



AGENDA

ORDINARY COUNCIL MEETING Wednesday 22 March 2006

Chairman: Mr Garry Payne AM

**Administrators: Mr Garry Payne AM
Ms Lucy Turnbull
Mr Max Boyd AM**

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ITEMS FOR CONSIDERATION OF COUNCIL:

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ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meeting held Tuesday 28 February 2006

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Ordinary Council Meeting held Tuesday 28 February 2006 (DW 1353908)
 2. Minutes of the Confidential Council Meeting held Tuesday 28 February 2006 (DW 1353665).
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PLANNING COMMITTEE

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 79(C)(1) 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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P1 [PD-PC] Reimbursement of Development Application Fee, Notified Development Fee, Inspection Fee and Construction Certificate Application Fee for the Construction of a Storage Shed

ORIGIN:

Development Assessment

FILE NO: DA06/0089 Pt1

SUMMARY OF REPORT:

Council is receipt of a request to reimburse the Development Application Fee, Notified Development Fee, Building Inspection Fee and Construction Certificate Application Fee totalling \$726.42 for the construction of a storage shed by the Pottsville Community Dune Care Inc. on Council owned land.

The shed is to be used for the storage of the Pottsville Dune Cares' car trailer and equipment. The Pottsville Community Dune Care Inc. is a voluntary organisation funded only by community donations. The shed will become the property of Tweed Shire Council on Council owned land.

The fees are as follows: -

Development Application Fee	\$187.87
Notified Development Fee	\$200.00
Construction Certificate Application Fee	\$83.55
Building Inspection Fee	\$255.00
Total	\$726.42

The development consent has been issued although the construction certificate is yet to be determined.

Although the applicant is a community based voluntary organisation the principle of reimbursing application fees from relevant income accounts should not be supported. If Council wished to support the request then an equivalent donation should be provided to the applicants from Council's Foreshore Protection budget.

RECOMMENDATION:

That Council provides a donation of \$726.42 to Pottsville Community Dune Care Inc being the equivalent to fees associated with Development Application DA06/0089.

REPORT:

Applicant: Pottsville Dune Care Inc
Owner: Tweed Shire Council
Location: Lot 534 DP 48641 Elizabeth Street, Pottsville
Zoning: 5(a) Community Purposes
Cost: \$5,955

BACKGROUND:

As per summary.

OPTIONS:

The Council could: -

1. Reimburse the fees from the relevant income budget allocation.
2. Donate the equivalent amount to the applicants from Council's Foreshore Protection budget allocation.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funds are available from the Foreshore Protection budget for the reimbursement of these fees.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The organisation is worthy of support however if the fees are to be reimbursed the money should come from the Foreshore Protection budget allocation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

P2 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 58 - Castlefield Drive, Murwillumbah

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/58 Pt1

SUMMARY OF REPORT:

Council on 7 July 2004 resolved to prepare and exhibit Tweed Local Environmental Plan 2000, Amendment No 58.

The purpose of Amendment No 58 is to rezone part of Lot 1 DP 828862 Castlefield Drive, Murwillumbah 2(c) Urban Expansion and thus permit, with the consent of Council, the construction of one (1) additional dwelling.

The draft Plan was publicly exhibited for 57 days from Wednesday 7 December 2005. No submissions and/or requests for a public hearing to the exhibition of the draft Plan were received.

Adoption of the draft Plan, as exhibited, and construction of one (1) additional dwelling on the site will not impact upon the character of the surrounding area nor will it prevent Council from establishing an entry statement into the surrounding Belleview Heights Estate on the site, as originally intended.

The draft Plan, as exhibited, can be forwarded to the Minister to make the Plan.

RECOMMENDATION:

That Council:

- 1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 58, as exhibited.**
- 2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No. 58, to the Minister and request that the Minister make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.**

REPORT:

Introduction

Council on 7 July 2004, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to prepare and exhibit an Amendment to Tweed Local Environmental Plan 2000 to enable, with the consent of Council, the construction of one (1) additional dwelling on Lot 1 DP 828862 Castlefield Drive, Murwillumbah.

The purpose of this report is to summarise to Council the public exhibition of draft Tweed LEP 2000, Amendment No 58 and any submissions Council has received in respect of the Amendment.

Background

Lot 1 DP 828862 Castlefield Drive is currently zoned part 2(c) Urban Expansion and part 6(b) Recreation. There are five (5) dwellings constructed on that part of the site-zoned 2(c). Figures 1 and 2 of this report show the site in context.

The purpose of the draft Plan is to rezone that part of the site currently zoned 6(b) Recreation to 2(c) Urban Expansion and thus permit, with the consent of Council, the construction of one (1) additional dwelling.

Pursuant to the table to Clause 11 of Tweed LEP 2000 the construction of a dwelling on land zoned 6(b) is not permissible unless an on-site caretaker is required to manage the land. In this instance an on-site caretaker is not required.

The intent of the 6(b) zone is to identify land suitable for active and/or passive recreation. The size, shape and location of the subject site have resulted in the site being poorly used for recreational purposes, particularly since the addition of better and more centrally located open space in the latter stages of the Belleview Heights Estate.

The location of the subject property, at the main entrance to the surrounding residential area, suggests that the purpose of applying the 6(b) zone over the subject site was to enable the provision of an entry statement rather than the provision of land for recreational purposes. The subdivision design for the Belleview Heights Estate and the topography of the subject site has resulted in this outcome not being totally achieved. Construction of an additional dwelling will not further reduce the original intention of establishing an entry statement into the Estate.

It is considered that the construction of one (1) additional dwelling on the subject property will have little impact to the character of the surrounding area. Appropriate landscaping of the site particularly on that part of the site adjoining the corner of Castlefield Drive and North Arm Road will ensure that the dwelling is not seen by motorists entering the Estate.

Figure 3 of this report shows the proposed zoning of the subject property.

State Agency Consultation

Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 Council advised the (then) Department of Infrastructure, Planning and Natural Resources of Council's resolution to prepare Tweed LEP 2000, Amendment No 58.

The Department advised that an environmental study was not required in this instance.

Pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 Council sought comments on Tweed LEP 2000, Amendment No 58 from relevant State Government Departments and/or Agencies.

No objections were raised with regard to the draft Plan.

Public Exhibition

Pursuant to Section 66 of the Environmental Planning and Assessment Act 1979, draft Local Environmental Plan 2000, Amendment No 58 was placed on public exhibition from Wednesday 7 December 2005 to Wednesday 1 February 2006.

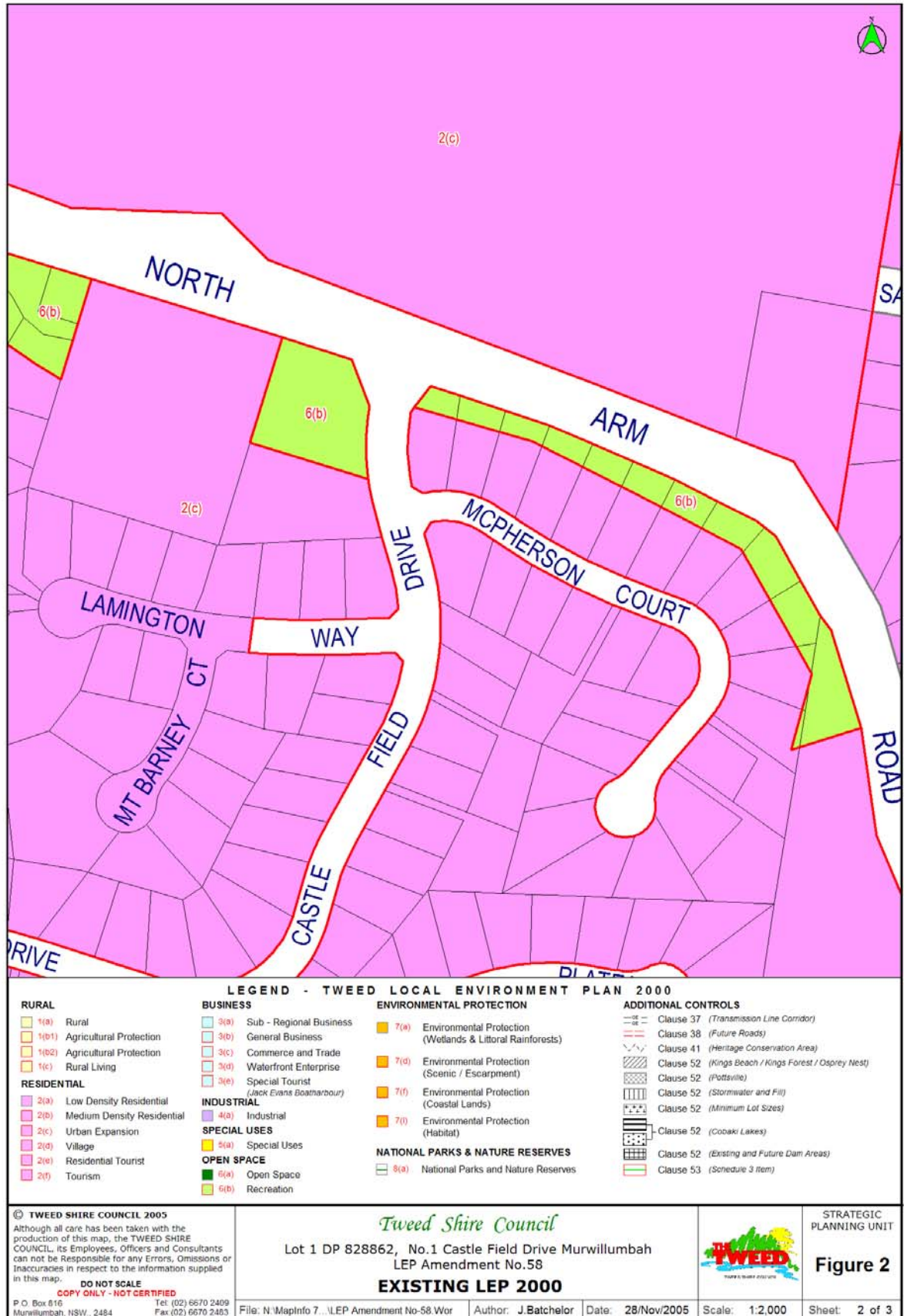
No submissions or requests for a public hearing to the exhibition of the draft Plan were received.

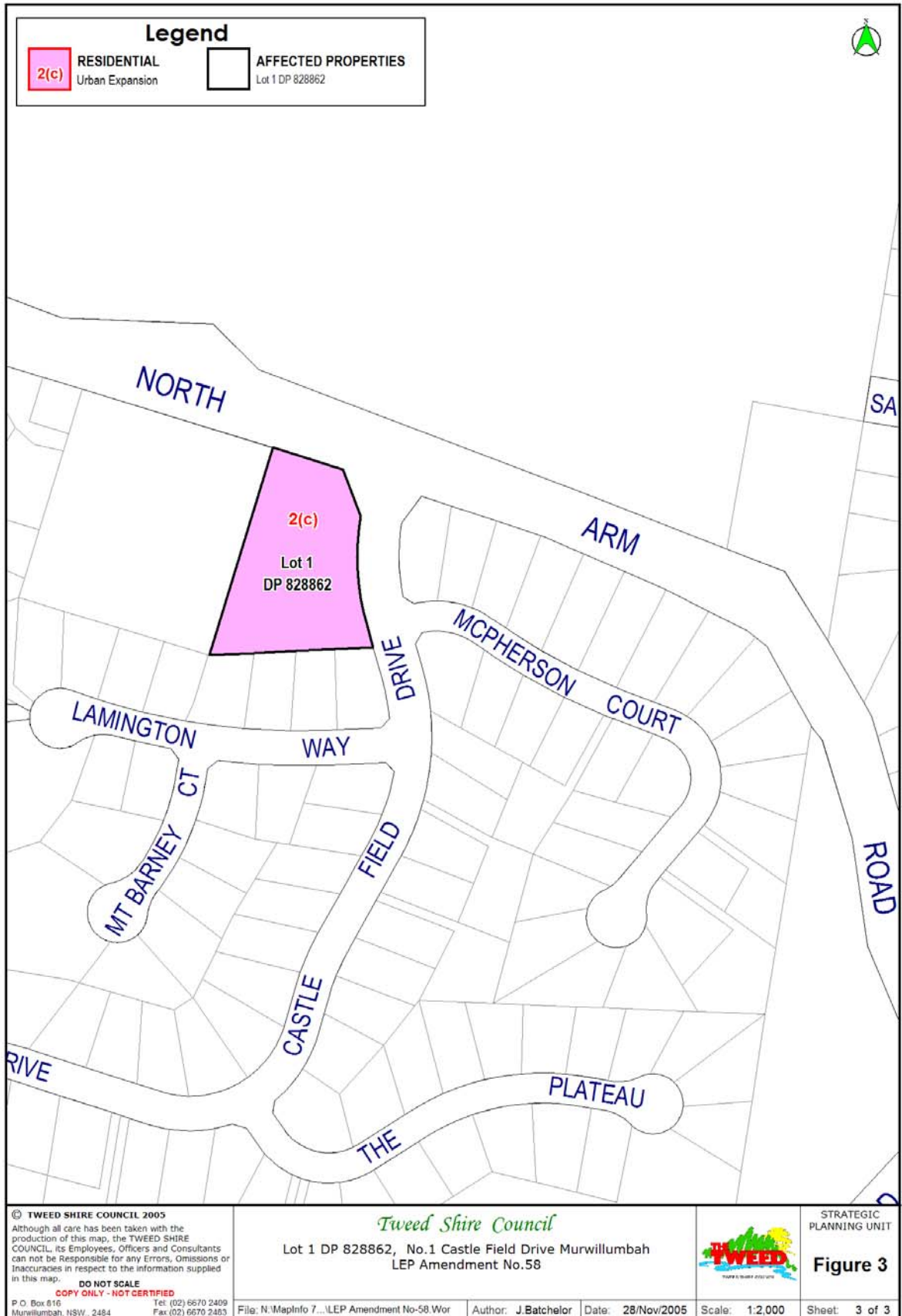
Conclusion

Adoption of the draft Plan, as exhibited, and the construction of one (1) additional dwelling on the land will not impact upon the character of the surrounding area nor will it prevent Council from establishing an entry statement into the surrounding Belleview Heights Estate on the site, as originally intended.

The draft Plan, as exhibited, can be forwarded to the Minister to make the Plan.







LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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P3 [PD-PC] Development Control Plan No. 2 – Site Access and Parking Code

ORIGIN:

Development Assessment

FILE NO: GT1/DCP/2

SUMMARY OF REPORT:

Concerns have been raised by Community Groups, Consultants and Council staff in regard to the impact of Councils current parking code.

Several areas of Development Control Plan No.2 are open to various interpretations resulting in development applications being lodged which fail to meet minimum parking requirements. Alternatively considerations by Council staff have required an oversupply of parking in some instances.

In addition, general house keeping of the DCP is required to reflect current legislation, reference documents and LEP definitions.

Draft Development Control Plan No. 2 – Site Access and Parking has been prepared to address these issues. A copy of the draft is attached to this agenda. It is proposed to exhibit the plan and seek submissions from the public in accordance with the requirements of the Environmental Planning & Assessment Act.

RECOMMENDATION:

That : -

- 1. Draft Development Control Plan No. 2 – Site Access and Parking Code, Version 1.2 be placed on public exhibition in accordance with the requirements of the Environmental Planning & Assessment Act 1979.**
- 2. Detailed locality plans be included in any amended Development Control Plan to clearly define specific catchment areas.**
- 3. Council delegate to the Director of Planning and Development, responsibility for the formatting of the new document to provide a clear and more logical presentation of the Development Control Plan requirements.**

REPORT:

BACKGROUND:

Tweed Shire Council adopted Development Control Plan No.2 on 29 June 1990.

Council reviewed the code during 1998 / 1999 following concerns the car parking requirements may have been causing a detrimental impact on the established Central Business Districts in Tweed Shire and causing hardship for new businesses.

As a result Version 1.1 was adopted on the 16 November 1999 incorporating concessions supporting both ESD principles and reduced local area parking requirements within specified zones of the Tweed LEP. The amended plan was supported by a Section 94 Contributions Plan No.23 – Off street Parking – Version 1.1.

Since that time development applications have been assessed in accordance with these requirements however Council continues to receive numerous complaints from residents and community groups in regard to the lack of parking. Various Chambers of Commerce have also expressed their concerns about the lack of parking however they acknowledge their support for car parking concessions to support new businesses.

In recent times the balance of supporting Environmentally Sustainable Development and the provision of adequate parking facilities has been questioned vocally by community groups. On the other hand applicants have stated that the reduced parking requirements are in accordance with individual clauses of the adopted plan.

This report endeavours to clarify the uncertain / ambiguous components of the plan, incorporate changes to relevant legislation and address the concerns raised by both residents and the development industry.

Draft Changes

Draft amendments to the adopted plan are tabled in three areas, 1 - updated reference to various legislation and reference documents, 2 – clarification of uncertain / ambiguous detail, and, 3 – review parking demand requirements.

To assist in identifying the variations, a copy of the draft plan is appended to this report identifying amendments through “*tracked changes*”

1. Reference to legislation / reference documents.

Various changes have been undertaken to Councils adopted LEP, the Environmental planning and Assessment act and a number of reference documents tabled within DCP No.2. Draft changes are tabled as: -

- Reference to Councils adopted LEP (formerly the year of adoption was tabled requiring Councils DCP's to be amended at each new version of the LEP.
- Reference to current clauses of the Environmental Planning and Assessment Act following the repeal of a number of outdated clauses.
- Reference to updated versions of relative Australian Standards and RTA Guidelines.

2. Clarification of detail

- Various references to other relevant components of the DCP have been included to give direction to applicants in addressing the required standard / considerations.
- Removal of irrelevant / vague statements.
- Provide additional detail to assist in determining the requirements of individual applications.
- Reflect the definitions of various development tabled within Councils adopted LEP.
- Provide greater detail in reference to local area control plans.

3. Review of parking demand requirements.

To address the concerns on whether an over supply or undersupply of car parking is occurring with the current DCP, a review of various codes of other Local Government Organisations has been undertaken. Reference documents are tabled as: -

- Ballina Shire Council – Policy Statement No.2, Car parking and access
- Coffs Harbour City Council – Development Control Plan – Off Street Car Parking
- Eurobadalla Shire Council – Development Control Plan – Parking Code
- Gold Coast City Council – Part 7 Codes, Car Parking, Access and Transport Integration.
- Lismore City Council – Development Control Plan N0.18, Off Street Carparking
- Port Stevens Council – Development Control Plan PS2, Parking and Traffic Guidelines

Whilst these documents differ considerably in presentation and extent of detail, the reference to car parking demand for most developments is similar. Although requirements from one Local Government Authority to another differ, the Tweed Shire Council requirements are a general average to other areas.

In summary the draft changes are tabled as: -

- Inclusion of Table 3.0, identifying the type and standard of service vehicle require for various developments.

- Amendment to Table 4.8, reducing the extent of concession available to development within the CBD areas of Tweed Heads, Murwillumbah, Kingscliff, Uki, Burringbar, Tumbulgum and Tyalgum.
- Amendment to Table 4.8, clarifying the intent of concessions available to neighbourhood general stores and their definition within Table 4.9
- Amendment to Table 4.9 to delete definitions not supported by Tweed LEP (eg, Cluster development has been deleted, assessment is considered as multi dwelling housing)
- Amendment to Table 4.9 for resident/visitor parking has generally not been changed. Minor variations have occurred for staff/customer parking in some areas (eg an increase for early childhood facilities, a decrease for motor showroom).

Document Format

Council Officers have also raised concerns for the formatting of Councils DCP's. Currently each DCP is set out in various forms of font, font size, columns, section/clause reference and heading styles. In reviewing any future documents a standard format, in a plain English, user friendly form is envisaged.

OPTIONS:

1. Place the draft DCP on public exhibition to allow the public to comment on the proposed amendments.
2. Not proceed with any amendment to the DCP and maintain the status quo.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 amended the requirements for Development Control Plans (DCP's) under the Environmental Planning and Assessment Act 1979 (EP&A Act)

The amendments commenced on 30 September 2005 and introduced a requirement that only one DCP (per planning authority) may apply to the same land.

The augmentation of Councils current DCP's is near completion. Advertising of those plans and Draft DCP No.2, if supported shall be undertaken jointly.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Following the adoption of the current DCP in November 1999, the general public and Council Officers have raised a number of concerns in regard to the application of a several components of DCP No.2.

The opportunity is now available to Council to place the Draft DCP on exhibition to allow the public comment.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. A copy of Draft DCP No.2 draft plan is appended to this report identifying amendments through "tracked changes". (DW 1360501)
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TWEED SHIRE COUNCIL

Development Control Plan No 2

Planning
Service

SITE ACCESS AND PARKING CODE

Version 1.2+

~~XX May 2006 to November 1999~~

TWEED SHIRE COUNCIL

Development Services Division

Phone: (02) 6672 0400

Fax: (02) 6672 6250

The Planning Service is on the web at:

www.tweed.nsw.gov.au/planningservice



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TWEED SHIRE COUNCIL

**CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS**

THIS PLAN IS EFFECTIVE FROM ~~16-NOVEMBER-1999~~



GENERAL MANAGER

DATE: ~~16/11/99~~

~~Reprinted 12 February 2003~~

DEVELOPMENT CONTROL PLAN No 2

SITE ACCESS & PARKING CODE

Version 1.~~24~~

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1.0 INTRODUCTION

1.1 Name Of Plan

This plan may be cited as "Tweed Development Control Plan No 2 - Site Access and Parking Code - Version 1.2.1.4".

1.2 Land To Which This Plan Applies

This plan applies to all land within the Shire of Tweed.

1.3 Relationship To Environmental Planning Instruments

This plan contains development standards and other provisions in respect of site access and parking and relates to -
[The](#) Tweed Local Environmental Plan 1987 which is the principal planning instrument governing development in the Shire. Where an inconsistency arises between this plan and any environmental planning instrument applying to the same land, the provision of the environmental planning instrument prevails. An environmental planning instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

1.4 Purpose Of The Plan

The purpose of this plan is to advise Council's requirements and performance criteria for the provision of access and vehicle parking to developments.

1.5 Scope

This plan is concerned with the provision of access and vehicle parking to development sites in the post construction or operational phase.

It includes access by

- Direct pedestrian access
- Pedestrian access after initial trip on public transport
- Cycle
- Vehicle
- Wheelchair or other apparatus for the disabled
and
- the provision of parking
- delivery and service vehicle loading/unloading

~~Parking is the part of the transportation system that provides vehicle storage to enable drivers and passengers to participate in out of vehicle activities.~~

For the purpose of this plan, off street parking is defined as a parking area created solely for storing vehicles outside the carriageways of a street.

1.6 Plan Principles

This plan has been revised to reflect the following principles:

Principle 1. Council's Strategic Plan commitments to

- Ecological sustainability
- Consolidation of higher order retailing and commercial centres
- Encouraging reduced car dependence
- Reducing traffic by giving priority to public transport, walking and cycling and revising parking policy

Principle 2. The provision of access to development sites that is

- safe
- convenient
- efficient & economical
- not prejudicial to pedestrians, cyclists, disabled persons, public transport and vehicle users
- equitably imposed on beneficiaries ("user pays")

Principle 3. The pursuit of parking and access provisions for new development that are consistent with best practice principles of contemporary urban design with particular regard to -

- impact on the public function of the accessed road, street or lane
- impact on the streetscape aesthetics
- positive contribution to the economic and social vitality of the precinct

Principle 4. Within the above principles, minimise Council intervention in commercial development decisions.

1.7 Objectives Of Plan

- a) consistent with ESD principles, ensure provision of safe, convenient and equitable access to developed land for pedestrians, vehicles and persons using vehicles, bicycles and public transport .
- b) provision of disabled access to developed land.
- c) provision of sufficient off street car parking facilities to satisfy demand of, residents, staff, servicing, loading and unloading
- d) provision of bicycle parking facilities to satisfy peak present and future demand.
- e) control total parking supply to ensure road network planning goals and performance are not compromised.
- f) prevention of parking nuisance to adjacent properties. In this context a nuisance is caused if
 - customers park in front of adjacent residential properties to the extent that casual visitor parking spaces are no longer readily available for these adjacent properties and
 - customers use off street parking provided by adjacent properties
- g) promotion of development of regional, district and local strip shopping centres by adapting access and parking requirements to meet the specific visions, needs and constraints of these areas
- h) promote flexibility in provision of parking by allowing proposals that foster ecological sustainability and/or include enhancement/ a net increase of on street parking spaces as an alternative to off street parking.
- i) encourage car parking area design and landscaping to enhance the visual amenity of the area and minimise impacts from stormwater runoff and pollution.
- j) encouragement of consolidation of off street parking on adjacent lots to maximise land use

1.8 Status Of Plan

This plan has been prepared in accordance with Division 6, Section 72-74 of the Environmental Planning and Assessment Act 1979 and attendant regulations.

~~This plan came into force on 16/11/99 in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 1994.~~

This plan may only be amended in the manner prescribed by Section 22 of the Environmental Planning and Assessment Regulations 1994, 2000.

1.9 Application Of Plan

Where a development is proposed in respect of land to which this plan applies Council shall take the provisions of this plan into consideration in determining the application.

Compliance with the provisions of this plan does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also have taken into consideration those matters listed under Section 79(C) of the Environmental Planning and Assessment Act, 1979.

1.10 Definitions

Reference should be made to See AS 2890.1 Section 1.3- Definitions- and the following

"Small Car Space" means a parking space designed to accommodate small cars and as a result is smaller than the minimum dimensions described in this Plan.

"Tandem or Stacked Spaces" means two (2) parking spaces arranged in such a way that vehicular access to one (1) of the parking spaces cannot be obtained without crossing the other space.

"Large developments" means development proposals where the total site development results in a GFA greater than 5,000m².

~~"Gross Floor Area" or "GFA", means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1 400 millimetres above each floor level), excluding:~~

- ~~a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and~~
- ~~b) lift towers, cooling towers, machinery and plant rooms and vertical air conditioning ducts, and~~
- ~~c) car parking needed to meet any requirements of the council and any internal access to the car parking, and~~
- ~~e) space for the loading and unloading of goods.~~

In addition, Tweed Local Environmental Plan, Schedule 1 – Meaning of Terms should be referenced.

2.0 ASSESSMENT OF PROPOSALS

2.1 Preparation Of Proposals

Development proposals which involve vehicular or pedestrian traffic changes are to be prepared in accordance with the principles, objectives and standards of this plan.

2.2 Development Applications

Development Applications submitted to Council for any purpose (apart from single dwellings) must address, where relevant, the requirements of this Plan by submitting with the Application -

- a. A locality plan showing
 - existing public transport routes , pick up/set down locations, shelters/waiting facilities, ticketing facilities and any proposed alterations/additions to the above
 - local street network and proposed vehicular access to the site
 - existing paved pedestrian pathways in the locality and proposed means of connecting to development site
 - existing cycleways in the locality and proposed means of connecting to development site
- b. A site plan showing the location and dimensions of proposed movement corridors & vehicle storage::
 - internal pedestrian paths and accessways including connections to outside the site.
 - access to public transport facilities
 - bicycle access, cycleways and parking
 - vehicle aisles and circulation roads;
 - vehicle parking and manoeuvring areas;
 - vehicle access driveways
 - garbage collection areas;
 - drainage structures;
 - loading bays and parcel pick-up facilities;
 - landscaping and business identification/advertising signage;
 - disabled person's parking areas;
 - access and parking traffic generating facilities eg. table and chairs in a refreshment room, seats in an auditorium, gross floor area in a shop, etc.
 - Conflict points between vehicular, pedestrian and cycle traffic, details of treatment of these conflict points
 - signage & traffic controls
 - Adjacent allotments site plan and off street parking provisions (if applicant wishes to provide less than the prescribed minimum spaces, see section 4.2)
- c. Where the proposal departs from the prescriptive standards of this plan, a detailed *Access, Traffic and Parking Impact Study* substantiating that the proposal conforms with the principles and objectives of this plan. For factory / industrial development of less than 5,000m² GFA in the commerce and trade zone an *Access, Traffic and Parking Impact Study* may be based on observed parking demand/levels, on at least 64 representative occasions, on similar land uses in the area. Studies must also include the demand during the peak hours of both the road network and the proposed development. In the case of mixed use developments, each use, demand and operating hours must be provided.
- d. A public transport impact study for large developments (greater than 5,000m² GFA) that are 50m or more from the nearest practical public transport bus stop.

2.3 Relaxation Of Development Standards

Council may consider proposals as in 2.2(c) above that relax or modify standards in this plan, provided the proposal is consistent with the principles and objectives of the plan. Reference to Clauses 4.1.1 and 4.8 of this plan provides further detail.

Consideration may also be given to relaxing requirements for supply of customer car parking if this is accompanied by a- proposal to compensate (see section 4.2) for the decrease in car parking by measures referred to in Clause 4.4 or constructing pathways and cycleways into the catchment area or upgrading public transport operations or facilities to improve customer access by these transport modes. Applicants are to

consult with Councils Engineering ~~and Operations Services~~ Division to locate eligible ~~pathways, cycleways and~~ public transport facilities.

Applicants must prepare a suitable Access, Traffic and Parking Impact Study, substantiating that the proposal conforms with the principles and objectives of the plan- where relaxation of a development standard is desired.

Note that where relaxation is granted on the basis of a particular form of business operation that creates unusually low demands for its category of parking, Council will require such limitations to be endorsed on the title of the land.

2.4 Cash Contributions

Bicycle parking; delivery and service vehicle parking and loading/unloading facilities; resident parking; and staff parking must be provided on site. Council will not give consideration to accepting a cash contribution for these components of any proposed development.

Where the required number of customer car parking spaces and access facilities for a particular development under this plan cannot be met and there is an adopted S94 Contributions Plan covering the supply of public realm parking for the locality, Council may consider accepting a cash contribution in lieu of the unsupplied facilities or spaces. Details of these arrangements are shown in Contributions Plan No. 23.

Contributions eligibility as an alternate to on-site parking provision- will not be granted as a right and will be based on the merits of each application, in accordance with the objectives of this plan.

3.0 DESIGN PRINCIPLES

3.1 Site Concept Planning

The layout design of the site shall consider the entire facility including pedestrian and cycleway access, public transport and passenger access and loading/unloading, disabled person access and parking, bicycle and vehicle parking modules, staff/customer/resident parking, circulation, access driveways and frontage road access, service and delivery vehicle parking/loading/unloading as an integrated and coordinated design. Where alternatives exist, vehicle access is expected to be derived from the frontages which have the lowest pedestrian and cycle volumes. This includes *portes cochere* (covered vehicle set downs), which generally will not be approved at all in the CBD strip shopping zones designated in Clause 4.8. Other access driveways in these zones will need substantial justification to obtain approval. In general, no new off street parking bays or aisles will be allowed at street level within 6m of the principal property frontage anywhere within the CBD sectors designated under clause 4.8.

In accordance with ESD and equity principles, priority is to be given to pedestrian, bicycle and public transport needs.

Pedestrian and bicycle corridors are to be established to allow protected access through the site. Protection could include physical barriers, pedestrian crossings, raised cycleways and walkways between parking modules and use of traffic calming devices.

3.2 Referrals And Adoptions

(a) Unless stated otherwise in this plan, the provisions of the following standards are adopted:

Standards Association of Australia:

AS 2890.1	Part 1:	"Car Parking Facilities" (19932005)
AS 2890.2	Part 2:	"Commercial Vehicle Facilities" (1989)
AS 2890.3	Part 3:	"Bicycle Parking Facilities" (1993)
AS 2890.5	Part 5:	"On-street parking" (1993)

(b) The following documents may be used as a guide where standards are not contained in this plan or the Australian Standards.

(i) Road and Traffic Authority of NSW (Traffic Authority of NSW):

"Guide to Traffic Generating Developments" December [19932002](#), Issue [2-02.2](#)

(ii) Austroads :

"Guide to Traffic Engineering Practice,
Part 11: Parking" (1994)
Part 13: Pedestrians (1995)
Part 14: Bicycles (1993)"

(iii) Amcord Practice Notes, PND14 (1995)

(iv) Building Code of Australia

(v) Qld Dept of Tourism Small Business & Industry, (now Dept of State Development) "Mixed Use Development, New Designs for New Livelihoods".

Where an authority mentioned above updates or revises its publication relating to off street parking the applicant or designer must refer to the latest of such publications current at the date of consent.

(c) Conflict between standards

Where there is conflict between standards, this DCP shall prevail followed by AS2890.1 unless stated otherwise in this plan.

3.3 Pedestrian Access

Development proposals are to be designed to optimise pedestrian and disabled persons access to and within the development.

Footpaths are to be provided for pedestrians to move from adjacent streets and footpaths onto the site and to destinations within the site. Particular attention is to be given to movement of pedestrians to and from public transport stops, bicycle parking areas and disabled parking areas. Depending on the expected volumes of pedestrian traffic, weather protection for key pedestrian movement corridors should be integrated into the building design.

Provision for access by vehicles and vehicle parking is not to compromise the equity and amenity of pedestrian access.

Pedestrian facilities are to be designed in accordance with Austroads "Guide to Traffic Engineering Practice, Part 13: Pedestrians (1995)"

3.4 Public Transport Access

Development sites should desirably be selected close to regular bus routes and stops to maximise access by users of public transport. Where regular bus routes are located greater than 400m from a proposed development a reduction in the provision for parking in accordance with Clause 4.1.1 of this plan will not be supported.

Proposals for large developments (greater than 5,000m² GFA) shall include a public transport impact statement. This statement shall contain:-

- Locality plan showing development site in relation to nearest practical public transport route and bus stops
- Proposed means and standard of pedestrian access from nearest bus stop to development site
- Where development site is more than 50m from the nearest bus stop, evidence of negotiations with public transport operator to obtain bus route and stop adjacent to or closer to development.
- Proposed bus stop seating arrangements
- Proposed arrangements for provision of bus stop within the development site (where applicable).

3.5 Bicycle Access And Parking

Development proposals are to be designed to optimise bicycle access and parking facilities.

Cycleways are to be provided for the movement of bicycles from adjacent streets and cycleways onto the site and movement of bicycles to conveniently located bicycle parking areas within the site.

Provision for access by vehicles and vehicle parking is not to compromise the equity and amenity of bicycle access and parking.

Bicycle parking is to be designed and constructed in accordance with AS2890.3, Parking Facilities Part 3: Bicycle Parking Facilities.

Bicycle parking facilities are to be provided in accordance with AS2890.3, Table 1.1 for all user classes exempting class 4.3 facilities.

Cycle ways are to be constructed in accordance with Austroads : "Guide to Traffic Engineering Practice, Part 14: Bicycles (1995)".

3.6 Disabled Person Access And Parking

Disabled access and parking facilities are to be provided in accordance with AS2890.1 and the Building Code of Australia. Proposals must comply with the requirements of the Disability Discrimination Act, 1992 (Commonwealth).

3.7 Vehicle Parking

The following general design principles will apply to off street vehicle parking.

3.7.1 Layout

Car park layout shall be in accordance with AS2890.4 with the following additional requirements

- Parking areas must be designed so any vehicle which uses the area will be able to enter and leave the site in a forward direction.
- **Tandem or stacked parking** is not generally favoured. However, in certain cases, the provision of a limited number of employee parking spaces may be provided in this way in circumstances where no inconvenience arises from its use and subject to the following guidelines:
 1. The applicant must be able to demonstrate that there is a real need for stacked parking and that the provision of stacked parking will not adversely affect the use of the site.
 2. No more than two (2) cars are parked in a stacked arrangement, so that no more than one (1) vehicle has to move to allow egress of another.
 3. Stacked parking is only to be used to provide parking for people employed on the premises and likely to park all day or a major part of the day.
 4. Stacked parking spaces are to be used by the occupants of the site in one tenancy~~Proposals which include stacked parking where multiple occupancies are involved, will be considered on their merits.~~
 5. ~~5-~~Provision shall be made on site for shifting cars without the movement of vehicles on to public streets.
 6. Stacked parking for customer/public and multi dwelling housing will not be supported.
 7. Minimum length of stacked parking is 10.4m.
- **Small car spaces** are not acceptable unless the possible misuse of these spaces will not result in a hazard or potential congestion and the required number of standard size car parking spaces is provided. They will generally be provided as bonus parking and designed in accordance with AS 2890.1, Clause 2.4 – Design of Parking Modules.
- Aisles for **parcel-pickup** facilities or areas for the manoeuvring or docking of **commercial vehicles** or **garbage trucks** should be separate from areas of normal pedestrian/vehicular traffic. Under no circumstances will customer pedestrian access be permissible through commercial vehicle or garbage truck reversing areas.

3.7.2 Vehicular Access

Access to off street parking areas must comply with Council's "Driveway Access to Property Design Specification" (Revised March ~~2002~~2006). Copies of this document are available from Councils Engineering & Operations Division and on Tweed Shire Councils web site, www.tweed.nsw.gov.au, a copy of which is appended to this plan. The accommodation of large entry volumes or need to turn across large through street volumes, where relevant, will need to be professionally examined and design responses developed within the mandatory ~~Part IV~~ Statement of Environmental Effects accompanying the development application...

Generally, uncontrolled direct access to arterial or distributor roads will not be permitted. Reference should be made to State Environmental Planning Policy No. 11 (see 3.8) to determine if the proposal will result in referral to the Local or Regional Development Traffic Committee.

Sight and stopping distances to be used for assessment of access driveways should be obtained from Austroads, "Guide to Traffic Engineering Practice, Part 5: Intersections at Grade" (1988).

3.7.3 Disabled Persons' Parking

Carparking spaces for people with disabilities is to be provided in accordance with Clause D3.5 of the Building Code of Australia and comply with the requirements of AS2890.1 for people with disabilities

3.7.4 Landscaping

Landscaping in off street parking areas shall be used to enhance the amenity of the site and improve the microclimate without compromising the traffic safety or the surveillance security of pedestrians and cyclists. Landscaping should be fully contained on site and not extend onto public areas unless specifically authorised by Council.

Landscaping should adequately screen surrounding properties from view (if visually detrimental), noise and light spill over through the use of vegetation, mounding and fencing.

Landscaping shall be used to break up the harsh visual impact of large parking areas by evenly distributing landscape areas throughout the parking area. Landscaping should also provide shade by the use of tall shady trees. Species selected for this purpose shall be rapid growing, fruit and berry free.

The location and species choice of vegetation, or any other landscaping feature, must not affect sight distances at any intersection, accessibility to any vehicular or pedestrian traffic area or visibility of signage.

Landscaping areas should be protected from vehicular traffic by kerb and gutter wheel stops or other appropriate barriers, although due consideration must be given to tripping hazards for pedestrians..

Landscaping shall be maintained by the landowner in accordance with this plan at the landowners cost. All landscaping details as required by this Plan must be shown on a landscaping plan submitted with any Development Application.

3.7.5 Traffic and Parking Control

Whilst the Motor Traffic Act applies on private property, enforcement is difficult. Designers should acknowledge these and risk management issues by using careful design of off street parking areas to control traffic and parking rather than simply using prohibitive signage.

It should, due to the design of the parking area and its circulation pattern, be difficult to breach traffic and parking rules. This will avoid the need for policing measures.

3.7.6 Signage and Pavement Marking

As a general rule it is preferable to design a carpark to avoid the need for regulatory signs.

Advisory signage and pavement marking is to be provided in accordance with AS2890.1, Section 4.

3.7.7 Delivery, Service Vehicle Parking

Site design must allocate adequate space for the loading, unloading, parking and manoeuvring of delivery and service vehicles within the subject property. Design of these areas shall comply with AS 2890.2.

Table ~~4~~ 4.9 provides minimum numerical requirements for the provision of parking for delivery and service vehicles. Table 3 provides a definition of the various types of service vehicles to be catered for within the various uses identified. It is generally required that at least 50% of all spaces for loading/unloading be large enough for heavy vehicles.

Special vehicles such as **buses, garbage trucks and ambulances** may have particular access, manoeuvring and operating conditions. The designer or applicant should refer to AS 2890.2 Off-street parking (Part 2: Commercial vehicle facilities) and Roads and Traffic Authority, 1993: "Guide to Traffic Generating Developments".

As with any vehicle, large vehicles must be able to manoeuvre entirely on site and enter and leave the site in a forward direction. Such manoeuvring areas, if reversing of large vehicles is involved, must be separate from areas of normal pedestrian or vehicular traffic.

Large vehicle manoeuvring areas, loading and unloading areas shall be located as far as possible from adjoining residential areas. Where these activities are likely to result in loss of amenity in nearby

residential areas, visual and acoustic screening approved by Council shall be required to minimise the loss of amenity.

Table 3.0

<u>Vehicle Type</u>	<u>Design dimensions</u>	<u>Design Turning Template</u>
<u>SRV – Small rigid vehicle</u>	<u>Minimum length – 6.385m</u> <u>Min Hgt clearance – 2.5m</u>	<u>As defined in AS 2890.2</u>
<u>HRV – Heavey rigid vehicle</u>	<u>Minimum length – 8.8m</u> <u>Min Hgt clearance – 4.1m</u>	<u>As defined in Austroads Deign vehicles and turning path templates</u>
<u>AV – Articulated Vehicle</u>	<u>Minimum length – 19.0m</u> <u>Min Hgt Clearance – 4.5m</u>	<u>As defined in Austroads Deign vehicles and turning path templates</u>

3.777.8 Parking Area Pavement Design and Construction

- Surface

- Covered areas, concrete or asphaltic concrete
- Uncovered areas

Desirably car parking areas should have an all weather, high bearing capacity porous surface to aid infiltration and minimise runoff and discharge of pollutants to the downstream stormwater system. Proprietary infiltration cells may also be used.

Alternatively car parking areas may be sealed with an all weather surface and high flows managed by detention storage and pollutants removed by suitably designed, installed and maintained devices (GPT, grass swales etc). Minimum trafficked area surface standards in this case are:

- Low parking turnover (<50 movements)- flush seal (ie. two coat bitumen spray)
- High parking turnover (>50 movements)- asphaltic concrete

- Gravel Pavement

Council may consider gravel pavements for areas servicing 3 parking spaces or less. Applicaqnt should demonstrate that the gravel siface shall be of a feature stone (ie smooth river stone), be dust free and shall not be trafficked onto road pavements/pedestrian thoroughfares.

- Pavement Design
Shall be in accordance with Development Control Plan No.16 and Councils Development Design and Construction Specifications requirements
- Certification of construction

All parking area surfaces will be certified by a qualified Engineer prior to occupation or use.

- Parking areas shall be permanently **line marked** in white colour as detailed in AS 2890.
- Areas to which must be protected from vehicular traffic (such as traffic islands, gardens, landscaping, aisle ends and pedestrian areas) will be protected by being raised and bordered by a vertical-faced kerb and gutter or other suitable barrier. The overhang of vehicles must be taken into consideration when locating the kerb and gutter, and providing adequate abutting pedestrian footway widths..

- Where parking **expansion-overflow areas** are required, these may be unsealed and used as additional landscaping.
- Design and construction of parking areas should provide for a minimum of maintenance.

3.787.9 State Environmental Planning Policy No. 11

State Environmental Planning Policy No. 11 was designed to ensure that the Traffic Authority of New South Wales is made aware of, and given opportunity to make representations in respect of, certain development.

Broadly, Council will advise the Traffic Authority of receipt of an application listed in the Policy's Schedule 1 or if on (or 90 metres from and connected to) an arterial road, Schedule 2. Enquires as to the implementation of State Environmental Planning Policy No. 11 should be directed to [the Councils Planning and Development Services](#) Division.

3.798.10 Stormwater Drainage

- **General principles.** Parking areas shall be designed to minimise detrimental effects on the downstream stormwater environment. This shall involve both the minimisation of peak flow rates and minimisation of pollutants discharged from the site.
- Peak flow rates shall be reduced to prior level by use of on site detention storage.
- Pollutants shall be removed by means of good design, infiltration, use of grass swales and/or installation of devices to remove pollutants.
- Particular attention is to be given to the removal of litter, rubber compounds, oils, grease and other petroleum and vehicle products.
- Pollution control devices are to be located on the development site upstream of the discharge point into the public stormwater system. All pollution control devices shall be installed, operated, serviced and maintained by the owner or occupier.
- Stormwater drainage design shall be in accordance with the requirements of [Institute of Engineers, Australia, 1987: "Australian Rainfall and Runoff: A Guide to Flood Estimation", Volume 1](#) [Tweed Shire Councils Development Design and Construction Specification D5 – Stormwater Design and D7 – Stormwater Quality](#) for minor system with a 5 year return period and major system for a A.R.I 100 year return interval. Plans shall show pipe sizes, capacities, design flow and velocity, pipe grades, design surface levels, and, where appropriate pollutant control devices.

4.0 ACCESS & PARKING DEMAND SCHEDULE

This section contains numerical and other standards for the provision of access facilities for development projects

4.1 General

Access and parking requirements for various categories of land use are specified in Table 4.9. Where development proposals contain uses that fall into a number of different categories the access and parking requirements will be calculated by summing the requirements for each land use.

Table 4.9 has the following parts:

- A. Residential Group
- B. Accommodation Group
- C. Shop & Retail Group
- D. Recreation, Dining & Entertainment Group
- E. Education Group
- F. Assembly [Place](#) Group
- G. Commercial, Office Group
- H. Health, Consultation Group
- I. Industry, Service Group
- J. Transport Group

Table 4.9 details Public transport bus stop seating; bicycle parking; delivery, service vehicle parking; resident parking; staff parking; and customer car parking requirements for each category of development.

If the applicant can demonstrate that some cross-utilisation may occur, Council may consider some relaxation of the numerical requirements. [However such demonstration must include a detailed parking study by suitably qualified persons.](#)

Requirements relating to staff parking refer to the maximum number of staff concurrently present on the site at any time.

Otherwise, the figures in the table are generally based on satisfying peak customer demand, and the subsequently scheduled relaxations reflect an acknowledgment of

- a) the economic inefficiencies of providing for peak rather than average demand
- b) the potential for over supply in precincts well supplied with on-street parking and,
- c) the potential for diminished parking demand in a less car oriented transport future

Where formula in the table results in fractions, numbers are to be rounded [up](#) to the nearest whole number. If a number of uses are present on the same development site the rounding off is to take place after the requirements for all uses have been summed.

4.1.1 General Reduction to Support Principles of This Plan

In order to support the Strategic Plan, ESD and reduced car dependence principles of this plan, the car parking requirements for all categories of development, for customer and staff parking may be reduced to 80% of the generation rates shown in Table 4.9. [Applicants shall be required to demonstrate that the objectives / principles of the plan as set out in section one have been satisfied prior to Council giving support to any reduction in parking requirements.](#)

4.1.2 Existing Use Credits

[Existing use credits shall only be supported by Council where the exiting lawful use / development approval can be demonstrated.](#)

Where there is an application for a change of use or redevelopment of an [approved / lawful development](#) site that does not cause any net increase in the demand for car parking, this plan does not require the provision of any additional car parking spaces.

4.2 Special Requirements

4.2.1 Pedestrian Access

Large Retail and Commercial developments (GFA greater than 5,000m²) are to provide a constructed footpath network or provide additions to the existing footpath network radiating from the development site so that at least 50% of dwellings within the following radial distance of the development site have direct pedestrian path connection to the development.

GFA (m ²)	Radial distance from development site
5,000 - 10,000	100m
10,000 - 20,000	200m
20,000 - 30,000	300m
over 30,000	400m

Such footpaths shall generally be minimum 1.2m wide concrete or equivalent and designed in accordance with Austroads “Guide to Traffic Engineering Practice, Part 13: Pedestrians (1995)”. The location of the additional footpaths shall be subject to the approval of Council. Applicants are to consult with Councils Engineering and Operations Services Division to locate eligible pathways, cycleways and public transport facilities.

~~The construction of the above footpaths shall yield the developer a credit in the number of customer car parking spaces required. For each complete 100m² of footpath constructed (other than that adjacent to the development site), the number of customer car parking spaces required may be reduced by 1.~~

4.2.2 Public Transport Access

Public Transport, Bus Stop Seating.

Where Table 4.9 indicates that public transport, bus stop seating is required, this requirement may be satisfied by either

- provision of a covered waiting area with seating at bus stops located either on the development site or on an adjacent access road or
- where it is not possible to provide the above facility (eg. due to lack of bus stop on adjacent street and inability to arrange for alteration to bus route to provide such facility) the following alternate shall be provided:
- A paved footway 1.2m wide from the main (building) entrance of the development to the nearest regular passenger bus stop.
- In the case of large developments (GFA greater than 5,000m²) the above footway shall be 2m wide and roofed (where appropriate).
- A covered waiting area with seating at the bus stop.

The number of seats to be provided is shown in fourth column in Table 4.9.

4.2.3 Bicycle Access and Parking

Table 4.9 provides the minimum number of bicycle parking spaces to be provided. [Bicycle parking and associated facilities for bicycle users are to be designed and constructed in accordance with AS 2890.3, Parking Facilities Part 3: Bicycle Parking Facilities.](#)

Large Retail and Commercial developments (GFA greater than 5,000m²) are to provide a constructed cycleway network or provide additions to the existing cycleway network radiating from the development site so that at least 40% of dwellings within the following radial distance of the development site have direct cycleway connection to the development.

GFA (m ²)	Radial distance from development site
-----------------------	---------------------------------------

5,000 - 10,000	200m
10,000 - 20,000	300m
20,000 - 30,000	400m
over 30,000	500m

Such cycleways shall generally be minimum 2.0m wide concrete or equivalent and designed in accordance with Austroads “Guide to Traffic Engineering Practice, Part 14: Bicycles (1993)”. In some cases it may be appropriate to create a shared cycleway/footpath by widening an existing footpath. The location of the additional cycleways shall be subject to the approval of Council. Applicants are to consult with Councils Engineering Services Division to locate eligible pathways, cycleways and public transport facilities.

~~The construction of the above cycleways shall yield the developer a credit in the number of customer car parking spaces required. For each complete 100m² of additional cycleway constructed (other than that adjacent to the development site, the number of customer car parking spaces required may be reduced by 1. For shared footpath/cycleways this shall not include double counting the area already credited in 4.2.1.~~

4.2.4 Taxi Ranks

Large Retail and Commercial Developments (GFA greater than 5,000m²) are to provide a dedicated rank for a minimum of 2- taxis-ranks.

Taxi Ranks are to be located in close proximity to the principal building entrance of the development and connected by a paved minimum 2m wide, roofed pedestrian access to the building entrance.

4.2.5 Beach Parking

Developments associated with beach frontages may be required to provide adequate beach parking in addition to that required for nominated uses within the proposed development.

Beach parking shall be assessed generally at 300 spaces per kilometre of beach frontage on a pro rata basis.

4.3 Alternative Access Arrangements

The numerical requirements in Table 4.9 represent a mix of access requirements for various land uses. Council may consider requests to reduce customer car parking requirements where there is a concurrent proposal to enhance public transport, pedestrian or bicycle facilities and the resultant proposal would better achieve the objectives of this plan. See section 2.3

4.4 Off Street And On Street Parking

The parking spaces specified in Table 4.9 are to be provided on site. In some circumstances it may be of public benefit for the developer to provide some or all of the customer car parking spaces by increasing on street parking capacity. Council will consider such proposals where

- The net increase in on street parking is not less than the number otherwise required on site
- The resulting streetscape conforms with the principles of good urban design
- The level of pedestrian, cycle and traffic amenity on the street is maintained
- The proposal is not detrimental to utility services

Note that Council is more likely to give favourable consideration to such proposals if they provide an offsetting benefit to the public - such as property boundary setback dedication to allow conversion of existing parallel parking to angle parking. Other proposals that promote ESD policies will also be entertained.

4.5 Reserved Parking

Off street car parking areas may contain parking spaces for staff, customers and others. In mixed residential / commercial development proposals, the residential parking areas should be defined as reserved parking.

The number of spaces that may be reserved for staff shall be restricted so that the number of residual spaces left for customers is not less than that required by the schedule.

4.6 Disabled Parking

- The requirements of Clause D3.5 of the Building Code of Australia ie.

“D3.5 Carparking

Unless a parking service is provided and direct access to any carparking spaces by the general public or occupants is not available, carparking spaces for people with disabilities must-

- a) *be provided at the rate of not less than one car parking space for each ~~100~~ 30 spaces or part thereof in:-*
- a carpark required to be accessible; and*
 - a Class 3 building which contains an accessible sole-occupancy unit or accommodation; and*
 - a carparking area on the same allotment as a building required to be accessible where more than 10 carparking spaces are provided; and*
- b) *comply with requirements for parking in AS2890.1 for people with disabilities.”*

are to be complied with except D3.5(a) is to be amended by inserting before “100”, “30 spaces or part thereof and after the third disabled space has been provided at the rate of 1 for each 30 spaces or part thereof.”

4.7 Delivery & Service Vehicles

Site design must allocate adequate space for the loading, unloading, parking and manoeuvring of delivery and service vehicles within the subject property. Design of these areas shall comply with AS 2890.2.

Table 4.9 provides minimum numerical requirements for the provision of parking for delivery and service vehicles. Table 3 provides a definition of the various types of service vehicles to be catered for within the various uses identified.

Special vehicles such as buses, garbage trucks and ambulances may have particular access, manoeuvring and operating conditions. The designer or applicant should refer to AS 2890.2 Off-street parking (Part 2: Commercial vehicle facilities) and Roads and Traffic Authority, 2002 Ver. 2.2: "Guide to Traffic Generating Developments".

As with any vehicle, large vehicles must be able to manoeuvre entirely on site and enter and leave the site in a forward direction. Such manoeuvring areas, if reversing of large vehicles is involved, must be separate from areas of normal pedestrian or vehicular traffic.

~~Table 4.9 provides minimum requirements for the provision of parking for delivery and service vehicles.~~

~~It is generally required that at least 50% of all spaces for loading/unloading be large enough for heavy vehicles. Provision must be made for space or bays for loading/unloading of these vehicles, in most cases the parking areas for these vehicles will be congruent with loading/unloading area.~~

In some cases there may be requirements for the provision of parking spaces, loading bays and manoeuvring/reversing areas for large vehicles such as buses, trucks and garbage trucks that are in excess of those required in Table 4.9. In such cases they are to be investigated and provision made on the merits of each application.

4.8 Local Area Customer Car Parking Requirements

This section applies to the following areas only (zones refer to those ~~in~~ Tweed Local Environmental Plan ~~1987~~):

Area 1	Tweed Heads CBD (all 3a & 3b zones north of Brett St, see fig 1.)
Area 2	Murwillumbah CBD (all 3b zone, see fig 2.)
Area 3	Kingscliff CBD (all 3b zone except area south west of Pearl St, see fig 3.)
Area 4	Villages of Uki, Burringbar, Tyalgum
Area 5	Neighbourhood General Stores

Notwithstanding 4.1, the requirements for **customer** car parking in the following categories

- the shop and retail group (Table 4.9C)
- refreshment room and restaurant in the recreation, dining and entertainment group (Table 4.9D)
- development in the commercial, office group (Table 4.9G) shall be determined in accordance with local parking generation rates specified in table 4.8.

Table 4.8 sets out the concessions and maximum parking limits and contribution arrangements for the nominated local areas.

The concessions will only be applied if:

- there is adequate parking on the site and in public car parks to prevent a nuisance to adjacent properties and
- there is adequate parking on the site and in public car parks ~~or arrangements have been made with neighbours,~~ to ensure customers do not use off street parking provided by neighbouring properties.
- The plan principles and objectives have been addressed

The applicant must provide detail demonstrating how the issues raised above have been addressed.

Table 4.8

Area	Concession	Maximum Parking Limit
Area 1 Tweed Heads	The minimum number of customer car parking spaces required may be reduced to by 30% of that shown in Table 4.9C, 4.9D & 4.9G	The maximum number of customer car parking spaces that may be provided is that shown in Table 4.9C & 4.9D. Council may consider an application to provide more than the maximum number of car parking spaces. Such an application will incur a penalty equivalent to the number of excess spaces provided multiplied by 50% of the amount shown in Contribution Plan No 23 for cost of provision of a car parking space in Tweed Heads.
Areas 2, 3 & 4. Murwillumbah, Kingscliff and Villages of Uki, Burringbar, Tumbulgum and Tyalgum	The minimum number of customer car parking spaces required may be reduced to by 30% of that shown in Table 4.9C, 4.9D & 4.9G	No maximum limit
Area 5 Neighbourhood General Stores	The minimum number of customer car parking spaces required may be reduced to 40% of that shown in Table 4.9C – C9 or that component of the development of C18, 4.9D & 4.9G	No maximum limit

- Where the minimum number of customer car parking spaces cannot be provided on site, Council may consider a contribution in lieu of unsupplied spaces in areas identified within Councils adopted Section 94 Plan – Contributions Plan NO. 23. Contributions Plan No. 23 contains details of contribution requirements.
- A concession in parking demand may be undertaken in accordance with Clause 4.1.1 or Clause 4.8 however both consideration may not be applied.
- Where an applicant chooses to provide a contribution in lieu of unsupplied parking spaces, contributions shall be calculated after the parking demand assessment has been completed.

4.9 Table 4.9: Numerical Provision Of Access Facilities & Parking Spaces

4.9A - ACCESS & PARKING GENERATION - RESIDENTIAL GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking AS.2890.3	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident and Visitor Parking	Staff parking	Customer car parking
A1	Dwelling house					1 space per dwelling plus provision for driveway parking of another vehicle		
A2	Dual occupancy	Granny flats need only provide 1 per unit				1 space per 1 bed, 2 per 2 bed or more plus provision for driveway parking of another vehicle		
A3	Integrated housing	as per single dwelling				1 space per dwelling plus provision for driveway parking of another vehicle in addition to visitor parking at 1/4 units		
A4	Multi dwelling housing	More than one dwelling on an allotment	1/15 units	2/unit (class 2 AS 2890.1)	1/50 units HRV	1 per each 1 bedroom unit plus 2 for each larger unit. Plus 1 space per 4 units for visitor parking		
A4A5	Boarding house			1/bed			0.5/staff	1/5 beds
A2A6	Caretakers house	Assessed as per dwelling				4		
A3	Cluster-development	For development >5 dwellings, visitors spaces are required and determined on merit				1/dwelling		
A4A7	Display home			1			1	3
A5	Dual-occupancy	areas in formula exclude garages				1/dwelling- units<125m2-GFA, 2/dwelling- units>125m2-GFA		

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking AS.2890.3	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident and Visitor Parking	Staff parking	Customer car parking
A6	Flats/residential-flat building	Multi-dwelling-housing where dwellings do not have access to ground level private open space	1/15 units	2/unit (class 2 AS.2890.1)	1/50 units	1 per each 1-bedroom unit plus 2 for each larger unit. 25% of spaces must be accessible for visitors		
A7A8	Housing for older /disabled, dwelling or units	SEPP 5-requirements AS per SEPP – Seniors Living		1/10 bedroom plus 0.5 per staff		0.5 car parking spaces per bedroom except Dept of Housing 1-space per 5-dwellings.	0.5/staff	
A8	Housing for older /disabled, hostel or residential care facility			1/10 bedroom plus 0.5 per staff	1 ambulance parking	0.5/bed		
A9	Integrated housing	as per single dwelling				1 space per dwelling plus provision for driveway parking of another vehicle		
A10A9	Manufactured home estate	As per Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) and Manufactured Homes) Regulation 1995/2005			1/20 units	1.25/unit		
A11	Multi dwelling housing	More than one dwelling on an allotment				1.5/dwelling		
A12A10	Nurses hostel		1/5 student	0.5/resident	1/100 residents SRV	0.5/resident	0.5/staff	
A13A11	Nursing home			1/5 bed	1 ambulance + truck parking SRV + HRV	1/5 bed	1/5 bed	
A14A12	Residential College		1/5 student	0.5/resident	1/100 residents HRV	0.5/resident	0.5/staff	
A15A13	Retirement village	assess each component						
A16A14	Rural workers dwelling					21		

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking AS.2890.3	Delivery, Service Vehicle parking (50% must be truck-size) <u>Refer to Table 3.0</u>	Resident and Visitor Parking	Staff parking	Customer car parking
A17	Single dwelling					1 space per dwelling plus provision for driveway parking of another vehicle		

4.9B - ACCESS & PARKING GENERATION - ACCOMMODATION GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
B1	Backpackers lodge			1/5 bed	1 HRV		0.5/0.5/staff	1/5 beds or 1/10 beds if shuttle bus permanently utilised
B2	Bed & breakfast			1/bedroom		4As per dwelling house	0.5/0.5staff	1/bedroom
B3	Caravan Park and Camping ground	As per Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 49952000					0.5/staff	1/site + for visitor parking 1 for each 10 (and any remaining fraction of 10) long term sites + 1 for each 20 (and any remaining fraction of 20) short term sites + 1 for each 40 (and any remaining fraction of 40) camp sites. Min 4 visitor parking spaces.
B4	Hotel	If licensed floor area includes a function, recreation or auditorium area, these areas only require 1/15m2		1/4 car park	1 truck HRV	1/room or unit	0.5/staff	1/3.5m2 licensed floor area + 1/10m2 for bulk liquor sales + reservoir for 12 cars for drive in bottle shop
B5	Motel			2	1 HRV		0.5/staff	1/unit +1/15m2 GFA restaurant open to the public
B6	Tourist accommodation, except where it is within a Tourist accommodation			1/unit	1 HRV	1	0.5/staff 1/staff	1/unit 1/unit
B7	Tourist Resort			1/2 car park	1 HRV		0.5/1.0/staff	1/unit + assess on merits parking for general public

4.9C - ACCESS & PARKING GENERATION - SHOP & RETAIL GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
C1	Auction rooms, sale yards				1/1500 Display area, min 1 HRV		0.5/0.5/staff	10% of site for parking and access lanes, but, not driveways
C2	Betting agency			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1/1500 GFA		0.5/100 GFA	3.5/100m2 GFA
C3 2	Boat Showroom	On site provision required for boat transporter use			1/20 boats, min 1 truck park HRV		1/staff	1/10 displayed boats, min 5 spaces
C4 3	Bottle Shop			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1/1500 GFA HRV		0.5/0.5 100 GFA	3.5/100m2 GFA
C5 4	Bulky goods retailing			0.5/staff	1/1500 GFA HRV		0.25/100 GFA	1.75/100m2 GFA
C6 5	Convenience store			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1 HRV		0.5/100 GFA	3.5/100m2 GFA
C7 6	Drive in sales				1 HRV		0.5/100 GFA	3.5/100m2 GFA + queuing area for 6 cars
C8 7	Fast Food outlets (Drive-in)	Parking may be reduced if incorporated in major retail facility		1/5 car park 2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1 truck HRV		1/staff at peak operating time	Greater of 12/100m2 GFA or greater of 1/4 seats + queuing area for 6 cars where drive thru provided
C9 8	General Store			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1/1500 GFA HRV		0.5/100 GFA	3.5/100m2 GFA
C10 C9	Hairdresser/beauty salon			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA			0.5/100 GFA 0.5/100 GFA	3.5/100m2 3.5/100m2 GFA
C11 C10	Laundromat			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1		0.5/1 100 GFA min 1	3.5/100m2 GFA

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
C12 C11	Market	Assess on merits Refer to RTA Traffic Generating Developments						
C13 C12	Motor Showroom (including caravan sales)	No parking of display vehicles in customer or staff car parking spaces or public land is permitted			3/service bay + 1 delivery truck park HRV		0.51/staff	1/10 display vehicles min 5
C14 C13	Motor trade retail outlet (tyres/mufflers/ etc)				1/500m2 storage area, truck parks to be suitable for articulated AV		0.51/staff	2/100m2 GFA + 1/200m2 outside storage area
C15 C14	Nursery/ Landscape gardening supplies			1/500m2 site area	Min 1 truck HRV		0.51/staff, may be stacked	1/500m2 site area, min 5
C16 C15	Primary produce sales				1/500m2 storage area, truck parks to be suitable for articulated AV		0.51/staff	2/100m2 GFA + 1/200m2 outside storage area
C17 C16	Roadside Stall	Assess on merits, but, all parking must be on site (off road reserve)						
C18 C17	Service Station	Customer parking requirement is inclusive of the work bay		0.5/car park	min 1 articulated truck parking AV		0.51/staff	4/work bay + 3.5/100m ² convenience or retail store
C19 C18	Shop		1/100m2 GFA, shops over 5,000m2 GFA	2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1/1500 GFA, min 1 , min 2 for supermarkets HRV		0.51/100 GFA	3.54.4 /100m2 GFA
C20	Take away fast food premises			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA	1		0.5/100 GFA	3.5/100m2 GFA
C21 C19	Timber Yard				1/500m2 storage area, suitable for articulated truck AV		0.5/staff	1/500m2 storage area
C22 C20	Trade Supplies (Building Supplies)				1/500m2 storage area, suitable for articulated truck AV		0.5/staff	2/100m2 GFA + 1/200m2 outside storage area + 1/40m ² showroom/retail area
C23	Video store				1		0.5/100 GFA	3.5/100m2 GFA

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
				thereafter at 1/200m ² GFA				

4.9D - ACCESS & PARKING GENERATION - RECREATION, DINING & ENTERTAINMENT GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
D1	Boating facility	If boat launching ramp included, 50% spaces must be suitable for vehicles with trailers		1/5 car park				30 per launching lane plus 1 per 30m ² of floor space
D2	Bowling alley			1/car park	1 <u>SRV</u>			3/lane
D3	Bowling green	If club included for additional requirements see D6		1/5 car park				15/ green
D4	Brothel						included in customer requirement	1/40m ² GFA
D5	Cinema		1/10 seats	1/10 seats up to a maximum of 5 spaces per screen	1 <u>SRV</u>			1/10 seats
D6	Club		1/10 car parking spaces	1/5 car park	1 <u>HRV</u> provision for all loading/unloading on-site with no reversing on public roads		0.3 spaces per staff. Where spaces are to be reserved for specific members they must be additional and be nominated at DA stage	1/4m ² bar area + 1/7m ² lounge/dining area + 1/15m ² auditorium. Minimum 1 coach parking space on site.
D7	Golf course	If club included for additional requirements see D6					0.5/staff	4/hole plus 1/driving range bay or tee
D8	Gymnasium, dancing school, martial arts centre		1/5 car park spaces	1/5 car park spaces			0.5/staff	6/100m ² GFA
D9	Hotel	If licensed floor area includes a function, recreation or auditorium area, these areas only require 1/15m ²		1/4 car park	1 <u>truck HRV</u>	1/room or unit	0.5/staff	1/3.5m ² licensed floor area + 1/10m ² for bulk liquor sales + reservoir for 12 cars for drive in bottle shop
D10	Indoor sport and recreation facility		1/5 car park	1/5 car park			0.5/staff	6/100m ² GFA

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
D11	Marina			1/2 car park	1 HRV provision for all loading/unloading on-site with no reversing on public roads		1/staff	0.51 per mooring
D12	Motor or bike track		1/5 car park	1/car park	provision for all loading/unloading on site with no reversing on public roads		0.5/staff	1/5 participant & spectator capacity
D13	Outdoor sports ground		1/5 car park	1/car park			0.5/staff	1/5 participant & spectator capacity
D14	Racecourse		1/5 car park	1/5 car park	provision for all loading/unloading on site with no reversing on public roads		0.5/staff	1/4 spectator capacity. 75% of total car parking area may be unsealed surface.
D15	Refreshment room (includes restaurant)	<u>Internal dining area is to be defined. Footpath dining area to be considered in accordance with Councils Footpath Dining Policy</u>		1/5 car park	1 HRV		0.51/staff at peak operating time	1/3 seats or 1/7m2 dining area
D16	Restaurant			1/5 car park	4		0.5/staff	1/3 seats or 1/7m2 dining area. No parking requirement for seats on public footpath area.
D17	Squash court			1/car park	1 SRV			3/court
D18	Swimming pool			1/25m2 of water surface	1 HRV			1/50m2 Of water surface
D19	Fast Food outlets Take-away fast food premises			2/100m2 GFA up to 100m2 GFA and thereafter at 1/200m2 GFA 2/400m2 GFA up to 400m2 GFA and thereafter at 1/200m2 GFA	1 HRV4		1/staff at peak operating time 0.5/100 GFA	Greater of 12/100m2 GFA or 1/4 seats + queuing area for 6 cars where drive thru provided 3.5/100m2 GFA
D20	Tennis court			1/car park				2/court plus 1/6m2 of club house area + 0.3/spectator seat

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
D24 D20	Tourist facilities			1/5 car park	1 bus park/ 200m2 GFA		0.5/staff	1/30m2 GFA of uses not covered elsewhere in the tables
D22 D21	Zoo			1/100m2 display area	provision for all loading/unloading on-site with no reversing on public roads ₁ HRV		0.5/staff	1/100m2 display area

4.9E - ACCESS & PARKING GENERATION - EDUCATION GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
E1	Early childhood facility, preschool, day care	Preferably sites should provide separate entry/exit access with drive through set down/pick up provision for 3 vehicles		0.5/staff	1 SRV		0.51/staff	1/15-6 child if drive through/set down conditions in comment column met, otherwise 1/10 child
E2	Primary School			0.7/child	1/100 pupil + 1 bus stop/30 pupil. Bus stops to be off street carriageway HRV		0.5/staff	1/12 pupil
E3	High School			0.8/child	1/100 pupil + 1 bus stop/30 pupil. Bus stops to be off street carriageway HRV		0.5/staff	1/10 pupil
E4	Tertiary Institution, Business college, Employment training centre	Teaching component only, add for any other facilities (residence, sporting, shops, refreshments etc)	1/100 students	0.5/student	1/100 student + 1 bus stop/50 students. Bus stops to be off street carriageway HRV		0.5/staff	1/5 student

* A reduction in parking demand on ESD principles for Table 4.9E does not apply.

4.9F - ACCESS & PARKING GENERATION - ASSEMBLY PLACE GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
F1	Amusement parlour			8/100m2 GFA	1 SRV		0.5/staff	4/100m2GFA
F2	Art Gallery			3/100m2 display area	1 truck-park SRV		0.5/staff	2/100m2 display area
F3	Carnival	assess on merits						
F4	Cinema			1/10 seats up to a maximum of 5 spaces per screen	1 SRV		0.5/staff	0.3 spaces to each seat
F5	Carnival/Circus	assess on merits						
F6	Conference centre	May be reduced for hotel component if applicable		1/10 seats up to a maximum of 10 spaces	1 truck-park HRV		0.5/staff	0.3 spaces to each seat
F7	Crematorium, Cemetery	overflow area need not be paved			2 SRV		0.5/staff	30 plus provision for overflow during large funerals
F8	Drive in Theatre				1 truck-park HRV		0.5/staff	1/site
F9	Exhibition Centre			3/100m2 display area	1 truck-park HRV		0.5/staff	3/100m2 display area
F10	Function centre			1/20 seats up to a maximum of 10 spaces	1 truck-park HRV		0.5/staff	0.3 spaces to each seat
F11	Funeral parlour				1 SRV		0.5/staff	1/40m2 GFA
F12	Hall			1/10m2 floor area up to a maximum of 10 spaces	1 truck-park HRV		0.5/staff	greater of 0.3 spaces to each seat or to each sq m of net floor area
F13	Library			2/100m2 net reading area	1 truck-park HRV		0.5/staff	2/100m2 reading area
F14	Museum			3/100m2 display area	1 truck-park HRV		0.5/staff	2/100m2 display area
F15	Nightclub			1/10 customer car parks	1 HRV		0.5/staff	greater of 0.3 spaces to each seat or to each sq m of net floor area
F16	Place of assembly	If adjacent to existing off street car parks, consideration will be given to joint use		1/10 customer car parks		2/dwelling	0.5/staff	greater of 0.3 spaces to each seat or to each sq m of net floor area

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) <u>Refer to Table 3.0</u>	Resident Parking	Staff parking	Customer car parking
F17	Place of worship	If adjacent to existing off street car parks, consideration will be given to joint use		1/10 customer car parks		2/dwelling	0.5/staff	greater of 0.3 spaces to each seat or to each sq m of net floor area
F18	Reception centre	May be reduced for hotel component if applicable		1/20 seats up to a maximum of 10 spaces	1 truck park <u>HRV</u>		0.5/staff	0.3 spaces to each seat

4.9G - ACCESS & PARKING GENERATION - COMMERCIAL, OFFICE GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
G1	Bank, financial institution	ATMs require covered waiting area for 3 persons that do not impede pedestrian movement		1/100m2 GFA	1/200m2 GFA SRV		1/40m2 GFA	included in staff parking
G2	Commercial premises	In CBD may reduce requirement to 1/75m2 1st floor and 1/100m2 higher levels, if integration and sharing with other uses an option		1/100m2 GFA	1/200m2 GFA MIN 1 HRV SRV		1/40m2 GFA	included in staff parking
G3	Home office							1 space in addition to parking for dwelling
G4	Office			1/100m2 GFA	1/200m2 GFA SRV		1/40m2 GFA	included in staff parking
G5	Public building	If located in residential area, parking will be assessed on merits so no overflow occurs in the adjacent area		1/100m2 GFA	1/200m2 GFA MIN 1 HRV SRV		1/40m2 GFA	included in staff parking
G6	Real estate agency			1/100m2 GFA	1/200m2 GFA SRV		1/40m2 GFA	included in staff parking
G7	Travel agency			1/100m2 GFA	1/200m2 GFA SRV		1/40m2 GFA	included in staff parking

4.9H - ACCESS & PARKING GENERATION - HEALTH, CONSULTING GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
H1	Day surgery		1/2 bed	1/bed	1/30bed SRV		3/bed	1/bed
H2	Hospital		1/2 bed	1/bed	1/30 bed		1/bed	1/bed
H3	Medical Centre, medical consulting rooms		2/consulting room	2/consulting room	1 /service-vehicle or ambulance park/10 consulting rooms HRV		2/consulting room	4/consulting room (GP), 2/consulting room (specialists)
H4	Nursing home	See table 4.9A	See table 4.9A	See table 4.9A	See table 4.9A	See table 4.9A	See table 4.9A	See table 4.9A
H5	Professional consulting rooms, general (includes dental, physiotherapy, chiropractor, naturopath, massage, tarot reading, counselling, etc)		2/consulting room	3/consulting room			1.5/consulting room	2/consulting room
H6	Veterinary centre			1/consulting room			2/consulting room	3/consulting room

4.9I - ACCESS & PARKING GENERATION - INDUSTRY SERVICE GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
11	Abattoir			1/5 staff	2 AV provision for all loading/unloading on-site with no reversing on public roads		1/staff	
12	Boat repair & service				as above 1 HRV		1 space per 50m2 of total use area	included in staff parking
13	Bulk store	Site area to be provided for future parking in case of conversion to industrial/trade use at a rate of 1/75m2 GFA			as above 1/500M2 AV		1/staff	
14	Car repair station	Customer parking requirement is inclusive of the work bay		1/2 car park	as above 1/200M2 HRV		1/staff	4/work bay
15	Depot				as above		10% of site for parking and access lanes, but, not driveways	included in staff parking
16	Factories	If located in commerce and trade zone increase to 1/50m2 GFA			as above		1/100m2 GFA	
17	Freezing & cold storage				as above		10% of site for parking and access lanes, but, not driveways	included in staff parking
18	Fuel depot				as above MIN 1 AV		10% of site for parking and access lanes, but, not driveways	included in staff parking . Site area to be provided for future parking (in case of change of use) at rate of 1/75m2 GFA
19	Heavy vehicle & plant repair				as above MIN 1 AV		10% of site for parking and access lanes, but, not driveways	included in staff parking
110	Home industry	assess on merits			as above			

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
I11	Industry	If located in commerce and trade zone increase to 1/50m2 GFA			as above		1/100m2 GFA	
I12	Mail centre			1/2 staff	as above		1/0.75 staff	
I13	Materials processing				as above		10% of site for parking and access lanes, but, not driveways	included in staff parking
I14	Materials recycling				as above MIN 1 AV		10% of site for parking and access lanes, but, not driveways	
I15	Milk depot				as above		10% of site for parking and access lanes, but, not driveways	included in staff parking
I16	Mini storage units				as above		0.5/staff, min 2	Parking to be provided adjacent to each unit, aisle widths to be sufficient to accommodate parking plus through traffic
I17	Refuse disposal	assess on merits			as above			
I18	Refuse transfer station	assess on merits			as above MIN 1 AV			
I19	Sawmill			1/5 staff	as above MIN 1 AV		1/staff	min 4
I20	Storage (outdoor)				as above MIN 1 AV		10% of site for parking and access lanes, but, not driveways	included in staff parking
I21	Sugar mill			1/5 staff	as above MIN 1 AV		1/staff	
I22	Warehouse				as above MIN 1 AV		1/staff	1/300m2 GFA
I23	Wrecking yard & parts sales				as above		10% of site for parking and access lanes, but, not driveways	1/100m2 covered area + 1/500m2 outdoor area

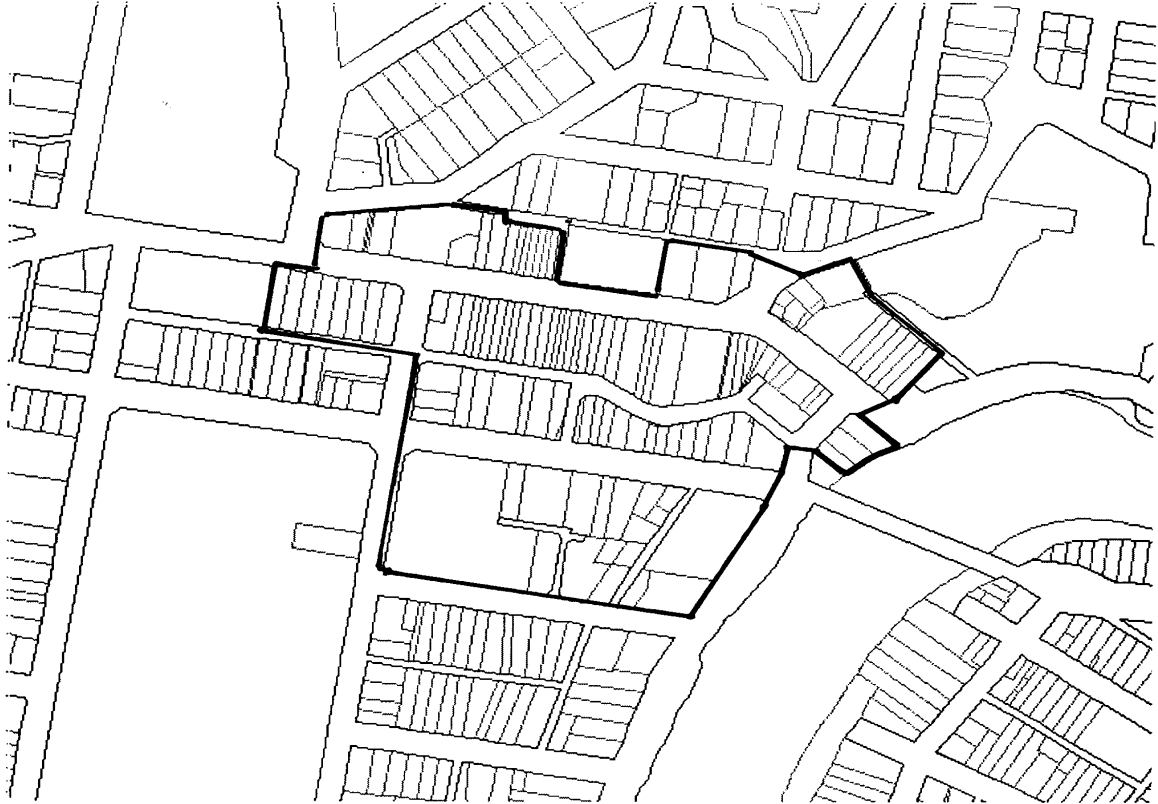
4.9J - ACCESS & PARKING GENERATION - TRANSPORT GROUP

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking	Delivery, Service Vehicle parking (50% must be truck-size) Refer to Table 3.0	Resident Parking	Staff parking	Customer car parking
J1	Airline terminal	assess on merits						
J2	Bus depot	Stack parking is permitted for bus and driver spaces. Requirements may be reduced if it can be shown that at change of shift spare spaces are available	Seating to be provided for all waiting passengers		1 bus space for each bus associated with development		1/driver + 1/2 On site employees	
J3	Bus station	Provision to be made for all (with min 2) busses using facility concurrently	15/bus concurrently using facility	10/commuter bus concurrently using facility, no requirement for long distance busses				4/bus concurrently using facility
J4	Helipad	assess on merits						
J5	Heliport	assess on merits						
J6	Road transport terminal (freight)						1 space for each vehicle associated with development + 1/2 on site staff	
J7	Train station		3 bus stops with passenger seating for each platform	50/platform, commuter rail only. No requirement for long distance trains	1 truck-park HRV		1/staff	50/platform, commuter rail . Long distance rail 20/platform
J8	Transit centre (multi mode transport)	Base on above elements and any ancillary use (eg shops), concurrent usage and merits						

* FIG 1, TWEED HEADS



4 FIG 2 MURWILLUMBAH

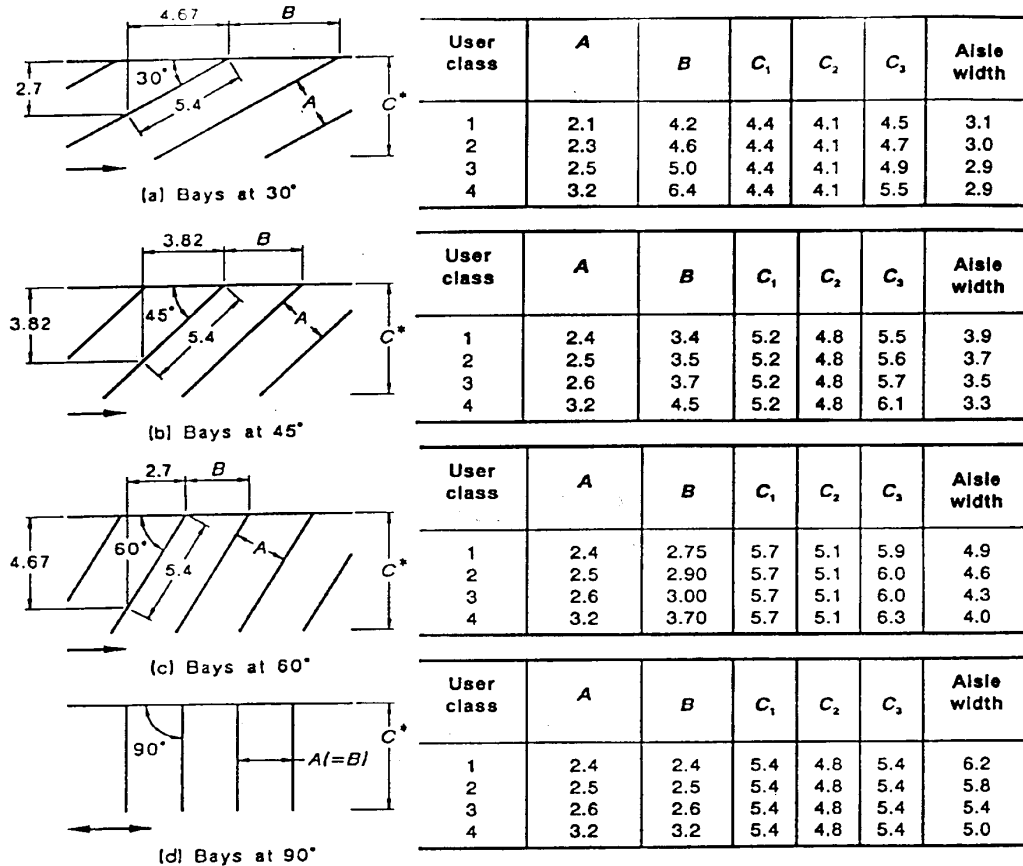


DCP2, Fig 2

FIG 3, KINGSLIFF



FIGURE LAYOUTS FOR ANGLE PARKING SPACES



DIMENSIONS IN METRES

*Dimension C is selected as follows (see Note 5):

- C₁—where parking is to a wall or high kerb not allowing any overhang.
- C₂—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).
- C₃—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

Class	Examples of uses	Required door opening
1	Tenant, employee and commuter parking, universities (generally all day parking)	Front door, first stop
2	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)	Front door, second stop
3	Short-term city and town centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres (generally short-term parking and where children and goods can be expected to be loaded into the vehicles)	Rear door, full opening
4	Parking for people with disabilities	Front door, full opening plus wheelchair manoeuvre space (see Clause 2.4.5)

NOTE: The above examples are not rigid classifications, e.g. higher standards of door opening (wider bays) may be required in some designs, and a class lower in the standard of door opening (narrower bays) may be required in a central business district and at other high land cost locations.

P4 [PD-PC] Tweed Youth Needs Analysis

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

This report explains the findings of the Tweed Youth Needs Analysis and recommends exhibition of the Executive Summary for public comment for a period of 28 days.

Addressing the needs of youth in Pottsville was a specific part of the terms of reference for the Needs Analysis. This is dealt with under 'Places and Spaces', No 4 of the Action Areas, with a recommendation not to develop purpose-built youth centres at present, but to develop outdoor spaces in Pottsville for a series of youth events and activities.

RECOMMENDATION:

That Council exhibits for a period of 28 days the Executive Summary of the Consultant's Report on the Tweed Youth Needs Analysis for public information and comment.

REPORT:

On 16 March 2005 Council considered a report on youth issues and adopted a recommendation that the Council:

1. Undertakes a youth needs analysis within the Shire,
2. Uses the findings:
 - (a) as the basis for community consultation on the possible provision of services and facilities for youth:
 - generally in the Shire, and
 - specifically to meet any identified needs of Pottsville.
 - (b) to review and update as appropriate the Social Plan for the target group of Young People.

Expressions of interest were called for to undertake the Youth Needs Analysis, and a submission from Plan C (in conjunction with Fieldworx) was accepted.

Methodology

The methodology used included:

- A project steering committee of people with expertise in youth development,
- The definition of six focus areas as a framework for the enquiry,
- A range of consultations with 28 individual young people, workshops with school groups (300 students), other key stakeholders including key individuals, Council staff and people working directly with young people (17); and a multi-stakeholder forum with 22 attendees,
- A statistical analysis and profile of young people in Tweed Shire.

The purpose was not to develop a specific youth policy for Council, but to provide options for Council to develop its own policies and recommendations, taking into account other exigencies.

Consultant Findings – The Youth Needs Analysis - Executive Summary

The Executive Summary includes the following major components:

1. **Summary Statistical Profile (page 3)**
2. **Consultant's Findings (Page 4-5)**
3. **Recommendation (Page 8-12)**

Response to the Consultant's Report – Proposed Youth Policy Implementation

The Consultants have provided the basic form for an appropriate Youth Policy.

This has been reviewed and is considered to be sound and comprehensive. The six 'Action Areas' identified by the Consultants, when considered as a whole, form a suitable framework for the detailed implementation of the Youth Policy.

Addressing the needs of youth in Pottsville was a specific part of the terms of reference for the Needs Analysis. This is dealt with under 'Places and Spaces', No 4 of the Action Areas, with a recommendation not to develop purpose-built youth centres at present, but to develop outdoor spaces in Pottsville for a series of youth events and activities.

If accepted, the Youth Policy in this form needs little further elaboration, other than to subsequently program appropriate actions and projects recommended into Council's Management Plan. Council's proposed 7-Year Infrastructure and Services Plan provides funding sources for many of the recommended youth actions and projects.

With the Youth Needs Analysis the Council is now in a position to adopt policies which will greatly benefit the young people of the Shire and in time overcome the discord and neglect of some of the issues that are facing them. The direction can now be set with a degree of confidence.

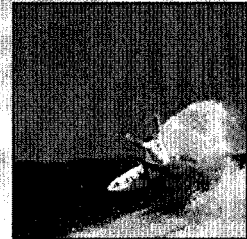
The Manager of St Joseph's Community Centre, John Storey, has written to the Administrators on behalf of the Tweed Interagency Group, which has resolved to strongly support the need for TSC to establish a position of Youth Development Officer within the Council's structure to provide a planning, coordination and lobbying function assisting the many community organisations providing services to young people in the Shire.



Tweed Youth Needs Analysis

Executive Summary and Key Recommendations

January 2006



plan C

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Acknowledgements

The consultants wish to thank the young people of Tweed, community organisations, Council staff and residents for openly sharing their experiences in the development of the Tweed Youth Needs Analysis. Appreciation is also extended to the members of the Project Steering group:

Robin Spragg – Social Planner Strategic Planning Unit, TSC
Douglas Jardine – Manager Strategic Planning, TSC
Leigh Abernethy – Landscape Architect TSC
Ron Cooper – Resident
Barbara Carroll – Tweed Valley Respite Services
Mark Madden – Club Manager Tweed Heads PCYC
Jessica Walker – Youth Officer
Gerina Appo – St Josephs Youth Service

Special thanks to the local teachers and students at the Tweed schools who also assisted in our development towards the Tweed Youth Needs Analysis:

Ellain Cunningham and Bronwyn Macneky – Tweed River High School
Roy Pickering – Lakeside High School
Simon Gardener – Tutorial Centre, Murwillumbah
Merideth Burton – Kingscliff High School

Executive Summary

Background

The Tweed Shire Council's Youth Needs Analysis has been developed in response to concerns raised with Council over a lack of facilities and services for young people in the Tweed Shire.

Council is seeking to take a planned approach to their role in meeting the needs of young people. Council's Social Plan identifies youth issues as a high priority, however, at this stage, no comprehensive youth strategy or youth policy exists for the Tweed Shire.

A project steering committee was established by Council to guide the development of the Youth Needs Analysis. The steering committee met at key points during the project and comprised representatives from Council and community.

Young people are generally defined in Australia by local, state and federal governments as being aged 12 to 25 years. However, due to the significant diversity of this age group, the Tweed Shire Council plans to strategically focus its resources and energy on young people aged 12 to 18 years in the first instance. Young people aged 19 to 25 are not excluded; however they are a secondary target group.

This report informs stakeholders about the needs of young people living in the Tweed Shire. It does not include a specific youth policy or youth strategy for Council. Rather it is intended to provide information and options upon which Council can develop policies and recommendations.



Summary of key findings and recommendations

The following summary responds to the key questions provided in the project scope.

Understanding the current and projected demographics of the Tweed Shire

Young people in the Tweed Shire represent 29% of its total population. The greatest proportion of young people aged between 10 and 24 years is in the Tweed Heads district representing 46% of the Tweed Shire youth total.

In 2001, young Indigenous people under 25 years represented 45% of the total Indigenous population in the Tweed Shire. Of these, 42% were aged 10 to 14 years.

Current projections for the Tweed Shire suggest that the population of children and young people 24 years and younger will be 25,811 in 2026. Over the next 10 to 15 years, the actual number of children and young people is expected to continue to be higher than the number of older people aged 65 years and over. However, by 2026 the growth in the numbers of people aged 65 years and over will out-strip the growth in the numbers of young people based on current projections.

Almost half of Tweed Shire's young people leave the Shire when aged between 20 and 24 years for reasons including pursuing tertiary education, finding employment and personal reasons. It is unclear which proportion of these young people return to the Shire.

Tweed Shire's youth unemployment is twice as high as the state average. Notably, unemployment and full-time employment declined and part-time employment and university attendance increased for the 15 to 24-year age group.



Mapping community and government services and facilities designed to meet the needs of young people

In the main, services and facilities for young people are limited. Community-based agencies are required to service a growing population of young people across a broad geographic area with limited resources. Of particular concern is a lack of adequate emergency, supported and low cost accommodation for young people, particularly those living in inland rural communities.



The Tweed Shire is challenged by limited cross-border state government relationships regarding the provision of state-funded services such as health, housing and public transport. Additionally, intra local government relationships also play a key role in meeting the needs of young people due to the nature of young people's mobility.

The Tweed Shire Council has built several skate park facilities designed specifically for young people. Other open spaces have been designed to meet the needs of the whole community.

The Police Citizens Youth Club in Tweed Heads is a major indoor recreation facility servicing young people. This is complemented by various sporting organisations and facilities across the Shire.

Identifying the needs of young people across the Shire, with an emphasis on Pottsville

A total of 328 young people and 17 organisations were consulted through surveys, interviews and discussion groups. Six key focus areas have provided a framework for identifying key issues, undertaking analysis and the development of recommendations.

The following key action areas are designed to interconnect and overlap in order to provide a holistic approach to meeting the needs of young people living in the Tweed Shire:

- Information and resources
- Learning and work
- Coordination and leadership
- Places and spaces
- Connected and included
- Safety and security

Information and resources – Young people highlighted a lack of access to information. In the main, they do not know where to get information about support services and they find it difficult to get information about events and other activities.

Learning and work – The majority of young people interviewed believe they will need to leave Tweed Shire in order to



further their education or to find work. They suggested that they have limited employment options, particularly if they do not have their own transport. Indigenous young people have a higher unemployment rate than the general population. Community sector organisations also identified limited course offerings available at the university as a barrier to further education

Coordination and leadership – The majority of young people consulted showed little knowledge or understanding of what Council does for the community and young people. Many had indicated that they would like to be more interested and involved in community decision-making but didn't know how to do this.

Places and spaces – Although young people currently find things to do in the places they go, the majority of young people feel there is a lack of adequate and accessible places and facilities to hang out and have a good time. Existing skate parks, local parks and open spaces are not sufficiently set up to accommodate the growing numbers of young people and their requests and preferences in recreation.

Connected and included – Young people's major source for community inclusion and connectivity is through their peer groups at school, sporting groups, church, and local neighbourhoods. The feeling of a small, local town environment has been identified as a way in which young people feel included and connected. However, young people feel that community members often pass judgment and have negative views of young people. Culturally and linguistically diverse young people often feel a social disconnection due to the differences in culture and language.

Safety and security – Young people feel most safe at home, at school and with their family. They also feel safe when with their friends in a public place during the day. They feel unsafe in many outdoor places at night, in unfamiliar places and in places that are unclean and lack lighting. Specific reference was made by young people about violent and intimidating behaviour of people in the streets and in places near local pubs, in places where alcohol and illicit drugs were used and places where homeless people hang out.

A Youth Centre at Pottsville?

A key aim of this project has been to investigate the feasibility of a purpose-built youth centre in Pottsville and to provide Council with some recommendations regarding this proposal.



Overall, young people, service providers and the project team did not support the development of a youth centre in Pottsville, at this point in time.

A committee of young people and interested adults have undergone an extensive research/study which promotes a high need for a youth centre in Pottsville. This work provided a large amount of supportive data for the case to develop a youth centre in Pottsville.

However, as a whole, the Tweed Shire is not currently in a position to develop and manage indoor youth spaces and development of these spaces is presently best undertaken by specialist service providers such as the PCYC.

Young people and the youth sector did not identify the development of indoor youth centres as a priority for addressing the space and place needs of young people in the Tweed Shire at the key forum for the project. Instead they indicated other ideas as immediate priorities to meet young people's space and place needs.

It is recommended that Council capitalise on the existing network of young people in Pottsville and develop a series of youth events and activities for Pottsville as a trial for the Tweed Shire.

There are also possibilities for less expensive and more easily managed spaces (e.g. integrated public spaces for young people) to be developed in Pottsville to meet the immediate needs of young people. Alternatively, the use of the existing community centre in Pottsville for youth activities and events should be considered as a possible short-term option, particularly if managed and operated by an existing service provider such as the PCYC.

The construction of a multi-purpose youth centre would then be a longer term option to be re-investigated in five years or more and/or following the implementation of the other recommendations outlined in this report.

Identifying good practice in youth development, facilities and service provision for local government to provide a benchmark for the Tweed Shire Council

The business of local government is about building communities that are good places to live, and planning for the needs of the whole community. Young people are a significant sector of the community and therefore are part of Council business.

The role Council plays generally relates to the size of the Council, available resources, history of involvement in youth



affairs, community expectations and levels of partnerships available with other sectors and spheres of government.

A significant proportion of Councils employ at least one staff member with a focus on youth development. The majority of Councils target young people in their planning activities and provide recreational services or facilities for young people.

In the main, Councils see their role in youth affairs as coordination and facilitation, with state and federal governments providing funding and support. It is worth noting that councils spend far more on young people than they receive in grants.

Identifying potential state and federal funding sources and resources

Financial assistance and partnerships can be developed with a range of government and non-government agencies. Numerous funding programs are available from state and federal governments as well as independent organisations and philanthropic trusts. A number of umbrella funding websites are particularly useful in identifying potential funding sources.

In order to ensure that Council is responsive to the identified needs of young people, it will need to make some strategic decisions about its policy position and future direction. Council will then be in a position to fully investigate suitable funding partners.



Recommendations

FOCUS AREA 1: COORDINATION AND LEADERSHIP

- 1.1. That Council develops a clear policy position on Council's role in youth affairs in response to the issues and recommendations identified in this Youth Needs Analysis. This could take the form of a Tweed Shire Council Youth Policy. The Youth Policy should address the key action areas identified in the Youth Needs Analysis and include measures for monitoring its implementation.
- 1.2. That Council establishes a Youth Development Officer position to work across key internal Council divisions and with external partners and agencies to action the proposed Youth Policy.
- 1.3. That Council clearly articulates the strategic role of the Youth Development Officer through a well-developed position description based on the learnings from other local authorities.
- 1.4. That Council develops and trials a model of youth engagement that is inclusive of young people from diverse backgrounds and lifestyles. That the model gives consideration to the differing needs of young people living on the coast and young people living rurally.
- 1.5. That Council includes young people in the development of current strategic and planning documents. These should include Locality Plans as identified in Tweed Futures and the review of Council's Arts Policy. Young people should also be a key stakeholder group in the development of an open space strategy for the Tweed Shire.
- 1.6. That Council seeks to capitalise on state and federal government funding and resourcing opportunities by working collaboratively with the community services sector in identifying and responding to young people's needs.
- 1.7. That Council plays a key role in supporting community agencies to work together through the re-establishment of the youth services network or other appropriate forums.



FOCUS AREA 2: INFORMATION AND RESOURCES

- 2.1. That Council develops a youth information strategy that incorporates information exchange between young

people directly and indirectly through parents, carers and service providers.

- 2.2. That Council assesses the risks and benefits of updating its' current website to include youth-specific pages or creating a stand-alone website that targets young people.
- 2.3. That Council creates and approves links from the proposed youth websites or pages to other secure youth website such as www.youth.nsw.gov.au.
- 2.4. That Council seeks to partner young people through educational or training organisations to develop and maintain the youth website or youth pages.
- 2.5. That Council purchases software to enable young people to voluntarily register their mobile phone numbers via the website to allow group texts to be sent regarding coming events and new website features or information.
- 2.6. That relevant information is distributed through paper-based means in mediums such as school newspapers and the Tweed Link.
- 2.7. That Council advocates to New South Wales Health to work with local community agencies to develop a comprehensive strategy to address drug use by young people. The strategy should give consideration to activities ranging from information provision through to drug and alcohol rehabilitation services.



FOCUS AREA 3: LEARNING AND WORK

- 3.1. That Council works collaboratively with the Tweed Economic Development Corporation to develop specific strategies aimed at enhancing employment opportunities for young people.
- 3.2. That Council reviews its own workforce demographics with a view to developing employment strategies for young people through apprenticeships, traineeships and graduate programs.
- 3.3. That Council supports community organisations, educational and learning institutions in lobbying state government for the provision of a range of learning options to meet the needs of all young people.

FOCUS AREA 4: PLACES AND SPACES

- 4.1. That Council includes a young people’s public space strategy as a component of an open space plan or youth strategy for the shire.
- 4.2. That Council uses the following spectrum as guidance for the development of spaces and places for young people and develops appropriate spaces for young people through **temporary, opportunistic, or strategic** means.



Place and Space Spectrum	Suggested Spaces
1. Creating temporary spaces for young people through events and activities programming;	<ul style="list-style-type: none"> o <i>Local beach environments</i> o <i>Skate parks and sports infrastructure</i> o <i>Shopping centre areas</i> o <i>Local/neighbourhood parks</i> o <i>Public swimming pools</i> o <i>Community halls</i>
2. Redeveloping existing youth spaces to improve inclusiveness and relevance;	<ul style="list-style-type: none"> o <i>Skate parks and youth-centric Infrastructure e.g. Basketball ½ courts</i> o <i>Parks and sporting/recreational areas/existing clubs</i> o <i>Streets and found spaces</i>
3. Designing and developing Integrated Outdoor Public Spaces for young people; and	<ul style="list-style-type: none"> o <i>Skate and youth space</i> o <i>Areas with existing catchments of young people e.g. around shopping centres</i> o <i>Youth hangout space</i>
4. Purpose-built Youth Centres	<ul style="list-style-type: none"> o <i>Ongoing partnerships with PCYC proposed</i> o <i>No recommendations for new centres</i>



- 4.3. That council uses the detailed recommendations for creating temporary spaces and events, redeveloping existing facilities and developing integrated outdoor public spaces for young people as outlined in this report.

- 4.4. That Council uses the recommendations outlined in this report to develop the Murwillumbah youth space project as a pilot project for meeting the space and place needs of young people in Tweed Shire.
- 4.5. That Council seeks improved partnerships with the PCYC as a youth space service provider with potential to increase service delivery to other Council owned indoor spaces.
- 4.6. That a multi-purpose youth centre at Pottsville **not be** developed at this point in time and be reinvestigated in five years or more and/or following the implementation of the other recommendations outlined in this report.

FOCUS AREA 5: CONNECTED AND INCLUDED

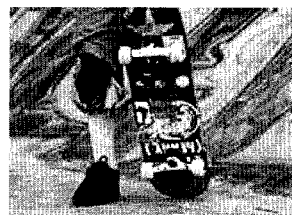
- 5.1. That Council develops a co-ordinated transport strategy with increased and improved bus routes and services (especially in evening and on weekends), co-ordinating fare system across the borders and investigate potential funding subsidies for bus companies. That Council investigates the feasibility of free bus services for major events and festivals from specific locations.
- 5.2. That Council develops a media strategy for the Tweed Shire's young people that includes: Information and promotional resources describing events/ activities/ places within young people's access or interest and types and sources of positive, youth-focused information distribution (media, internet, promotional material etc.)
- 5.3. That Council encourages young people's involvement in organising and programming events and activities to give a sense of involvement and power over what is happening
- 5.4. That Council develops a local and familiar context for activities and events that relate to young people's local lives and cultures.

FOCUS AREA 6: SAFETY AND SECURITY

- 6.1. That Council conducts CPTED (Crime prevention through environmental design) audits of key 'hot spots' and seeks crime prevention funding to improve the safety of these spaces through design, lighting and management solutions.



- 6.2 That Council seeks partnerships with local police to deliver increased presence at these sites identified through CPTED to improve the feeling of safety.
- 6.3 That Council improves the maintenance and management of public toilets through improved lighting, security and more regular cleaning.
- 6.4 That Council combats unsafe/violent behaviour in public places through anti-violence programs and role modelling.
- 6.5 That Council works closely with other levels of government and community sector agencies to coordinate safe and accessible emergency accommodation for young people across the Tweed Shire.
- 6.6 That Council works with the other levels of government and the private sector to encourage provision of affordable housing for young people.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Depending on the form of the Youth Policy adopted following this exhibition of the Youth Needs Analysis, financial resources will be required to implement youth services and facilities. Some resources are already proposed in the 7 Year Infrastructure and Services Plan, and some may be obtainable from external sources.

POLICY IMPLICATIONS:

Council does not have a Youth Policy and it could develop a policy following the public consultation comments.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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P5 [PD-PC] Request for Rezoning - Corner of Turnock and Pearl Streets, Kingscliff

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

The following report is a proposal to rezone medium density residential lots on the north side of Turnock Street, Kingscliff, between Pearl Street and Marine Parade to provide mixed use retail/residential.

RECOMMENDATION:

That:-

- 1. Council prepares a draft Local Environmental Plan pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to rezone Lots 1, 2, 3 and 4 DP 381437 from 2(b) Medium Density Residential to 3(b) General Business.**
- 2. The Director-General of the NSW Department of Planning be requested to waive the requirement for an Environmental Study given the minor nature of the proposed Local Environmental Plan Amendment.**

REPORT:

The North East corner is the only corner of the Turnock Street and Pearl Street intersection that is not zoned for business purposes. Roads in this locality are busy both night and day due to its proximity to the retail area and the location on a pivotal intersection in the town for public transport and general access, there is a need for raising the residential component in this area above street level in a mixed use development with retail on ground floor and offices and/or residential above. The area in question is shown on figure 1. The rezoning has been proposed for the four blocks in the immediate vicinity of Turnock Street. The church and church hall provide a good transition between mixed use and residential use.

Need for Rezoning

Preliminary investigation of the site suggests that extension of the business zone to the four lots on the north side of Turnock Street between Pearl Street and Marine Parade would provide a much better urban design outcome for the vicinity with businesses facing each other, thereby reducing the retail to residential interface and increasing the business to business cross fertilisation. In the future, growth and the continuing expansion of tourist related activities, general business activities not related to leisure or tourism will find it less financially attractive to be located on Marine Parade. As well as growth in tourism needs, residential growth in the Kingscliff area will result in an expansion in the need for general office, retail and commercial space. This will be further exacerbated as the tourist uses in Marine Parade take up more of the shop fronts and tourist residential takes up more of the upper floors, the availability of space for other uses especially at ground floor level will be reduced. This rezoning will allow for consolidation of business uses within the vicinity of the Pearl/Turnock Streets intersection.

Quality Built Environment

Turnock Street and Pearl Street are destined, over time to become more retail and business dominated and therefore become of vital importance as an activity centre to the town. In view of this it is important to provide a definable, high quality, vibrant and liveable town centre made up of those uses that supply the general needs of a town and the Kingscliff Community.

These qualities can be achieved through urban design with incentive and guidance through the DCP process. There is an opportunity for the Turnock and Pearl intersection to become a defined business node in the town. This would take the pressure off Marine Parade to be both tourist street and main street.

To achieve these qualities in the built environment, the rezoning would need to be combined with an expansion of the streetscape works in the locality with an opportunity to provide northern gateways into the CBD, thereby defining the entry into the town proper with an upgrade to the public domain in general and the provision of small public spaces and boardwalk areas on the beach side of Marine Parade. This would link the future business area through to the beach and the tourist

district while providing image and character to the area of a coastal town. This linkage is best achieved through a street (Turnock Street from Pearl Street to Marine Parade) that is predominantly retail, with commercial premises activating the street from both sides.

The rezoning will allow the reinforcing of a compact town centre to Kingscliff, which will be further guided and developed with the aid of the combined Kingscliff DCP proposed for development with the Kingscliff Locality Plan.

Retail Space

This rezoning would provide a defined boundary to a compact town while increasing the floor area for smaller village level retail spaces in the town centre. Recent development in the business zone on the southern end of Pearl Street has resulted in the reduction of retail frontage opportunities as new development in the area uses the Street as a vehicle access and residential backs to the street. The proposed rezoning will go some way to redress this loss of retail and frontage and provide for activated streetscapes in a more viable location between the major retail components of the town and the major attractors of the area. The existing and potential retail frontage around the Pearl and Turnock Street intersection are shown in figure 2. It is important to ensure a compact enclosed and vibrant town is the outcome of a developing Kingscliff.

The proposed increase in length of street frontage is approximately 140m and the area proposed for rezoning approximately 2,200m². Though small in floor space in relation to the Kingscliff Town Centre as a whole, its location and frontage as it is bordered on three sides by streets, makes it significant for the urban design of Kingscliff Town Centre.

Zoning

The subject site is zoned 2(b) Medium Density Residential. The four lots are presently occupied by single and multi-unit residences. The land opposite in Turnock Street are 3(b) General Business.

Works Program

The proposed LEP Amendment is not included in the current Strategic Planning Work Program. The proposed Amendment is considered significantly in the public interest due to the urban design outcome of consolidating and enclosing the town centre. It is an opportune time for rezoning with all coastal properties in Kingscliff under considerable development pressure. It is therefore recommended that Council should prepare an LEP Amendment in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.

The proposed LEP Amendment is considered to be consistent with the relevant State Environmental Planning Policies and S117 Ministerial direction. Consultation with relevant State Agencies will be undertaken as part of the Section 62 Consultation in accordance with the Environmental Planning and Assessment Act 1979.

Environmental Study

The land is within the coastal zone and under Section 117(2) direction S26 Coastal Policy:

"A Council in preparing a draft LEP must:

- (b) not alter, create or remove existing zonings unless an Environmental Study relating to the draft LEP has been prepared and considered by Council."

The land is already developed for residential purposes and zoned for intensification to medium density residential. The rezoning will allow for further intensification to business uses. The site however is on the boundary of an existing business zone and Medium Density Residential zone extends to the north along Marine Parade.

The change in landuse proposed would have little impact on the area, except positive urban design and economic outcomes. It is therefore considered a waiving of the Environmental Study should be sought though mandatory as the properties in question are within the Coastal zone.

FIGURE 1

Proposed Expansion of Business Zone

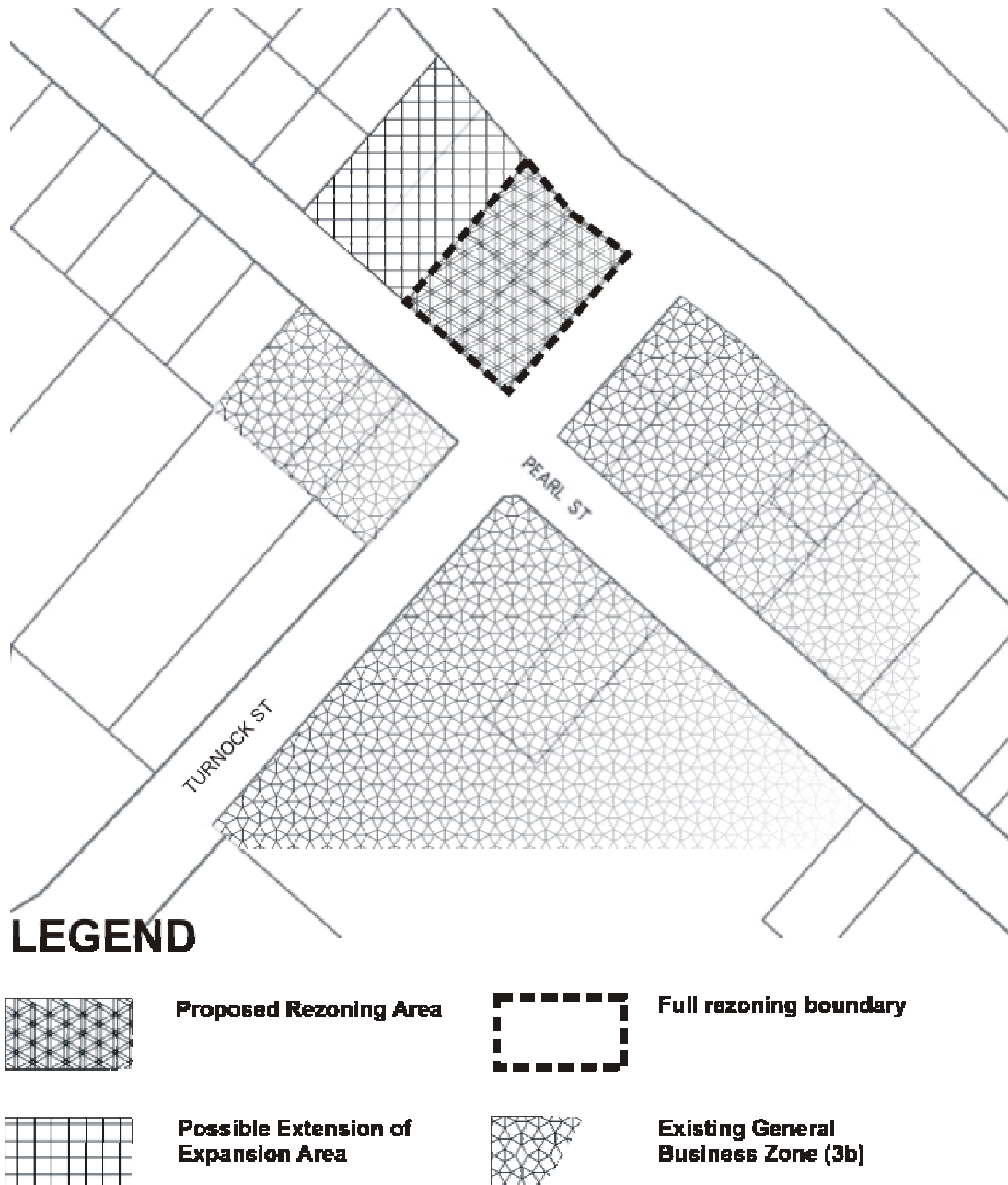
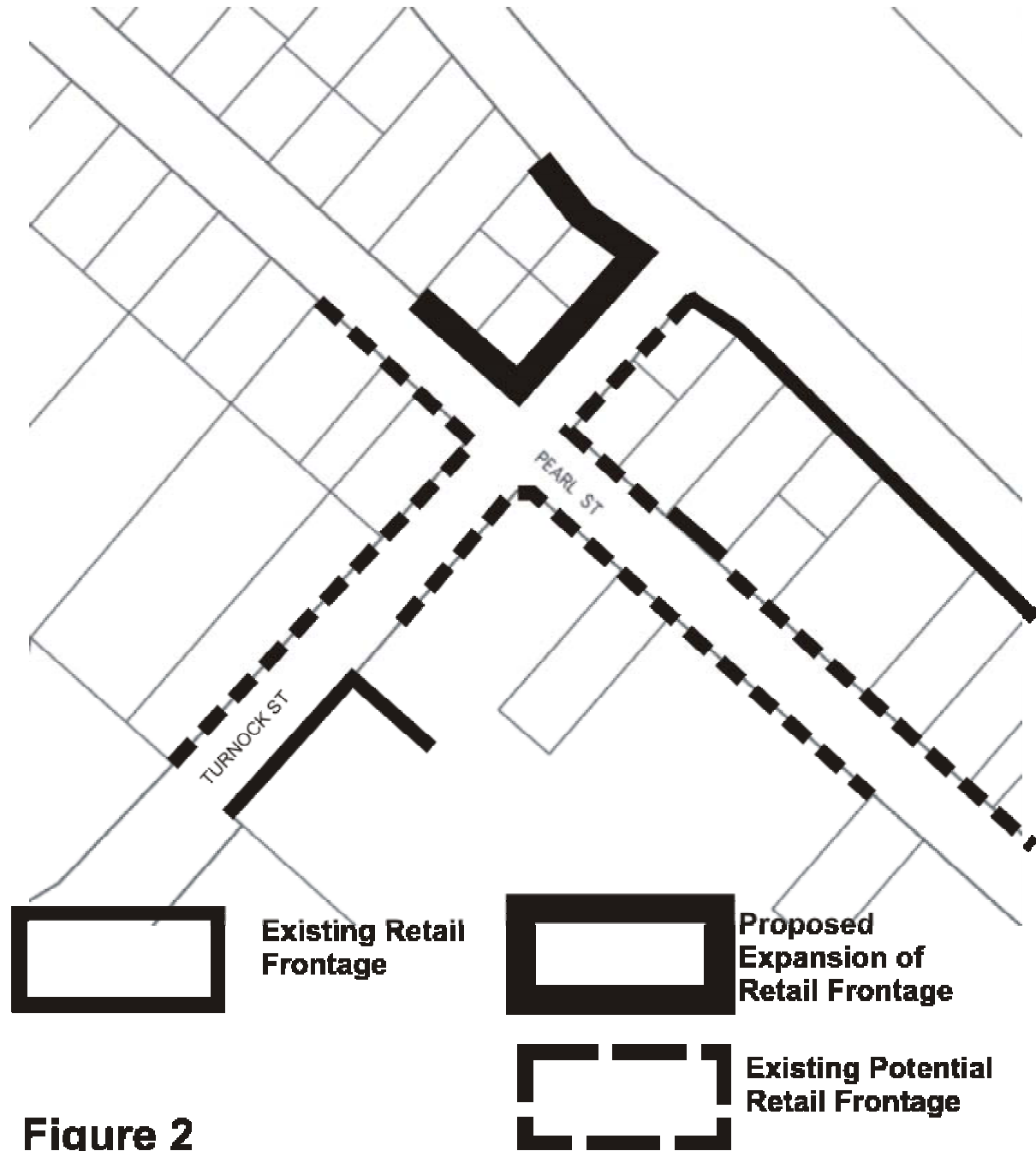


FIGURE 2

Retail Frontage Vicinity of Pearl & Turnock



Conclusion

This proposal for rezoning four lots on the northern edge of Kingscliff Town Centre is significant in urban design terms as it consolidates the northern edge of the Town Centre. It also provides enclosure to the Turnock/Pearl Street intersection which is likely to become an important business hub for the town in the future. Due to the rate of redevelopment in this area it is an opportune time to consolidate the business zone in this end of town.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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aP5 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 3 - Review of Public Submissions - Seaside City Local Environmental Study and Draft Local Environmental Plan

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/3

SUMMARY OF REPORT:

Council carried out a formal public exhibition of the Seaside City Environmental Study (ES) and draft Local Environmental Plan (LEP) from the 14 December 2005 to the 3 February 2006. 14 submissions were received primarily concerned with: -

- Cudgen Creek Riparian Corridor;
- Rezoning to 7(l) Environmental protection Habitat;
- Review of Tweed Coastline Hazard Definition Study; and location of 7(f) Environmental Protection (Coastal Lands Zone Boundary);
- Asset Protection Zones.

None of the submissions are considered to warrant a rejection or significant amendment to the exhibited DLEP. However, they do substantiate some adjustments to the planning controls nominated in the draft Plan, as follows:

1. Delete all references to a Masterplan, and associated planning requirements.
2. Adjust the controls for the riparian buffers and asset protection zone.
3. Additional controls for threatened species.

RECOMMENDATION:

That Council requests the Minister for Planning to make Tweed Local Environmental Plan 2000 Amendment No 3 as set in Appendix B of this report with the following particular amendments:

1. **Delete all references to a Masterplan, and associated planning requirements.**
2. **Amend Clause 5(b) to read: -**

"The Asset Protection Zone for any development within land zoned 2(e) to be accommodated within that land, with the addition that

- *On the western side of Casuarina Way it may include up to 10 m in width in adjoining land zoned 7(l) if that land accommodates a cycleway; and*
 - *On the eastern side of Lorna Street it may include land zoned 7(f) within the existing Seaside subdivision and up to 10m in width in Lot 500 if it accommodates a cycleway."*
3. Delete Clause 5(i).
 4. Amend Clause 4(iii) to include the requirements of the Rural Fire Service which are in place at the time Council adopts the Plan.
 5. An additional requirement at the end of Clause 4(vii) to include compensatory Coastal Banksia habitat as part of the Plan of Management for the Cudgen Creek riparian corridor, and delete the words "excluding the area and the existing lots on the western side of Catherine Street", and "and service road at the rear of those lots".
 6. An additional clause 4(viii) as follows:-

"(viii) a threatened species management plan, particularly in respect of turtle nesting and hatching on the beach adjacent to the development and the Queensland Blossom Bat".
 7. An additional clause 5(o) as follows:-

"(o) Two storey development on beach front lots".
 8. Amend clause 4(v) to read as follows:-

"4(v) A stormwater management plan which:
 - *demonstrates any impacts on Cudgen Creek, SEPP 14 Wetlands and Crown Reserve 1001008 (Lot 500 DP 727420) to the satisfaction of Council*
 - *complies with the Tweed Urban Stormwater Quality Management Plan; and*
 - *does not include any stormwater detention ponds and pollution traps within the Cudgen Creek Riparian Buffer required by subclause (vii)".*
 9. Amend the zone map from 7(a) to 7(l) and include the land within existing subdivided lots on the western side of Casuarina Way which falls within the 50m Riparian Buffer in the 7(l) zone.

REPORT:

1. Introduction

Tweed Shire Council carried out a formal public exhibition of the Seaside City Environmental Study (ES) and draft Local Environmental Plan (DLEP) under Section 66 of the *Environmental Planning and Assessment Act 1979* from the 14 December 2005 to the 3 February 2006. 14 submissions were received. A number of these submissions commented directly on the ES and draft LEP, however a number of issues raised related to other documents prepared for the site subsequent to the ES and draft LEP. This report deals with issues that relate to the ES and draft LEP.

2. Background

Connell Wagner prepared the ES. Whilst it supported the rezoning of Seaside City it raised a number of design and management issues which required resolution by Council. These included:

2.1. Existing Subdivision Pattern

One of the specifications for preparation of the ES was a review of the existing subdivision pattern for Seaside City, for which Richtech had prepared a draft Master Plan. The Consultants concluded that the existing subdivision pattern and multiple ownerships places a significant constraint on the options for the development of the land. Connell Wagner prepared two options for the re-subdivision of the land however whether or not the existing subdivision layout should be altered is a decision for Council.

Council based the exhibited DLEP on the existing subdivision.

2.2. Cudgen Creek Riparian Area

The ES highlighted the need for the protection of water quality in Cudgen Creek, which borders the western boundary of Seaside City. The Consultants concluded that:

“The water quality monitoring undertaken within Cudgen Creek indicates that water quality is relatively good but has elevated nitrogen and faecal coliform levels. Agricultural and urban stormwater are the dominant influence on pollutant inputs to the estuary. Strategies for the protection of the environmental values of Cudgen Creek including water quality should be implemented including water sensitive urban design approach to stormwater management and adherence to a minimum 50 metre buffer zone of riparian vegetation within new development sites. This is consistent with the guidelines for riparian corridors adopted by DIPNR as best practice for riparian conservation. DIPNR has adopted these guidelines from the Riparian Corridor Management Study (DIPNR 2005) prepared for the Wollongong local government area. The guidelines recommend that to maintain bank stability

and water quality and provide biodiversity linkages a riparian corridor should be a minimum of 50 metres wide. This distance includes a 40 metre core corridor plus a 10 metre buffer on either side of the river”.

Fifty metres is the nominated riparian buffer to Cudgen Creek in Council's DCP 16 Subdivision Manual.

As a consequence the Consultants recommended that land indicated by Figure 1 be zoned Environmental Protection. This area included the amelioration land to be dedicated to Council as well as a strip of land and laneway at the rear of the lots on the western side of Catherine Street. Also superimposed on Figure 1 is the actual buffer which indicates that the extent of land recommended by the ES to be rezoned Environmental Protection goes beyond the nominated 50m buffers.

Richtech currently has a Development Application lodged with Council for clearing and vegetation management of this area to accommodate a 30m service lane and cycleway corridor at the rear of Catherine Street. However, this would take the cycleway close to Cudgen Creek.

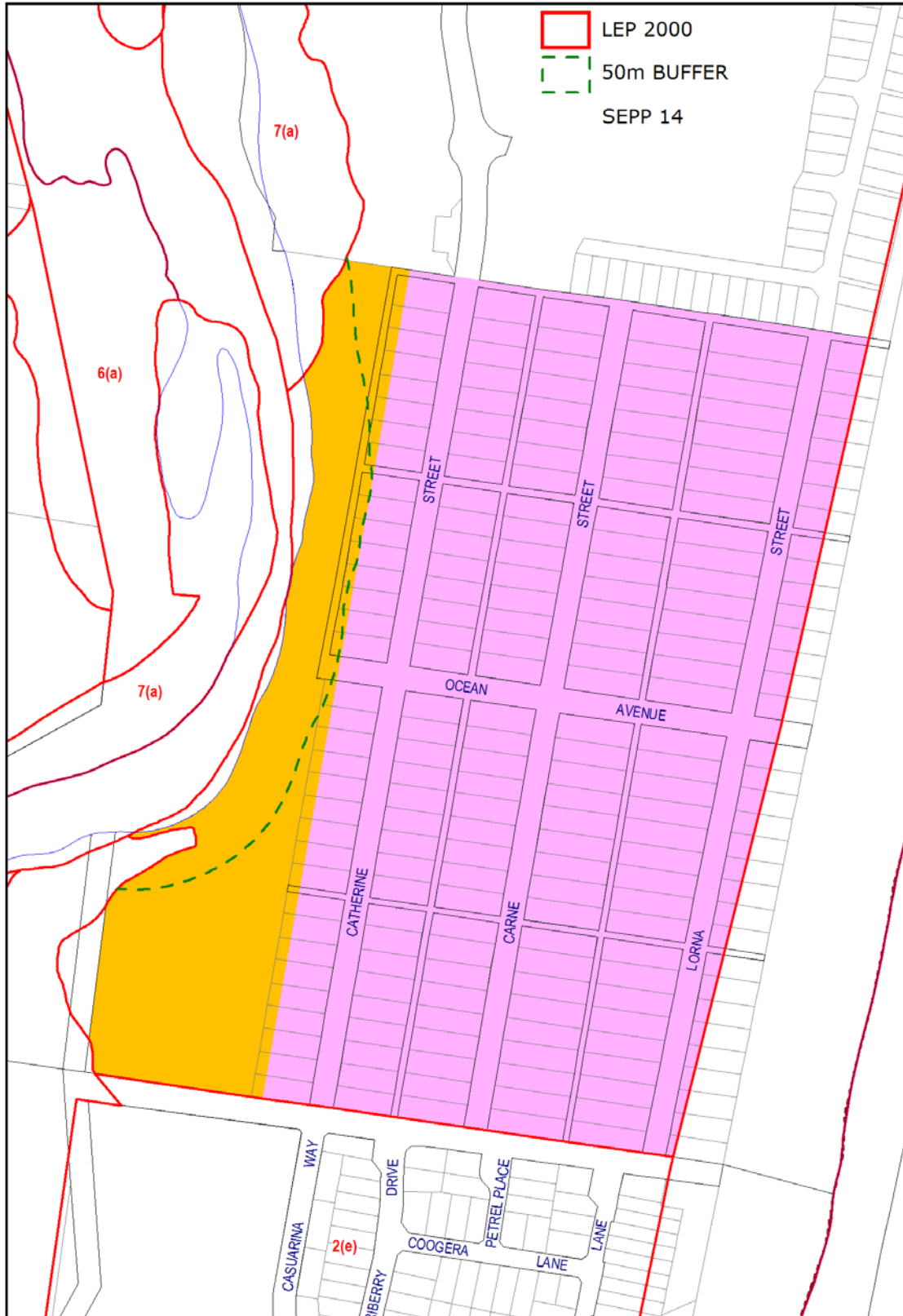
It is not possible to provide a 50m buffer along the entire length of the Seaside City Subdivision which fronts Cudgen Creek without including some of the subdivided lots. Where a buffer cannot be achieved without using such land it was recommended that a minimum buffer of 25m was acceptable with a 6m service road and a 2.5m cycleway accommodated in an 11.5m reserve to the east of the buffer. The resultant buffer should be revegetated in accordance with an approved rehabilitation plan.

The remaining issue with respect to the service road reservation was the zoning of the land. A road is permissible in an Environmental Protection Zone but subject to the provisions of Clause 8(2) of the LEP. Whilst this did not preclude the approval of the service road and cycleway any residual ambiguity in Council's intention could be dealt with by either:

- Zoning the land as road; or
- Including the road as a Schedule 3 item.

On balance it was considered that the provisions of Clause 8(2) were adequate for this situation, if supplemented by controls to ensure a minimum buffer of 25m as set out above. The land to be zoned Environmental Protection excluded land within the subdivided lots on the western side of Catherine Street.

Figure 1



3. Draft Local Environmental Plan

The exhibited draft Local Environmental Plan incorporated the following elements:

1. Zoning: the land rezoned from 2(f) Tourism to 2(e) Residential Tourist, except the land west of Catherine Street which was rezoned to Environmental Protection (Figure 3).
2. Preliminary Planning Requirements: Before Council consents to any development at Seaside City the following must be approved by Council:
Master Plan
Development Control Plan
Section 94 Plan
3. Development Requirements:
 - (a) Council must be satisfied any development meets the requirements:
 - Acid sulphate soils;
 - Contaminated lands remediation;
 - Bushfire protection;
 - Erosion and sediment control plan;
 - Stormwater management plan.
 - (b) Development of each lot located within 50m of the coastal reserve boundary must be limited to a single dwelling house.

4. Response to issues raised in Submissions

Fourteen (14) submissions were received by Council, as summarised by Connell Wagner in Appendix A.

This section has been prepared by Connell Wagner (CW) with a Council response where appropriate. It highlights the main issues raised in submissions to which a response is required.

1. Cudgen Creek riparian corridor

Issue:

Inadequate provision has been made for the protection of the Cudgen Creek riparian corridor. In particular the draft LEP does not incorporate a continuous 50m wide riparian buffer along the creek as recommended in the ES and that in some sections the buffer is only 25m wide and incorporates residential lots and bushfire asset protection zones.

CW response:

The ES recommends a minimum 50m continuous buffer along Cudgen Creek clear of residential lots and asset protection zones and in our opinion the draft LEP should reflect this recommendation. The 50m buffer zone is consistent with the strategies outlined in the Draft Tweed Coast Estuaries Management Plan 2004-2008 and is important for the protection of the environmental values of Cudgen Creek including water quality.

Issue:

Clause 4(v) requiring a stormwater management plan is endorsed provided stormwater detention ponds and pollutant traps are not provided within the 50 metre environmental buffer zone to Cudgen Creek.

CW response:

Clause 4(v) should be amended to restrict development of stormwater detention ponds and pollutant traps to outside the 50 metre environmental buffer zone to Cudgen Creek.

Issue:

Clause 4(vii) should not include provisions allowing cycleways and service roads to be developed within the 50m environmental buffer to Cudgen Creek.

CW response:

This clause should be amended to be consistent with the recommendations of the ES.

Issues:

Clause 5(c) should be amended to require a 100 metre wide buffer adjacent to environmentally sensitive wetlands such as SEPP 14 coastal wetlands. An acceptable compromise would be the requirement of a 100m buffer incorporating an under-scrubbed mosquito buffer and restriction of infrastructure such as service roads and cycleways to beyond the 50 metre environmental buffer zone.

CW response:

The suggested 100m wide buffer to the SEPP 14 wetlands would be contained within the environmental protection zone recommended within the ES.

Council response:

Council's justification for not accepting the ES recommendations is set out in Section 2.2 above.

In view of the comments from State Agencies consideration must be given to ensuring the nominated 50m buffer along the length of Cudgen Creek, particularly as it is a nominated policy of Council's draft Tweed Coast Estuaries Management Plan. The preferred option is to require a 50m buffer, notwithstanding it includes land within the existing lots on the western side of Casuarina Way, whilst accommodating a cycleway but not the asset protection zone (as discussed in item 12 following). This would require an amendment to Clause 4(vii) to remove the words "excluding the

area of the existing lots on the eastern side of Catherine Street". Similarly, the land within existing subdivided lots on the western side of Casuarina Way which falls within the 50m Riparian Buffer should be zoned 7(l).

2. Coastal environmental/hazard buffer

Issue:

An environmental/hazard buffer should be provided to the east of the 100 year coastal erosion hazard line which extends eastward to the high water mark.

CW response:

The 100 year coastal erosion hazard line is incorporated within the existing 7(f) Environmental Protection (Coastal Lands) zone which extends eastward to the high water mark.

Council response: No amendment is required to the draft LEP.

3. Perimeter roads

Issue:

A perimeter road should bound all development to provide a distinct edge between residential and conservation areas. Casuarina Way is considered an appropriate boundary to the west of the development.

CW response:

The ES recommends perimeter roads be provided between development and conservation areas. Both development options prepared as part of the ES recommend that Casuarina Way should form the western boundary to development. Option A prepared as part of the ES also includes a perimeter road between development and the coastal reserve on the eastern side of the site. This issue should be considered further in the development of a master plan and DCP for the site.

Council response: No amendment is required to the draft LEP.

4. Revegetation of conservation zones

Issue:

Cleared disturbed areas within conservation zoned areas should be revegetated with vegetation indigenous to the local area and these areas should be maintained under a bushland management plan.

CW response:

The ES recommends the preparation of a plan of management for the entire area proposed to be zoned 7(l) Environmental Protection (Habitat) along Cudgen Creek and recommends the preparation of a plan of management for the 7(f) Environmental Protection (Coastal Zone) for the coastal reserve. The plans of management should include requirements for appropriate revegetation and maintenance of these areas. The draft LEP includes a requirement for the preparation of plans of management for these areas.

Council response: No amendment is required to the draft LEP.

5. Compensatory habitat for loss of Coastal Banksia

Issue:

The development of the site under the draft LEP would result in the majority of the site being cleared for residential uses resulting in loss of areas of Coastal Banksia which provide habitat for threatened species including the Common Blossom Bat. Compensatory habitat and/or compensatory habitat measures should be provided to compensate for this loss of habitat and protect the values of Cudgen Creek. This approach would be consistent with that taken for the adjoining developments.

CW response:

The ES proposed an enlarged riparian corridor along Cudgen Creek that incorporates compensatory habitat required for the Casuarina development and has the potential to provide additional compensatory habitat for the Seaside City development. The draft LEP should be amended to require compensatory habitat requirements to be considered as part of the plan of management for the Cudgen Creek riparian corridor.

Council response:

The exhibited DLEP includes in Clause 4(vii) a requirement to include the rehabilitation of the land proposed for environment protection.

6. Rezoning to 7(l) Environmental Protection (Habitat)

Issue:

The rezoning of land to the west of the study area to 7(l) Environmental Protection (Habitat) is premature because:

- A vegetation management plan submitted to council as part of development application 05/0739 has not been considered or determined by council.
- The content of the vegetation management plan once approved and implemented is better undertaken in accordance with the intent of the current zoning of the land.

- The vegetation management plan once approved and implemented may mean that a zoning designation other than 7(l) is more appropriate.
- There is currently an inconsistency between the wording of the draft LEP and the draft LEP map. The draft LEP describes the land zoned for environmental protection as 7(l) while the draft LEP map shows it as 7(a).

CW response:

The land to the west of the study area is proposed to be zoned 7(l) Environmental Protection (Habitat) under the draft LEP. The ES recommended that the land alongside Cudgen Creek be rezoned to 7(l) to establish a riparian corridor to maintain water quality in Cudgen Creek and protect and rehabilitate existing vegetation within the area. The 7(l) zone is considered the most appropriate environmental protection zone for the corridor and is consistent with land along Cudgen Creek adjoining to the south.

Council response: The inconsistency between the draft LEP and the draft LEP map is a drafting error that has been amended.

7. Turtle nesting and hatching

Issue:

To ensure successful nesting and hatching of turtles on the beach adjacent to the development darkness should be maintained on the beach and no light should be visible from the beach. To achieve this the following provisions should be incorporated in the draft LEP:

- A vegetated buffer should be established and maintained on the dunes between the development and the beach to a sufficient height to block light penetration to the beach.
- Streetlights and lights within allotments should be low mounted.
- Shading should be provided to the top and seaward side of outside lights.
- Restrictions should be imposed on the length of time outside lighting is maintained at night.
- External building features should be used to reduce the amount of light emitted from windows.
- Access tracks to the beach should be constructed to be narrow and dog legged to reduce light levels reaching the beach.

The draft LEP should require consideration of turtles in the management plan for the coastal environmental protection zone.

CW response:

These requirements for the coastal reserve plan of management should be incorporated within the draft LEP and also should be reflected in the development controls within the DCP.

Council response:

Rather than including the nominated detailed requirements in the LEP it would be more appropriate to require in the LEP a plan of management for turtle nesting and hatching to be approved by Council. The detailed requirements will be contained in the DCP.

8. Capacity of existing services

Issue:

The consideration of utility services in the ES was limited to an assessment of capacity of water, wastewater and waste services to the development. The ES should also address the ability of local resources to service the expanded population. Is there a sustainable source of potable water? Can the Tweed Estuary cope with increased pollutant loads? Will Stotts Road Landfill provide a sustainable disposal site for waste? These matters should be addressed by incorporating appropriate provisions in the draft LEP.

CW response:

The Seaside City development will be serviced through an extension to the existing services available to the area that service the adjoining developments to the north and south and therefore consideration of the capacity of these services is most appropriate. Water would be supplied to the site from the Duranbah Reservoir. Council has indicated that the reservoir has capacity to provide a sustainable water supply to the Seaside City site. Discussions with council have also indicated that the landfill at Stotts Road has capacity to service Seaside City and to provide for waste disposal for the area for a considerable time. The draft LEP requires the preparation of a stormwater management plan to address potential impacts on Cudgen Creek and SEPP 14 wetlands and ensure that the development complies with the Tweed Urban Stormwater Quality Management Plan.

Council response:

No amendment is required to the draft LEP.

9. Stormwater management plan

Issue:

Section 4(v) of the draft LEP should be amended to read: *A stormwater management plan which demonstrates any impacts on Cudgen Creek, SEPP 14 Wetlands and*

Crown Reserve 1001008 (Lot 500 DP 727420) to the satisfaction of Council and that the development complies with the Tweed Urban Stormwater Quality Management Plan.

CW response:

The inclusion of the crown reserve within the stormwater management plan requirement is supported. An amendment is required to the draft LEP.

Council Response:

The amended instrument includes this request.

10. Review of Tweed Coastline Hazard Definition Study

Issue:

A suitable erosion setback line should be established following review of the Tweed Coastline Hazard Definition Study prepared by WBM Oceanics (2001). The ES does not provide a suitable review of the report.

CW response:

The WBM Oceanics report was prepared in 2001 on behalf of the Department of Land and Water Conservation and Tweed Shire Council as one of the initial stages in the process of preparing a coastline management plan for the local government area. The report provides the best information available on coastal erosion hazard relevant to the Seaside City site. The ES provides a summary of the relevant information included in the report and adopts the 100 year coastal hazard line established by the WBM Oceanics study for planning purposes. It was not within the scope of the ES to redefine the location of the 100 year coastal erosion hazard line. No amendment is required to the draft LEP.

Council response:

In addition to the submission in respect of DLEP No 3 Jim Glazebrook & Associates has also posed the following questions:

- "1. Only last year (2005), Council adopted the Tweed Coastline Management Plan (TCMP), which specifically recommends the 100 year planning period for assessing coastal erosion risk for "future development" (nothing that this standard was agreed by both Council and DIPNR). The TCMP identifies the 'worst case' 100 year impact line significantly to the east of the current 7(f) zone boundary. It also notes that the assessment that determined the location of the erosion impact lines (WBM, 2001) took account of the uncertainties of identifying erosion impact. In these circumstances, how does the Council reconcile its adherence to the existing 7(f) zone boundary?"*

2. *The Council has advised that the current 7(f) zone is located solely on the basis on coastal erosion risk. The LES accompanying the draft LEP and the draft LEP itself, recommend that no development occur east of the 100-year impact erosion line. The 100-year impact erosion line adopted by Council in 2005 is significantly to the east of the current 7(f) zone boundary. The current 7(f) zone is inconsistent with the Council's LES and draft LEP. Why?"*

The initial assumption of the questions is accepted: Section 2.2 of the Coastline Management Plan adopts the 100 year interval for areas outside existing urban areas (which includes Seaside City). However, the relationship between this assumption and the 7(f) zone boundary is clearly set out in Section 3.1.2 of the Plan in the following terms:

"The 7(f) zone will be retained on its current alignment. This is despite the recent review of coastline hazards by WBM Oceanics (Tweed Shire Council, 2001) that indicates narrower projected band widths for areas subject to coastline hazards over the 50 and 100 year planning periods than when the 7(f) zone was initially delineated in the 1980s. The 7(f) zone provides a long-term buffer area for the management of undeveloped lands susceptible to coastal erosion. In terms of the precautionary principle and intergenerational equity, it is wise to maintain as wide a buffer of land as possible between the natural erosive forces of the sea and developed areas that may be threatened by coastline hazards in the future should coastal erosion proceed as predicted.

The 7(f) zone on its current alignment provides a long-term timeframe over which to accommodate coastline hazards as well as a natural buffer to enhance recreational (including long-term public foreshore access), visual amenity, ecological and environmental values of the zone".

It is clear from this that Council has acted consistently in dealing with the erosion setback and 7(f) zone line at Seaside City, and the ES is in line with the Coastline Management Plan.

11. Location of the 7(f) Environmental Protection (Coastal Lands) zone boundary

Issue:

The boundary to the west of the existing land zoned 7(f) Environmental Protection (Coastal Lands) should be reviewed because the 7(f) zone boundary was based on an assessment of coastal erosion hazard prepared by the former NSW Department of Public Works in the 1970s. The Tweed Coastline Hazard Definition Study prepared by WBM Oceanics has shown the 100 year erosion hazard line as being well to the east of the existing 7(f) zone boundary. The zone boundary should be reviewed to be consistent with the 100 year erosion hazard line identified in the WBM Oceanics report. The current location of the 7(f) zone places unnecessary restrictions on the development potential of existing lots along the eastern side of Seaside City.

CW response:

The consideration of potential modifications to the extent of the 7(f) zone was not authorised through the resolution of Tweed Shire Council under section 54 of the *Environmental Planning and Assessment Act 1979* and is outside the scope of the ES. The specifications for the ES issued by the Department of Planning required the ES to recommend a suitable ocean erosion setback line following review of the WBM Oceanics report. This was addressed within the ES.

Council response:

No amendment is required to the draft LEP.

12. Asset protection zones

Issue:

The asset protection zone should be located wholly within the proposed development site. The ES recommends that the asset protection zone be measured from the coastal vegetation line and therefore section 5(i) should be amended to read: *Location of bushfire hazard protection areas which are to be located within the land known as Seaside City.*

CW response:

The ES recommended that a 35-50m asset protection zone be provided and measured from the coastal reserve. Although some of this land is outside the study area for the purposes of the ES this land would be considered to be within the proposed development site for Seaside City. Asset protection zones proposed in the ES are located within privately owned lots within the Seaside City development area. This is an issue that should be dealt with as part of the bushfire management plan which is a requirement of the draft LEP. No amendment is required to the draft LEP.

Council response:

The Draft LEP requires a Bushfire Management Plan in accordance with the requirements of Clause 39A of the Tweed Local Environmental Plan 2000. The Plan must also be in accordance with the requirements of the Rural Fire Service at the time of Council adopting the Plan. The exhibited Plan should be amended to reflect this.

The Draft LEP in Clause 5(b) also restricts development on the eastern side of Lorna Street to single dwelling houses. This is because of the need for bushfire controls. Whilst the nominated controls reflect the asset protection requirements they fail to deal with the location of the Asset Protection Zone (APZ). Ideally, this should be on the existing lots rather than on the adjoining Crown Reserve as it would fall to Council to maintain the APZ.

One assumption that has been made by some parties is that the coastal cycleway linking sites and Casuarina could be accommodated in the adjoining Coastal Reserve to the east of Seaside City. If this was to be the case the cycleway, which would have to be managed by Council, could be included as part of the APZ, thereby reducing the APZ required on private land.

However, the Department of Lands has indicated that it is not prepared to accept the cycleway on the Crown Reserve. The cycleway to the north and south of Seaside City was constructed on private land, which was subsequently dedicated to Council.

The options for Council are:

1. To base the LEP control on current advice from the Department of Lands and limit the APZ to privately owned land; or
2. Provide some flexibility for utilising the Crown Reserve in the event of a change of policy by the Department. In the event of adopting Option 1 and a change of Policy by the Department, an amendment to the LEP would be required to accommodate the APZ on public land.

The same issue applies to the Lots on the western side of Casuarina Way, with a cycleway nominated to the west of those Lots. Albeit the land is currently owned by Richtech and is to be transferred to Council. Again, it would be expedient to include the cycleway in the APZ.

Consequently, to allow for flexibility, the following amendment to Clause 5(b) is nominated:

"The Asset Protection Zone for any development within land zoned 2(e) to be accommodated within that land, with the addition that

- *On the western side of Casuarina Way it may include up to 10 m in width in adjoining land zoned 7(l) if that land accommodates a cycleway; and*
- *On the eastern side of Lorna Street it may include land zoned 7(f) within the existing Seaside subdivision and up to 10m in width in Lot 500 if it accommodates a cycleway."*

Clause 4(i) has been deleted as it deals with the same issue.

13. Environmental protection zones

Issue:

Whilst council has indicated that the draft LEP only applies to the land zoned 2(f) and not land zoned 7(f) an environmental study should also consider the 7(f) zone.

CW response:

The scope of the ES was limited to through the resolution of council to consideration of the land within the study area which comprised land currently zoned 2(f) Tourist. The relationship of the study area to the surrounding area including the 7(f) zoned land has been considered within the ES.

Council response:

No amendment is required to the draft LEP.

14. Master Plan requirements

Issue:

The proposed clause 53B of the draft LEP should be amended to read:

- a) A master plan has been prepared for the development of the land and endorsed by Council and the consent authority has taken the master plan into consideration.
- b) Proposed development accords with the intent of the master plan or a development control plan as approved for the land. Any development control plan shall accord with the intent of the so approved master plan.
- c) A contributions plan has been approved for the land or in the case where no plan has been adopted an appropriate offer has been made by an applicant to Council in respect of the cost of infrastructure and the provision of open space and community facilities relating to the Seaside City lands.

This submission argues that this proposed amendment is based on the proposed master plan prepared by Richtech and submitted as part of development application 05/1464.

CW response:

Connell Wagner is not in a position to comment on this issue.

Council response:

A master plan has not yet been finalised is adopted by Council and therefore this amendment cannot be accepted.

The exhibited draft LEP is predicted on Council's approval of a Masterplan and DCP before any development application for Seaside City is approved by Council. In view of recent legislative changes which effectively has subsumed Masterplans into Development Control Plans, there is no longer, from Council's perspective the need for a Masterplan. However, the DCP will cover the same ground plus more detailed planning controls. Consequently it is considered that the need for a Masterplan can be deleted from the exhibited Draft LEP.

15. Amendment to sub-clause 53B(5)

Issue:

The proposed sub-clause 53B(5) of the draft LEP should be amended as follows:

- No ground floor or basement associated with urban development shall be undertaken east of the 100 year erosion hazard line assessed by WBM Oceanics.
- The land adjoining SEPP 14 will be revegetated with a buffer to be constructed and managed in accordance with Plan 296703-VMP02/2 or as varied by Council.
- The land adjoining Cudgen Creek is to be constructed and managed in accordance with Plan 296703-VMP02/2 or as varied by Council.
- Continuous foreshore access via the coastal walkway / cycleway with linkages to the beach constructed in accordance with Plan 296703/VMP02/1 or as varied by Council.
- Bicycle and pedestrian networks at the east and west of the land in accordance with the Vegetation Management Plan 296703-VMP02/2 and Dune Management Plan 296703-VMP02/1 or as varied by Council and throughout the land consistent with adjoining dual use pedestrian and cycle paths on neighbouring properties.

CW response:

No development is appropriate to the east of the 100 year coastal erosion hazard line. It is not appropriate to reference specific plans or documents in an LEP.

Council response:

The response by CW is accepted. In addition, Plans 296703 - VMP 02/1 and 02/2 have not been endorsed by Council. No amendment is required to the draft LEP.

16. Building controls

Issue:

The restrictions on building occupancy and building height and the reasonable use of living space should be more carefully considered.

CW response:

These matters should be dealt with in the development control plan required to be prepared under the provisions of the draft LEP.

Council response:

No amendment is required to the draft LEP.

17. Restriction of beachfront lots to single dwelling or dual occupancy development

Issue:

The proposed limitations on beachfront lots to single dwelling or dual occupancy development will reduce the market value of the beachfront land collectively by tens of millions or hundreds of millions of dollars.

CW response:

Tourist operations are considered as special protection developments under the NSW Rural Fire Service guidelines *Planning for Bushfire Protection*. Under the guidelines for special protection developments a 50m asset protection zone would be required measured from the coastal reserve. This is not achievable under the existing subdivision plan. Residential development (including multi-unit housing) is not classified as special protection development. Accordingly it would be appropriate to amend the draft LEP to limit development of each allotment located outside the environmental protection zone and within 50 metres of the coastal reserve boundary to residential development. Clause 5(b) of the draft LEP should be amended to limit development to residential development within 50 metres of the coastal reserve boundary.

Council response:

See response to Item 12.

18. Building height controls

Issue:

The proposed two storey height limit will impose unfair restrictions on landowners given that the existing zoning allows for three storey development.

CW response:

The draft LEP does not amend the current three storey height limit on development within Seaside City.

Council Response:

Two storey development is considered to be the most appropriate urban form for the beach front lots. This should be reflected in the draft LEP requirements for the DCP.

19. Net benefit to local community

Issue:

The site was originally designated for tourist and environmental protection purposes and the rezoning from 2(f) Tourism to 2(e) Residential Tourist would represent a reduction to the net benefits to the local community.

CW response:

The rezoning to 2(e) Residential Tourist would continue to allow for tourist uses within the site while expanding the range of uses permissible within the site to include residential development. The draft LEP maintains and extends environmental protection zoned areas. Development of the Seaside City site for mixed residential and tourist uses is consistent with the recent development to the immediate south and north. It is considered that the rezoning would not reduce the net benefits to the local community. No amendment is required to the draft LEP.

Council response:

In addition to the CW response, as noted in Item 17 above, land to the east of Lorna Street is only capable of residential development. Moreover, single lots are similarly only capable of that development. Therefore, the proposed 2(e) zoning of the land is more reflective of the capabilities of the land than a 2(f) zone.

20. Construction Material Requirements

The ES should include an estimate of construction material requirements for the project, their likely source and the impact of the development on the sustainability of construction material supply in the district.

CW response:

This is outside the scope of the specifications for the ES.

Council response:

No additional response required

21. Incorrect geological references

Issue:

The reference to the Murwillumbah-Tweed area occurring within the Clarence-Moreton Basin is incorrect. The closest documented occurrence is about 40km west of the study area.

CW response:

The ES makes a general comment that the Murwillumbah-Tweed Heads area lies predominantly within the Clarence-Moreton Basin. This statement has been sourced from Morand, DT (1996). Soil Landscapes of the Murwillumbah-Tweed Heads 1:100,000 Sheet Report, Department of Land and Water Conservation, Sydney. The

ES report does not suggest that the study area occurs within the Clarence-Moreton Basin.

Issue:

Section 2.4 refers to recent geological mapping of Coastal Quaternary Deposits published by DPI in 2004 but makes no attempt to compare or contrast that work with the earlier soil mapping.

CW response:

The scope of the ES was limited to a desktop review of existing geological and soil landscape mapping and information. A comparative analysis of the datasets is considered outside the scope of the ES and unwarranted.

Issue:

Section 3.4 lacks any discussion of the engineering or environmental significance of the DPI geological mapping (2004) even though this mapping would be arguably more suitable than the soils mapping for such analysis because of the level of detail provided.

CW response:

The scope of the ES was limited to a desktop review of existing geological and soil landscape mapping and information. The DPI geological mapping (2004) did not include any reporting analysing engineering and environmental significance. A detailed analysis of this issue is considered outside the scope of the ES.

Issue:

The ES should include at least one cross-section illustrating the landforms, surface and subsurface geology and available drilling information.

CW response:

This level of detail is considered outside the scope of the ES.

Council response:

No additional response required

Appendix A

Summary of Submissions

1. Department of Environment and Conservation (DEC)	Response Number:
The DEC supports the requirement that management plans are to be submitted prior to any master plan approval.	
The DEC supports the inclusion of the identified Aboriginal heritage sites in the south-western corner of the study area within the environmental protection zone. The management of these sites should be addressed through the management plan for the environmental protection zone in consultation with the local Aboriginal community.	
Inadequate provision has been made for protection of Cudgen Creek riparian corridor. The draft LEP does not incorporate a continuous 50m riparian buffer along the creek as recommended in the LES. In some sections the buffer is only 25 metres and incorporates residential lots and bushfire asset protection zones. It is recommended that a buffer of minimum width of 50 metres from high water mark be provided along Cudgen Creek.	1
DEC advises that a perimeter road bound all development to provide a distinct edge between residential and conservation areas. To the west of the development Casuarina Way is considered an appropriate boundary.	3
It is recommended that cleared, disturbed areas within conservation zoned areas be revegetated with vegetation indigenous to the local area and that these areas be maintained under a bushland management plan.	4
The development of the site under the draft LEP would result in the majority of the site being cleared for residential uses resulting in loss of areas of Coastal Banksia which provide habitat for threatened species including the common blossom bat. The DEC advise that compensatory habitat and/or compensatory habitat measures are provided to compensate for this loss of habitat and protect the values of Cudgen Creek (ie: water quality and riparian vegetation). This approach would be consistent with that taken with the adjoining developments.	5
Consideration of utility services in the LES was limited to an assessment of capacity of water, wastewater and waste services to the development. The LES should also address the ability of local resources to service the expanded population. For example issues such as whether there is a sustainable source of potable water, can the Tweed Estuary cope with increased pollutant loads, will Stotts Road Landfill provide a sustainable disposal site for waste. Council should address these matters by incorporating appropriate provisions in the Draft LEP.	8
<p>DEC advise that to ensure successful nesting and hatching of turtles on the beach adjacent to the development darkness should be maintained on the beach and no light should be visible from the beach. DEC recommend the following provisions be incorporated in the LES:</p> <ul style="list-style-type: none"> • a vegetated buffer should be established and maintained on the dunes between the development and the beach to a sufficient height to block light penetration to the beach. • Streetlights and lights within allotments should be low mounted. • Shading should be provided to the top and seaward side of outside lights. • Restrictions are to be imposed on the length of time outside lighting is maintained at night. • External building features, such as lattice, should be used to reduce the amount of light emitted from windows • Access tracks to the beach should be constructed to be narrow and dog legged to reduce light levels reaching the beach. <p>The draft LEP should also require consideration of turtles in the management plan for the coastal environmental protection zone.</p>	7
DEC do not support the draft LEP until the above mentioned issues are addressed.	
2. Department of Lands	
Section 4(v) should be amended to read <i>A stormwater management plan which demonstrates any impacts on Cudgen Creek, SEPP 14 Wetlands and Crown Reserve</i>	9

<i>1001008 (Lot 500 DP 727420) to the satisfaction of Council and that the development complies with the Tweed Urban Stormwater Quality Management Plan.</i>	
Department of Lands raise the issues that the Asset Protection Zone should be located wholly within the proposed development site. The LES recommends the Asset Protection Zone be measured from the coastal vegetation line. Accordingly Section 5(i) should be amended to read <i>Location of bushfire hazard protection areas which are to be located within the land known as Seaside City.</i>	12
3. Department of Planning	
Concern has been raised with Department of Planning with regard to the specification that a suitable erosion setback line is established following review of the report prepared by WBM Oceanics. The LES does not provide a suitable review of the report.	10
Whilst Council have indicated that the Draft LEP only applies to the land zoned 2(f) and not land zoned 7(f) an environmental study should also consider the 7(f) zone.	13
4. Caldera Environmental Centre Inc.	
The site was originally designated for tourist and environmental protection purposes and the rezoning from 2(f) Tourism to 2(e) Residential Tourist represents a reduction of the net benefits to the local community.	19
The following environmental / hazard protection buffers should be should be incorporated to protect the built and natural environments: <ul style="list-style-type: none"> • To the west a minimum 50 metre buffer from the eastern bank of Cudgen Creek. • To the east the buffer should extend to the 100 year erosion line. These areas should be rehabilitated with local indigenous species.	1 / 2
Option A presented in the LES is considered to be a reasonable compromise and should be supported by Council.	
5. Michael Gill	
It is unnecessary to retain the 7(f) zone boundary in its current location. It should be moved eastward clear of the estate based on the evidence provided by WBM Oceanics and on the recommendation of the LES that development within the site would need to be west of the 100-year erosion hazard line. The WBM Oceanics report indicates that there is no threat to the Seaside City estate for the next 50 years. The retention of the 7(f) zone boundary greatly reduces the value of all beachfront lots.	11
The proposed limitations on beachfront lots to single dwelling or dual occupancy development will reduce the market value of the beachfront land collectively by tens of millions or hundreds of millions of dollars.	16/17/18
The proposed two storey height limit will impose unfair restrictions on landowners given that the existing zoning allows for three storey development.	18
The proposal prepared by Richtech to narrow Lorna Street South of Ocean Avenue and reduce building setbacks in this area to accommodate the environmental protection zone is an inappropriate planning solution. The result would be reduced visual amenity and traffic safety.	
The community (through the Council) should compensate beachfront owners for the wider community benefit which will be provided through the proposed rezoning.	
6. Domlis Pty Ltd (Merryl Small)	
It is premature at this stage to restrict development on the eastern side of Lorna Street to single dwelling or dual occupancy. The Rural Fire Service will determine the eastern boundary of the asset protection zone at which stage it will be evident whether a 35 or 50 metre buffer is applicable to a potential development in Lorna Street.	17
7. John Chamberlain / Geoff Parmenter	
Concern was raised about the extent of the existing 7(f) zone being maintained. Coastal hazard can be managed through removal of the current vegetation and replacement with vegetation appropriate to coastal protection, restrictions on finished floor levels of development and provision a rock wall. These measures would alleviate any fears of coastal erosion and make the waterfront lots fully developable.	11
8. Jim Glazebrook and Associates Town Planners and Development Consultants (prepared on behalf of the City Oceanfront Landowners Association)	
The rezoning from 2(f) Tourism to 2(e) Residential Tourist is supported.	

<p>The retention of the exiting 7(f) zone is not supported due to the impact on existing lots east of Lorna Street. The 7(f) zone should be reduced to the 100 year erosion hazard line identified in the study prepared by WBM Oceanics. The existing extent of the 7(f) zone is based on an outdated coastal hazard risk assessment prepared by the former Public Works Department in the early 1970s. Council should provide sufficient justification if the existing 7(f) zone boundary is to be retained.</p>	<p>11</p>
<p>9. Mr J E Frizelle</p>	
<p>Waterfront lots at the south end of the estate are restricted by the extent of the 7(f) zone. There is no justification for this area to remain zoned 7(f) given the findings of the report prepared by WBM Oceanics. The extent of the zone should be based on this recent information rather than information dating back to the 70s. The LES also states that <i>development within the site would need to be west of the 100 year erosion hazard line.</i></p>	<p>11</p>
<p>Concern was also raised about the narrowing of Lorna Street to provide additional land to lots affected by the 7(f) zone. This solution would result in traffic issues and unsightly streetscape. This issue would be addressed through an amendment to the extent of the 7(f) zone.</p>	
<p>There is no justification for the height limit to be reduced from three storeys to two storeys.</p>	
<p>10. Mr K E Wright</p>	
<p>The Richtech proposal which reduces the width of Lorna Street is the most reasonable to date.</p>	
<p>The position of the erosion hazard line (7(f) zone) could reasonably be moved eastward.</p>	<p>11</p>
<p>Restrictions on type of building occupancy, building height and reasonable use of living space should be more carefully considered.</p>	<p>16/17/18</p>
<p>11. Richtech Pty Ltd</p>	
<p>Richtech supports the rezoning from 2(f) Tourism to 2(e) Residential Tourist.</p>	
<p>Richtech does not support the rezoning of land to 7(l). The rezoning is premature for the following reasons:</p> <ul style="list-style-type: none"> • A vegetation management plan submitted to Council as part of development application 05/0739 has not yet been considered or determined by Council. • The content of the vegetation management plan once approved and implemented is better undertaken in accordance with the intent of the current zoning of the land. • The vegetation management plan once approved and implemented may mean that a zoning designation other than 7(l) is more appropriate. • There is currently an inconsistency between the wording the draft LEP and the Draft LEP Map. The draft LEP describes the land zoned for environmental protection as 7(l) the Draft LEP Map shows it as 7(a). 	<p>6</p>
<p>The proposed clause 53B should be amended to read as follows:</p> <p>d) A master plan has been prepared for the development of the land and endorsed by Council and the consent authority has taken the master plan into consideration; and</p> <p>e) Proposed development accords with the intent of the master plan or a development control plan as approved for the land. Any development control plan shall accord with the intent of the so approved master plan; and</p> <p>f) A contributions plan has been approved for the land or in the case where no plan has been adopted an appropriate offer has been made by an applicant to Council in respect of the cost of infrastructure and the provision of open space and community facilities relating to the Seaside City lands.</p> <p>This proposed amendment is based on the proposed master plan prepared by Richtech and submitted as part of development application 05/1464. This master plan provides an opportunity for all owners to develop their land.</p>	<p>14</p>
<p>The proposed sub-clause 53B(5) should be amended as follows:</p> <ul style="list-style-type: none"> • No ground floor or basement associated with urban development shall be undertaken east of the 100 year erosion hazard line assessed by WBM Oceanics. • The land adjoining SEPP 14 will be revegetated with a buffer to be constructed and managed in accordance with Plan 296703-VMP02/2 or as 	<p>15</p>

<p>varied by Council.</p> <ul style="list-style-type: none"> • The land adjoining Cudgen Creek is to be constructed and managed in accordance with Plan 296703-VMP02/2 or as varied by Council. • Continuous foreshore access via the coastal walkway / cycleway with linkages to the beach constructed in accordance with Plan 296703/VMP02/1 or as varied by Council. • Bicycle and pedestrian networks at the east and west of the land in accordance with the Vegetation Management Plan 296703-VMP02/2 and Dune Management Plan 296703-VMP02/1 or as varied by Council and throughout the land consistent with adjoining dual use pedestrian and cycle paths on neighbouring properties. 	
12. M Connor	
The Plan is to our approval.	
Need to get on with the rezoning.	
13. Department of Primary Industries	
ES should estimate required construction materials.	20
ES contains errors in discussion of geology of the area.	21
There should be no water quality infrastructure in the riparian buffer.	1
Does not accept that cycleway and service road may be located in the riparian buffer.	1
There should be a 100m buffer to SEPP 14 Coastal Wetland, not 50m	1
14. Makinson & d'Apice	
<ul style="list-style-type: none"> • The Coastal Asset Protection zone should be no further west than western boundary of Lorna Street. 	2

Appendix B Amended LEP

draft

Tweed Local Environmental Plan 2000 (Amendment No 3)

Under the

Environmental Planning and Assessment Act 1979

I, the Minister for Assisting the Minister for Infrastructure and Planning (Planning Administration), make
the following local environmental plan under the *Environmental Planning and Assessment Act 1979*
(.....)

Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

draft

Tweed Local Environmental Plan 2000 (Amendment No 3)

1. **Name of plan**
This plan is *Tweed Local Environmental Plan 2000 (Amendment No 3)*
 2. **Aims, objectives etc**
 - (a) To zone the land to 2(e) Residential Tourist to permit residential and tourism uses.
 - (b) To protect areas of environmental significance by zoning land 7(l) Environmental Protection (Habitat).
 - (c) To protect development from environmental hazards.
 3. **Land to which plan applies**
This plan applies to land known as Seaside City as shown edged heavy black and coloured on the map marked *Tweed Local Environmental Plan 2000 (Amendment No 3)*.
 4. **Amendment of Tweed Local Environmental Plan 2000**
Tweed Local Environmental Plan 2000 is amended as set out in Schedule 1
-

draft

Tweed Local Environmental Plan 2000 (Amendment No 3)

Schedule 1 Amendments

[1] Insert the following new Clause after Clause 53A:

53B Seaside City

(1) Objectives

- To ensure that development of the land is undertaken within an appropriate planning framework.
- To ensure that development of the land considers relevant environmental issues.
- To facilitate the approvals process for the development of Seaside City having regard to the subdivision and ownership pattern of the land

(2) This Clause applies to land known as Seaside City as shown edged heavy black and coloured on the map marked *Tweed Local Environmental Plan 2000 (Amendment No 3)*.

(3) Council shall not consent to development on land to which this clause applies unless:

- (a) ~~a master plan has been prepared for the development of the land and endorsed by Council and the consent authority has taken the master plan into consideration; and~~
- (ba) a specific development control plan has been approved for the land. and
- (eb) a contributions plan has been approved for the land, and
- (c) the following have been prepared by a suitably qualified person and approved by Council:

~~(4) Council shall not endorse the master plan referred to in subsection 3(a) unless the following have been prepared by a suitably qualified person and approved by Council:~~

- (i) An acid sulfate soils management plan; and
- (ii) A contaminated land assessment and remediation plan which must include a detailed site radiation investigation that includes depth monitoring and remediation plan for the land to a suitable standard for residential development; and
- (iii) A bushfire management plan in accordance with the requirements of Clause 39A ~~and the relevant requirements of the Rural Fire Service;~~ and
- (iv) An erosion and sediment control plan ; and
- (v) A stormwater management plan which
 - demonstrates any impacts on Cudgen Creek, and SEPP 14 Wetlands and Crown Reserve 1001008 (Lot 500 DP 727420) to the satisfaction of Council
 - complies with the *Tweed Urban Stormwater Quality Management Plan*; and
 - does not include any stormwater detention ponds and pollution traps within the Cudgen Creek Riparian Buffer required by subclause (vii).
- (vi) A Traffic Management Plan, demonstrating traffic safety and road linkages to adjoining properties; and

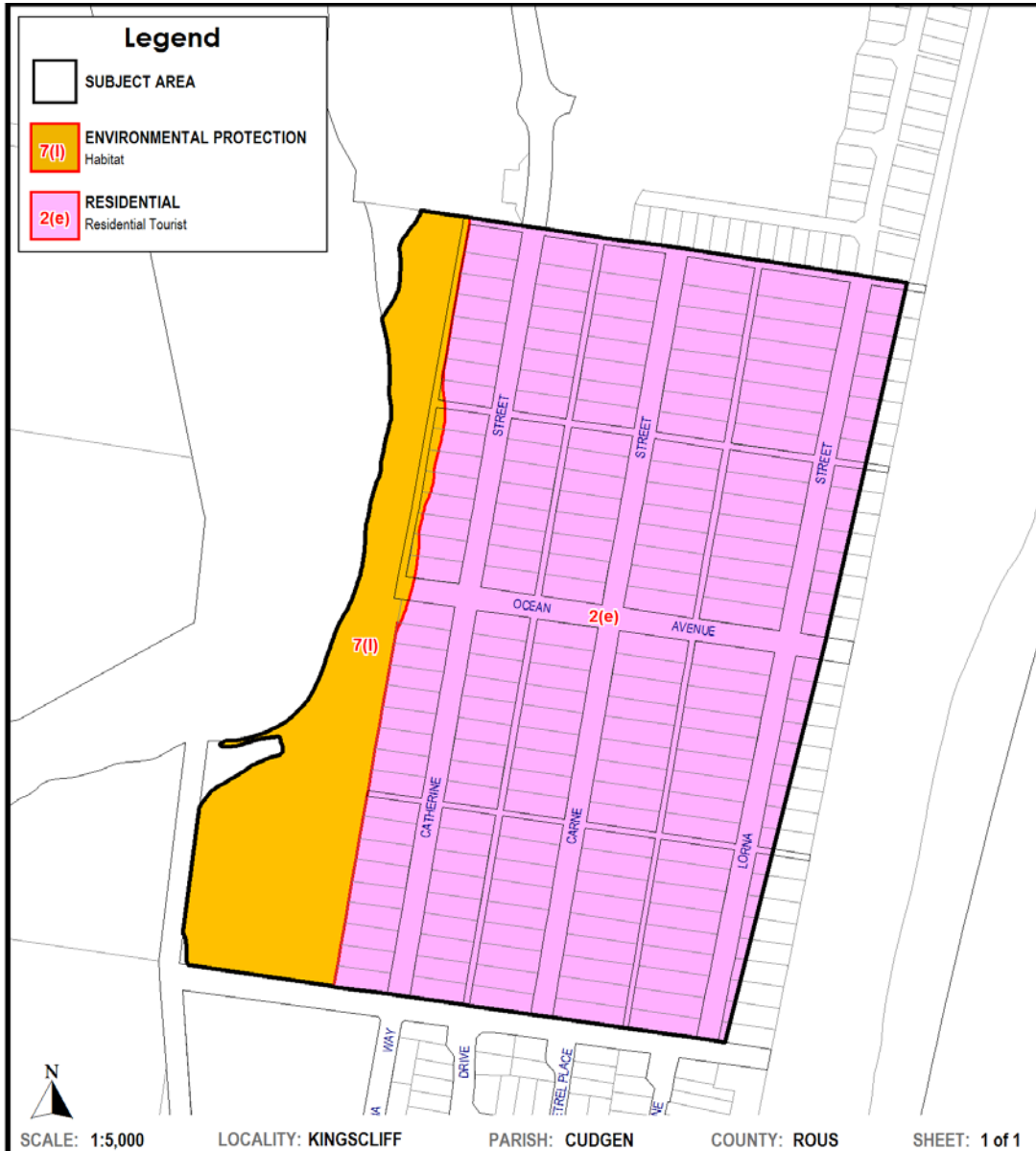
draft

- (vii) A Plan of Management for land within the coastal reserve and the environmental protection zone and for the Cudgen Creek Riparian corridor Buffer. The Buffer shall be 50m in width measured from the creek, excluding the area of the existing lots on the western side of Catherine Street. A cycleway and service road at the rear of these lots may be located within the buffer if those items are a minimum of 25m from the creek. The Plan of Management shall include the rehabilitation of the remainder of the buffer, including compensatory habitat for any loss of Coastal Banksia within Seaside City; and
- (viii) A threatened species management plan, particularly in respect of turtle nesting and hatching on the beach adjacent to development, and the Queensland Blossom Bat.
- (54) The Master Plan and DCP referred to in subsections 3 shall include the following provisions:
- (a) No urban development east of the 100 metre Coastal Erosion Hazard Line; and
- (b) The development of each allotment located outside the environmental protection zone and within 50 metres from the coastal reserve boundary limited to a single dwelling house or a dual occupancy development; The Asset Protection Zone for any development within land zoned 2(e) to be accommodated within that land, with the addition that
- On the western side of Casuarina Way it may include up to 10 m in width in adjoining land zoned 7(l) if that land accommodates a cycleway; and
 - On the eastern side of Lorna Street it may include land zoned 7(f) within the existing Seaside subdivision and up to 10m in width in Lot 500 if it accommodates a cycleway
- (c) An Environmental buffer of 50 metres to SEPP 14; and
- (d) An Environmental buffer of 50 metres to Cudgen Creek; and
- (e) Proposed road corridors and road connection to adjoining properties; and
- (f) Broad land use allocations (including locations of environmental areas, tourist facilities, residential uses, commercial facilities, recreation facilities and community facilities); and
- (g) Continuous coastal foreshore access; and
- (h) Provision of public car spaces within the 2(e) Zone; and
- (i) Location of bushfire hazard protection areas; and
- (j) Bicycle and pedestrian networks consistent with adjoining dual use pedestrian and cycle paths on neighbouring properties; and
- (k) Indicative public transport routes; and
- (l) Indicative infrastructure provisions; and
- (m) Design Philosophy and Development Principles including 'sense of place' and 'character', and overriding lot layout principles.
- (n) Land from form and associated trunk drainage; and
- (o) All development east of Lorna Street to be a maximum of 2 storeys.
- (65) Notwithstanding the provisions of Clause 11, consent may be granted for the erection of a dwelling or a dual occupancy development on each allotment within Seaside City.

draft

Tweed Local Environmental Plan 2000 (Amendment No 3)

- [3] In Part 2 of Schedule 6 insert in numerical order the following:
Tweed Local Environmental Plan 2000 (Amendment No 3);
- [4] Amend the contents page as required to incorporate the above amendments.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
TWEED	
DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No. 3	
DRAWN BY: J. Batchelor	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUPERVISING DRAFTER:	AMENDS: TWEED LOCAL ENVIRONMENTAL PLAN 2000
PLANNING OFFICER: D. Jardine	
COUNCIL FILE No. GTI/LEP/2000/3	
DEPT. FILE No.:	CERTIFIED IN ACCORDANCE WITH
GOVT. GAZETTE OF:	THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS
	GENERAL MANAGER _____ DATE _____

One final item from the submissions must be highlighted: the DEC has indicated that the DLEP will not be supported until all the DEC issues are addressed. The contentious issues are items 1 and 3. All of the other issues raised by DEC can be incorporated into the draft Plan. If Council resolved to request the Minister to make the Plan without meeting the objections of DEC, it will be necessary to also report the outstanding objections from DEC.

Conclusions

None of the submissions are considered to warrant a rejection or significant amendment to the exhibited DLEP. However, they do substantiate some adjustments to the planning controls nominated in the draft Plan, as follows:

1. Delete all references to a Masterplan, and associated planning requirements.
2. Amend Clause 5(b) to read: -

"5(b) The Asset Protection Zone for any development within land zoned 2(e) to be accommodated within that land, with the addition that:

 - *on the western side of Casuarina Way it may include up to 10m in width in adjoining land zoned 7(l) if that land accommodates a cycleway; and*
 - *on the eastern side of Lorna Street it may include up to 10m in width if a cycleway is construction in Lot 500."*
3. Delete Clause 5(i)
4. Amend Clause 4(iii) to include the requirements of the Rural Fire Service which are in place at the time Council adopts the Plan
5. An additional requirement at the end of Clause 4(vii) to include compensatory Coastal Banksia habitat as part of the Plan of Management for the Cudgen Creek riparian corridor, and delete the words "excluding the area and the existing lots on the western side of Catherine Street", and "and service road at the rear of those lots".
6. An additional clause 4(viii) as follows:-

"(viii) a threatened species management plan, particularly in respect of turtle nesting and hatching on the beach adjacent to the development and the Queensland Blossom Bat".
7. An additional clause 5(o) as follows:-

"(o) Two storey development on beach front lots".
8. Amend clause 4(v) to read as follows:-

"4(v) A stormwater management plan which:

- demonstrates any impacts on Cudgen Creek, SEPP 14 Wetlands and Crown Reserve 1001008 (Lot 500 DP 727420) to the satisfaction of Council
- complies with the Tweed Urban Stormwater Quality Management Plan; and
- does not include any stormwater detention ponds and pollution traps within the Cudgen Creek Riparian Buffer required by subclause (vii)".

9. Amend the zone map from 7(a) to 7(l) and include the land within existing subdivided lots on the western side of Casuarina Way which falls within the 50m Riparian Buffer in the 7(l) zone.

The amended LEP is included in the report at Appendix B.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

OPERATIONS COMMITTEE

O1 [GC-OC] Second Round applications for Financial Assistance 2005/2006 - Donations Policy

ORIGIN:

Governance

SUMMARY OF REPORT:

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

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

Second round applications for financial assistance under Council's Donation Policy closed 24 February 2006 and are listed for consideration.

RECOMMENDATION:

That Council allocates the second round donations for 2005/2006 under the Donations Policy as follows:-

Applicant	Amount
Blind Citizens Australia - Tweed Valley Branch	\$1,500
Camp Quality Northern NSW - Tweed Activity Group	\$2,000
Len Mason & The Melodears	\$1,000
Tweed Australian South Sea Islander Community	\$1,000
Tweed Combined Country Halls Association	\$600
Tweed Valley Mental Health Carers Network	\$2,000
Twin Towns Friends Association Inc.	\$2,000
Vision Australia - Royal Blind Society	\$2,000
TOTAL	\$12,100

REPORT:

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

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

The following criteria is required to be used to determine the applications:

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

The 2005/2006 Budget allocation for Donations is \$21,000 and in the first round \$7,875 was distributed. In accordance with the Policy \$7,875 is to be distributed in the second round, however there is a balance of \$12,518 available for distribution. It is suggested that to provide for the recommendation the second round allocation be increased to \$12,100 which will leave a balance of \$418 for determination by Council, up until 30 June 2006.

The applications received by 24 February 2006 are listed below in alphabetical order:

Applicant	Donation Requested	Purpose
Australian Order of Old Bastards - Twin Towns Branch	\$2,000	To purchase an infusion syringe driver for Tweed Heads Hospital
Blind Citizens Australia - Tweed Valley Branch	\$1,500	To assist in providing Information & Advocacy Services
Brunswick Valley Combined Public Schools Variety Review		Public Schools Performing Arts Extravaganza
Burringbar P & C Association		Support for Burringbar Bazaar fundraiser
Burringbar P & C Association	\$1,000	Purchase 2 nd hand bain-marie
Camp Quality Northern NSW - Tweed Activity Group	\$2,000	Recreational & educational programs for children with cancer

Applicant	Donation Requested	Purpose
Centaur Parents & Citizens Association Incorporated	\$1,800	Assess and establish support relationships through community forums
Chillingham & Tyalgum Preschool Inc.	\$500	To assist with the removal of a dead camphor laurel tree on the preschool property
Chillingham Community Association	\$2,100	Gas cooker with wide oven & gas installation
Connection Church	\$2,000	Providing resources, diaries, stationery, etc. hire of hall, administration and graduation ceremony
Family Drug Support	\$2,000	To contribute to the cost of the bi-monthly newsletter
Len Mason & The Melodears	\$2,000	Hall hire, insurance, musical equipment & costumes
Murwillumbah Baptist Church	\$1,000	For the purchase of a TV / DVD / Video portable for youth group Charity Golf Day
Northern Rivers Gold Coast Men of League		
Royal Flying Doctor Service	\$100	Outback Air Race 2006
Tweed Australian South Sea Islander Community	\$2,000	To provide facilities for monthly gatherings as well as support work on a non burial section of the South Sea Islanders at the Cudgen Burial Grounds
Tweed Combined Country Halls Association	\$600	To cover costs of public liability insurance
Tweed Valley Mental Health Carers Network	\$2,000	To assist with comprehensive insurance & the purchase of books, CDs and tapes for lending library
Twin Towns Friends Association Inc.	\$2,000 every year for 5 years	Administration / running costs
Uki Village & District Residents Association	\$1,000	Purchase and erect shade sails at Uki Buttery
Vision Australia - Royal Blind Society	\$2,000	To support Low Vision Clinic in Tweed Shire
Wallum Community Preschool & Family Centre	\$1,900	Purchase new computer
TOTAL	\$29,500	

Further, a late application for the amount of \$15,000 was received from Local Notion Incorporated on 8 March 2006, which was after the closing date of 24 February 2006, and is not recommended for funding.

Under the first round of Council's Donations Policy for 2005/2006 the following amounts were distributed:

Applicant	Amount
Australian Red Cross (Tweed)	\$1,000
Burringbar School of Arts Hall	\$1,000
Community Care Register for Older People	\$500
Cooloon Children's Centre Inc.	\$375
Friends of the Pound	\$1,000
Pottsville Beach Community Technology Centre Inc.	\$500
Tweed District Safety House	\$500
Tweed Heads Environment Group Inc.	\$500
Tweed Palliative Support Inc.	\$500
Tweed Valley Community Technology Centre	\$500
Uki Public School OOSH Care	\$500
Volunteer Marine Rescue Point Danger	\$1,000
TOTAL	\$7,875

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The 2005/2006 Budget allocation for Donations is \$21,000 of which 75% of the budget expenditure allocation will be available for allocation through this process with the 25% balance of the budget expenditure reserved for determination by Council.

POLICY IMPLICATIONS:

Donations Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

**O2 [GC-OC] Second Round applications for Financial Assistance
2005/2006 - Festivals Policy**

ORIGIN:

Governance

SUMMARY OF REPORT:

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

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Festivals Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

Second round applications for financial assistance under Council's Festivals Policy closed 24 February 2006 and were considered by the Cultural Advisory Committee on 8 March 2006. Council should consider the recommendations contained in this report.

RECOMMENDATION:

That Council allocates the second round donations for 2005/2006 under the Festivals Policy as follows:-

Applicant	Amount
Tyalgum Festival Committee	\$4,000
Cabarita Beach SLSC	\$1,500
Emergency Services Day in the Park	\$1,500
Murwillumbah Festival of Performing Arts Inc.	\$2,500
Greenback Tailor Fishing Competition	\$1,500
TOTAL	\$11,000

REPORT:

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

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Festivals Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

The 2005/2006 Budget allocation for Donations is \$35,500 and in the first round \$24,250 was distributed, with \$11,250 remaining for distribution in the second round.

The Cultural Advisory Committee considered the following requests for financial assistance received by 24 February 2006, using the funding guidelines outlined in the Festivals Policy:

Applicant	Amount Requested	Amount Recommended	Purpose
Cabarita Beach SLSC	\$2,000	\$2,000	Tweed Coast Raft Race & Family Picnic Day
Emergency Services Day in the Park	\$2,000	\$2,000	To provide a family themed day for Emergency Services personnel & supporters
Murwillumbah Festival of Performing Arts Inc.	\$3,000	\$3,000	Provides an opportunity for competition in the fields of music, dance, speech & drama for young people
Tyalgum Festival Committee	\$4,000	\$4,000	To assist with the conduct of the Festival
TOTAL	\$11,000	\$11,000	

An application from the Lions Club of Cabarita Beach - Pottsville Beach for \$2,500 for the Greenback Tailor Fishing Competition was received prior to the closing date but was inadvertently not considered by the Cultural Advisory Committee. However, it is recommended that a donation of \$1,500 be made to the Lions Club of Cabarita Beach - Pottsville Beach for Greenback Tailor Fishing Competition and to fund this amount \$500 should be deducted Cabarita Beach SLSC, Emergency Services Day in the Park and Murwillumbah Festival of Performing Arts Inc.

Therefore, the distribution of funds are recommended as follows:

Applicant	Amount
Cabarita Beach SLSC	\$1,500
Emergency Services Day in the Park	\$1,500
Greenback Tailor Fishing Competition	\$1,500
Murwillumbah Festival of Performing Arts Inc.	\$2,500
Tyalgum Festival Committee	\$4,000
TOTAL	\$11,000

Further, a late application for the amount of \$15,000 was received from Local Notion Incorporated on 8 March 2006, which was after the closing date of 24 February 2006, and was not considered by the Cultural Advisory Committee and is not recommended for funding.

Under the first round of Council's Festivals Policy for 2005/2006 the following amounts were distributed:

Applicant	Amount Approved
Kingscliff Art, Food & All That Jazz	\$3,000
Murwillumbah Community Centre	\$1,250
Tweed Banana Festival & Harvest Week Committee	\$8,500
Tweed Shire Senior Citizens Week Committee	\$4,500
Whole Woman Festival Committee	\$3,000
Wollumbin Festival Committee	\$4,000
TOTAL	\$24,250

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The 2005/2006 Budget allocation for Donations is \$35,500 and in the first round \$24,250 was distributed, with \$11,250 remaining for distribution in the second round.

POLICY IMPLICATIONS:

Festivals Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O3 [GC-OC] Monthly Investment Report for Period Ending 28 February 2006

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:

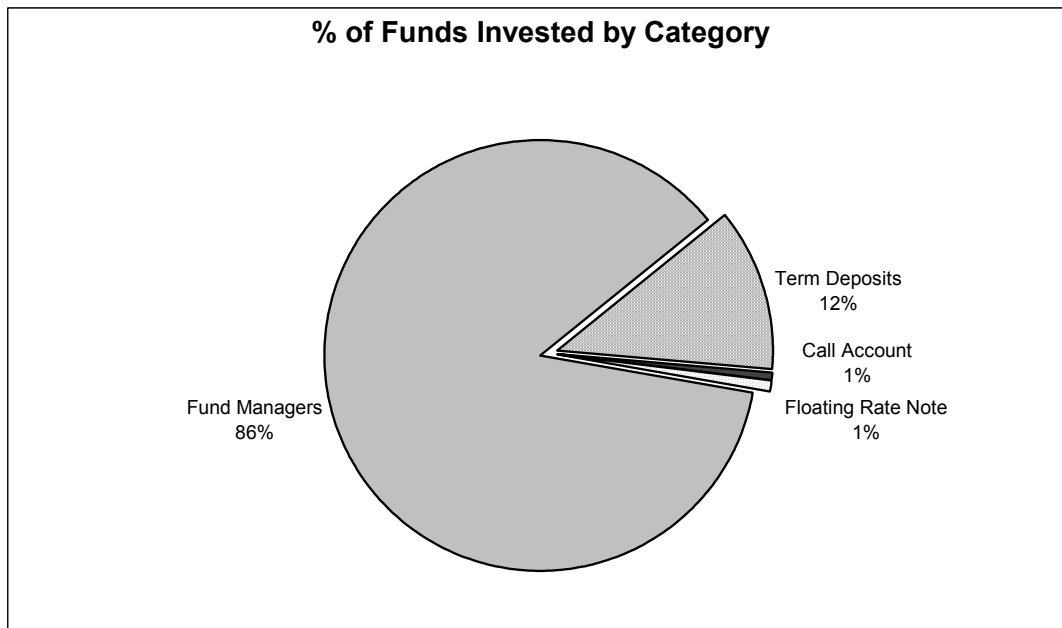
That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 28 February 2006 totalling \$133,806,390.74 be received and noted.

REPORT:

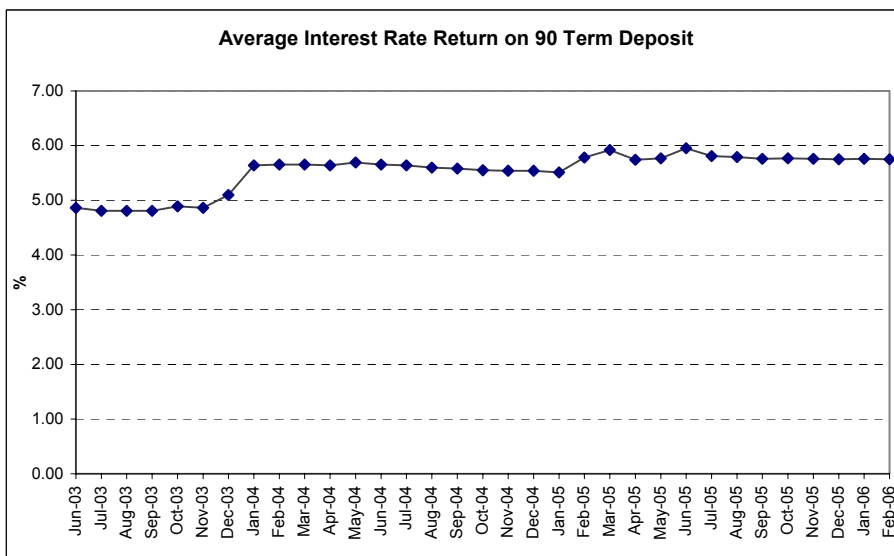
Report for Period Ending 28 February 2006

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 Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

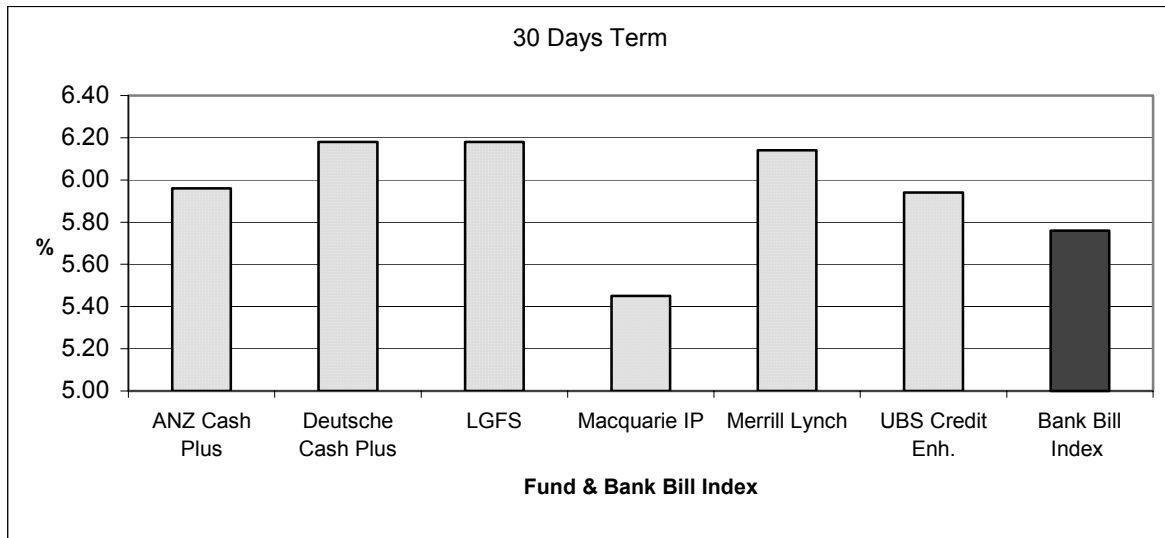
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



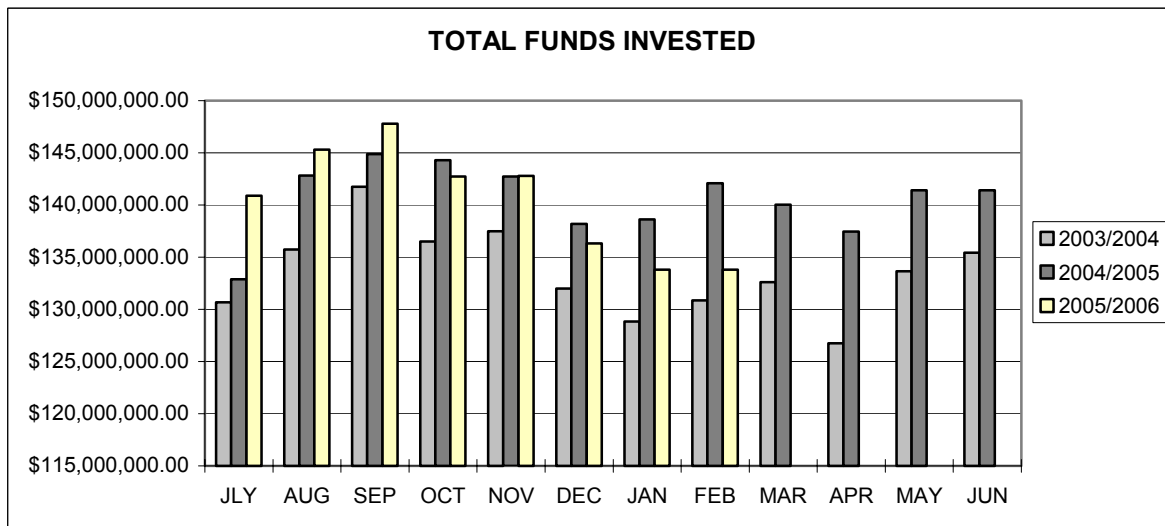
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



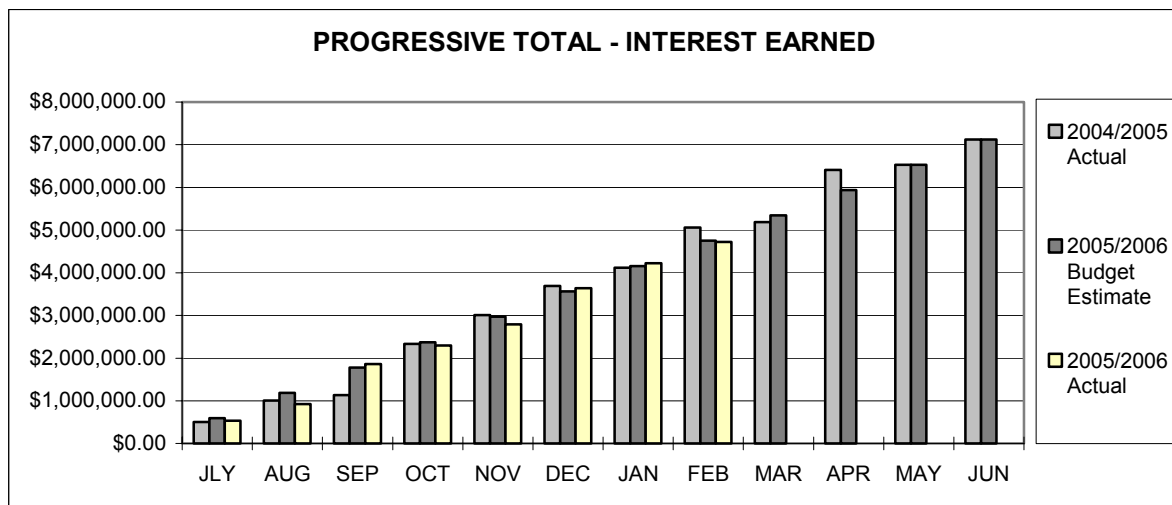
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

* Over the course of the last year the Australian economy expanded by 2.7%, slowing markedly in the second half of 2005 to just over 1.5%.

* Although the Reserve Bank of Australia lowered the inflation forecast for 2006 from 3% to 2.75%, aggregate wages growth, rising world commodity prices and a high level of production capacity utilization will continue to put upward pressure on inflation.

* Surging infrastructure work offset a sharp decline in housing construction during the December quarter. Housing finance figures for owner-occupiers rose 0.9% in December, after a decline of 1.1% in November.

Source: Oakvale Capital Limited Economic Report February 2006

7. INVESTMENT SUMMARY AS AT 28 FEBRUARY 2006

GENERAL FUND			
	TERM DEPOSITS	13,199,875.00	
	FUND MANAGERS	35,810,621.37	
	FLOATING RATE NOTE	0.00	
	CALL	1,000,000.00	50,010,496.37
WATER FUND			
	TERM DEPOSITS	1,000,000.00	
	FUND MANAGERS	35,192,812.03	36,192,812.03
SEWERAGE FUND			
	TERM DEPOSITS	2,000,000.00	
	FUND MANAGERS	44,598,492.34	
	CALL	0.00	
	FLOATING RATE NOTE	1,004,590.00	47,603,082.34
	TOTAL INVESTMENTS		133,806,390.74

It should be noted that the General Funds investments of \$50 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 Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) 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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O4 [GC-OC] Local Government Financial "Health Check"

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

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

The financial indicators included in the "Local Government Financial Health Check" for last financial year (2004/05) are presented for the information of Council.

RECOMMENDATION:

That this report be received and noted.

REPORT:

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

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

RATING BY COLOUR CODING/TRENDS

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

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

The Australian Classification of Local Governments places councils into 22 categories according to their socio-economic characteristics and their capacity to deliver a range of services to the community. Tweed Shire is included in a group with Lake Macquarie, Newcastle, Shoalhaven and Wollongong Councils.

FINANCIAL INDICATORS

1. Revenue Sources

	<u>Sources of Total Ordinary Revenue Before Capital - General</u>					
	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
	%	%	%			
Rates and Charges						
General Purpose	45.16	45.56	44.66	42.42	40.33	42.34
Domestic Waste Management	9.86	10.46	10.39	10.47	11.14	9.49
User Charges and Fees	17.92	17.07	17.44	17.65	16.78	19.08
Interest	3.79	4.34	3.24	5.1	5.17	6.11
Grants (Operating)						
General Purpose	14.53	14.87	14.90	14.36	13.89	13.46
Specific Purpose	5.03	4.54	4.81	3.78	4.14	3.63
Contributions & Donations	3.17	3.11	3.63	5.36	7.07	4.64
Other	0.54	0.05	0.93	0.86	1.48	1.25
Total %	100	100	100	100	100	100

2. Cash/Liquidity Position

Cash and cash management is vital for the short and long term survival and good management of any business. Local Government with its restricted and limited source of income is no different. Normal business cycle necessitates business meeting their current obligations or liabilities from current assets, which can and will be converted into cash in time to meet their obligations.

Unrestricted Current Ratio

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

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

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
General	1.43:1	1.57:1	2.07:1	2.5:1	2.3:1	2.36:1
Water	29:1	23:1	29:1	24.04:1	40:1	47.01:1
Sewerage	17:1	7:1	7:1	5.50:1	5.6:1	7.83:1

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

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

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
	%	%	%	%	%	%
<u>Available Cash Assets</u>						
Total Ordinary Revenue before Capital	23.13	28.38	28.83	40.03	33.1	39.12
<u>Unrestricted Available Cash Assets</u>						
Total Ordinary Revenue before Capital	3.44	5.7	1.36	7.51	2.75	2.28

3. Operating Result \$'000 – General Fund

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

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
General	-\$7,613	-\$7,013	-\$9,526	-\$6,844	-\$4,707	-\$9,124

4. Debt Service Ratio

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

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

Fund	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
General	13.14%	12.58%	14.62%	9.87%	9.67%	8.88%
Water	13.82%	11.08%	4.55%	5.23%	5.64%	0.17%
Sewerage	15.75%	13.63%	11.93%	13.55%	21.31%	6.16%

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

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

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

Rates Outstanding

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
	%	%	%	%	%	%
General	6.34	8.45	7.11	5.23	4.94	4.96
Water	7.97	6.10	5.06	8.36	4.82	5.26
Sewerage	7.51	5.21	4.84	5.95	3.76	4.30

Consolidated for 2004/05

TSC
4.78%

Measure: Rural Councils Rates Outstanding	<6% = Green	6-9% = Amber	>9% = Red
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Other Debtors Outstanding:

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
	%	%	%	%	%	%
	3.54	8.19	10.56	11.34	12.03	8.35

Note: 2003/04 Full User Pay Charges for Water

Measure	<10% = Green	10-15% = Amber	>15% = Red
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"Other debtors" includes accounts issued late June 2005 but paid in the current financial year. The figure does not include deferred debtors. User pay water accounts make up an above average proportion of "other debtors outstanding".

6. Re-votes of Carryover Expenditure

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

Re-Votes of Expenditure – General Fund as %

2000/01	2001/02	2002/03	2003/04	2004/05
2.78%	5.99%	3.78%	5.3%	5.06%

Measure	<2% Green	2-5% Amber	>5% Red
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A number of factors can influence the delaying of budgeted works, including: resource availability; weather conditions; late notification of grant funding and contractor accessibility.

The unexpended funds are held as restricted assets at year end and predominantly spent in the early months of the following financial year.

7. Asset Replacement – 2005/06

Category	Depreciation \$,000	Replacement funding in Budget \$,000	
	\$	\$	
<u>General Fund</u>			
Bridges	564	1,030	
Buildings	471	49	
Car Parks	75		
Drainage	1,487	1,702	
Footpaths	69		
Furniture & Fittings	119	25	
Other	109		
Pools	75	25	
Roads	10,053	5,200	
TCHP	440	420	
Waterways	104	26	
Plant & Equipment	2,344	3,562	
	15,910	12,039	75.67%
<u>Water Fund</u>	3,217	8,310	
<u>Sewer Fund</u>	3,735	11,168	
TOTAL	\$22,862	\$31,517	137.86%

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

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

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

Source: LGMA 2002

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
a) Financial Bottom Line (before Capital) matched to forecasts to a level of + or - 10%						
NOTE: This is a comparison to original budget not the budget reviews during the year						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
b) Receipt of unqualified audit reports						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
c) Statements lodged to meet compliance deadline						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
d) Timeliness of results and reporting to management and statutory authorities						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
1. Do you report to management - within 5 days or month end						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
2. Do you report quarterly statutory - within 21 days of quarter end						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
3. Do you report annual statutory - within 21 days of year end						
NOTE: Council's Financial Statements are required to be prepared and forwarded to the Department of Local Government by 6 November statutory date each year.						
	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
e) Budgets incorporate a 3 year plan where the second year becomes the base of the following year.						
	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

- f) Rigour of budget review and ongoing monthly/quarterly budget to actual analysis
Yes Yes Yes Yes Yes Yes
- g) Does RAO (Responsible Accounting Officer) formally report to Council on the sign off of the statements - Section 413
Yes Yes Yes Yes Yes Yes

Total for Tweed Shire Council = 8

Measure	8 or 9 = Green	5-7 = Amber	4 or less = Red
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GENERAL COMMENTS

Tweed Shire Council has for many years made extensive use of these and other performance information and indicators to support and improve its management practices and financial performance. Council is also currently updating its 10-year long-term financial plan.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O5 [EO-OC] Naming of Public Road, Bambery Street, Fingal Head

ORIGIN:

Design

FILE NO: GS5/1 Part 4

SUMMARY OF REPORT:

Council at its meeting of 7 February 2006, resolved to publicise its intention to formally name the road at Fingal Head commonly known as "*Bambery Street*" and allowed one month for objections to the proposal.

No objections were received to this proposal.

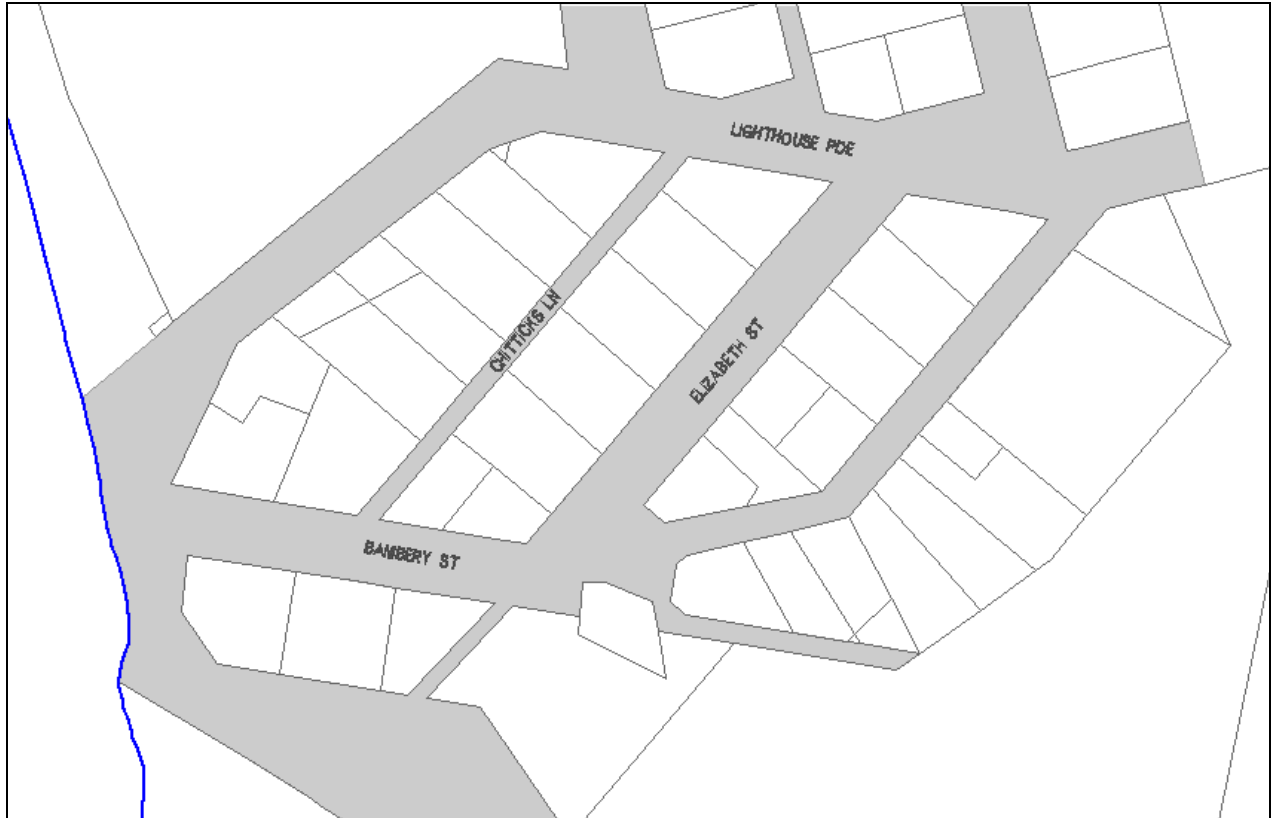
RECOMMENDATION:

That

- 1. Council adopts the name of "*Bambery Street*", being the road coming off Lighthouse Parade and Elizabeth Street at Fingal Head; and**
- 2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.**

REPORT:

As per summary of report. The location plan is shown below for ease of referral:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O6 [EO-OC] Naming of a Council Public Road

ORIGIN:

Design

FILE NO: GS5/1 Pt3

SUMMARY OF REPORT:

A road reserve has been created after the realignment of Kyogle Road, approximately 600m along Kyogle Road north east of Clarrie Hall Dam Road.

A proposal to name the road was advertised in the Tweed Link on 22 November 2005 requesting written submissions of suitable names within a one-month period. To date no written submissions have been received.

After inspection of the road reserve and the surrounding area, "*Nursery Lane*" appears an appropriate and unique name to be used.

RECOMMENDATION:

That Council:-

- 1. Publicises its intention to name the newly created road reserve coming off Kyogle Road, Uki as "*Nursery Lane*" allowing one month for objections to the proposal;**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.**

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

07 [EO-OC] Release of Restriction on Use Burdening Lot 60 in DP 859730 - Hunter Street, Burringbar

ORIGIN:

Design

FILE NO: DA2610/34 Pt1

SUMMARY OF REPORT:

The owner of Lot 60 in DP 859730 has sought consent from Council for the release of a restriction on use burdening his land. The restriction provides that the parcels burdened by the restriction shall not have access to their land from Hunter Street other than by means of the existing driveways. The restriction applies to Lots 59 and 60 of DP 859730.

RECOMMENDATION:

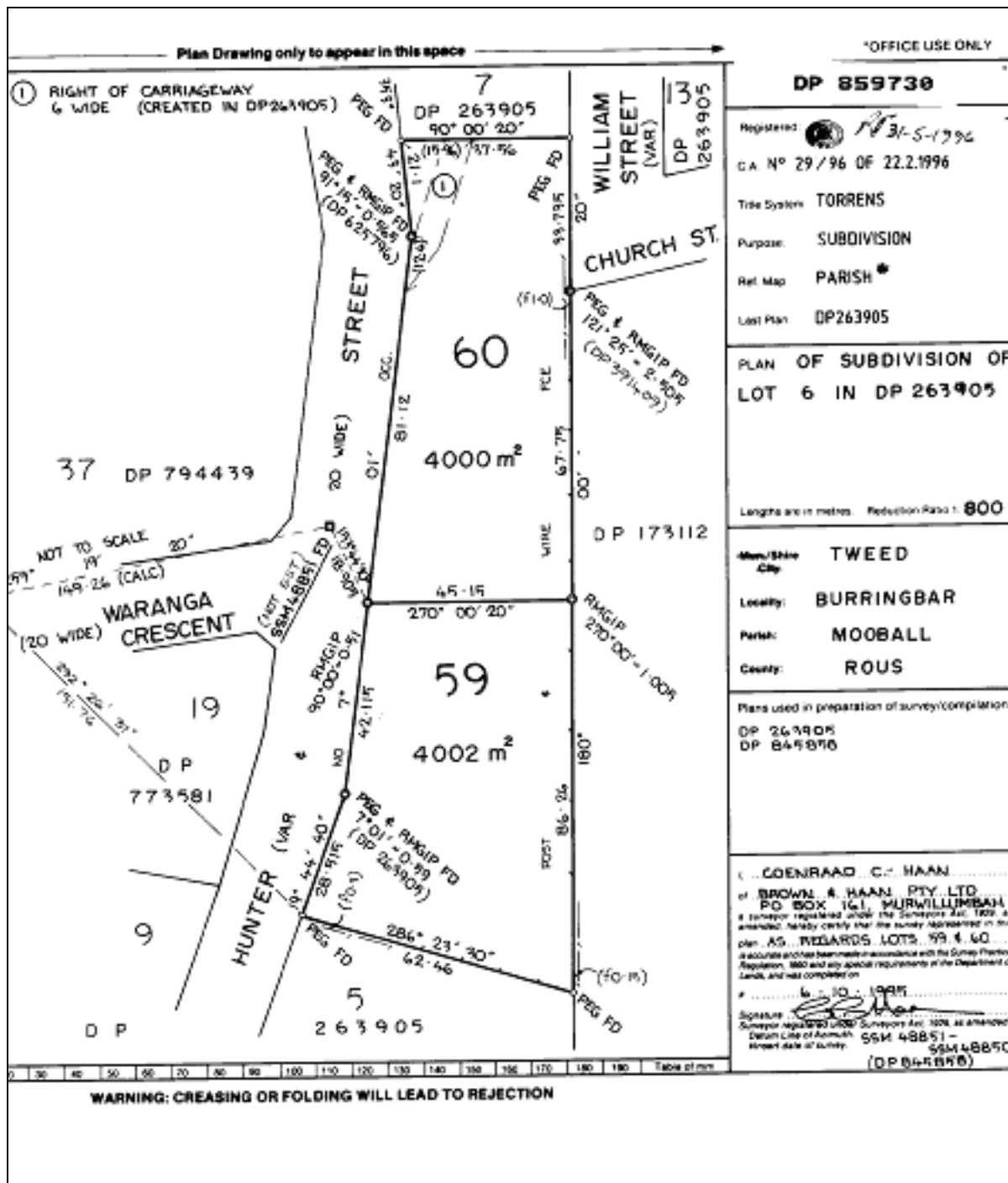
That:-

- 1. Council approves the release of Restriction on Use firstly created by DP 859730 burdening Lot 60 in DP 859730.**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

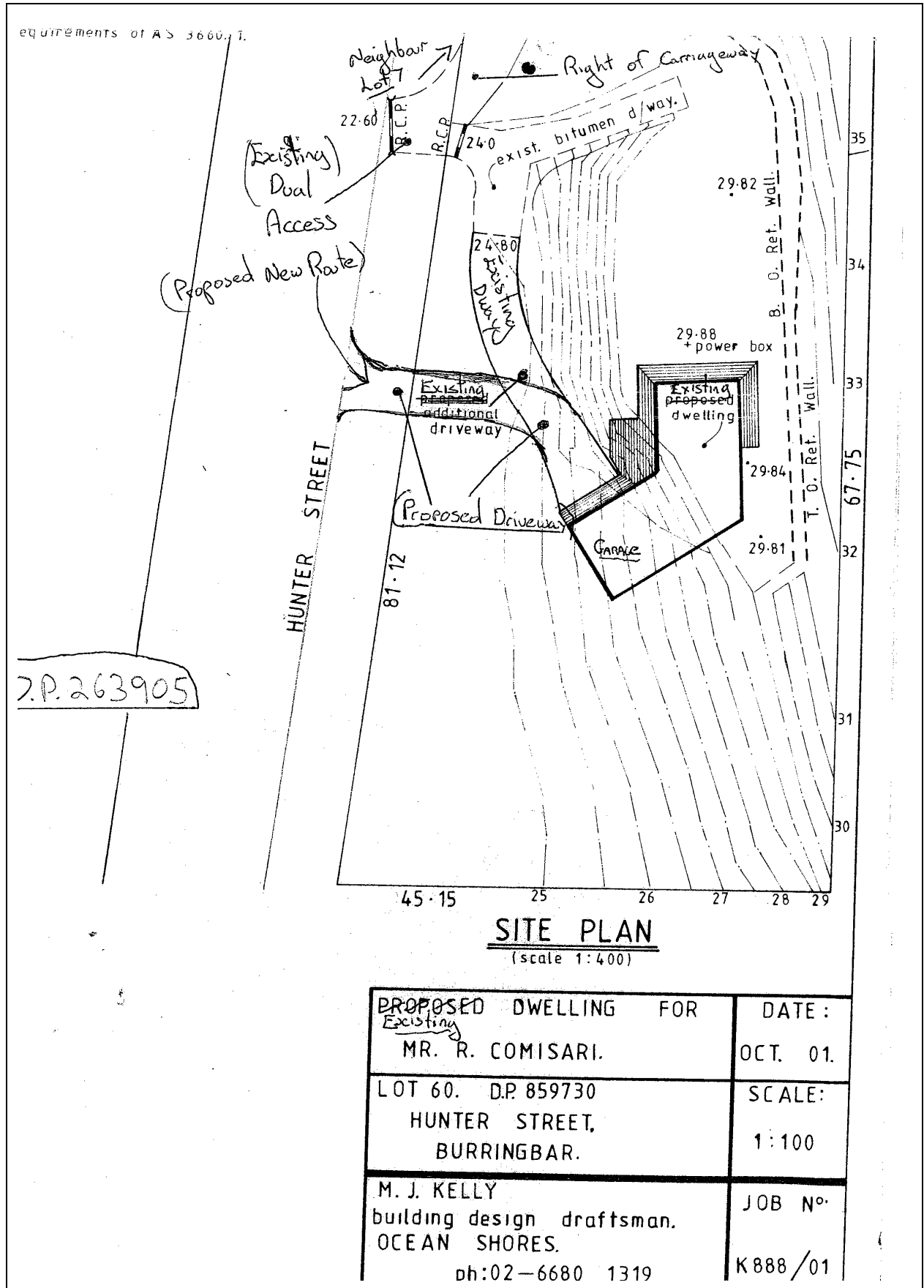
The owner of Lot 60 in DP 859730 has sought consent from Council for the release of a restriction on use burdening his land. The restriction provides that the parcels burdened by the restriction shall not have access to their land from Hunter Street other than by means of the existing drive ways. The restriction applies to Lots 59 and 60 of DP 859730.

Below is part of DP 859730 showing the two affected parcels, it is to be noted that Lot 60 is also burdened with a Right of Carriageway created in DP 263905 for the benefit of Lot 7 in that plan.



The existing driveway for Lot 60 is located in the Right of Carriageway and is shared by the owner of Lot 7. The owner of Lot 60 has written to Council requesting that an alternate access for Lot 60 be allowed as there have been instances where he and the owner of Lot 7 have unexpectedly met on the driveway, by not being aware of each other's presence due to its the design, causing concerns about safety.

The plan below shows the location of the proposed alternate driveway to the south of the existing driveway:



A Council officer has attended at the property with the landowner to assess the alternate driveway for Lot 60 and it established that the alternate driveway will provide a better line of sight onto Hunter Street and will obviously alleviate the danger of collision with the owner of Lot 7 on the dual driveway.

There are no objections to the creation of the alternate driveway for Lot 60 and it is recommended that Council approve the release of the restriction on use firstly referred to in DP 859730 over Lot 60.

All costs shall be borne by the applicant.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

All costs shall be borne by the applicant.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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**O8 [EO-OC] Lease to Australian Volunteer Coast Guard Association -
Rotary Park, Sutherland Street, Kingscliff**

ORIGIN:

Design

FILE NO: DA05/1095 Pt1

SUMMARY OF REPORT:

The Australian Volunteer Coast Guard Association ("Kingscliff Coast Guard") operating from Rotary Park and Faulks Park at Kingscliff has recently obtained consent from Council for a verandah extension to their building within Rotary Park off Sutherland Street, to the north of Cudgen Creek Bridge.

Consent condition 3 of their consent provides that:

"prior to the issue of a Construction Certificate, the applicant shall enter into a lease agreement with Tweed Shire Council for the premises currently occupied by the Volunteer Marine Rescue (sic) on Lot 287 DP 542598".

Kingscliff Coast Guard have written to Council requesting that lease agreements be drawn for both of their buildings, the building with the verandah extension on Lot 287 and their tower at Faulks Park.

Lot 287 in DP 542598 is Council owned Community Land and is included in the current Plan of Management which provides that leases and licences may be entered into provided they adhere to the provisions of the *Local Government Act, 1993*.

Faulks Park is Crown Land that is part of Crown Reserve 1001008, under the trusteeship of the Tweed Coast Reserves Trust.

In order to pursue an agreement for the tower in Faulks Park, a separate report will be made to the Tweed Coast Reserves Trust.

The Kingscliff Coast Guard have also noted that the Kingscliff Fishing Club operate from the same building in Rotary Park without a lease agreement. Any agreement to be made with the Fishing Club will be the subject of a separate report.

RECOMMENDATION:

That:-

- 1. Council approve entering into a Lease Agreement with the Australian Volunteer Coast Guard for premises within Lot 287 DP 542598 at Rotary Park, Sutherland Street, Kingscliff for a period of five years for a rental of \$1.00 per year;**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

The Australian Volunteer Coast Guard Association ("Coast Guard") has been operating from Rotary Park off Sutherland Street, to the north of Cudgen Creek Bridge since 1987. Plans for their building were approved by Council in November 1986 and the building was completed in January 1987.

Subsequently the Coast Guard entered into discussions with Council and the Lands Department for a suitable location for a radio tower and in 1988 it was agreed between all parties to construct it on the northern wall of Cudgen Creek inlet. Approval for the tower was issued by Council in October 1988 and approval was obtained from the Department of Lands and the Soil Conservation Service. Operations commenced from the tower in 1990.

The Coast Guard has recently obtained consent from Council for a verandah extension to their building within Rotary Park.

The aerial photograph below shows the location of the building within Rotary Park:



Consent condition 3 of their consent provides that:

"prior to the issue of a Construction Certificate, the applicant shall enter into a lease agreement with Tweed Shire Council for the premises currently occupied by the Volunteer Marine Rescue (sic) on Lot 287 DP 542598".

The Coast Guard has written to Council requesting that lease agreements be drawn for both of their buildings, the building with the verandah extension and their tower at Faulks Park.

Lot 287 in DP 542598 is Council owned Community Land and is included in the current Plan of Management which provides that leases and licences may be entered into provided they adhere to the provisions of the *Local Government Act, 1993*.

Faulks Park is Crown Land that is part of Crown Reserve 1001008, under the trusteeship of the Tweed Coast Reserves Trust.

In order to pursue an agreement for the tower in Faulks Park, a separate report will be made to the Tweed Coast Reserves Trust.

The Kingscliff Coast Guard have also noted that the Kingscliff Fishing Club operate from the same building in Rotary Park without a lease agreement. Any agreement to be made with the Fishing Club will be the subject of a separate and later report.

The *Local Government Act* provides that if Council wishes to enter into a lease agreement for a period exceeding five years it must give public notice of the proposal with a period of 28 days for submissions. Given that the construction certificate will not issue until a lease agreement has been entered into, it is recommended that a lease agreement for five years be entered into with the Kingscliff Coast Guard. Further, as the Coast Guard are a purely voluntary group that obtains regular grants from Council to operate, it also recommended that Council only seek a peppercorn rent.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O9 [EO-OC] Lease of Premises to Murwillumbah Potters Incorporated - Fernvale Community Centre - Crown Reserve 91428 being Lot 181 in DP 755698 located at Fernvale Road, Fernvale

ORIGIN:

Design

FILE NO: PF2040/415 Pt2

SUMMARY OF REPORT:

A lease agreement for the Fernvale Community Centre operating from the old Fernvale School site located within Crown Reserve 91428, expired on 1 June 2004. The lease was formerly between the Fernvale Community Centre Reserve Trust, managed by Council, and jointly between Fernvale Community Association and Murwillumbah Potters Incorporated (the Potters).

Both groups were notified of the expiry date and were requested to provide notice of their intentions as to a further lease. Only Murwillumbah Potters have notified Council that they require a further lease.

Correspondence between Council and the Department of Lands has resulted in the re-negotiation of the rental payable and the Potters have agreed to the new rental.

The Potters have proven to be reliable and satisfactory tenants and have abided by the terms and conditions of the lease.

It is recommended that a further lease be entered into with Murwillumbah Potters Incorporated. The lease has been drawn and requires execution under the common seal of Council as Trust Manager of Crown Reserve 91428.

RECOMMENDATION:

That:-

- 1. Council approves entering into a lease agreement for a term of five years over Crown Reserve 91428 with Murwillumbah Potters Incorporated as Trust Manager;**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O10 [EO-OC] Cycleway - Coronation Avenue, Pottsville

ORIGIN:

Planning & Infrastructure

FILE NO: R1360 Pt1

SUMMARY OF REPORT:

Over the last 18 months Council has received many requests from residents of Seabreeze Estate Pottsville to provide a footpath or cycleway between the Estate and the Pottsville CBD.

The requested cycleway forms part of Council's Cycleway Plan and is a scheduled work in the Section 94 Contribution Plan No. 22 - Cycleways. Currently the balance of funds in the Contribution Plan is \$346,657. The estimated cost of this project is \$145,000. Some funds may also be forthcoming from the Roads & Traffic Authority towards this project which would reduce the cost to Council.

RECOMMENDATION:

That Council:-

- 1. Allocates up to the amount of \$145,000 from Section 94 Contribution Plan No. 22 - Cycleways to fund the construction of a cycleway from Seabreeze Boulevard to the Pottsville CBD along Coronation Avenue.**
- 2. Accepts any offer from the Roads & Traffic Authority of funding for the project in (1) above on a Dollar for Dollar basis up to a maximum of \$72,500.**
- 3. Votes the expenditure in (1) and (2) above.**

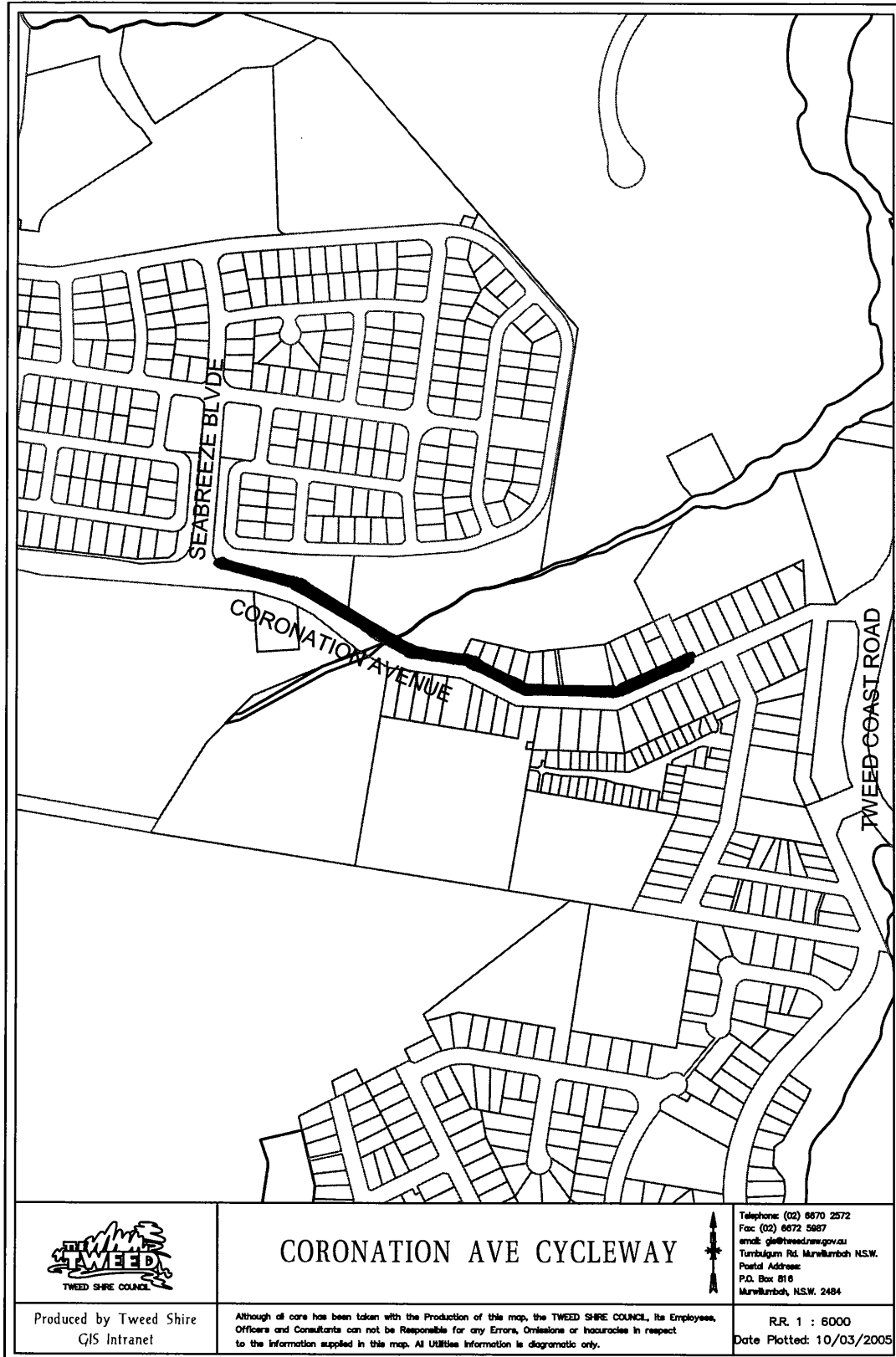
REPORT:

Over the last 18 months Council has received many requests from residents of Seabreeze Estate Pottsville to provide a footpath or cycleway between the Estate and the Pottsville CBD. Currently pedestrians and cyclists must use the road pavement in several locations due to open drains and steep embankments adjacent to the road.

The requested cycleway forms part of Council's Cycleway Plan and is a scheduled work in the Section 94 Contribution Plan No. 22 - Cycleways. Currently the balance of funds in the Contribution Plan is \$346,657. The estimated cost of this project is \$145,000.

The Roads & Traffic Authority has held informal discussions with Council officers and indicated that the Authority may be able to offer Council funding up to 50% of the project cost provided the project is constructed in this financial year. This constraint makes it impractical to wait until Council receives a formal offer if construction is to occur in this time frame. It is proposed that Council accepts any offer of funding towards the project from the Roads & Traffic Authority and the balance to be funded from the Section 94 Contribution Plan up to the full cost of the project in case the funding from the Roads & Traffic Authority does not eventuate.

The project is considered to be a high priority given the extent of development occurring in Seabreeze Estate and the lack of safe pedestrian and cyclist access to the CBD, sports fields and beach. It also links the cycleways in Seabreeze Estate to the Coast Cycleway. Coronation Avenue also carries higher volumes of traffic given its distributor road status. The proposed works are shown on the following diagram:-



Produced by Tweed Shire
GIS Intranet

CORONATION AVE CYCLEWAY

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 Utilities Information is diagrammatic only.



Telephone: (02) 6670 2572
 Fax: (02) 6672 5987
 email: gis@tweed.nsw.gov.au
 Turralgum Rd. Murwillumbah N.S.W.
 Postal Address:
 P.O. Box 818
 Murwillumbah, N.S.W. 2484

R.R. 1 : 6000
 Date Plotted: 10/03/2005

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The project is included in the Section 94 Contributions Plan No. 22 - Cycleways.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O11 [EC-OC] Beach Vehicle Access – Policy Review

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

A Beach Vehicle Access report prepared for the meeting 15 June 2005 was held over for discussion with interested stakeholders (Tweed Coast Beach Users Association), accordingly, an addendum report was submitted on 6 July 2005 and subsequently Council's current Policy was adopted.

Since the adoption of the current Beach Vehicle Policy the Tweed Coast Beach Users Association has affiliated with ECO Fishers Incorporated and is now known as ECO Fishers Incorporated Tweed Branch who have submitted correspondence requesting alterations to Council's current areas of beach access by 4WD permit holders.

RECOMMENDATION:

That Council:

- 1. Initiates community consultation regarding the request to incorporate additional accessible areas of beach into Council's 4WD Beach Vehicle Permit Policy by seeking public submissions for a period of 28 days. The beach areas recommended for consultation are:**
 - a) Wommin Bay, Kingscliff - from a point north of the pedestrian beach access at the end of Murphy's Road, Kingscliff to a point 800m south of the Fingal Head Quarry.**
 - b) South Cabarita Beach - from a point 500m south of Norries Headland to a point 700m north of Cudgera Creek, Hastings Point.**
- 2. In relation to other beaches maintains the current 4WD Beach Vehicle levels of access.**

REPORT:

A Beach Vehicle Access report prepared for the meeting 15 June 2005 was held over for discussion with interested stakeholders (Tweed Coast Beach Users Association), accordingly, an addendum report was submitted on 6 July 2005 and subsequently Councils current Policy was adopted. This policy incorporated a number of the desires of current beach usage whilst maintaining safety on beaches.

Since the adoption of the current Beach Vehicle Policy the Tweed Coast Beach Users Association has affiliated with ECO Fishers Incorporated and is now known as ECO Fishers Incorporated Tweed Branch who have submitted correspondence requesting alterations to Councils current areas of beach access by 4WD permit holders.

Current Policy

Council's current Policy relating to Vehicles on Beaches is reproduced below. The Beach Vehicle permit season runs from 1 August through to 31 July of each year and it should be noted that it makes specific provision for permits under the following categories - amateur fisherman, professional fisherman and special permits. Essentially, during the 2005/2006 permit season 191 permits were issued to amateur fisherman, 31 permits issued to persons who hold a professional fishing license with NSW Fisheries and 32 'special permits' issued to persons holding a disabled parking permit with the Roads and Traffic Authority.

There are no current permits issued or any policy specific to commercial beach vehicle access, and each application has historically been considered in isolation, and on its individual merits, however, Council resolved on 3 May 2000 not to issue any commercial (tour) beach vehicle permits in the future.

The current Policy reads as follows:

"C8 PUBLIC HEALTH, SAFETY AND CONVENIENCE

C8.5 Vehicles on Beaches - Permits to Drive Vehicles on Beaches

Objective

To preserve a high standard of safety and enjoyment of persons using beaches within the Tweed Council area.

The conditions for the issue of permits to drive vehicles on the beach for Amateur Fisherman shall be:

Council shall offer existing permit holders the opportunity to renew their permits for the commencement of each permit season and exclude to offer permits that have not been renewed by current licence holders.

The fee shall be as determined by Council.

- a) The vehicle must be a conventional four (4) wheel drive vehicle.*
- b) The Permit is issued for the purpose of fishing only - joyriding and picnicking are not permitted.*
- c) The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.*
- d) Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.*
- e) All vehicles must be registered with the relative State Authority.*
- f) The Permit holder must be the holder of either a provisional or full driver's licence, issued by the relative State Authority.*
- g) Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs.*
- h) Vehicles are to be driven only on the beaches specified by the Permit.*
- i) The maximum speed limit at any time is 30 kph.*
- j) Only the vehicle nominated on the Permit is to be driven on the beach.*

Applications for permits will only be accepted in person. Each applicant may only apply for a permit for himself/herself.

The conditions for the issue of Permits to drive vehicles on the beach for Professional Net Fishermen shall be:

- a) Permits will only be issued to Licensed Net Fishermen.*
- b) The vehicle nominated on the Permit shall be distinctly marked with the name of the Licensed Fisherman and the words "Net Fisherman" displayed thereon.*
- c) The compliance with items of conditions applicable to Amateur Fishermen.*
- d) The Fishermen shall not operate through or drive upon pedestrian areas.*
- e) Vehicles to be driven onto beaches at specified locations to be designated on the permit.*
- f) The Permit fee for Professional Fishermen is set at \$100.00.*

Issue of Special Permit

- 1.
 - a) A very small number of permits may be issued by the Director Environment and Community Services Division in special circumstances considered appropriate such as to paraplegic persons or persons while engaged in Dune Care works.*
 - b) The current fee shall be applicable.*
 - c) All general conditions as set out above will apply except for in some instances*
 - d) Sub-section b) and c) may be waived by the Director of Environment and Community Services.*
- 2.
 - a) When a Special Beach Vehicle application is submitted, registration details showing proof of ownership of a 4WD vehicle by the applicant or spouse, parent or child (who is the holder of the Roads and Traffic Authority Disabled Parking Permit) are to be provided as part of the application.*
 - b) Holders of the Roads and Traffic Authority Disabled Parking Permit must be a passenger in the vehicle in the event of a person other than the permit holder driving the vehicle on the beach. Failing to comply with this requirement may result in Council taking action in the form of an infringement notice and/or disqualification of the permit.*

Beach Vehicle Permits - Paraplegics

In the situation where a paraplegic requires a vehicle for transport to the sea, a beach licence shall be issued free of charge subject to receipt of supporting information."

Current Beach Access Areas

Attachment 1 and Attachment 2 indicate those areas where beach vehicle access is permitted.

Professional net fishermen are basically permitted access to all beaches within the Shire. This access is based on the fact that the access is required for them to reasonably conduct their business.

Persons who hold a current special or amateur fishing permit are permitted access to the following locations:

Permanent Access

- From the south side of Cudgen Creek Kingscliff to the northern boundary of the Salt subdivision.
- An area approximately 100m south of the main bathing area at Pottsville to the northern boundary of the Billinudgel Nature Reserve at Wooyung.
- From the northern boundary of Cudgen Nature Reserve to the southern most pedestrian beach access at Casuarina which comprises of approximately 240m of beach

Limited Access: extends between the hours of 4.30pm and 7am for the months of May to September inclusive and relates to the following areas.

- From the northern boundary of the Salt subdivision to the southern boundary of Casuarina Beach subdivision. (Both areas are signposted)
- From the southern side of Mooball Creek, Pottsville to a point approximately 100m south of the main bathing area at Pottsville. (This area is signposted)

Submission from ECO fishers Inc Tweed Branch

The submission from ECO Fishers Inc Tweed Branch (Attachment 3) requests alterations to the current accessible areas of beaches by 4WD permit holders and also proposes to include additional beaches where vehicles are currently prohibited from accessing.

The request to alter the existing accessible areas relates to those areas marked as Limited access on attachments 1 and 2. Council officers do not support the alteration of these areas as Council has an ongoing duty to consider the use of the Shires beaches and as coastal populations increase so does the potential for conflict over beach usage. A comprehensive review of the Beach Vehicle Policy was undertaken in early 2005 to establish a clear direction of management for Beach Vehicle access

through consultation with the community and interested parties. The current policy was produced from this review assimilating objectives of the Coastal Management Plan whilst incorporating the desires of current beach usage and maintaining safety on beaches.

Management objectives of the Tweed Shire Coastline Management Plan, adopted in July 2005, conflicts with the opening of additional beaches to vehicle access as requested in the submission. Prior to the adoption of the Coastal Management Plan extensive community consultation was provided with submissions forwarded from numerous sectors of the community, including beach vehicle permit holders. The contentious issue of beach access by 4WD vehicles was addressed in this process establishing the need to align the functions of the Beach Vehicle Permit Policy and the Coastal Management Plan so that there is a clear integrated approach to the system to be implemented. The review of the Beach Vehicle Policy in early 2005 and the subsequent adoption of the current policy achieved the integrated approach necessary to enable effective management of the Tweeds coastline relating to issues associated with safety, recreation and ecology.

It would be advisable for any proposal supporting new beach areas for 4WD vehicles access to be placed on public exhibition and subsequent community comment considered. In conforming with the current Beach Vehicle Policy, public safety and the Coastal Management Plan it is not recommended to allow 4WD access by amateur or special permit holders to areas where high pedestrian access may exist, such as, the flagged areas on beaches or locations in close proximity to residential development as well as areas associated with threatened species (eg: wader birds and turtles)

The following sections of beaches conform to the current policy for 4WD access and in assessing the potential accessible areas the ecological aspects of individual beaches in accordance with the Coastal Management Plan were taken into consideration.

- Wommin Bay Kingscliff - from a point north of the pedestrian beach access at the end of Murphy's Road Kingscliff to a point 800m south of the Fingal Head Quarry.
- South Cabarita Beach – from a point 500m south of Norries Headland to a point 700m north of Cudgera Creek, Hastings Point.

In addition to the areas recommended by Council officers, ECO Fishers Inc Tweed Branch has requested access to Fingal Beach, from the northern boundary of the cemetery to the sand pumping jetty and Hastings Point Beach, from south of Hastings Point headland to Mooball Creek, Pottsville.

Fingal Beach is not recommended as this section of beach has been identified in the coastal management plan as an area significant to threatened species such as wader birds and turtles. There is also some conjecture over providing a possible beach access, as the Tweed Byron Local Aboriginal Land Council (TBLALC) owns the land over which access will need to be constructed. Representatives of what is now Eco Fishers Inc Tweed Branch were requested to liaise with the TBLALC in determining approval for this access but to date this has not occurred preferring to wait until

approval for beach access by Tweed Shire was granted. Council officers have contacted the TBLALC on numerous occasions to discuss the matter but nobody has been able to advise on the situation or provide return phone calls regarding the matter.

Hastings Point Beach is also not recommended due to the close proximity of the residential housing situated along Tweed Coast Road. These residents have direct access to the beach area and this conforms with the current beach vehicle policy, it not recommending access.

The current policy offers existing permit holders the opportunity to renew their permits for the commencement of each permit season and excludes to offer permits that have not been renewed. This natural attrition reduces the number of permit holders and vehicles on beaches, therefore, reducing over time the impact of vehicles and the potential conflict over beach usage.

A fee exemption is possible under the section special permits 1c) of the policy, however, there is no provision for a reduction in fees for the elderly as requested in the submission.

Although the Coastal Management Plan does not support the opening of additional beaches to 4WD access its main management objective is to reduce overtime 4WD vehicles on beaches. This is being achieved through the current policy where natural attrition of permit holders is implemented.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Beach Vehicle Permit Policy C8.5

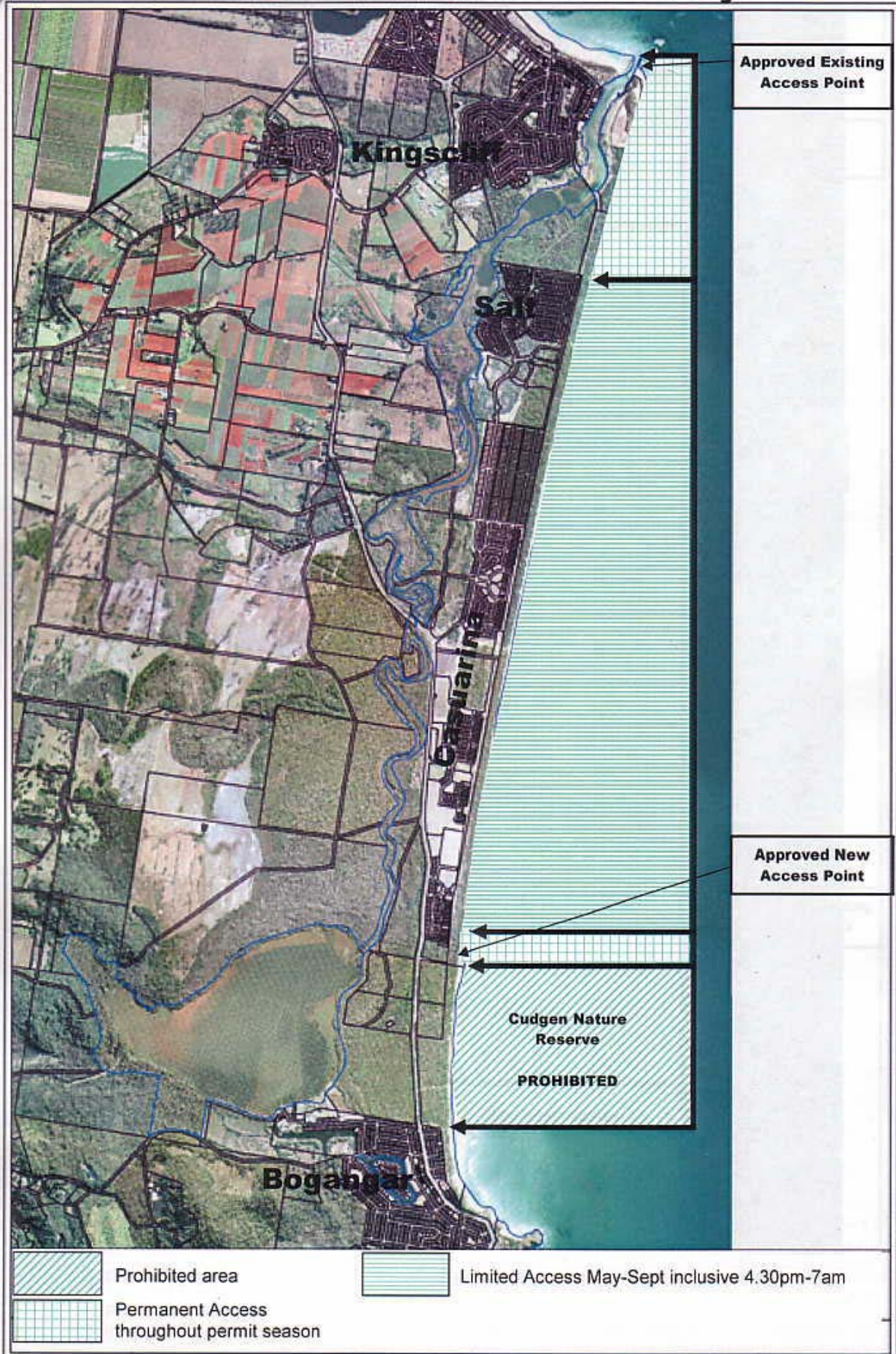
UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Map - Kingscliff to Cabarita Beach for Beach Vehicle Permit Holders Only (DW 1358705).
 2. Map - Pottsville to Wooyung for Beach Vehicle Permit Holders Only (DW 1358704).
 3. Correspondence from ECOfishers Inc Tweed Branch (DW 1347668).
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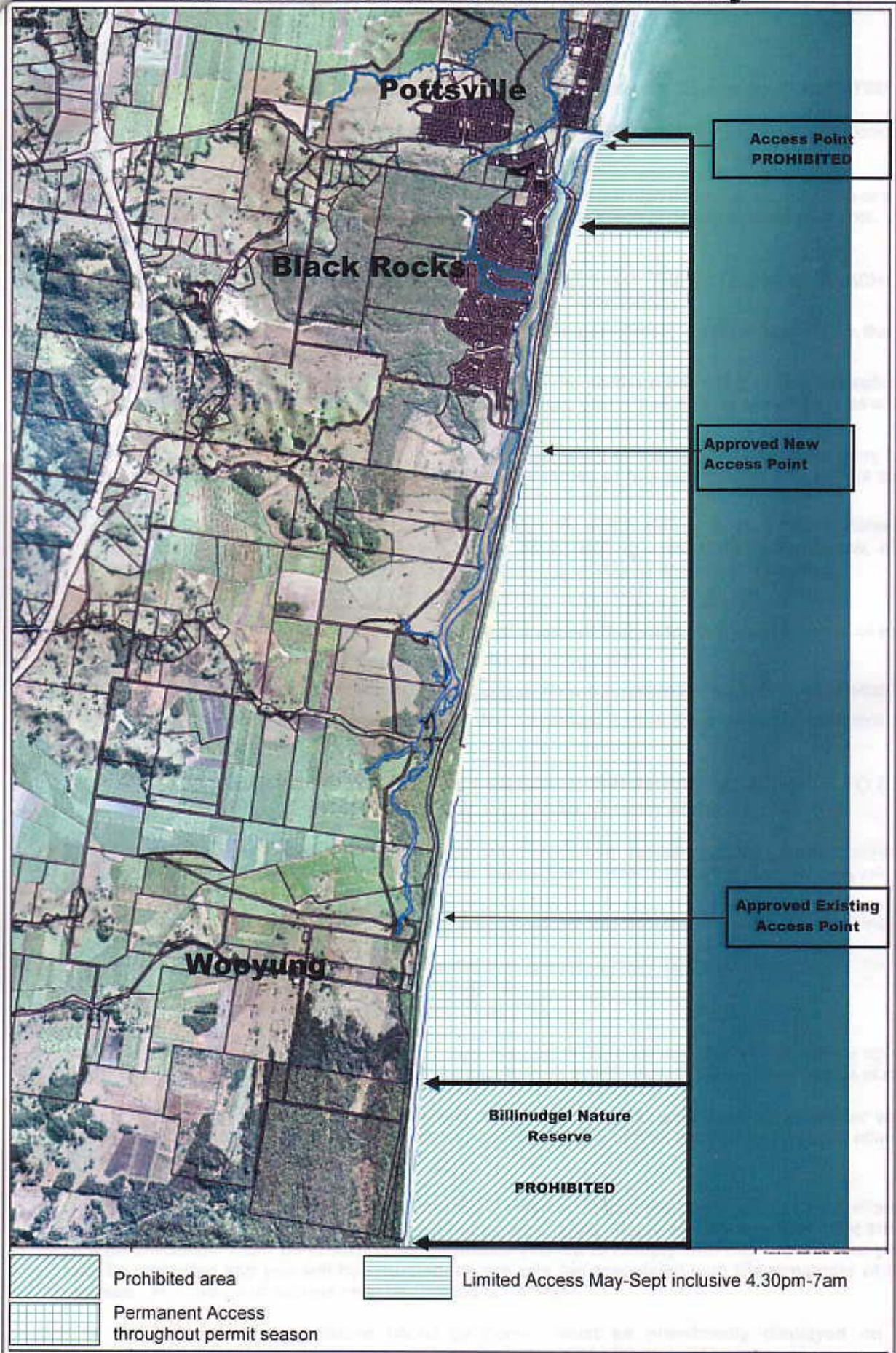
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Attachment 1—Map: Kingscliff to Cabarita Beach for Beach Vehicle Permit Holders Only



Note: All new boundaries will be sign posted.

Attachment 2—Pottsville to Wooyung for Beach Vehicle Permit Holders Only



Note: All new boundaries will be sign posted.

LICENCES - BEACH VEHICLE



TWEED SHIRE COUNCIL	
FILE No.	BEACHES - ACCESS
DOCUMENT No.	[] [] [] [] [] [] [] [] [] []
RECD	17 FEB 2006
ASSIGNED TO	ADMINISTRATOR
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

"Conservation with a difference. Making people part of the solution"

OFFICER

Web site; www.ecofishers.com Email mail@ecofishers.com

ECOfishers Inc Tweed Branch

PO Box 68
Hastings Point

2489

Dear Sir / Madam,

Please find enclosed a copy of a letter sent to you in December 2005 as requested at a meeting with administrators Payne & Boyd. The letters were marked personal & confidential. You have either not received this letter or you have chosen to ignore it. I think that it would have been good public relations to have acknowledged the letter through the office of Tweed Shire Council if you have received it.

Also is a copy of an email sent to Tweed Shire for your attention has also been ignored or not forwarded to you. We would ask for a reply to this important issue as soon as possible. If the letters and email have not been forwarded to you then I believe that the nondelivery of this mail should be investigated as this could be a Federal Criminal Offence. Please note that the Tweed Coast Beach Users Association has affiliated with ECO fishers Inc and is now known as **ECOfishers Inc Tweed Branch** and all correspondence should be directed to:

**The Secretary
ECOfishers Inc
Tweed Branch
PO Box 68
Hastings Point
2489**

This matter is of great importance to members of ECOfishers Inc. Tweed branch and we ask that it be given immediate attention.

Yours Faithfully

MJ McFie
State Treasurer ECOfishers Inc.



"Conservation with a difference. Making people part of the solution"

Web site, www.ecofishers.com Email: mail@ecofishers.com

ECOfishers Inc Tweed Branch

The Administrators Tweed Shire Council,

Dear sir/madam.,

I wish to advise you that the Tweed Coast Beach Users Association have affiliated with ECOfishers Inc and are now known as ECOfishers Inc. Tweed Branch. There have also been some administrative changes

The secretary

Shanne Patterson

1/29 Urunga Drive

Pottsville

2489

email--sales@pottsvillebeachrealestate.com.au.

All correspondence should be forwarded to the above address including replies to this letter.

In late November I forwarded to you a submission on behalf of the Tweed Coast Beach Users Assoc. As yet I have not received any confirmation of you having received the document although in a phone call administrator Boyd indicated that one would be forthcoming.

Also we have concerns regarding the survey being conducted on the Tweed Beaches. Already we have three reported incidents where the people doing the survey have walked past fishermen totally ignoring them to give forms to other beach users. To members of ECOfishers this is totally unsatisfactory and must stop. ECOfishers ask that 1000 survey forms be forwarded to them to distribute to beach users. Is the survey going to be as selective in time and locations as the last one? What importance is to be placed upon the submissions council already has collected that showed a huge majority wanted vehicles on the beaches? If such surveys are to be used to make council decisions let the people concerned have input into the rules of conducting such a survey.

For and on Behalf of
ECOfishers Inc Tweed Branch

M.J.McFie

State Treasurer ECOfishers Inc

SUBMISSION TO TWEED SHIRE COUNCIL ADMINISTRATORS

Reference : Tweed Coast Beach Users

All vehicles referred to are licensed vehicles.

- 1) The presence of 4WD permit holders' vehicles ensure the safety of beach users, including walkers, surfers and families in an emergency. A vehicle may not always be present but past emergencies have shown there usually is usually one in the vicinity. Police, lifesavers and rescue groups will verify that having 4WD on the unpatrolled beaches make them a lot safer.**
- 2) Close proximity of vehicles to owners on the beach gives protection to the fisherperson and ensures that their vehicle will not be broken into, as happens when the vehicle is left in car parks or on the side of the road for any appreciable time.**
- 3) 4WD vehicle presence has proved to be a deterrent to the use of both beaches and dunes by undesirable elements. The beaches of Byron Shire that are not access by beach vehicles provide a good example of harmful events that occur. Some Tweed Beaches could be listed in this use at your own risk group.**
- 4) Greater access to license holders give both the elderly and handicapped persons access to fishing areas that would be outside their ability to reach. Fishing for many of these is the only sport they have left. Fishing also for many of these people is a source of food supply financially outside their means. People should have a right to fish!**

Therefore we put forward the following alterations to existing rules of access:

1) CASUARINA BEACH Extend the permanent access area from the Cudgen Nature Reserve to the southern boundary of Salt and Peppers Resort area where Life Saving patrols have been instituted. Access should be given on 24/7 basis except for the Christmas and Easter school holiday periods or as an alternative an open period 24/7 between the months of May to September exclusively or whenever the beach is not patrolled.

Legal advise suggests the "duty of care concern" could be overcome by placing signs at walkways stating "This is a shared beach. Licensed vehicles may be present on the beach".

Administrators Max Boyd and Lucy Turnbull released a statement reported in the 'Daily News' 4th Nov. 05 quote "Casurina is a long beach (6km) which is sparsely populated" unquote.

Access points are already established

2) SOUTH POTTSVILLE BEACH Present limited areas to be cancelled except during Christmas and Easter school holidays.

The previous access road near the mouth of the creek should be reopened and a sign erected "This is a shared beach. Licensed vehicles may be present on this beach"

Advise that South Pottsville is not a patrolled beach and that the patrolled beach is to the north of Mooball Creek should be erected.

3) Wommin Bay (as a replacement for areas taken by Nature Parks)

Access to the north of the residential area in Murphy's Rd., to south of the residential area south of Fingal Headland.

Access road to be discussed with Tweed Shire Council. This is a known area used by undesirables. Very little used by public because of safety factor.

PROPOSED ADDITIONAL AREAS THAT COULD BE USED TO OFFSET LOSS OF ANY OF THE ABOVE.

1) FINGAL BEACH Access north of the cemetery with access alongside the cemetery to the pumping station. Aboriginal Land Council approval would be needed and although the Tweed

Coast Beach Users Association will attempt to get this approval but we feel the TSC would need to signify approval and assist in our application.

2) CABARITA (NORRIES HEAD) TO HASTINGS POINT.

Access to be discussed although track opposite Raiders Football Ground would be a possibility. Existing tracks at either end of the beach could be upgraded.

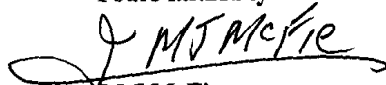
3) HASTINGS POINT TO NORTH POTTSVILLE BEACH.

Access to be discussed

GENERAL POINTS

- 1) No entry to any flagged area patrolled by Surf Life Savers
- 2) Maintain the existing number of Beach Vehicle Permits at 250 with elderly, handicapped and fishing club members given prior consideration.
- 3) Reduction in fees for elderly and handicapped

Yours faithfully



M.J. McFie

Secretary

Tweed Coast Beach Users Association

O12 [EC-OC] NSW Ministry for the Arts Grants (Museum Program)

ORIGIN:

Director

SUMMARY OF REPORT:

Tweed Shire Council is in receipt of a number of grants from the Museums Program of the NSW Ministry for the Arts. The three grants: Year Two (2) 50% of the Senior Museum Curator's Salary (\$35,000); Enhancement of access to the photographic collections increasing digitalisation and assisting development of new exhibitions (\$14,000) and Moving to the Tweed: Migration Heritage, People and Demographic Change (\$11,000) have been approved by the NSW Minister for the Arts.

RECOMMENDATION:

That Council:-

- 1. Accepts the grant offer of \$35,000 from the NSW Ministry for the Arts (Year 2), and provides for the expenditure in Council's 2006/2007 budget allocation for the Museum.**
- 2. Accepts the offer of \$14,000 from the NSW Ministry for the Arts for the enhancement of access to the photographic collections increasing digitalisation and assisting development of new exhibitions and provides for the expenditure of \$19,000 in Council's 2006/2007 budget allocation for the Museum.**
- 3. Accepts the offer of \$11,000 from the NSW Ministry for the Arts for the Moving Tweed: Migration Heritage, People and Demographic Change, and votes the funds.**

REPORT:

Tweed Shire Council is in receipt of a number of grants from the Museums Program of the NSW Ministry for the Arts. The three grants: Year Two (2) 50% of the Senior Museum Curator's Salary (\$35,000); Enhancement of access to the photographic collections increasing digitalisation and assisting development of new exhibitions (\$14,000) and Moving to the Tweed: Migration Heritage, People and Demographic Change (\$11,000) have been approved by the NSW Minister for the Arts.

The grant in support of the Senior Museum Curator is the second year of three years.

The Ministry has granted \$14,000 to assist the Tweed Shire Council in the digitisation of parts of the Shire's photographic collection thereby enhancing access. The Council holds a large and significant collection relating to the economic and social development of the Tweed and surrounding regions. The total budget for the project is \$19,000.

Tweed Shire Council has accepted a grant of \$5,000 from the Migration Heritage Office. The grant was to be matched by Tweed Shire Council for the Museum in the 2006/2007 budget period. Council also applied to the NSW Ministry for the Arts for a grant to support the project as part of its annual grant request. The Ministry has allocated \$11,000 towards the project. The total budget for the project is \$21,000.

The two projects have formed a significant part of the Museum's program and profile for the 2006/2007 budget period.

The project will underpin the development of new exhibitions at the Tweed River Regional Museum and strategically build the collection and research base of the Museum. Stage one will document object stories and personal histories before they are lost as the post-war migrants age.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funds will need to be provided within the Museum allocations in the 2006/2007 budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O13 [EC-OC] Use of Tweed River Art Gallery by Tweed and Coolangatta Tourism Inc (TACTIC)

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council at its meeting held Wednesday 30 November resolved to reject an application from Tweed and Coolangatta Tourism Inc (TACTIC) for a reduction in fees for the use of the Tweed River Art Gallery. Further Correspondence has been received requesting that the issue be reconsidered.

RECOMMENDATION:

That Council approves the waiving of the fee for the use of the Tweed River Art Gallery by Tweed and Coolangatta Tourism Inc (TACTIC) and the costs be borne by the Gallery as part of its promotions and marketing budget.

REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) has requested that the fee for the hire of the Gallery (being \$365) for their Annual General Meeting be waived.

The meeting was attended by 65 guests. Some of the attendees had never visited the Gallery before. The meeting was an important event for the Gallery because of its significance as an important component of the Shire's tourism infrastructure. The Museum & Gallery Coordinator and the Assistant Director both attended the event.

The event in this instance was considered to be an important promotional program for the Gallery because of the number of tourist operators present.

In view of this it is proposed that the fee be waived and the cost of this be borne by the Gallery from its marketing budget.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

To be funded from Art Gallery budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from TACTIC (DW 1335059)
-



Tweed &
Coolangatta
Tourism Inc

PO Box 19
Tweed Heads
NSW 2485

Phone: (07)55364244

Fax: (07)55364204

ABN 63 058 796 857

ART GALLERY - GENERAL
- MISTRAL RD

TWEED SHIRE COUNCIL	
FILE No	TACTIC
DOCUMENT No	[] [] [] [] [] [] [] [] [] []
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ASSIGNED TO	RAYNER, M
EMBED COPY	<input type="checkbox"/>
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related doc: 1310820

24th January 2006

Mr Mike Rayner
Acting General Manager
Tweed Shire Council
PO Box 816,
Murwillumbah NSW 2484

Dear Mr ~~Rayner~~, *Mike*

Re: Fees for use of Tweed Regional Art Gallery

Further to correspondence from Mr Geoff Edwards dated 7th December 2005, regarding payment of \$365 venue hire fee for use of the Tweed Regional Art Gallery for TACTIC's AGM on 1st December 2005

TACTIC organises quarterly member network nights at locations around the Tweed. Our members, particularly attractions, are keen to host these nights given that the industry representatives who attend frequently refer their guests and visitors to activities around the Tweed and being host provides the opportunity to showcase their venue. Far from members charging TACTIC for venue hire, many actively contribute to the cost of running the event because they recognise the significant value to them.

With a view to putting the Regional Art Gallery on display to the tourism industry, we looked at holding our Annual General Meeting at the venue in December. We initially enquired whether it was possible to have the venue hire fee for the Gallery waived in mid October and were requested to put our request in writing. On the 31st October 2005, TACTIC wrote to Council requesting that the fee be waived. We received a response from Mr Edwards dated 17th November, advising that it would be put to a Council meeting on the 30th November 2005. This was clearly too late to move the event.

We subsequently received correspondence from Mr Edwards dated 7th December advising that Council at its meeting 'did not approve your request'. Subsequent checking has found that our request, per se, was not considered but that Council actually adopted Mr Edwards' report which contained a recommendation that the fees not be waived.

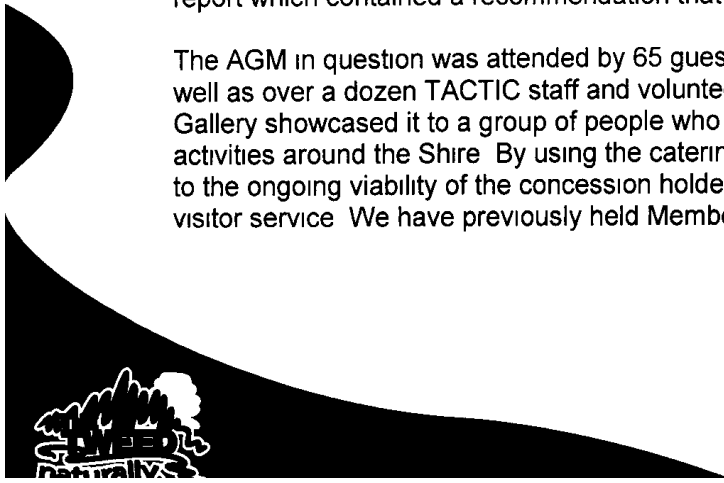
The AGM in question was attended by 65 guests representing 33 TACTIC members as well as over a dozen TACTIC staff and volunteers. The holding of the meeting at the Gallery showcased it to a group of people who regularly advise visitors to the Tweed on activities around the Shire. By using the catering at the Gallery, we have also contributed to the ongoing viability of the concession holder in the Gallery, a critical part of the overall visitor service. We have previously held Member meetings and events for our VIC.



Tweed Heads
Visitor Information
Centre
Tweed Mall
Wharf St
Tweed Heads
NSW 2485
Phone 1800 674414
Fax (07) 55366151
email
tweedinfo@tweedcoolangatta.com.au

World Heritage
Rainforest Centre
Alma Street
Murwillumbah
NSW 2484
Phone (02) 66721340
Fax (02) 66725948
email
whrc@tweedcoolangatta.com.au

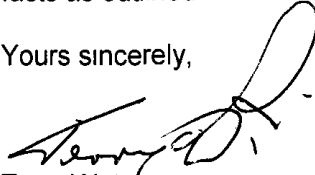
www.tweedcoolangatta.com.au
book your holiday on line



volunteers at Council owned facilities such as the Maritime Museum without being charged venue costs and would not have used the Gallery had we believed that such a fee would have been charged

We would respectfully request that the issue of waiving this fee be revisited, based on the facts as outlined

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Terry Watson', with a large, stylized flourish at the end.

Terry Watson
General Manager
Tweed & Coolangatta Tourism Inc.

O14 [EC-OC] Proposed Variation to the 2005/2006 Financial Year - Community Options Service Agreement with the Department of Ageing, Disability and Home Care (DADHC)

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The proposal is a partnership between Department of Ageing Disability and Home Care, Department of Veterans' Affairs, Veterans' Home Care Agencies and Community Options to provide additional community services across NSW.

The Minister, Department of Ageing Disability and Home Care, has approved a 12 – month period of targeted brokerage funding for HACC services for eligible Gold and White Veterans Card Holders effective from 1 January 2006. This is a Commonwealth and State funded partnership.

Funding has been allocated to provide community based services in proportion to the number of DVA Gold and White Cardholders in the local government areas covered by each Community Options Service. Tweed Community Options has been allocated a total of \$250,051.00.

The funding will be provided within the 2005/2006 financial year, but will cover the full 12-month term of the project. Unspent funds from 2005/2006 can be carried over to 2006/2007 for use on the project.

RECOMMENDATION:

That Council agrees to:-

- 1. Accept the Funding of \$250,051 from the Department of Ageing Disability and Home Care to provide Veterans' Brokerage services.**
- 2. Affix Council's common seal to all relevant documents relating to providing 2005/2006 Veterans' Brokerage services.**
- 3. Vote to allocate the funds.**

REPORT:

The objectives of the Veterans' Brokerage Project are:

- To assist Veterans' Home Care eligible Department of Veterans' Affairs White and Gold Cardholders to access social support services, centre based day care, case management, non-medical transport and home maintenance services through the HACCC program.
- Improve the interface between Veterans' Home Care and HACCC Programs and build service capacity

The specified services for provision under this project are:

- Social Support
- Non Medical transport
- Centre based day care
- Case management
- Home maintenance

The project is currently in the development stage and it is anticipated COPs will receive the guidelines in late March.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

No budget implications.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O15 [EC-OC] Environmental Trust Grants: Floodgate Management

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The Northern Rivers Catchment Management Authority (NRCMA) has been funding modified floodgates to improve water quality and fish habitat in flood gated waterways. To continue this work a \$100,000 grant was sought from Department of Environment & Conservation (NSW) Environmental Trust Grants. Tweed Shire Council's application was successful and a contract offered (attached).

RECOMMENDATION:

That Council accepts the Northern Rivers Catchment Management Authority funding of \$100,000 to improve water quality and fish habitat in flood gated waterways and votes the funds.

REPORT:

The NRCMA has been funding modified floodgates to improve water quality and fish habitat in flood gated waterways. NSW Fisheries identified about 47 floodgates in the Tweed that would be suitable for this modification. In 2005 three fish-friendly floodgates were installed on the Tweed. To continue this work a \$100,000 grant was sought from DEC – Environmental Funding Programs. The TSC application was successful and a contract offered (attached). This funding when leveraged with Tweed River Committee funding and the Floodplain Project Officers time. It will result in the installation of at least ten more fish-friendly floodgates.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Restoration & Rehabilitation Grant Contract (DW 1357766)
-


**Environmental
TRUST**

Our reference. 2005/SL/0043
Your reference
Contact: Grants Administrator
(02) 8837 6093

Mr Marty Hancock
Tweed Shire Council
PO BOX 816
MURWILLUMBAH NSW 2484

ENVIRONMENTAL TRUST GRANTS

TWEED SHIRE COUNCIL FILE No FLOODGATE MANAGEMENT
DOCUMENT No [] [] [] [] [] [] [] [] [] []
RECD - 8 MAR 2006
ASSIGNED TO HANCOCK, M
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Dear Mr Hancock

Restoration and Rehabilitation (State and Local Government)

I am pleased to send you two copies of the agreement for your Environmental Trust grant, which was awarded under the above program, for the project entitled *Tweed Floodgate Modification Project*.

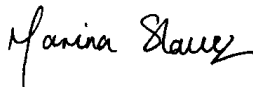
The grant agreement consists of two parts. Part one contains the conditions attached to your grant and part two details the payment and reporting schedules. In particular, please pay attention to any special conditions on page 3, if applicable, and return evidence of how you meet this condition, where appropriate.

Please have both copies signed by the appropriately authorised person send one signed copy back to the Trust within 30 days, or earlier if possible. A Tax Invoice made out to the Environmental Trust (if applicable) should also be submitted at this time. Once we receive this, we will pay your grant as per our agreed schedule.

The Trust pays all grants by cheque or electronic funds transfer (EFT). Please provide any banking details necessary for EFT payments.

For publishing purposes, an electronic version of the Trust logo is available from Trust Administration. If you have any questions or problems, please telephone the administrator on the above number.

Yours sincerely



MARINA SLAVEZ
A/Manager Environmental Funding Programs
Department of Environment and Conservation (NSW)

For Secretary

2 March 2006

ENVIRONMENTAL TRUST

GRANT AGREEMENT

Restoration and Rehabilitation (State and Local Government)

GRANT NUMBER: 2005/SL/0043
GRANTEE: Tweed Shire Council
ADMINISTRATOR: Tweed Shire Council
PROJECT: Tweed Floodgate Modification Project

This agreement consists of 2 parts:

- Part 1: Agreement
- Part 2: Schedules

Part 1: Agreement

The Environmental Trust ("the Trust"), pursuant to the provisions of the *Environmental Trust Act 1998*, agrees to provide **Tweed Shire Council** ("you") an amount of **\$100,000** ("the grant") subject to the following conditions

CONDITIONS

Acceptance of Grant

- 1) You must accept the conditions of the grant by signing this agreement and delivering it to the Trust within 30 days of receiving this document. If you are not the grantee, you are accepting this grant and these conditions on the grantee's behalf. If your organisation is registered for GST, a Tax Invoice for the amount of the first/only instalment of the grant, plus GST, must be provided.

General

- 2) You must carry out the project and spend the grant in accordance with your application and in accordance with these conditions.
- 3) You must complete the project and submit your final report by **31 May 2008** or such other date as is approved in writing by the Trust.
- 4) You must provide any information in relation to the project within 14 days of it being requested in writing by the Trust.
- 5) Any court proceedings arising out of or relating to this grant or conditions of grant must not be heard or started in any court other than a court in New South Wales. The grant and conditions of grant will be governed by and construed in accordance with the law for the time being in force in the State of New South Wales.
- 6) **Severability:** The invalidity or unenforceability of any one or more of the conditions of grant shall not invalidate or render unenforceable the remaining conditions of grant. Any invalid or unenforceable condition shall be severable and all other conditions shall remain in full force and effect.
- 7) Subject to the terms and conditions of this agreement, the Trust will make grant payments in accordance with the amounts and timetable set out in **Schedule A**.

- 8) The Trust may amend the Schedules in writing during the term of the grant. The Trust will send you a copy of the revised Schedules

Reporting

- 9) You must provide the Trust with reports in accordance with the timetable in **Schedule A** and the requirements in **Schedule B**. This includes reporting on various measurable outcomes (Key Performance Indicators) as outlined in **Schedule B**.
- 10) Copyright in the reports, documents and materials produced with Trust funds will vest in you, but subject to condition 11, you grant the Trust a permanent, irrevocable, royalty-free, non-exclusive licence to make these reports, documents and materials publicly available and to otherwise communicate, reproduce, adapt and publish them on a non-profit basis. This includes the use and reproduction of photographs for Environmental Trust purposes. The final report, excluding the financial report component, will be made publicly available by the Trust once the grant is acquitted. If it is suitable, the Trust will place the final report in the library of the Department of Environment and Conservation for public viewing. Those final reports not placed in the library will be made freely available to the public on request to the Trust
- 11) The Trust will not disclose any information that is contained in the reports, documents and materials that you have indicated is confidential and that the Trust has agreed not to disclose.

Variation, Transfer and Revocation of Grant

- 12) You must seek and obtain the prior written approval of the Trust before varying any of the following
- a) the nature and purpose of the project,
 - b) the way in which the project is to be carried out and completed, as outlined in your application;
 - c) the approved project budget. The Trust's approval is **not required** for budget variations with a value of up to 10% of the total grant amount but there will be no increases granted in the total amount awarded by the Trust; and
 - d) the conditions of grant.

Note The Trust may impose additional conditions on this grant when approving a variation

- 13) The Trust may revoke the grant by notice given to you in writing by the Trust if you:
- a) at any time give the Trust misleading or false information,
 - b) are, in the opinion of the Trust, not carrying out the project with competence and diligence or in conformity with the timetable specified in your application;
 - c) do not comply with the conditions of the grant,
 - d) being an individual, die or become mentally ill (as defined in the Mental Health Act 1990), or are declared bankrupt or enter into any scheme or make any assignment for the benefit of creditors; or,
 - e) being a company, resolve to go into liquidation or enter into any scheme or arrangement with your creditors under the Corporations Act or if any liquidator, receiver or official manager is appointed or if a petition or other Court proceedings is instituted for such appointment, or,
 - f) being an organisation, cease to operate
- 14) If the Trust revokes the grant:
- a) You must not spend any further grant monies nor commit any such monies for expenditure; and
 - b) You must, within 7 working days, repay to the Trust all grant monies which have not been spent or committed for expenditure at the time you receive the written notification of the revocation and provide a financial report to the Trust on the proportion of the grant already spent
 - c) The Trust may take steps to recover the whole or any part of the grant, including those parts already spent. This includes any goods or assets acquired using Trust funds

Publications and Promotional Material

- 15) You must acknowledge the Trust's assistance on all signs, publications, reports, websites and promotional material relating to the project with the statement, prominently displayed:

This project has been assisted by the New South Wales Government through its Environmental Trust.

You may seek permission from the Trust to vary the wording.

- 16) You must also prominently display the logo of the Environmental Trust on all material referred to in condition 15 Trust staff will provide the logo You must not use this logo for any other purpose *For education projects:* You must similarly display the "Our Environment - It's a Living Thing" logo
- 17) You must co-operate as required by the Trust in the preparation of case study documentation based on the final outcomes of the project

Indemnities

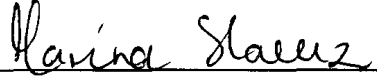
- 18) You will indemnify and keep indemnified the Trust from and against all actions, claims, demands and other proceedings that may be made or recovered against the Trust, its members or officers, in respect of any damage to property, personal injury or death where the damage, injury or death was caused by any wilful, unlawful or negligent act or omission of the grant recipient in relation to the carrying out of the project. The Trust will inform you as soon as it becomes aware of any such action, claim, demand or proceeding.
- 19) Neither you nor any person engaged by you shall by virtue of the grant be in the service or employment of the Trust
- 20) You shall be responsible for effecting and maintaining all insurances required under worker's compensation legislation and for taking all other actions requisite as employer of person so engaged. You shall also be responsible for ensuring volunteers are covered by volunteer personal accident insurance
- 21) You must effect and maintain public liability insurance in relation to all premises and sites on which the project is carried out for all works and activities undertaken for this project. The insurance shall be for an amount of at least \$20,000,000 The policies shall be made available to the Trust for inspection on request

Special Conditions

- 22)

Execution

SIGNED for and on behalf of the **Environmental Trust** by.



Marina Slavez
A/Manager, Environmental Funding Programs
Department of Environment and Conservation (NSW)
1 March 2006

Tweed Shire Council accepts the conditions in this grant agreement.

(sign)

(print name)

(position in organisation)

(date)

Note This agreement should be signed by the Chief Executive Officer, or any other person with authority to bind the organisation.

ENVIRONMENTAL TRUST

GRANT AGREEMENT

Restoration and Rehabilitation (State and Local Government)

GRANT NUMBER: 2005/SL/0043
GRANTEE: Tweed Shire Council
ADMINISTRATOR: Tweed Shire Council
PROJECT: Tweed Floodgate Modification Project

This agreement consists of 2 parts:

- Part 1: Agreement
- Part 2: Schedules

Part 2: Schedules

Schedules may be amended by the Trust during the term of your project. In this instance, the Trust will forward you a revised copy of the Schedules

Schedule A - Payment and Reporting Timetable

- 1) Subject to the conditions outlined in Part 1 of the Grant Agreement, the timetable for grant payments and reports will be as follows:

Activity	Description/Amount	Due Date
Payment 1	\$50,000	30 days after the signing of Part 1 of this agreement
Report 1	Progress Report	30 May 2007
Payment 2	\$50,000	40 days after receipt of satisfactory Report 1
Report 2	Progress Report	N/A
Payment 3	N/A	40 days after receipt of satisfactory Report 2
Report 3	Final Project Report	31 May 2008

- 2) The above amounts are GST exclusive. If your organisation is registered for GST, a Tax Invoice for the amount of each instalment of the grant, plus GST, must be submitted to the Trust.
- 3) Any portion of the grant which you do not spend by the date referred to in Condition 3 of 'Part 1. Agreement', must be repaid to the Trust.
- 4) The requirements for each type of report are outlined in **Schedule B**.

Schedule B - Guidelines for Presenting Progress and Final Reports

This document outlines what your project reports to the Trust should cover. Your project may also produce other reports, documents, publications or materials – the nature and scope of these depend completely on your specific project and are not the subject of this document.

Why we require reports

The Trust needs project reports in order to be satisfied that our investment in your project achieves environmental outcomes and funds are appropriately spent. Reporting also:

- provides you an opportunity to evaluate your project and make improvements where necessary,
- informs the Trust where environmental benefits can be spread beyond your project, and
- assists the Trust in developing future funding programs and policies.

What we do with your project reports

Your reports will be reviewed by the Trust and/or any other people we think necessary, to assess progress, performance and achievement. These reviews can cover both administrative aspects (eg financial, timeframes and milestones) as well as technical aspects. Grant payments are dependant on satisfactory reviews of your reports. We provide feedback from these reviews and may require clarification, amendment or further reports

Final project reports (except the financial information) are generally placed in the Department of Environment and Conservation (NSW) Library and the Trust may also place them on its website and otherwise make them publicly available

Timing of reports

The due dates and reporting periods for different reports are specified in writing by the Trust in the schedule to the grant agreement or in other correspondence. It is very important that you meet due dates. Missing a due date could delay a grant payment.

Scope of reports

The purpose and scope of different types of reports should be as outlined below. Some points will be more important/relevant than others for certain projects and you may need to add other information. If in doubt, contact Trust staff.

About the report	Progress report (Provide 2 copies)	Final project report (Provide 3 copies)
Purpose	<ul style="list-style-type: none"> • Enable comprehensive review of <ul style="list-style-type: none"> - outcomes achieved - milestones met - activity/approach • Inform the Trust of any issues, opportunities and changes • Demonstrate appropriate use of funds and allow release of further funds 	<ul style="list-style-type: none"> • Comprehensively report on: <ul style="list-style-type: none"> - outcomes achieved - milestones met - activity/approach - key performance indicators (KPIs) • Outline lessons and future opportunities • Demonstrate appropriate use of funds and allow acquittal of grant
Indicative length (not including attachments)	6 to 10 pages	8 to 15 pages
Reporting period	Period since last report	Whole project duration
Number of copies	2 hard copies of each progress report should be provided to the Trust	3 hard copies of each final report should be provided to the Trust

Contents of report	Progress	Final
Summary of project to date (100 to 200 words) (note 1)	✓	✓
Background to and objectives of the project	✓	✓
Outcomes		
• Environmental outcomes achieved in reporting period (with evidence) & comparison with those planned	✓	✓
Outputs		
• Milestones achieved, compared with those planned (note 2)	✓	✓
• The 3 most important outputs produced/achieved to date	✓	✓
• Key Performance Indicators (KPIs) (note 6)		✓
Methodology/Approach		
• Summary of activities undertaken, approach used and why (notes 2, 3 & 4)	✓	✓
Issues, Changes, Opportunities		
• Any problems encountered and steps taken/proposed to manage them (including any significant variations from planned approach as outlined in your application)	✓	
• Opportunities that have arisen and what will/could be done to harness them	✓	
• Lessons from the program, long term opportunities and how benefits from the project could be spread more widely		✓
• Any other issues the Trust as funding body should know about	✓	✓
Financial report showing:	✓	✓
• actual income & expenditure of Trust funds, compared to approved budget,		(note 5)
• actual income & expenditure of other sources of funds,		
• estimated value of in-kind contributions		
Attachments		
• Any significant completed documents, publications and materials produced	✓	✓
• Copies (or summary) of media coverage obtained and significant written feedback from stakeholders on the project	✓	✓

Notes:

- (1) This may be used for promotional purposes.
- (2) This should report against the outputs and performance indicators outlined in your application
- (3) If this is highly technical or a research project grant, you may need to attach a more detailed description of technical methodology and findings
- (4) Photographic documentation about the project should be included in your report. Where applicable, these should document sites before, during and after the project. All photographs should be clearly referenced. If you wish the photographer to be credited in any public use of the images, please include the photographer's name
- (5) Final financial reports must be certified by Chief Financial Officers for government agencies and councils or, an independent certifier for other grantees (for Grants over \$20,000) as follows
 - A member of the Institute of Chartered Accountants, the Australian Society of Practising Accountants or the National Institute of Accountants, must certify your financial report and submit a 'Report on Factual Findings' as per Australian Auditing Standard AUS 904
 - The certifying accountant should ensure that:
 - i the financial report accurately reflects income and expenditure for the project,
 - ii all payments were supported by adequate documentation to show that expenditure was for bona fide goods and services related to the project,
 - iii competitive pricing was obtained for all individual items of expenditure of \$5,000 and over
 Grants under \$20,000 do not require independent certification. You must however, sign a statutory declaration certifying the accuracy of your financial report.
- (6) Key performance Indicators (KPIs) – these are measurable outcomes of your project. See page 4 for more information on what you will be required to report on

Key Performance Indicators (KPIs) - measurable outcomes to be reported on in your Final Report.

To assist the Trust to measure the impact/success of its funding programs you will be asked to respond to a number of questions when submitting your final report. To allow you to plan for this from the beginning of your project, the information required of you is detailed below.

Please note that pro-formas for progress and final reports will be placed on the Trust's website for grantees to download and complete. Contact Trust Administration staff on (02) 8837 6093 if you would like any further information.

You will be required to provide information on each of the following indicators as relevant to your project. If you do not consider it something you are able to report on for your specific project you will mark the box with 'N/A'. Most responses will be numeric, whereas other questions may require a 'yes' or 'no' response.

Note, you must provide information on both generic and your program-specific indicators.

GENERIC FOR ALL PROGRAMS

1 List the major outcomes of your project (minimum 3). These outcomes can be qualitative or quantitative.	5 Whether your project involved formal partnerships between government and the community. If so, the number of partners involved.
2 Number of people who directly participate in project activities (organisers, participants).	6 Number of volunteer hours attributed to this project.
3 Number of types of resources (videos, booklets, brochures etc) produced by the project.	7 If resources were produced, the number of each resource that was distributed.
4 Number of workshops/ seminars/ events/ field trips/ training sessions conducted by your project.	8 If workshops, events etc were conducted, the number of people that attended them.
	9 Number of media items that were published/broadcast about your project.

PROGRAM-SPECIFIC

Restoration and Rehabilitation and Protecting Our Places	
1 Total area rehabilitated by the project in hectares (for new and/or ongoing work).	8 Area (in hectares) under management relating to specific issues eg weed control, revegetation, regeneration, erosion, salt, ASS, etc for new/ongoing work.
2 Length of riverbank treated for willow removal.	9 Number of species of weeds targeted.
3 Number of species for which habitats have been improved or enhanced (for plants, birds, animals and/or invertebrates).	10 Number of people trained in bush regeneration techniques.
4 Number of kilometres of fence erected.	11 Number of plants planted.
5 Number of threatened species/communities protected.	12 Number of kilometres of riparian zone that are rehabilitated through this grant.
6 Number of structures/weirs removed/modified from local waterways.	13 Number of management structures constructed to improve waterways.
7 Area of land cleaned up to improve environmental health (hectares).	14 Number of culturally significant sites protected from further degradation.
Eco Schools	
1 Number of students that directly participated in project activities.	3 Number of grades involved in the project.
2 Number of teaching/learning units that were developed/modified in this project.	4 Number of community-based participants (organisations and/or individuals).
Environmental Research	
1 Number of innovative technologies developed as a result of the research.	3 Number of post-graduate students involved in the project?
2 Number of conferences at which the research was presented.	4 Number of research publications on the results of the research project.
	5 Number of other presentations conducted on the research.
Environmental Education	
1 Who the target audience (TA) was for your project both intended and actual (approx % of each if more than one selected).	2 Project delivery methods used to engage TA(s)
<ul style="list-style-type: none"> ▪ General Community* ▪ Government (Local or state) ▪ Industry ▪ Retail/business ▪ Farmers 	<ul style="list-style-type: none"> ▪ Publications ▪ Workshops ▪ Seminars ▪ Events ▪ Field trips ▪ Training sessions
*If more targeted, you will be asked to identify specific target groups eg Men/women, seniors/youth/school students, singles/families, NESB/ATSI.	Note that additional information regarding these Educational Indicators is also required. See Generic KPIs above.

O16 [EC-OC] Northern Rivers Catchment Management Authority - Coastal Floodplain & ASS Tweed Floodgate Project IS56-0144

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The Northern Rivers Catchment Management Authority (NRCMA) has been funding modified floodgates to improve water quality and fish habitat in flood gated waterways. NRCMA has offered an additional \$20,000 grant to continue this work.

RECOMMENDATION:

That Council accepts the Northern Rivers Catchment Management Authority additional funding of \$20,000 to extend the work for the installation of fish-friendly tidal gates in the Terranora Broadwater and votes the funds.

REPORT:

The NRCMA has been funding modified floodgates to improve water quality and fish habitat in flood gated waterways. NSW Fisheries identified about 47 floodgates in the Tweed that would be suitable for this modification. In 2005 three fish-friendly floodgates were installed on the Tweed. The NRCMA has offered an additional \$20,000 to extend the work. Tweed Shire Council's application was successful and a contract offered (attached). This funding when leveraged with the Floodplain Project Officers time will result in the installation of at one more fish-friendly floodgates.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. NRCMA contract (DW 1360013)
-

**NORTHERN RIVERS
CATCHMENT MANAGEMENT AUTHORITY**

CONTRACT

**NAME OF PROJECT:
COASTAL FLOODPLAIN & ASS
TWEED FLOODGATE PROJECT**

**CONTRACT NO:
IS56-0144**

**CONTRACTOR/ORGANISATION:
TWEED SHIRE COUNCIL**

PROJECT SERVICES CONTRACT

Contractor Details

Name of contractor organisation: Tweed Shire Council

Address: PO Box 816 Murwillumbah NSW 2484

Australian Business Number: 90 178 732 496

Are you registered for GST? yes

Contact Person: Dr Marty Hancock

Address : PO Box 816 Murwillumbah NSW 2484

Phone: 02 66702440 **Fax:** 66702429

e-mail: mhancock@tweed.nsw.gov.au

Northern Rivers Catchment Management Authority

Authority's Representative: Michael Pitt

Address : PO Box 618, Grafton NSW 2460

Phone: (02) 66 42 0622 **Fax:** (02) 66 42 0640

e-mail: michael.pitt@cma.nsw.gov.au

Upon execution of this Contract by the Contractor and the Northern Rivers Catchment Management Authority, the Contractor agrees to perform the Project in strict accordance with the Project Specification set out Schedule 1, and any documents referred to therein, in consideration for which the Authority agrees to pay the Contractor the Contract Amount shown in Schedule 2, all subject to the terms and General Conditions of Contract and Special Conditions of Contract (if any), set out below.

Signed as an agreement by the Authority's Representative on the _____ **day**
of _____ 2006

Signed for & on behalf of the Authority

Signed for & on behalf of the Contractor

Signature _____

Signature _____

Name printed **Michael Pitt** _____

Name printed _____

Position **General Manager** _____

Position _____

1. Project

The Contractor shall:

- (a) ensure that the Project is performed in accordance with Schedule 1 and any Project Documents referred to therein and in accordance with the Special Conditions referred to herein;
- (b) ensure that the Project Timetable is observed;
- (c) ensure that the Project is performed by the groups/personnel (if any) who are proposed in the Project Documents;
- (d) comply with the Reporting Requirements;
- (e) report on or explain any aspect of the performance of works or other products delivered by the Contractor under the Contract, as requested by the Authority's representative;
- (f) comply with all negotiated directions and instructions issued by the Authority in relation to the Project, provided they are within the reasonable contemplation of the Project Documents;
- (g) use materials of suitable quality which are to be part of the work;
- (h) properly supervise and control the work of its employees/agents;
- (i) comply with all safety requirements notified to it by the Authority or required by law to be observed by the Contractor,

2. Payment of Contract Amount

Unless Schedules 2 or 4 provide for some other mechanism for payment of the Contract Amount, payment thereof shall be made by the Authority following the submission of tax invoices for work actually performed and/or expenses actually incurred and shall be accompanied by an itemised statement of same.

3. Contractor's Records

The Contractor must:

- (a) maintain financial receipt and expenditure details; Project related correspondence and other Project materials;
- (b) permit the Authority's officers and agents to inspect (and if necessary be supplied with copies of) all Contractor's accounts and other documents including any tender documents, relating to the Project; and
- (c) comply with all reasonable requests by the Authority for other information and particulars concerning the Project.

4a. Assignment

The Contractor agrees to undertake and complete the Project itself. This Contract is not assignable, except where a project document referred to in Schedule 1 identifies a subcontractor to perform certain project tasks. Where such name appears the Authority approves the use of such subcontractor(s) to perform such tasks.

4b. Change of Principal

If the Principal in this Agreement (i.e. the Authority) is reconstituted, renamed or replaced or if its powers or functions in respect of the performance of this Agreement are transferred to another entity, this Agreement is deemed to refer to that new entity as Principal.

5. Insurance

The Contractor, before commencing the Project, must hold or effect policies of insurance appropriate to the Project. Such policies of insurance shall cover:

- (i) Workers' Compensation;
- (ii) Public Liability insurance to an amount of AUD \$10 million and Voluntary Workers Insurance;
- (iii) loss of or damage to any component works being undertaken as a part of or comprising the Works, any temporary works and all materials, construction plant and other things that are brought onto the Work Location Site by or on behalf of the Contractor, to an insured amount not less than the Works Cost;

and promptly produce to the CMA evidence of the insurances held whenever requested to do so.

6. Responsibility for Project

- (a) The Project shall be undertaken at the Contractor's risk.
- (b) The Contractor shall not be liable for any instruction/directions, standards, criteria, professional structural works designs or benchmarks (policies) notified in writing by the Authority with which the Contractor must comply.

The nominated Contractor's Representative may be altered in accordance with Section 9 of this contract.

7. Failure to Perform the Project

- (a) If in the opinion of the Authority the Contractor has failed to perform the Project or strictly comply with its Reporting Requirements in accordance with this Contract (Schedule 5) the Authority may serve a notice on the Contractor specifying the term of the Contract or Project Document or Reporting Requirement not complied with.
- (b) If the Contractor fails to remedy any matter set out in such notice the Authority may, at its absolute discretion:
 - (i) withhold any payment of the Contract Amount or part thereof; or
 - (ii) terminate this Contract.

8. Delay

- (a) Should the Contractor become aware of anything that will or may cause the Project not to be completed by any completion date stated in the Project Specification or Project Timetable (Schedule 3) then the Contractor shall notify the Authority's Representative immediately and submit in writing a request for an extension of the time for completion.
- (b) Should the Contractor fail to proceed with the Project promptly, or, without the approval of the Authority, suspend the progress of the Project or abandon the Project, the Authority may terminate the Contract. Notwithstanding this, which includes an attempt to resolve the issue by both parties, the Authority reserves the

right to terminate the Contract if the Project is not completed by the completion date.

9. Variations

Where it is proposed by either party to make a variation to the Project Specifications, that party shall notify the other in writing. Work on the variation(s) shall not proceed until both parties have approved the variation(s) and the Schedules have been amended in accordance with the approval.

10. Cost Overruns

The Authority will not pay any amount in addition to the Contract Amount set out in Schedule 2 unless prior approval for such payment, in writing, is obtained from the Authority. Such approval may be given or withheld in the Authority's absolute discretion and if given may be subject to conditions.

11. Termination

- (a) Either party may terminate the whole or any part of this Contract at any time by 28 days written notice addressed to the Contractor or Authority and such termination shall not expose either party to any claim for damages by reason of that termination.
- (b) Upon any termination of this Contract, the Authority will only be liable to pay the Contractor for work satisfactorily completed at the date of termination and the Contractor is to return any over-payment. The Authority may request the Contractor in writing to repay such over-payment, together with interest at the District Court debt rate for the time being. If the Contractor fails to repay all money and interest, the Authority may recover them in any appropriate court as a debt due to the Crown.
- (c) Nothing herein shall affect either party's common law rights to terminate the Contract on account of a repudiation by either party and recover damages.

12. Service of Notices

Any written notice or demand provided for in this Contract may be served on the Contractor by ordinary prepaid post, facsimile or e-mail to the Contractor Contact's address shown on the face of this Contract.

13. Authority's Representative

The Authority's Representative nominated under this Contract shall have the following duties:

- (a) oversee the performance of the Contractor under this Contract;
- (b) serve any notice referred to in the Contract;
- (c) receive and consider reports to be provided by the Contractor under this Contract;
- (d) maintain liaison (including considering reasonable requests) with the Contractor under the provisions of this Contract and otherwise act for the Authority hereunder.

14. Publicity

The Contractor acknowledges and agrees that all publicity releases, media and like announcements with respect to the Project will be provided to the Authority at the time of distribution.

The Contractor agrees to actively acknowledge and promote the Authority's contribution and support to the project.

The Contractor must ensure that any communication activity, including publications, articles, newsletters, field days and signs relating to the project, acknowledges that it has received Australian and NSW Government funding and displays the agreed generic logos or branding where possible.

15. Goods and Services Tax

- (a) In this clause the expressions "consideration", "GST", "GST Law", "recipient", "supply", "adjustment note", "adjustment event", "input tax credit" and "tax invoice" have the meanings given to those expressions in the A New Tax System (Goods and Services Tax) Act 1999. A reference to a party to this Contract includes a reference to that party's "representative member" as defined in the above Act.
- (b) The Contractor may recover from the Authority any GST payable in relation to this Contract. The amount of any GST shall be paid at the same time as the consideration is paid for the supply to which it relates.
- (c) Unless expressly stated otherwise, the contract amounts or other consideration specified payable from the Authority to the Contractor are inclusive of GST at the GST rate prevailing at the Contract date. If the GST rate is varied during the currency of the Contract, the GST inclusive amount may be varied to reflect those changes.

In the imposition of GST or any subsequent change in the GST law is accompanied by an abolition or reduction in any existing taxes, duties, excises or statutory charges the consideration payable by the Authority shall be reduced by the same proportion as the reduction in the Contractor's cost. The Authority may request that the Contractor provide it with all reasonable evidence necessary to demonstrate compliance with this clause.

All invoices or claims submitted by the Contractor under this Contract will be accompanied by a tax invoice. The Authority is not required to pay any amount on account of GST until this requirement has been complied with.

- (d) Where an adjustment event occurs in relation to any supply under this Contract, the supplier must provide an adjustment note to the other party within 14 days after that adjustment event.
- (e) To the extent the Authority is liable under this Contract to reimburse the Contractor for any costs that the Contractor has incurred with a third party, the Authority will only be liable to reimburse the Contractor for the amount of those costs less any input tax credit the Contractor is entitled to.

If the GST applies to any supply made by the Authority under this Contract, the Contractor will pay an amount on account of that GST liability to the Authority within 14 days of being provided with a tax invoice.

Unless expressly stated otherwise all monetary specification limits (eg insurance) in the Contract are exclusive of GST.

16. Intellectual Property

- (a) Subject to any agreement between the Authority and the Contractor to the contrary, the title to and intellectual property rights in any material arising from the Contractor's performance of the Contract vests solely upon its creation in the Contractor.
- (b) The Contractor grants to the Authority non-exclusive, perpetual, royalty free licence (including a right to sub-licence) to use such material.
- (c) Clause 16(b) will not affect any pre-existing IP rights of any material, information or services provided by any party. Where this contract generates or provides

material containing pre-existing IP material and a right to pre-existing material cannot be licenced, the licence as a minimum must enable the Authority to make contract material available to third parties and/or in the public domain. By signing this agreement, the contractor agrees to such a minimum licence.

- (d) Crown copyright rules apply to material developed by or on behalf of the Crown. For example, data collected or derived from existing State held data will remain considered Crown copyright.
- (e) The Contractor must provide data products which comprise or are a component of the Contract Material with metadata (documentation about data) that meets the most recent standards specified by ANZLIC (www.anzlic.org.au) – the Spatial Information Council.

17. Privacy

Both parties agree to comply with the Information Privacy principles set out in section 14 of the Privacy and Personal Information Protection Act 1998 and to comply as far as practicable with any policy guidelines set down by the Authority relating to the handling of personal information.

18. Dispute Resolution

Any dispute or difference ("dispute") arising out of or in connection with this contract must be resolved as follows:

- (a) The parties will cooperate with each other and use their best endeavours to resolve by mutual agreement any differences between them and all other difficulties which may arise from time to time relating to this Contract.
- (b) If a dispute is not resolved through the above procedure the parties must then refer the dispute to mediation by a qualified Mediator agreed to by the parties.
- (c) The Mediation Referral commences when any party gives written notice to the other(s) specifying the dispute and requiring its resolution under this clause.
- (d) Each party must continue to perform this Contract notwithstanding the existence of a dispute or any proceedings under this clause.

19. Key Persons

- (a) The contractor must use its best endeavours to ensure that where persons are named either in the application or work plan, those individuals are engaged in the performance of the role identified.
- (b) The contractor shall notify the Authority immediately if a person named in the documents ceases to be engaged in the performance of the role and shall forthwith provide details of similarly qualified or experienced substitutes for that person.
- (c) Any substitute for a person named must be approved by the Authority before commencing work, however in this regard the Authority must not unreasonably withhold its approval.
- (d) If the Authority does not approve of a substitute or if no substitute is put forth by the Contractor for approval then the Authority may regard the Contractor as in default of this agreement.

20. Term of Agreement The term of this agreement shall be for the period specified in Schedule 3 – Project Timetable

SPECIAL CONDITIONS

SCHEDULE 1 – PROJECT SPECIFICATION

Project Description

The Project will facilitate through on-ground works and extension outcomes the active management of North Coast floodgated drains and floodplains. Active management of floodgated drains involves modifications and maintenance of floodgates and the installation of upstream water level controlling structures to reduce the impact of overdrainage. On-ground works to facilitate active management of the floodplains include upstream structures to prevent low-lying areas from overtopping with tidal water, drain shallowing, rehabilitation of ASS scalds and the reintroduction of natural wetting and drying cycles, utilising seasonally ponded freshwater and the re-establishment of native wetland species. Other floodplain on-ground works include the provision of off-stream watering points and fencing of waterways from livestock.

Project Outcomes

The following outcomes should be delivered within in the project area, through implementation of the **Project Work Plan** attached as **Appendix 1**:-

1. Increased number of floodgate(s) modified, maintained and actively managed.
2. Increased area of floodplain landscape under active management
3. Increased number of landholders and increased community awareness and understanding of ASS/NRM sustainable management Practices of the floodplain.

Project Outputs

- One floodgates modified, maintained and actively managed
- Additional 100ha of floodplain landscape under active management
- One media release highlighting the project outcomes

SCHEDULE 2 – CONTRACT AMOUNT

A total amount of \$ 20,000 (+ \$2,000 GST) will be paid to the Contractor by the Authority to satisfactorily complete the project by delivering the Project Outcomes as specified in **Schedule 1**, according to the Project Work Plan.

SCHEDULE 3 - PROJECT TIMETABLE

Start Date: The date the Contract is signed by the Authority's Representative.

Completion date: June 30 2006

SCHEDULE 4 - PAYMENT SCHEDULE

Payment will be available in 4 instalments as follows:

Payment 1 – Following the contract being signed by both parties a payment of 80% of the total contract amount \$16,000(+ \$1,600 GST) will be processed. The payment will be based on the contractor's tax invoice, which must accompany the signed contract forwarded to the Authority.

Payment 2 – Upon satisfactory acceptance of a Final Report a payment of 20% of the total contract amount \$4,000 (+ \$ 400 GST) will be processed. The payment will be based on the contractor's tax invoice, which must accompany Progress Report 1.

All tax invoices (made out to the Northern Rivers Catchment Management Authority) should be addressed to:

Simon Proust
Northern Rivers Catchment Management Authority
PO Box 1417
COFFS HARBOUR NSW 2450

SCHEDULE 5 – REPORTING REQUIREMENTS

Final Report

The Contractor is required to provide the Authority's Representative with a Final Report in both electronic and hard copy form. Visual presentation of information, where relevant, as maps, graphs, figures and photographs, is desirable in the Final Report. Utilising the **Appendix 3** template the Final Report should include the following –

1. Project Administration
2. Summary of Project Outputs
3. Final Report – Project Work Plan – a fully completed project workplan including Project Tasks, Outputs and Achievements.
4. Final Report – Financial Information – an auditable financial record of the project, including in-kind contributions and additional funds obtained
5. Final Report – Project Evaluation - an evaluation of the project including achievement of outcomes, identification of any problems, further work required, and any recommendations to improve future projects.
6. Declaration
7. Copies of photos, maps, publicity releases and communications material produced throughout the project.

The **Final Report** including final invoice is to be forwarded to the above Project Contact. A copy of the final report is also to be forwarded to the General Manager at PO Box 618, Grafton, 2460.

North Coast Catchment Management Blueprint Reporting System

The contractor will record, by the Completion date (Schedule 3), spatial data, ownership details, relevant biophysical attributes as well as management activities and outputs for all on-ground works, in the North Coast Catchment Management Blueprint Reporting System.

Unsatisfactory Reports

If project progress or any report is deemed to be unsatisfactory by the Authority, the Contractor will be contacted by the Authority's Representative to discuss areas of concern and appropriate action. Reports should then be amended and resubmitted on a date agreed to by both parties.

Appendix 1: Project Work Plan

Project Work Plan

Project Title: Coastal Floodplain & ASS Management - Tweed Floodgate project

Project Tasks	Project Outputs*	DATE ACHIEVED BY:	Responsibility
Based on priority sites identified in NSW Fisheries report (Huegill & Riches 2000) & in consultation with landholders identify potential sites for modification of floodgates. Examples of sites with high priority include: <ul style="list-style-type: none"> • Quanes Trust Drain • Chinderah FG#103 • Tygalgah FG#28 	Priority sites identified and preferred designs for modification determined.	March 2006	TSC Floodplain Officer NSW Fisheries Landholders
Consult with landholders on design options for modifying floodgates	Preferred floodgate design confirmed	March 2006	TSC Floodplain Officer Landholders
Plan the installation of modified floodgates	Installation plans completed, works programmed, including DPI approval	April 2006	TSC Floodplain Officer NSW Fisheries Landholders
Install and maintain modified floodgates and set water levels in consultation with landholders	A minimum of 1 modified floodgates fitted	June 2006	TSC Floodplain Officer Landholders
Develop floodgate management plans for modified floodgates and associated drainage system	A minimum of 1 new drainage systems and 100 ha under active management	June 2006	TSC Floodplain Officer Landholders
Monitor environmental effects of modified floodgates on water quality and aquatic vegetation	Monitoring program for each site, including photographic record implemented	June 2006	TSC Floodplain Officer Landholders
Prepare and lodge reports	Final report lodged	June 2006	TSC Floodplain Officer

Project Budget

Project Name: Coastal Floodplain & ASS Management Project
(Fast Track Funding - Tweed Floodplain)

	NHT Funds	NLP Funds	Proponent Contribution	Landholder Contribution	Total
INCOME (all sources of investment)					
Funds Received 2004/05	20,000		600	1000	21,600
Total	20,000		600	1000	21,600
EXPENDITURE (all costs associated with the project)					
Travel/vehicle expenses (0.25 of vehicle costs)			600		600
Administration Costs (office expenses etc)	3,000				3,000
Consultation with landholders, design selection, development of management plans and coordination of on ground works	3,000				3,000
Monitoring, Evaluation & Reporting	1,500				1,500
1 modified floodgates	12,500				12,500
Total	20,000		600	1000	21,600

APPENDIX 2
PROGRESS REPORT FOR CMA PROJECTS
Northern Rivers Catchment Management Authority
Progress Report No

1. Project Administration

In the table below please provide the relevant information as it appears in the Contract

Project Title				
Contract No.		CMA Contact officer -		
Name Of Contracted Organisation				
Contact Address				
Contact E-mail				
Project Manager				
	E-mail		Ph:	Fax:
Project Duration	Start Date		Finish Date	

2. Project Description

Provide a brief description of the Project including the objectives as set out in Schedule 1 of the Contract

3. Comments on Project progress

Provide an overall statement on; Contract/ project progress to date; any relevant problems or impediments to project implementation; the status of your project spatial reporting in the Blueprint Reporting System Database (It is a condition of the contract that project site information is recorded spatially).

4. PROJECT TASKS AND OUTPUTS

Please provide information on the overall achievements of your project to date, as outlined in the agreed Contract Work Plan.

- In the table below, list/paste all Project Tasks, Outputs & Target dates in the same order as they appear in the Contract Workplan - up to the completion date for this progress report (also include any project tasks that have been started/completed from the next stage/s of the contract

Project Tasks	Project Outputs	Target date:	Achievement to date, including an est. of % of output achieved	Comments ie expected delays
Modification of floodgate & implementation of associated floodplain onground ASS mitigation works <div style="text-align: center; font-size: 2em; border: 1px solid black; padding: 5px; display: inline-block;">EXAMPLE</div>	1. Floodgate at headworks modified 2. Upstream works – drain shallowing & implementation of water controlling devise 3. Offstream watering points & fencing waterways	1/7/05	floodgate headwork's complete 30% of works complete	The project is dependent on dry weather
Totals	N/A	Estimated Overall % of project completed		

5. Participation

List major groups and partnerships that have been forged/engaged in this project.

Name of Group/Partnership	Type of Involvement	Number of Participants
<i>Examples:</i> <i>Landowners</i>	<i>Examples:</i> <i>- on-ground & planning</i>	<i>Examples:</i> <i>8</i>
<i>Local Govt reps</i>	<i>- steering group & cash contributions</i>	<i>4</i>
<i>Community groups</i>	<i>- training events</i>	<i>2 groups X12 individuals</i>

6. Project Publicity

List media coverage the project has generated ie newsletters, local press, radio interviews.

7. Declaration:

I declare that I am an authorised representative of the recipient organisation, that the information given on this form is complete and correct, and that expenditure of funds paid under the Contract has been solely on the project and in accordance with the terms of the Project Services Contract.

Name (please print)		
Position in Organisation		Phone E-mail
Signature		Date

Name (please print)		
Position in Organisation		Phone E-mail
Signature		Date

Once completed, please submit this Progress report and any accompanying /supporting information to the following NRCMA Contact person by the due date:

Insert CMA Contact Officer details here:

Name Simon Proust
Position Catchment Co-ordinator
Address PO Box 1417, Coffs Harbour 2450
Phone (02) 66 530111
Fax (02) 66 523936
E-mail simon.proust@cma.nsw.gov.au

Office use only

CMA contact officers Comments/Recommendation

Signed
Date

Appendix 3

FINAL REPORT FOR CMA PROJECTS Northern Rivers Catchment Management Authority (NRCMA)

1. Project Administration

In the table below please provide the relevant information as it appears in the Contract

Project Title			
Contract No.		CMA Contact officer -	
Name Of Contracted Organisation			
Contact Address			
Contact E-mail			
Project Manager			
	E-mail	Ph:	Fax:
Project Duration	Start Date		Finish Date

2. Summary of Project Outputs

Target

Achieved

	Target	Achieved
No of properties benefited from onground works		
No of landholders participated in extension activities (ie workshops/field days/onsite visits)		
No of management/action/farm plans developed		
Area (Ha, Kms) treated as result of project		
Have the project outputs been entered into the Blueprint Reporting System (BRS)		

Additional comments;

4. Final Report - Financial Information

Project Name/ Number: _____

Date: _____

	NHT Investment	State Investment	Proponent Contribution	Landholder Contribution	Local Govt Contribution*	TOTAL
INCOME (all sources of investment)						
Funds Received (and date)						
TOTAL						
EXPENDITURE (all costs associated with the project)						
Employment Costs (Salaries, travel/vehicle allowance etc)						
Administration Costs (office expenses etc)						
Education & Awareness						
Monitoring & Evaluation						
On-ground Works						
Other (define)						
TOTAL						
Funds Remaining						

* Outline all other contributions

5. Final Report - Project Evaluation

5.1 Achievement of Outcomes – address each outcome explaining what level of achievement was reached

Outcomes (paste from Schedule 1)	Level of Achievement/Comment

5.2 Identify any problems experienced while undertaking the Project

6. Project Partnerships

List NRM partnerships that have been forged/engaged in the project

7. Project Publicity

List media coverage or any other publicity the project has generated.

8. Declaration:

I declare that I am an authorised representative of the recipient organisation, that the information given on this form is complete and correct, and that expenditure of funds paid under the Contract has been solely on the project and in accordance with the terms of the Project Services Contract.

Name (please print)		
Position in Organisation		Phone E-mail
Signature		Date

Name (please print)		
Position in Organisation		Phone E-mail
Signature		Date

Once completed, please submit this Progress report and any accompanying /supporting information to the following NRCMA Contact person by the due date:

Insert CMA Contact Officer details here:	
Name	Simon Proust
Position	Catchment Co-ordinator
Address	PO Box 1417, Coffs Harbour 2450
Phone	(02) 66 530111
Fax	(02) 66 523936
E-mail	simon.proust@cma.nsw.gov.au

Office use only

CMA contact officers Comments/Recommendation

Signed Date

O17 [EC-OC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

That Council:-

- 1. Waives the fee for the use of the Murwillumbah Civic Centre Auditorium for the Returned and Services League of Australia (Murwillumbah Branch) for 25 April 2006 and provides 200 chairs for use at the Murwillumbah Remembrance ceremony.**
- 2. Provides a 50% reduction for the Tweed Heads branch of the Police & Community Youth Clubs and the Tweed Valley Jazz Club for use of the Kingscliff Amenities Hall and the Murwillumbah Civic Centre Auditorium respectively.**

REPORT:

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

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
The Returned and Services League of Australia	Waive fee for use of Murwillumbah Civic Centre Auditorium if required for ANZAC Day ceremony. Use of 200 chairs for spectators at ANZAC Day ceremony	192.00	The Returned and Services League of Australia has requested in-kind support from Council in the holding of the annual ANZAC Day ceremony adjacent to the Murwillumbah Civic Centre. The request is for use of the Murwillumbah Civic Centre Auditorium if the weather is inclement and the use of 200 spectator chairs for aged and disabled.	Yes. Council has provided assistant in past years for the event.
Tweed Heads Branch of Police & Community Youth Clubs	Waive fee for hire of Kingscliff Amenities Hall to conduct the "Girlfriends" Program.	102.00	The Tweed Heads Branch of PCYC has requested the waiving of the hire fee for Kingscliff Amenities Hall to conduct a program aimed at Youth which includes crime prevention, drug and alcohol, anger management, self esteem, nutrition/cooking, hygiene, sexual health, first aid and relationships. The booking is for a 12 week period each Thursday from 9.30am to 2.00pm.	Yes for a 50% reduction.
Tweed Valley Jazz Club Inc	Waive the fee to hire the Murwillumbah Civic Centre Auditorium for music workshop.	192.00	Tweed Valley Jazz Club Inc request that the fee be waived to hire Murwillumbah Civic Centre Auditorium to conduct a music workshop for 300/400 high school students on 31/3/06. There is no charge for students to attend as the workshop is totally funded by the Jazz Club.	Yes for a 50% reduction.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

POLICY IMPLICATIONS:

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

Festivals Policy.

Donations Policy.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Correspondence from Returned and Services League of Australia (DW 1343450)
 2. Correspondence from Tweed Heads Branch of PCYC (DW 1347998)
 3. Correspondence from Tweed Valley Jazz Club Inc (DW 1348607)
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THE RETURNED AND SERVICES LEAGUE
OF AUSTRALIA

PRESIDENT D B SIMS JP

NEW SOUTH BRANCH INCORPORATED
"the price of liberty is eternal vigilance"

MURWILLUMBAH sub branch

PO B ox 4

HON TRES L A BAWDEN JP

MURWILLUMBAH 2484

HON SEC K J CHEETHAM MBE RFD JP
February 7, 2006

Ph & Fax 02 6667 26109

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah 2484

Dear Sir,

MURWILLUMBAH ST
ROADS CLOSURES TEMP.

TWEED SHIRE COUNCIL	
FILE No	<i>CEREMONIES ANZAC</i>
DOCUMENT No	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
RECD	10 FEB 2006
ASSIGNED TO	<i>B. BAWDEN</i>
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

DPY

This sub branch will be holding its annual ANZAC Day service and ceremony on Tuesday 25th, April, 2006

As usual we are requesting your approval and assistance for the ceremony to be held at the War Memorial in the Civic Park.

Enclosed please find copies of submissions as requested by the RTA

To carry out our ceremony we will require the area immediately in front of the Cenotaph to be cordoned off for our main and dawn service. We will also require barriers to be placed at each entrance to car park. We will provide attendants at each barrier.

We have been offered tents to provide shelter from the sun for the older citizens and therefore request approval to raise them on the day. If the weather is inclement permission is requested for the Civic Centre to be prepared and made available for our main service.

If you will provide the name of a contact person for access to a key to the Civic Centre, we will liaise with him/her.

We have found over the past years that due to the age of participants and spectators that chairs are also required for about 200 people. We will set up and replace the chairs if access to the Civic Centre is available.

Timings for the ceremonies are,

a. Dawn Service 5.30a.m

b. Main Service at Cenotaph 10.40a.m.

As in the past we look forward to your co-operation and a favourable reply.

Yours sincerely,

Keyin Cheetham
Hon. Sec.

Schedule 1 Form - Notice of Intention to Hold a Public Assembly

SUMMARY OFFENCES ACT 1988 - Sec 23

To the Commissioner of Police

1	<p>I <u>DEREK SIMS</u> (name)</p> <p>of <u>42 HALL DRIVE MURWILLUMBAH</u> (address)</p> <p>on behalf of <u>MURWILLUMBAH RSL SUB BRANCH</u> (organisation)</p> <p>notify the Commissioner of Police that</p> <p>on the <u>25</u> (day) of <u>04</u> (month), <u>06</u> (year), it is intended to hold</p> <p>either:</p> <p>(a) a public assembly, not being a procession, of approximately (number) persons, which will assemble at (Place) at approximately am/pm, and disperse at approximately .. am/pm</p> <p>OR</p> <p>(b) a public assembly, being a procession of approximately <u>600+</u> (number) persons, which will assemble at approximately <u>10</u> am/pm and at approximately <u>030</u> am/pm the procession will commence and shall proceed <u>BRISBANE ST MAIN ST (MURWILLUMBAH ST) TO WAR</u> <u>MEMORIAL OFF TUMBULGUM RD</u></p> <p><small>(Specify route, any stopping places and the approximate duration of any stop; and the approximate time of termination. A diagram may be attached.)</small></p>
2	<p>The purpose of the proposed assembly is.. <u>TO COMMEMORATE</u> <u>ANZAC DAY</u></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

3 The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly (strike out whichever is not applicable)

(i) There will be 10 (number) of vehicles and/or..... (number) of floats involved.
 The type and dimensions are as follows:
TO CARRY DISABLED VETERANS TAXIS &
VINTAGE CARS.

(ii) There will be 1 (number) of bands, musicians, entertainers, etc. which will entertain or address the assembly.

(iii) The following number and type of animals will be involved in the assembly:

(iv) Other special characteristics of the proposed assembly are as follows.
ANZAC DAY MARCH

4 I take responsibility for organising and conducting the proposed assembly.

5 Notices for the purposes of the Summary Offences Act 1988 may be served upon me at the following address:
42 HALL DRIVE
MURWILLUMBAH
NSW 2484 Postcode.
 Telephone No. 02 66721498

6 Signed [Signature]
 Capacity/Title PRESIDENT
 Date 09/02/06

Special Event Resources

Special Event Transport Management Plan Template

Refer to Chapter 7 of the Guide for a complete description of the Transport Management Plan

1 EVENT DETAILS

1.1 Event summary

Event Name ANZAC DAY MARCH
Event Location MURWILLUMBAH BRISBANE ST TO WAR MEMORIAL
Event Date 25/04/06 Event Start Time 10:00 Event Finish Time 11:15
Event Setup Start Time 10:00 Event Packdown Finish Time 11:30
Event is off-street on-street moving on-street non-moving
 held regularly throughout the year (calendar attached)

1.2 Contact names

Event Organiser * DEEER SIMS
Phone 0266724008 Fax 66724008 Mobile — E-mail —
Event Management Company (if applicable) NA
Phone . Fax . Mobile E-mail . .
Police MURWILLUMBAH POLICE
Phone .. Fax Mobile . . . E-mail
Council TWIBED SHIRE COUNCIL
Phone .. Fax . Mobile .. E-mail
Roads & Traffic Authority (if Class 1) ..
Phone .. Fax . Mobile .. E-mail ..

*Note. The Event Organiser is the person or organisation in whose name the Public Liability Insurance is taken out.

1.3 Brief description of the event (one paragraph)

ANZAC DAY MARCH OF VETERANS AND PARTICIPATING SCHOOLS.

2**RISK MANAGEMENT - TRAFFIC**CLASS 2
CLASS 3**2.1 Occupational Health & Safety - Traffic Control**

- Risk assessment plan (or plans) attached

2.2 Public Liability Insurance

- Public liability insurance arranged Certificate of currency attached

2.3 Police

- Police written approval obtained **HAS BEEN REQUESTED**

2.4 Fire Brigades and Ambulance

- Fire brigades notified
 Ambulance notified

3**TRAFFIC AND TRANSPORT MANAGEMENT**CLASS 2
CLASS 3**3.1 The route or location**

- Map attached

3.2 Parking

- Parking organised - details attached
 Parking not required

3.3 Construction, traffic calming and traffic generating developments

- Plans to minimise impact of construction activities, traffic calming devices or traffic-generating developments attached
 There are no construction activities, traffic calming devices or traffic-generating developments at the location/route or on the detour routes

3.4 Trusts, authorities or Government enterprises

- This event uses a facility managed by a trust, authority or enterprise, written approval attached
 This event does not use a facility managed by a trust, authority or enterprise

3.5 Impact on/of Public transport

- Public transport plans created - details attached
 Public transport not impacted or will not impact event

3.6 Reopening roads after moving events

- This is a moving event - details attached
 This is a non-moving event.

3.7 Traffic management requirements unique to this event

- Description of unique traffic management requirements attached
 There are no unique traffic requirements for this event

3.8 Contingency plans

- Contingency plans attached

Class 2

3.9 Heavy vehicle impacts

- Impacts heavy vehicles - RTA to manage
- Does not impact heavy vehicles

3.10 Special event clearways

- Special event clearways required - RTA to arrange
- Special event clearways not required

4

MINIMISING IMPACT ON NON-EVENT COMMUNITY & EMERGENCY SERVICES

CLASS 3

4.1 Access for local residents, businesses, hospitals and emergency vehicles

- Plans to minimise impact on non-event community attached
- This event does not impact the non-event community either on the main route (or location) or detour routes

4.2 Advertise traffic management arrangements

- Road closures or restrictions - advertising medium and copy of proposed advertisements attached
- No road closures or restrictions but special event clearways in place - advertising medium and copy of proposed advertisements attached
- No road closures, restrictions or special event clearways - advertising not required

4.3 Special event warning signs

- Special event information signs are described in the Traffic Control Plan/s
- This event does not require special event warning signs

4.4 Permanent Variable Message Signs

- Messages, locations and times attached
- This event does not use permanent Variable Message Signs

4.5 Portable Variable Message Signs

- The proposed messages and locations for portable VMS are attached
- This event does not use portable VMS

CLASS 2

5

PRIVACY NOTICE

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, the NSW Roads and Traffic Authority (RTA), or Local Government.

I declare that the details in this application are true and complete. I understand that:

- The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document.
- I must supply the information under the Road Transport Legislation (as defined in the *Road Transport (General) Act 1999*) and the *Roads Act 1993*
- Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding
- The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information"
- The "personal information" held by the Police, RTA or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event.
- The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation

6 APPROVAL

TMP Approved by Event Organiser Date

7 AUTHORISATION TO *REGULATE TRAFFIC

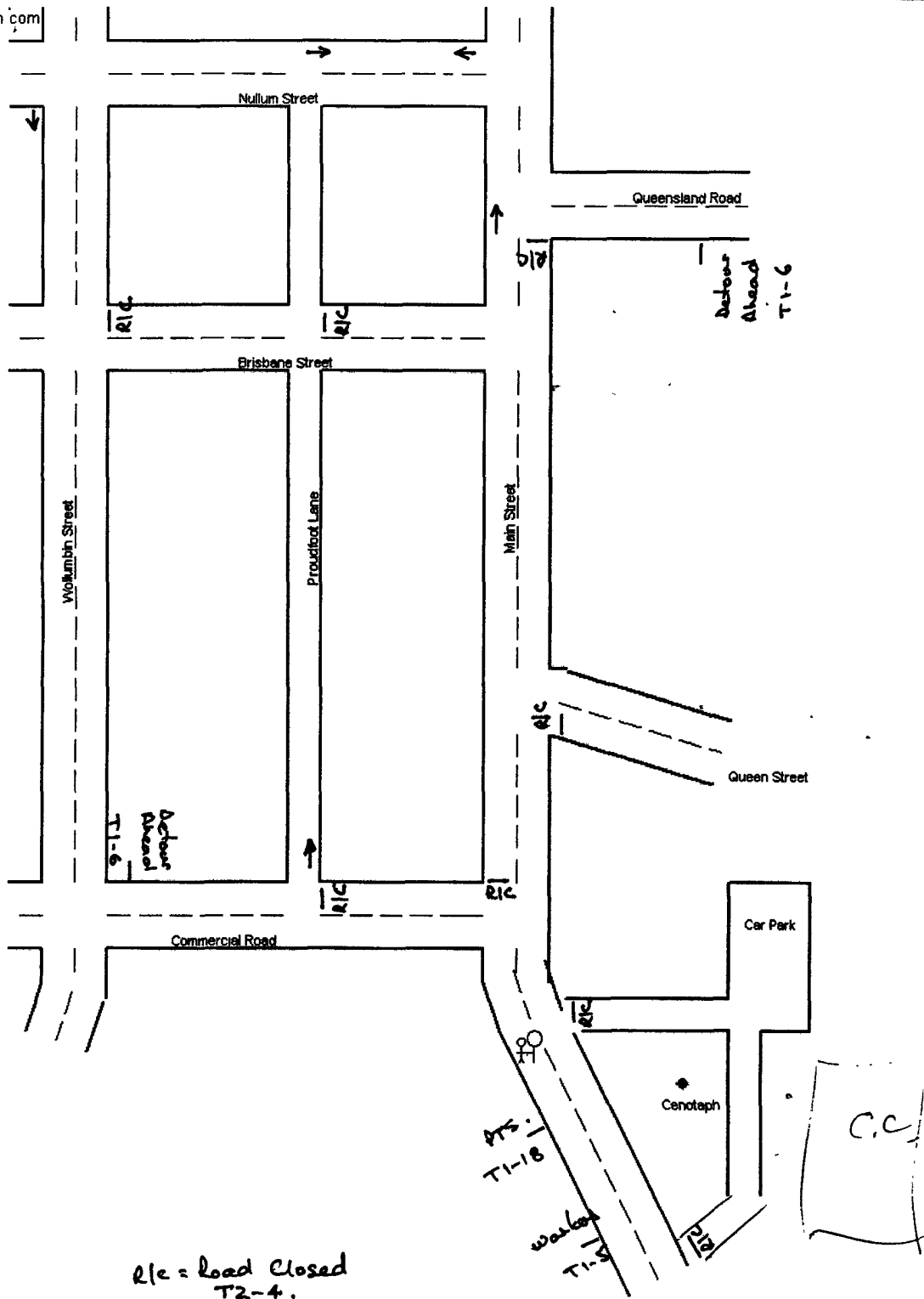
Council's traffic management requirements have been met. Regulation of traffic is therefore authorised for all **non-classified roads** described in the risk management plans attached to this TMP

Regulation of traffic authorised by Council Date

The RTA's traffic management requirements have been met. Regulation of traffic is therefore authorised for all **classified roads** described in the risk management plans attached to this TMP

Regulation of traffic authorised by RTA Date

* "Regulate traffic" means restrict or prohibit the passage along a road of persons, vehicles or animals (Roads Act, 1993). Council and RTA require traffic to be regulated as described in the risk management plans with the layouts installed under the direction of a qualified person



R/C = Road Closed
T2-4.

Temporary Road Closure
Main Street ~~Sunday~~ ^{TUESDAY} 25/4/06
For Anzac March.

COVER SUMMARY

CLIENT	INSURER	07.03.05
Mr K Cheetham Murwillumbah RSL Sub-Branch PO Box 4 MURWILLUMBAH NSW 2484	CGU Insurance Limited GPO Box 244 SYDNEY NSW 2001	

CLASS OF RISK	PERIOD OF INSURANCE
Legal Liability	From: 4.00 pm on 31st March 2005 To : 4.00 pm on 31st March 2006
Policy No 10M7431902	Our Ref SAB NSW M2295 0004186/001

COVER SUMMARY This summary is not your Insurance Policy Document. For complete details of cover provided by your policy - including Terms, Conditions, Exclusions, Limits of Liability, Claims Excess, and/or Deductibles please refer to the Insurers policy wording.

- SCOPE OF COVER : The Insured's Legal Liability to pay compensation in respect of Personal Injury and/or Property Damage arising out of or in conjunction with the Insured's Business or Products, occurring within the Policy Geographical Limits.
- INSURED : Murwillumbah RSL Sub-Branch & Women's Auxiliary and/or its/their subsidiary and/or related corporations, as defined in the Corporations Law (including those acquired or incorporated during the Period of Insurance).
- BUSINESS DESCRIPTION : Principally Charity & RSL Administration & Property Owner and any other occupation incidental thereto or associated therewith, including ownership and/or occupation of premises.
- GEOGRAPHICAL LIMITS : Anywhere in the world except the United States of America and Canada where this Policy shall only apply in respect of:
 - (a) travelling executives and/or salespersons who are non-residents in such countries; and
 - (b) claims in respect of Personal Injury and/or

COVER SUMMARY

Page No. 2

Murwillumbah RSL Sub-Branch
(SAB NSW M2295 8004186/001)

Property Damage caused by or arising out of Products which, without the knowledge of the Insured and/or of the Insured's agents and/or of the Insured's servants, are exported by others to such countries.

SITUATION : Principally Murwillumbah and elsewhere in Australia where the Insured carries on Business

LIMITS OF LIABILITY : PUBLIC LIABILITY
Limit of Liability any one Occurrence \$ 10,000,000

PRODUCTS LIABILITY
Aggregate Limit of Liability any one Period of Insurance \$ 10,000,000

PROPERTY IN THE CARE CUSTODY OR CONTROL \$ 100,000

EXCESS : \$ 500 Property Damage Only
\$ 500 Property in Care Custody or Control

POLICY WORDING : Subject to Insurers Standard Policy Wording

ADDITIONAL POLICY EXTENSIONS : Nil

POLICY EXCLUSIONS : Subject to Insurers Standard Policy Exclusions

ADDITIONAL POLICY EXCLUSIONS : Terrorism Exclusion
Electronic Data Recognition Exclusion
GST Endorsement
Asbestos Exclusion Amendment Endorsement

PLEASE REVIEW THE ABOVE SUMS INSURED TO AVOID POSSIBLE FINANCIAL LOSS DUE TO UNDER INSURANCE

INSURER	POLICY NUMBER	PROPORTION
CGU Insurance Limited A.B.N. 27 004 478 371	10M7431902	100.0000%



CHARITIES
TWEED SHIRE COUNCIL
FILE No. KINGSCLIFF AMENITIES HALL
DOCUMENT No. [] [] [] [] [] [] [] []
RECD 20 FEB 2006
ASSIGNED TO EDWARDS, G
HARD COPY IMAGE

The General Manager
Tweed Shire Council
Murwillumbah

17/2/06

Dear Sir

The Tweed Heads PCYC has received funding through NSW Department of Tourism, Sport and Recreation to conduct our third "Girlfriend Program". This is a self care program to enhance the participants self esteem. They engage in sessions which include crime prevention, drug and alcohol, anger management, self esteem, nutrition/cooking, hygiene, sexual health first aid and relationships.

Due to renovation and extensions of the PCYC building we are unable to conduct programs here so we have booked the Community Hall in Kingscliff. The program is over a 12 week period and is held each Thursday from 9.30am – 2pm. We have the hall booked from 23 March until 22 June, 06. The program breaks during school holidays.

As we are a registered charity we are asking that Council may waiver the hiring fee which will enable more resources to be utilized in this valuable youth support program.

Any assistance you can give would be very much appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jan Wilkinson'.

Jan Wilkinson
Senior Constable



TWEED VALLEY JAZZ CLUB INC

The General Manager,
Tweed Shire Council
P.O. Box 816,
MURWILLUMBAH 2484

TWEED SHIRE COUNCIL	PO B6x 5147, South Murwillumbah 2484
FILE No CIVIC CENTRE	- MIBAH -
DOCUMENT No	■■■■■■■■
RECD	21 FEB 2006
ASSIGNED TO	EDWARDS, G
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

HIRE

Dear Sir, **COMBINED HIGHSCHOOLS WORKSHOP**

Our club has booked the Civic Centre for the morning of Friday 31st. March,06 from 9 AM to 1 PM. For the purpose of conducting a music workshop for highschool students.

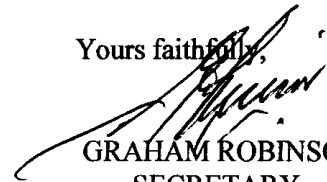
The workshop will be conducted by John Hoffman with his band of University students and we anticipate some 3/400 students to attend from all over the Tweed..

In line with our usual policy the workshop is funded totally by the Jazz Club and there is no charge for attending students/teachers.

It would therefore be greatly appreciated if you could waive the hiring fee in this instance.

I look forward to your favourable response.

Yours faithfully,



GRAHAM ROBINSON
SECRETARY

O18 [EC-OC] Illegal Vegetation Clearing

ORIGIN:

Environment & Health

SUMMARY OF REPORT:

Tweed Shire Council officers originally became aware of a significant encroachment and illegal clearing of community land as part of construction of a private residence.

This matter has now been resolved with the co-operation of the landowners. A good result was obtained and it sends a very clear message to shire residents that the Council is watching developments and ensuring compliance with development consents. However, it also demonstrates that Council does seek compliance through negotiated resolution and as far as possible attempts to avoid costly and protracted litigation.

RECOMMENDATION:

That this report be received and noted.

REPORT:

Tweed Shire Council officers originally became aware of a significant encroachment and illegal clearing of community land as part of construction of a private residence.

The illegal development of Council land included, illegal clearing, the construction of a rock retaining wall up to twelve metres long situated approximately 3 metres beyond the western property line, associated earthworks and re-grading of the natural batter and the deposit of fallen timber and other debris into a watercourse gully to the north east of the property.

The earthworks left approximately 400 square metres of cleared earth with only a small number of trees remaining. The illegal clearing and works occurred during construction of an approved adjoining residential dwelling.

Following the notification by the property owner on 19 August 2005, a number of representatives from the Building Services Unit inspected the site and confirmed the extent of the clearing and subsequent works causing the encroachment.

The property owners offered the fire protection consent condition, as being the reason for the illegal works to have been completed, but overall was very co-operative during the inspection and declared a willingness to address the problem.

In approximately late September 2005, Council officers advised its legal representatives and sought advice in relation to the possible options and scenarios for rehabilitation of the land and resolution of the matter.

After consideration of legal advice, it was decided that a show cause letter should be forwarded to the property owners, inviting them to initiate contact with Council and asking them to advise in writing why legal proceedings should not be initiated for unauthorised earthworks.

In response to that correspondence, Council's legal representatives received a correspondence from the property owners apologising for the encroachment and advising that they would attend to all necessary remediation work as required by Council.

Shortly after this time written Undertakings were prepared by Council's legal representatives subsequently further inspection of the property has occurred and that based on that inspection and together with prior visits, the officer was satisfied that all requisite remediation work had been completed as per the signed Undertakings.

This matter has now been resolved particularly with the co-operation of the landowners. A good result was obtained and it sends a very clear message to shire residents that the Council is watching developments and ensuring compliance with development consents. However, it also demonstrates that Council does seek

compliance through negotiated resolution and as far as possible attempts to avoid costly and protracted litigation.

Photos of the site before and after the remediation works are attached.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Photos before and after remediation works (DW 1360803)
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ORDINARY ITEMS FOR CONSIDERATION

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

1 JUNE 2005

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

26 [EO] Letitia Road - Access to Tweed River Sand Bypass System

417 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

That staff organises a round table discussion with interested parties to discuss the stabilisation trial of the unsealed pavement of Letitia Road.

Current Status: Facilitators report has been received and will be considered by the Executive Management Team in the first instance.

14 DECEMBER 2005

RECOMMENDATIONS OF THE PLANNING COMMITTEE

589 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council adopts the recommendations of the Planning Committee Meeting held on 30 November 2005 as follows:-

- 1 [PD] Development Application DA05/0924 - Use of Existing Premises as a Bulk Store at Lot 21 Sec 4 DP2379, No. 56 Recreation Street, Tweed Heads**

RECOMMENDED that this item be deferred pending the provision of appropriate legal advice in relation to the zoning for this application.

Current Status: Legal advice being obtained.

QUESTION TIME

594 [QT] Building Entitlements

Administrator Boyd

Asked could Council staff bring forward a report on the number, size and location of those small lots which have lost building entitlements and could the staff provide an appropriate course of action which Council could consider taking to allow a residence to be constructed on these lots.

The Acting General Manager advised that staff would investigate and advise Council.

Current Status: Awaiting response from the Department of Planning.

28 FEBRUARY 2006

OPERATIONS COMMITTEE

O19 [EC-OC] Request for "In Kind" Support/Waive Fee

O37 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that Council defers this item to obtain further information on the use of this facility by the University of the Third Age.

Current Status: Report to be prepared for Council meeting on 12 April 2006.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-CM] EC2005-206 Supply and Erection of Structural Steelwork, Roofing and Metalwork for Duranbah Reservoir

ORIGIN:

Contracts

FILE NO: GC12/2 - 2005206 Pt1

SUMMARY OF REPORT:

Council is currently constructing by day labour a 7.5 megalitre water reservoir at Duranbah. Tenders were called, in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy, for the supply and erection of the roofing and metalwork for the structure.

Tenderers were requested to provide optional tenders for either steel or aluminium in the structure.

Tenders closed in the tender box on 22 February 2006.

Three tenders were received and this report recommends the award of the tender.

RECOMMENDATION:

That:-

1. **Contract EC2005-206 Supply and Erection of Structural Steelwork, Roofing and Metalwork for Duranbah Reservoir be awarded to Brice Engineers Pty Ltd for their alternative Lump Sum Tendered Price of \$291,900.00 (Excluding GST)**
2. **The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum.**

REPORT:

Council's day labour force is currently constructing a 7.5 megalitre concrete water reservoir at Duranbah. Tenders were called for the supply and erection of the roofing and structural metalwork for the reservoir. The structural metalwork includes internal and external ladders, work platforms, pit covers etc.

At the closing of tenders on 22 February 2006, three tenders were received.

These were:-

Jabez (Aust) Pty Ltd
Brice Engineers Pty Ltd
Northern Engineering (Qld) Pty Ltd

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The cost of the roofing and metalwork is included in the construction budget for the Duranbah Reservoir.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** – EC2005-206 Supplementary Confidential Information to Agenda Item EC2005-206 Supply and Erection of Structural Steelwork, Roofing and Metalwork for Duranbah Reservoir (DW1359387).
-

**2 [EO-CM] Tender EC2006-002 Kingscliff Foreshore Protection
Environmental Impact Statement**

ORIGIN:

Water

SUMMARY OF REPORT:

Tenders were called for the preparation of an Environmental Impact Statement for Kingscliff Foreshore Protection. The EIS is for works comprising rock revetment and sand nourishment for a 500m section of beach as outlined in the adopted Tweed Shire Coastline Management Plan, 2005.

Nine tenders were received for this project by the closing date of 22 February 2006. This report provides a recommendation on the preferred tenderer.

RECOMMENDATION:

That:-

- 1. Council awards the contract EC2006-002 - Kingscliff Foreshore Protection Environmental Impact Statement to Patterson Britton and Partners Pty Ltd for the lump sum price of \$231,800.00 excluding GST.**
- 2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract price.**

REPORT:

Council adopted the Tweed Shire Coastline Management Plan in July 2005. The Plan identified Kingscliff Beach as the only section of coastline in the Shire with substantial infrastructure within the immediate hazard zone. The preferred option to address this hazard was determined to be the construction of a flexible seawall and associated sand nourishment.

Tenders were called for the preparation of an Environmental Impact Statement for Kingscliff Foreshore Protection. The EIS is for works comprising rock revetment and sand nourishment for a 500m section of beach foreshore fronting the Kingscliff Holiday Park and Cudgen Headland Surf Lifesaving Club.

The scope of the tender includes:-

- Government and Community Consultation;
- Investigations as required including planning requirements, seawall alignment and design, sand nourishment requirements and economic, social and environmental impacts of works to prepare an Environmental Impact Statement;
- Mitigation and management of impacts; and
- Documentation.

A total of nine tenders were received for the Lump Sum Contract by the advertised closing date of 22 February 2006. The tenderers were:-

Connell Wagner
Umwelt
International Coastal Management
Parsons Brinckerhoff
WBM Oceanics Australia
Patterson Britton and Partners
GHD
Cardno
HLA Envirosciences

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council has allocated \$250,000 for Coastline Management Plan implementation in the 2005/06 budget. Construction monies have been included in the 7 Year Infrastructure Plan.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential** Supplementary Information to Agenda Item EC2006-002 Kingscliff Foreshore Protection Environmental Impact Statement (DW 1359865).
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ORDERS OF THE DAY

[NOM] Volunteer Marine Rescue Point Danger

NOTICE OF MOTION:

Administrator Max Boyd moves:

"That in view of the essential community services that has been provided by Volunteer Marine Rescue Point Danger for over 40 years, the long standing needs of this organisation, viz:

1. A site on which to establish a safe, secure storage and launch facility for its rescue vessels in Jack Evans Boatharbour; and
2. A long term occupancy for its base operations which have for many years been conducted in the Duranbah Beach building

be the subject of a report to Council's meeting on 11 April 2006.

These issues have been before Council for many years and it is now time that decisions on both should be made so that this organisation can go forward with confidence.

NB Copies of the presentations provided to each administrator should form the basis for the staff report.

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT IN COMMITTEE

1 [PD-CM] Penny Ridge Resort

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
-

2 [PD-CM] Section 96 Application D88/0640.01 for an Amendment to Development Consent D88/0640 for the Establishment of a Tourist Resort at Lot 1 DP 779817; Lot 1 DP 408972, No. 440 Wooyung Road, Wooyung

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
-

a2 [PD-CM] Development Application DA05/1291 for a Shopping Centre at Lot 380 DP 1073375, Botanical Circuit, Banora Point

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 THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

3 [EC-OC] Selection of Tweed River Regional Museum Architects

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business