI) (Sustainable Regions) has been successful and a full application requested. (Application completed subject to detail of lease and cost of lease).
3. A new quote for the work has been received for \$176,000.00 inc GST.
4. Quote being reviewed by TSC Ian Munro.
5. Consent to transfer lease agreed to by NSW lands, and transfer in process subject to confirmation of lease term and cost.
6. A meeting is to take place on 28 April 2005 at Lismore to discuss Plan of Management for the southern boat harbour. Attendees include representatives of the TEDC, Cr Bernie Bell (Chair TMIA), Jane Lofthouse TSC, Lands, Waterways and Fisheries.
7. TSC contribution of \$10,000.00 to be confirmed.

4. Industrial Land

- Advice from the developers of the Tweed Valley industrial estate indicate that all lots in stage one have been accounted for, and that there is now a waiting list for further stages;
- The TEDC has always held the view, which is supported by research, that the Tweed has an urgent need and opportunity to grow and diversify the Tweed economy through growth in this particular industry sector;
- The TEDC strongly recommends to TSC that the provision of approved, ready for sale, large lot industrial / enterprise land be viewed as an urgent priority, and that appropriate resources be allocated for this purpose.

Update 22 April 2005:

No further update.

5. Tweed Heads CBD Master Plan Project Facilitation Team

The TEDC is a working member of the FBT, which includes representatives from TSC, NSW government and the TEDC, who are working to facilitate implementation of various aspects of the master plan including plans for the Jack Evans boat harbour, which is seen as an integral part of the proposed TEDC Tweed River Link project.

Update 22 April 2005:

No further update.

6. Joint TEDC / REDAB Cross Border Working Group

- Gold Coast City Council (GCCC) as part of their commitment to this project have committed substantial resources to compile relevant research and statistics on various aspects / economic costs of the various transport issues impacting upon the northern NSW and south east Queensland economy.
- The issue of transport connectivity between the states has a major impact, and it is proposed to assess the financial impact to the region and take actions through appropriate state and federal government channels, in an attempt to bring a more coordinated focus to the issue of cross border transport.

Update 22 April 2005:

The next scheduled meeting is Wednesday 18 May 2005.

7. Rural Land Use Stage II

Discussions are continuing with appropriate key representatives, including TSC, DIPNR, DPI, CMA's and industry representatives to evaluate the proposed project, as part of a collaborative approach to reviewing and refining the proposed project.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Confidential - TEDC Quarterly Financial Report for the quarter ending 31 March 2005 (DW 1197676)
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6 [OGM] Update on Current Accounting Practices

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This report is provided to update Council on the implementation of the International Financial Reporting Standards effecting Local Government in NSW.

RECOMMENDATION:

That this report be received and noted.

REPORT:

BACKGROUND:

Adoption of International Financial Reporting Standards from 2005

In July 2002, the Financial Reporting Council (FRC), a statutory body responsible for the Australian Accounting Standards Board (AASB) and for providing broad oversight of the process for setting accounting standards in Australia, announced its decision to support the adoption of International Financial Reporting Standards (IFRS) in Australia from 1 January 2005. This decision will impact on both private **and** public sector entities including Local Government.

The logic for the creation of a set of IFRS is premised on the assumed improvement in the efficiency of the capital markets that will arise from the existence of a set of globally acceptable accounting standards that result in high quality, comparable and transparent financial reporting. This is evidenced by the fact that the driving force behind the European Union's (EU) decision to require EU listed companies to prepare their consolidated accounts in accordance with the IFRS from 1 January 2005 is the desire of the EU to create a single capital market.

This has also been exemplified by recent corporate collapses in the United States and the quality of their standards. Currently the International Accounting Standards Board sets standards, and it is then up to the individual countries to adopt or amend these standards to suit individual circumstances.

Unfortunately this has led to many different accounting standards across the world and creates significant issues for global corporations who must do their accounts by the local standards and then redo the accounts for consolidation into the standards of the country of their parent company.

The Australian Accounting Standards Board (AASB) has confirmed its commitment to continue to issue one series of sector-neutral Standards, applicable to both for-profit and not-for profit entities, *including the public sector*.

The AASB has already stopped issuing separate Australian Accounting Standards standards (the current standards), so that any new Australian Accounting Standards Board standards (the new standards after adoption of IFRS) apply to any reporting entity in the public or private sector. This means that, in some form or other, all entities will be affected.

As a result, the AASB has indicated that the IFRS will be used as the 'foundation' Standards to which the Board will add material detailing the scope and applicability of the Standards in the Australian environment. This is necessary because the IFRS were meant to apply to only profit seeking entities.

Additions will need to be made by the AASB to broaden the content to cover the not-for-profit sector, including the public sector, and domestic and regulatory or other issues. Australian entities will be required to apply Standards converged with the IFRS in preparing general purpose financial reports for reporting periods beginning on or after 1 January 2005. This means:

- *Entities with 30 June year ends will first be required to apply the converged IFRS for annual reporting periods beginning on 1 July 2005 and ending on 30 June 2006. The IFRS will also need to be applied in presenting the comparative information for annual reporting periods beginning on 1 July 2004 and ending on 30 June 2005.*

In the lead up to 2005, the AASB has committed to issuing all IFRS Exposure Drafts as Australian Exposure Drafts.

IFRS 1 provides the basis on which entities will convert their financial statements to IFRSs in 2005.

This has been issued in Australia as AASB1 *First Time Adoption of Australian International Financial Reporting Pronouncements* and brings certainty for Australian entities on how the transition to IFRS will be achieved.

AASB 1 requires entities to make a number of decisions on optional exemptions and these decisions can mean that results will look very different.

The emphasis on the optional exemptions is on retrospective application, where as mandatory exemptions (no impact on Councils) are prohibited from retrospective application.

The only optional exemption effecting Councils will be in the area of assets and this is expected to be mandated by the Department of Local Government Code of Accounting Practice.

REPORT:

The review of the new IFRS equivalent Australian standards is a continuing process, as not all standards have been released at this time.

Statement Presentation Changes

- The statement of Financial Performance becomes the Income Statement
- The Statement of Financial Position becomes the Balance Sheet.
- Revenue Note 4 now becomes Note 3.
- Expenses Note 3 now becomes Note 4
- Rates and Annual Charges are now disclosed gross with rebates and write-offs disclosed separately to derive the net income.
- New sections included for the revenue and expenses from investment properties.
- New section for Transfers from other levels of government – ie. Grants and contracts.

- No separate disclosure of capital grants and contributions and operating grants and contributions ie. All grouped together

The following standards have been identified as having a significant effect on Councils Annual Financial Reports. Though there is much technical detail attached to these standards, the explanations have been summarized.

AASB 119 Employee Benefits

The primary change in this standard requires Councils to “book” the assets and liabilities of defined superannuation plans.

This means that Councils portion of assets or liabilities of the superannuation funds, to which it contributes, will appear on the balance sheet (currently the statement of financial position)

Council makes employer contributes to superannuation schemes to negate its liability. As a result it would be expected that the assets of the scheme will always be greater than the liabilities and therefore have a positive effect on the balance sheet.

AASB 137 Provisions, Contingent Liabilities and Contingent Assets

This standard requires Council to recognise as a liability the legal or constructive obligation to restore assets to acceptable levels.

Council will initially need to assess the restoration costs of Council tips and quarries create a provision and discount to present value on an annual basis.

The initial effect on the Balance Sheet will be nil, as the creation of the provision will be offset by an increase in the asset value.

AASB 140 – Investment Properties

This standard requires Council to disclose any investment properties separate from Property, Plant and Equipment. The definition states:-

Investment property is defined as land or a building, or part of a building, held to earn rental income, or for capital appreciation, or both. An investment property generates cash flows largely independently of other assets held, and this is the characteristic that distinguishes investment property from owner-occupied property.

AASB140 notes that property held to meet **service delivery objectives** rather than for rental or capital appreciation purposes does not meet the definition of investment property.

Council staff is assessing Council land and buildings in regard to the definition. It is envisaged that few, if any, properties will meet the criteria of investment properties.

Regardless of the outcome, the effect on the balance sheet result will be minimal.

AASB 136 – Impairment of Assets

This standard relates to the book value of assets that have been impaired and the corresponding accounting treatment.

Impairment provisions only apply to assets associated with **entrepreneurial activities**.

Entrepreneurial assets are those assets where the future economic benefits of the asset are primarily dependant on the asset's ability to generate net cash flows.

This could include Council tips, quarries and caravan parks. The standard may have an effect on the Income Statement of Council if an impairment of an asset has taken place.

Asset associated with non entrepreneurial activities are excluded from impairment tests.
– the majority of Council assets.

AASB 132 & 139 – Financial Instruments

This standard defines that all financial instrument must be held at fair value upon recognition. It also dictates separate disclosure requirements between held to maturity assets and assets held for resale (trading).

This standard is likely to have little effect on Councils overall position, except in cases where embedded derivatives are part of contracts. Investigations are continuing.

AASB 1047 – Disclosure Requirements

The Annual Financial Reports dated 30 June 2005 will have a more detailed reconciliation of the current accounts derived form Australian Accounting Standards (AAS) and the new Australian International Financial Reporting Standards (AIFRS).

Australian Accounting Standard AAS 27

Australian Accounting Standard AAS 27 “Financial Reporting by Local Governments” was first issued in July 1991 with the aim of improving the quality of local government financial reporting (in particular, to assist in the transition from cash/fund accounting to accrual accounting). Since then, AAS 27 has been subject to a number of limited reviews, the most recent in June 1996. Some constituents have expressed the view that changes to other Accounting Standards and an increased level of familiarity with financial reporting requirements by local governments has resulted in AAS 27 becoming out of date. In light of this view, the Australian Accounting Standards Board (AASB), decided to include a comprehensive review of local government financial reporting on its work program.

Due to the review of AAS 27 being comprehensive, the AASB will consider a wide range of issues including accounting for contributions other than contributions by owners as owners, comparisons between budgeted and actual results and performance indicators.

The AASB has decided not to include a review of the depreciation of infrastructure assets in the scope of the review of AAS 27, as the depreciation of infrastructure assets is not an issue that is specific to local governments.

The AASB also decided that the current review of AAS 27 should not take into account convergence issues between Generally Accepted Accounting Principles (GAAP) and Government Finance Statistics (GFS), but notes that its separate GAAP/GFS convergence project may have implications for financial reporting by local government in due course.

The Board issued Exposure Draft ED 125 *Financial Reporting by Local Governments* on 9 October 2003 with a comment period ending on 27 February 2004. ED 125 proposes to retain from AAS 27 only that material that is specific to local government. Accordingly, it is proposed that the unnecessary differences between the accounting requirements for local governments and those imposed on other entities be removed so as to align local government requirements with those of other entities.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The implementation of Australian International Financial Reporting Standards (AIFRS) will require ongoing training for Council's Finance staff.

Council's Chief Financial Officer is a member of the Department of Local Government Accounting Advisory Group and has attended and presented training courses on behalf of the Local Government Finance Professionals on the implementation of AIFRS.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

7 [EO] Council Reserve - Upper Crystal Creek

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

At Council's community access session held 13 April 2005, Council was addressed by residents of Crystal Creek expressing concerns with a small Council reserve situated on Old Crystal Creek Road adjacent to Harts Bridge. This report outlines potential management options for this area.

RECOMMENDATION:

That this report be received and noted.

REPORT:

At Council's community access session held 13 April 2005, Council was addressed by residents of Crystal Creek expressing concerns with a small Council reserve situated on Old Crystal Creek Road adjacent to Harts Bridge. Additionally, further correspondence was received by another resident neighbouring the reserve requesting increased Council control of the site.

The reserve is a thin piece of land approximately 1200m² on the banks of Crystal Creek, joining Upper Crystal Creek Road on the northern side of Harts Bridge (Figure 1). The reserve offers approximately 100m of creek access including a popular swimming hole (Figure 3). This area is classified as community land.

The main issues are as follows:-

Access:

Council's Works Unit have inspected the site and advise a 4 to 5 space gravel car park could be provided within the site with bollarding to restrict further vehicular encroachment. It is unlikely eliminating vehicular access (as suggested) will deter people from attempting to utilise the area. Eliminating vehicular access to the site will force cars to park on Upper Crystal Creek Road creating a dangerous situation with traffic and pedestrians (figure 3).

Litter:

Previous experience in placing litterbins at isolated locations is that they can tend to be an attractant for household rubbish, exacerbating the problem. The reserve has been placed on parks staff litter run to have the area cleaned on a regular basis.

Swing:

There is a rope swing hanging from a large Camphor laurel tree overhanging the water hole. Council's arborist inspected the tree and reported it to be in sound condition. The branch the swing was hanging from was removed as it was thin and there was concern it may break with use of the swing.

Rangers:

Council rangers have received two complaints on the after hours number in recent weeks regarding this area. The calls were pertaining to noise and rubbish from partying. When attending the area the following morning, on both occasions the rangers reported 2 to 3 families utilising the area for picnicking and swimming. On both occasions, little in the way of rubbish was evident and the families reported the area in a similar condition on their arrival.

Council rangers also note they have no recorded instances of camping at the site, although it is likely people stay there overnight on occasions. The rangers have indicated they will increase surveillance on weekends and when they are in the area.

Comment:

Anecdotal evidence suggests this area has been a popular picnic and swimming spot for the local community for many years. Areas that offer the opportunity for the public to easily access creeks in rural areas are relatively scarce. In an attempt to alleviate some of the issues raised by the neighbouring residents, the following actions are proposed:-

1. Construction of a 4 to 5 space gravel car park with bollarding to control site access.
2. Regular litter collection at the site.
3. Council rangers to increase surveillance of the area over weekends and when in or passing through the area.



Figure 1



Figure 2 Entrance to area off Old Crystal Creek Road and location of proposed 4-5 space car park.



Figure 3 Swimming hole

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

\$2,000 – Car park construction.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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8 [EO] Fig Tree - Joey's Pouch Child Care Centre

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

At its meeting held 17 October 2001, Council considered a report on a large fig tree located in the car park of the Joey's Pouch childcare centre located in Ewing Street, Murwillumbah. The report was a result of correspondence from the Management Committee of the centre concerned at the safety of the tree.

Council's arborist provided a report on the tree noting that whilst there were signs of decay in the rear of the trunk, the supporting structure of the living sections of the tree was sound.

Council subsequently resolved to allow the tree to remain and for Council's arborists to undertake regular inspections. This report is as a result of a recent inspection of the tree.

RECOMMENDATION:

That Council removes the fig tree located in the car park of the Joey's Pouch Childcare Centre located in Ewing Street, Murwillumbah.

REPORT:

At its meeting held 17 October 2001, Council considered a report on a large fig tree located in the car park of the Joey's Pouch Childcare Centre (the Centre) located in Ewing Street, Murwillumbah. The report was a result of correspondence from the Management Committee of the Centre expressing concern at the safety of the tree.

Council's arborist provided a report on the tree noting that whilst there were signs of decay in the rear of the trunk, the supporting structure of the living sections of the tree was sound. Council subsequently resolved to allow the tree to remain and for Council's arborists to undertake regular inspections.

The most recent arborist report dated 2 May 2005 notes the following:-

Tree Species:- *Ficus Macrophylla* (Moreton Bay Fig)

Est Age:- 70 years

Est Height 18m

Tree Condition:-

Canopy:- While the canopy is sparse the foliage is in healthy condition with no signs of major die-back.

Branches:- Some of the branch unions are showing signs of stress due to the weight and length of the trees lateral branches. This does not make the tree unsafe but can add to the risk of branch failure.

Trunk:- Since the initial report dated 24.4.04 the base of the tree has further decayed. The appearance of bracket fruiting bodies on the trunk indicates an advanced stage of deterioration and the tree should be considered a risk.

Roots: Over the past few years the area on the root zone has been used as car parking and improvements such as sealing has impacted on the health of the roots. There is evidence of physical damage to some of the roots close to the base of the tree caused by machinery.

Overall Condition:- The tree has a overall healthy appearance. The concern is the amount of fungal decay that has been spreading around the trunk of the tree. Due to this factor the tree would have to be classed as average and Deteriorating.

The report indicates the condition of the tree is deteriorating and the risk of major limb drop increasing. It has been noted in discussions with the Centre Management that small branches have dropped from the tree, causing significant damage to a vehicle in at least one instance.

Whilst the tree could be considered of significance due to its age and the likelihood that it is a remnant tree, the condition of the tree and its location in the car park of a busy childcare centre presents a significant risk.

With consideration to the age and condition of the tree, remedial measures are not likely to extend its life span and therefore, it is recommended the tree be removed.



Photo 1 – Tree base showing flowering bracket fungus



Photo 2 – Location of tree in carpark

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

9 [EO] Consolidation of Council Land at Bray Park

ORIGIN:

Design

SUMMARY OF REPORT:

Plans for the new water treatment plant at Bray Park have been completed. During the design process it was noted that the preferred site for the new plant straddles the property boundaries of three Lots, requiring the consolidation of these Lots prior to the lodgement of the development application.

The Lots to be consolidated are Lot 1 in DP 445752, Lot 92 in DP 621415 and Lot 103 in DP 616049.

The existing water treatment plant is contained within Lot 1 in DP 445752, coming off Durroon Avenue at Bray Park. The new treatment plant is to be located behind the existing plant, which will extend it over the property boundaries.

All parcels are classified as operational.

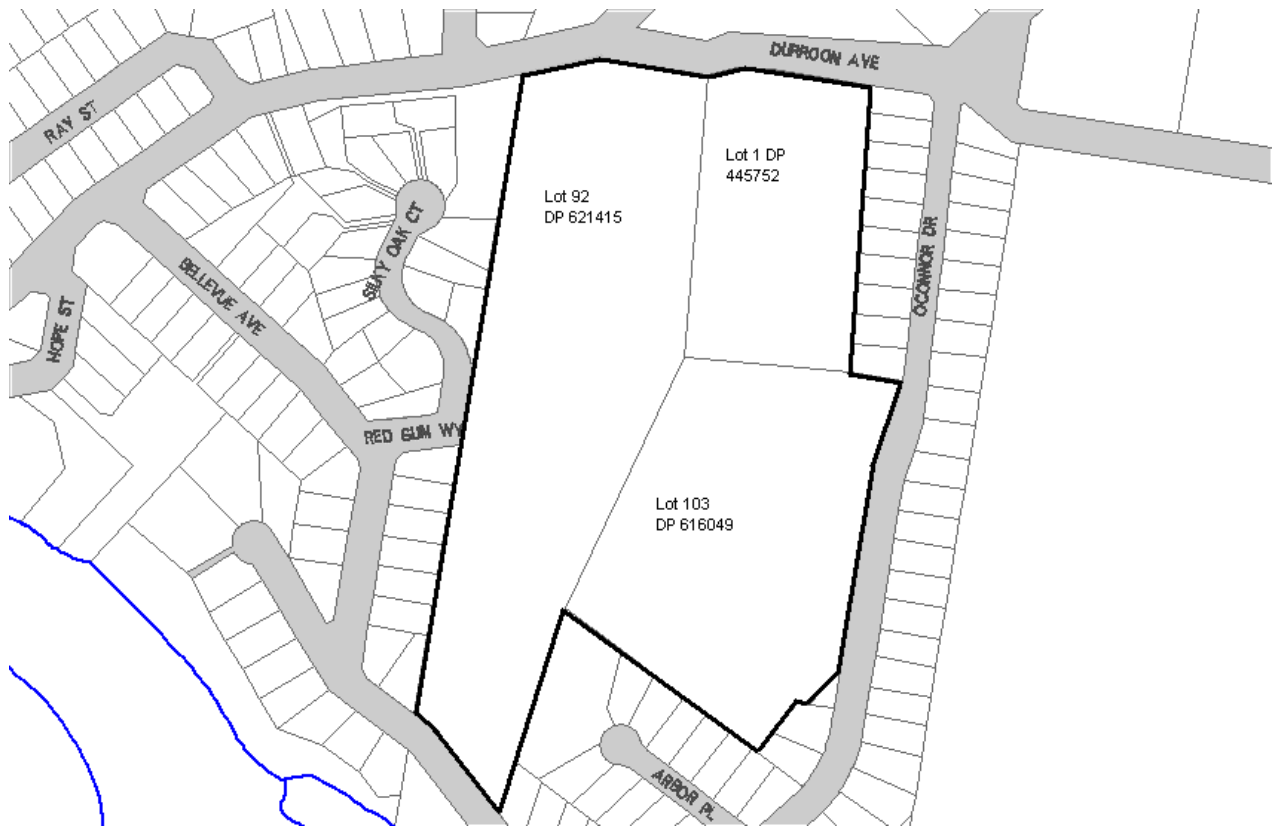
RECOMMENDATION:

That :

1. Council approves the consolidation of Lot 1 in DP 445752, Lot 92 in DP 621415 and Lot 103 in DP 616049;
2. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report. The plan below shows the three lots to be consolidated:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

10 [EO] Application to Close & Purchase Part of Road Reserve - Dungay Creek Road, Dungay

ORIGIN:

Design

FILE NO: GR3/12/4

SUMMARY OF REPORT:

Council has received an application to close and purchase part of the road reserve adjacent to 180 Dungay Creek Road at Dungay to remedy the encroachment of a tennis court and fence line of the property onto the road reserve.

The subject property is comprised in Lot 1 in DP 603427, the area of road reserve sought to be closed is triangular in shape running north to south from the driveway to the southern boundary and having an approximate area of 1000m².

RECOMMENDATION:

That Council does not approve the closure of part of the road reserve of Dungay Creek Road at Dungay adjacent to Lot 1 in DP 603427;

REPORT:

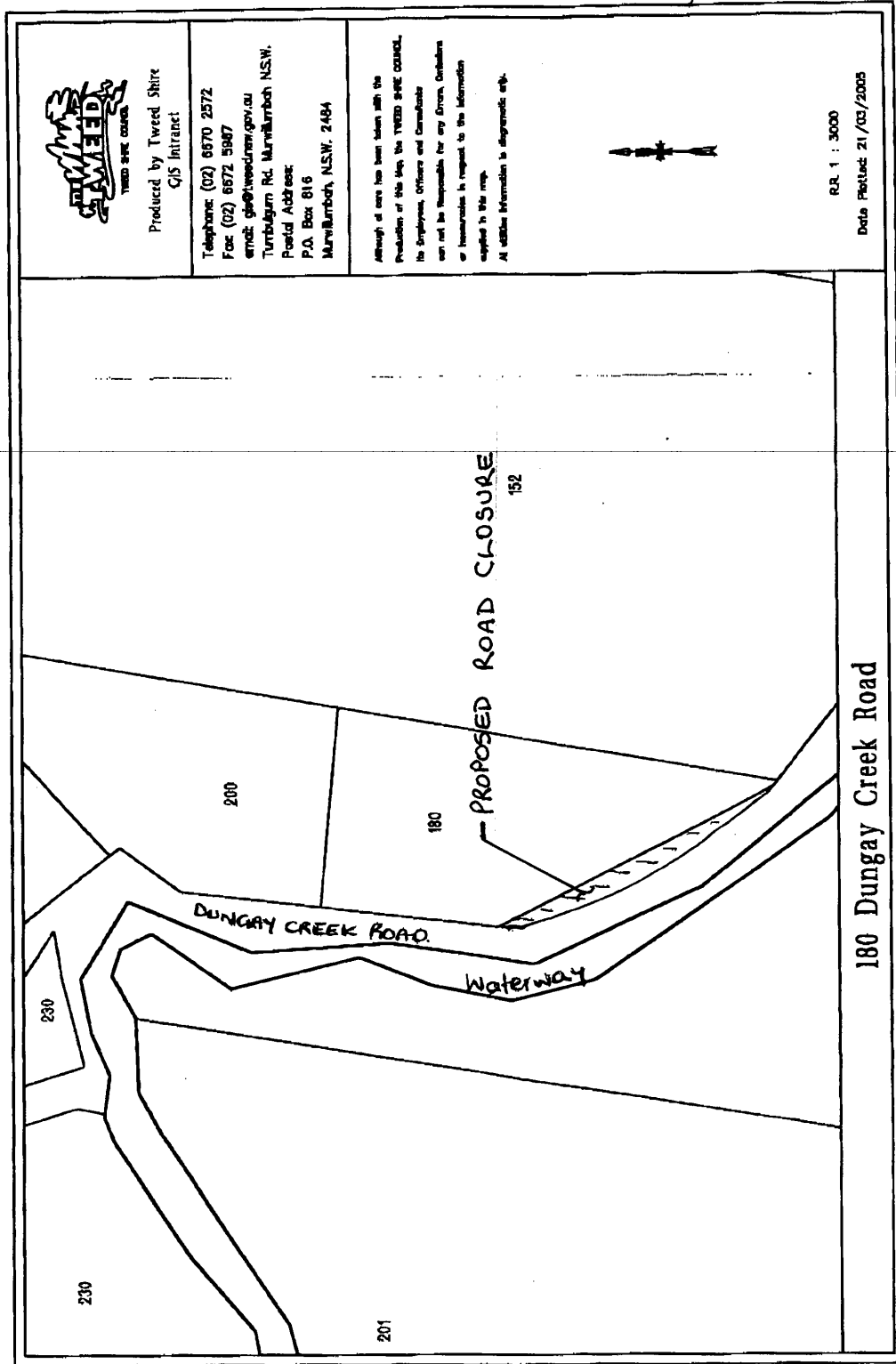
Council has received an application to close and purchase part of the road reserve adjacent to 180 Dungay Creek Road at Dungay to remedy the encroachment of a tennis court and fence line of the property onto the road reserve.

The subject property is comprised in Lot 1 in DP 603427, the area of road reserve sought to be closed is triangular in shape running north to south from the driveway to the southern boundary and having an approximate area of 1000m².

The applicant seeks to remedy the encroachment and consolidate the road closure Lot with his property. There is no Council infrastructure in or near the road reserve subject of this application.

However, the road reserve is a variable width adjacent to the applicant's land, varying from a width of nearly 30 metres and 10 metres to the creek bank. The road alongside the applicant's land includes two corners that are sharper than appear in the plan referred to below. Should it become necessary for Council to widen the road or improve the alignment of the road, it will require the road reserve currently not utilised to retain and protect the creek bank across the road.

A plan of the area of road reserve sought to be closed follows:-



Produced by Tweed Shire
GIS Intranet

Telephone: (02) 6670 2572
Fax: (02) 6672 5987
email: gis@tweedshire.gov.au
Turribulgun Rd, Murwillumbah NSW,
Postal Address:
P.O. Box 816
Murwillumbah, NSW, 2484

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.
All similar information is approximate only.

RR: 1 : 3000

Date Printed: 21/05/2005

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

11 [EO] Licence Agreement with Department of Lands - Boat Ramp - Sutherland Street, Kingscliff

ORIGIN:

Design

FILE NO: DA04/1622

SUMMARY OF REPORT:

Council has obtained consent for the construction of a rescue boat launching and retrieving facility at Cudgen Creek, Kingscliff for the Kingscliff Volunteer Coastguard.

The location of the proposed boat ramp is below the Mean High Water Mark of Cudgen Creek and it is necessary to enter into a Licence Agreement with the Department of Lands for construction and use of the boat ramp.

The Agreement is a standard agreement pursuant to the Crown Lands Act, 1989 and has a term of ten (10) years.

It is necessary to resolve to enter into the Agreement and to execute all necessary documentation under the Common Seal of Council.

RECOMMENDATION:

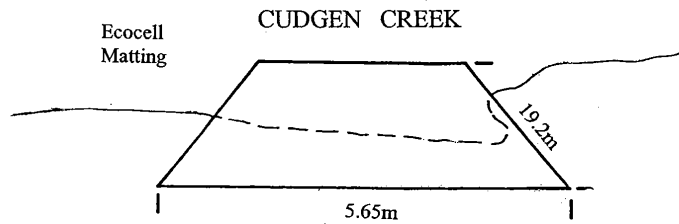
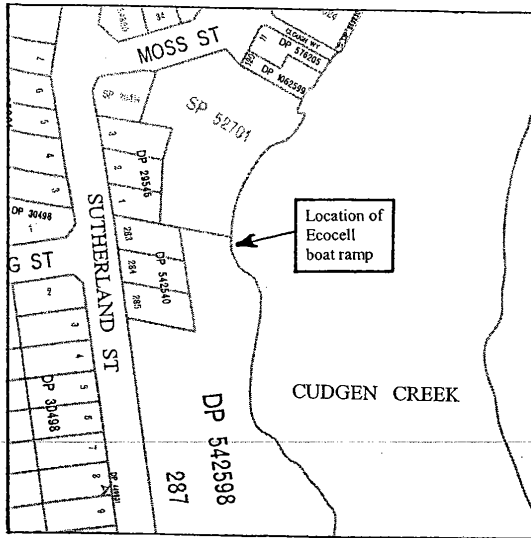
That:

1. Council approves entering into a Licence Agreement with the Department of Lands over an area of Cudgen Creek at Kingscliff below the High Water Mark for the construction and use of a rescue boat launching and retrieval facility; and
2. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report. A copy of the area to be licensed follows:-

SCHEDULE 3



Lot 287 DP 542598

LICENCE AREA: 108.5m²



<u>Diagram Showing</u>		Parish:	Cudgen
Licence No:	379377	County:	Rous
Holder:	Tweed Shire Council	Council:	Tweed Shire Council
Location:	Kingscliff	District Office:	Grafton
	REDUCTION RATIO: Not to Scale Lengths in metres	File No:	GF05H92
		Date Drawn:	22 March 2005

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Tweed Shire Family Day Care

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council resolved on the 20 April 2005 to approve an interest free grant of \$300,000 to Tweed Shire Family Day Care for the completion of the new administration and playgroup facility at Recreation Street, Tweed Heads. The grant was to be repaid over 30 months, funded from the Employee Leave Entitlement Reserve.

The Tweed Shire Family Day Care Committee has subsequently requested Council reconsider the grant repayment to be over a five (5) year period. The committee resolved that the fee increased proposed under the thirty (30) month plan would place too great a burden on families accessing child care services.

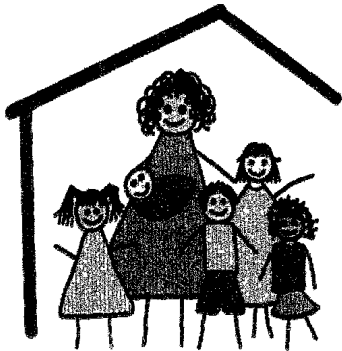
RECOMMENDATION:

That Council approves an interest free grant of \$300,000 to Tweed Shire Family Day Care, to be repaid at a rate of \$60,000.00 per year over a period of five (5) years, funded from the Employee Leave Entitlement Reserve.

REPORT:

Council resolved on the 20 April 2005 to approve an interest free grant of \$300,000 to Tweed Shire Family Day Care for the completion of the new administration and playgroup facility at Recreation Street, Tweed Heads. The grant was to be repaid over 30 months, funded from the Employee Leave Entitlement Reserve.

The Tweed Shire Family Day Care Committee has subsequently requested Council reconsider the grant repayment to be over a five (5) year period. The Committee resolved that the fee increased proposed under the thirty (30) month plan would place too great a burden on families accessing child care services.



Tweed Shire Family Day Care

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah 2484
2nd May 2005

LOT SECT 4 DP133066
RECREATION ST T. H.

Attention: Michael Chorlton

PO Box 512
41 Boyd Street
Tweed Heads 2485
Phone: **(07) 5536 1865**
Fax: (07) 5536 8069
E-mail: tsfdc@norex.com.au

The No.1 choice in childcare
An accredited service

LOANS TO COMMUNITY ORG

FAMILY DAY CARE

TWEED SHIRE COUNCIL
FILE NO. 24553
DOCUMENT NO. []
REC. []
ASSIGNED TO CHORLTON M.
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

As per our brief phone conversation on the 27th of April Tweed Shire Family Day Care Inc is seeking a minor change to our proposal of the 23rd March 2005. We request council to consider these proposed changes at its meeting on the 18th May.

At a committee meeting held on the 26th April it was passed that we request an extension in the repayment period of the loan. The committee meeting resolved that the fee increase required to fund the repayment period of 30 months was significant and would place too great a burden on families accessing childcare in the service. We are therefore seeking an extension of the repayment period to approximately 5 years but no more.

The extension of the repayment period would necessitate a fee increase of .16 cents per child, per hour. Attached is a schedule highlighting our calculations.

Should you require any further information please do not hesitate to call. I can be contacted on 0755 232648

Yours Sincerely

Warren Jones

(Management Committee President)

Parameters

Number of hours per week 7750
 Inflation rate 2.50% Numerator 102.50%
 "Grant" amount \$ 300,000
 Initial rate per hour per child \$ 0.16

	Year 1	Year 2	Year 3	Year 4	Year 5
Repayment rate per hour per child	\$ 0.16	\$ 0.17	\$ 0.18	\$ 0.19	\$ 0.20

Revenue from building levy

Year	1	2	3	4	5
Revenue per year	\$ 64,480	\$ 68,510	\$ 72,540	\$ 76,570	\$ 80,600
Accumulative total	\$ 64,480	\$ 132,990	\$ 205,530	\$ 282,100	\$ 362,700

Repayments (based on revenue) will mean the grant will be paid in

4 years and 1 months

Revenue per month	\$ 5,373.33	\$ 5,709.17	\$ 6,045.00	\$ 6,380.83	\$ 6,716.67
Revenue per week	\$ 1,240.00	\$ 1,317.50	\$ 1,395.00	\$ 1,472.50	\$ 1,550.00

Repayment for grant

Based on grant amount over 5 years

Year	1	2	3	4	5	Total
Flat rate method	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 300,000
Indexed method	\$ 57,074	\$ 58,501	\$ 59,963	\$ 61,463	\$ 62,999	\$ 300,000

The new fee increase would equate to .16 cents per child, per hour as opposed to the .30 cents per child, per hour under the original request.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council could provide Tweed Shire Family Day Care with an interest free grant of \$300,000, to be repaid in 5 years, from the Employee Leave Entitlement Reserve.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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13 [EC] Catchment Blueprint Project Services Contract

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has been allocated funding by Northern Rivers Catchment Management Authority for remediation works at Blacks Drain and Tidal Floodgate Modification totalling \$67,000; and for drain infilling for improved water quality on the Tweed Floodplain totalling \$10,000. The projects involve local government, farmers, drain managers, industry representatives and other stakeholders.

RECOMMENDATION:

That Council accepts the funding from the Northern Rivers Catchment Management Authority and votes the expenditure accordingly.

REPORT:

Council has been allocated funding by Northern Rivers Catchment Management Authority for remediation works at Blacks Drain and Tidal Floodgate Modification totalling \$67,000; and for drain infilling for improved water quality on the Tweed Floodplain totalling \$10,000. The projects involve local government, farmers, drain managers, industry representatives and other stakeholders.

The projects are to be managed by Tweed Shire Council's Floodplain Project Officer.

Copies of the contracts are available from Director Environment & Community Services if required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received a request from the Far North Coast Branch of the Department of Ageing, Disability and Home Care asking that Council waives the fee 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 determines this report.

REPORT:

Council has received a request from the Far North Coast Branch of the Department of Ageing, Disability and Home Care asking that Council waives the fee for room hire.

Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
Far North Coast Branch of the Department of Ageing, Disability and Home Care	Waive room hire fee for hiring of the South Tweed Community Hall on 14 May 2005	\$73.00	The Far North Coast Branch of the Department of Ageing, Disability and Home Care is holding a fundraising bingo even to assist a staff member whose son has cancer. They request waiving the hire fee.	No.

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 Feed Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from the Far North Coast Branch of the Department of Ageing, Disability and Home Care (DW 1191687)

15 [EC] Entomological Control Report for Period February - April 2005

ORIGIN:

Environment & Health Services

FILE NO: GN 1/3 Pt5

SUMMARY OF REPORT:

The following report outlines nuisance insect and vermin control carried out during February to April 2005.

RECOMMENDATION:

That this report be received and noted.

REPORT:

BITING MIDGE

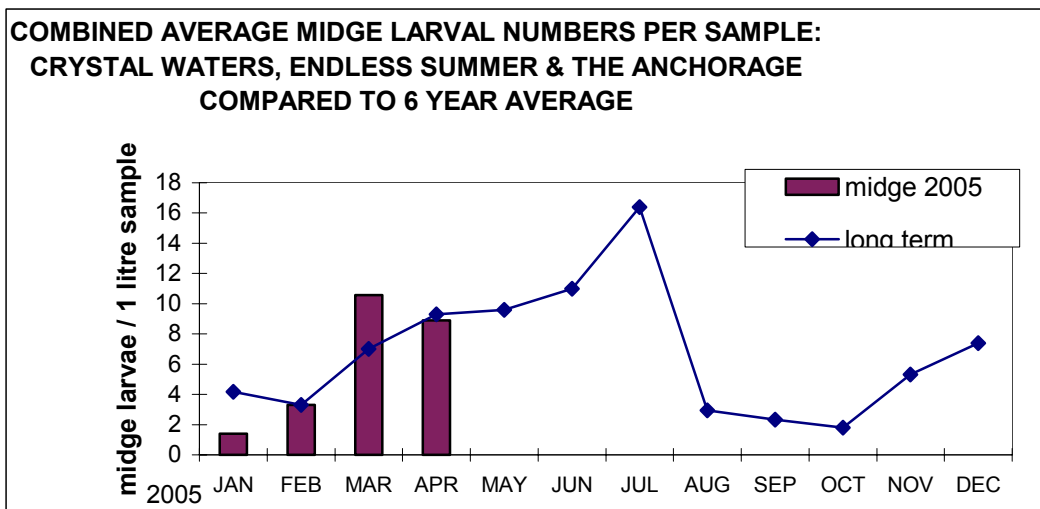
Seasonal activity

Biting midge activity has been generally quiet over the report period with only 10 biting midge related enquiries between 01 February and 30 April. The major nuisance species causing complaint was *Culicoides longior* with most complaints from the Tweed Heads West area during April.

Routine biting midge larval monitoring of canal beaches over the quarter has indicated close to average *Culicoides molestus* numbers in the major canals.

Canal larvicide sprays are planned for July.

The following graph shows monthly average biting midge larval numbers in major canals compared to long-term averages.



MOSQUITOES

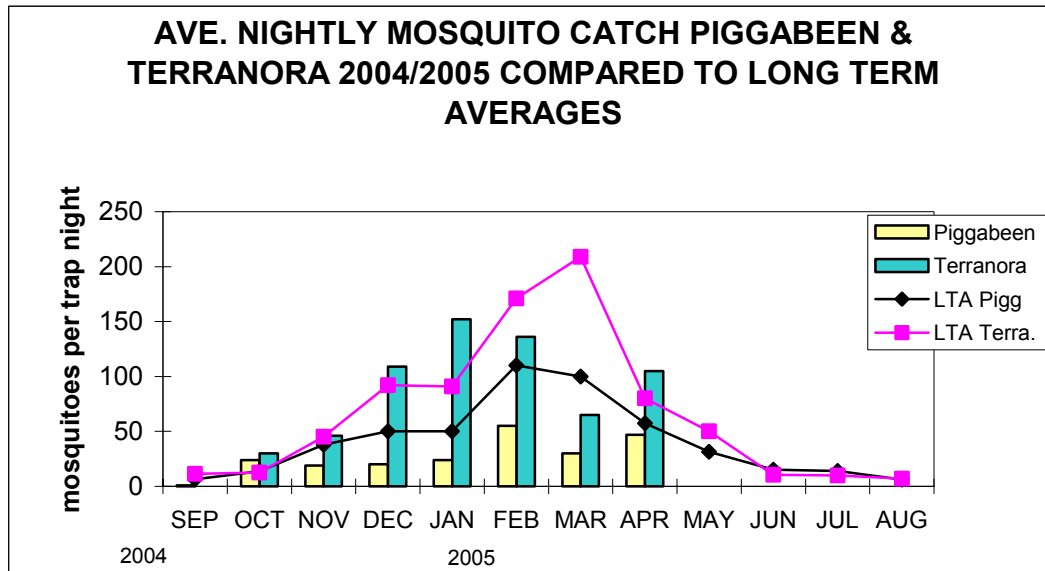
Seasonal activity

Mosquito nuisance activity over the report period was very low until early April. The trigger for this mosquito hatch was a much higher than predicted series of tides leading into the Easter break. These large tides were pushed up by an intense low-pressure system close to the coast.

There were 25 mosquito related enquiries over the report period with most of the complaints occurring during the first week of April. The worst affected areas were Terranora, Bilambil Heights and parts of West Banora Point.

Carbon dioxide baited traps recorded moderate to high numbers *Culex sitiens* during February (this species only bites at night and does not generally cause many complaints) and moderate to high numbers of saltmarsh breeding *Ochlerotatus vigilax* during April.

The following graph shows average nightly adult mosquito numbers caught in carbon dioxide baited traps this season compared with long-term averages (LTA).



Control

There was one aerial mosquito larvicide treatment carried out over the report period.

AERIAL MOSQUITO SPRAYING - TAPPS AVIATION

Date	Site	Time	Chemical & rate	Hectares & amt. used	Weather	Target species	Pre spray dip ave.	Post spray dip ave
11-Mar-05	Mahers Lane	0715	Vectobac	10ha	Fine	Oc. vigilax	44	2
	Terranora		1L/ha	12L	5k SW			

The biological bacterial larvicide Vectobac 12 AS was applied from a fixed-wing craft at 1litre/ha product in 9 litres of water/ha, applied through CP nozzles with a targeted droplet size of 300um. This treatment achieved good results on *Oc. vigilax* larvae under moderate tree canopy.

A further aerial treatment would have quelled *Oc. vigilax* problems in April but was not possible due to strong winds and the Easter break.

Ground based mosquito control, utilising biological larvicide, was carried out over the report period to pockets of *Oc. vigilax* breeding around Tweed Heads West, Cobaki, Terranora, Banora Point, Bilambil and Chinderah.

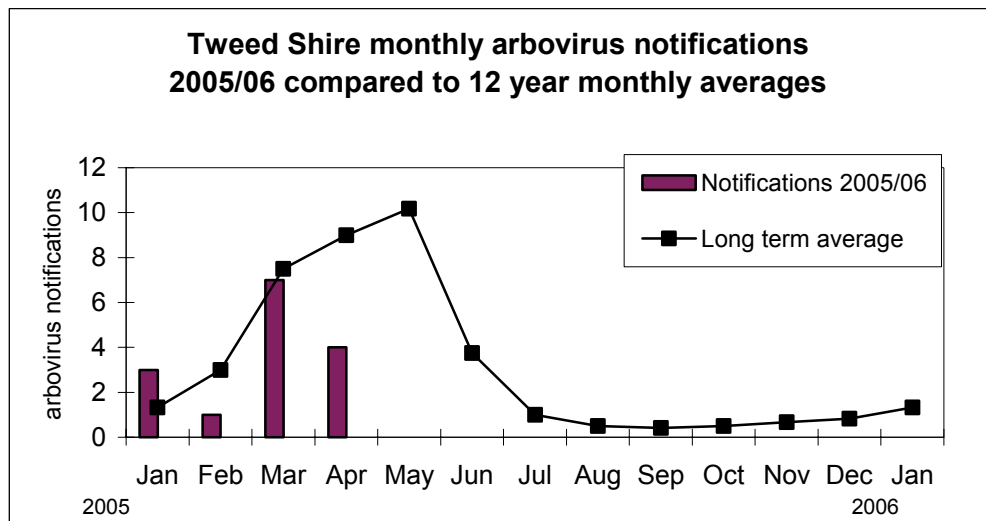
Arbovirus

There were 11 notified Ross River virus cases reported in the shire over the period Feb – Apr 05 and 1 Barmah Forest virus case.

This is the first period for over 24 months that RRv has been the dominant arbovirus in the Shire.

Notified virus cases were principally confined to coastal areas of the Shire.

The following graph depicts Tweed Shire combined arbovirus cases (RRv & BFv) notified Jan –Apr 05 compared with long-term monthly averages.



1. Mosquito MOU - Gold Coast Airport Ltd, TSC and other stakeholders.

All stakeholders signed a Memorandum of Understanding, relating to potential import of exotic mosquitoes through Coolangatta Airport in April. The MOU stakeholders include: GCAL, TSC, GCCC, AQIS, QLD Health and NSW Health. The MOU signing follows discussions with stakeholders relating to issues of ensuring adequate mosquito monitoring at the airport, mosquito control in incoming first port of call overseas aircraft and rapid response protocols to quell any exotic mosquito incursions.

2. Other Pests

There were 95 enquiries/pest identifications over the report period regarding miscellaneous pests. The most common enquiries related to Pandanus plant-hoppers, ants, paper wasps and rodents.

Rodent baiting was carried out to infested Tweed River rock walls, coastal reserves and other public areas where rodents were noted.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 1 Minutes of Sub-Committees/Working Groups Circulated with this Agenda not Requiring Council Decision**

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Public Transport Committee Meeting held Friday 29 April 2005 (DW 1200709)
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ORDERS OF THE DAY

1 [NOM] Hart's Hole, Upper Crystal Creek

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That Council forthwith strategically places, generally in a crescent shape, large boulders at Hart's Hole at Upper Crystal Creek, such placement to be in consultation with local residents.

2 [NOM] Three (3) Storey Height Limited

NOTICE OF MOTION:

Councillor M R Boyd moves:

That in view of the increasing number of residents who are expressing strong opposition when they suddenly become aware that a neighbour or someone nearby has approval to build a three (3) storey building allowable under the current Local Environmental Plan which has an adverse impact on their enjoyment of their long standing quality of life, Council seeks the views of urban residents throughout the Shire as to whether they want to protect the residential character of their street/suburb by requesting Council to reduce the present three (3) storey height limit to reflect their majority preference.

3 [NOM] Mentoring - Koiari Region of Papua New Guinea

NOTICE OF MOTION:

Councillor J F Murray moves:

That Tweed Shire Council supports a mentoring relationship with the Koiari Region of Papua New Guinea in recognition of assistance given to Australian Troops on the Kokoda Trail during the Second World War.

4 [NOM] Parking Master Plan - Kingscliff Central Business District

NOTICE OF MOTION:

Councillor R D Brinsmead moves:

That Council, in consultation with the Kingscliff community, develops a car parking master plan for the Kingscliff CBD with a view to implementing it as a matter of high priority

5 [NOM] Workshop - Gales Holdings

NOTICE OF MOTION:

Councillor R D Brinsmead moves:

That Council arranges a workshop with Gales Holdings Group in an effort to resolve outstanding issues.

CONFIDENTIAL MATTERS

CONFIRMATION OF MINUTES

Minutes of the Confidential Council Meeting held 4 May 2005

Minutes of the Confidential Extraordinary Meeting held 11 May 2005

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING AND ENVIRONMENT IN COMMITTEE

1 [PE] Kings Forest Existing Use Rights

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

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] Regional Sport and Recreational Facilities Plan

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] Park 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

4 [EO] EC2005-051 Construction of a Boat Ramp and Floating Pontoon Jetty, Lakes Drive, Tweed Heads West

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

5 [EO] Variation to Contract EC2005-032: Manufacture, Supply, Delivery and Unloading of DICL and MSCL Large Diameter Pressure Pipe and Fittings

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

6 [EO] Land Acquisition for Road & Compensation Purposes - Duranbah Road, Duranbah

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

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