



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**Tuesday 18 August 2009**

**Mayor: Cr J van Lieshout**

**Councillors: Cr B Longland, Deputy Mayor  
Cr D Holdom  
Cr K Milne  
Cr W Polglase  
Cr K Skinner  
Cr P Youngblutt**

### **COUNCIL'S CHARTER**

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

---

**ITEMS FOR CONSIDERATION OF COUNCIL:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
1	Minutes of the Ordinary and Confidential Council Meeting held on Tuesday 21 July 2009	7
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>9</b>
2	Schedule of Outstanding Resolution as at 18 August 2009	9
	<b>MAYORAL MINUTE</b>	<b>11</b>
3	[MM] Mayoral Minute for the period 14 July 2009 – 10 August 2009	11
	<b>ORDINARY ITEMS FOR CONSIDERATION</b>	<b>15</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>15</b>
	<b>REPORTS FROM THE GENERAL MANAGER</b>	<b>15</b>
4	[GM-CM] Proposal to host 2011 and 2012 NSW Surf Life Saving Championships at Kingscliff	15
5	[GM-CM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2009	19
6	[GM-CM] Tweed Economic Development and Tweed Tourism Funding Agreements	25
7	[GM-CM] Tweed Tourism Quarterly Performance Report – April to June 2009	29
8	[GM-CM] First Round Applications for Financial Assistance 2009/2010 - Festivals Policy	43
9	[GM-CM] First Round Applications for Financial Assistance 2009/2010 - Donations Policy	47
	<b>REPORTS FROM THE DIRECTOR PLANNING &amp; REGULATION</b>	<b>53</b>
10	[PR-CM] Development Application DA08/1216 for a Dwelling & Demolition of Existing Dwelling at Lot 2 DP 501165 No. 10a Boomerang Street, Kingscliff	55
11	[PR-CM] Development Application DA09/0139 for Construction of a Carport for Four (4) Cars at Existing Retirement Village at Lot 214, 215, 216 DP 251004, No. 1-5 Tupia Avenue, Tweed Heads	91
12	[PR-CM] Development Application DA08/0755 for a 24 Lot Subdivision (18 lots into 24) at Lots 1-18 Section 4 DP 14895, Casuarina Way, Kingscliff	113



---

13	[PR-CM] Development Application 1039/2001DA.02 for an Amendment to Development Consent 1039/2001DA for Commercial Boating Operations (Southern Boat Harbour) at Tweed River, Tweed Heads	121
14	[PR-CM] World Rally Championships	137
15	[PR-CM] State Significant Site Application - West Kingscliff (Gales Holdings Land)	143
16	[PR-CM] Update on Compliance Issues - Lot 11 DP 835413, No. 2 Boulder Close, Byangum	169
17	[PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards	185
	<b>REPORTS FROM THE DIRECTOR COMMUNITY &amp; NATURAL RESOURCES</b>	<b>189</b>
18	[CNR-CM] Caring for our Country Grant for project "Supporting Sustainable Agriculture in the Tweed"	189
19	[CNR-CM] Koala Planning & Recovery	193
20	[CNR-CM] EC2009-055 Provision of In House Consultancy Services for Water and Sewerage Projects	207
21	[CNR-CM] Quarterly Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: April to June 2009	211
22	[CNR-CM] Funding Variation to Original Report to Council – Proposed Increase in ComPacks Budget	223
23	[CNR-CM] Licence Agreement for Access and Car Parking - 21 and 23 Beryl Street, Tweed Heads	227
	<b>REPORTS FROM THE DIRECTOR ENGINEERING &amp; OPERATIONS</b>	<b>231</b>
23	[EO-CM] Road Closure Application - Parish of Cudgen	231
24	[EO-CM] Classification of Land as Operational, Pottsville	237
25	[EO-CM] Application to Close and Purchase Part of Road Reserve - Oakbank Terrace and Riverbend Way, Murwillumbah	241
26	[EO-CM] Regional Roads - Review of Classification	245
27	[EO-CM] Amendment of Council's Fees and Charges - Quarry Products	249
28	[EO-CM] Surf Life Saving Far North Coast Branch Patrolling Season Summary	253
29	[EO-CM] Park Naming - Dalnair Park	259
30	[EO-CM] Infrastructure Program 2009/2010	261

---



---

31	[EO-CM] Adoption of Amended Section 94 Plan No 23 - Offsite Parking (Version 2)	273
32	[EO-CM] Pacific Highway and Adjacent Arterial Roads Master Plan between Stewart Road and Barneys Point	277
<b>REPORTS FROM THE DIRECTOR TECHNOLOGY &amp; CORPORATE SERVICES</b>		<b>283</b>
33	[TCS-CM] Conduct Review Committee	283
34	[TCS-CM] Tweed River Art Gallery and Tweed River Regional Museum Advisory Committee Constitutions	287
35	[TCS-CM] Review of Council's Delegations	289
36	[TCS-CM] In Kind and Real Donations - April to June 2009	293
37	[TCS-CM] 2007/2008 Comparative Information on NSW Councils	297
38	[TCS-CM] Quarterly Budget Review - 30 June 2009	303
39	[TCS-CM] Monthly Investment Report for Period Ending 31 July 2009	315
<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>		<b>317</b>
40	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2009	317
41	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 June 2009	325
42	[SUB-FMC] Minutes of the Floodplain Management Committee (Joint Sub-Committee) Meeting held Monday 13 July 2009	333
43	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 July 2009	336
<b>ORDERS OF THE DAY</b>		<b>347</b>
44	[NOR] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley	347
45	[NOM] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley	349
<b>CONFIDENTIAL ITEMS FOR CONSIDERATION</b>		<b>351</b>
<b>REPORTS THROUGH GENERAL MANAGER IN COMMITTEE</b>		<b>351</b>
<b>REPORTS FROM THE DIRECTOR ENGINEERING &amp; OPERATIONS</b>		<b>351</b>
1	[EO-CM] Supply of Fill from Quarries	351

---



THIS  
PAGE  
IS  
BLANK

## CONFIRMATION OF MINUTES

- 1 **Minutes of the Ordinary and Confidential Council Meeting held on Tuesday 21 July 2009**

### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Minutes of the Ordinary Council Meeting held Tuesday 21 July 2009 (ECM 3405362).
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 21 July 2009 (ECM 3404350).
-



THIS  
PAGE  
IS  
BLANK



## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 Schedule of Outstanding Resolution as at 18 August 2009

#### FOR COUNCILLOR'S INFORMATION:

18 November 2008

#### PLANNING COMMITTEE

**P4 [PR-PC] Development Application DA07/0945 for Multi Dwelling Housing Consisting 34 Residential Units at Lot 290, 630 DP 755740; Lot 1 DP 781512, No. 7 Elsie Street, Banora Point**

#### P 13 COMMITTEE DECISION:

Cr W Polglase  
Cr K Skinner

**RECOMMENDED** that this item be deferred to allow for further negotiations with the applicant.

**Current Status:** To be reported to a future Council Meeting.

---

21 April 2009

#### PLANNING COMMITTEE

**P5 [PR-PC] Development Application DA05/0824.07 for modification to DA05/0824 for multi dwelling housing comprising four (4) units at Lot 4 Section 2 DP 7309, No. 26 Seaview Street Kingscliff**

P 51  
Cr D Holdom  
Cr K Skinner

**RECOMMENDED** that this item be deferred pending further advice and a report from the Director Planning & Regulation.

**Current Status:** To be reported to a future Council Meeting.

---

28 May 2009

**COUNCIL MEETING  
ORDERS OF THE DAY**

**17 [NOM] National Landscapes Viewing Locations**

116

**Cr K Milne  
Cr D Holdom**

**RESOLVED** that Council brings forward a report on the feasibility of establishing a series of dedicated scenic viewing locations with associated BBQ, picnic, toilet and lighting facilities, in strategic locations around the Tweed Shire to tie in with the National Landscapes program involving:-

- a) Various funding options be investigated
- b) Various methods of ascertaining prime viewing locations be outlined including community nominations.

**Current Status:** Report to be presented to a future Council Meeting.

---

## MAYORAL MINUTE

### 3 [MM] Mayoral Minute for the period 14 July 2009 – 10 August 2009

## COMMITTEE MEETINGS

### Attended by the Mayor

- 30 July 2009 - Tweed River Arts Gallery (TRAG) Board - Workshop  
“The University’s growing regional presence”  
TRAG, Mistral Street, Murwillumbah
- 03 Aug 2009 - Tweed Tourism Board Meeting  
The Beach Apartments, Cabarita

## INVITATIONS:

### Attended by the Mayor

- 15 July 2009 - Morning Tea with Gold Coast Mayor Ron Clarke and introduction to  
Cr Daphne McDonald and Cr Chris Robbins  
Mayor's Lounge, The Chambers, 135 Bundall Road Bundall
- 16 July 2009 - Southern Cross University (SCU) – Prof. Paul Clark’s lecture  
The University’s growing regional presence  
SCU, Riverside Campus, Brett Street, Tweed Heads
- 23 July 2009 - Southern Cross University (SCU) – Prof. Paul Clark’s farewell  
SCU, Harvard Theatre Campus, Tweed Heads
- 27 July 2009 - Citizenship Ceremony – 37 new citizens  
Tweed Heads Civic Centre, Brett Street, Tweed Heads
- 03 Aug 2009 - Tweed Heads Bowls Club (THBC) Golden Nugget – Opening  
THBC, Wharf Street, Tweed Heads
- 03 Aug 2009 - United Hospital Auxiliaries of NSW (UHA) - AGM  
Tweed Heads Civic Centre Auditorium, Brett Street, Tweed Heads
- 05 Aug 2009 - Her Excellency, Governor Marie Bashir AC, CVO – Afternoon Tea  
Local Government Week - Tweed River Art Gallery, Murwillumbah  
(also attended by Crs Longland, Youngblutt, Skinner, Holdom)
- 09 Aug 2009 - Council’s Family Fun Day – Local Government Week  
Salt Central Park, Salt Village  
(also attended by Crs Longland, Holdom, Milne, Skinner)

- 10 Aug 2009 - Twin Towns & District Garden Club 30<sup>th</sup> Birthday Celebration  
Tweed Heads Civic Centre Auditorium, Brett Street, Tweed Heads

**Attended by other Councillor(s) on behalf of the Mayor**

- 15 July 2009 - Christmas in July Luncheon - Twin Towns Friends Association  
Twin Towns Services Club, Tweed Heads  
(attended by Cr Dot Holdom)

**Inability to Attend by or on behalf of the Mayor**

- 15 July 2009 - The University of Wollongong Graduate School of Medicine Phase 3  
Official Commencement Function – 12 month Rural Placement  
Northern Rivers University Dept of Rural Health, Uralba St, Lismore
- 16 July 2009 - Aussie Home Loans – Opening of new stores  
Colonial Golf Club, Robina
- 05 Aug 2009 - Community Safety Precinct Committee (CSPC)  
Tweed Heads Police Station, 52 Recreation Street, Tweed Heads

---

**CONFERENCES:**

**Conferences attended by the Mayor and/or Councillors**

*None attended.*

**Information on Conferences to be held**

*Councillors, please refer to the Councillor portal for complete Conference information.*

- 9-11 Sep 2009 Local Government and Shires Associations of NSW 2009  
Water Management Conference to be held in Deniliquin
- 21-25 Sep 2009 2009 RiverSymposium Conference to be held in Brisbane.
- 7-9 Oct 2009 22<sup>nd</sup> Annual NSW Local Government Aboriginal Network  
Conference to be held in Gosford.

---

**SIGNING OF DOCUMENTS BY THE MAYOR:**

- 14 July 2009 - Lease – Vodafone Network Pty Ltd – Banora Point and Kingscliff  
Reservoirs
- 14 July 2009 - Transfer – Sunshine Avenue and Kirkwood Road, Tweed Heads

- 14 July 2009 - Lease – Veolia Pty Ltd – Gray Street, Tweed Heads
- 28 July 2009 - Funding Agreement – NSW Department of Ageing, Disability and Home Care
- 28 July 2009 - Release of Restriction on use – Lot 4, DP1000562

**RECOMMENDATION:**

**That:-**

- 1. The Mayoral Minute for the period 14 July 2009 – 10 August 2009 be received and noted.**
  - 2. The attendance of Councillors at nominated Conferences be authorised.**
-



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS THROUGH THE GENERAL MANAGER**

#### **REPORTS FROM THE GENERAL MANAGER**

#### **4 [GM-CM] Proposal to host 2011 and 2012 NSW Surf Life Saving Championships at Kingscliff**

##### **ORIGIN:**

**General Manager**

##### **SUMMARY OF REPORT:**

The NSW Surf Life Saving Championships is one of the biggest surf lifesaving events in NSW. Surf Life Saving NSW advises that it attracts 8 000 competitors, 600 officials and 12 000 spectators per day over the seven day event period, generating an estimated 18 million dollars for the host region.

Council has an opportunity to put in a proposal to host this event in 2011 for a period of 2 years with an optional 1 year extension. Previous host Councils include Lake Macquarie City Council, Sutherland Shire Council, Gosford City Council and Shellharbour City Council.

Council is required to provide a minimum hosting fee of \$60 000 plus GST and CPI annual increase to fund the management and logistical execution of the NSW Surf Lifesaving Championships. A further hosting fee, being in kind support, of Council works equipment and operational services is required at an estimated value to a maximum of \$20,000.

##### **RECOMMENDATION:**

**That:**

- 1. The Festival and Events Officer prepares a proposal for Council to host the Surf Life Saving NSW Championship 2011 and 2012 in conjunction with the Cudgen Headland Surf Life Saving Club.**
- 2. Council endorses the allocation of \$80,000 in the 2010/2011 Budget as required to meet the conditions of the expression of interest.**

**REPORT:**

The NSW Surf Life Saving Championships is one of the biggest surf lifesaving events in NSW. Surf Life Saving NSW advises that it attracts 8 000 competitors, 600 officials and 12 000 spectators per day over the seven day event period, generating an estimated 18 million dollars for the host region.

Council has an opportunity to put in a proposal to host this event in 2011 for a period of 2 years with an optional 1 year extension. Previous host Councils include Lake Macquarie City Council, Sutherland Shire Council, Gosford City Council and Shellharbour City Council.

Council is required to provide a minimum hosting fee of \$60 000 plus GST and CPI annual increase to fund the management and logistical execution of the NSW Surf Lifesaving Championships. A further hosting fee, being in kind support, of Council works equipment and operational services is required at an estimated value to a maximum of \$20,000.

The NSW Surf Lifesaving Championships is conducted across seven days over two weekends, and attracts more than 12 000 visitors to the host venue each day. With almost 8 000 competitors between the ages of 7 and 70+, the NSW Surf Life Saving Championships is one of the largest surf lifesaving events in Australia. The event grows in size and stature each year and requires a venue capable of hosting this unique sporting spectacle.

Competitors compete in individual and team events including ironperson, surf swims, surf ski paddling, board paddling, surf boat races, beach sprints and flags, and the more traditional events of rescue and resuscitation, patrol competition, and first aid competition.

The event provides a significant economic benefit for the host town and local region as well as providing the region with a unique action packed sporting spectacle.

Brian Vickery, President of Cudgen Headland Surf Life Saving Club has written to Council to confirm that the Cudgen Headland Surf Life Saving Club fully endorses the opportunity to host the 2011 and 2012 State Surf Life Saving Titles. The Club believes that they can meet the criteria demanded of such a carnival and provide the material and manpower needed to make it a success.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Allocation of \$80,000 from the 2010/2011 Budget.

**POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**5 [GM-CM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2009**

**ORIGIN:**

**General Manager**

**SUMMARY OF REPORT:**

As required by the current Tweed Economic Development Corporation (TEDC) Agreement a quarterly performance report and financial statement is to be provided for Council's review. Below is TEDC's Performance Report for the quarter 1 April to 30 June 2009.

Attached to this report are the June 2009 quarterly financial reports. Also attached is the 2009/2010 Budget which has been adopted by the TEDC Board. As convention these financial statements are presented as confidential attachments to this report.

**RECOMMENDATION:**

**That Council endorses:**

- 1. The Tweed Economic Development Corporation Quarterly Report for the quarter April to June 2009.**
- 2. ATTACHMENTS 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret**

**REPORT:****TWEED ECONOMIC DEVELOPMENT CORPORATION LTD  
QUARTERLY REPORT TO TWEED SHIRE COUNCIL  
April to June 2009****1. Tweed Economic Model Table Update 2007-2008**

- The Western Research Institute (WRI) have completed the 2007-2008 Tweed table update.
- Generally speaking the Tweed economy has grown by \$146 million, an increase of 1.35% in real terms.
- Household income has risen by \$77 million or 1.30% and
- Employment has grown by 633 job positions or 1.25%
- All industry sectors have seen a real increase in value added and household income: and
- Greatest growth occurred in accommodation, food and beverage with 1.85% value added and 1.90% household income increases per annum and food manufacturing with 1.90% growth in value added and household income per annum.

The Tweeds contribution to the Gross State Product (GSP) of NSW over the period has marginally decreased.

- The Tweeds contribution to GSP fell by 0.02% from 0.49% to 0.47% and
- The Tweed has lagged behind NSW growth during the period averaging 1.3% per annum compared to the state average of 3.5%. "It is likely the figures are skewed to some extent due to substantial increases in mining investment and production in many regional areas of the state during the time period".
- Again generally speaking the Tweed remains a 90% plus serviced based economy with minimal changes in agriculture and manufacturing.

**2. Economic Impact on Tourism Contribution to the Tweed Economy**

- This project has now commenced and will be completed mid August 2009

**3. Telecommunications Infrastructure Action Plan.**

- TEDC continues to work with TSC on the implementation of the Telecommunications Infrastructure Action Plan.
- On June 3<sup>rd</sup> 2009 TEDC lodged a submission with the Federal Government National Broadband Networks Program - which is about the implementation of a broadband network across the country – making a case for the Tweed to be considered as the second region in Australia for the implementation of the Broadband Network - as a follow on from Tasmania - with the Tweed case based on the proactive approach adopted by TSC and TEDC in developing the Telecommunications Infrastructure Action Plan, and the sustainability needs driven by our population growth/demographic projections.
- TEDC in collaboration with TSC are in the process of engaging SRA Consulting to prepare a funding application to facilitate broadband fibre optic roll out in the Tweed, to be submitted to the Federal Government Digital Regions Initiative funding program.

#### **4. Economic Development Australia (EDA) Economic Development Partnership Award**

- TEDC has prepared a submission nominating the TEDC and TSC joint Telecommunications Infrastructure Action Plan for recognition under the National Economic Development Partnership award category.
- *This award will recognize that there has been an enhanced and or economic revitalization of a region or industry by taking a partnership approach that is private/public or local/state or state/national or any number of combinations. May include partnerships by Economic development organizations with non economic development organizations.*

#### **5. TEDC Vision & Strategy 2010-2014 Update**

- TEDC has completed and presented to TSC the 2010-2014 Vision & Strategy Update which also incorporates an Investment Attraction Strategy and Marketing Plan.
- The Investment Attraction Strategy & Marketing Plan focus on identifying the essential factors which encourage firms to select a location for new investment; and the information forms “the need to know” about this potential location.
- The TEDC has recently produced the 4<sup>th</sup> edition of the TEDC Investment Attraction publication “Tweed Pulse”.
- This document continues to receive broad recognition across a growing range of business and industries. Industry Central has purchased 150 copies of the latest publication as part of its business and investment attraction marketing material.
- TEDC has a growing list of testimonials from businesses that are placing increasing value on the information provided in the Tweed Pulse. See following:
  - The Right Food Group Pty Ltd – “Thank you for the latest edition of the “Pulse.” It was very timely that I received this by email – I’m currently in Thailand with our Business Manager seeing all of the major supermarkets who stock our OZGANICS range.  
There is nothing quite so difficult than explaining to an international customer what business activities occur in the Tweed. Your wonderful publication was printed off immediately and used today as a tool to show just how different and dynamic our area is.  
The Right Food Group Pty Ltd  
Manufactures of OZGANICS Prize Winning Organic Low Allergy Foods  
Murwillumbah NSW
- Other testimonials received included;
  - Stacks the Law Firm
  - City of Ryde
  - Victory Ford
  - Gold FM Gold Coast

## **6. New Investment Inquiries/Potential Projects** **Commercial in Confidence**

TEDC continues to be the first point of contact for new investors seeking advice/information/contacts on a range of business and investment proposals. I have not provided any specific details of the investor interests in this quarterly report as I am conscious of the need to respect these inquiries on a commercial in confidence basis, and in most instances I am working with TSC to assist and facilitate the investor inquiries. The list of potential new business/investors contacting TEDC is increasing with ten (10) new inquiries in the last 6 weeks.

These enquiries include some investor inquiries relating to the development and or establishment of facilities at Industry Central and as well as an increasing number relating to other business locations across the Tweed Shire.

## **7. TEDC 2009/10 Budget & Business Plan Review.**

- TEDC has completed a review of the 2009/10 business plan.
- TEDC has also completed a review of the 2009/10 budget.

## **8. TEDC Media & Public Relations**

- Attached is a Quarterly report of Estimated Advertising Value and Editorial Value of TEDC media. This report quantifies the level of exposure achieved by TEDC as a result of its activities, and is based on the PRIA multiplier.
- Total Advertising Value for the Qtr is \$8,674.44 Year to Date \$21175.64.
- Total Editorial Value for the Qtr is \$26,023.32 Year to Date \$63526.92.

## **9. Other TEDC Activities**

### **CEO Presentations/Meetings/Business Introductions**

- Attended Chamber Meetings.
- Interview ABC Radio Re Fuel Price levy removal SEQ/N NSW impact on NR economy.
- Attended Tweed Tourism Board Meeting.
- Spoke with NSW Planning Re Release of Master Plan for South Tweed Heads.
- Meeting with representative of Parsons Brickerhoff re development opportunities in the Tweed. Requested TEDC CEO to meet with senior staff/directors of company.
- Meeting Ron Smith – Media Communications – Links Living Limited.
- Attended quarterly meeting TSC.
- Meeting Pro-Vice Chancellor Sunshine Coast University Re TEDC approach to economic development. Invitation to TEDC CEO to present at proposed meeting of business organizations/councils/university to speak on the macro approach to economic development.
- Attended BEX Awards function as guest of major sponsor Gold Coast Airport.
- Attended Northern Rivers Food Link/Sustainable Food Production meeting.
- Attended Farewell Lecture SCU Paul Clark Vice Chancellor – Vision for Future.
- Attended World Rally Championships Luncheon at Tweed Heads.
- Meeting with Heritage Pacific re progress of project.

- Provided information to M'Bah Hospital Committee for presentation to Minister.
- Part of a panel discussion Conrad Jupiters on the Gold Coast on Friday April 24<sup>th</sup> 2009 re economic growth in Gold Coast SEQ region.
- TEDC CEO part of 'Catching the next property wave' Panel Presentation sponsored by Salt on Wednesday April 29<sup>th</sup> 2009 which included Michael Pascoe- Economics and Finance Commentator; Bernard Salt demographer; Michael Matusik Property Researcher.
- Officiated at Launch of Wharf Central, Tweed Heads.
- Responded to various Media inquiries. See media list.

**8. Sponsorship/Partnership Event**

- TEDC is sponsoring the Tweed Regional section of the North Coast Business Road Show to be held Tuesday the 15<sup>th</sup> of September 2009 at the Cudgen Leagues Club.
- Focus of the road show is – One stop shop for small business to access information, resources, programs, and opportunities to support small business in the Tweed. It will be held in conjunction with the Kingscliff & Tweed Heads Chamber of Commerce breakfast.
- Other major sponsors include – Telstra Country Wide, TURSA, North Coast Institute of TAFE

**Economic Development Corporation Media Coverage April 09 to June 09**

<u>Headline</u>	<u>Media</u>	<u>Size</u>	<u>Unit cost per page</u>	<u>Advert Value</u>	<u>Editorial Value</u>
Future Proofing' the Tweed Economy	Gold Coast Bulletin	3/4 page	\$ 3,000.00	\$2,250.00	\$ 6,750.00
Economic sustainability a complex issue	Tweed Border Mail	12cm x 3 col		\$ 289.44	\$ 868.32
Tweed staying aloft of recession storm	Tweed Daily News	20cm x 4 col		\$ 643.20	\$ 1,929.60
Council bodies face cuts	Tweed Daily News	20cm x 4 col		\$ 643.20	\$ 1,929.60
Experts tip Tweed as next sea-change destination	Gold Coast Bulletin - Property Guide	1/2 page	\$ 1,375.00	\$1,375.00	\$ 4,125.00
Area set to Soar	Gold Coast Bulletin - Property Guide	1 page	\$ 2,750.00	\$2,750.00	\$ 8,250.00
Milne fires up on marina	Tweed Daily News	15cm x 3 col		\$ 361.80	\$ 1,085.40
Future looks good	Tweed Sun	15cm x 3 col		\$ 361.80	\$ 1,085.40
				<b>\$8,674.44</b>	<b>\$26,023.32</b>

\* Editorial Value is estimated based on the PRIA multiplier of 3

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This report recommends Council endorse the quarterly performance review required by Tweed Economic Development Corporation's funding agreement.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment** – TEDC Quarterly Profit & Loss Statement 30 June 2009 (ECM 3600035)
  2. **Confidential Attachment** – TEDC Quarterly Balance Sheet 30 June 2009 (ECM 3600034)
  3. **Confidential Attachment** – TEDC 2009/2010 Budget (ECM 3600036)
-



**6 [GM-CM] Tweed Economic Development and Tweed Tourism Funding Agreements****ORIGIN:****General Manager****SUMMARY OF REPORT:**

On 1 July 2010 funding and performance agreements with Tweed Economic Development Corporation (TEDC) and Tweed Tourism with Council will lapse. Each of these agreements requires Council to meet with the organisation to review future directions.

This report recommends Council supports a 12 month extension of the existing agreements, to allow an independent review of the vision, goals and objectives for Economic Development and Tourism for Tweed Shire as well as looking at options for alternative delivery models.

**RECOMMENDATION:****That Council:**

- 1. Offers to extend the existing funding and performance contract with Tweed Tourism for an additional term of 12 months, from 1 July 2010 to 30 June 2011, with the existing terms and conditions and the relevant document to be executed under the Common Seal of Council.**
- 2. Offers to extend the existing funding and performance contract with Tweed Economic Development Corporation for an additional term of 12 months, from 1 July 2010 to 30 June 2011, with the existing terms and conditions and the relevant document to be executed under the Common Seal of Council.**
- 3. Engages a suitably qualified consultant to assist and facilitate a review of the vision, goals and objectives for Tourism and Economic Development in the Tweed Shire and to provide advice on options for alternative delivery models.**
- 4. Uses its best endeavours to finalise the review with a target date no later than April 2011.**
- 5. ATTACHMENTS 1 and 2 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**

**(d) commercial information of a confidential nature that would, if disclosed:**

- (i) prejudice the commercial position of the person who supplied it, or**
- (ii) confer a commercial advantage on a competitor of the council, or**
- (iii) reveal a trade secret**

## **REPORT:**

### **Background**

At its meeting on 28 May 2009 Council resolved to hold a forum with Tweed Tourism and Tweed Economic Development Corporation. The purpose of this forum was to review the current funding and performance agreements with both organisations.

Both Tweed Tourism and TEDC are private companies in accordance with the Corporations Act. Subsequently each organisation has an independent board, maintains its independently audited accounts which are separate of Council and are responsible for their decisions regarding staffing and operational matters.

### **Funding and Performance Agreements**

Council holds separate funding agreements with both Tweed Tourism and TEDC. Under these funding agreements both organisations agree to specific undertakings on behalf of Council. A funding amount is then paid to both organisations for these undertakings.

Both funding agreements are due to expire on 30 June 2010 and require Council to meet with both organisations before the end of October 2009 to discuss the future directions for any further funding from Council.

### **Tweed Tourism – Key Undertakings**

In accordance with the four year agreement Tweed Tourism key undertakings to Tweed Shire Council are:

- (a) to advise on tourism development
- (b) to undertake tourism promotion and marketing
- (c) to provide visitor information services, including operation and staffing of approved information visitor centres
- (d) to provide an effective and efficient web site and printed materials.

### **TEDC - Key Undertakings**

In accordance with the four year agreement TEDC key undertakings to Tweed Shire Council are:

- (a) to advise, liaise and inform Tweed Shire Council planning and policy decisions which have the potential to impact on the Tweed economy
- (b) to promote employment growth through business investment/growth, attraction and expansion
- (c) to undertake promotion and marketing of the Tweed as a business/investment location
- (d) in partnership with Tweed Shire Council, create the climate and culture for economic growth through effective, sustainable, strategic economic planning.

### **Workshops**

Following the Council meeting on 28 May it was resolved that TEDC and Tweed Tourism be invited to attend a forum with Council to discuss the future direction of their respective organisations. The General Manager wrote to both organisations inviting them to provide their direction and vision for their respective organisation after 2010. This was requested before 30 June 2009 so that Councillors could give consideration to each organisations vision (submissions attached).

A workshop was held with Councillors and senior council staff on 7 July to discuss TEDC and Tweed Tourism vision statements and to finalise the forum format, and to review if external facilitation was required. These discussions led Council to consider its own priorities including options for alternative service delivery models. Both organisations were then invited to attend separate workshops on 4 August.

Both TEDC and Tweed Tourism engaged in open and frank discussion about their future directions during these workshops.

### **Conclusion**

As a result of this process this report recommends a one (1) year extension to the existing funding and performance agreements with TEDC and Tweed Tourism to June 2011. As a further outcome it is recommended that Council investigate existing and appropriate service delivery models through the services of an independent expert.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This report reviews Council's contractual and financial obligations to both Tweed Tourism Inc. and Tweed Economic Development Corporation Inc.

### **POLICY IMPLICATIONS:**

Nil.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment** - Tweed Tourism Vision and Direction Statement (ECM 3051708)
  2. **Confidential Attachment** - Tweed Economic Development Corporation Vision and Direction Statement (ECM 2062185)
-

**7 [GM-CM] Tweed Tourism Quarterly Performance Report – April to June 2009**

**ORIGIN:**

**General Manager**

**SUMMARY OF REPORT:**

As required by the current agreement between Tweed Tourism and Council a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides the Tweed Tourism's Quarterly Reports for the quarter 1April to 30 June 2009. All financial information in this report has been provided in a confidential attachment.

**RECOMMENDATION:**

**That Council endorses:**

- 1. The Tweed Tourism Quarterly Report for the quarter April to June 2009.**
- 2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret**

**REPORT:****Tweed Tourism  
June 2009 Quarter Report****1. PUBLIC RELATIONS**

The tables attached as Appendix 1 and Appendix 2 show details of media coverage achieved through the various PR initiatives carried out by Verve Consulting on behalf of Tweed Tourism for the period from July 2008 to June 2009. Calculations of value are based on the cost of taking out an advertisement of similar size to the published or broadcast editorial (Advertising Value), multiplied by 3 to estimate Editorial Value.

As such, estimated valuations of the media coverage achieved for the Tweed region and Tweed Tourism are as follows:

	Advertising Value	Editorial Value
PRINT MEDIA – DESTINATION FEATURES	\$ 450,533	\$1,351,587
TELEVISION MEDIA	\$1,651,040	\$4,953,120
RADIO – TWEED TOURISM FOCUS	\$ 350	\$ 1,050
LOCAL MEDIA – TWEED TOURISM FOCUS	\$ 12,566	\$ 37,696
<b>TOTAL</b>	<b>\$2,114,489</b>	<b>\$6,343,453</b>

In looking at these figures and, particularly, using them for general public consumption, it is important to note that the advertising and editorial valuations for the TV coverage have vastly inflated the results. Whilst the advertising values applied are correct, I would hesitate to claim that the editorial value for a 24 minute program such as Mercurio's Menu would realistically equate to \$1.3 million which is what it comes to when we apply the PRIA multiplier used elsewhere.

**Omissions**

It is also worth noting that it is not possible for us to track every editorial that arises as a result of our PR initiatives. Specifically, the Daily News published a column on tourism operators every day for several months, many of which were based on the background information we have provided to them in our various media kits and releases. None of these daily articles have been included in the following lists as we have not been able to collect all the clippings. Additionally, there would undoubtedly be a number of radio news spots that we are simply unaware of.

**Future Expectations**

While not meaning to detract from the achievements of the 2008/2009 year, I must point out that this year's figures have been significantly boosted by the fact that we have had three TV productions filming dedicated Tweed programs – i.e. Mercurio's Menu, The Cook and The Chef and AFC Championships. It is highly unlikely that we would get such a concentration of high value coverage in a relatively short space of time in future years.

## 2. MEMBERS

Membership Numbers at 30/06/09

Financial Members	
Associate	65
General	119
Corporate	7
Corporate affiliations	31
Reciprocal	6
<b>TOTAL</b>	<b>228</b>

## 3. VISITOR INFORMATION CENTRES

Movement in visitor numbers at each VIC in comparison to previous year

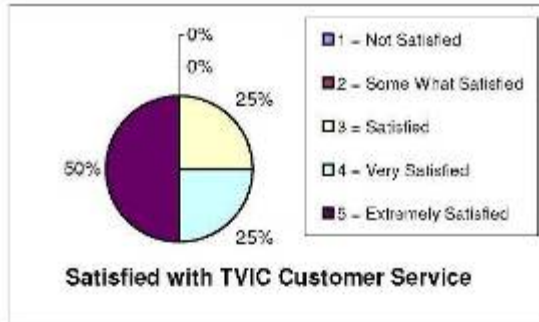
2008 - 2009

	2008/09	2007/08	Variance	2008/09	2007/08	Variance	2008/09	2007/08	Variance
	WHRC			Tweed Heads			Kingscliff		
Sept Qtr	8471	8908	-8.33%	6750	6554	2.98%	2109	1945	8.43%
Dec Qtr	8029	5603	7.60%	5304	5046	5.11%	2167	1791	20.99%
Mar Qtr	8142	5728	7.23%	5462	5524	-1.12%	1788	1895	-5.65%
Jun Qtr	5813	8065	-4.15%	5319	5719	-8.99%	1608	1807	-11.01%
<b>Total</b>	<b>24455</b>	<b>24304</b>	<b>0.62%</b>	<b>22835</b>	<b>22843</b>	<b>-0.04%</b>	<b>7672</b>	<b>7438</b>	<b>3.15%</b>

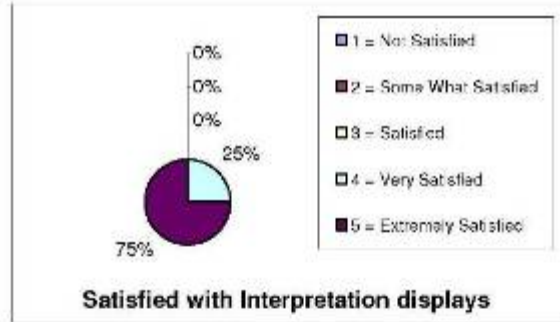
- The results for the June quarter were disappointing with decreases in visitor numbers across all three centres. The inclement weather during the three month period adversely affected visitations. During the June Quarter there were 52 rain days in Coolangatta and 46 rain days in Murwillumbah.
- Overall for the year, visitor numbers remained similar to numbers experienced in the previous year, with only Kingscliff showing an overall substantial increase. The poor last quarter directly dragged down visitor numbers for the year.
- With the colder weather down south, Victorian visitor numbers have increased, as is the norm for this time of year. Queensland drive market as always remains strong.
- European visitors dominated the international markets this quarter, although June showed increases in visitors from New Zealand in all three centres and the Asian market increased in Tweed.

### Quality of Service at Visitor Information Centres

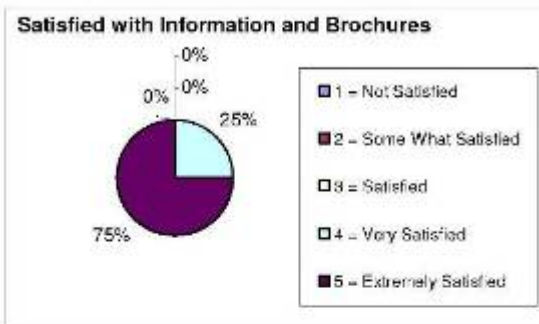
- Surveys for the last quarter, results show that 50% of visitors to the VIC's were extremely satisfied, 25% were very satisfied with the quality of customer service received.



Were our visitors satisfied with our customer service.



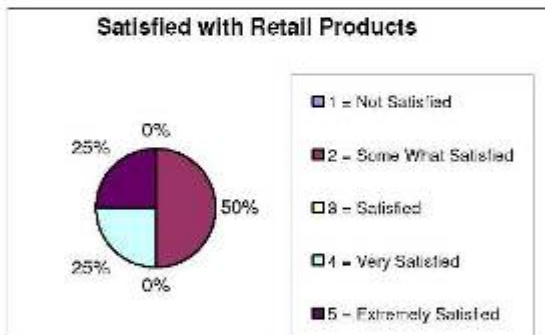
Were our visitors satisfied with our displays.



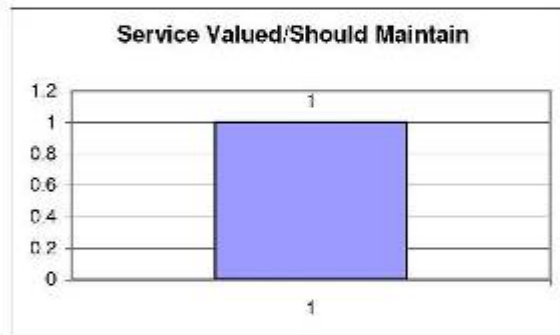
Were our visitors satisfied with our range of information.



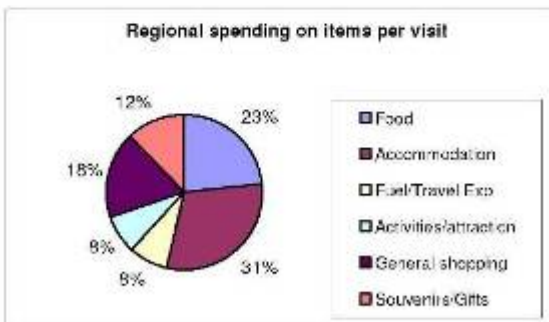
Were our visitors satisfied with our facilities.



Were our visitors satisfied with the quality of retail products



Is our service valued and should it be maintained



Regional spending on items and services in the region.



## 5. PRODUCT DEVELOPMENT

### Taste the Tweed

*Farm Tours* – After discussions with the Mayor a motion has been forwarded to her for reconsideration of the six month trial period for farmers interested in trying out farm tours. No further development at this stage.

*Seafood Discovery Trail* – Currently working in conjunction with Connecting Southern Gold Coast (CSGC) on a Seafood Discovery Trail from Currumbin to The Tweed. The concept is to promote the southern end of the Gold Coast and the Tweed for its seafood, from fine dining with Fins through to takeaways on Kennedy Drive. This involves participation from interested restaurants, cafes and associated activities like deep sea fishing, scuba diving and whale watching etc. The initial concept plan was funded by CSGC has been completed.

*Farmers Market* – The Farmers Market at Sandbar & Grill has closed due to a number of reasons including council's concern with lack of parking facilities and farmers concerns with lack of numbers. A meeting has been set for August to discuss directly with the farmers other possible locations. The farmers are very keen but feel they need a weekly market to make it work.

*Tweed Produce List* – This list continues to grow and change and is being used by a wide variety of restaurants and cafes. This list is a work in progress and continues to be used for media contacts for stories and photo shoots of local producers helping to raise the profile of the region as a *Food Destination*. Several local farmers and producers will be showcasing their produce as part of *Taste the Tweed at Twin Towns* which will be held last two weeks of August and first two weeks of September in association with Tastes of Gold Coast. This will take the form of a series of special events as well as showcasing Tweed produce throughout the time frame. Some permanent links have also been made between producers and Twin Towns. Connections are also being made with the ALDI Stores who are considering incorporating some of our local produce into their local stores.

*Taste the Tweed Hampers* – Taste the Tweed hampers were provided as part of the BEX Award prizes.

*Television Coverage* – Steven Snow now has a regular feature on The Guide to Good Food program on Channel 7 on Saturday at 5pm. This helps to promote the Tweed produce, the high standard of some of the restaurants in the Tweed and the region as a whole.

### Environment

*National Landscapes* – A new Australia's Green Cauldron Working Group was formed early in 2009 with Shane O'Reilly as Chair. In June we held an *AGC Tourism Master Plan Workshop* with approximately 30 stakeholders from across the Australia's Green Cauldron region. Priority issues were identified to be included in the plan. A brief to be used for employing consultants has been written up if further funding is forth coming. Funding for the workshop was provided by the Northern Rivers Regional Development Board. An application has been submitted for TQUAL funding for the actual development of the AGC Tourism Master Plan. The successful recipients will not be known until sometime in the last quarter of 2009.

*Rainforest Way* – It is the intention to have Rainforest Way incorporated into Australia's Green Cauldron's Tourism Master Plan. The idea is that by being incorporated into this larger Tourism Master Plan, the Plan can be used to leverage further funding for specific Rainforest Way components.

### **Indigenous Tourism**

An *Introduction to Indigenous Tourism Opportunities in Australia's Green Cauldron* Workshop was held on 16 June 2009. 25 RSVP'd and 15 attended on the day. The workshop helped to raise awareness of the National Landscapes program and AGC in particular, as well as encouraged greater participation. This was funded by the Department of Resources Energy and Tourism.

The EcoTourism Association of Australia gained funding from the same department and held a follow-up workshop which included six months worth of mentoring for any participants interested in developing an indigenous tourism operation. The majority of their participants came from our initial workshop due to cooperation between the two organisers.

As an outcome of these workshops it has been identified that there are a number of Indigenous people who are interested in pursuing a tourism career. Initial investigations are being made into the possibilities of assisting in the development of Indigenous Tourism. There is enormous potential and interest but presently lack of organisation.

This will be a slow process as there is understandably a rather large gap between how the Indigenous community might wish to operate and how the International Tourist might want to experience Indigenous culture.

### **Network Nights**

Next Network night is due early September at the Hastings Marine Centre. The AGM/Christmas party will be held late November at the Currumbin Wildlife Sanctuary.

### **Sports**

*Surfing* – Met a number of times with the International Body Boarding Association. The RAW Australasian titles and Rebel Sport Pro championships for Duranbah (northern end) for 9 to 15 November 2009 have been confirmed. Cafe D'bar will cater for the officials and the launch will be held there. A black tie presentation night will be held at Twin Towns.

APPENDIX 1

PRINT MEDIA – DESTINATION FEATURES

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (Incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Winter 08	Luxury Style Magazine	Where the Mountains Meet the Sky	Mavis Kitchen	4 x Full page col	\$3025 per page	\$12,100	\$ 86,300
2008/09	Queensland Traveller	Tweed Valley: The Other Side of Paradise	Gold Coast Airport National Landscapes Border Ranges Mt Warning WH Rainforest Centre TR Regional Art Gallery Modern Grocer Imperial Hotel Escapes Gallery Crystal Creek Miniatures Parrot Garden Café CC Rainforest Retreat Banana Cabana Old Dutcher Shop Gallery Limpinwood Lodge Tyalgum Classical Music Festival Flutterbies Café Mavis Kitchen Mt Warning Lodge Wollumbin Palms Retreat Buddha's Belly Mt Warning Caravan Park Mt Warning Hotel Old Buttery, Uki EcoOasis Castle on the Hill B&B Stokers Siding Pottery Mooool Tweed Coast Villages Peppers Salt Resort & Spa	6 x Full page col	\$2600 per page	\$16,800	\$ 50,400



6

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (Incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
			Mantra on Salt Beach Santai Resort The Beach Domain Casuarina Resort Tropical Fruit World Madura Tea Cook Island Tumbulgum Hotel Hillcrest B&B Murwillumbah Golf Club The Day Apartments				
Aug 08	Enroute Magazine (Best Western)	Taste of Everything	Bamboo Fins Restaurant Roughies Gelateria Vernazza Mavis Kitchen Birds Bay Oyster Farm Banana Cabana	Full page col	Est \$500 per full page col	est \$ 500	est \$ 1,500
Summer 08	Inspire Magazine (New Zealand)	NSW Food & Wine	Mavis Kitchen	3.5 x Full page col	\$4,990 per pg	\$17,465	\$ 52,395
Summer 08	Delicious Magazine	The Tweed Coast	Wollumbin Palms Mavis Kitchen Three Little Figs Bamboo Restaurant The White Olive Sugar Boat Café Luffery Café Tweed Art Gallery Modern Grocer Banana Cabana Tropical Fruit World EcoOasis Fins Restaurant Mahauri Thai Gelateria Vernazza Mantra Santai Casuarina Beach Peppers	8 x Full page col	\$12,050 per pg	\$86,400	\$288,200



7

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
			Peppers, Bale Roughies, Banana Pt Farmers Mkt, Café Stizza, Choux Doox, Pullsville Beach Mkt, Saltbar, Sandbar + Grill				
Summer 09	<b>Taste NSW</b>	<i>Life: Northern Rivers</i>	Banana Cabana	1 x Full page col	Est \$1000 per full page col	est \$ 4,000	est\$ 12,000
Nov 1, 08	<b>Daily News Residential Tourist</b>	<i>Luxury Living in Forest Retreat</i>	Crystal Creek Rainforest Retreat	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Nov 7, 08	<b>Courier Mail – CM2</b>	<i>Quaint Side of Paradise</i>	As per Queensland Traveler Magazine	1 x Full page col 266 col cm	\$64.88/ col cm	\$14,588	\$ 43,784
Nov 8, 08	<b>Daily News Residential Tourist</b>	<i>At the Heart of your Holiday</i>	Outrigger Twin Towns	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Nov 15, 08	<b>Daily News Residential Tourist</b>	<i>Living in the Lap of Luxury at The Beach</i>	The Beach	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Nov 22, 08	<b>Daily News Residential Tourist</b>	<i>Oasis of Luxury</i>	Peppers	2 x Full page col 266 col cm per page	\$9.08 / col cm	\$ 4,830	\$ 14,490
Nov 23, 08	<b>Adelaide Sunday Mail – Travel supplement</b>	<i>Hint of Tweed's Quiet Life</i>	Santai, Catch a Crab	Half page 133 col cm	\$37.73/ col cm	\$ 5,018	\$ 15,054
Nov 28, 08	<b>Daily News Residential Tourist</b>	<i>Sanctuary in the Shadow of the Volcano</i>	View of Mt Warning B&B	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Dec, 08	<b>OutThere Magazine (Rex Inflight)</b>	<i>Northern Accent</i>	Banana Cabana, Tropical Fruit World, Birds Bay Oyster Farm, Gelateria, Vermazza, Bamboo, Roughies, Fine, Mavis Kitchen	4 x Full page col	est \$2000 per full page col	est \$ 8,000	est\$ 24,000
Dec 8, 08	<b>Daily News Residential Tourist</b>	<i>In the comfort of Nature</i>	Mavis Kitchen	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Dec 20, 08	<b>Daily News Residential Tourist</b>	<i>Away from the Heat World</i>	Wollumbin Palms	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Jan, 09	<b>Gold Coast Panache</b>	<i>The Other Side of Paradise</i>	As per Queensland Traveler Magazine	2 x Full page col	\$3,740 per pg	\$ 7,480	\$ 22,440



8

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Jan 24, 09	<b>Daily News Residential Tourist</b>	<i>Penny for your Thoughts</i>	Penny Ridge Retreat	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Jan 31, 09	<b>Daily News Residential Tourist</b>	<i>The Ultima Entertainer</i>	Tweed Ultima	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Feb 7, 09	<b>Daily News Residential Tourist</b>	<i>Luxury &amp; a Sense of Bali</i>	Santai	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Feb 14, 09	<b>Daily News Residential Tourist</b>	<i>Retreat to the Coast</i>	Tropical Coast Retreat	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Feb 15, 09	<b>Sunday Mail</b>	<i>A Setting to Dine For</i>	Crystal Creek, Tysigum (General Store, Fluterbies, Little Shop Next Door, Classical Music Festival), Chillingham (Banana Cabana)	1 x Full page col 266 col cm	\$104.60 / col cm	\$27,820	\$ 83,468
Feb 21, 09	<b>Daily News Residential Tourist</b>	<i>Instant Re-leaf</i>	Limpinwood Lodge	1 x Full page col 266 col cm	\$9.08 / col cm	\$ 2,415	\$ 7,245
Feb 27, 09	<b>Courier Mail</b>	<i>Hidden Valley Jewels</i>	Australian Wild Escapes, Santai, Casuarina Beach Resort, Bamboo Restaurant, Buck's Banana Cabana, Mt Warning NP, Uki Cafe, Tysigum Hotel, Billinudgel Hotel, Brunswick Hotel, Victory Hotel, Moolball, Mt Warning Hotel, Uki Imperial Hotel, M'bah, Tumbulgum Tavern	Full page col 266 col cm	\$64.88 / col cm	\$14,588	\$ 43,784
Mar 6, 09	<b>Courier Mail</b>	<i>Take Rover Camping</i>	Border Ranges Centre, Mt Warning Caravan Park	83 words (est 4 col cms)	\$64.88 / col cm	\$ 220	\$ 660
Mar 15, 09	<b>Sunday Mail</b>	<i>Lap Pool of Luxury</i>	Kingscliff Guesthouse	Half page col 133 col cm	\$104.60 / col cm	\$13,911	\$ 41,733
Mar 28, 09	<b>Tweed Border Mail</b>	<i>Tales from the Tweed's Taverns</i>	Historic Pub Tour: Billinudgel Hotel, Brunswick Hotel	2 X half page = 266 col cm	\$11.87 / col cm	\$ 3,157	\$ 9,471
Apr 4, 09	<b>Sunshine Coast Daily</b>	<i>This Pub Crawl is all</i>	Victory Hotel, Moolball	25cm x 8 col =	\$25.73 / col	\$ 3,858	\$11,578



9

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
		<i>Class</i>	Mr Warring Hotel, Uk Imperial Hotel, M'Bah Tumbulgum Tavern	150 col cm	cm		
Apr 16, 09	Queensland Country Life	<i>Come for the Scenery – Stay for the Beer</i>		Full page col (38 cm x 8 col – 301 col cm)	\$22.50 / col cm – \$660 col loading	\$ 7,500	\$22,500
Jun 8, 09	Northern Star	<i>Sample the character and characters of some of the Northern Rivers' historic pubs</i>		Full page col (38 cm x 7 col – 266 col cm)	\$20 / col cm	\$ 5,320	\$15,960
Apr 17, 09	Courier Mail	<i>A Wild Vision at Night Time</i>	Vision Walks	Full page col (36cm x 7 col – 266 col cm)	\$79.48 / col cm	\$19,548	\$58,637
May 8, 09	Gold Coast Bulletin – Paradise Magazine	<i>Rescuing the Forest People</i>	Sheryn Page (Wildlife Rescuer)	3-page feature article over 4 pages	\$6,432.43 per page	\$19,447	\$58,342
May 9, 09	Daily Telegraph	<i>We Love the North Coast</i>	General Tweed	355 words – 49 col cm (est)	\$104.80 per col cm	\$ 5,135	\$15,400
May 9, 09	Daily Telegraph	<i>Taking the Slow Road to Paradise</i>	General Tweed	2,253 words – 2 full pages (532 col cm)	\$104.80 per col cm	\$65,754	\$167,250
May 23, 09	Sydney Morning Herald – Travel	<i>Northern Highlights</i>	General Tweed	908 words (est half page)	\$15,338 per half page	\$15,338	\$48,014
May 23, 09	The Melbourne Age – Travel	<i>Northern Highlights</i>	General Tweed	908 words (est half page)	\$13,860 per half page	\$13,860	\$41,580
May 24, 09	Sunday Telegraph – Escape	<i>A Host of Coastal Opportunities</i>	General Tweed	47 words (within main travel feature) est 7 col cm	\$178.65 per col cm	\$ 1,252	\$3,756
May 24, 09	Sunday Mail - Escape	<i>Even the Pools Rock</i>	Outrigger Twin Towns Tweed/Cool Historic Walking Tour	Full page col (206 col cm)	\$106.69 per col cm	\$28,380	\$85,138
Jun 25, 09	Daily Telegraph – Travel	<i>Meander on the Scenic Route</i>	Mavis' Kitchen EcOasis	117 words (within main travel feature) est 16 col cm	\$104.80 per col cm	\$1,677	\$5,030
<b>TOTAL</b>						<b>\$ 450,533</b>	<b>\$1,351,587</b>



10

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
------	-------------	-------	------------------	------	----------------------	---------------	-------------------

**TELEVISION MEDIA**

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Nov 27, 08	Fox Sports 1 – Initial screening & 3 re-runs	<i>AFC Fishing Championships</i>		Half-hour episode	\$100 per 30 sec	\$ 8,000	\$ 18,000
Dec 16, 08					\$100 per 30 sec	\$ 8,000	\$ 18,000
Feb 1, 09					\$100 per 30 sec	\$ 8,000	\$ 18,000
Feb 3, 09					\$100 per 30 sec	\$ 8,000	\$ 18,000
Nov 29, 08	Fox Sports 2				\$100 per 30 sec	\$ 8,000	\$ 18,000
Nov 20, 09	Getaway	<i>Casuarina Beach Resort</i>	Casuarina Beach Resort Santal Bamboo Beach Shacks	1min 48sec	Estimate based on Ch7 base rate for national broadcast: \$11,300 per 30 sec spot	est \$ 44,000	est\$132,000
Aug 20, 09	The Cook & The Chef 4 x Tweed episodes	<i>Ep 28: Limes &amp; Rice</i>	Banana Cabana	25 min episodes	Estimate based on Ch7 base rate for national broadcast: \$11,300 per 30 sec spot	est \$275,000	est\$825,000
Aug 27, 09		<i>Ep 29: Brussel Sprouts &amp; Avocado</i>	Tropical Fruit World			est \$275,000	est\$825,000
Sep 24, 09		<i>Ep 31: Macadamias &amp; Coffee</i>	Zeta's Coffee			est \$275,000	est\$825,000
Oct 8, 09		<i>Ep 33: Bananas &amp; Artichokes</i>	Banana Farmer, Andrew Everest			est \$275,000	est\$825,000
Mar 28, 09	Mercurio's Menu Tweed Valley episode	<i>Melbourne</i>	Banana Cabana Peppers Resor.	24 min episode	\$9,530 per 30 sec	\$111,840	\$335,520
		<i>Victoria Regional</i>	Madura Tea		\$230 per 30 sec	\$ 11,040	\$ 33,120
		<i>Darwin</i>	Tropical Fruit World		\$400 per 30 sec	\$ 19,200	\$ 57,600
		<i>Tasmania</i>	Catch A Crab		\$740 per 30 sec	\$ 35,520	\$108,560
		<i>Brisbane</i>	Fins@Salt		\$400 per 30 sec	\$ 19,200	\$ 57,600
		<i>Old regional</i>	Gelateria Vernazza		\$600 per 30 sec	\$ 28,800	\$ 86,400
		<i>Sydney</i>	Clarke Hall Dam (Base Fly Fishing)		\$3,635 per 30 sec	\$175,920	\$527,760
Apr 19, 09		<i>Southern NSW</i>	Mavis' Kitchen	\$480 per 30 sec	\$ 23,040	\$ 69,120	
May 3, 09		<i>Northern NSW</i>	Gold Coast Airport/Jetstar	\$680 per 30 sec	\$ 31,680	\$ 95,040	
May 10, 09		<i>New Zealand – The Living Channel</i>		\$100 per 30 sec (est based on Fox Sports)	\$ 4,800	\$ 14,400	
Jul 12, 09	Brisbane Extra	<i>Tropical Fruit World</i>	Tropical Fruit World	2 min (est)	Brisbane Ch 9:	\$ 4,000	\$ 12,000



11

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
					\$400 per 30 sec spot (est) Old NBN: \$600 per 30 sec spot(est)		
Nov 1, 08	Creek to Coast	Tweed River Day Trip		2 min	Brisbane Ch 7: \$400 per 30 sec spot Old Prime: \$600 per 30 sec spot	\$ 4,000	\$ 12,000
Nov 8, 08	Creek to Coast	Tweed River Bass Fishing		2 min	Brisbane Ch 7: \$400 per 30 sec spot Old Prime: \$600 per 30 sec spot	\$ 4,000	\$ 12,000
Feb 28, 09	Creek to Coast	BCF Beer Bid	Banana Cabana	2 min	Brisbane Ch 7: \$400 per 30 sec spot Old Prime: \$600 per 30 sec spot	\$ 4,000	\$ 12,000
<b>TOTAL</b>						<b>\$1,651,040</b>	<b>\$4,953,120</b>

**RADIO**

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Jul ??, 08	ABC North Coast	David Parish Interview	New TT Chair			est \$ 100	est \$ 300
Jul ??, 08	ABC Gold Coast	Usya Parish Interview	New TT Chair			est \$ 100	est \$ 300
Oct ??, 08	Hot Tomato	Phil Wilfers Interview	Tourism statistics			est \$ 100	est \$ 300
Oct ??, 08	SEA/Gold FM Notice Board	N/A	TT Race Day			est \$ 50	est \$ 150
<b>TOTAL</b>						<b>est \$ 350</b>	<b>est \$ 1,050</b>



**TWEED TOURISM – LOCAL MEDIA**

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Jul ??, 08	Daily News	N/A	New TT Chair			est \$ 300	est \$ 900
Oct 16, 08	Tweed Sun	Tweed Tourism off and running to the Gallops	TT Race Day	292 words 52 col cm (est)	\$8.40 / col cm	\$ 437	\$ 1,311
Oct 30, 08	Tweed Sun	Tweed Pulls in Crowds	Tourism statistics	478 word 85 col cm (est)	\$8.40 / col cm	\$ 714	\$ 2,142
Oct 28, 08	Daily News	Visitors Discover Tweed	Tourism statistics	294 words 40 col cm (est)	\$9.08 / col cm	est \$ 363	est \$ 1,089
Oct ??, 08	Daily News	N/A	TT Race Day			est \$ 300	est \$ 900
Oct ??, 08	Tweed Shire Echo	N/A	TT Race Day			est \$ 300	est \$ 900
Oct ??, 08	Tweed Weekly	N/A	TT Race Day			est \$ 300	est \$ 900
Nov 6, 08	Tweed Shire Echo	Burringbah Cheesemakers Chalk up a Winner	Burringbah Cheeses			est \$ 300	est \$ 900
Nov 20, 08	Tweed Sun	Tweed Spin-off on Cards	Tourism statistics	234 words 42 col cm (est)	\$8.40 / col cm	\$ 353	\$ 1,059
Dec 4, 08	Daily News	Tweed on Mercurio's Menu	Mercurio's Menu	415 sq cm		est \$ 400	est \$ 1,200
Dec 4, 08	Tweed Shire Echo	Backburner	Mercurio's Menu			est \$ 300	est \$ 900
Dec 8, 08	GC Bulletin	Tweed on the Menu	Mercurio's Menu	182 words 21 col cm (est)	\$16.28/ col cm	\$ 341	\$ 1,023
Dec 10, 08	GC Bulletin Elites	Dancing with Tweed Stars	Mercurio's Menu	433 words 20cm x 3col = 60 col cm	\$17.97/ col cm	\$ 1,036	\$ 3,108
Dec ??, 08	Tweed Weekly	N/A	Mercurio's Menu			est \$ 300	est \$ 900
Dec 11, 08	Tweed Sun	Desori Chief to Join Tourism Board	New TT Chair	346 words 48 col cm (est)	\$8.40 / col cm	\$ 409	\$ 1,209
Dec ??, 08	Daily News	N/A	TT Donation to Murwillumbah Hospital			est \$ 300	est \$ 900
Jan 7, 09	Daily News	Tough Times Attract Tourists to Tweed	Christmas visitation	377 words 52 col cm (est)	\$9.06 / col cm	\$ 472	\$ 1,416
Jan 8, 09	Tweed Sun	Tourism's Sunny Outlook for 2009	Tourism statistics	332 words 59.5 col cm (est)	\$8.40 / col cm	\$ 500	\$ 1,500
Jan 12, 09	GC Bulletin	Exposure for Tweed	Mercurio's Menu & others			est \$ 500	est \$ 1,500
Jan 22, 09	Tweed Shire Echo	Tourists Still Love the Tweed Coast	Tourism statistics			est \$ 300	est \$ 900



DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Feb 6, 09	GC Bulletin	<i>Tweed to step up its border patrol</i>	New TT Chair	422 words 80 col cm (est)	\$16.26/ col cm	\$ 970	\$ 2,926
Feb 12, 09	Tweed Sun	<i>Short Stays to keep industry buoyant</i>	New TT Chair	262 words 39 col cm (est)	\$8.40 / col cm	\$ 328	\$ 984
Mar 30, 09	GC Bulletin	<i>No hint</i>	Mercurio's Menu	71 words 10 col cm (est)	\$17.27/ col cm	\$ 173	\$ 519
May 7, 09	Daily News	<i>Sonya Takes out Tourism Award</i>	Sonya Mroz – Tweed Endeavour Cruises	121 words + image = 45 col cm (est)	\$9.06 / col cm	\$ 409	\$1,225
May 19, 09	Daily News	<i>Selling Tweed to the World</i>	Sonya Mroz – Tweed Endeavour Cruises	301 words + image = 60 col cm (est)	\$9.06 / col cm	\$ 545	\$1,835
May 31, 09	Daily News	<i>NSW Gets Taxi Rank at Airport</i>		261 words + image = 60 col cm (est)	\$9.06 / col cm	\$ 545	\$1,835
Jun 10, 09	Daily News	<i>Hybrid Taxis Clean, Green</i>		344 words + image = 70 col cm	\$9.06 / col cm	\$ 636	\$1,908
Jun 13, 09	Daily News	<i>Cauldron Offers Rich Experiences</i>	Indigenous Workshop	27cm x 3 col = 81 col cm (259 words)	\$9.06 / col cm	\$ 735	\$2,205
<b>TOTAL</b>						<b>\$12,566</b>	<b>\$37,696</b>

\* EDITORIAL VALUE is estimated based on the PRIA multiplier of x3



14

## APPENDIX 2

### SUMMARY OF FAMILS - July 08 to June 009 INDUSTRY FAMILS

DATE	COMPANY / AGENCY	W / R *	REPRESENTATIVE	OPERATORS / ATTRACTIONS
21-24 July, 08	Australia Holidays	W	Elena Zolotovskaya	Fingal Dive Charters Aquatic Blue Charters Boyle Bay Houseboats Seamaster Fishing Charters Ivory Tavern Tweed Endeavour Cruises Peppers Salt Resort & Spa New Tweed Coast Adventures Mt Warning National Park
8-11 August, 08	Tourism NSW Infinity Holidays Remarkable Flight Centre House of Travel, Lymmhall House of Travel, Hamilton Frontier Travel Msher United Travel Iawa Travel	I R R R R R R	Ela Frater Baden Horn Melissa Gilbert Charina Dinglasan Wendy Mason Patwinder Kaur Vivienne Hesley Charmaine Temple	Outrigger Twin Towns Resort Café D'Bar and Gallery Peppers Salt Resort & Spa Mantra at Salt Beach Roughies Restaurant and Bar New Tweed Coast Adventures Tropical Fruit World
2-3 May, 09	<b>Corroboree 09</b> Tourism Australia Escort Kilroy Travels, Finland Thomas Cook, Netherlands Falcon Travel, Ireland Carlsonwagonlitvoyages, France TUJ Specialist Division, UK 1st Class Holidays, UK First Choice, UK Co-Operative Travel, UK Global Travel, UK Flight Centre, UK	I R R R R R R R R R R	Susi Thompson Johan Roms Nynke De Vries Jimmy Dolan Nathalie Riviere Coli Gill Anne Jepson Gemma Cooke Leigh Hazel Julie Digman Kathryn Taylor	Curumbin Wildlife Sanctuary Australia's Green Cauldron Outrigger Twin Towns Resort Café D'Bar Tropical Fruit World Peppers Salt Resort & Spa Salt Bar and Bistro Australian Wild Escapes - Rainforest & Northern Rivers tour: Mt Warning National Park Mebbin National Park Border Ranges National Park Kyogle



15

	Premier Travel, UK Austravel, UK Flightdesk/escapes, UK Kuoni Travel Ltd, UK	R R R	Kirsty Jacklin Neyre Beshim Emma Connel Rachel White	Uki Tyalgum
23-25 June, 08	Tourism NSW – Japan	I	Kyoko Kanemira	<i>Stokers Siding Pottery</i> <i>Mt Warning National Park</i> <i>Mavis' Kitchen &amp; Cabins</i> <i>Flutterbies Cottage Café &amp; The Little Shop Next Door</i> <i>Buck Buchanan's Banana Cabana</i> World Heritage Rainforest & Visitor Information Centre Tweed River Regional Art Gallery Luffley's Café & The Thin Green Line Shop Sugar Beat Coffee Shop <i>Tumbulgum Tavern</i> Peppers Salt Resort & Spa Roughies Restaurant & Bar Tweed Endeavour Cruises Tropical Fruit World Medura Tea Plantation



16

### MEDIA FAMILIS

DATE	MEDIA	REPRESENTATIVE	OPERATORS / ACTIVITIES
	Mercurio's Menu – research	Julia Nesbit	Café D'bah Tropical Fruit World Gelateria Vernazza Fine @ Salt Madura Tea Santal Resort Mavis' Kitchen Clarrie Hall Dam Banana Cabana Tweed River Oysters (Perfectour)
7-9 Jan, 09	Freelancers	Nick & Danielle Lancaster	Crystal Creek Rainforest Retreat McCalman's Crystalvale Rainforest Way National Landscape – Mt Warning Wailumbin Caldera Buck Buchanan's Banana Cabana Soap Factory Old Butcher Shop Gallery Tyalgum Pub Flutterbies Cottage Café The Little Shop Next Door Tyalgum Village Hall Mt Warning Pub Old Buttery Craft Shops And Studios A View Of Mt Warning B&B Mooball Billinudgel Hotel Tumbulgum Pub & Art Galleries Crystal Creek Miniatures & Palmdale Stud Parrot Garden Café
7-8 Mar, 09	Sunday Mail 'Escape'	Alison Cotes	Coolangubla Tweed Historic Walking Tours Outigger Twin Towns Resort Twin Towns Services Club Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball



17



			Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern
7-8 Mar, 09	Sunshine Coast Daily	Gail Loader	Coolangatta Tweed Historic Walking Tours Outrigger Twin Towns Resort Twin Towns Services Club Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern
7-8 Mar, 09	Queensland Country Life	Mark Phelps	Tweed Endeavour Cruises Outrigger Twin Towns Resort Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern
7-8 Mar, 09	Freelancer	Kerry Hearney	Outrigger Twin Towns Resort Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern



18

8-10 Mar, 09	Freelancer – Food & Wine	Winsor Dobbin	The White Olive Mavis' Kitchen & Cabins at Mt Warning The Beach Resort at Cabarita Kingscliff Seaside Guesthouse Madura Tea Plantation Three Little Figs Fins Restaurant Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern
8 Mar, 09	Daily News	Patrick Williams	Historic Pub Tour: Billinudgel Hotel Brunswick Hotel Victory Hotel, Mooball Mt Warning Hotel, Uki Imperial Hotel, Murwillumbah Tumbulgum Tavern
9-10 May, 09	<b>Jetstar NZ Media Famil:</b> Jetstar New Zealand PR Sunday Star Times Metro Magazine New Zealand Herald AA Destinations magazine	Kirsten Wick Karen Jay Simon Wilson Jacqueline Smith Laura Cocks	Rainbow Bay Surf Club Café D'Bah Tropical Fruit World Mantra at Salt Beach Peppers Salt Resort & Spa Peppers Bale Golden Door Spa Kingscliff Seaside Guesthouse Santalai Resort Bamboo Restaurant World Heritage Rainforest Centre Tweed River Regional Art Gallery Mt Warning National Park Mavis' Kitchen & Cabins Flutterbies Cottage Café The Little Shop Next Door Paddington's of Tyalgum



19

19 Jun, 09	<b>TNSW Media Famil:</b> Tourism NSW Sunday Telegraph AAP Jetstar Inflight Magazines Time Out Sydney	Sarah Morton Mike Smith Paul Clarke Ute Junker Lisa Verano	EcOasis Tyalgum Village operators Chillingham operators Mt Warning National Park Mavis' Kitchen Three Little Figs Santal & Bamboo Restaurant Catch a Crab Fins at Salt Village
26 Jun, 09	<b>Whale Watching Famil:</b> Tweed Shire Echo Byron Shire Echo Northern Star Tweed Weekly	Luis & photographer Lisa Fay Knight Albert	Aqualic Blue Charters



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This report recommends Council endorse the quarterly performance review required by Tweed Tourism's funding agreement.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

- Confidential Attachment - Tweed Tourism Quarterly Report – April to June 2009 (ECM 3876615)**

**8 [GM-CM] First Round Applications for Financial Assistance 2009/2010 - Festivals Policy****ORIGIN:****General Manager****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.

The main objective in the Tweed Shire Festivals and Events Strategic Plan 2008-2013 is to increase the quality and effectiveness of all the Tweed Festivals and Events.

The Council recognises the importance of festivals and events to the quality of life offered in the Tweed Shire and their significant economic benefits to tourism and other industries.

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.

First round applications for financial assistance were invited under Council's Festivals Policy and closed on 31 July 2009.

**RECOMMENDATION:****That Council:**

- 1. Allocates the First Round Donations for 2009/2010 under the Festivals Policy, as follows:-**

<b><u>Applicant</u></b>	<b><u>Amount Approved</u></b>
<b>The Unity Festival Inc</b>	<b>\$1 000</b>
<b>Caldera Regional Arts Incorporated</b>	<b>\$1 000</b>
<b>Tweed Valley Banana Festival</b>	<b>\$7 500</b>
<b>Island Style Promotions/Gold Coast Malibu Club</b>	<b>\$3 000</b>
<b>Friends of the Tweed River Art Gallery Inc and Tyalgum Festival Committee Inc.</b>	<b>\$6 000</b>
<b>The Combined Orchid Societies</b>	<b>\$1 000</b>
<b>TOTAL</b>	<b>\$19 500</b>

2. **ATTACHMENT 1** as **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
- (a) *personnel matters concerning particular individuals (other than councillors)*

## 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.

The main objective in the Tweed Shire Festivals and Events Strategic Plan 2008-2013 is to increase the quality and effectiveness of all the Tweed Festivals and Events.

Tweed Shire has a diverse range of festivals and events each year that attracts a combined audience of almost 200,000 from the community and visitors to the Tweed.

The Council recognises the importance of festivals and events to the quality of life offered in the Tweed Shire and their significant economic benefits to tourism and other industries.

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.

Following is information on the applications that best met the criteria:-

### The Unity Festival Inc

This is a new festival aimed at raising cultural awareness and celebrating diversity. There is a Steering Committee representing Aboriginal, Torres Strait Islands, South Sea Islands, Indian, Filipino and Indonesian communities of the Tweed. The event management includes experienced professional and locals. The event will be held at the Murwillumbah Showgrounds.

### Caldera Regional Arts Inc

The Caldera Artfest 09 promotes the regions natural environment and biodiversity values through art. There will be a display of paintings, photographs and sculptures along with natural history films and information from Tweed Land Care, Northern Rivers Catchment Authority and the Eco Tourism Industry. The objectives include engagement visual artists, community groups and others in partnership with the regions arts and tourism business sectors in promoting the natural environment and *Australia's Green Cauldron* marketing program.

### Tweed Banana Festival

Now in its 54<sup>th</sup> year, this is the Tweed Valley's major rural heritage festival. It engages a broad range of community groups in presenting craft and art exhibitions, fashion parade, battle of the bands, youth film and comedy night and culminates in a large and colourful street parade in Main Street, Murwillumbah. A Family Fun Day in Knox Park will culminate with the Festival Ball and Queen Crowning in the Civic Centre. The event will finish with an Aquatic Carnival on the Tweed River and Budd Park on Sunday 23 August 2009.

### Malfunction Surf Festival, Kingscliff Beach

This is becoming a very successful Malibu surf festival held annually at Kingscliff Beach. Projected benefits for community and business estimated at \$2M - \$2.5. Community Groups benefiting include Cancer Council, Disabled Surfers, Postal Alliance, Cudgen SLSC and Kingscliff Surf Riders Club. A family orientated event, competition includes all ages and male and female - the event attracts audiences and participants from Queensland and New South Wales.

### Concert Series - Tweed River Art Gallery

This is a new series of classical musical concerts to be held in 2010 at the Art Gallery. It is to be presented by the Friends of the Tweed River Art Gallery Inc in collaboration with the Tyalgum Festival Committee Inc. The music concerts will feature professional artists and the trial event held recently attracted a full house. The collaboration of these two volunteer organisations in the Tweed should ensure a successful base to this series continuing into the future.

### The Combined Orchid Societies Fair

This is the 15<sup>th</sup> year of the very popular Gold Coast/Tweed Orchid Fair to be held at the Tweed Civic Centre in late October. This event continues to grow and expand its visitation into regional Queensland and New South Wales. It combines all the local Orchid Societies in one big effort to present their specialist gardening skills and pass on their knowledge to others.

The 2009/2010 Festivals Budget was prepared on the following basis:

\$55 667	General
\$10 000	Wintersun multi-year funding

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

An amount of \$19 500 is recommended for distribution in the first round. It is not necessary to distribute the whole amount as the balance will rollover into the second round.

### **POLICY IMPLICATIONS:**

Nil.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment - Festivals Policy Assessment Table (ECM3948428)**
-

---

**9 [GM-CM] First Round Applications for Financial Assistance 2009/2010 - Donations Policy**

**ORIGIN:**

**General Manager**

**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.

First round applications for financial assistance were invited under Council's Donations Policy and closed on 31 July 2009.

**RECOMMENDATION:**

**That Council:**

- 1. Allocates the First Round Donations for 2009/2010 under the Donations Policy as follows:-**

<b><u>Applicant</u></b>	<b><u>Amount Approved</u></b>
Tweed Shire Women's Service Inc	\$990
Kingscliff Beach Babes Community Playgroup	\$500
Tweed Valley Community Church	\$500
Tweed Gold Coast Family History & Heritage Association	\$200
Cabarita Beach Dune Care	\$1 000
Friends of the Pound Tweed Inc.	\$1 000
WollumbinBUG	\$500
Chillingham Community Association Inc.	\$550
Rosellas Community Preschool Inc	\$1 000
Friends of Wollumbin Landcare (auspice organisation - Tweed Landcare Inc.)	\$1 000
Uki Public Hall & Recreation Reserve Trust	\$550
Possums Community Preschool	\$1 000
<b>TOTAL:</b>	<b>\$8 790</b>

2. **ATTACHMENT 1** as **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
- (a) *personnel matters concerning particular individuals (other than councillors)*



## 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.
- The funds are not to be used for a social activity for members of the organisation exclusively.

The following application best met the criteria:

### Tweed Shire Womens' Service Inc

This is a contribution towards raising awareness of domestic violence in the community and providing information on the services for women and children provided since 1987. Services include crisis accommodation, crisis counselling and information services.

### Kingscliff Beach Babes Community Playgroup

This is a contribution towards educational equipment for the Kingscliff Community Playground which provides learning through play for residents aged 0-5.

### Tweed Valley Community Church

A contribution towards an outreach breakfast program providing nutrition to local school children from Tweed River, Banora Point, Pacific Coast High Schools and Centaur Primary School. Provides community support in a low socio economic area.

### Tweed/Gold Coast Family History and Heritage Association

Contribution towards the purchase of a microfilm/microfiche reader for research local family history. Formed in May 1997, this Family History Group currently has 142 individuals and 37 families as members.

### Cabarita Beach Dune Care

Contribution towards the purchase of equipment and supplies needed to carry out bush regeneration and dune care work. Tweed based Dune Care group working towards the improvement of the local environment as well as providing educational opportunities.

Friends of the Pound Inc

A contribution towards animal care packages including monthly flea and worm treatment, desexing distributed to elderly pensioners who cannot afford basic essentials for the companion animals.

WollumbinBUG

Assistance towards the establishment of a new group aimed at promoting safe cycling in the Tweed. The Group will be launched with posters and information promoting cycling and sustainable transport shire-wide.

Chillingham Community Association Inc

A contribution towards the purchase of a public address system that will be used for the many community events held throughout the year in Chillingham.

Rosellas Community Pre-school Inc

A contribution towards the purchase of outdoor play equipment and the replacement of worn out items in the outdoor education activities box.

Friends of Wollumbin Land Care

A contribution towards the purchase of equipment for use by the group in land care projects - currently the Byangum Riparian Rehabilitation Project. Friends of Wollumbin Land Care have been active in regeneration since 1997.

Uki Public Hall and Recreation Reserve Trust

A contribution towards the purchase of materials to clean and repaint kitchen area of the hall. This will provide the venue with a functional and compliant public space for its many community events.

Possums Community Pre-school

A contribution towards extending the rear deck to make the access ramp a safer gradient and to allow children more room at meal times and in wet weather.

The 2009/2010 Budget was prepared on the following basis:

\$23 121                      Donations Funding

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

An amount of \$8 790 is recommended for distribution in the first round.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. **Confidential Attachment** - Donations Policy Assessment Table (ECM3948448)
-



THIS  
PAGE  
IS  
BLANK

## REPORTS FROM THE DIRECTOR PLANNING & REGULATION

### 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.



THIS  
PAGE  
IS  
BLANK

**10 [PR-CM] Development Application DA08/1216 for a Dwelling & Demolition of Existing Dwelling at Lot 2 DP 501165 No. 10a Boomerang Street, Kingscliff**

**ORIGIN:**

**Building & Environmental Health**

**FILE NO: DA08/1216 Pt1**

**SUMMARY OF REPORT:**

**ITEM DEFERRED FROM MEETING HELD:**

**21 July 2009**

*“RECOMMENDED that Development Application DA08/1216 for a dwelling & demolition of existing dwelling at Lot 2 DP 501165, No. 10a Boomerang Street, Kingscliff be deferred to the August Council meeting.”*

An application has been received to demolish an existing three storey dwelling and construct a new larger three (3) storey dwelling on the subject property. The property is a battleaxe block situated on the southern side of Boomerang Street Kingscliff.

The application was notified to adjoining property owners and eight (8) submissions were received from eight (8) surrounding properties objecting to the proposal. The objectors' main concerns with the proposal were the bulk and scale of the dwelling, the impact on views, and impact on privacy. After extensive consultation with all parties the proposal has been modified twice from the original submission, with the final design being generally compliant with the mandatory controls of Council's DCP A1 and providing reasonable regard to the concerns of the objectors. There are still some objections from neighbouring residents in respect of the amended design.

The issues raised in the objections have been addressed within the body of this report.

On the balance of the assessment of the relevant planning matters, the context of other developments in the surrounding locality and the nature of the battleaxe block, it is considered that the proposed development is suitable for approval, subject to conditions.

**RECOMMENDATION:**

**That Development Application DA08/1216 for a dwelling & demolition of existing dwelling at Lot 2 DP 501165, No. 10a Boomerang Street Kingscliff be approved subject to the following conditions: -**

---

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects as amended and Plan Nos 037-01 issue H, 037-02 issue K, 037-03 issue H, 037-04 issue K, 037-06 issue M, 037-12 issue G, 037-30 issue J, 037-20 issue L, 037-21 issue L, prepared by Gary Grieve Design and dated July 08, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. Landscaping is to be provided and maintained in accordance with the approved plans and any additional landscaping on the site is to be limited to a maximum growth height of 24.65m AHD so as facilitate the view sharing considerations accommodated by the development.

[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

4. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

5. A construction certificate application for works that involve any of the following:-
  - connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]



- 
6. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

**PRIOR TO COMMENCEMENT OF WORK**

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

[PCW0215]

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

[PCW0225]

9. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying

authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
  - \* in the name and licence number of the principal contractor, and
  - \* the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - \* the name of the owner-builder, and
  - \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

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

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

[PCW0255]

12. Prior to commencement of work including demolition work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1005]

#### **DURING CONSTRUCTION**

14. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

**Monday to Saturday from 7.00am to 7.00pm**

**No work to be carried out on Sundays or Public Holidays**

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

15. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

16. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

17. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

- 
18. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
19. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]
20. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
21. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures", to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001 and the approved demolition work plan.
- [DUR0645]
22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, and Development Control Plan.
- Please note timber retaining walls are not permitted.
- [DUR0835]
23. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
- [DUR0905]
24. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
25. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a
-

- Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
26. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
27. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
- [DUR2185]
28. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building.
- [DUR2485]
29. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
30. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
31. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR2545]
32. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

- 
33. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
- [DUR2645]
34. A Sewer manhole is present on this site. This manhole is to be uncovered and if necessary, application shall be made to Council's Engineering & Operations Division for the raising of the manhole.
- [DUR2655]
35. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.
- [DUR2705]
36. During construction the Principal Certifying Authority is to be provided with a Registered Surveyors' floor level certificate at each floor platform stage and when the roof framework is in place, to confirm that the height of the building is proceeding in accordance with the approved plans.
37. All externally mounted equipment such solar panels, other than antennas are not to exceed the maximum allowed construction height of 24.555m AHD.
- [DURNS02]
38. A new water meter service is to be provided to the property at the Boomerang Street frontage and arrangement made with Council's Water Unit for the removal of the existing service located on Rob Roy Crescent.
- [DURNS03]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

39. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
- [POC0205]
40. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.
- The street number is to be on a white reflective background professional painted in black numbers 100mm high.
- On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.
- For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with

Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

41. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

42. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

#### USE

43. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

44. The building is to be used for single dwelling purposes only.

[USE0505]

**REPORT:**

**Applicant:** Mr RJ Bailey  
**Owner:** Mr RJ Bailey and Mrs FA Bailey  
**Location:** Lot 2 DP 501165, No. 10a Boomerang Street Kingscliff  
**Zoning:** 2(a) Low Density Residential  
**Cost:** \$400,000

**BACKGROUND:**

The property is zoned 2(a) Low Density Residential under Tweed Local Environmental Plan 2000 and is located on the southern side of Boomerang Street Kingscliff. The property is a battleaxe block containing an existing small three storey dwelling and a detached two storey shed and rumpus area. The property is situated on the side of Kingscliff hill with a northerly aspect and as a battleaxe block is situated in the middle of the surrounding properties.

An application has been received to demolish the existing structures and to construct a new three (3) storey dwelling on the subject property.

The application was notified to adjoining property owners and eight (8) submissions were received from eight (8) surrounding properties objecting to the proposal. The objectors' main concerns with the proposal were the bulk and scale of the dwelling, the impact on views, and impact on privacy. After extensive consultation and additional notification with all parties the proposal has been modified twice from the original submission, with the final design being generally compliant with the mandatory controls of Council's DCP A1 and providing reasonable regard to the concerns of the objectors.

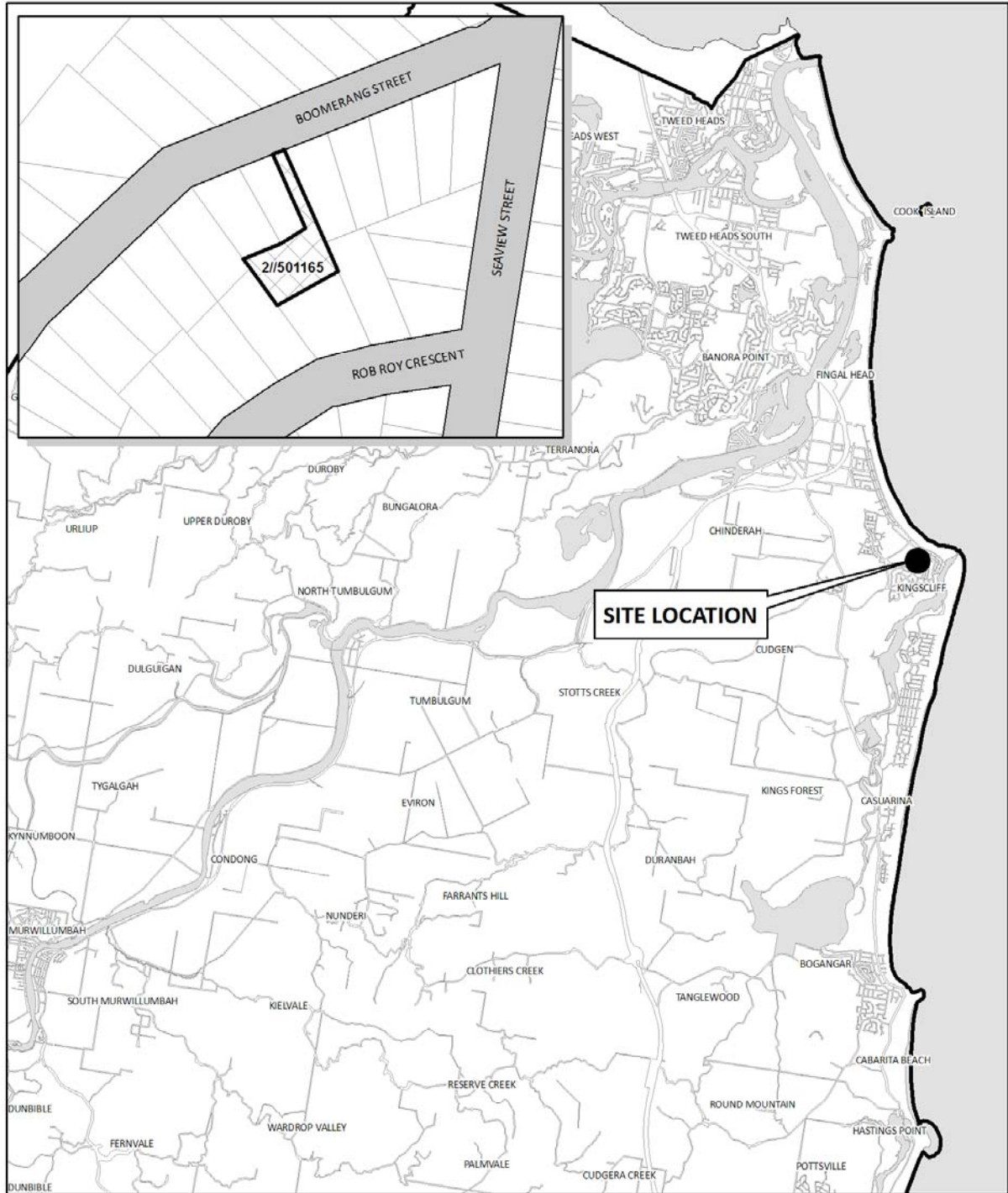
The original design has been modified to address the objectors concerns by:

- reducing the length of the building by 1.7m
- reducing the top storey verandah overhang
- reducing the overall height of the building to be just below the existing roof at 24.555m AHD.
- providing privacy screening on the eastern end of the building.
- providing movable screens to northern edge of the upper verandah
- providing extensive privacy landscaping to the northern and eastern boundary
- changing the roof design

These modified plans are now the plans considered in this report and some neighbour's still maintain their objection to the development in its modified form.



**SITE DIAGRAM:**



**LOCALITY PLAN**

Lot 2 DP 501165  
 No.10a Boomerang Street, Kingscliff

Filename: z:\esri\planning\mxd\A4P\_B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: July 10, 2009

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before you Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastre July 10, 2009  
 © Dept. of Lands & Tweed Shire Council

Coordinate System - MGA Zone 56  
 Datum - GDA 94  
 DO NOT SCALE  
 COPY ONLY - NOT CERTIFIED


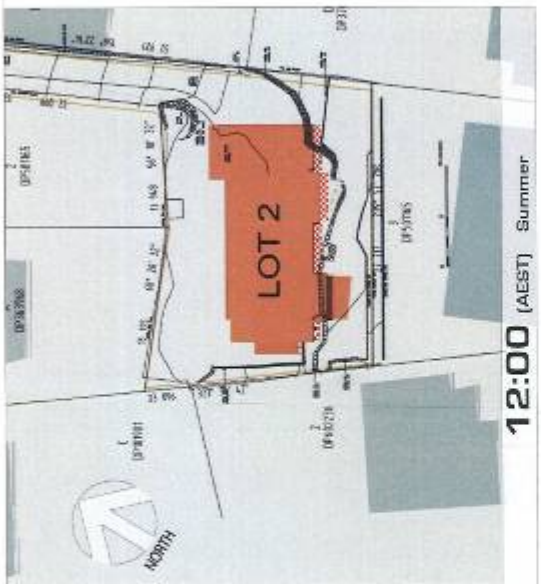
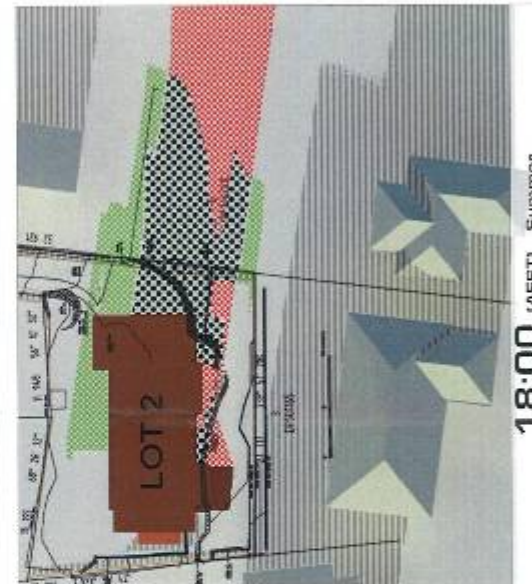
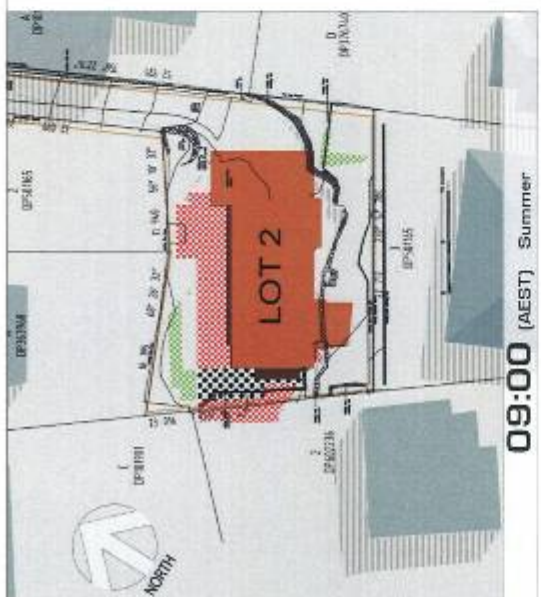
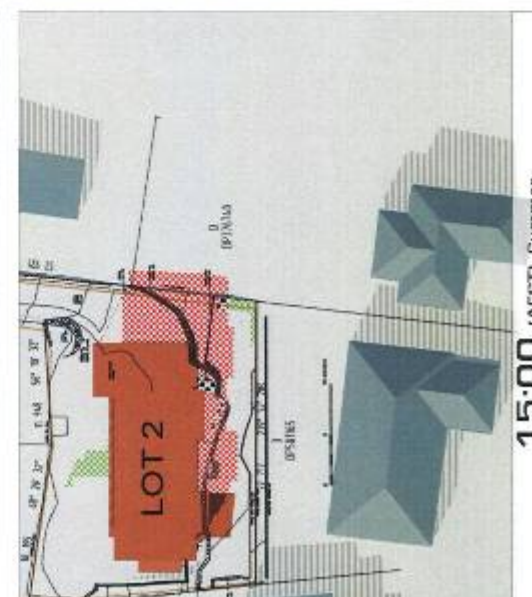


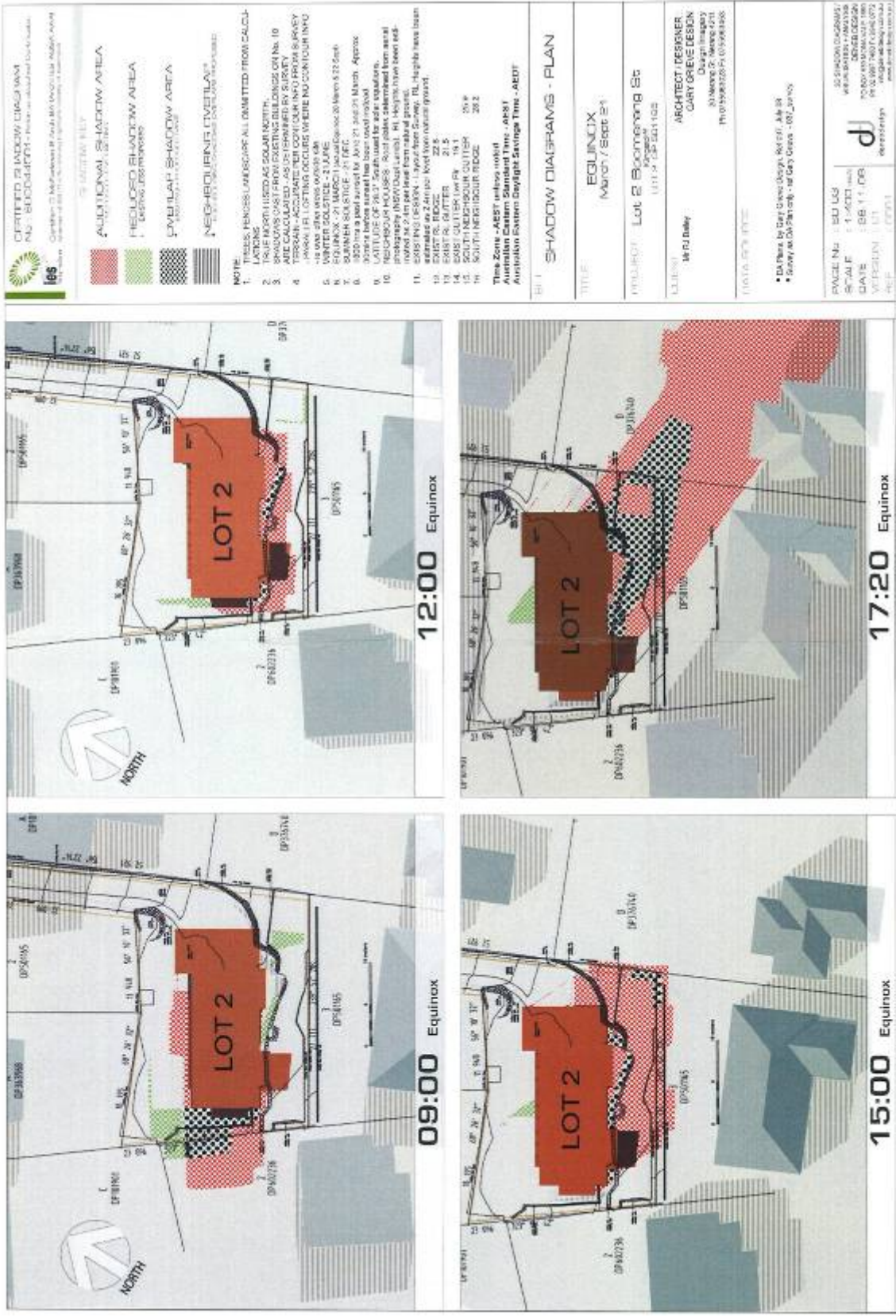
**Tweed Shire Council**

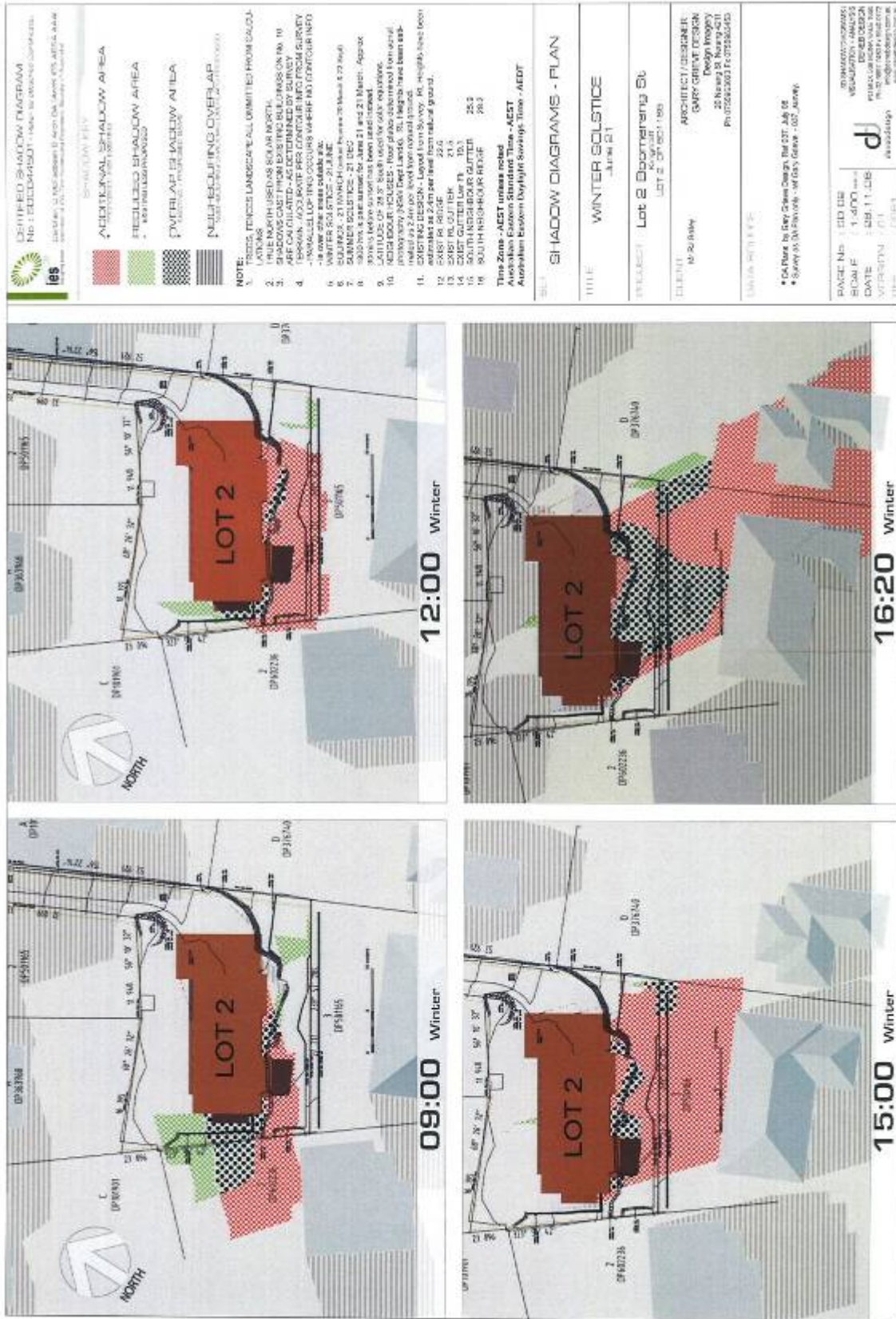
PO Box 816,  
 Murwillumbah  
 NSW 2484

Tel: (02) 6670 2409  
 Fax: (02) 6670 2483

DEVELOPMENT PLANS:

	<p><b>SHADOW AREAS</b></p> <ul style="list-style-type: none"> <li>RESIDENTIAL SHADOW AREA</li> <li>REDUCED SHADOW AREA</li> <li>EXCESS SHADOW AREA</li> <li>NEED BUILDING OVERLAP</li> </ul>	<p><b>NOTES</b></p> <ol style="list-style-type: none"> <li>1. ALL SHADOWS CALCULATED AT ORIENTED POSITION (20.0°)</li> <li>2. TREE HEIGHTS USED AS SOLAR HEIGHT</li> <li>3. SHADOWS CAST FROM EXISTING BUILDINGS ON No. 10 ARE CALCULATED AS SHADOWS FROM EXISTING BUILDINGS</li> <li>4. EXCESS SHADOW AREAS ARE SHOWN WHERE NO CONTROL IS REQUIRED</li> <li>5. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>6. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>7. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>8. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>9. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>10. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>11. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>12. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>13. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>14. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>15. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> <li>16. EXCESS SHADOW AREAS ARE SHOWN WHERE CONTROL IS REQUIRED</li> </ol>	<p><b>SHADOW DIAGRAMS - PLAN</b></p>	<p><b>TITLE</b></p> <p>SUMMER SOL-STOKE</p>	<p><b>PROJECT</b></p> <p>Lot 2 Baysberry St</p>	<p><b>CLIENT</b></p> <p>MR &amp; MRS</p> <p><b>ARCHITECT DESIGNER</b></p> <p>DAVE GREENWOOD</p> <p>30 WARRIOR ROAD</p> <p>WARRIOR VIC 3088</p> <p>PH: 08 9488 2111</p> <p>FX: 08 9488 2112</p>	<p><b>DATE</b></p> <p>18.11.2008</p> <p><b>REVISION</b></p> <p>1</p>
 <p>09:00 (AEST) Summer</p>	 <p>12:00 (AEST) Summer</p>	 <p>15:00 (AEST) Summer</p>	 <p>18:00 (AEST) Summer</p>				







(C) No sound & copyright  
Application will result in prosecution.

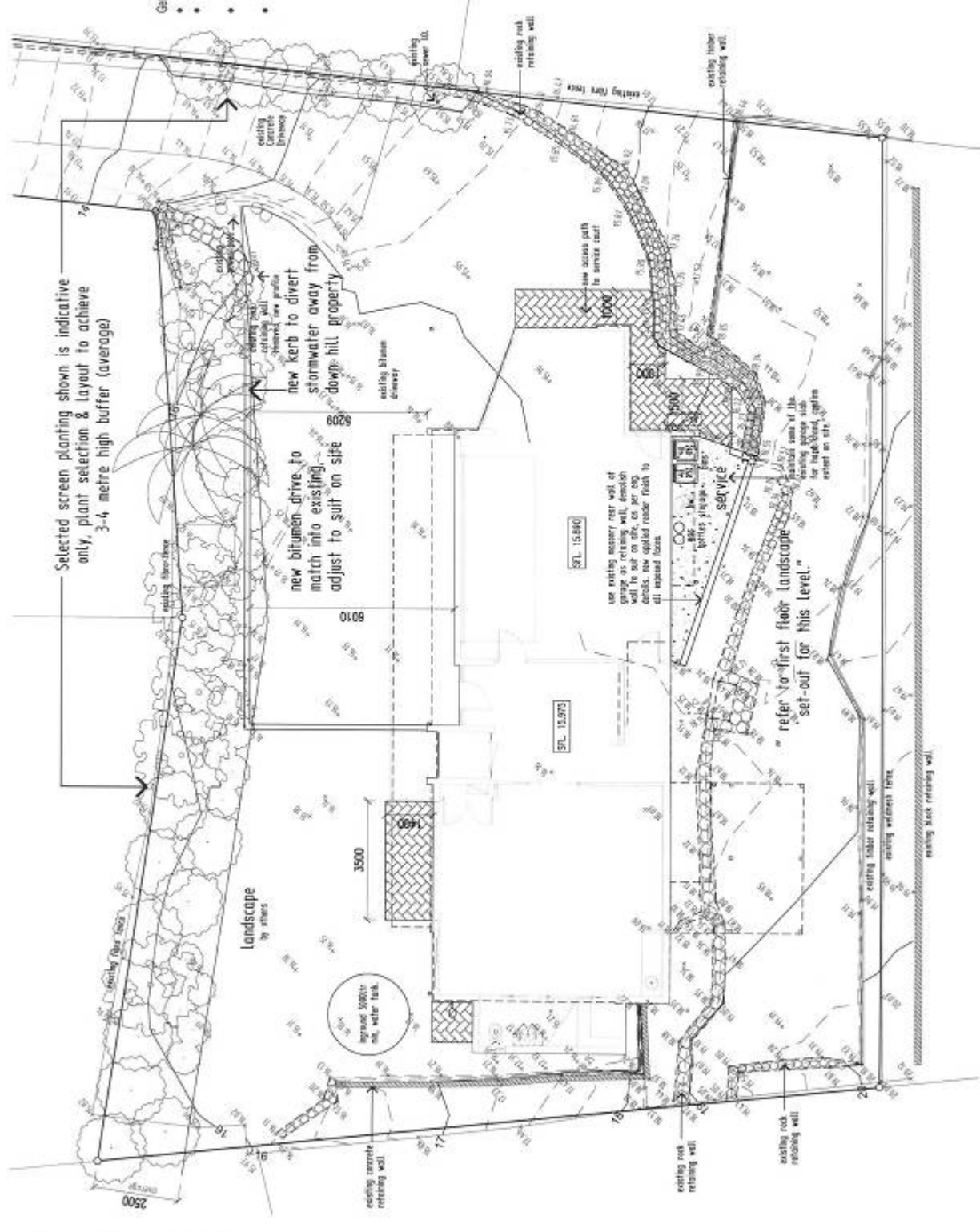


- Generally:
- 1 plant / sq.m.
  - 200mm pot size min recommended.
  - Taller accents proposed for entry & corner of site.

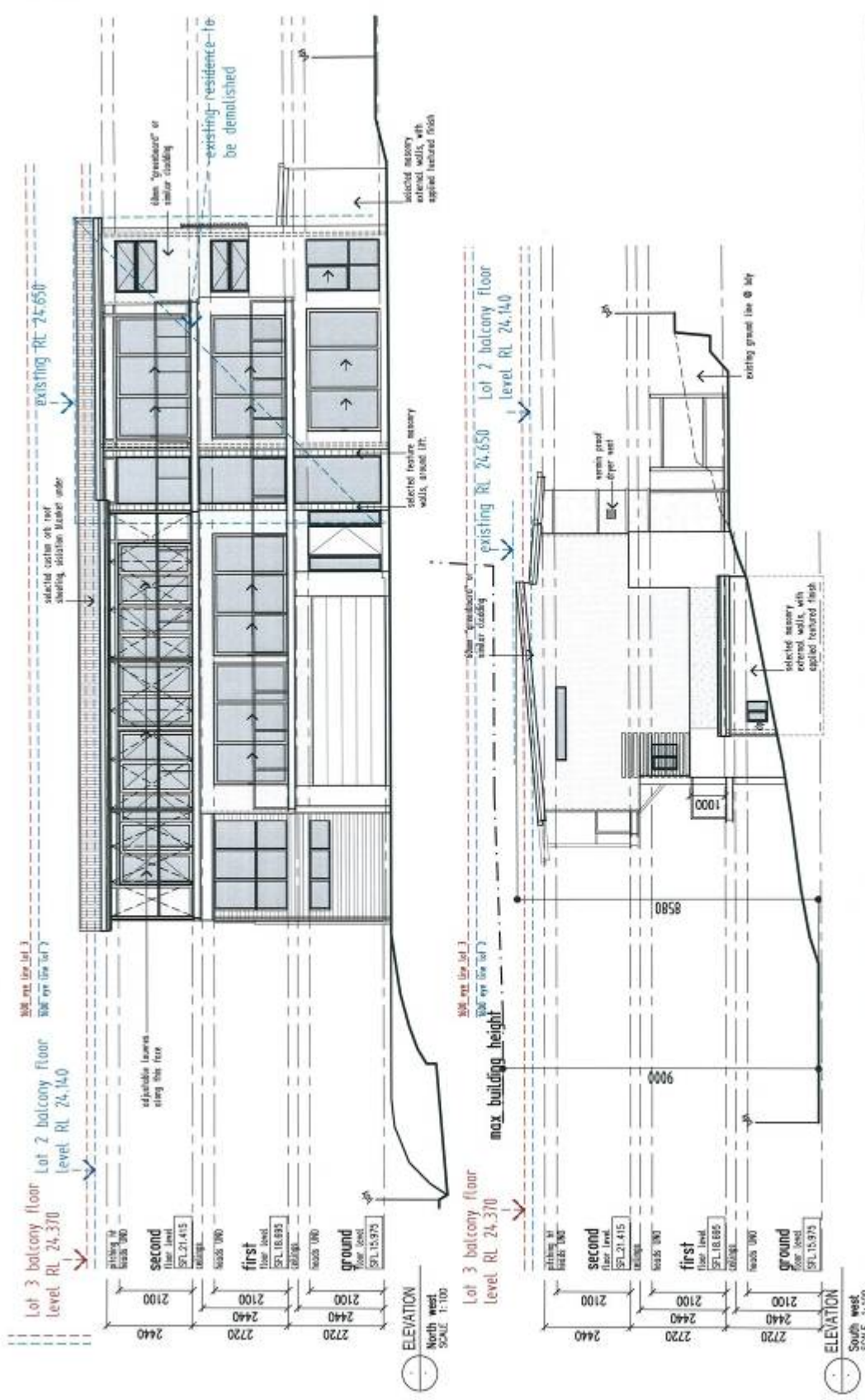
DATE: 18/08/09  
 DRAWN: J. GRIEVE  
 CHECKED: J. GRIEVE  
 SCALE: 1:100  
 PROJECT: Proposed residence  
 CLIENT: R & F Bailey

**GARY GRIEVE DESIGN**  
 architectural design & drafting  
 mob 0410 414 094  
 email: ggdesign@garrnet.au

DATE	18/08/09
DRAWN	J. GRIEVE
CHECKED	J. GRIEVE
SCALE	1:100
PROJECT	Proposed residence
CLIENT	R & F Bailey
LOCATION	Lot 2, Boomerang Street, Kingscliff NSW
STATUS	Ground floor landscape set-out







DATE	04/08	DATE	01/08
1/08	03/08	1/08	04/08
02/08	03/08	02/08	03/08
03/08	03/08	03/08	03/08
04/08	03/08	04/08	03/08
05/08	03/08	05/08	03/08
06/08	03/08	06/08	03/08
07/08	03/08	07/08	03/08
08/08	03/08	08/08	03/08
09/08	03/08	09/08	03/08
10/08	03/08	10/08	03/08
11/08	03/08	11/08	03/08
12/08	03/08	12/08	03/08
01/09	03/08	01/09	03/08
02/09	03/08	02/09	03/08
03/09	03/08	03/09	03/08
04/09	03/08	04/09	03/08
05/09	03/08	05/09	03/08
06/09	03/08	06/09	03/08
07/09	03/08	07/09	03/08
08/09	03/08	08/09	03/08
09/09	03/08	09/09	03/08
10/09	03/08	10/09	03/08
11/09	03/08	11/09	03/08
12/09	03/08	12/09	03/08
01/10	03/08	01/10	03/08
02/10	03/08	02/10	03/08
03/10	03/08	03/10	03/08
04/10	03/08	04/10	03/08
05/10	03/08	05/10	03/08
06/10	03/08	06/10	03/08
07/10	03/08	07/10	03/08
08/10	03/08	08/10	03/08
09/10	03/08	09/10	03/08
10/10	03/08	10/10	03/08
11/10	03/08	11/10	03/08
12/10	03/08	12/10	03/08
01/11	03/08	01/11	03/08
02/11	03/08	02/11	03/08
03/11	03/08	03/11	03/08
04/11	03/08	04/11	03/08
05/11	03/08	05/11	03/08
06/11	03/08	06/11	03/08
07/11	03/08	07/11	03/08
08/11	03/08	08/11	03/08
09/11	03/08	09/11	03/08
10/11	03/08	10/11	03/08
11/11	03/08	11/11	03/08
12/11	03/08	12/11	03/08
01/12	03/08	01/12	03/08
02/12	03/08	02/12	03/08
03/12	03/08	03/12	03/08
04/12	03/08	04/12	03/08
05/12	03/08	05/12	03/08
06/12	03/08	06/12	03/08
07/12	03/08	07/12	03/08
08/12	03/08	08/12	03/08
09/12	03/08	09/12	03/08
10/12	03/08	10/12	03/08
11/12	03/08	11/12	03/08
12/12	03/08	12/12	03/08

DATE: 03/08  
 DRAWN: [Name]  
 CHECKED: [Name]  
 PROJECT: [Name]  
 SHEET: 037-20 L

CLIENT: R & F Bailey  
 PROJECT: Proposed residence  
 LOCATION: Lot 2, Boomerang Street, Kingscliff, NSW

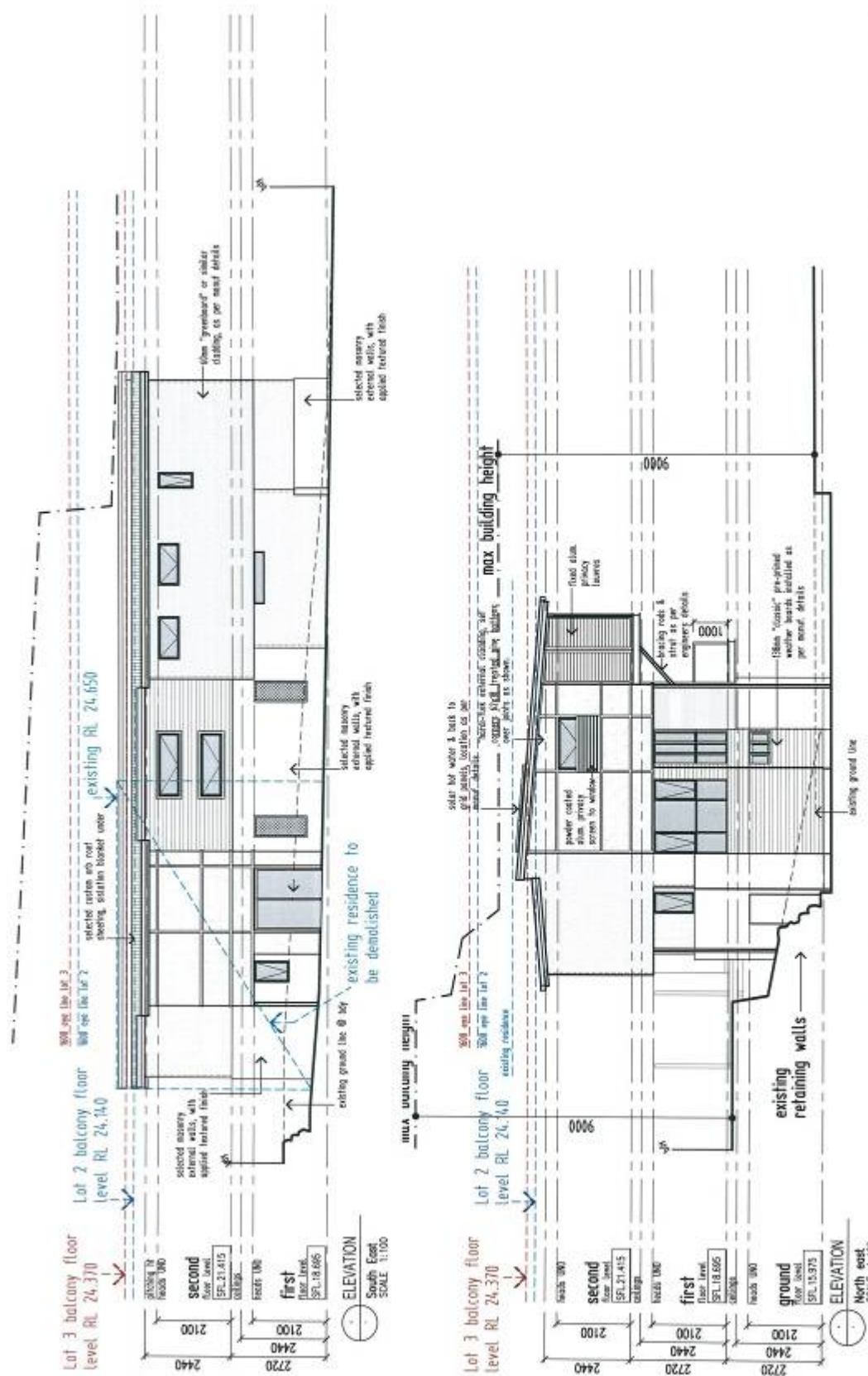
NO.	DESCRIPTION	DATE
1	Issue for information	03/08
2	Issue for information	03/08
3	Issue for information	03/08
4	Issue for information	03/08
5	Issue for information	03/08
6	Issue for information	03/08
7	Issue for information	03/08
8	Issue for information	03/08
9	Issue for information	03/08
10	Issue for information	03/08
11	Issue for information	03/08
12	Issue for information	03/08
13	Issue for information	03/08
14	Issue for information	03/08
15	Issue for information	03/08
16	Issue for information	03/08
17	Issue for information	03/08
18	Issue for information	03/08
19	Issue for information	03/08
20	Issue for information	03/08
21	Issue for information	03/08
22	Issue for information	03/08
23	Issue for information	03/08
24	Issue for information	03/08
25	Issue for information	03/08
26	Issue for information	03/08
27	Issue for information	03/08
28	Issue for information	03/08
29	Issue for information	03/08
30	Issue for information	03/08
31	Issue for information	03/08
32	Issue for information	03/08
33	Issue for information	03/08
34	Issue for information	03/08
35	Issue for information	03/08
36	Issue for information	03/08
37	Issue for information	03/08
38	Issue for information	03/08
39	Issue for information	03/08
40	Issue for information	03/08
41	Issue for information	03/08
42	Issue for information	03/08
43	Issue for information	03/08
44	Issue for information	03/08
45	Issue for information	03/08
46	Issue for information	03/08
47	Issue for information	03/08
48	Issue for information	03/08
49	Issue for information	03/08
50	Issue for information	03/08

**GARY GRIEVE DESIGN**  
 architectural design & drafting  
 mob 0410 614 034  
 email - ggreeve@seel.net.au

NOTES

© This document is copyright. All rights reserved. No part of this document may be reproduced without the prior written permission of Gary Grieve Design.





SCALE	1:100	DATE	18/08
DRAWN	03/03/09		
CHECKED	03/03/09		
DATE	03/03/09		
PROJECT	037-21		
SCALE	1:100		
DATE	03/03/09		

Elevations  
Sheet 2

Lot 2, Boomerang Street,  
Kingscote,  
NSW

R & F Bailey

Proposed residence

DATE	18/08/09	DATE	
18/08/09			
18/08/09			
18/08/09			
18/08/09			
18/08/09			
18/08/09			
18/08/09			
18/08/09			
18/08/09			



**GARY GRIEVE DESIGN**  
... architectural design & drafting ...  
bas 10955966  
mob 0410 414 094  
email - gggs@garygrieve.net.au

(C) No document is copyright. Approvals will result in production.

The following photo montages have been provided to assist in evaluating the impact of the proposal noting that they have been provided as an approximate view only. The montages have been provided by the applicant on photos taken by Council's assessing officer.



**Figure 1- Existing view from 10 Boomerang street rear yard**



**Figure 2- OVERLAY view from 10 Boomerang street rear yard.**



**Figure 3 –Solid Overlay view from 10 Boomerang street rear yard.**



**Figure 4-Existing view from 3 Rob Roy Crescent rear balcony**



**Figure 5- Overlay view from 3 Rob Roy Crescent rear balcony**



**Figure 6 - Solid overlay view from 3 Rob Roy Crescent rear balcony**



**Figure 7-View north from 5 Rob Roy Crescent main outdoor balcony**



**Figure 8 Overlay view north from 5 Rob Roy Crescent main outdoor balcony**



**Figure 9- Solid overlay view north from 5 Rob Roy Crescent main outdoor balcony**



**Figure 10- Existing view south from 14 Boomerang street rear patio**



Figure 11- Existing view south from 12 Boomerang street rear yard

**ASSESSMENT:**

The application was lodged as a requirement of the Environmental Planning and Assessment Act 1979 and is required to be evaluated using the relevant terms of clause 79C of the Act.

As a part of the assessment process numerous site visits by Council's assessing officer have been undertaken to all of the surrounding properties involving many hours. Impacts have been discussed in person on site with those most affected and different vantage points where included. The applicant was advised early of Council's concerns and the likely modifications that would be necessary to allow reasonable compromise.

The assessment also utilised the expertise of Council Senior Urban Design Planner who produced 3D imagery of the proposal in context to the surrounding built form and gave assistance in gauging impact and direction for the applicants design changes reflected in the final plans now the subject of this report.

**CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:****(a) (i) The provisions of any environmental planning instrument**Tweed Local Environmental Plan 2000Part 1 Clause 4 - Aims of the Plan

The aims or objectives of the plan are not compromised by the proposed development

Clause 8 Consent considerationsZone Objectives

The subject site is zoned 2(a) Low Density Residential. The primary objective of the zone relates to the provision for and maintenance of low density residential development with a predominantly detached housing character and amenity. The secondary objectives relate to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objectives. The proposed development is consistent with the primary objective of the zone.

Cumulative Impacts

The proposed building at three storeys is consistent with other dwellings in the area and the pattern emerging of reconstruction of the older homes to larger more modern homes of two and three storeys. The proposed dwelling is unlikely to be dominant amongst the Kingscliff hill when viewed from a distance. The proposal is unlikely to have an unacceptable cumulative impact on the community, locality or area of the Tweed as a whole. The battleaxe

block is somewhat unique for the hillside and requires noting in regard to cumulative impact.

The cumulative weight of objections of several surrounding properties is considered to be relevant and it is considered that the final design has addressed reasonably the main collective concerns of bulk and scale and privacy by reducing the height and length and providing privacy screening of various kinds.

#### Part 3 Clause 15 - Essential Services

All essential services are available within the area.

#### Clause 16 - Height of Building

The proposed height of the development (8.65m) complies with the three (3) storey control under the TLEP 2000 and 9m maximum height limitation affecting the subject site under Section A1 of Tweed DCP.

#### Clause 17 - Social Impact Assessment

A social impact assessment is not required given the relatively minor nature of the proposal being satisfied that it is unlikely to have a significant social or economic impact in the locality.

#### Part 7 Clause 35 - Acid Sulfate Soils

The site is not affected by acid sulfate soils

#### Other Specific Clauses

None apparent

#### SEPP (North Coast Regional Environmental Plan) 1988

#### Clause 43 - Development Control- residential development

The proposed development is consistent with the objectives of the North Coast Regional Environmental Plan 1988 Division 2 for Urban Housing requiring broader consideration of roads, access to services, transport, site erosion and of maximising density.

#### SEPP No 71 – Coastal Protection

The development is generally consistent with the specific provisions and intent of Clause 8 of SEPP 71.



SEPP (Building Sustainability Index: BASIX) 2004

The applicant has provided a BASIX certificate for the proposal which is consistent with the required energy target.

**(a) (ii) any Draft Environmental Planning Instruments**

None apparent

**(a) (iii) any Development Control Plan (DCP)**

Tweed Development Control Plan

A1-Residential and Tourist Development Code

Section A1 of Tweed DCP applies and includes detailed parameters for improved site outcomes including the provision of height controls, deep soil zones, impermeable site area, private open space, landscaping, car parking, setbacks and general street presence.

Section A1 of the DCP is divided into two chapters.

Chapter 1 Building Types

The Building Type proposed is 'Housing'.

The DCP describes that housing developments generally contain up to two storeys and goes on to set the minimum and maximum standards required for this Building Type.

The DCP envisages primarily up to two storeys but does not prohibit three storeys, although it follows, that they demonstrate compliance with the mandatory controls of the DCP and of course must be permissible by the number of storeys permitted by the Local Environment Plan 2000 for the locality.

The proposal meets generally the mandatory controls of the DCP and specifically for chapter 1 as outlined below.

**Objectives**

- To be well designed and attractive.
- To be of an appropriate scale relative to the existing or desired future pattern of development.
- To provide landscaped and deep soil areas on the lot.
- To provide amenity for residents without compromising the amenity of neighbouring properties.
- To address the street and to make a positive contribution to its established or envisaged streetscape character.
- To maximise the sustainability of the building during its lifecycle.
- To minimise the impact on the natural environment.

- To minimise the impact on the natural landscape through inappropriate or unnecessary cut and fill.

#### Controls

- a. Dwelling houses in existing urban areas must be consistent with the scale and character of surrounding dwelling houses or as envisaged through an adopted concept plan, locality plan, design statement or the like.
- b. In new subdivision areas dwelling houses are to be designed to conserve any natural landscape features of the site and surrounding area.
- c. In new subdivision areas dwellings must be consistent with any design scheme adopted for that subdivision.
- d. Deep soil areas are to be provided to the front and rear of sites in accordance with this Part.
- e. Entrances are to be clearly visible from the street, where the allotment has a street frontage, and there is to be a clear line of access to the building from the street.
- f. Dwelling houses are to meet the controls as set out in this Part A: Site and Building Design Controls.
- g. Dwelling houses on non urban zoned land shall not, for the purpose of this Plan, be restricted to the deep soil zone, setback and carport, garages and outbuildings controls where it is demonstrated that compliance with a particular control would be unreasonable in the circumstances.

The proposed building in its original form attracted many submissions objecting to the proposal particularly relating to the bulk and scale of the proposed dwelling, loss of views and loss of privacy. The final plans the subject of this report have addressed reasonably the concerns and are now considered to satisfy the objectives and controls of chapter 1 above.

More detail is provided in the latter sections of this report.

#### Chapter 2- Site and Building Design Controls

##### Design Control 1-Public Domain Amenity

##### Streetscape and Public Views and Vistas

The proposed development is to be constructed on a battleaxe block and will not be readily visible from the street or other public domain. Because of its location the proposed dwelling will not compromise the objectives of this control.

## Design Control 2 -Site Configuration

### Deep soil zones (DSZs)

A large area of deep soil zone is available at the rear and is considered consistent with the objectives of this design control. The depth in metres of the deep soil zone falls short of the prescribed minimum depth of 5.5 metres due to the constraints of an existing retaining wall for an area of some 4 square metres. This is considered minor and is offset by the fact that most of the rear width of the property is available as deep soil zone. Variation to this control is also permitted within the DCP by way of the development being constrained by the existing site conditions of an existing dwelling located on a subdivision created prior to the year 2000.

The front deep soil zone is compliant as applied to a battleaxe block.

### Impermeable Site Area

The area of the site is 789m<sup>2</sup> subsequently the maximum impermeable site area permitted at the completion of the development will be 60%. From the plans submitted the development will create an impermeable area of approximately 50.36% and will comply with the design control. This will enable water to infiltrate on the site.

### External Living Areas

The dwelling makes provision for compliant external living areas in the form of balconies on the second and third level. The balcony on level 2 services primarily the bedrooms of the dwelling and the balcony of the third level will service the main living area of the dwelling. There is large boundary setback to the northern boundaries in excess of 5.5m and privacy to the lower properties will be enhanced by extensive landscaping on the north boundary and full height adjustable privacy screens on the upper balcony.

### Landscaping

A landscaping plan is compliant with the DCP has been submitted with the application and has been designed specifically to soften the building into its surrounds and strategically to provide privacy to the neighbours.

### Topography, Cut and Fill

The property is a sloping site with existing cut areas and existing retaining walls that generally comply with the prescribed maximum cut of 1.0m. The proposed dwelling incorporates a further cut of 300mm as a means of lessening the impacts of the development on adjoining properties in regard to views and bulk and scale. The variation is considered minor and reasonable considered the constraints of the site in context to the neighbouring properties.

### Design Control 3 -Setbacks

The proposal is consistent with or in excess of the set back controls; having a 5.5-7.3 metres northern boundary setback, 1.6-3.0 metres western boundary setback, 5.7-6.9 metres eastern boundary setback and 5 metres from the southern boundary.

### Design Control 4 -Car Parking and Access

The design control requires the proposed vehicle access and parking to be consistent with Section A2 of the DCP.

The proposed dwelling house complies having two off street car parking spaces provided behind Council's building line and vehicle access to these spaces is considered adequate.

### Design Control 5 -Height

#### Building Height

The proposed height of the dwelling house is 8.65 metres which is consistent the maximum design control height of 9 metres. The wall plate height is 8.20m which is consistent with the maximum design control height of 8.50 metres.

#### Ceiling Height

The control encourages a minimum ceiling height of 2.7m for habitable rooms. The architectural plans show a ceiling height of 2.4m which was reduced from 2.7m in the original plans so as to reduce the overall building height. The proposal complies with the DCP.

### Design Control 6- Building Amenity

#### Sunlight Access

The dwelling includes private open space by the provision of balconies orientated north and of the dwelling to access coastal and hinterland views and therefore will receive sufficient access to sunlight.

The proposed dwelling being a large rectangular shape will overshadow the adjoining southern side properties. The shadow diagrams submitted with the application show the extent of overshadowing of the original design which has not been required to be redrafted on the basis that the reduced building size will lessen the extent of shadow at the 9am and 3:00pm winter by approximately 2.5metres. The shadow diagrams indicate that some over shadowing will occur to different portions of southern properties during in the winter months as the sun moves through the sky. Shadowing is more extensive in the late afternoon as is to be expected from most developments.

The prescriptive requirement of this control is to ensure for neighbouring properties,

- Sunlight to at least 50% of the principal area of private open space of adjacent properties is not reduced to less than 2 hours between 9 am and 3pm on June 21.
- Windows to living areas must receive at least 3 hours of sunlight between 9am and 3pm on 21 June.

The proposed dwelling complies and exceeds the sunlight requirements above.

#### Visual Privacy

The proposed building generally complies with the objectives of this control.

The building has limited windows on the east, south and west elevations and those that are provided are designed with privacy screens or high level sills to minimise overlooking of adjoining properties.

With regard to the north elevation, the building orientates to the ocean view and privacy is a concern to the lower properties. In this regard the design incorporates a fixed privacy screen to the east end of the upper level balcony, full height movable privacy screens to the northern edge of the balcony and extensive landscaping screens.

These design features will provide for reasonable protection of visual privacy to the lower properties while at the same time allowing the building owner to take full advantage of the primary ocean views.

#### Acoustic Privacy

The sound insulation of this design complies with the objectives of this control and a suitable condition on the consent will be imposed to control air conditioning and other mechanical equipment.

#### View Sharing

The proposal satisfies this control as can be seen from the photo montages above. The building will not exceed the overall height of the existing building of 24.65m AHD and was reduced in overall length by 1700mm. This provides reasonable protection of important primary and iconic whole views of the properties above.

#### Natural Ventilation

The design complies with this control. The dwelling provides for adequate natural ventilation of the dwelling with openable windows and ample breeze paths.

### Building Orientation

The dwelling has been sited on the property to optimize coastal views and solar access and complies with the objectives of this control.

### Building separation

The proposed building has been sited with large boundary setbacks and therefore achieves separation with other buildings on adjoining properties well in excess of the minimum 8m required.

### Design Control 7 – External Building Elements

#### Fences and Walls; Front, Side and Rear

The submitted architectural plans indicate that no fences are proposed with this application.

#### Roof

The design of the roof is consistent with the design requirements. A condition regarding the implementation of non-reflective roof materials has been included in the conditions.

### Design Control 8 -Building Performance

The proposal is consistent with this design control. As discussed previously the proposal is consistent with the SEPP (Building Sustainability Index: BASIX) 2004.

### Design Control 9- Outbuildings

There are no outbuildings proposed as part of this application.

### Design Control 10- Swimming pools and spas

There is no pool proposed as a part of this application

### Design Control 11- Tennis Courts

There is no tennis court proposed as part of this application

### Design Control 12 - Floor Space Ratio (FSR)

Under Tweed DCP A1 the maximum FSR applicable for this proposal is 0.65:1 for the dwelling as the site has an area of 789m<sup>2</sup> and the site coverage is less than 50%. The proposed FSR for the dwelling is 0.52:1.

Even when the area of the battleaxe handle is disregarded from the site area the proposed building still complies with the required FSR (Site area would be 642m<sup>2</sup>, site coverage still less than 50% and FSR would be 0.61:1).

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

Clause 92(a) Government Coastal Policy

The proposal is consistent with the goals and objectives outlined within the policy

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

Context and Setting

The property is redevelopment within an established residential subdivision which has been specifically created for residential development. The proposed development is of a design generally in keeping with the architectural style and residential character of the area taking into account the redevelopment occurring overall on the Kingscliff hill and the nature of this particular battleaxe block. On a hillside such as this it must be reasonable expected and is usually the case that the higher properties will overlook lower properties. In this proposal the applicant has address these specific concerns as previously noted.

Access, Transport and Traffic

Minimal impact is envisaged, the proposed is a single residence within an approved residential subdivision.

Flora and Fauna

Minimal impact is envisaged; the site has no significant plantings and is part of an existing urban environment.

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

Surrounding Land uses/Development

The proposal is not inconsistent with the surrounding land use and the site is suitable for the proposed development. The property is located within an existing residential area and utilities of reticulated water, public sewer and power are provided to the site. A mixture of old and new dwellings with varying architectural styles exist within the area, the design of the dwelling is considered to be in keeping with the existing residential character of the area.

Site Orientation

The building has been centrally located on the property, with compliant boundary setbacks an orientation consistent with the design controls of DCP A1. The dwelling is set back 6 metres from the front property boundary and therefore complies with the set back requirements of DCP A1. The living areas of the dwelling have been mainly orientated to the north to optimise ocean views and breezes and solar access to the north.

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

The application was notified to surrounding properties when first received and again after the first amendment as the application did not address the initial concerns of Council's assessing officer or those of the objectors. A second amendment was then received which made numerous changes to address the concerns and these final plans were viewed by and discussed with those objectors most affected. During the initial notification, eight (8) written submissions were received. The issues raised have been summarised below:

Issue	Objection Comment	Assessment
Bulk and scale is excessive	The building is too large for the site and will impact adversely on amenity of surrounding building occupants and create a "hemmed in feeling"	The building was reduced in height and length, a balcony extension protruding to the north was removed and buffering landscaping is to be provided. Site coverage, boundary setbacks, building height and floor space ratios all comply with or are better than Council's adopted DCP. The building when viewed from the lower properties will extend across the skyline much further to the east than the existing building but will be much further away (towards the south) by approximately an additional 5m and will be buffered by landscaping. The battleaxe block was created in 1954 with no restrictions to foresee today's concerns. It is considered that the applicant has made reasonable amendments to respond to concerns given his right to develop the valuable site which exists essentially in the middle surrounding properties. Redevelopment was to be reasonably expected of the subject site and while the proposed building will be more imposing on surrounding property occupants than the existing buildings, the change can be compared to when a long term vacant site in an established residential area is finally built upon.
Loss of views	The proposal will have an extremely severe adverse impact on existing views for higher properties	The building has been reduced in height to 24.555m AHD to be no higher than the existing roof being at 24.65m AHD and has been reduced in length towards the east by 1.7m. This has significantly improved the views to be maintained by the properties above as can be seen in the photo montages. The proposal is now considered to comply with principles of view sharing referenced in the Tweed DCP A1. A condition of consent has been included to ensure construction adheres to the total height constraints nominated in the plans.



Issue	Objection Comment	Assessment
Loss of natural ventilation	Cool breezes may not be as prevalent on the higher properties	While some reduction in northern breezes may be experienced the building is considered to have sufficient separation from surrounding building to allow natural ventilation.
Loss of privacy	The height above lower properties and extensive balcony and windows on the north elevation will impact on privacy	This has been addressed in the amended plans by the inclusion of fixed and movable privacy screens as well as strategic landscaping. The building also has good boundary setbacks achieving reasonable separation. It must also be reasonably expected that dwellings on the lower part of a hillside will have reduced privacy as a consequence of higher dwellings.
Future trees may obscure views	Future tree planting may obscure views	While this is typically a civil matter between property owners a consent condition has been included to control mature landscaping height.
Safety of excavation	The earthworks may reduce the stability of the hillside	There are minimal earthworks and retaining work proposed beyond what exists and all works will be protected by the requirement to provide soil report and engineers design for the building. There is also no prior evidence of slip concerns in the area.
Landscaping effectiveness	Landscaping may not provide privacy in the long term	A condition relating to landscaping is included which requires the landscaping to be "...provided and maintained...". As with all conditions they are enforceable over the life of the development.
Items on roof	Will items such as solar panel exceed roof height and obstruct views	A condition has been included to prohibit all auxiliary installations other than antennas from exceeding the 24.555m AHD maximum height.

**(e) Public interest**

The proposed development raised no major implications in terms of the public's interest.

**OPTIONS:**

1. Council resolve to approve the development application subject to conditions
2. Council resolve to refuse the development application.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should the applicant be dissatisfied with the determination they have the right to appeal the decision in the Land and Environment Court which would incur financial costs to Council in defence.

Should the applications be approved there is potential for one or more of the objectors to lodge an appeal against the adequacy of the processing of the application which would incur financial costs to Council in defence.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

On the balance of the assessment of the relevant planning matters, it is considered that the proposed development is suitable for approval, subject to conditions.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---

- 11        **[PR-CM] Development Application DA09/0139 for Construction of a Carport for Four (4) Cars at Existing Retirement Village at Lot 214, 215, 216 DP 251004, No. 1-5 Tupia Avenue, Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO:    DA09/0139 Pt1**

**SUMMARY OF REPORT:**

The Development Application is being reported to Council as a result of being called up by Councillor Longland.

The applicant seeks development consent for the construction of onsite parking being a single storey four (4) car carport and the associated access, which is proposed as two (2) 6.0m wide driveways separated by a 1.25m wide grassed area at Lots 214, 215 and 216 DP 251004, No. 1–5 Tupia Avenue, Tweed Heads. The proposed development adjoins the boundary to the rear of the subject site and is accessed via Tupia Avenue.

The proposed development will result in non-compliances with DCP Section A1 Residential and Tourist Development of the Tweed Development Control Plan in relation to rear setbacks, deep soil zones, streetscape and carparking controls. The proposal is also inconsistent with Clause 33 of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

Following an assessment of the relevant council and state planning requirements, as well as the general planning merits, it is considered that the proposal is not suitable for approval, and is recommended for refusal.

**RECOMMENDATION:**

**That Development Application DA09/0139 for construction of a carport for four (4) cars at an existing retirement village at Lot 214, 215, 216 DP 251004, Nos. 1-5 Tupia Avenue, Tweed Heads be refused for the following reason: -**

- 1. The application fails to comply with the Tweed Development Control Plan Section A1 – Residential and Tourist Development Code and the SEPP (Housing for Older People and People with a Disability) 2004.**

**REPORT:**

**Applicant:** Flower & Samios Pty Ltd  
**Owner:** The St Cuthberts Retirement Living Complexes Board of Management  
**Location:** Lot 214, 215, 216 DP 251004, No. 1-5 Tupia Avenue, Tweed Heads  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$40,000

**BACKGROUND:**Subject Site

The subject site is known as Lots 214, 215 and 216 in DP 251004, Nos. 1-5 Tupia Avenue, Tweed Heads. The subject site has a combined approximate land area of 4054m<sup>2</sup> and consists of an existing two storey retirement complex, made of three separate buildings, it is commonly known as St Cuthbert's Retirement Living Complex. The subject site has a width of approximately 60 metres and a depth of approximately 65 metres. The site has an internal landscaped area located between the existing buildings but is otherwise relatively free from formal landscape.

The subject site adjoins a Council reserve to the south of the site. Immediately to the north of the site is a residential unit complex.

The site and its surrounding lots are currently zoned 2(b) Medium Density Residential. The surrounding development is comprised of medium density residential, including townhouses and residential flat buildings.

Proposed Development

The proposal involves the construction of four (4) carports, adjoining block no.1. The proposed carport is to be situated adjoining the rear boundary, facing Tupia Avenue.

The development also incorporates two 6.0 metre wide driveways, gaining access from Tupia Avenue.

The proposed development incorporates a single story carport structure with a maximum height of 5.0m, width of 14.16m and length of 5.0m.

Site History

The subject site was created as part of a Council approved subdivision No. 110/75. The following Development Applications have been granted consent on the subject allotment/s:

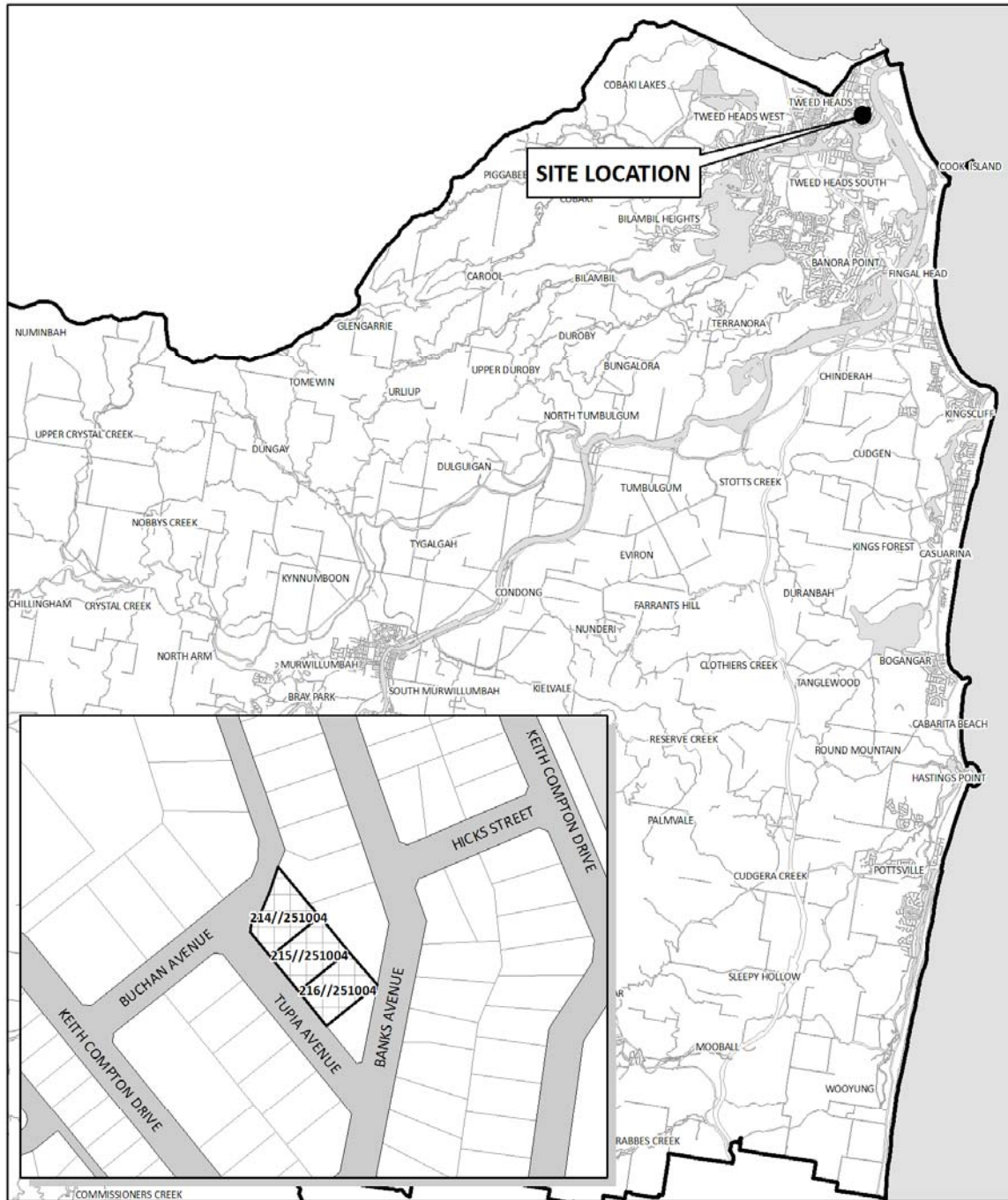
- Building Application 0042/95B – Carport was granted consent 13/02/95
- Building Application 0075/94B – Pergola was granted consent 02/02/94.

Further to the above, no consent could be located on Councils available records for the development of the retirement complex.

### Summary

The proposal has been investigated and is not considered to be suitable to the site. It does not meet all of Council's applicable requirements within the relevant Development Control Plan or the provisions the SEPP (Housing for Older People or People with a Disability) 2004. The application has been assessed by Councils Technical Officers with objections being received from the Engineering and Operations Division with regards to non-compliances with Council's driveway access guidelines and the associated Section 138 application. The proposed construction of four (4) carports at an existing retirement complex is therefore not considered to warrant approval.

**SITE DIAGRAM:**



**LOCALITY PLAN**

**Lot 214 DP 251004 and Lot 215 DP 251004 and Lot 216 DP 251004  
No's 1,3 and 5 Tupia Avenue Tweed Heads**

Filename: z:\esri\planning\mxd\A4P\_B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: July 03, 2009

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastre July 03, 2009  
© Dept. of Lands & Tweed Shire Council

Coordinate System - MGA Zone 56  
Datum - GDA 94

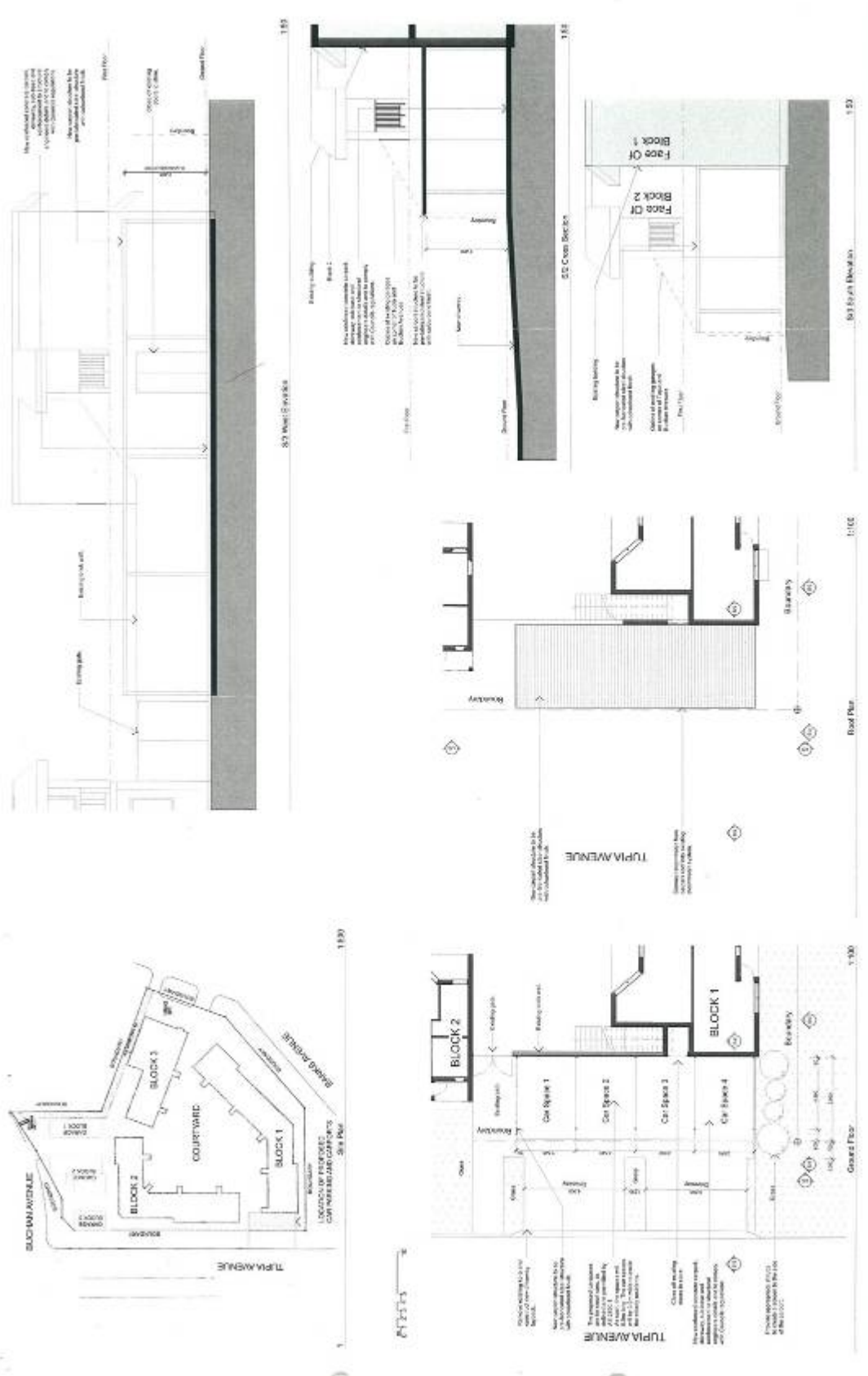
DO NOT SCALE  
COPY ONLY - NOT CERTIFIED



**Tweed Shire Council**

PO Box 816, Murwillumbah NSW 2484  
Tel: (02) 6670 2409 Fax: (02) 6670 2483

DEVELOPMENT PLANS:



	<p>080882</p> <p>DA001 / B</p>
	<p>080882</p> <p>DA001 / B</p>
<p>Elizabeth Marley Court Proposed Carpark and Carport</p> <p>20 Banks Avenue, Tweed Heads</p>	<p>Plans &amp; Elevations &amp; Section</p>
<p>SI Carbert's Retirement Living Complexes Incorporated</p> <p>20 Banks Avenue, Tweed Heads</p>	<p>SI Carbert's Retirement Living Complexes Incorporated</p>
<p>As noted to be in accordance with the scope of Tweed Shire Council Change Access to Property to Allow a Self-Drive Vehicle to Property Contractor Board of Care</p>	<p>SI Carbert's Retirement Living Complexes Incorporated</p>

DA09/0139.

location of proposed car port.



view from Tupia Ave looking north towards Buchan St.



view from Tupia looking east towards Banks Avenue.



view from Banks Ave. (looking North)





view from Banks (eastern boundary)



view from Banks (eastern boundary)



view from Buchan (northern boundary)



view from Buchan (northern boundary)

Proposed site



view from Tupia of proposed devpt. site looking South



view of proposed site (Tupia Ave)

**CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:****(a) (i) The provisions of any environmental planning instrument****Tweed Local Environmental Plan 2000 (TLEP)****Clause 4 - Aims of the Plan**

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is "*the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced*". Clause 4 further aims to provide a legal basis for the making of a DCP to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire's environmental and residential amenity qualities.

The subject development application is considered suitably in keeping with the above. The proposed development is minor in scale and consistent with the existing use of site, therefore it is considered to be in accordance with the aims of the plan.

**Clause 5 - Ecologically Sustainable Development**

The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*. Broadly, the subject proposal is considered consistent with the above criteria, as the development is not likely to have significant ramifications for ecologically sustainable development.

**Clause 8 - Zone objectives**

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and
- (b) it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and
- (c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.

In this instance, the subject site is zoned 2(b) Medium Density Residential, the primary objective of which is to provide for and encourage development for the

purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes. The secondary objectives of the zone are to allow for non-residential development which supports the residential use of the locality, to allow for tourist accommodation that is compatible with the character of the surrounding locality, to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

As discussed below, the development is inconsistent with the zone objectives.

#### Clause 11 – Zone Objectives

##### Primary objective:

- to provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

##### Secondary objectives:

- to allow for non-residential development which supports the residential use of the locality.
- to allow for tourist accommodation that is compatible with the character of the surrounding locality.
- to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

The proposal is defined as Housing for old people or people with a disability under the Tweed Local Environmental Plan 2000 and is permissible with consent under the 2(b) zoning. The proposed development meets the secondary objective of the 2(b) zone allowing for diversity in housing types.

The proposed development is considered ancillary to the existing retirement complex however the proposed development does not meet requirements as specified in Section A1 Residential and Tourist Development Code of the Tweed Development Control Plan and as such is not considered to achieve good urban design outcomes. It is not in keeping with the scale and setbacks of development on nearby lots.

#### Clause 15 - Essential Services

All relevant services are made available to the site. The subject land has access to water, sewer, electricity and telephone services. The proposed development does not have any impacts on the existing connections to the subject land. The proposal is compliant with Clause 15 of the Tweed Local Environmental Plan 2000

### Clause 16 - Height of Building

The subject site is mapped as having a three (3) storey height limit under the Tweed Local Environmental Plan 2000. The proposed application is for a single storey four (4) car carport to an existing retirement complex. The proposal is deemed to be compliant with the provisions of Clause 16 of the Tweed Local Environmental Plan 2000.

### Clause 17 - Social Impact Assessment

The objective of Clause 17 is to ensure proper consideration of developments that may have a significant social or economic impact and deems that where a proposal is likely to have a significant social or economic impact it must be accompanied by a socio-economic impact statement.

The proposed development does not require a formal social impact assessment. The impact of the proposal is deemed to be of a minor nature and unlikely to result in any major negative social impacts. It is therefore unlikely to have a significant social or economic impact and is subsequently compliant with Clause 17 of the LEP.

### Clause 34 – Flooding

Council's flooding map indicates that the site is affected by flooding. The subject site is mapped as having a 1 in 100 year flood level of 2.6m AHD and an adopted minimum floor level of 3.1m AHD.

The objectives of clause 34 are to minimise future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land and to minimise the adverse effect of flooding on the community.

The consent authority must not grant consent to development on flood liable land unless the following has been considered.

- (a) the extent and nature of the flooding hazard affecting the land, and
- (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity, and
- (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated, and
- (d) the impact of the development on emergency services, and
- (e) the provisions of Section A3 - Development of Flood Liable Land of *Tweed Development Control Plan*.

The proposed development is not considered to increase the risk or severity of flooding, will not have an impact on the capacity of the SES to gain access to the site and is considered consistent with Section A3 Development of flood liable land (as discussed under separate title in this report).

### Clause 35 - Acid Sulfate Soils

The objectives of Clause 35 are:

- to manage to manage disturbance of acid sulfate soils to minimise impacts on water quality, ecosystems, infrastructure and agricultural and urban activities.
- to require special consideration and development consent for works, including some agricultural and infrastructure-related works, that would disturb soils or ground water levels in areas identified as having acid sulfate soils.
- to provide for a regime of self-regulation by those organisations which have demonstrated to the Council their ability to manage acid sulfate soils issues.

The subject site is identified on Councils mapping system as being subject to Acid Sulfate Soils – Class 2. The proposed development does require any excavation works and as such the proposal is considered to comply with the provisions of Clause 35 of TLEP 2000.

### **North Coast Regional Environmental Plan 1988**

#### **Clause 32B: Coastal Lands**

1. This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.
2. In determining an application for consent to carry out development on such land, the council must take into account:
  - (a) the NSW Coastal Policy 1997,
  - (b) the Coastline Management Manual, and
  - (c) the North Coast: Design Guidelines.
3. The council must not consent to the carrying out of development which would impede public access to the foreshore.
4. The council must not consent to the carrying out of development:
  - (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
  - (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

The proposed development is landward of any known coastal erosion zones, is consistent with the North Coast Design Guidelines, Coastal Policy and Coastline Management Manual. The proposed application is minor in nature and is considered to comply with Clause 32B.

### Clause 43: Residential development

Clause 43 states that:

1. The council shall not grant consent to development for residential purposes unless:
  - (a) it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,
  - (b) it is satisfied that the proposed road widths are not excessive for the function of the road,
  - (c) it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met,
  - (d) it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and
  - (e) it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.

The proposed development is considered ancillary to the existing retirement complex, there is no change to the existing density and the development will not adversely affect any environmental features. Public transport is available and the associated bus shelters are located adjacent to the subject site.

### **State Environmental Planning Policies**

#### SEPP No 71 – Coastal Protection

The subject site is within the coastal zone (as per the NSW Government Coastal Policy 1997) and as a result is subject to the provisions of State Environmental Planning Policy No.71.

The proposal does not impact upon any known coastal erosion zones, does not restrict public access to foreshore reserves or parks, does not impact upon fish and marine vegetation and their estuarine habitats, and does not result in significant overshadowing of foreshore reserves or the beach. In terms of visual impacts, the proposed development will not result in any significant loss of views from a public place to the coastal foreshore.

The proposal does not offend the height provisions contained within the SEPP. The proposed development does not compromise the intent or specific provisions of State Environmental Planning Policy No.71 – Coastal Protection.

#### SEPP (Housing for Seniors or People with a Disability) 2004

The SEPP regulates the provision of residential care. The proposal does not impact upon the majority of controls contained within this SEPP, as the proposal is only for the addition of a four (4) car carport and does not alter the

level of services provided within the Residential Care Facility. The proposed development has been assessed against clause 33 neighbourhood amenity and streetscape of the SEPP due to the nature and location of the proposed development.

### 33 Neighbourhood amenity and streetscape

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
  - (i) providing building setbacks to reduce bulk and overshadowing, and
  - (ii) using building form and siting that relates to the site's land form, and
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

The proposed development involves the addition of a four (4) car carport to an existing retirement complex. The proposed development is not considered to comply with controls within DCP Section A1 in relation to setbacks, carport controls and streetscape requirements. Therefore the proposed development is not compliant with Clause 33 Neighbourhood amenity and streetscape of the SEPP.

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

There are no draft Environmental Planning Instruments applicable to this application.



(a) (iii) **Development Control Plan (DCP)**

Tweed Development Control Plan

A1-Residential and Tourist Development Code

<b>BUILDING TYPES</b>
<b>TOWN HOUSES (VILLAS)</b>
<p><b><u>ASSESSMENT</u></b></p> <p><b>Not applicable – the proposed development application is for the addition of a carport to an existing retirement complex</b></p>
<b>SITE AND BUILDING DESIGN CONTROLS</b>
<b>PUBLIC DOMAIN AMENITY</b>
<p><b>Streetscape Controls</b></p> <ul style="list-style-type: none"> <li>• Site design, building setbacks and the location and height of level changes are to consider the existing topographic setting of other buildings and sites along the street, particularly those that are older and more established.</li> <li>• Carports and garages visible from the public street are to;             <ul style="list-style-type: none"> <li>○ be compatible with the building design, including roofs,</li> <li>○ be setback behind the dwellings front elevation.</li> </ul> </li> <li>• Minimise driveways and hardstand areas to increase the area for deep soil zones and landscaping and to reduce the visual impact of driveways and hard surfaces from the street.</li> <li>• Facades visible from the public domain are to be well designed by:             <ul style="list-style-type: none"> <li>○ having important elements such as front doors and building entry areas prominent in the building facade and clearly identifiable from the street,</li> <li>○ coordinating and integrating building services, such as drainage pipes, with overall facade design,</li> <li>○ integrating the design of architectural features, including stairs and ramps, and garage/carport entries with the overall facade design, and by locating car parking structures on secondary streets where possible,</li> <li>○ ensuring corner buildings have attractive facades which address both streets frontages, including the</li> <li>○ careful placement and sizing of windows,</li> <li>○ ensuring entrance porticos are single storey or of a scale relative to the building.</li> </ul> </li> </ul>
<p><b><u>ASSESSMENT</u></b></p> <ul style="list-style-type: none"> <li>• <b>The proposed development does not comply with required setbacks (discussed elsewhere in this report) and is not considered to comply with the existing topography of the area.</b></li> <li>• <b>The proposed carport is visible from the street and is not considered to be compatible with the existing building and the carport is also forward of the existing buildings elevation.</b></li> <li>• <b>The proposal consists of an additional two (driveways) to the existing site (in addition to an existing two access ways).</b></li> <li>• <b>The proposed development of a carport is not considered to provide to the façade of the existing building.</b></li> </ul> <p><b>The proposed development is not considered to comply with the deep soil</b></p>

<p><b>zones controls of Section A1.</b></p>
<p><b>Public views and vistas</b>  <b>Controls</b></p> <ul style="list-style-type: none"> <li>• The location and height of new development is to be designed to minimise the impact on public views or view corridors between buildings.</li> </ul>
<p><b><u>ASSESSMENT</u></b></p> <ul style="list-style-type: none"> <li>• <b>The proposed development is set forward of the existing building and adjoins the boundary.</b></li> </ul>
<p><b>SITE CONFIGURATION</b></p>
<p><b>Deep soil zones</b>  <b>Controls</b></p> <ul style="list-style-type: none"> <li>• Deep Soil Zones must be provided for all new developments and existing development, except on large lot rural or agriculturally zoned land.</li> <li>• All sites are to provide two Deep Soil Zones, one to the rear and one to the front of the property.</li> <li>• Rear Deep Soil Zones are to have minimum width of 8m or 30% of the average width of the site whichever is the greater and a minimum depth of 18% of the length of the site up to 8m but not less than 5.5m. Greater than 8m may be provided if desirable.</li> <li>• Rear Deep Soil Zones are to have soft landscaping; refer to Landscaping Section.</li> <li>• Deep Soil Zones cannot be covered by impervious surfaces such as concrete, terraces, outbuildings or other structures.</li> <li>• The Deep Soil Zone is to be included in the total permeable area for the allotment.</li> </ul>
<p><b><u>ASSESSMENT</u></b></p> <ul style="list-style-type: none"> <li>• <b>The existing building was constructed prior to DCP Section A1 and the associated provisions.</b></li> <li>• <b>The proposed development is located to the rear of the site and does not comply with the requirements for a rear deep soil zone, as the proposed development adjoins the rear boundary.</b></li> <li>• <b>The rear deep soil zone has minimal existing landscaping and is proposing minimal further landscaping and is constrained due to the existing building.</b></li> <li>• <b>The proposed development is of an impervious nature being a driveway and carport.</b></li> </ul> <p><b>The proposed carport is not considered to comply with the deep soil zones controls of Section A1.</b></p>
<p><b>Impermeable site area</b>  <b>Controls</b></p> <ul style="list-style-type: none"> <li>• An allotment's runoff shall be dispersed onto grassed, landscaped or infiltration areas, of the allotment, unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land.</li> <li>• The concentration, collection and piping of runoff to the street gutter or underground stormwater system shall be minimised unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land.</li> </ul>

- The maximum areas for impervious surfaces are:
  - 70% of the allotment - On lot sizes less than 500m<sup>2</sup>.
  - 65% of the allotment - On lot sizes between 500m<sup>2</sup> and 750m<sup>2</sup> inclusive.
  - 60% of the allotment - On lot sizes greater than 750m<sup>2</sup>.

**ASSESSMENT**

- **The runoff as a result of the proposed development will be dispersed onto a grassed area.**
- **The concentration in relation to the proposed application will runoff to the street gutter.**
- **The proposed development results in a total percentage of approximately 55% impervious surfaces which complies with the requirement, as the site is greater than 750sqm.**

**Landscaping Controls**

- Retain existing landscape elements on sites such as natural rock outcrops, watercourses, dune vegetation, indigenous vegetation and mature trees.

**ASSESSMENT**

**The subject site is lacking in existing landscaping. As part of the proposed application there is the relocation of some existing smaller shrubs. Further planting as a screening method is proposed, this will result in further landscaping than is currently on the site.**

**SETBACKS**

**Rear setbacks Controls**

- Carports may be located adjacent to the rear boundary.
- The minimum rear boundary setback is 5m or the deep soil zone whichever is the greater. The minimum building separation distances must be met.

**ASSESSMENT**

- **The carport is located adjoining and slightly encroaching the rear boundary.**
- **The subject site is an old development and does not have a rear Deep Soil zone, the proposed application is, however further reducing the grassed, landscaping area of the rear of the subject site.**

**The proposed development is not considered to comply with the deep soil zones controls of Section A1.**

**CARPARKING AND ACCESS**

**Carparking generally**

- Carparking is to be in accordance with Section A2 of the Tweed Shire Development Control Plan.
- Car park entries are to be located off secondary streets and laneways where these occur.
- The driveway width from the street to the property boundary is to be minimised.
- Vehicular movement and parking areas are to be designed to minimum

dimensions, to reduce hard surfaces on the lot, and increase the area available for landscaping.

- A garage or carport may be located in front of an existing dwelling if:
  - there is no other suitable position on the allotment; and
  - the carport or garage accommodates a single car space; and
  - there is no vehicular access to the rear or side of the allotment.
- Driveways cannot be roofed.

#### **ASSESSMENT**

- **Complies** - The proposed site is an existing building and was not subject to DCP Section A2 at time of approval. The proposed application is for the addition of a four (4) car, carport and therefore is considered to comply with Section A2, as it is for the addition of parking spaces.
- **Complies** - The proposed carport is to be located of a secondary street.
- **Complies** – The proposed application adjoins the boundary, therefore the driveway only covers the road reserve area (however the application proposes two additional driveways in addition to the existing access (two, each with entry and exit access ways)).
- **Complies** - There is no other position within the existing site that a carport could be constructed where it would not be located within the sites setbacks and adjoining a boundary.
- The proposed carport is to accommodate four (4) cars.
- Vehicular access is already existing at the sites frontage and one of the side boundaries (fronting Buchan Ave), the proposed development consists of an additional two (2) driveway entrances (each being 6m wide) to the rear of the property (Tupia Ave).
- The proposed driveway is not roofed.

#### **Carports**

##### **Controls**

- Carports cannot be wider than one car space width or 4m where other means of undercover parking is provided on-site.
- Double carports can only occur, on very steep sites or where there is no other solution possible for car parking on the site.
- Carports must not necessitate an extra driveway additional to the driveway for a garage or other parking structure.
- The design and materials used for carports must be in keeping with the main dwelling.
- The carport must not be enclosed on any of its sides.

#### **ASSESSMENT**

- **Does not comply** – the application is proposing the addition of four (4) carports to an existing retirement village.
- **Does not comply** – the application is proposing in excess of two (2) carports and is on a flat site.
- **Does not comply** – The proposed application is proposing two (2) new driveways with a combined width of 14.75m.
- The Design and materials used are considered suitably in keeping with the main building.
- The carport is not proposed to be enclosed on any of its sides.

### A2-Site Access and Parking Code

The subject site consists of an existing retirement complex comprising of forty one (41) dwelling units and fourteen (14) car parks, averaging at 0.3 spaces per unit.

Section A2 of the Tweed DCP states that carparking is required in accordance with the SEPP (Housing for Seniors or People with a Disability) 2004.

The requirements as defined under the SEPP (Housing for Seniors or People with a Disability) 2004 are 0.5 spaces per bedroom, based on the existing development containing 41 units a minimum of 21 spaces are required under the current provisions.

The existing development does not comply with the current requirements for parking as determined under the SEPP, however the existing development was not subject to the SEPP at time of consent. As the application is not for an addition or alteration to the actual residential component of the subject site the carparking rates as under the SEPP are not considered applicable.

### A3-Development of Flood Liable Land

The subject site is partially mapped as being flood affected on Councils GIS system. The subject site has a 1 in 100 year flood level of 2.6m AHD and an adopted minimum floor level of 3.1m AHD.

The proposal is for the addition of carport to an existing building and is considered compliant with the DCP requirements.

### A11-Public Notification of Development Proposals

In accordance with Development Control Plan A11 – Public Notification of Development Proposals – the Development Application was notified for a period of 14 (fourteen) days from 27 April 2009 to 11 Monday 2009. During this time no submissions were received by Council.

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

The proposed development has been assessed against all relevant matters as prescribed by the regulations.

#### Clause 92(a) Government Coastal Policy

The proposed site is not located within the area covered by the Government Coastal Policy.

#### Clause 92(b) Applications for demolition

There is no demolition proposed as part of the application

---

Clause 93 Fire Safety Considerations

None required.

Clause 94 Buildings to be upgraded

None required.

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

Context and Setting

The subject site is generally level and contains no native vegetation other than managed grasslands. The subject site consists of an existing retirement complex, being in the formation of three detached buildings, with the existing carparking being provided to the north of the site, off Buchan Avenue. The site is predominately surrounded by medium density residential. The proposed development of a carport is considered ancillary to the existing use of the site and as such is in keeping with the setting of the area however the proposed location of the development is non-compliant with the existing site layout or the surrounding development.

Therefore the development is recommended for refusal.

Access, Transport and Traffic

Council's engineering department reviewed the subject proposal and raised concerns in relation to non-compliance with Councils driveway access to properties guidelines and do not support the application. The associated Section 138 application is not supported.

Flora and Fauna

No significant impacts anticipated as a result of the proposed development.

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

Surrounding Landuses/Development

The proposed development is considered ancillary to the existing improvements on the subject site and is generally consistent with the uses of the surrounding developments. However the proposed carport is adjoining the boundary and is set forward of the existing buildings elevation, this component is not consistent with surrounding development and streetscape. It is not consistent with the current requirements under DCP section A2.

Topography and site orientation

It is not considered that the subject site is suitable for the proposed development. The subject site is constrained in terms of access, further the location of the proposed development does not comply with DCP Section A1, particular provisions under the SEPP (Housing for Seniors or people with a disability) 2004 or Councils requirements for driveway access to properties under Section 138.

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

The Development Application was notified for a period of 14 (fourteen) days from 27 April 2009 to 11 Monday 2009. During this time no submissions were received by Council.

**(e) Public interest**

The proposed development is considered to be consistent with the surrounding uses and has been designed to be compatible with the existing industrial development, therefore the proposal is considered to be in the wider public's interest.

**OPTIONS:**

1. Refuse the application in accordance with the recommendation for refusal.
2. Request amended plans demonstrating compliance with all matters raised within this report.
3. Council approves the application and the Director of Planning and Regulation provides the applicant appropriate conditions of consent.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should the applicant be dissatisfied with the imposed conditions of consent they have the right to appeal the decision in the NSW Land and Environment Court.

**POLICY IMPLICATIONS:**

There are no policy implications in relation to this development.

**CONCLUSION:**

The subject land is not generally considered to be suitable for the proposed development. The proposed development is not considered to be generally consistent with the applicable Planning Instruments and Development Control Plans.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



12 [PR-CM] Development Application DA08/0755 for a 24 Lot Subdivision (18 lots into 24) at Lots 1-18 Section 4 DP 14895, Casuarina Way, Kingscliff

**ORIGIN:**

**Development Assessment**

**FILE NO: DA08/0755 Pt1**

**SUMMARY OF REPORT:**

Tweed Shire Council has been served with a Class 1 Appeal for the refusal of DA08/0755.

DA08/0755 was lodged in June 2008 and sought approval for a 24 lot subdivision (18 lots into 24 lots) within the Seaside City subdivision at Kingscliff.

On 17 June 2009 the Development Assessment Panel resolved to refuse the application for the following reasons:

1. *Pursuant to Section 79 (1) (b) the development proposal has not demonstrated due consideration to the likely impacts on the natural and built environment.*
2. *Pursuant to Section 79C(1)(c) the subject site is not considered suitable for the development as proposed at this point in time.*
3. *The proposal does not meet Clause 15 or Clause 39 of the Tweed LEP.*

It is recommended that Council resolve to defend the appeal as necessary. If all prior outstanding issues can be resolved by way of negotiated conditions of consent this can be undertaken within the Court process. If there are still technical issues with the proposed development the Court will be able to hear these matters and make a determination on behalf of Council as the consent authority.

**RECOMMENDATION:**

**That Council defends the Class 1 Appeal (as necessary) for Development Application DA08/0755 for a 24 lot subdivision (18 lots into 24) at Lots 1-18 Section 4 DP 14895 Casuarina Way, Kingscliff.**

**REPORT:**

**Applicant:** Seaside City Developments  
**Owner:** Richtech Pty Ltd  
**Location:** Lots 1-18 Section 4 DP 14895 Casuarina Way, Kingscliff  
**Zoning:** 2(e) Residential Tourist & 7(l) Environmental Protection Habitat  
**Cost:** Nil (subdivision)

**BACKGROUND:**

Tweed Shire Council has been served with a Class 1 Appeal for the refusal of DA08/0755.

DA08/0755 was lodged in June 2008 and sought approval for a 24 lot subdivision (18 lots into 24 lots) within the Seaside City subdivision at Kingscliff. This is proposed to be achieved by merging some blocks and creating 8 battle axe allotments.

Battle axe allotments are not considered desirable without forming part of an integrated housing scheme to guarantee a quality planning outcome. This view was expressed to the applicant throughout the assessment process, however, no change to the application was made.

Additionally the proposed site was not connected to essential infrastructure and had unresolved contamination issues.

Following five requests for the application to be withdrawn over a one year period the application was reported to the Development Assessment Panel for determination on 17 June 2009. The application was recommended for refusal primarily as the application had not be accompanied by all the necessary information, the site was not connected to all the necessary infrastructure services, and the site had unresolved contamination issues (please see **attached** the Development Assessment Planning Report).

Accordingly the Development Assessment Panel resolved to refuse the application for the following reasons:

- 1. Pursuant to Section 79 (1) (b) the development proposal has not demonstrated due consideration to the likely impacts on the natural and built environment.*
- 2. Pursuant to Section 79C(1)(c) the subject site is not considered suitable for the development as proposed at this point in time.*
- 3. The proposal does not meet Clause 15 or Clause 39 of the Tweed LEP.*

The official Determination Notice was signed and posted on 23 June 2009.

On 24 June 2009 Tweed Shire received a revised Engineering & Environmental Report by the applicant. However, as the refusal notice had already been issued Council was not in a position to reconsider the revised Engineering and Environmental Report.

The applicant has subsequently lodged a Class 1 Appeal with the NSW Land & Environment Court which has been accompanied by the revised Engineering and Environmental Report which the Court can take into consideration.

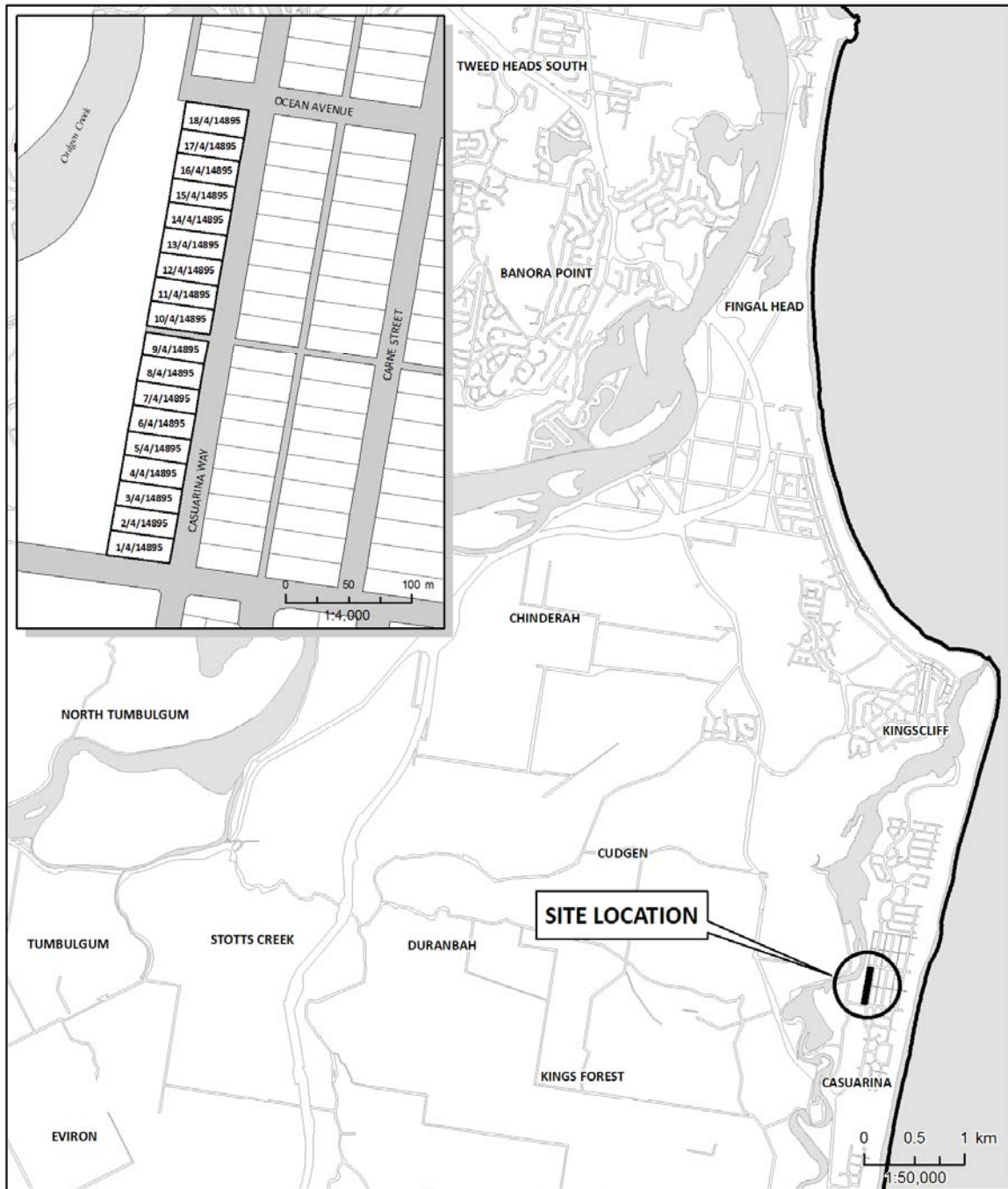
Tweed Shire Council staff are currently reviewing the revised Engineering and Environmental Report. This review will determine the issues associated with the upcoming case.

Whilst infrastructure services are still not physically available to the site Council has approved a Construction Certificate to enable the applicant to undertake civil works that would provide infrastructure services to the site.

The first call over is scheduled for 17 August 2009. Tweed Shire Council's Solicitors will appear on Council's behalf and seek an extension to the timetable to enable the technical review to be completed.

It is recommended that Council resolves to defend the Appeal as necessary. If all prior outstanding issues can be resolved by way of negotiated conditions of consent this can be undertaken within the Court process. If there are still technical issues with the proposed development the Court will be able to hear these matters and make a determination on behalf of Council as the consent authority.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
 Lots 1-18 Section 4 DP 14895  
 Casuarina Way, Kingscliff

Filename: z:\esri\planning\mxd\A4P\_B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: August 06, 2009

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastral August 06, 2009  
 © Dept. of Lands & Tweed Shire Council

Coordinate System - MGA Zone 56  
 Datum - GDA 94

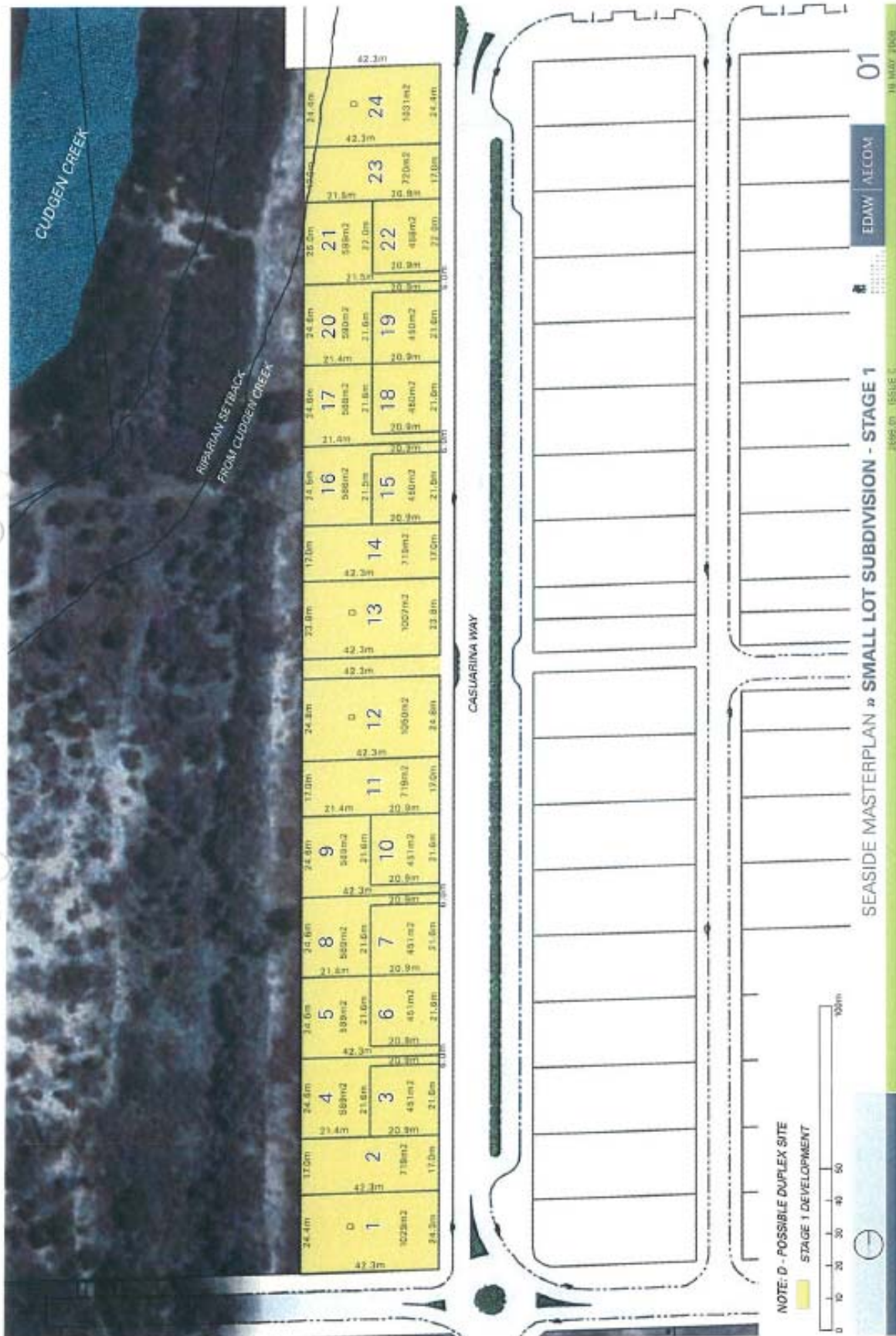
DO NOT SCALE  
 COPY ONLY - NOT CERTIFIED

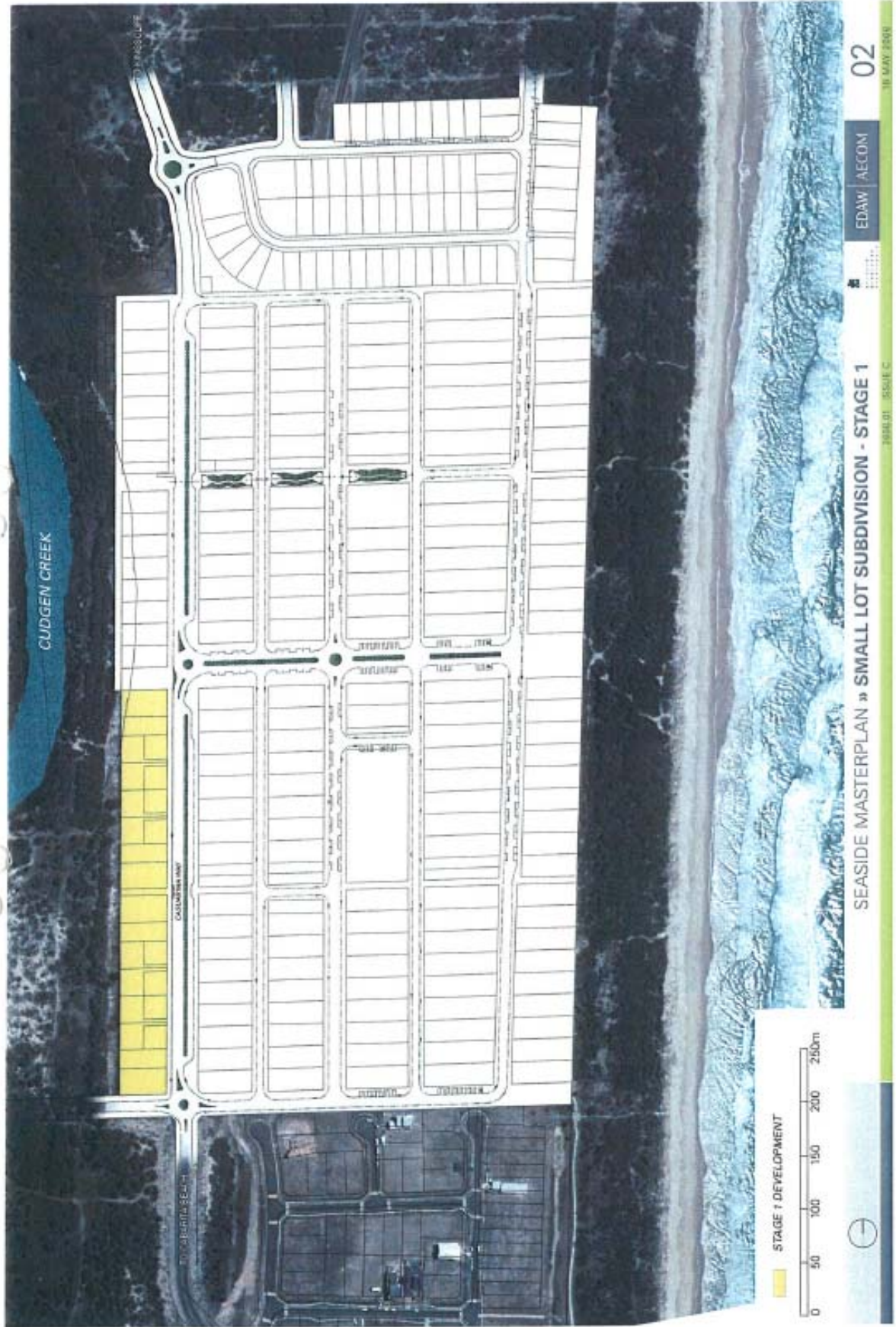


**Tweed Shire Council**  
 PO Box 816, Murwillumbah NSW 2484  
 Tel: (02) 6670 2409  
 Fax: (02) 6670 2483

### SUBDIVISION PLANS

(As lodged with DA08/0755 in June 2008)





**OPTIONS:**

1. Defend the Appeal as necessary (this may result in negotiated conditions of consent).
2. Request the applicant to re-lodge the Development Application for reconsideration by Council at a Council meeting. Should this request be denied Council is to defend the appeal as necessary (this may result in negotiated conditions of consent).

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Defending this Appeal will have financial implications however limiting the issues will reduce costs wherever practical.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The Court is in a position to review additional material previously not available to Council. Accordingly it is recommended that Council defend this appeal as necessary which may result in negotiated conditions of consent or limited contentions for the Court to resolve.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Development Assessment Panel Report dated 17 June 2009 (ECM 3869295)
-



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



**13 [PR-CM] Development Application 1039/2001DA.02 for an Amendment to Development Consent 1039/2001DA for Commercial Boating Operations (Southern Boat Harbour) at Tweed River, Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO: GR1/1/10 Pt3**

**SUMMARY OF REPORT:**

The applicant seeks consent to include a recreational infra-red shooting activity in conjunction with the existing approved tourist facility, Tweed River Cruise boating operations.

The applicant has lodged a Section 96(2) application and proposes to undertake the activity from three sites within the Tweed River, a site opposite Dry Dock Road on the western side of Pacific Highway and two sites opposite Sunset Boulevard near Davey's Island.

The activity involves propelling a plastic disc (target) from the boat whilst patrons aim to hit the target. The target is propelled a maximum of 20m from the boat. Patrons hit the target via an infra-red light projected through an infra-red gun. The hit or miss of the target is recorded by a scoring machine. A staff member who is already waiting in the water collects the target and returns it to the boat.

The activity is to be operated infrequently for groups of up to five patrons. The vessel is anchored throughout the activity and the engine is turned off.

The proposal was placed on exhibition for 14 days and four submissions opposed to the activity have been received.

Consultation has occurred throughout the processing of the proposal with the NSW Police Force, the Gold Coast Airport and Civil Aviation Safety Authority, the NSW Maritime, the Department of Environment and Conservation and NSW Department of Lands.

It is therefore considered that this development application is suitable for approval subject to a range of conditions.

**RECOMMENDATION:**

**That Development Application 1039/2001DA.02 for an amendment to Development Consent 1039/2001DA for commercial boating operations**

**(Southern Boat Harbour) at Tweed River, Tweed Heads be approved and the consent be modified as follows:**

- 1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:**

- 1A. The development shall be completed in general accordance with the Statement of Environmental Effects and Local Environmental Plan extract map 1, undated, Site Plan undated and the Statement of Environmental Effects and the site plan prepared by Tweed Endeavour Cruises and dated 20 May 2009 (as amended in red), except where varied by the conditions of this consent.**

- 2. Add a new heading under existing Condition No. 2 which reads as follows:**

**GENERAL for shooting activity**

- 3. Add the following new conditions under the new heading “GENERAL for shooting activity” which read as follows:**

- 2.1 Prior to the commencement of the activity, the applicant shall liaise with the Civic Aviation Safety Authority (CASA). The applicant shall provide formal documentation to Council demonstrating approval has been obtained from CASA.**

- 2.2 The infra-red target shooting activity shall be limited to the three sites as indicated on the site plan, being a site opposite Dry Dock Road on western side of Pacific Highway and two sites opposite Sunset Boulevard near Davey’s Island. The applicant shall anchor west of Blue Waters Crescent when the Dry Dock Road site is used.**

- 2.3 Feeding of wildlife is not to be undertaken from the boat at any time.**

- 2.4 Only sequentially numbered discs are to be used as targets and all targets retrieved on each occasion. Before leaving a target shooting site, on each occasion, a stock-take shall be undertaken by the boat operator to ensure that all numbered discs are present. If any targets are missing a thorough search of the site and surrounds must be undertaken to retrieve any missing discs. Failure to retrieve all discs must be reported to the Director of Planning and Regulation or delegate.**

- 2.5 The boat motor, generator and stereo must to be turned off when target shooting occurs.**

- 2.6 Targets are to be shot only upstream from the anchoring site adjacent the Pacific Highway bridge (Dry Dock Road site) and anchoring must be west of Blue Waters Crescent as a minimum.**

- 2.7 Targets must be launched over open water to a maximum distance of 20m and must not be directed toward the shoreline at any time. Targets must not be launched until a person responsible for target collection is in place and ready to retrieve the target.**
- 2.8 No access to adjacent islands forming part of the Tweed Estuary Nature Reserve is authorised by this consent. No access is permitted without a licence from Department of Environment and Climate Change.**
- 4. Add a new heading under existing Condition No. 19 which reads as follows:**
- USE for shooting activity**
- 5. Add the following new conditions under the new heading “USE for shooting activity” which read as follows:**
- 19.1 Targets shall be fluorescent coloured and shall float.**
- 19.2 The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.**
- 19.3 Hours of operation of the shooting activity are restricted to the following hours: -**
- 2 hours following sunrise until 2 hours prior to sunset, being full daylight hours only.**
- 19.4 Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer**
- 19.5 Patrons shall be transported to the site via courtesy buses and the like where possible.**
- 19.6 The sale or consumption of alcohol is not permitted whilst firearms are on board the vessel. Clear signage shall be displayed also advising of this.**
- 19.7 Firearms shall not be stored on the vessel outside of the authorised hours of operation.**

- 19.8** Signage visible from a distance of at least 100m shall be displayed on a minimum of both sides of the vessel whilst the activity takes place. The signage shall include the word 'infra-red' (at least 300mm in height) and to indicate the type of activity taking place. The signage shall include a telephone number to allow members of the public a contact opportunity prior to contacting emergency services or other government organisations. The telephone number shall be that for the Captain of the vessel or to a person in charge of the activity on board the vessel.
- 19.9** Prior to the initial commencement of the activity, the applicant shall arrange a notice within the Tweed Link and other media deemed appropriate by the General Manager or delegate to advise residence of the nature of the activity. The information shall include the nominated site areas of the activity and contact number/s of the organisation. The applicant shall provide documentary evidence to the General Manager demonstrating this has occurred.

**REPORT:**

**Applicant:** Tweed Endeavour Cruises  
**Owner:** Department of Land and Water Conservation  
**Location:** Tweed River, Tweed Heads  
**Zoning:** Unzoned  
**Cost:** Nil

**BACKGROUND:**

On 7 June 2002 consent was granted for the continued operation of the 'Tweed Endeavour Cruises'. The approval enables two tour boats to cruise the Tweed River to Tumbulgum on a daily basis. The application was lodged as a result of a Council resolution which sought to legalise all commercial boating operations within the southern boat harbour of Tweed Heads.

The current modification to the operation of the Tweed Endeavour Cruises was lodged with Council on 2 October 2007. Insufficient information and unsuitable site locations within the Tweed River have resulted in a lengthy assessment process.

The current modification seeks consent to undertake a recreational 'Laser Clay Shooting' activity from the boat. Laser Clay Shooting is a marketing name for the activity, clay targets and lasers are not used. The applicant proposes to use infra-red light to hit plastic discs (targets). The activity involves propelling the target from the boat and a small group of up to 5 people aiming to hit the target.

Patrons use modified guns which are equipped with infra-red light, similar to a television remote. The motors and generator of the boat are turned off prior to the commencement of the activity. Patrons are instructed how to use the guns before the activity commences and whilst the boat is anchored. The boat is anchored throughout the activity and the engine is turned off.

The targets are propelled from the boat by a catapult to a maximum distance of 20m. The catapult may be adjusted to shoot the disc to a specific distance (up to 20m). Only one target is dispensed at a time which the group aims to hit. The disc is fluro and is approximately 10cm in diameter. The disc is made from high grade plastic and reflective tape. The infra-red beam bounces off the reflective tape and returns to the gun.

An electronic scoring machine records whether patrons have hit or missed the target. The machine makes two noises, a 'ding' when the disc is hit and a 'splash' when missed. The volume of the scoring machine is adjustable; the maximum volume the applicant advises is below an average human's speaking level. The hit or miss noises are created electronically through a speaker system and are adjustable in volume.

One disc is propelled from the boat at 1 to 2 minute intervals. The target floats, however as a precaution foam is attached to the underside of the disc. A staff member who is waiting in the water on a surf ski approximately 20m from the boat, immediately collects the target and returns it to the boat. All discs are numbered for accountability.

The guns used are permanently converted to infra-red guns. The applicant is required by law to keep the guns locked in their cases until the activity commences. Upon completion of the activity the guns are also required to be locked away. The guns are valued at approximately \$7,000 each. As per the firearms laws, the guns cannot be used on the vessel unless a staff member has been permitted by the police with a master class license which gives permission to teach and supervise passengers on the use of this equipment. The master class licence is issued by the Fire Arms Department.

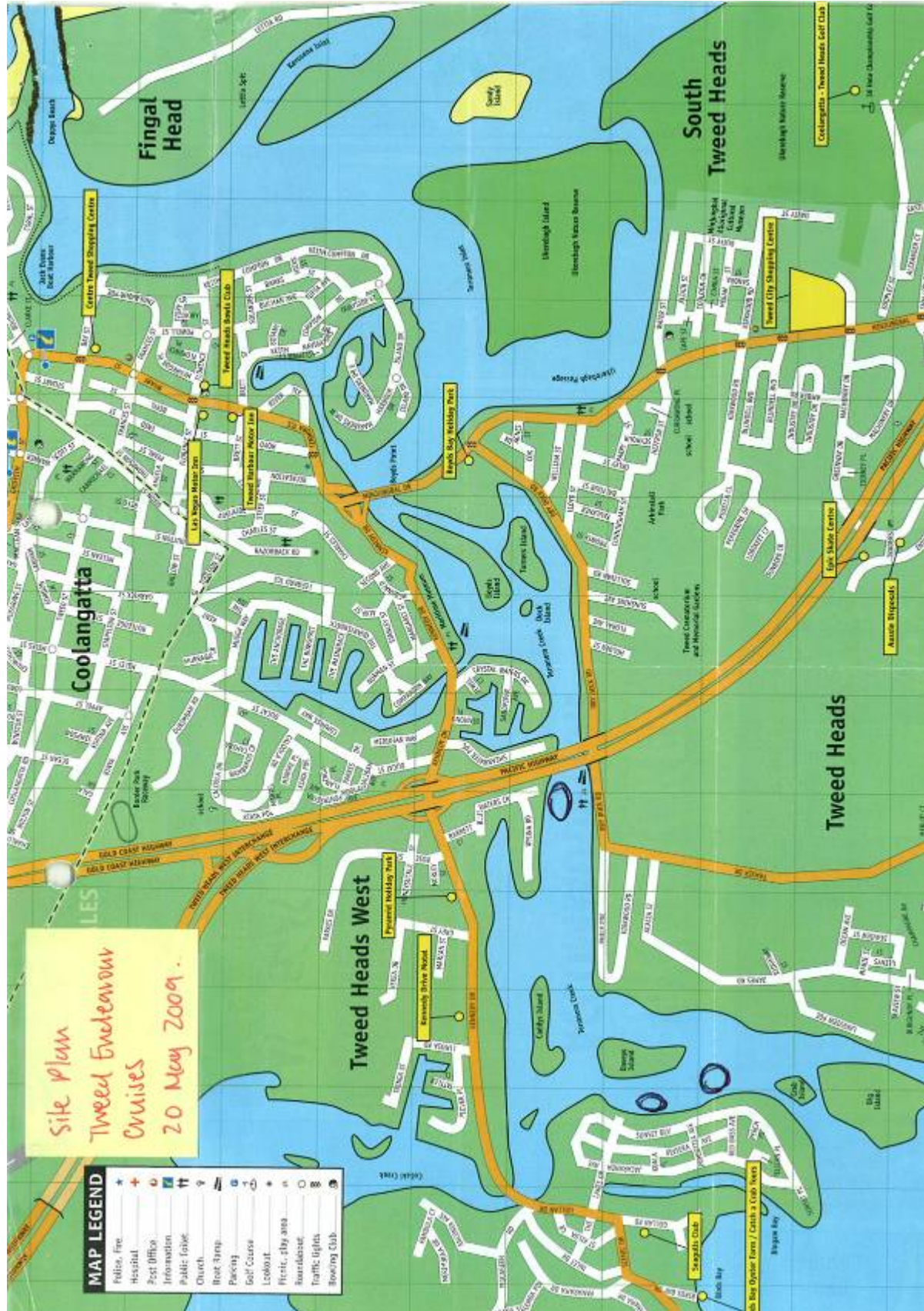
The applicant advises infra-red light is invisible to humans, aircraft and animals. The activity is designed for groups, it is not intended to be a regular cruise or to operate for individual persons. The applicant intends to market the activity to corporate and conference groups. The activity would take place every few months for a maximum of three hours. No alcohol or intoxicated persons are permitted in the area where whilst the activity occurs.

The proposal was recently re-advertised and re-exhibited. The previous areas within the Tweed River proposed to be used for the activity were deemed to be unsuitable. In consultation with council officers, three new sites have been identified to undertake the activity; a site opposite Dry Dock Road on western side of Pacific Highway and two sites opposite Sunset Boulevard near Davey's Island.

As a result of the exhibition period four submissions to the proposal were received.

Extensive consultation has occurred throughout the processing of the proposal including that with NSW Police Force, Gold Coast Airport and Civil Aviation Safety Authority, NSW Maritime, Department of Environment and Conservation and NSW Department of Lands who support the proposal.

**SITE DIAGRAM:**



## **CONSIDERATIONS UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**

Section 96(2) Environmental Planning and Assessment Act 1979 (EPA Act 1979) and Division 12 of the Environmental Planning and Assessment Regulation 2000 enables Council as the consent authority to modify a development consent provided an assessment as per the legislation is undertaken. The following assessment concludes the development is consistent with the legislation, notably it is substantially the same development and the environmental impacts are deemed to be minimal. The original approval for the Tweed Endeavour Cruises was defined as a tourist facility. The proposed activity is ancillary to this tourist facility and is therefore not considered to be a new use.

### **Substantially the same development**

The original development consent granted the continued operation of the 'Tweed Endeavour Cruises' (1039/2001DA). The approval was for a tourist facility and enables two tour boats to cruise the Tweed River to Tumbulgum on a daily basis.

The approval limits the 17 m and 20m vessels to a maximum of 100 persons each. Customers are transported to the public wharf within the southern boat harbour via a courtesy pick-up bus.

The modification seeks to operate generally within the same restrictions as per the original development consent. The hours of operation will be further restricted for the recreational shooting activity to limit impacts on residential land and wildlife. This is discussed in detail later in this report. The applicant seeks to introduce another type of recreational activity to the current approval. The proposal is substantially the same development.

The original DA was not integrated for the purposes of the EPA Act 1979. Council officers have however liaised with other authorities as a precautionary measure, including the NSW Police Force, the Gold Coast Airport (GCA) and Civil Aviation Safety Authority (CASA), the NSW Maritime, the Department of Environment and Conservation and NSW Department of Lands. The following responses were received in response to this consultation:

#### NSW Police Force

The NSW Police Force reviewed the proposal and evaluated the activity in accordance with a Safer by Design Evaluation process, identifying the activity as a medium crime risk.

The NSW Police Force identified possible community fears associated with people being sighted with firearms. Phone calls to appropriate authorities are anticipated by the NSW Police Force which would affect the efficiency of emergency services and other government organisations.



The NSW Police Force provided several recommendations to Council to overcome the above concerns which have been included within the conditions of consent, including appropriate advertising on the boat, the Tweed Link and other mediums. This advertising will act to inform the community about the nature of the activity and to provide contact details of the operator on board the vessel during the activity.

#### Gold Coast Airport (GCA) and Civil Aviation Safety Authority (CASA)

As the proposal involves infra-red beams the GCA and CASA have no objection to or requirements for the proposal.

#### NSW Maritime Authority

The Maritime Authority advised that no impacts are envisaged regarding potential maritime issues associated with the proposal, the Maritime Authority have no further interest in the matter.

#### Department of Environment and Conservation (DEC)

The DEC provided comments advising Council to consider the provisions of the Protection of the Environment Operations Act. Particular consideration of noise generation from the simulated gun activities travelling across water towards residential areas at Terranora and Fingal was recommended. DEC further advise Council to consider likely impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities. Further the DEC specifically highlight the need to address any impacts on bird life from the stimulated gun noise. These matters are discussed in detail within this report.

#### NSW Department of Lands

The Department was consulted regarding landowners consent who granted permission for the application to be lodged. The Department did not make any further comments.

### **The provisions of any environmental planning instrument**

#### **Tweed Local Environmental Plan 2000 (TLEP)**

The subject site is not located in an area identified by any land use zone. Clause 13 of the TLEP requires development within unzoned land to be compatible with surrounding development and zones.

The suitability of the site for the cruises has been tested and supported as per the previous development application. The current activity is considered to be ancillary to the approved cruises and is therefore suitable for the proposed sites.

Clauses 4 and 8 of the TLEP have also been considered in the assessment of the modification. The anticipated environmental impacts and those on other users of the waters have also been considered throughout this assessment and are detailed within this report. The likely environmental impacts on wildlife in particular are deemed to be

acceptable and are discussed in detail later in this report. The NSW Maritime Authority have not identified any conflict between river users. The proposal will not result in adverse cumulative impacts.

Clause 33 of the TLEP requires that development in the vicinity of Coolangatta and Murwillumbah Airports and on route flight paths does not increase the risk of obstacles to aircraft. As previously discussed the proposal was referred the Gold Coast Airport and the Civil Aviation Safety Authority who raised no concern with the proposal provided infra-red beams are used.

### **State Environmental Planning Policies (SEPPs)**

#### **SEPP No 71 – Coastal Protection**

The proposal is consistent with the aims of the SEPP and the matters for consideration. It is noted that approval has already been granted for the use of the river for two vessels. The proposal is considered to be ancillary to this approval, no significant change to the existing operation is proposed.

Access to and along the foreshore will remain unchanged. The sites chosen to anchor the vessel during the operation of the proposed activity are deemed to be suitable given the constraints of the river in terms of habitats and the like.

### **North Coast Regional Environmental Plan 1988**

#### **Clause 15: Rivers, streams and wetlands**

This clause contains several matters for consideration for any development within a river, stream or the like.

The activity will not affect the existing amateur and commercial fisheries as no fishing is proposed. The sites have been chosen to avoid impacts on sea grasses and loss of habitats.

#### **Clause 32B: Coastal Lands**

The proposal is consistent with the NSW Coastal Policy 1997, Coastline Management Manual, and North Coast: Design Guidelines.

The development will not result in permanent overshadowing of the foreshore or waterfront open space such areas may be partially shadowed in the event the boat is moored.

There are no draft environmental planning instruments which are of relevance to the proposal.

## **Development Control Plan (DCP)**

### Section A2-Site Access and Parking Code

The current travel patterns and car parking arrangements for the Tweed River Cruises will continue to operate. This arrangement has been previously assessed and approved by Council.

There is no increase in numbers of patrons or boating services and therefore no new demand for car parking.

Currently most patrons arrive to the Wharf Street marina via a courtesy bus or private coach, private vehicles are also used. The Wharf Street marina contains a formal car parking area.

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

Further to the likely environmental impacts discussed previously the following impacts are discussed:

#### Impacts on wildlife

The three locations proposed to undertake the activity are west of the Pacific Highway near Dry Dock Road and two areas near Sunset Boulevard in Tweed Heads West. All are within open stretches of water in areas of the river without a suitable "shore", i.e. rock revetment covers the banks. Thus the activity is unlikely to have an adverse impact on roosting shorebirds. In addition, the applicant has agreed to ensure targets are sent out over open water rather than to the shoreline.

Additional information submitted indicates that noise generated by the activity such as the scoreboard will be controlled.

Two of the proposed sites are near Daveys Island within the Nature Reserve. However no shore access is proposed, the applicant has made a commitment to shoot the targets only over open water to a controlled distance (maximum of some 20m) Daveys Island is not known to contain a flying fox roost site.

#### Impacts on Osprey

Noise and disturbance can cause adult Ospreys to abandon eggs, chicks or a potential nest site. Nest site buffers are an established management tool designed to protect breeding birds and nest trees from unnecessary disturbance, especially during the breeding season and buffers should be maintained, or restored to, their pre-clearing state. Any works within a nest site buffer are to occur outside the breeding season. Brisbane City Council has determined that 300m is an appropriate buffer distance between the nest and any development. There are several Osprey nests within proximity of the proposed sites. The nests are located along a reasonably busy waterway and are subject to boating traffic on a regular basis.

The site considered to be most sensitive is that on Big Island (T16) as it has been found that Ospreys occupying natural nest sites in large trees can be more prone to disturbance when breeding or raising young when compared to those on artificial structures in more urbanised environments. The nearest proposed anchoring location to this nest is some 700m away.

The nest site near Kennedy Drive (T11) is some 890m from the nearest proposed anchoring site.

The anchoring site near the Pacific Highway bridge is likely within the 300m buffer to T13 (some 200- 250m away) and is of some concern. However, the nest site is already in a fairly exposed location adjacent to the noise of the Highway bridge traffic, Dry Dock Road traffic, walkers and recreational users of the area and passing river boat traffic. Providing the activity is aimed upstream and noise is controlled, impacts on ospreys are likely to be minimal. The vessel will be restricted to anchoring south of Blue Waters Crescent and closer to the northern bank in this locality to maximize the buffer distance, or else to avoid this site during the breeding season. Moving further upstream is limited by marine vegetation (seagrass beds) that could be damaged during anchoring.

#### Infrared radiation

Electromagnetic radiation exists in a range of frequencies called the electromagnetic spectrum. Each frequency has a specific wavelength and as the frequency decreases, the actual length of the wave gets longer. Infra-red radiation lies between visible light and microwave radiation on the spectrum. It has a longer wavelength and lower frequency than visible light and is most often felt as heat. Infra-red cameras and sensors have been used for photographing wildlife at night for many years without scientific reports resulting in relation to a danger posed from such practice. The activity is not proposed during darkness, thus should not impact on microbat or flying fox feeding behaviour.

#### Potential to pollute the waterway

It appears the applicant has chosen slower-moving areas within in the River to undertake the activity. The discs are brightly coloured with a reflective strip.

The information provided regarding the detail of the targets indicates they will remain in tact as they are made from high grade plastic. The disk is fluorescent in colour, being bright and highly visible. The targets also have a reflective tape on them. The targets float, however as a precautionary measure foam is super glued to the bottom to ensure it floats.

As previously discussed, the target is shot from the boat by a catapult which can be adjusted to shoot to a specific distance. Approximately 20 meters is the maximum distance a target is fired. When the target lands, a staff member on a surf ski picks up the clay and returns it to the boat. The person on the ski is already waiting about 20 meters from the boat to collect the clay. The clays are shot out at about 1 - 2 minute intervals. The targets are also numbered to assist in recording.

## Suitability of the site for the development

The suitability of the River for the cruises has been tested and supported in the original development application. The current proposal is ancillary to that approval and is therefore suitable. As discussed the activity is likely to result in minimal environmental impacts.

## Notification and submissions made in accordance with the Act or Regulations

The proposal was notified for a period of fourteen days from 21 November 2007 to 5 December 2007 to the general public. In response to the exhibition period nine submissions opposed to the proposal have been received.

The applicant subsequently amended the proposal in consultation with Council staff. The amended proposal was re-notified to those who previously lodged a submission. The proposal was placed on public exhibition for fourteen days from 1 July to 15 July 2009, this included advertising within the Tweed Link. In response to this exhibition period four submissions were received, these are summarised below:

Issue	Comment	Assessment
Consultation with other authorities	Council should seek expert opinions from such authorities as NSW Department of Environment and Climate Change, the NSW Police/Fire Arms Licensing Branch/Traffic Division, the Tweed/Gold Coast Airport Authorities and NSW Maritime.	As discussed within this report a number of authorities were consulted during the assessment of the proposal who raised no objection to the proposal.
Impacts on Wildlife	Within short distances of each of the three sites are four registered osprey nesting sites with each bird site having the potential to have nesting birds using the adjacent waterways to fish during the nesting cycle from April to September. The sites are T16, Big Island, T11 maritime Museum, T32 Wyuna Street and T13 Boyds Bay Bridge.	Impacts on these osprey nests were considered in the assessment of the proposal. The assessment concludes the osprey nests are unlikely to be affected due to the existing site considerations including their exposure to vehicular and boating noise of the road system and river.
	The Broadwater is known as a migratory habitat protected under the Jamba/Camba Treaties. An appropriate assessment needs to be undertaken.	<p>The sites proposed to be used in conjunction with the proposed activity are not proposed within the Broadwater. The original cruises have approval to use the Broadwater.</p> <p>The Jamba and Camba apply to the whole of Australia. Jamba and Camba list terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds. The major threat to shorebirds is loss</p>

Issue	Comment	Assessment
		of roost sites. This proposal will should not impact on these shorebirds as a result of the amended sites.
Impacts on Residential Areas	Other boat cruises feed birdlife which results in birds cumulating in the Terranora Inlet for example. This results in issues such as defecation.	The applicant has not proposed to feed birdlife as part of this proposal. A condition has been recommended as a precaution.
Impacts on motorists and authorities	<p>The site proposed opposite to Wyuna Street is very close to the bridge, the activity will draw the attention of drivers and passengers on the bridge.</p> <p>The general public, including other river users will not be conversant with what is taking place and will see shotguns being pointed and fired. Authorities are subsequently likely to receive many phone calls. Signs on the sides of the boat will not be visible from the Terranora Creek Bridge.</p>	<p>The signage recommended by the applicant is in line with that required by the NSW Police Force as discussed previously within this report. The signage is intended to inform the public of the activity taking place, in addition the applicant is required to advertise the proposal in the Tweed Link.</p> <p>It is considered unlikely that guns would be visible from the Tweed Bypass Bridge. Further the applicant is required to advertise and educate the community via the Tweed Link and other advertising mediums as previously discussed.</p>
Impact on aircraft	The activity is located a very short distance from the Tweed Heads/Coolangatta Airport and is practically right under one of the flight paths. Lasers can cause visibility and electronic tracking concerns to airline carriers.	The Gold Coast Airport and Civic Aviation Safety Authority were consulted during the assessment of this proposal, as previously discussed no concern was raised regarding the activity.
Evidence	The applicant has provided no evidence that the infra-red light is harmless to users and wildlife nor that alcohol restrictions will be enforced.	As discussed, the assessment concludes as the proposal will not occur during darkness, microbat or flying fox feeding behaviour will not be affected.
Compliance	There are no assurances that the discs will be collected in the fast moving murky water. If they are not collected they would be harmful to wildlife.	As discussed the applicant proposes to position a staff member in the water on a surf ski to collect the targets when they land on the water. The targets are fluoro and float. A stock take type system of the targets is also proposed.
Site Suitability	Information has not been provided advising that anchoring at the proposed locations does not constitute a boating hazard for other passing marine craft. The Dry Dock Road site is close to the Tweed	The NSW Maritime Authority were consulted during the assessment of the proposal, the authority raised no concern in relation to boating hazards.

Issue	Comment	Assessment
	Bypass Bridge with bridge pillar obstacles in a fast flowing river current.	
	The proposed site's at West Tweed Heads are located adjacent to Davey's Island, part of the Tweed River Nature Reserve, near a quiet residential area. Noise from convention groups together with other social activities over two hours is not conducive to the peacefulness of this reserve area and its quiet nearby residential neighbourhood.	The boating operations already have approval to cruise the Tweed River, with up to 100 persons on each vessel. The proposed activity will take a maximum of 5 patrons and 4 staff. The noise of this smaller group is likely to be significantly less than that of the larger regular cruise.
	Tourism activities of this nature are out of step with Federal and State Government support for eco-sensitive and environmentally sustainable tourism. The Land and Environment Court have formally acknowledged the environmental significance of the Tweed River in its rejection of the expansion of the Chinderah Marina. The operation of a laser clay shooting business is in direct conflict with the Court's assessment of the environmental significance of the Tweed River.	As discussed, the applicant has approval for two cruise vessels to cruise the river which can cater for up to 200 persons. The proposed activity will cater for a substantially smaller group of up to 9 people. The environmental constraints of the River have been considered in this assessment.
	This gun-based activity is in contradiction with local, state and federal values. This type of recreational activity is in conflict with the wishes of the local community for both the environment and cultural education of young people. Most levels of government in Australia are directing funds to activities that reduce violence in our community.	As previously discussed, the proposed activity uses infra-red light. Wildlife, humans, aircraft and the like cannot be harmed. The perceived harm of this activity may be allayed through advertising and educating the community.
Trial Period	Trial periods to assess the impact of noise through the number of local complaints, places an unfair and arduous monitoring load on the community.	The applicant has not proposed a trial period, however this is an option recommended within this report.

### Public interest

Despite the issues raised in the submissions the proposal is considered to be in the public's interest. The proposal is consistent with the applicable legislation and will have minimal environmental impacts.

**OPTIONS:**

1. Council approves the proposal subject to conditions of consent.
2. Council approves the proposal subject to a trial period (12 months) and appropriate conditions of consent are provided to the applicant from the Director Planning and Regulation.
3. Council refuses the proposal with reasons.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicant has a right of appeal if dissatisfied with the determination.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed target shooting activity is considered to be ancillary to the existing approval and is therefore substantially the same development. The proposed development has attracted a number of objections which are largely based on the suitability of the site. The assessment above demonstrates the environmental impacts associated with the proposal are deemed to be minimal.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil

---



**14 [PR-CM] World Rally Championships**

**ORIGIN:**

**Development Assessment**

**SUMMARY OF REPORT:**

The purpose of this report is to advise Council of actions undertaken in dealing with the World Rally Championship since the introduction of the Motor Sports (World Rally Championships) Act 2009.

The report also provides Councillors a copy of Council Officer's comments and recommended conditions regarding the World Rally Championship to be held in the Tweed and Kyogle Shires from 3 to 6 September 2009.

**RECOMMENDATION:**

**That the report on the World Rally Championships be received and noted.**

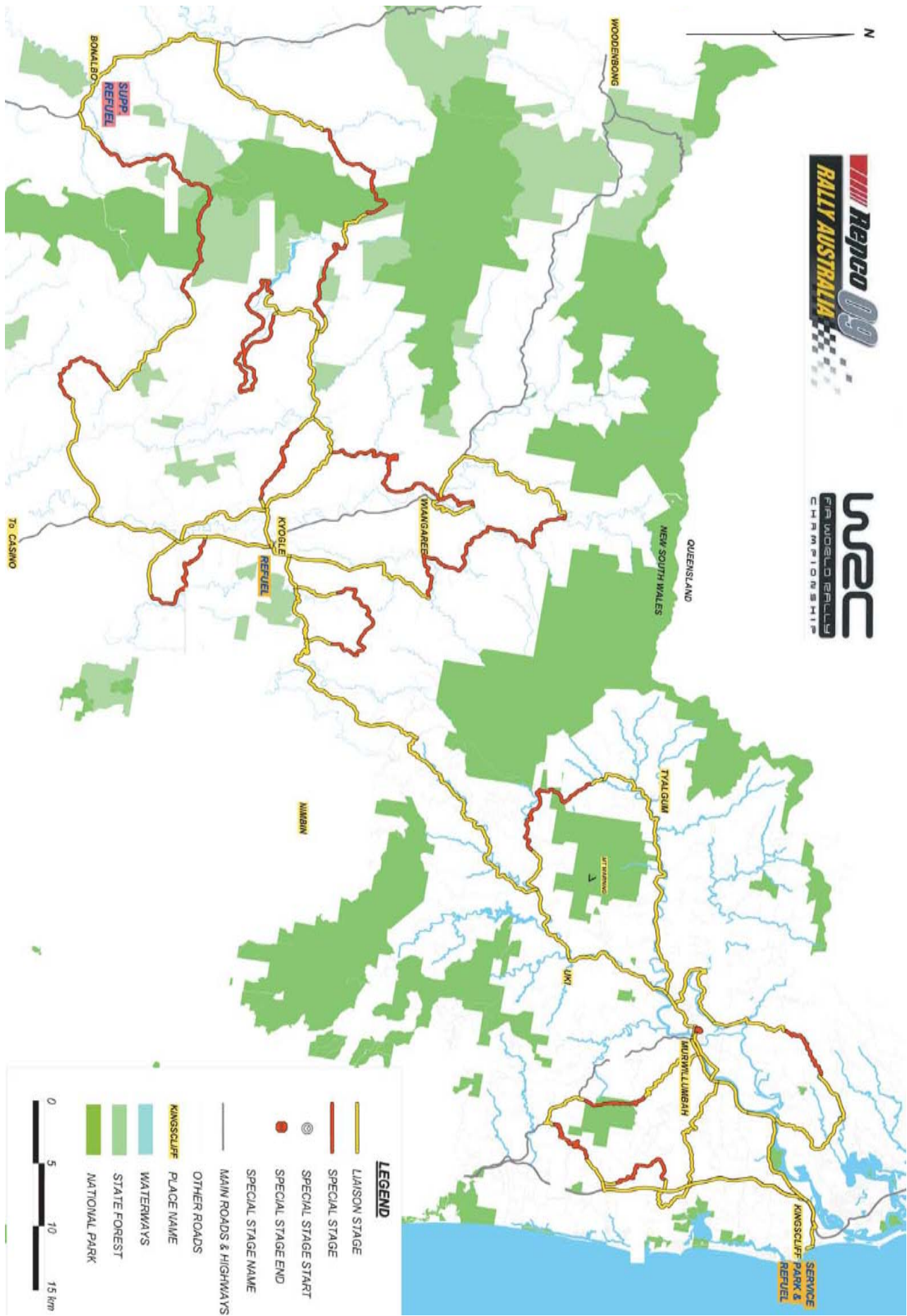
**REPORT:**

**BACKGROUND:**

Repco Rally Australia 2009 is a round of the Federal Internationale del'Automobile (FIA) World Rally Championship (WRC).

The route for Repco Rally Australia will cover just under 350km in competition roads in the Tweed and Kyogle Shires. The proposed event is scheduled for 3 to 6 September 2009 and will be held for an initial five events taking it through to 2019. The event comprises of 35 competitive special stages over 16 routes (some stages are repeated) between Burringbar and Bonalbo.

Below is a copy of the route.



**REPORT:**

The Motor Sports (World Rally Championships) Act 2009 (NSW) came into effect on the 1 July 2009 to facilitate the conduct of the WRC. The Act precludes a number of standard application processes that would, in ordinary circumstances, be required for an event of this nature.

Rally Australia wrote to Council on 1 June 2009 enclosing copies of all reports prepared for the WRC. Rally Australia encouraged feedback from both staff and Councillors and requested a workshop to discuss the reports. A copy of this letter is **attached**.

Council staff subsequently undertook an assessment and prepared a report as background to a workshop with the Councillors, which was held on 7 July 2009. The report containing Council Officer's comments is **attached**.

On 14 July 2009, Ian Macdonald, Minister for State Development wrote to Council advising that the NSW Department of Premier and Cabinet, through its Community and Events Division is facilitating cross-agency support and involvement in the WRC. A copy of the letter is **attached**.

By letter dated 27 July 2009, Council's General Manager responded to the Minister's letter advising of Council's actions to date and attaching a copy of the Council Officer's report on the World Rally Championships planning and environmental assessment reports. A copy of this letter is **attached**.

By letter dated 3 August 2009 the NSW Government's Homebush Motor Racing Authority wrote to Council confirming the enacting of special legislation to facilitate the event, and advising that the Minister for State Development had authorised the Homebush Motor Racing Authority of the Department of Industry and Investment to undertake any and all necessary functions to facilitate the event authorisations including the consideration of any responses or draft conditions considered appropriate by other key agencies or Local Government Councils. Therefore the Authority has now taken responsibility for addressing Tweed Council's submission for the World Rally Championship event. A copy of this letter is **attached**.

**CONCLUSION:**

This report provides advice to Council of actions undertaken in dealing with the World Rally since the introduction of the Motor Sports (World Rally Championships) Act 2009.

The report also provides Councillors a copy of Council Officers comments and possible conditions regarding the World Rally Championship to be held in the Tweed and Kyogle Shires from the 3 to 6 September 2009.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Copy of the letter from Rally Australia Pty Ltd dated 1 June 2009 (ECM 3919300)
  2. Council officer's assessment for the workshop which was held on 7 July 2009 (ECM 3919304)
  3. Copy of the letter from the Minister for State Development (Ian Macdonald) dated 14 July 2009 (ECM 3919306)
  4. Copy of the letter of response from Tweed Shire Council's General Manager dated 27 July 2009 (ECM 3919307)
  5. Copy of the letter from the Homebush Motor Racing Authority to Council dated 3 August 2009 (ECM 3922450)
-



THIS  
PAGE  
IS  
BLANK

**15 [PR-CM] State Significant Site Application - West Kingscliff (Gales Holdings Land)****ORIGIN:****Development Assessment**

**FILE NO:** PF1070/30 Pt1; PF1070/721 Pt1; PF1070/75 Pt1; DA1070/75 Pt1; PF1070/175 Pt1; PF1070/165 Pt1; PF1070/155 Pt1; PF1070/145; PF1070/135; PF1070/830; PF1070/125; PF1070/115; PF1070/105; PF1070/95; PF1070/40; PF5605/15; DA1460/1370; PF1460/1370; DA05/0004; DA05/0271; DA03/1258; DA04/1331; DA07/0122; DA05/1450; DA1460/1365; PF1460/1365; PF4445/10; GS4/93/76; PF1070/210

**SUMMARY OF REPORT:**

In November 2007 the NSW Minister for Planning agreed to consider West Kingscliff (Gales Holdings land) as a potential State Significant Site under the provisions of the SEPP (Major Project) 2005.

To pursue this further Council was required to undertake either a State Significant Study for the Gales Holdings Land or a Locality Plan for the wider Kingscliff area.

To date budgetary constraints and various unresolved litigation between Gales and Council have impacted upon the progression of these matters. However, at the April 2009 Council Meeting the Planning Reform Works Program was adopted. The program specifies that the commencement of the Kingscliff Locality Plan would be targeted for the 2010/2011 financial year (subject to further Council budget endorsement).

Given the advancement of the soon to be exhibited Draft Tweed LEP 2010 and the recent decision by the Land & Environment Court in relation to DA05/0004 (filling land in Turncock Street) the benefit in listing the Gales Holdings Land as a State Significant Site is considered to be no longer as evident.

As the State Significant Site application was made by Tweed Shire Council the Department of Planning has sought a status update on the application. The Department have advised that if Council is not progressing with the State Significant Study the application should be formally withdrawn.

Withdrawal of the application is recommended as alternative strategic actions will be forthcoming in the form of the Kingscliff Locality Plan and the Draft Tweed LEP 2010. Furthermore, the withdrawal of the State Significant Application will not compromise the applicant's individual opportunities to develop the subject land by way of another process.

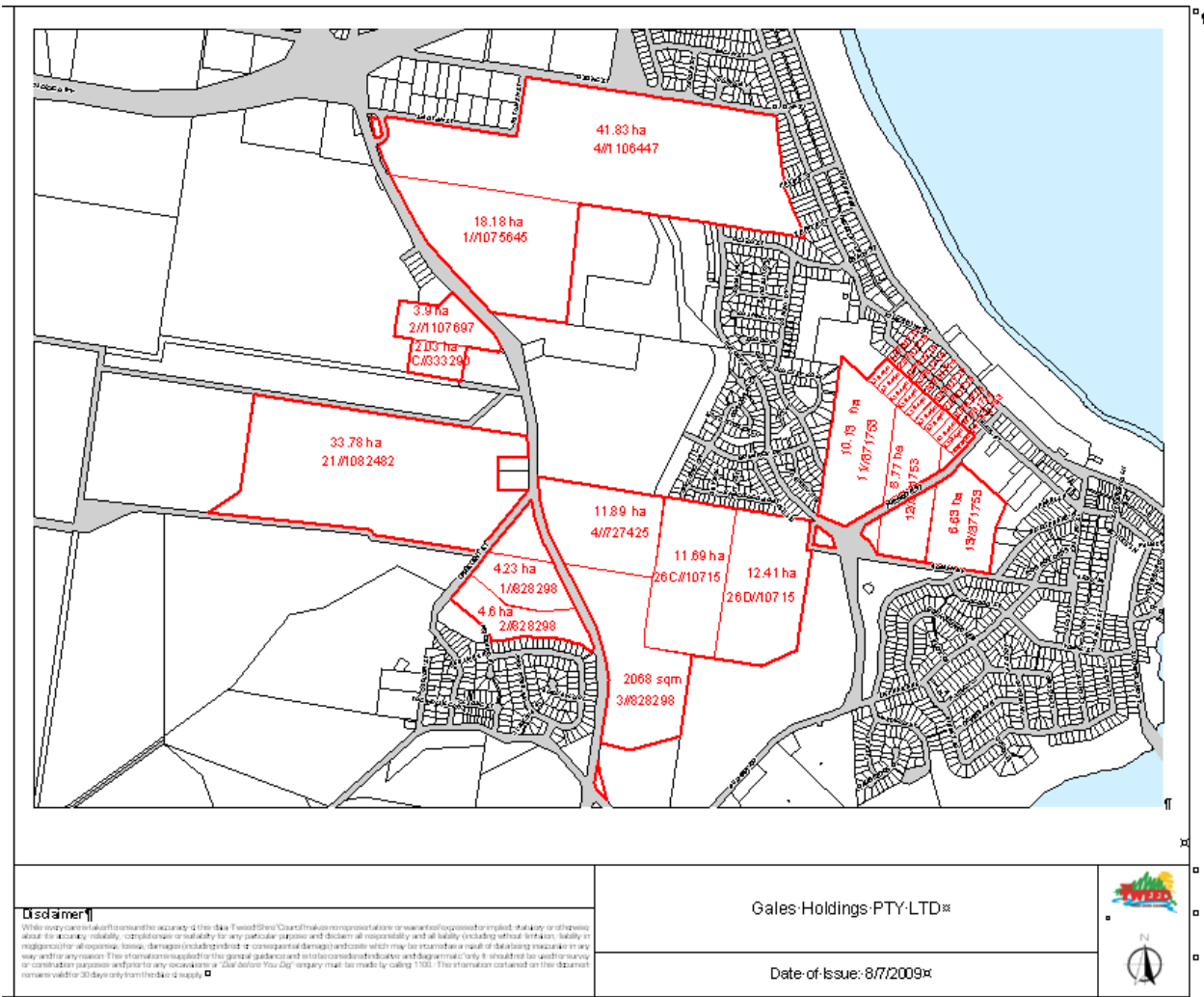


**RECOMMENDATION:**

**That Council formally advises the Department of Planning that the Gales Holdings State Significant Site Application (Reference No. S07/01166) is withdrawn and no further action is required from the Department of Planning.**



**SITE DIAGRAM:**



**Disclaimer**

While every care has been taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty as to the accuracy or reliability of the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence, strict liability, damages and/or consequential damages) in whole or in part which may be incurred as a result of the use of this information in any way and for any reason. This information is supplied for the general guidance and is not considered to be a contract. It should not be used for survey or construction purposes and/or for any other purpose. "Use before You Dig" warning must be made by calling 1300. The information contained on this document remains valid for 30 days only from the date of supply.

Gales Holdings PTY LTD\*

Date of Issue: 8/7/2009\*



**GALES HOLDINGS STRUCTURE PLAN**  
(NOT APPROVED OR ENDORSED BY COUNCIL)



ALLEN JACK & COTTIER  
Engineering & Planning

Gales Holdings Structure Plan  
Gales Holdings

## The State Significant Site Process

The Department of Planning provided Council with a copy of then Draft Guidelines for State Significant Sites as duplicated below (flow chart included):

### **Introduction**

*The State Environmental Planning Policy (State Significant Development) (SSD SEPP) 2005 provides for the Minister to declare an area to be a State significant site. When declaring a site to be of State planning significance, the Minister will also establish the planning regime on that site.*

*These provisions will be used to deliver the State's planning objectives on major sites important in the implementation of the Metro Strategy and other regional strategies. The provisions will also be used to facilitate major investment in economic and employment generating development in NSW and the redevelopment of major State government sites.*

*In the past, when the Minister determined to develop a new planning regime on a major site, a regional environmental plan or SEPP had to be made. This has led to a proliferation of site specific planning instruments.*

*Under the provisions of the SSD SEPP, the Minister will amend the SEPP to add the site to Schedule 3 of the SEPP. These provisions will be kept under review and will be revoked when the State's planning objectives have been achieved on the site.*

### **Criteria for a State Significant Site**

*A State Significant Site (SSS) must be of State or regional planning significance because of its social, economic or environmental characteristics.*

*When considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:*

- (a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or*
- (b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or*
- (c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts; or*
- (d) need alternative planning or consent arrangements where:
  - (i) added transparency is required because of potential conflicting interests*
  - (ii) more than one local council is likely to be affected.**

## ***Procedures for being listed as a SSS***

### ***Nomination as a potential SSS***

*There are two methods by which the process for considering and including a site as SSS can be initiated. The Minister may initiate the process by nominating a site to be a potential SSS or a proponent may initiate the process by requesting that the Minister nominate their site to be a potential SSS.*

*Where a proponent makes a request that the Minister nominate the site as a potential SSS, the request should be accompanied by preliminary document that provides details of:*

- the site in its current zoning context;*
- the State and regional significance of the site in terms of meeting the criteria outlined above; and*
- future land use proposals*
- views of the local Council*

### ***Preliminary consultation with council***

*Prior to a proponent making a request of the Minister for the listing of the site as SSS, proponents should consult with the relevant local council to determine if the appropriate planning regime can be efficiently delivered through local planning processes.*

### ***Site Investigation***

*Prior to making a decision as to the State significance status of a site, the Minister may initiate an investigation into a potential SSS by requiring the Director-General to undertake a study or to make arrangements for a study to be undertaken for the purpose of determining:*

- the appropriate land use and development controls for the site.*
- whether any future development on the site should be declared to be SSD*

*The study is to assess:*

- a) the state or regional planning significance of the site*
- b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy*
- c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning; and*
- d) any other matters required by the Director-General.*

### **Requirements for the investigation**

*In issuing any requirements for the study, the Director-General will consult relevant agencies and the local councils. The Director-General may also convene a Planning Focus Meeting to assisting in identifying and prioritising issues to be addressed in the Study.*

*If the proposed planning changes on the site are likely to affect threatened species, populations or ecological communities or their habitats, the Director-General must formally consult the Director-General of Department of Environment and Conservation and/or Director-General of Department of Primary Industries, regarding requirements for the Study under the provisions of s34A of the EP&A Act.*

*If the proposed planning changes on the site are likely to affect items on the State Heritage Register, the Director-General must formally consult with the Heritage Council regarding requirements for the Study under the provisions of s83 of the Heritage Act.*

### **Exhibition and consultation**

*The Director-General will exhibit the study for a minimum of 30 days with an invitation to the public to make written submissions. The Director-General will send a copy of the study to the relevant councils and agencies for comment.*

*When submissions are received the Director-General will consider the matters raised and if relevant modify the proposal to minimise impacts on the environment or to make it more consistent with State or regional planning objectives.*

### **Director-General's Assessment**

*The Director-General shall assess the study and the implications of the proposed changes in land use and provide recommendations to the Minister relating to.*

- a) *the state or regional planning significance of the site*
- b) *the suitability of the site for any proposed land use*
- c) *the implications of any change in land use.*

*The Minister may establish an independent panel at any phase of the process. For example advice may be required in relation to*

- *matters to be considered in the study*
- *the proposed planning provisions and any technical assessment to arrive at these provisions*

*The Minister and Director-General will take into consideration any recommendations made by the panel.*

### **Minister's determination and SEPP amendment**

*If the Minister intends to proceed with declaring the site to be a State significant site, the Minister must consult with other relevant Ministers under s37 as part of the process of amending the SSD SEPP to list the site as State significant.*

*Following this advice, the Minister must make a determination as to whether the site is to be listed as SSS.*

*If the Minister determines to make the site SSS, the SSD SEPP must be amended to add the site and the relevant planning provisions to Schedule 3 of the SEPP. As a result the provisions in the council LEP will be amended and replaced by the provisions in the SSD SEPP.*

### **SSS Planning Provisions**

*The planning provisions relating to a SSS will be listed in Schedule 3 of the SSD SEPP. Depending on the site, the planning provisions may relate to:*

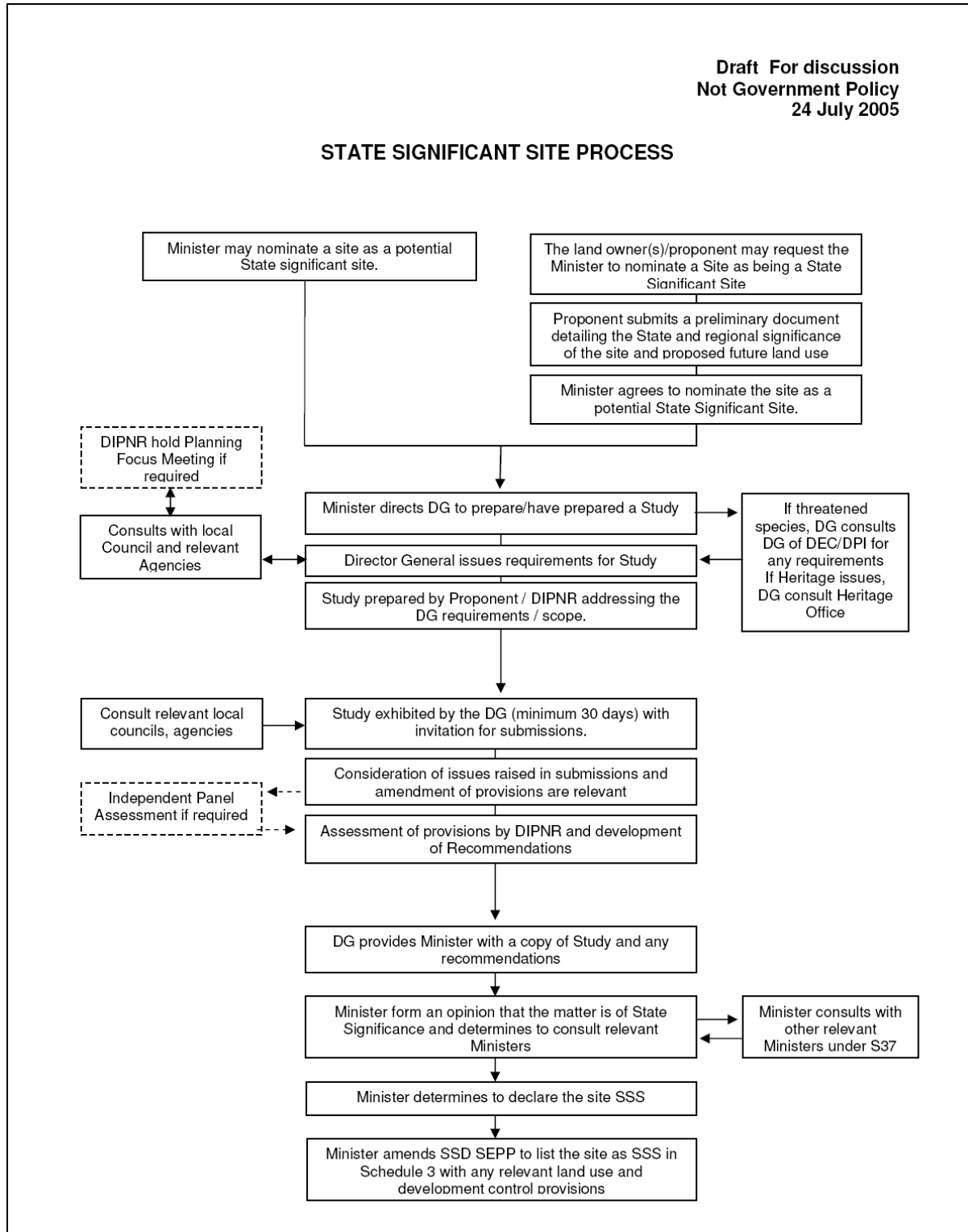
- *zoning and permitted land uses possibly accompanied by a map with layout of subsequent land uses on the site*
- *performance criteria applying to different types of development*
- *list of exempt or complying development with any relevant performance criteria*
- *list of any State significant development to be determined by the Minister and/or local development to be determined by council.*

### **Review of the SSS provisions**

*The SSD SEPP will be reviewed as a minimum every 5 years. At that time, a judgement will be made as to whether the State's planning objectives have been fully or partly achieved on the site.*

*As soon as these objectives, the State's approval role will be withdrawn and the planning provisions in the SSD SEPP will be integrated into the relevant LEP (sic).*

**STATE SIGNIFICANT SITE PROCESS FLOW CHART**



### Tweed Shire Council's State Significant Site Application Request

Following discussions with the then Council Administrators it was determined in June 2007 that Council would write to The Hon Frank Sartor as Minister for Planning seeking assistance with the *Gales-Kingscliff* land to ensure orderly planning can be achieved for the Kingscliff locality.

State Government intervention to "call in" the 220ha of land as a State Significant Site in accordance with the SEPP Major Project was considered a necessary request (at the time) to avoid unnecessary litigation and provide some sound planning for the long term development of the locality.

Subsequently the State Significant Site application was made by Tweed Shire Council in June 2007.

While reviewing this request the Department of Planning sought additional information in regards to:

- The location of the proposed District Department Store (based on Gales Structure Plan);
- The status of Tweed Shire Council's Retail Strategy;
- The status of Tweed LEP Amendment No. 14 (rezoning land to 4(a) Industrial near the old STP site);
- Tweed Vegetation Management Strategy;
- Cultural Heritage;
- Threatened and Protected Flora & Fauna (map re-produced below);
- Land ownership details;
- Cudgen Burial Ground;
- Chinderah Cemetery; and
- The status of Draft LEP Amendment No. 21 (Vegetation Management Strategy) map re-produced below.

Council provided further documentation to the Department of Planning in response to this request.



## The Department of Planning Response

On the 5 December 2007 the following media release was received:



---

## MEDIA RELEASE

---

**The Hon Frank Sartor MP**

*Minister for Planning  
Minister for Redfern Waterloo  
Minister for the Arts*

5 December 2007

### **NSW GOVERNMENT TO INVESTIGATE WEST KINGSCLIFF**

Planning Minister Frank Sartor has begun the process of listing the West Kingscliff site in the Tweed Shire local government area as State Significant.

The Minister said Tweed Shire Council had written to him in June, requesting his intervention to help secure a proper, strategic approach for the area.

The local member, Geoff Provest has also recently called on the Minister to become involved.

"This is a complex site that has been the subject of protracted disputes," Mr Sartor said.

"This land could help to provide new jobs for the region, and it is in a sensitive coastal environment.

"For these reasons, it is appropriate that we take steps to subject any future proposals to rigorous assessment and public consultation.

"This site has the potential to generate significant social, economic and environmental benefits for NSW."

The site has been identified for possible land release in the Far North Coast Regional Strategy.

The Department of Planning agreeing **to consider** the *Gales-Kingscliff* land as a potential State Significant Site the Ministers intention was required to be published in the NSW Government Gazette No. 182.

## DEPARTMENT OF PLANNING LETTER



NSW GOVERNMENT  
Department of Planning

Contact: Liz Peterson  
Phone: 02 9228 6224  
Fax: 02 9228 6570  
Email: [elizabeth.peterson@planning.nsw.gov.au](mailto:elizabeth.peterson@planning.nsw.gov.au)

Our ref: Y07/3104 (S07/01166)

Ms Genevieve Slattery  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

**Attn:** Ms Denise Galle (nee O'Brien)

Dear Ms Slattery,

**Subject: Proposed Amendment to the Major Projects State Environmental Planning Policy**

I am pleased to advise you that on 30 November 2007 the Minister for Planning agreed to consider your proposal for the land identified in the attached map, a potential State significant site under the provisions of the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP).

In considering whether to use the Major Projects SEPP, the Minister requested that I make arrangements for a study to be undertaken by the proponent (Tweed Shire Council) that will assess:

- (a) the State or regional planning significance of the site;
- (b) the suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- (c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;
- (d) those parts of the site which should be subject to Part 4 of the EP&A Act, with the relevant Council as consent authority;
- (e) the details of the recommended zoning(s);
- (f) the development controls for the site that should be applied to the site;
- (g) the means by which developer contributions should be secured in respect of the site;
- (h) the flora and fauna values including endangered species and their impact on zoning boundaries;
- (i) Aboriginal heritage and archaeology issues and their impact on zoning boundaries;
- (j) the physical capability of the land including, but not limited to flooding, acid sulfate soils and ground water;
- (k) appropriate arrangements for the compulsory acquisition of land by the relevant council for open space purposes.
- (l) the agricultural significance of the land as identified in the Northern Rivers Farmland Protection Project and the impact on zoning boundaries; and
- (m) the retail and industrial needs of Tweed Heads and the Tweed Coast.

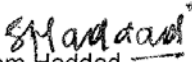
Strategic Sites and Urban Renewal – Strategic Assessment  
23-33 Bridge Street SYDNEY NSW 2000 GPO Box 39 SYDNEY NSW 2001  
Phone 02 9228 6111 Fax 02 9228 6150 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

2

The study will be used to make recommendations to the Minister with regard to appropriate zoning and development controls for the site, and whether any subsequent development on the site should be declared to be a project subject to the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*, local development or exempt and complying development.

The Department looks forward to working with Council on this project. In the meantime should you wish to discuss this matter further, please do not hesitate to contact Mr Michael File, Director - Strategic Assessments on 9228 6407 or Liz Peterson, Senior Planning Officer – Strategic Assessments on 9228 6224.

Yours sincerely

  
Sam Haddad  
**Director General**  
14 DEC 2007

GOVERNMENT GAZETTE

9630

OFFICIAL NOTICES

14 December 2007

**Department of Planning**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

State Environmental Planning Policy (Major Projects) 2005

NOTICE

I, the Minister for Planning, pursuant to clause 8 (1A) of State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP), hereby give notice that I have received a proposal that Schedule 3 of the Major Projects SEPP be amended to add the site described in Schedule 1 of this Notice.

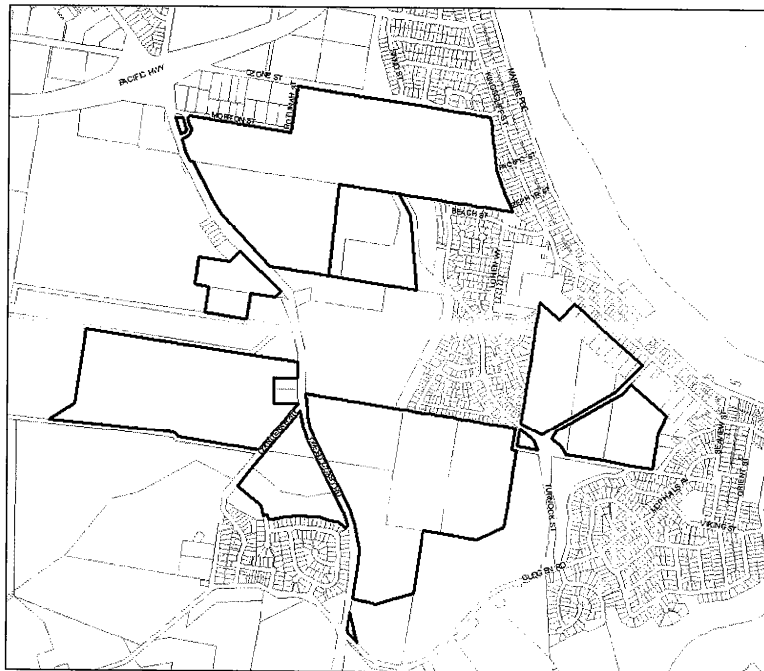
Dated, this 6th day of December 2007.

FRANK SARTOR, M.P.,  
Minister for Planning,

SCHEDULE 1

The site known as the 'West Kingscliff' as shown edged heavy black on the map marked West Kingscliff – Cadastre, within the Tweed Local Government Areas.

West Kingscliff – Cadastre



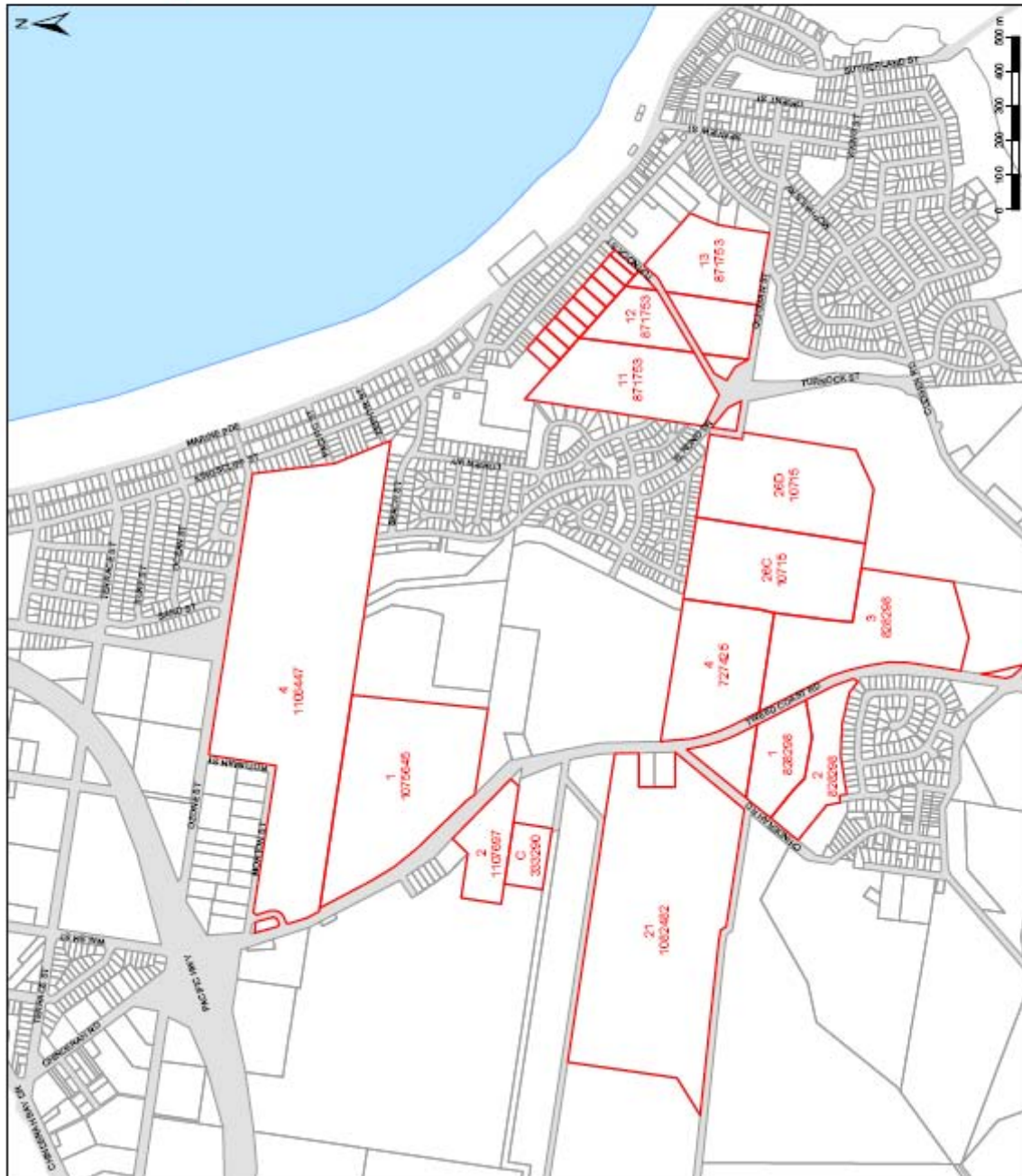
# GOVERNMENT SITE PLAN

West Kingscliff, Tweed Shire  
Gales Holdings Pty Ltd

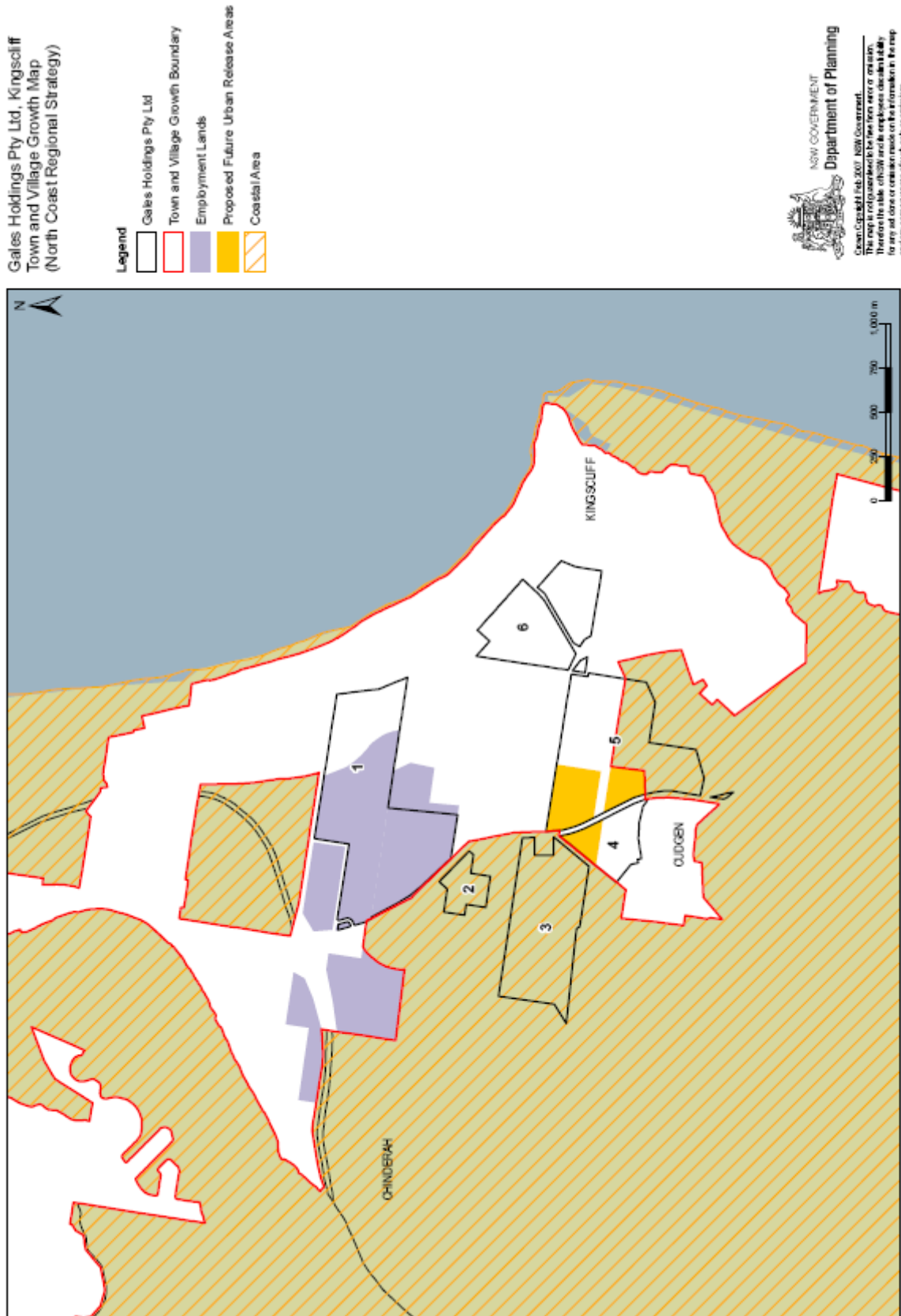



NSW GOVERNMENT  
Department of Planning

Created April 2009 NSW Government  
This document is provided by the Government  
It is to be read in conjunction with the relevant  
for any and all consequences of the information in the map  
and any consequences of such acts or omissions.



PLAN IN RELATION TO THE FAR NORTH COAST REGIONAL STRATEGY



As detailed in the Department's letter of December 2007 the Department now required Council to undertake either a State Significant Study for the Gales Holdings Land (or possibly a Locality Plan for the wider Kingscliff area) to determine the appropriate zoning and development controls for the site.

To date, a variety of issues such as budgetary constraints attempts to resolve various litigation matters impacted on the progression of State Significant Study.

### The Development Applications – A Status Update

#### **DA04/1331 – Land filling and shopping centre, Turnock Street Kingscliff**

Council received DA04/1331 in December 2004 which sought consent to fill land south of Turnock Street and construct a supermarket-based shopping centre. To facilitate this use, the application also sought to amend (Old) DCP No. 9 – West Kingscliff, re-locate an existing drain, construct a new internal private access road, and fill the supermarket envelope to between RL 3.0 and RL 4.0m AHD.

This was the second application Council had received for a supermarket based shopping centre in this locality. DA02/2092 sought approval for a shopping centre on the northern side of Turnock Street, Kingscliff. This application was refused in June 2003 due to numerous reasons including environmental constraints, strategic implications and drainage concerns.

Whilst DA04/1331 attempted to resolve the previous issues identified, major environmental constraints still existed. Due to these environmental constraints Council employed an Environmental Consultant to independently review the applicant's submitted documentation. This review was completed and the following conclusions were reached:

- The Mitchell's Rainforest Snail is likely to be significantly affected by the proposal. The loss of this habitat is of particular concern given that this species is listed as endangered under Schedule 1 of the Threatened Species Conservation Act and Critically Endangered under the Environmental Protection and Biodiversity Conservation Act 1999;
- The proposed development will impact on an Endangered Ecological Community and will have considerable impacts on the local habitat of the Wallum Froglet and the Bush Hen;
- Consideration should be given to re-designing and relocating the development onto the grassland/sedgeland association to the north of the existing drain.

Council was served with a Class 1 Appeal (deemed refusal) in the Land and Environment Court in relation to the determination of the subject application.

Council contested the Appeal in the Land Environment Court on the basis that the DA was statutorily invalid as it had not been accompanied by a Species Impact Statement.

On 27 February 2006, the Court held in relation to a preliminary point of law, that a Species Impact Statement (SIS) was required to accompany the development application as the development was likely to have a significant effect on the Mitchells

Rainforest Snail. (Talbot J (2006) Gales Holdings Pty Limited v Tweed Shire Council [2006] (10263 of 2005) 27 February 2006).

The applicant did not proceed to prepare a Species Impact Statement but rather entered into discussions and negotiations with Council during the time between September 2006 to May 2007.

Council tried to impress upon the applicant to look at this matter holistically to ensure a quality outcome. This holistic approach was not adopted by the applicant and subsequently the parties have failed to reach an agreement as to an acceptable means to progress the application.

On 2 August 2007, Gales brought a motion to amend DA05/0004 (detailed below) to incorporate the fill that previously formed part of this DA04/1331.

Council subsequently received the amended DA05/0004 on 15 November 2007.

The result of the amended application (DA05/0004) was that the Court held this application in abeyance until DA05/0004 was determined.

DA04/1331 has since been withdrawn and discontinued from the Court proceedings.

#### **DA05/0004 – Land filling, Turnock Street Kingscliff**

The subject application DA05/0004 was initially lodged in January 2005.

The proposal sought approval to fill 19.9ha of land both north and south of Turnock Street, Kingscliff. Approximately 450,000m<sup>3</sup> of material would have been necessary to fill the land and construct a haul road. The haul road was required to truck the material from a stockpile site adjoining Tweed Coast Road Cudgen to the subject site in Turnock Street.

The applicant (*Gales-Kingscliff*) lodged a deemed refusal appeal in July 2005.

Council contested the appeal and argued that the DA necessitated the lodgement of a Species Impact Statement.

On 28 April 2006, the Court held in relation to a preliminary point of law, that a Species Impact Statement (SIS) was required to accompany the development application as the development was likely to have a significant effect on the Wallum Froglet, a threatened species, listed under the Threatened Species Conservation Act, 1995. (Talbot J (2006) Gales Holdings Pty Limited v Tweed Shire Council [2006] NSWLEC 212 (10264 of 2005) 28 April 2006).

On 1 September 2006, the Court stood the matter over until 8 January 2007 to allow the parties to negotiate.

During the period September 2006 to May 2007, discussions and negotiations occurred between the parties on a 'without prejudice except as to costs' basis. Council tried to impress upon the applicant to look at this matter holistically to ensure a quality outcome.



This holistic approach was not adopted by the applicant and subsequently the parties have failed to reach an agreement as to an acceptable means to progress the application.

In May 2007, the Court made directions in relation to a motion by Gales Holdings Pty Ltd (Gales) for approval to further amend the application. On 2 August 2007, Gales brought a motion to amend the development application.

At hearing on the motion on 2 August 2007, Council opposed the proposed amendment. The Court indicated its inclination to grant the amendment, subject to the provision of plans that clearly set out the proposal for which approval is being sought.

Council subsequently received the subject amended application on 15 November 2007. The amended application sought approval to:

*Fill land north and south of Turnock Street for the purpose of preparing the land primarily for future urban residential subdivision development.*

*The key elements of the proposal are:*

- a) *The filling of land north and south of Turnock Street. The filling 'envelope' or area to be filled covers approximately 17.6 hectares. The fill envelope would be filled (other than slopes and/or batters at the perimeter of the areas to be filled) to a minimum level approximating the design flood level for the locality (RL3.3m AHD).*
- b) *The retention of unfilled areas of land, both north and south of Turnock Street, including:*
  - i. *A largely undisturbed 1.0 hectare Wallum Froglet Habitat area immediately north of and fronting Turnock Street, Wallum Froglet Refuge Areas, Sediment Basin and Water Quality Pre-Treatment Area;*
  - ii. *An area in the north eastern corner of the subject land, north of Turnock Street, which includes a small assemblage of littoral rainforest vegetation, other vegetated areas, as well as land that is already at a level at or above the design flood level of RL3.3m AHD; and*
  - iii. *An area of approximately 0.88 hectares of land immediately south of Turnock Street and east of the Turnock Street / Elrond Drive roundabout, which includes some swamp forest vegetation.*
- c) *The construction of a new 3m x 2m Box Culvert under Turnock Street.*
- d) *The creation of an unfilled 'north-south oriented' open channel, north of Turnock Street, to convey upstream stormwater flow across the site to the Sediment Basin and Water Quality Pre-Treatment Area and thereafter to the main drainage system south of Turnock Street via the proposed Box Culvert under Turnock Street.*

- e) *The construction of a temporary haul road from Tweed Coast Road to the Turnock Street roundabout, to transport sand fill material from an approved excavation and deposition site west of Tweed Coast Road.*

*Approximately 348,200m<sup>3</sup> of fill material is necessary to fill the land. A further 10,800m<sup>3</sup> of base course material would be required to construct the temporary haul road and other haulage roads within the actual fill sites.*

*Fill material for the filling sites at Turnock Street would be sand obtained from an existing approved sand extraction site (owned by Gales) located approximately 2 kilometres to the west, at Lot 2 DP 216705 Crescent Street, Cudgen (Development Consent 96/518,). This consent enables 400,000m<sup>3</sup> of sand material to be removed by hydraulic methods to Lots 1 and 2 DP829298 Tweed Coast Road, Chinderah. The dredging of the sand material, its hydraulic delivery and stockpiling at the deposition site would be undertaken in accordance with development consent 96/518 and the associated approved Environmental Management Plan. It is proposed that once delivered to Lot 1 DP 828298, the sand would then be conveyed over Tweed Coast Road and transported from there via the temporary haul road to the proposed fill sites.*

*The required road base material would be obtained from a commercial quarry.*

*The works would be 'staged' from a filling sequencing and environmental management point of view.*

*The entire project is expected to take approximately 53 weeks to complete. Hours of operation would be 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday. No work would be undertaken on Sundays or public holidays.*

Council staff undertook an assessment of the above amended application and recommended that amended DA05/0004 should be refused based on the following reasons:

1. Approval will result in a conflict with existing conditions of consent D96/0518. The Respondent contends that the Court would not, in its discretion, approve the development application that will have the effect of amending D96/0518.

A condition of consent for DA96/0518 requires fill from the quarry to be permanently placed on Lot 1 in DP 829298. The proposed development seeks to utilise this fill on an alternative site which would be in conflict with the existing consent unless DA 96/0518 was modified.

2. The development application is not accompanied by a species impact statement contrary to s 78A, which is necessary because the proposed development is likely to have a significant effect upon Wallum Froglets and Endangered Ecological Communities, namely:
  - a. Freshwater Wetlands on Coastal Floodplains of the NSW North coast, Sydney Basin and South East Corner bioregions;

- b. Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions;
    - c. Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions;
  3. The proposed development is likely to create unacceptable impacts upon ecological communities, populations and species (including Wallum Froglets and the named Endangered Ecological Communities) that are not proposed to be controlled or ameliorated on the information submitted to date:
    - a. The application does not propose adequate measures to protect existing ecological communities (including EEC's), manage the retained areas, or compensate for habitat loss.
    - b. The proposed development is likely to have an unreasonable impact upon Wallum Froglets due to:
      - i. Inadequate protection measures offered for habitat;
      - ii. Viability of the proposed Wallum Froglet habitat area;
      - iii. Lack of adequate management measures for retained habitat areas;
      - iv. Lack of compensatory habitat to offset loss of habitat for this species.
    - c. The amended application has an unacceptable cumulative impact on the natural environment
  4. The proposed development will generate unacceptable levels of noise and dust and will affect the amenity of residents of Cudgen and Kingscliff. This is primarily due to the proposed conveyor system over Tweed Coast Road and the associated stockpiling and handling operations of the fill material. There are insufficient management and operational measures proposed in the material submitted to date to ensure noise impacts are controlled or ameliorated.
  5. The proposed development is unacceptable having regard to flooding issues as it removes flood storage from the Tweed Valley Floodplain, and the applicant has not demonstrated that it will not alter flooding behaviour and adversely affect adjoining land.
  6. The development application as proposed is inconsistent with applicable policies.
  7. The application would have an unacceptable impact on the local amenity during filling operations as being against the public interest and contrary to s 79C(1)(e) of the EPA Act.
  8. The application (specifically the conveyor system over Tweed Coast Road) would have an unacceptable aesthetic impact on the locality as being against the public interest and contrary to s 79C(1)(e) of the EPA Act.
-

9. The application has failed to demonstrate why approval should be granted for filling of land when the ultimate land use is not determined within an approved master plan concept and is considered as being against the public interest and contrary to s 79C(1)(e) of the EPA Act.
10. The application has failed to demonstrate how the proposed Wallum Froglet habitat area would be compatible within an urban design concept for the entire land parcel as being against the public interest and contrary to s 79C(1)(e) of the EPA Act.

In April 2008 Council contested the appeal before Chief Judge Preston in the Land & Environment Court of NSW, based on the above reasons for recommending the application for refusal

On 14 July 2008 Chief Judge Preston handed down his decision that the Appeal was upheld and DA05/0004 was approved subject to conditions of consent.

Before the consent becomes operational, Gales Holdings must satisfy the following conditions:

- Address Tweed Shire Council's environmental concerns by ensuring a 12-month monitoring program for the Wallum Froglet population, which is an Endangered Species;
- Revise the haulage route to minimise tree loss;
- Redesign the drainage system so it meets the agreed water quality needed to maintain the Wallum Froglet habitat.

Gales Holdings has two years to satisfy Council that the above matters have been completed satisfactorily.

Once the consent becomes operational (by satisfying the above conditions), Gales Holdings has to put in place restrictions on the covenant to protect the remaining habitat areas and implement management plans that incorporate at least five years of monitoring.

Importantly, the application approved by the court is significantly different from the original application lodged with Council in 2005.

The amended application reduces the overall fill envelope, leaves the east-west drain in its existing location, retains the existing Mitchells Rainforest Snail habitat area, incorporates habitat areas for the Wallum Froglet and conserves four areas of the subject site as environmental offsets for the vegetation lost.

### The Alternative Strategic Direction

#### 1. Kingscliff Locality Plan

Council did progress this approach in early 2007 by calling for Tenders to undertake a number of key strategic planning projects including a locality plan for Kingscliff.

Nineteen consulting firms responded to the project briefs, with approximately eleven companies expressing an interest in each of the projects.

At its meeting of 29 May 2007 Council considered a report on the tender process and evaluation and resolved to appoint a consultancy for each of the six projects except for Kingscliff locality plan, which was deferred pending the outcome of the then Court Actions involving *Gales-Kingscliff*. Furthermore, the 2007/2008 and 2008/2009 budget did not have sufficient funds to enable the project to proceed.

In March 2008 Council approached the Department of Planning with details of intended approach for the Locality Plan and sought funding assistance to fulfil this project, however, in July 2008 the Department of Planning advised that:

*“With regard to Council’s proposal for a Locality Plan for Kingscliff now being prepared instead of the State Significant Study, the Departments view is that this is a local planning issue for the Tweed Council and that it goes beyond the ambit of the proposed State Significant Site Study process for the proposed site...”*

*Notwithstanding this, the Department is willing to assist Council with the preparation of the State Significant Site Study by managing the consultancy process for the study. Council would however be expected to fund the Study costs.”*

A further attempt to secure funding for the Kingscliff locality plan was made by way of application in January 2009 under Round 6 of the Planning Reform Funding, however, this has also been unsuccessful.

## 2. Draft Tweed LEP 2010 (Stage 1)

The draft Shirewide ‘standard instrument’ LEP has been on-going since 2006 and in August 2008 the Department of Planning issued a conditional s 65 authority to publicly exhibit the draft Plan. Since then Council Officers have been negotiating with the Departments Regional and Sydney Office’s staff on an appropriate flood clause for the Tweed, and this matter is likely to be resolved by the end of July.

It was decided at the commencement of the Shirewide LEP to include any existing draft LEPs that were sufficiently progressed and public exhibition formed the basis of that test. The then draft LEP amendment 21, which was implementing recommendations of the Tweed Vegetation Management Strategy 2004 (TVMS), was rolled over into the Shirewide draft LEP and it has the effect of increasing the environmental protection zone mapping on land owned by Gales Holdings, among many other areas within the Shire.

Gales Holdings have raised their concern about this increase in environmental protection zoning and have submitted their own environmental assessments that raise issue with some of the findings and recommendations in the TVMS 2004. It will be necessary as either part of a locality plan or Stage 2 of the Shirewide LEP to further investigate the sites suitability/level for environmental listing and to

incorporate a broader range of environmental protection zones available under the standard LEP instrument.

### Summary

Many of the issues previously unresolved on the *Gales-Kingscliff* land have now been resolved as a result of the Land & Environment Court Decisions. In addition, the Planning Reform Works Program was adopted by Council on 16 June 2009 and has identified the Kingscliff locality plan as a key strategic project for the 2010/2011 financial year. The ongoing strategic planning commitment to preparing both a locality plan and standard instrument LEP, therefore reduces the necessity for a State Significant Site listing over the land owned by Gales, particularly now that the Court cases have settled some significant long-term issues.

The key priority is to ensure that Kingscliff as a whole is developed strategically within the interests of the whole community (including *Gales-Kingscliff*), which will require representation of the broader Kingscliff and surrounding communities.

In summary, Council's identified commitment to preparing a robust strategic planning framework through best practice placed based planning policies that includes a locality plan for Kingscliff and Chinderah outweighs the need for a State Significant Site listing, which may otherwise provide less opportunity for community participation.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

### **POLICY IMPLICATIONS:**

This recommendation in regards to this matter reinforces the recently adopted Planning Reform Works Program. No additional policy implications are anticipated.

### **CONCLUSION:**

Council has recently adopted the Planning Reform Works Program which sets a clear direction and prioritisation of Council's strategic planning program.

Council's withdrawal of the State Significant Site Application for Gales Holdings will have no impact on the recently adopted Planning Reform Works Program and furthermore will not hinder the applicant's ability to independently pursue any future development options on their land.

Accordingly it is recommended that the State Significant Site application be withdrawn from the Department of Planning and that Council pursue the Kingscliff Locality Plan as determined by the Planning Reform Works Program

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



**16 [PR-CM] Update on Compliance Issues - Lot 11 DP 835413, No. 2 Boulder Close, Byangum**

**ORIGIN:**

**Director Planning & Regulation**

**FILE NO: DA02/0988 Pt 4**

**SUMMARY OF REPORT:**

The purpose of this report is to update Council on various compliance investigations and actions relating to the existing agricultural operations at No. 2 Boulder Close Byangum, and to seek Council direction on further recommended actions.

The current operations were originally approved by Council in December 2002 through DA02/0988 for the erection of an agricultural storage shed and greenhouse structures. The application generated significant community interest at the time of its assessment, for both the owners of adjoining properties, and other residents in the region.

Throughout the construction of the new greenhouse and associated structures, and subsequent modifications and additions to the original application, Council officers have received numerous compliance complaints from adjoining property owners on issues mainly relating to the excessive glare from the hot house structures, stormwater drainage, insufficient landscaping, traffic safety concerns of the new approved road side stall, and general non-compliance with the conditions of the various development consents. The more recent concerns relate to the erection of a temporary shading structure.

Council officers have consistently attempted to liaise between the owners of the subject site, and adjoining neighbours. From the latest concerted effort to gain a resolution of outstanding glare and landscaping issues from the owners of Lot 11 (the subject site) and Lots 4 and 7 Boulder Close, there appears to be some mutual agreement to a proposal put forward by Council.

It has therefore been recommended that Council endorse a proposal to seek written agreement from the owners of Lots 11 and 4 Boulder Close, for the owners of Lot 4 Boulder Close to repair the existing electric fence adjacent to the common boundary with Lot 11 (thereby restricting the movement of their horses), and that a planting regime be undertaken by the owners along the entire length of their site's eastern boundary to provide a reasonable degree of screening of existing hot house and temporary structures, subject to prior consultation with Council's ecologist, and completion to the satisfaction of the Director Planning and Regulation.

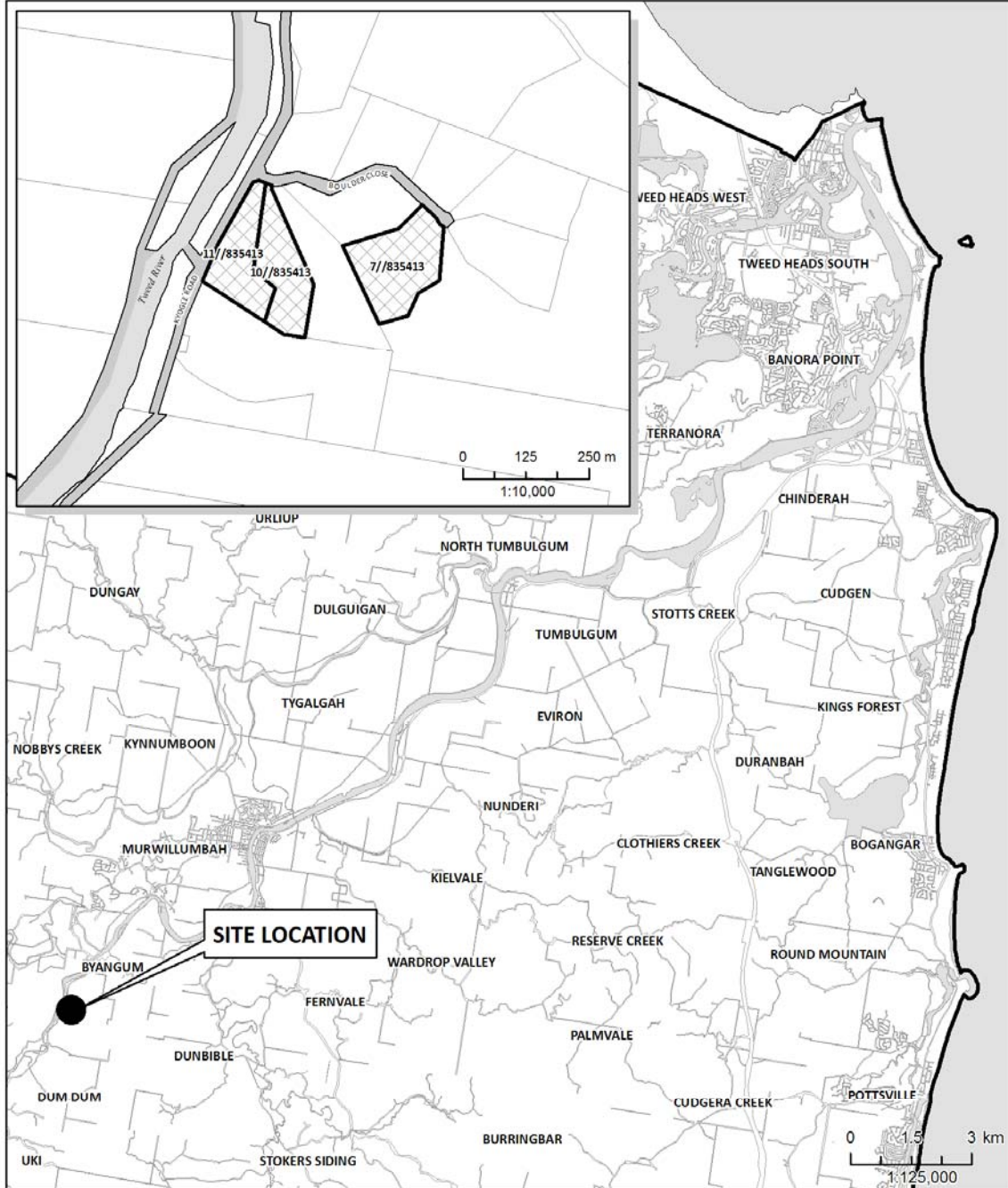
**RECOMMENDATION:**

**That in respect of the existing agricultural operations at Lot 11 DP 835413 No. 2 Boulder Close, Byangum:**

- 1. Council receives and notes this report;**
- 2. Council endorses a proposal to seek written agreement from the owners of Lots 11 (No 2) and 4 Boulder Close, for the owners of Lot 4 Boulder Close to repair the existing electric fence adjacent to the common boundary with Lot 11 (thereby restricting the movement of their horses), and that a planting regime be undertaken by the owners along the entire length of their site's eastern boundary to provide a reasonable degree of screening of existing hot house and temporary structures, subject to prior consultation with Council's ecologist, and completion to the satisfaction of the Director Planning and Regulation.**
- 3. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2)(a) or Section 10A(2)(g) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.**

**REPORT:**

**LOCATION OF SITES**



**LOCALITY PLAN**

Lot 7 DP 835413, Boulder Close, Byangum  
 Lot 10 DP 835413, No. 4 Boulder Close, Byangum  
 Lot 11 DP 835413, No. 2 Boulder Close, Byangum

Filename: z:\esri\planning\mxd\A4P\_B&W\_SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: August 06, 2009

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastre August 06, 2009  
 © Dept. of Lands & Tweed Shire Council

Coordinate System - MGA Zone 56  
 Datum - GDA 94

DO NOT SCALE  
 COPY ONLY - NOT CERTIFIED



**Tweed Shire Council**

PO Box 816, Murwillumbah NSW 2484  
 Tel: (02) 6670 2409  
 Fax: (02) 6670 2483

## **Chronology of Main Development Consents and Compliance Actions for No 2 Boulder Close**

4 December 2002 - DA02/0988 – Council granted development consent for the erection of an agricultural shed and greenhouse structures.

Condition 6 of the consent stated:

*“6. A detailed plan of landscaping providing for a mixture of advanced nursery stock and other trees that provide effective screening is to be submitted and approved by the Director of Development Services prior to the issue of a Construction certificate. The landscaping is to be planted to the satisfaction of the Director Development Services before the shade cloth is attached to the structures.”*

20 January 2003 - following the submission of a landscaping plan on behalf of the owner in December 2002 Council wrote to the owners’ consultant that Condition 6 had been satisfied.

24 January 2003 – Construction Certificate for DA02/0988 approved by a private certifier.

17 March 2004 – Council Meeting – following various complaints regarding the construction and commencement of the agricultural activities at 2 Boulder Close, a report from officers was submitted, and Council endorsed the following:

**RESOLVED** that the owners be advised in writing that: -

- “1 A Section 96 application is required to be lodged with Council within fourteen (14) days of been given notice for the adjusted position of the northern greenhouse or Council will commence proceedings for non-compliance with the development consent.*
- 2. The landscaping is to be maintained to the satisfaction of Council and inspections of the landscaping will be carried out. Failure to maintain the landscaping will result in action from Council including on the spot fines.*
- 3. A report is to be submitted to Council within fourteen (14) days of being given notice demonstrating that the existing stormwater system does not have an unacceptable impact on adjoining property. Alternatively, a Section 68 stormwater application under the Local Government Act, 1993 is to be submitted to Council within fourteen (14) days of been given notice. If an alternative stormwater management system is proposed the development consent is to be amended accordingly.*
- 4. Written confirmation is to be provided to Council within fourteen (14) days of being given notice that the reticulated watering system is used to convey water only and it is not used as a fertilising system.”*

18 August 2004 – Council Meeting – Council resolved the following in respect of a Section 96 application:

**“RESOLVED** that Section 96 application DA02/0988.02 for an amendment to Development Consent DA02/0988 for the erection of an agricultural storage shed

---

and greenhouse structures at Lot 11 DP 835413 Boulder Close, Byangum be amended as follows: -

1. Amend Condition No. 1 to read: -

1. *The development shall be completed in general accordance with the Plan No. 1A Amended Layout Plan, Plan No. 1A shed, Plan No. 1 Large Greenhouse and Plan No. 2 Small Greenhouse dated April 2004 and the Statement of Environmental Effects included in the application, except where varied by these conditions of consent.*

2. New Condition under Heading "GENERAL" to read: -

*"Stormwater runoff from the agricultural storage shed and green houses is to be collected and discharged to the table drain west of the property access on Kyogle Road. An approval from Council, under Section 68 of the Local Government Act 1993 must be obtained prior to commencement of drainage works on or connecting to the road reserve. An application for Section 68 stormwater drainage approval must contain engineering details of proposed outlet pipe (location, size, class, levels), associated headwall and scour protection works. The application is to be submitted to Council within 7 days of the date of this consent."*

17 March 2009 – DA08/1118 - Council Meeting – Council granted development consent for a fruit and vegetable roadside stall and signage.

## **Key Outstanding Compliance Issues**

### Drainage/Stormwater Run-off Impacts

The main complainants on this issue have been the owners of the adjoining property to the east, known as Lot 4 Boulder Close. These owners have argued since the initial advertisement of the initial DA in 2002, that the lack of adequate drainage design and increased, concentrated capture of the roofing of the main hot house structures and more recent road side stall and temporary fruit plantation structures on 2 Boulder Close, has significantly altered the natural overland flowpath in this locality, and creates major flooding concentrations towards the entrance of their property in times of moderate to heavy rainfall. These owners have also raised previous concerns regarding the dispersal of dangerous chemicals to their property through the stormwater run-off from the new hot house activities, which has previously been found not to be substantiated by the investigations of Council's Environmental Health Officers.

Council officers have made numerous site inspections in response to these concerns, and through a combination of first hand observations, direct discussions and the viewing of photographic evidence presented by the owners of Lot 4 Boulder Close, have made the following conclusions and taken the following actions:

*"The issue of providing adequate stormwater drainage on the subject site for the various farm activities is complicated by the general topography, landscape and hydrology of this locality, and subsequent landform modifications on both the*

*subject site, and the adjoining property, No. 4 Boulder Close. The subject site is located in the lower point of a valley and surrounded by very high, steep sloping, rocky outcrop landforms, which naturally creates fast flowing water overflows in times of moderate to heavy rainfall, combined with occasional rising flood waters from the river on the opposite side of Kyogle Road. The owner of No. 4 Boulder Close has acknowledged that there was a natural stormwater flow path running diagonally across from the subject site's Kyogle Road frontage down to the low point of the driveway entrance to No. 4 Boulder Close. It is claimed that the increasing structures on the subject site are exacerbating the extent of this concentration of water, to the detriment of the adjoining owner. This issue has been complicated by the construction of the driveway through this lower part of No 4 Boulder Close, seemingly without related drainage pipes, which has created an artificial gully which adds to the countering of the natural overland flow."*

Therefore, on a broader level, the officers have concluded that this locality is regularly inundated by heavy and concentrated overland stormwater movements, making it near impossible to totally restrict run-off from No 2 Boulder Close to adjoining properties. Nonetheless, Council has required the owners of No 2 Boulder Close to improve the drainage performance of the structures of their agricultural operations through the following:

- The installation of a stormwater pipe leading from the main water storage tanks to the site's Kyogle Road frontage and a Council table drain in the road reserve; and
- The installation of requesting that a 100 mm overflow pipe into the first water storage tank (adjoining the main hot house structure) as well as a connection to the 150mm stormwater pipeline which conveys water to the Kyogle Road table drain.

Council staff have recently been liaising with the owners of No 2 Boulder Close on this request, and they are currently in the process of undertaking these drainage rectification works.

#### Glare/Reflectivity from Existing Hot House Structures and Temporary Structure.

Adjoining property owners have raised this concern regularly since the lodgement of the original DA, in which it was argued that the lighter colour and texture of the main hot house structures generates excessive amounts of glare and reflectivity. In Council's assessment of the original DA and subsequent compliance actions, technical investigations were undertaken by experts in the field, and Council officers were satisfied that the degree of glare/reflectivity from the constructed hot houses at No 2 Boulder Close did not exceed conventional standards for agricultural structures.

Whilst not specifically required by the approved landscaping plan for the original DA, there have been various unsuccessful proposals (see Landscaping issue below) to plant new trees along the common boundary of No 2 Boulder Close and the adjoining Lot 4 Boulder Close, to create some form of vegetation screening from the glare/reflectivity of the main hot house structures.

However, the main complainants in respect of the glare/reflectivity are the owners Lot 7 Boulder Close, which is located in an extremely, high elevated position to the north east of No 2 Boulder Close, which would require dense tree screening up to 20-25 metres along the common boundary of No 2 and Lot 4 Boulder Close, to adequately block out the high degree of glare/reflectivity that these owners experience. The issue has been exacerbated by the erection of a temporary structure (with white netting and partial clear plastic sheeting) several months ago adjacent to the site's Kyogle Road frontage, to protect a new strawberry plantation.

From a recent inspection of Lot 7 Boulder Close, the officers have acknowledged the validity of the cumulative glare/reflectivity impacts of the original hot house structures and more recent temporary shading structure, and a need to work out a way of minimising these impacts.

### Landscaping

The issue of providing sufficient landscaping on the original development site of No 2 Boulder Close for general visual amenity purposes, has now become more relevant as a compliance mechanism for minimising the glare/reflectivity of the main hot house and recent temporary shade structure.

Unfortunately, the details of the proposed landscaping for the original DA in 2002, and relevant condition of development consent (See Condition 6 in the Chronology above) were not very clear in specifying the height and species of the required planting. The plans for the original DA indicated broad groupings of planting along the site's Kyogle Road frontage, as well as along the eastern and common boundary with the adjoining Lot 4 Boulder Close. The information submitted by the applicant and assessment by Council officers focused primarily on providing an appropriate level of vegetative screening along Kyogle Road, and that stage, the proposed vegetation along the eastern boundary had no clear identification of a possible screening of glare/reflectivity.

The initial, primary focus on the visual amenity impacts along Kyogle Road continued through to the subsequent Landscape Plan submitted on behalf of the owners of No 2 Boulder Close following the granting of DA consent, and approved by Council officers in January, 2003. This Plan required taller, denser species of trees along the site's Kyogle Road frontage, whilst more limited tree coverage was specified for the site's eastern boundary, with a range of native species to be initially planted at a height range of 0.5m. to 1.5m., and typically expected to grow up to a maximum height range between 2 and 8 metres

In terms of fairness, it therefore has been difficult to require the owner of No 2 Boulder Close to carry out extensive, tall and mature tree planting along the eastern boundary for the purpose of minimising the glare/reflectivity impacts of the main hot houses, and more recent temporary shade structures.

The plantings along the eastern boundary have also been eaten way at various times by the horses that occupy the adjoining paddock of Lot 4 Boulder Close.

---

**Recent Compliance Actions Undertaken by Council Officers**

**Strawberry bed:**







Fruit & Vegetable Roadside Stall – approved 20 March 2009.





### Site Visits by Council Officers

The erection of a temporary structure (with white netting and partial clear plastic sheeting) several months ago adjacent to the site's Kyogle Road frontage, to protect a new strawberry plantation, renewed another series of complaints from the owners of adjoining properties, Lots 4 and 7 Boulder Close, focusing on the validity of the use, and further concerns for glare/reflectivity and stormwater run-off.

Whilst Council officers disagree with the complainants regarding a need for a DA for the erection of the temporary structure, they did concur with the validity of the other issues.

It was therefore considered that the best way to respond to these concerns was to meet each of the three main property owners on site (No 2 Boulder Close, and Lots 4 and 7 Boulder Close), and attempt to negotiate a collaborative agreement between the parties. The site meetings were considered to be very productive, and helped in resolving a number of other matters, including the access and site management issues relating to the construction of the new roadside fruit stall on No 2 Boulder Close.

### Proposal to Rectify Outstanding Compliance Issues

Following the site inspections, in June, 2009 the Director Planning and Regulation wrote to each of the owners of No 2 Boulder Close, and Lots 4 and 7 Boulder Close, (See an attachment of this report for a copy of this letter) recording the results of the site visits, and putting forward a proposal to rectify the outstanding compliance issues. Below is an extract from the Director's letter which identifies the proposal:

*“There are 2 main options for re-addressing the glare impacts of the existing main hot house structures, either replacing or painting the existing white canvass material, or providing much higher, mature screening vegetation along the common boundary of Nos. 2 and 4 Boulder Close (a tree height of approximately 20-25 metres would be needed to screen the glare of views from No. 7 Boulder Close). Both of these options will come at an additional cost to the owners of No. 2 Boulder Close.*

*The option of either replacing or painting the existing covering of the main hot houses to a less reflective surface is likely to come at a significant cost to the owner of No. 2 Boulder Close, and will be difficult to achieve the right balance of sunlight access for the functioning of the hot houses, which on inspection are currently producing an appropriate temperature level for the growing of vegetable plants.*

*In terms of fairness, this option is likely to be challenged by the owner of No. 2 Boulder Close, who has pointed out that the glare issue was assessed and approved by Council in the original DA and post DA assessments by Council officers.*

*The second option of a new planting regime along the common boundary of Nos. 2 and 4 Boulder Close has its complications, mainly arising from the fact that the owners of Nos. 4 and 7 Boulder Close are seeking a shorter term solution to the reduction of the glare. The only possible way this could be achieved in the shorter term would be to require the owner to plant a series of mature trees (up to 20-25 metres in height), to adequately screen the glare of both the hot house structures and new strawberry plantation structure, when viewed from the property of No. 7 Boulder Close. The costs of such trees would be prohibitive, and unreasonable for the owner of No. 2 Boulder Close.*

*A suggested compromise approach to the planting is to require the owners of No. 2 Boulder Close to plant younger, appropriate species to provide an infill between the existing established trees located on the side of the No. 4 Boulder Close. Guidance on this planting regime could be provided through Council’s ecologist, who has recently visited the site and inspected the existing vegetation and soil conditions. Whilst these younger trees will take a number of years to reach maturity, it is considered that it is the most viable and cost effective means for addressing the glare issue.*

*The owners of No. 2 Boulder Close have recently been receptive to this option, but point out that the previous planting scheme failed due to the horses from No. 4 Boulder Close eating away and destroying the younger plants. I can verify from a recent site inspection that I did witness the horses, reaching over a poorly constructed wire fence and eating existing vegetation on No. 2 Boulder Close.*

*In the spirit of compromise, it has been suggested that the owners of No. 2 Boulder Close are prepared to meet the costs of the new planting regime, provided that the owners of No.4 Boulder Close would erect a new fence on their property, at a distance of one metre from the common boundary of Nos. 2 and 4 Boulder Close, to prevent the horses from eating away at any new planting regime. This fence would need to be provided along the entire distance of this common boundary.*

*As highlighted above, Council is seeking a spirit of compromise from each of the three property owners of Nos. 2, 4 and 7 Boulder Close to work towards an equitable resolution of the compliance issues. It would therefore be appreciated if you could provide a written response to the actions recommended in this correspondence.”*

#### Summary of responses from property owners to Director’s correspondence

Copies of each of these submissions are provided as an attachment to this report.

#### **Owners of Lot 4 Boulder Close**

- Advised that they are not affected by the glare/reflectivity issue, but recognise the concerns it creates for the owner of Lot 7 Boulder Close.
- Agree with the actions required by Council officers in respect of improving the stormwater drainage performance of the main hot houses and the associated water tanks.
- Satisfied with the actions taken by the owners of 2 Boulder Close to erect barriers to prevent sediment and water entering their property, which were undertaken as part of the construction of the new roadside fruit stall in the northern part of the site.
- Not satisfied with the driveway access arrangements for the new roadside fruit stall at the intersection of Boulder Close and Kyogle Road, given its safety impact for their driveway entrance.

In terms of the landscaping proposal for the common boundary of 2 and Lot 4 Boulder Close, the following statements were made:

*“I have spoken to Mr Mitchler on 24 June 2009 regarding the recommendations to reduce glare emanated from the “hothouse’ structures by him planting screening trees (hopefully mature as recommended) and as previously described in the original DA undertakings.*

*He acknowledged to me “that he had no problem with our horses and had never had a problem with them allegedly eating his previous plantings”.*

*As acknowledged we have been able to plant seedlings along this boundary which are now mature trees whilst the horses were on our property at 2 Boulder Close. We lost NO trees due in fact they would weed around the trees. Mr Mitchler did not think that erecting another fence would be needed but I stated we would be happy to place an electric fence along that boundary once he has planted the appropriate trees.*

*Also I am currently in the process of selling the horses and believe the erection of another fence on my side of the property would be no use at this time. I DO believe*

*that the current fence needs repair and tightening and will address this with Mr Mitchler.*

*I believe that these compromises are real and feasible in providing an equitable solution to the ongoing issues we have dealt with over the years since this development at 2 Boulder Close was approved by Council."*

### **Owners of Lot 7 Boulder Close**

The response submitted by these owners has been identified as "In Confidence Without Prejudice", and therefore has been included as a confidential attachment to this report. It generally reiterates ongoing concerns with the operations of No 2 Boulder Close.

### **Owners of Lot 11 (No 2) Boulder Close**

- Identified concerns of having to deal with ongoing complaints from adjoining owners since 2003, and that they have provided compromises in responding to these complaints.
- They are willing to make further compromises, provided that a similar approach is taken by the owners of Lots 4 and 7 Boulder Close.

### **Recommended Proposal for Compromise on Landscaping Issues**

It is apparent from the above responses to Council's letter of 17 June, and from further verbal discussions with Council officers, that there appears to be an indication of co-operation between the owners of Lots 11 and 4 Boulder Close in addressing these issues. In particular, the owners of Lot 4 Boulder Close have stated that they are willing to repair the existing electric fence adjacent to the common boundary with Lot 11 (thereby restricting the movement of their horses), which should facilitate a better opportunity for the owners of Lot 11 to provide a more substantial, taller tree planting along their eastern boundary. The owners of Lot 11 have indicated that they are willing to undertake this additional planting on that basis. Any such planting regime would need to be undertaken in consultation with Council's ecologist and to the satisfaction of the Director of Planning and Regulation.

As pointed out in earlier sections of this report, the planting of mature trees up to an approximate height of 20-25 metres is considered to be impractical and unreasonable in this instance, and that it would be more appropriate to require the owners of No. 2 Boulder Close to plant younger, appropriate species to provide an infill between the existing established trees located on the side of the No. 4 Boulder Close. Council's ecologist has inspected this site and considers that a suitable planting regime of native trees can be achieved along the eastern boundary of No 2 Boulder Close. Whilst these younger trees will take a number of years to reach maturity, it is considered that it is the most viable and cost effective means for minimising the glare issues from No 2 Boulder Close for other adjoining and adjacent property owners.

It has therefore been recommended that Council endorse that a written agreement be sought from the owners of Lots 11 and 4 Boulder Close to formalise a suitable agreement in respect of the landscaping issues.

## Further Compliance Concerns Raised by the Owners of Lot 7 Boulder Close

By email dated 31 July 2009, (a copy of this correspondence is provided in an attachment to this report) the owners of Lot 7 Boulder Close have raised further concerns with the operations of No 2 Boulder Close, including:

- The new “igloo greenhouse structure” does not have development consent, and is causing same level of reflectivity/glare impacts as the main hot house structures;
- The traffic safety concerns for the entry point for the new “fruit stall” on the site; and
- The location and character of the new “fruit stall” is not in accordance with the conditions of development consent.

The concerns of the first two points were addressed in Council’s letter dated 17 June 2009 to the property owners, a copy of which is provided as an attachment to this report.

In terms of the third point, Council officers have recently inspected the near to complete “fruit stall” building, and made the following observations:

- *“There should be no roof reflectivity. Any glare from the roof would be completely ameliorated by a thatch covering which I saw on the ground and is to be installed in the near future.*
- *The landscaping around the stall is acceptable. Some new plantings have been established and it is their intention to maintain surrounding landscaping. No issue.*
- *The floor area is not greater than the required 20m<sup>2</sup>. It has been constructed in accordance with the approved plans. The structure appears larger than 20m<sup>2</sup> as the design incorporates an overhanging porch area to provide shade. No issue.*
- *The “power and drink fridges” is not a breach. The fact that power and a light are present is irrelevant. The single fridge is apparently for chilling vegetables grown on site. They confirm no ‘off site’ goods will be imported for sale – only primary produce grown on the farm. No issue.*
- *The setback from the roadway however, does not appear to be in accordance with the approved 7 metre setback from Kyogle Road deficient. If the fence was situated on the boundary, the setback would measure 5.2m.*
- *Whilst a Construction Certificate for the structure has been issued, due to the setback non-compliance, Council officers are withholding determination of an Occupation Certificate until the matter is resolved.”*

In light of the above investigations, the owners of Lot 11 (No 2) Boulder Close have agreed to lodge a Section 96 application in respect of DA08/1118 to address the apparent non-compliance of the recently completed fruit stall building with the approved setback of 7 metres from Kyogle Road.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

A letter dated 30 June 2009 from the owners of Lot 7 Boulder Close has been identified as "In Confidence Without Prejudice", and therefore has been included as a confidential attachment to this report. It should be read in conjunction with this section of the report.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Copy of letter from the Director of Planning and Regulation Tweed Shire Council, dated 17 June 2009 sent to the owners of No 2 Boulder Close, and Lots 4 and 7 Boulder Close (ECM 3867142)
  2. Copies of letters received from the owners of No 2 Boulder Close and Lot 4 Boulder Close in respect to Council's letter of 17 June 2009 (ECM 3788819)
  3. **Confidential Attachment** - Copy of letter received from the owners of Lot 7 Boulder Close in respect to Council's letter of 17 June 2009 (ECM 3788825)
  4. Copy of further email correspondence from the owners of Lot 7 Boulder Close dated 31 July 2009 (ECM 3789834)
-



**17 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**ORIGIN:**

**Director Planning & Regulation**

**SUMMARY OF REPORT:**

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported.

**RECOMMENDATION:**

**That Council notes the July 2009 Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.**

**REPORT:**

On 14 November 2008 the Department of Planning issued Planning Circular PS 08-014 relating to reporting on variations to development standards under State Environmental Planning Policy No. 1 (SEPP1).

In accordance with that Planning Circular, the following Development Applications have been supported where a variation in standards under SEPP1 has occurred: -

DA No.	Description of Development	Property Address	Date Granted	Development Standard to be Varied	Zoning	Justification	Extent	Authority
DA08/1080	Attached dual occupancy	Lot 17 Sec 16 DP 758571 No. 9 Yao Street, Kingscliff	1/6/2009	Clause 51A	2(a) Low Density Residential	The replacement dual occupancy is of a high quality with better overall energy-efficient design which improves the streetscape and amenity of both the site and locality without compromising density controls within Clause 51A.	15.7%	Tweed Shire Council
DA08/1171	addition of deck to existing surf life saving club	Lot 7010 DP 1055324 & Lot 2 DP 1083851 Tweed Coast Road, Bogangar	1/6/2009	Clause 32B	6(a) Open Space & 5(a) Surf Lifesaving Club	The degree of overshadowing does not constitute a major impact on the coastal foreshore area.	The proposal contributed to a minor increase in the level of overshadowing from the existing surf life saving facility.	Tweed Shire Council
DA08/1240	Three (3) lot subdivision	Lot 6 DP 618873 No. 582 Upper Burringbar Road, Upper Burringbar	19/6/2009	Clause 20(2)(b)	1(b1) Agricultural Protection & 7(l) Environmental Protection (Habitat)	The section of the site zoned 7(l) is wholly contained within proposed Lot 3 and will not be further fragmented as a result of the subdivision. It is noted the 7(l) portion is already below the 40 ha development standard. No development works are proposed within this zone other than the habitat rehabilitation and enhancement work proposed within the applicant's Threatened Species Management Plan. The proposal is consistent with the objectives of 7(l) zone.	The portion of Lot 3 zoned 1(b1) is 12.455 hectares and the portion zoned 7(l) is 4.11 hectares. The 7(l) portion represents a 90% variation to the development standard.	Director General of the Department of Planning
DA08/1265	Two (2) storey dwelling	Lot 9 DP 627840 Clothiers Creek Road, Nunderi	1/6/2009	Clause 22	1(c) Rural Living	TLEP2000 stipulates 30m building line from designated road - applicant requested 7.4m building line relaxation	84%	Tweed Shire Council
DA09/0034	Boundary adjustment	Lot 3 DP 260422 & Lot 11 DP 1054638 No. 35	25/6/2009	Clause 20(2)(b)	1(a) Rural	The standard is unreasonable in this circumstance where the larger lot of 64.11ha is to be	Variation seeks to transfer 4.53ha from a complying lot (which remains	Director General of the Department of Planning

DA No.	Description of Development	Property Address	Date Granted	Development Standard to be Varied	Zoning	Justification	Extent	Authority
		Palmers Road, Terragon				reduced by 4.58ha to still comply with the standard at 59.53ha while the non-complying lot expands to 7.82ha from 3.24ha. The applicant contends that "significantly, the area to be transferred is severed presently from the parent lot by Palmers Road and is a rational annexure to the small western lot".	compliant) to an undersize lot (which remains undersize) to improve the agricultural viability of both properties.	
DA09/0037	two storey addition and deck to existing dwelling	Lot 3 DP 211861 No. 53 Adelaide Street, Tweed Heads	1/6/2009	Clause 16	2(b) Medium Density Residential	Addition only three storey for small section. Considered acceptable due to size of allotment, slope of land, narrow elevation of addition, position of addition towards centre of allotment.	Variation to two storey height limit to permit addition which will be partly three storey for a floor area of less than ten square metres.	Tweed Shire Council
DA09/0187	replace an existing old structure with general workshed/garage-boat storage structure & SEPP 1 objection to building setback	Lot 14 DP 729137 No. 797 Clothiers Creek Road, Clothiers Creek	5/6/2009	Clause 22	1(a) Rural	TLEP2000 stipulates a 30m building line to designated roads - applicant requested an 8m building line relaxation.	74%	Tweed Shire Council

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any **"non confidential"** attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.



THIS  
PAGE  
IS  
BLANK

## REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

### 18 [CNR-CM] Caring for our Country Grant for project “Supporting Sustainable Agriculture in the Tweed”

#### ORIGIN:

Natural Resource Management

#### SUMMARY OF REPORT:

The Australian Government Caring for our Country initiative has offered Council a \$99,280 (GST exclusive) contract to support sustainable agriculture on the Tweed. This project will facilitate through on-ground works and extension the uptake of practices aiming at improving on farm productivity and ecological integrity simultaneously. This project will undertake two main actions:

1. Planting of three kilometres of riparian vegetation and vegetative buffer strips on floodplain’s farm drainage channels.
2. Implementation of a nutrient recycling program through prescription composts on one conventional (sugar cane-soybean rotation) and one organic (vegetable) farm.

#### RECOMMENDATION:

**That Council accepts the grant of \$99,280 from Australian Government Caring for our Country initiative for “Supporting Sustainable Agriculture in the Tweed” project and votes the expenditure.**

## **REPORT:**


The Australian Government Caring for our Country Initiative commenced on 1 July 2008 and integrates delivery of the Australian Government's previous natural resource management programs, including the Natural Heritage Trust, the National Landcare Program, the Environmental Stewardship Program and the Working on Country Indigenous land and sea ranger program.

The previous Natural Heritage Trust funded several grants awarded to Council's Natural Resource Management section. The current round of funding is offering Council a \$99,280 (over two years) contract to continue this work.

Anticipated project outcomes include:-

- Soil Carbon regeneration
- Atmospheric carbon sequestration
- Reduced soil acidification
- Improved soil and NR management methods
- Reduced chemical input in sensitive area
- Improved catchment water quality
- Improved farm profitability and environmental services

Following is a copy of the letter received from Australian Government Land & Coasts:-



**Australian Government**  
Department of the Environment, Water, Heritage and the Arts  
Department of Agriculture, Fisheries and Forestry

27 July 2009

Mr Sebastien Garcia-Cuenca  
Sustainable Agriculture Program Leader  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

AGREEMENTS  
GOVT GRANTS - GENERAL

TWEED SHIRE COUNCIL  
FILE No. AGRICULTURE - SUSTAINABLE  
Doc. No. ....  
REC'D 31 JUL 2009  
ASSIGNED TO: GARCIA-CUENCA, S.  
HARD COPY  IMAGE

Rel Doc: 2023981

Dear Mr Garcia-Cuenca

Funding of \$99,280 (GST exclusive) is being offered for your Caring for our Country project Supporting Sustainable Agriculture in the Tweed. Ministers will also be writing to you formally to congratulate you on your project being approved for funding.

Please find enclosed, for your information only, a copy of a blank standard Funding Deed, which will need to be signed by both the Australian Government and your organisation. This Deed is the standard Deed issued by the Australian Government Land and Coasts Division to deliver the Caring for Our Country 2008-2013 initiative. Please note that the standard clauses within the Deed are not negotiable.


The Deed contains information relating to:

- standard terms and conditions of the Funding Deed; and
- basic project financial and reporting requirements, including the need to develop a project logic or MERI plan, (for this project, a MERI plan will be required).

The activities and milestones to be incorporated into the schedule will need to ensure that your project meets the targets and outcomes for which it has been approved for funding. You will be contacted shortly by Australian Government Land and Coasts project manager, Damien Coke, to discuss the activities and milestones specific to your project.

If you have any questions about this, please contact Damien Coke on 02 6272 3272, or by email at: [Damien.Coke@nrm.gov.au](mailto:Damien.Coke@nrm.gov.au)

Yours sincerely



Tony Bartlett  
Branch Manager  
Finance and Community Grants Branch  
Australian Government Land and Coasts

---

Level 1, 7 London Circuit, Canberra City ACT 2601 or GPO Box 858 Canberra ACT 2601  
[www.nrm.gov.au](http://www.nrm.gov.au)

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Financial Contribution as per contract.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



## 19 [CNR-CM] Koala Planning & Recovery

### ORIGIN:

#### Natural Resource Management

### SUMMARY OF REPORT:

In response to the Tweed Coast Koala Habitat Atlas, which was completed in 1996, Council resolved (2 July 1997) to prepare a Koala Plan of Management (KPOM) consistent with the provisions of State Environmental Planning Policy 44 – Koala Habitat.

There is strong anecdotal evidence that koala populations along the Tweed Coast have continued to decline and contract (see attachment).

Funds have not yet been made available from Council's budget or grant monies for the preparation of a Koala Plan of Management pursuant to Council's resolution of 2 July 1997.

Since its inception, the Natural Resource Management Unit has been actively seeking external funding to support the preparation of a comprehensive Koala Plan of Management which would address the Council resolution and cover all relevant issues relating to the management of koalas including strategic planning, development control, recovery actions (eg. on-ground works) monitoring and educational components.

A sum of \$20,000 has been re-allocated from the Biodiversity Program budget to support the preparation of the KPOM and other sources of funding within the NRM budget are fully committed.

The remaining \$80,000 is required to undertake the KPOM is proposed to be sourced from external grant funding. Notification of which is expected in December 2009 to January 2010.

Once the KPOM has been prepared and approved by Council, substantive funding is likely to be needed to commence its effective implementation.

Council currently provides incentive funding for private landholders through its Biodiversity Grant initiative and this funding is available to enhance koala habitat and corridors. Council's NRM Community Support Officer is also able to facilitate linkages between landholders and sources of external funding that may be available for koala habitat restoration.

Council Officers are also currently working on a number of other initiatives that will improve the prospects for koalas including a draft Biodiversity Development Control Plan, a review of the Tree Preservation Orders and improved wildlife signage, and will initiate other interim initiatives consistent with the recent Council resolutions of 21 July 2009 (see Recommendation 1 below) until a comprehensive Koala Plan of Management is funded and prepared.

**RECOMMENDATION:**

**That:-**

- 1. The following interim actions be undertaken until a comprehensive Koala Plan of Management is able to be funded and prepared:**
  - a) Articles will be placed in the Tweed Link and other media to alert residents to the issues faced by koalas on the Tweed and ways they can assist to improve their future.**
  - b) Council's Biodiversity Program Leader will continue to work with community interests to seek funding for the preparation and implementation of a KPOM.**
  - c) Council's Natural Resource Management Section will continue to work with landholders and community groups to address koala recovery and welfare.**
  - d) Council's Environmental Education Officer will highlight the issues faced by koalas when addressing student and other community groups.**
  - e) In response to enquiries from interested landholders, Council's Natural Resource Management Unit will inspect their properties to determine the presence of koala habitat or corridors and provide advice on strategies to preserve and enhance these areas including funding support where appropriate.**
  - f) Council officers continue preparation of a draft Biodiversity Development Control Plan, which will address the specific development control issues related to koalas and their habitat.**
  - g) Council officers review the Tree Preservation Orders to better protect existing koala and other significant habitat and hold a Council workshop to discuss the relevant issues.**
  - h) Council officers continue improving wildlife signage throughout the Shire.**
  - i) Council officers prepare a scoping report for Council's consideration on the additional ameliorative measures and associated implementation costs at the Clothiers Creek Road black spot.**
- 2. Council considers a budget allocation of \$80,000 be made in the 2010/11 budget to prepare a KPOM should Council's application for external funding to support the project be unsuccessful.**

3. **Subject to the recommendations of the Koala Plan of Management (referred to in 1 above) and a report by Council officers on its implementation, Council considers an appropriate budget allocation in the 2011/12 Council budget to implement the Koala Plan of Management.**

## REPORT:

### Introduction

Koalas were once widespread and abundant in Tweed Shire, especially along the Tweed Coast where the suitable habitat was common. However, over the last 20 years the number of koalas has declined dramatically and their range has contracted significantly. Koalas have mostly disappeared north of Chinderah and a range of pressures continue to threaten the viability of the remaining population between Kings Forest and Pottsville. The demise of Tweed Coast koala populations has coincided with significant urban development. For koalas, urban development results in loss of habitat, lower reproduction rates due to disruption of their social structure and increased mortality due to dogs, motor vehicle strike and bushfire. Mortality due to disease may also be exacerbated by the pressures faced by urban koala populations. Further details of the status of koalas in the Tweed Shire are presented in the attachment.

This report provides a summary of Council's past and current response to the issue of koala management and responds to recent Council resolutions that seek to improve the prospects for koalas within the Shire.

### Koala Planning Overview

The following chronology represents key milestones in koala planning in Tweed Shire:

- 1993 Council Resolution to support AKF with Tweed Coast Koala Atlas
- 1995 SEPP 44 Koala Habitat gazetted
- 1996 Koala Plan of Management (KPOM) for Koala Beach approved under SEPP44 and by Council
- 1996 Tweed Coast Koala Atlas completed
- 1997 Council Resolution to prepare KPOM and other measures
- 1998 Community-based koala survey initiated as part of the Tweed Vegetation Management Strategy (TVMS)
- 2000 KPOM reiterated in Tweed Strategic Plan 2000
- 2004 KPOM reiterated in TVMS
- 2007 Council adopts TVMS
- 2007 Funding sought for KPOM – unsuccessful
- 2008 NSW Koala Recovery Plan adopted
- 2009 Kings Forest Concept Plan provokes renewed community debate on koala management issues

- 2009 Funding application for KPOM resubmitted
- 2009 Council resolves to expedite selected koala planning issues

### **Tweed Coast Koala Habitat Atlas**

In April 1993 Council resolved to contribute financially to the Australian Koala Foundation (AKF) to assist them in the preparation of a Tweed Coast Koala Atlas (Phillips & Callaghan 1996) for the eastern section of the Shire. The 37608 hectare study area comprises approximately 29 % of Tweed Shire.

The objectives of the AKF study were as follows:

1. to quantify tree preferences and habitat utilisation;
2. to delineate areas of Primary and Secondary Koala Habitat;
3. to examine the relationship of this information in terms of State Environmental Planning Policy No.44 (Koala Habitat);
4. to identify threatening processes; and
5. to recommend measures to provide Koala populations with a measure of long term viability.

The Koala Habitat Atlas (Phillips & Callaghan 1996) describes the following four categories Koala Habitat:

1. Primary Koala Habitat (2.5% of study area). Tree species preferentially utilised by koalas in which tree utilisation is independent of tree density. Preferred trees are a dominant or co-dominant component of the overstorey vegetation.
2. Secondary Koala Habitat (10.7 % of study area) (Secondary (A) Habitat). Tree species preferentially utilised by Koalas, on average, constitute less than 35 % of the overstorey vegetation.
3. Marginal Koala Habitat (10.3 % of study area) (Secondary (B) Habitat). Tree species preferentially utilised by Koalas are largely absent or otherwise occur at very low densities (<10%).
4. Habitat Value "Unknown" (0.7% of study area). Composition of the vegetation remains unknown, but where it is possible for one or more preferentially utilised tree species to occur as a dominant or co-dominant component of the overstorey.

The remainder of the study area was either cleared of native vegetation (66.3 %) or contained other categories of vegetation not listed above (9.5%).

The Atlas recommended a variety of measures considered necessary to provide for the long term persistence of koalas in the Tweed Coast Study area, including the following:

- Introducing local and state moratoriums on land use activities that would have adverse impacts on primary and secondary habitat identified in the Atlas.
- Introduction of regulatory land use planning measures to protect potential koala habitat (LEP amendments, Development Control Plans, Tree Preservation Orders, Council policy, modification of Bushfire Management Plans/Strategies, Koala Management Plan -SEPP 44, encourage conservation agreements with NPWS (now DECC), traffic management, dog control).
- Initiate a community-based koala survey.
- Employ an environmental officer to supervise implementation of the recommendations.
- Introduction of co-ordinated feral dog and fox control programs with landholders and NPWS (now DECC).
- In consultation with the AKF develop guidelines and standards for assessing Koala Habitat.
- Promote koala habitat enhancement projects to re-establish viable koala populations.
- Consider protocols developed by the AKF for koala translocation.

### **1997 Council Resolution**

In response to the Tweed Coast Koala Habitat Atlas, Council resolved on 2 July 1997 as follows:

1. *Place the Tweed Coast Koala Atlas on public exhibition for a period of 28 days and provide a copy of the submissions to the AKF for their information.*
2. *Seek comments on the final Koala Atlas from relevant government authorities prior to the preparation of a Koala Management Plan.*
3. *Initiate a community based koala survey with the assistance of the National Parks and Wildlife Service.*
4. *Adopt as, an interim measure, areas mapped as primary and secondary (class A) Koala Habitat in the Atlas and the following Eucalyptus species as representing potential koala habitat in that area covered by the Tweed Coast Koala Atlas for the purposes of SEPP 44 and the Threatened Species Conservation Act 1995: Tallowood Eucalyptus microcorys, Swamp Mahogany E. robusta, Forest Red Gum E. tereticornis, Hybrid E. patentinervis (E. tereticornis x E. robusta), Small fruited Grey Gum E. propinqua.*

5. *Seek assistance from the AKF or other appropriate consultants to help Council develop interim development assessment guidelines and standards to identify and manage core koala habitat.*
6. *Seek assistance from the National Parks and Wildlife Service and the AKF (or other appropriate consultants) to prepare a draft DCP (Koala Management Plan) for further public exhibition and review of submissions to the Tweed Coast Koala Atlas.*

The 1997 Council resolution above has been implemented in part by the following actions:

- Item 1 Tweed Coast Koala Atlas was publically exhibited and comments received.
- Item 2 Comments received from government departments but Koala Plan of Management remains to be funded.
- Item 3 A community-based koala survey was conducted as part of the Tweed Vegetation Management Strategy but the results have not been analysed in detail.
- Item 4 All development applications for lands over 1ha must be accompanied by a koala habitat assessment which should address issues raised in the Tweed Coast Koala Habitat Atlas at a site specific scale. This has resulted in a number of site-specific management plans and conditions of consent directed at the protection of koalas and their habitat.
- Item 5 Not implemented although this item will be partly addressed the Biodiversity Development Control Plan which is currently in preparation.
- Item 6 Not implemented although this item will be partly addressed the Biodiversity Development Control Plan which is currently in preparation.

### **Recent initiatives**

At the time of the 1997 Council resolution, the Strategic Planning Unit (now Planning Reforms Unit) was responsible for its implementation however in May 2007 Council underwent a restructure and responsibility for koala management and planning was assumed by the newly-created Natural Resource Management Unit under the Biodiversity Program area.

To date, no internal funding has been made available for the preparation of a KPOM. Two recent applications have been made to secure funding to prepare a KPOM. The first, submitted in May 2007, sought \$60,000 and was unsuccessful. More recently (May 2009), another application was submitted for \$80,000 supplemented by an additional \$20,000 from the Biodiversity Program. Council has recently been advised that this application will not be determined until December 2009 or January 2010. The application aimed to establish the current distribution, status and future prospects for koalas on the Tweed Coast and provide a Koala Plan of Management (KPOM) consistent with SEPP 44 and the NSW Koala Recovery Plan.

In addition to seeking funds for a Comprehensive Koala Plan of Management, Council resolved (18 November 2008) to prepare a draft Biodiversity Development Control Plan. This plan, which is currently in preparation, has been funded in part by the Northern Rivers Catchment Management Authority and addresses numerous biodiversity related themes including koala habitat management.

### **Future Planning and Funding Options**

As noted above, Council has recently applied for external funding to support the preparation of a comprehensive KPOM. The KPOM will inform Council's entire response to koala management. It is important to note that the KPOM will cover all relevant issues relating to the management of koalas including strategic planning, development control, recovery actions (eg. on-ground works), monitoring and educational components. Further, the KPOM would provide guidance and where, when and how recommended actions should occur. Given that actions will need to occur across multiple tenures over the entire landscape it is important a holistic approach is taken and that all relevant stakeholders are involved. It is anticipated that the preparation of a KPOM would take approximately a year to complete and would be supervised by a steering committee consisting of relevant Council officers, Councillors, State agencies representatives and community interests.

As noted above Council has recently applied for external funding of \$80,000 to be supplemented by \$20,000 from Council's Biodiversity Program budget. After accounting for staffing costs and external grant assumptions, the recurrent Biodiversity Program budget is approximately \$180,000 of which 11% (\$20,000) has been allocated to planning and policy projects with the remainder allocated to Education (5%), On-ground works (74%), Monitoring, Research (5%) and Capacity Building (5%). Within the current financial year the Planning and Policy allocation has already been allocated to support work on the draft Biodiversity DCP which addresses koala management. The additional \$20,000 committed to the proposed KPOM would be drawn from the proposed On-Ground budget.

Notwithstanding, the need for an integrated approach to koala planning which will be achieved through the preparation of a KPOM, Council officers will continue to work on the Biodiversity DCP which will address key development control issues which may affect koalas or their habitats. In addition, Council biodiversity grants are available to community groups and private landholders for koala habitat protection and restoration works.

Although uncertainty remains in relation to funding the preparation of a KPOM, consideration also needs to be given to the funds and other resources necessary to implement the recommendations of the Plan. It is expected that several hundred thousand dollars would be needed for implementation of on-ground works to address both restoration (habitat recovery, planting etc) and threat abatement measures (fencing roadkill blackspots, underpasses etc).

### **Recent Council Resolutions**

In response to widespread community concern for the future of koalas in the Tweed Shire Council has made a number of recent resolutions related to koala management, planning and recovery. This section lists and responds to these resolutions.



Resolution – Tweed Koala Status (Council Meeting of 21 April 2009)

**RESOLVED** that Council holds a workshop with Council staff on the State of the Tweed Koalas

Response -

A Council workshop was held on 26 May 2009. The following presentations were delivered followed by questions and general discussion:

- Overview of Koala Planning on the Tweed (Mark Kingston - Biodiversity Program Leader, TSC);
- Koala Status and Viability of Koalas on the Tweed (Mark Kingston on behalf of Steven Philips, Biolink Ecological Consultants);
- Koala Health and Welfare Issues (Lorraine Vass – President, Friends of Koala);
- Koala Development Control Issues (Sandy Pimm - Specialist Ecologist Planner, TSC).

Question without Notice - Koala Plan of Management (Council Meeting of 21 July 2009)

**Cr D Holdom**

Asked given that Council has applied for funding for a comprehensive shire wide Koala Plan of Management that will overarch all existing and complement all site specific KPOM's in place now in the Tweed Shire, and also that Council has been advised that we should know the outcome of that application by October 2009, could the General Manager investigate and report back to Council the following if Council finds that the application for funding has been successful?

What areas of Council's 2009/2010 expenditure could be re-prioritised to possibly accommodate the funding for a comprehensive shire wide KPOM?

The General Manager responded that Council officers will prepare a report in the event that the funding application is unsuccessful.

Response -

As per the General Managers response above.

Resolution - Koalas – Marketing Campaign (Council Meeting of 21 July 2009)

**RESOLVED** that:

- A. Council develops a marketing campaign to educate and enlist the assistance of the community in the preservation and enhancement of Koala populations.
- B. Where Koala habitat or corridors occur on private property, Council to inform landholders and provide appropriate strategies to preserve and enhance these habitats and linkages.

- C. Council develops an interim Koala Recovery Action Plan, as a matter of urgency, until a Koala Management Plan is able to be funded and implemented:-
- i. This plan to include addressing ameliorative measures to known Koala problem hotspots such as Clothier's Creek Road and South Tweed.
- D. Council brings forward a report on appropriate incentives that could be provided for Private Landholders to enhance Koala habitat and corridors.
- E. Council writes to the Minister for the Environment and the local State Members with a request that:
1. The SEPP 44 Koala legislation be reviewed, as a matter of urgency to provide stronger protection for koalas, and
  2. Additional identified tree species utilised by Tweed Coast Koala populations that are not listed in the SEPP 44 for Koalas be included as a matter of urgency.
- F. The Tweed Link to be utilised as a medium to promote this marketing campaign to the community.

Response -

A marketing campaign aimed at enlisting community awareness and support for the preservation of koala populations represents a single component of a comprehensive and holistic response to the conservation of koalas within the Shire. Other important considerations include a better understanding of the size, distribution and dynamics of the current koala population(s), recommendations and priority actions relating to zoning provisions, development control procedures, threat abatement and habitat management priorities, and coordination among stakeholders.

To be effective a broad-scale marketing campaign needs to be targeted at implementing priority actions, which first need to be identified. Consistent with the provisions of SEPP 44, the preparation of a comprehensive KPOM represents the appropriate mechanism for this to occur. The preparation of a KPOM also provides a basis for Council to consider the resources required for its implementation.

In relation to the specific items above the following actions can be undertaken within current resource constraints:

Item A

- Articles will be placed in the Tweed Link and other media to alert residents to the issues faced by koalas on the Tweed and ways they can assist to improve their future.
- Council's Biodiversity Program Leader will continue to work with community interests to seek funding for the preparation and implementation of a KPOM.

- Council's Natural Resource Management Unit will continue to work with landholders and community groups to address koala recovery and welfare.
- Council's Environmental Education Officer will highlight the issues faced by koalas when addressing student and other community groups.

#### Item B

In response to enquiries from interested landholders, Council's Natural Resource Management Unit will inspect their properties to determine the presence of koala habitat or corridors and provide advice on strategies to preserve and enhance these areas.

#### Item C

To be meaningful, the preparation of an interim Koala Recovery Action Plan would need to be underpinned by a strategic response to updated information on the current status of koalas within the Shire (population size, distribution, dynamics, threats etc), consultation among key stakeholders (residents, developers, community groups, major landholders etc) and reasonable certainty regarding funding for implementation. These issues would be addressed within a KPOM.

Notwithstanding this, Council officers will continue to work on the following interim actions until a KPOM is prepared and implemented:

- Draft Biodiversity Development Control Plan which will address the specific development control issues related to koalas and their habitat;
- Review the Tree Preservation Order to better protect existing koala habitat;
- Improving community awareness (see specific actions under Item A above);
- Assisting and supporting landholders to restore koala habitat through advice, and funding support (eg. Council Biodiversity Grants).

In relation to Item C (i): Council officers are currently working on improving wildlife signage throughout the Shire and will prepare a scoping report for Council's consideration on the additional ameliorative measures and associated implementation costs at the Clothiers Creek Road black spot.

#### Item D

At present Council is able to provide advice and funding support to private landholders to enhance koala habitat and corridors. Council Biodiversity Grants (approx \$100,000pa) are available to private landholders and community groups for on-ground works that improve biodiversity outcomes including the actions that improve koala habitat. A report to Council on this program was considered and approved by Council at its meeting of 27 January 2009. In addition to this source of funding support Council is also active in applying for external funds some of which may be available for koala habitat restoration.

#### Item E

Noted - letters to be sent as per resolution.

Item F

Noted. See response to Item A.

Resolution - Koalas – Recovery of Tweed Coast Koala (Council Meeting of 21 July 2009)

**RESOLVED** that the Recovery of the Tweed Coast Koalas is to be classed as an urgent and very high priority.

Response -

This resolution is supported by our current understanding of the status of the Tweed Coast Koala population (see attachment).

Resolution - Koalas – Council Tree Preservation Orders (Council Meeting of 21 July 2009)

**RESOLVED** that a review of Council's Tree Preservation Orders (TPO) be undertaken to include identified Koala habitat:-

- a) Currently identified Koala habitat to be included in the TPO as a matter of urgency.
- b) Further identified Koala habitat to be included as a high priority as information becomes available.
- c) Council holds a workshop on the Tree Preservation orders to facilitate further preservation of native bushland and urban vegetation, especially landscape values and waterways corridors.

Response

Council officers are currently reviewing the existing Tree Preservation Orders and will schedule a workshop to discuss possible options to strengthen current controls on land clearing.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Recommendation 1 can be implemented with current resources.

Recommendations 2 and 3 have possible implications for the 2010/11 and 2011/12 Council Budgets.

**POLICY IMPLICATIONS:**

Nil at present. Any policy changes arising from recommended actions above (eg. Council's Development Control Plan and Tree Preservation Order) will be reported to Council in due course.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Ecological Status and Viability of Koala Populations in the Tweed Local Government Act - briefing notes prepared for the Council Koala Planning Workshop (26 May 2009) by Steve Phillips and Marama Hopkins, Biolink Ecological Consultants (ECM 3916149)
-



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**20 [CNR-CM] EC2009-055 Provision of In House Consultancy Services for Water and Sewerage Projects**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

This report outlines the tender for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects:

Recommendations have been formulated based on defined selection criteria as included within this report. The results of the tender assessment process are detailed in **CONFIDENTIAL ATTACHMENT A**. Based on price and non-price criteria it is recommended that Council accepts the conforming tender from MWH Pty Ltd for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects:

**RECOMMENDATION:**

**That:**

- 1. Council accepts the tender from MWH Pty Ltd for EC2009-055 for the provision of in house consultancy work for a two year period at the schedule of fees nominated in the tender with an option to extend the contract for a further two year period.**
- 2. The General Manager be given delegated authority to engage MWH Pty Ltd to undertake individual projects up to the value of \$150,000 (inclusive of GST).**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret**

**REPORT:**

The existing contract for provision of in house consultancy services awarded originally in April 2005 and extended in May 2007 has now expired. There is an identified need to procure specialist engineering consulting services to assist across the planning, operations and capital works functions of the Water Unit.

Open tenders were called on 12 May 2009 seeking proposals from experienced engineering consultants for the provision of In House Consultancy Services for Water and Sewer Projects for a two (2) year period.

This tender also provides Council with an option to extend the contract period for an additional two (2 ) years without the need to call for public tenders.

Broadly, the nominated consultant will be required to provide General Engineering Services relating to Water and Wastewater Treatment, Pumping Stations and Reservoirs, Electrical, Pipelines, Water and Sewer Modelling, Environmental Management, Water Management Planning, Asset Management and Estimating.

The brief required consultants to submit a schedule of fees nominating hourly rates for staff classified over a range of skills and experience levels.

The engagement provides a guaranteed minimum workload of \$300,000 per annum to the successful consultant. Each of the projects and associated fees under this engagement will be assessed on an individual basis with regard to the adopted annual Water and Wastewater budget allocations.

The average expenditure over the last two years of the previous engagement for in-house consultants was approximately \$500,000 per annum.

For projects valued at more than \$150,000, Tweed Shire Council will obtain competitive tenders from the market, including the in house consultant.

Where services are required for projects, which are considered to be of a specialised nature, or are politically or environmentally sensitive, Council reserves the right to engage consultants independent of this contract



A total of eleven (11) tenders were received in the Tender Box by the closing date of 10 June 2009. Tenders were received as follows: -

<b>Consultant</b>
AverDyn
Department of Commerce
GHD
Hunter Water Australia
HydroScience Consulting
MWH
Opus Qantec McWilliam
Reinmacl
SEMF (Scientists Engineers Managers and Facilitators)
TGM Group
Yeats Consulting

### Tender Evaluation

Tenders were evaluated against the following criteria to determine the best value for money offer:

<b>Criteria</b>	<b>Weighting</b>
<b>Mandatory Criteria (non-weighted):</b>	
Financial capacity to perform work allocated under the Agreement	n/a
Technical capability to perform the work under the Agreement	n/a
Availability of multidisciplinary design resources	n/a
Availability of specialist resources	n/a
<b>Assessed Tender Price/Hourly Rates</b>	<b>40%</b>
<b>Other Non-Price Criteria</b>	
Past performance and experience of the Tenderer company	25%
Proposed personnel	20%
Understanding of the proposed work and proposed methodology	10%
Quality, OH&S and Innovation	5%

All tenders were assessed against these criteria.

The tender evaluation was conducted by Council's Tender Assessment Panel, consisting of Manager Water, Water and Wastewater Capital Works Engineer and Senior Contracts Engineer. A summary of the tender evaluation process is included in **CONFIDENTIAL ATTACHMENT A**.

Based on price and non-price considerations, it is recommended that MWH Pty Ltd be nominated for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funding is provided from the Water and Sewer Fund 2009/2010 and 2010/2011 Annual Budgets.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment A** - Supplementary Information (ECM 3913982)
-

**21 [CNR-CM] Quarterly Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: April to June 2009**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

At the Council meeting of 11 September 2007, a tender was accepted from Reed Constructions Pty Ltd for the construction of the Bray Park Water Treatment Plant. The project will deliver a new 100ML/day water treatment plant on the site of the existing plant. The accepted lump sum tender price was \$62,213,555.00 inclusive of GST. This amount did not include payment of Schedule of Rates Items and Rise and Fall which are payable under the Contract.

Contract works commenced on 26 September 2007 and are scheduled to be finished by December 2009.

The Council decision delegated authority to the General Manager to approve variations totalling up to 10% of the contract sum, (i.e. \$6,221,355.50 inclusive of GST). The total value of approved variations to the end of June 2009 is \$3,117,536.62 inclusive of GST. This takes the current contract sum to the end of June 2009 to \$65,331,091.62 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$2,677,989.78 inclusive of GST in Rise and Fall and \$282,429.84 inclusive of GST in Schedule of Rates payments.

In addition to the variations detailed in this report, there are other variations that can be expected prior to the completion of the contract works. The estimated value of these variations is \$1,132,000 inclusive of GST and includes \$532,000 inclusive of GST in Rise and Fall and \$600,000 inclusive of GST for other changes to the scope of the works. Should variations to these amounts eventuate, a final contract sum of the order of \$66,460,000 inclusive of GST could be expected.

**RECOMMENDATION:**

**That the total value of variations to date of \$3,117,536.62 inclusive of GST, for Contract EC2006-157 Construction of the Bray Park Water Treatment Plant, be received and noted: -**

- 1. Variation No.37 – Change from standard R C Pipe to Plastic Lined R C Pipe to extend pipe life. (\$63,608.18 GST Incl.)**
- 2. Variation No.38 - Additional Door Furniture to southern side of Chemical Facility missed in spec. (\$10,862.23 GST Incl.)**
- 3. Variation No.39 – 14 off Alternative Flow and Pressure Switches to replace older models. (\$9,237.45 GST Incl.)**

4. Variation No.40 - Four (4) raised valve pits for improved stormwater flows. (\$14,891.28 GST Incl.)
5. Variation No.41 – Increase in footing Edge Beam at Sludge Facility to allow for site cross fall. (\$29,520.96 GST Incl.)
6. Variation No.42 – Landscaping of Noise Mitigation Earth Mound required after complaints from neighbours re site noise. (\$53,554.09 GST Incl.)
7. Variation No.43 – Landscaping of WTP Site. Extent of grassed areas around significantly reduced and replaced with landscaping. Reduces maintenance. (\$43,462.77 GST Incl.)
8. Variation No.44 – Revegetation of Area below retaining wall adjacent to Detention Basin. No requirement in spec. Area landscaped to match other landscaped areas. (\$30,983.30 GST Incl.)
9. Variation No.49 – Schedule of Rates Item 3.30 Claim for May-09 (Noise Mound-3536.2 m3). (\$36,758.80 GST Incl.)
10. Variation No.50 – Relocation of Neutralisation pipeline to avoid clash with flocculation overflow pipe. (\$7,899.58 GST Incl.)
11. Variation No.51 – Deletion of AC road pavement in lieu of concrete pavement. Reduces maintenance. (\$65,547.77 GST Incl.)
12. Variation No.52 – Penstocks to Permeate Channel in lieu of Stop Valves. (\$12,677.28 GST Incl.)
13. Variation No.53 - Additional safety equipment at Chlorination Room following DoP comment on chlorine gas installation. (\$5,659.50 GST Incl.)
14. Variation No.54 – Additional retaining wall to manage storm water in heavy rain. (\$24,169.75 GST Incl.)
15. Variation No.55 – Additional water main and hydrants to improve fire-fighting performance and BCA compliance. (\$11,723.25 GST Incl.)
16. Variation No.56 – Raising of finished levels and Manhole adjustment adjacent to CO2 Tank to match ground levels. (\$9,779.31 GST Incl.)
17. Variation No.57 – Manual operation of butterfly valves added to ensure operability in event of total compressed air service failure. (\$11,228.35 GST Incl.)
18. Variation No.58 – Extended concrete wall in Chemical Facility to provide installation space for dosing pumps. (\$5,470.85 GST Incl.)
19. Variation No.59 – Proprietary supports for box gutters deleted and replaced with safe load rated supports for OHS reasons. (\$10,645.25 GST Incl.)
20. Variation No.60 – Hot and cold water to the Laboratory to accommodate under sink unit. (\$1,913.45 GST Incl.)
21. Variation No.61 – Tinting of windows to Laboratory to reduce heat and glare. (\$1,253.18 GST Incl.)

22. Variation No.62 – Retaining wall provided to Centrate Pump Station to improve maintenance access. (\$3,326.98 GST Incl.)
23. Variation No.63 – Adjustment to manhole No.5058 to avoid conflict with floor slab. (\$2,156 GST Incl.)
24. Variation No.64 – Conduit for air line (post strainer dosing pit to centrifuge feed pump station) in lieu of direct buried line. Improves maintenance access. (\$3,638.25 GST Incl.)
25. Variation No.65 – Butterfly valves required make up flanges to ensure correct fit wit Raw Water Main flanges. (\$26,930.53 GST Incl.)
26. Variation No.66 – Reseal failed road pavement in Durroon Avenue leading to site WTP entrance. (\$23,058.20 GST Incl.)
27. Variation No.67 – Additional safety showers to Chemical Facility to comply with TSC OHS requirements. (\$13,466.24 GST Incl.)
28. Variation No.68 – Switchboard Modifications to improve operational efficiency and performance. (\$12,489.90 GST Incl.)
29. Variation No.69 – Rise and Fall up to and including 30 April 2009. (\$2,677,989.78 GST Incl.)
30. Variation No.70 – Schedule of Rates Item 3.31- June-09: Removal of Material off Site (2,479.75m3). (\$48,335.29 GST Incl.)

**REPORT:**

At the Council Meeting of 11 September 2007, a tender was accepted from Reed Constructions Pty Ltd for the construction of the Bray Park Water Treatment Plant. The project will deliver a new 100ML/day water treatment plant on the site of the existing plant. The accepted lump sum tender price was \$62,213,555.00 inclusive of GST. This amount did not include payment of Schedule of Rates Items and Rise and Fall which are payable under the Contract.

Contract works commenced on 26 September 2007 and are scheduled to be finished by December 2009.

The Council decision delegated authority to the General Manager to approve variations totalling up to 10% of the contract sum, (i.e. \$6,221,355.50 inclusive of GST). The total value of approved variations to the end of June 2009 is \$3,117,536.62 inclusive of GST. This takes the current contract sum to the end of June 2009 to \$65,331,091.62 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$2,677,989.78 inclusive of GST in Rise and Fall and \$282,429.84 inclusive of GST in Schedule of Rates payments.

In addition to the variations detailed below, there are other variations that can be expected prior to the completion of the contract works. The estimated value of these variations is \$1,132,000 inclusive of GST and includes \$532,000 inclusive of GST in Rise and Fall and \$600,000 inclusive of GST for other changes to the scope of the works. Should variations to these amounts eventuate, a final contract sum of the order of \$66,460,000 inclusive of GST could be expected.

A status report for the Bray Park Water Treatment Plant project is attached as Appendix A to this report.

The major variations to date have been a consequence of either:

- Payment of Rise and Fall in accordance with the contract,
- Design and operational safety improvements,
- Additional earthworks and landscaping to improve screening of plant from neighbouring properties, reduce maintenance difficulty and cost, and
- Omissions, ambiguities or discrepancies in design and documentation.

Details of the variations approved during the period April to June 2009 are provided below for the information of Council, as follows:

Variation No.	Description	Amount (incl GST)	Status
37	Change in Specification of Wash Water Balance Tank line from Reinforced Concrete Pipe to Plastic Lined Pipe	\$63,608.18	Approved
38	Additional Door Furniture to southern side of Chemical Facility missed in drawings/specification.	\$10,862.23	Approved
39	During a review of the Zenon Bill of Materials by HWA, TSC and the contractor, it became known that some 14	\$9,237.45	Approved

	flow switches are either no longer available or more suitable models will provide a better system for TSC. These flow switches are an integral part of the membrane treatment process.		
40	Following the set out of kerb and gutter from the Strainer Facility to the CO2 pit, it became apparent the designed RL of the walls to the various dosing and valve pits required some adjustment to ensure stormwater off the surrounding finished surfaces could not enter these pits. There are 4 pits that required the walls to be raised.	\$14,891.28	Approved
41	The drawings for the sludge facility floor slab and footings did not provide sufficient allowance for the cross fall off the site. The design drawings showed the site to be level when in fact it had approximately 1.5mtrs of fall and consequently the perimeter footing needed to be increased in depth by some 2 metres to ensure the required minimum foundation strength was achieved.	\$29,520.96	Approved
42	Following complaints from local residents the Environmental Management Representative (EMR), on behalf of the Department of Planning instructed TSC to provide a means to lessen construction noise from the site. This has been completed and now it is deemed prudent to leave the mound as a permanent means to alleviate the visual impact on the residents to the west. TSC has requested the mound be stabilised and be planted out only with shrubs and ground covers that will ultimately help to screen the lower levels of the main building.	\$53,554.09	Approved
43	The specification calls for all grounds within 15 metres of any structure to be topsoiled and turfed and these costs are included in the contract price. TSC has requested that landscaping of these areas be undertaken in lieu of turfing to reduce long term maintenance costs. TSC has requested the area be planted out only with shrubs and ground covers such that when fully established, all structures and control stations will be visible from the access roads within the plant.	\$43,462.77	Approved
44	Following completion of all works in the south west portion of the site, there is an area of 2600 m2 that is required to be revegetated. The contract only requires re-establishment of the previously unmaintained grass cover. This area is largely undisturbed other than being cleared during the initial site works and the construction of one pipeline crossing. The area has been stabilised with mulch as part of the contractor's environmental management responsibilities and the costs associated with that treatment are included in the contract sum. TSC has requested the area be landscaped and planted out only with species that will grow to greater than 15 metres when mature.	\$30,983.30	Approved
49	Earthworks Items 3.30, 3.31 and 3.32 in the Tender Schedule are "Rate Only" Schedule of Rates Items that were not included in the Tender Price or in the Contract Sum of the Letter of Acceptance. However, allowance	\$36,758.80	Approved

	(\$350,000 GST Excl) was made for these Items in the forecast project budget. The original intent of these Items was for them to be applied to earthworks over and above what was included for individual structures. However, RCA's Tender submission included a Qualification that all excavation works would be carried out under these Items. This Qualification was accepted. Agreement has been made with Reed Construction Australia (RCA) to create a variation each month to cover these "Rate only" Items. This variation is for the relevant works pertaining to these Items for works carried out up to the end of May 2009.		
50	The flocculation overflow and neutralisation pipelines were shown with different invert levels on two separate drawings. The contractor used the appropriate drawing for each line however the differing invert levels created a clash of the pipelines. It was necessary to construct the neutralisation pipeline in a revised location.	\$7,899.58	Approved
51	The design and contract price includes for a combination of reinforced concrete and AC14 wearing surfaces on the main access roads. Following discussions with the contractor it was agreed to construct all the full access roadways within the site in concrete. DoC agrees with this view as it will provide TSC with a long term maintenance free surface.	\$65,547.77	Approved
52	The design allowed for the supply and installation of flanged stop valves in the base of two weirs in the permeate channel. The purpose of the valves is to allow scouring of the channel and maintenance of the mixers and chemical dosing lances. Stop valves are not ideally suited for this purpose as the flange bolts cannot be easily accessed, whilst penstock type valves are the most suitable. Penstock type valves were used instead.	\$12,677.28	Approved
53	The approval from DoP for use of Chlorine Gas was granted on the proviso that safety measures additional to those specified are put in place prior to the first delivery of gas. The equipment is basically to ensure a chlorine drum cannot be damaged during the transfer procedure from the truck to the dosing system cradle. Note that DoP's approval was received after the contract was let.	\$5,659.50	Approved
54	The contract includes for 54 metres of concrete crib block retaining wall to be constructed along the eastern side of the access lane. Following some extremely heavy rainfall and witnessing the flow path of stormwater off the site, it is now considered prudent to extend the wall to the south, effectively redirecting stormwater flows off the site to an unformed road and not into private property.	\$24,169.75	Approved
55	The contract includes allowance for a potable water main around the site to serve all fire hydrants, emergency showers, amenities, etc. This variation is required as: 1. A review of the BCA requirements for in-ground	\$11,723.25	Approved



	<p>hydrant spacing and the distance to a building has determined that additional hydrants are required on the western side of the membrane building.</p> <p>2. General loss of performance during high draw-off periods will be lessened if extended dead-end sections are eliminated.</p> <p>It is considered necessary to extend the potable main to enable installation of these additional fittings and also create a ring main (deleting dead-ends).</p>		
56	<p>The designed finished surface levels and manhole covers in the vicinity of the CO2 tank did not match the final surrounding ground surface levels. Once the base slab for the tank was constructed it became apparent the area needed to be filled and the manholes were raised to eliminate the likelihood of erosion around the eastern edge of the CO2 tank.</p>	\$9,779.31	Approved
57	<p>The specification for pneumatically operated butterfly valves did not include the requirement for manual operation via a hand wheel and gearbox. The nominated valve models do have the ability to be manually operated, but not if there is a total loss of air. In the event of a major plant breakdown or prolonged power outage, there are 6 valves that must have the ability to be hand operated to prevent backflow to the river or similar serious consequences. Full hand wheel operation has now been provided</p>	\$11,228.35	Approved
58	<p>The civil drawings of the bund wall between the Sodium Hypochlorite and Sodium Hydroxide did not provide sufficient area for mounting of the dosing pump, instrumentation and pipework. The most economical way to provide a suitable structure is for the reinforced concrete wall to be extended by using core filled concrete blocks.</p>	\$5,470.85	Approved
59	<p>The box gutters that double as access walkways across the membrane roof do not provide assurance as to safe working load limits being achieved. The proprietary gutter brackets are not provided with a load rating and it is therefore considered vital to provide a load rated alternative system to ensure safe access for TSC personnel.</p>	\$10,645.25	Approved
61	<p>The specification calls for tinted glazing to all windows in the Control Room. No similar requirement specified for the Laboratory. The western facing windows in the Laboratory are equally subject to heat and glare exposure and it is therefore considered prudent to also install tinted glazing to the same specification.</p>	\$1,253.18	Approved
62	<p>The designed top RLs of the centrate pump station, centrate valve pit, manhole 5059 and adjacent electrical pits has created an area that requires numerous changes of grade to the finished surface and will make access for maintenance unnecessarily awkward. The construction of a low retaining wall around the centrate pump station and valve pit will terrace the area and eliminate future access problems.</p>	\$3,326.98	Approved

63	Manhole 5058 is on the waste diversion line and was constructed as per the drawings. Following completion of the pipeline and transfer of waste from the Up-Flow Clarifier to the sludge lagoons the sludge handling facility was set out for construction and a conflict has been noted whereby a portion of the manhole chamber is under the floor slab. A redesign has been issued.	\$2,156	Approved
64	The air supply line for pneumatically actuated vales in and around the sludge facility is shown on the drawings to be direct buried. For on-going maintenance purposes this is not considered appropriate and the installation of the air line in a conduit will provide a better service for TSC.	\$3,638.25	Approved
65	In two locations on the raw water main, the design calls for 1000mm diameter butterfly valves to be connected by flange to the main. The flanges of the nominated items are compatible but when the pressure test was applied to one side of the valve, the seat dislodged and the line failed the test. This was caused by dissimilarity in the internal diameters. The ability of the raw water valves to securely maintain pressure is paramount to the operation of the plant. To overcome this problem, a make-up flange is required to ensure the valve seat is secure at all times.	\$26,930.53	Approved
66	<p>A 50 metre section of Durroon Avenue between O'Connor Drive and the existing entrance gate has deteriorated markedly and requires resealing. Following relocation of the entrance to the WTP, this section of road is now open to the public. To provide safe trafficability, to reduce traffic noise for the neighbouring properties (particularly before 7.00am) and to provide a roadway of similar appearance into the WTP, it is proposed to resurface this section and construct a flush kerb to the northern edge.</p> <p>Further, to enable the existing PS No2 is to be used by outside groups, 20mtrs of kerb &amp; gutter is to be replaced with roll back kerb.</p>	\$23,058.20	Approved
67	The design allows for 2 safety showers in the chemical facility, amongst others around the site to comply with current safety requirements. Notwithstanding TSC's standard operating procedures for handling of chemicals and work within a bund, a review has been undertaken and concludes there should be a safety shower within each chemical bund. Accordingly an extra 5 showers are necessary, together with associated pipework and valving. Additionally, the specification only calls for a safety shower and eye wash with hand operation whereas TSC requires the inclusion of both hand and foot operation of the eye wash.	\$13,466.24	Approved
68	During factory inspection testing of the various switchboards by TSC and HWA, some improvements to the design documentation were identified. The additional works will improve the efficiency and overall	\$12,489.90	Approved

	performance of the plant electrical services.		
69	The contract has a Cost Adjustment (otherwise known as Rise and Fall) clause that allows for adjustment to the schedule price according to a specified formula which is based on two standard economic indices i.e. Produced Price Index and Labour Price Index.	\$2,677,989.78	Approved
70	Earthworks Items 3.30, 3.31 and 3.32 in the Tender Schedule are "Rate Only" Schedule of Rates Items that were not included in the Tender Price or in the Contract Sum of the Letter of Acceptance. However, allowance (\$350,000 GST Excl) was made for these Items in the forecast project budget. Agreement has been made with Reed Construction Australia (RCA) to create a variation each month to cover these "Rate only" Items. This variation is for the relevant works pertaining to these Items for works carried out up to the end of July 2009.	\$48,335.29	Approved

The approved variations have been or will be incorporated into the works.

Note current project budget contingency is approximately \$1,000,000.00 (GST Incl.).

Please note that Council's "Contracts Manager" system records Extensions of Time as zero cost "Variations". Hence, Variation numbers 45, 46, 47 and 48 do not relate to changes to the scope of the works and are not covered above.

<b>PROJECT: Bray Park Water Treatment Plant</b>	<b>PROGRESS REPORT</b> <b>DATE: June 2009</b>
-------------------------------------------------	--------------------------------------------------

**SCOPE OF PROJECT**

Construction of a 100ML/day WTP at Bray Park. Assist in management of the designer HWA, membrane supplier Zenon and management of construction phase; contractor Reed Constructions Australia P/L (RCA).

**PROGRAM MILESTONES**

	Target	Actual
Let Construction Contract	Aug '07	Sept '07
Complete Preliminaries	Nov '07	Nov '07
Complete Construction	Aug '09	
Complete Commissioning	Dec '09	

**PROJECT FUNDS**

**Construction**

RCA Contract - Value @ LOA	\$ 56,557,777
- Provision for Bulk Earthworks (processed as a variation under contract)	\$ 350,000
- Provision for Rise & Fall	\$ 3,235,975
- Current Variations forecast (incl approved, identified and contingency)	\$ 500,000
- RCA Estimated Final Contract Value	\$ 60,643,752
<b>Membrane Contract</b>	
- Design, Supply, Deliver, Commission	\$ 5,632,000
- Rise & Fall on 7-year DLP	\$ 50,000
Utilities	\$ 168,933
Works by Council	\$ 325,000
Commissioning	\$ 315,000
<b>Non-Construction</b>	
Concept Design	\$ 15,000
Design & Input During Construction	\$ 4,946,607
Hazards Analysis (updated Mar '08)	\$ 64,000
Landscape Design	\$ 5,000
SCADA & PLC Programming	\$ 138,241
Development & Licence Fees	\$ 150,000
Land Purchase (Duroon Ave)	\$ 270,000
Proj Management (Plant operational Nov '09)	\$ 1,844,101
Project Contingency	\$ 932,366
<b>Current Project Estimate (incl Land)</b>	<b>\$ 75,700,000</b>

**PROJECT CASHFLOW (\$M) (Cumulative)**

2008	Jan	Feb	Mar	Apr	May	Jun
Predic	5.35	6.7	8.7	9.7	15.3	20.9
Actual	5.35	6.7	8.7	9.7	13.7	20.1
2008	Jul	Aug	Sep	Oct	Nov	Dec
Predic	27.1	33.1	38.2	43.1	49.5	54.4
Actual	27.3	30.0	32.3	34.2	37.1	38.3
2009	Jan	Feb	Mar	Apr	May	Jun
Predic	62.3	65.7	67.9	69.6	71.4	72.6
Actual	40.6	45.3	51.8	56.8	67.0	70.0

**SHORT TERM MILESTONES/ACTIVITIES**

- Membrane Facility overall 90%
- Chemical Facility overall 97%
- PAC Facility overall 95%
- Sludge Facility overall 97%

- Roads 90%
- Landscaping 25%

**PROGRESS FOR PERIOD (Contract)**

Overall percentage complete	87%
Preconstruction (20%)	100%
Construction (70%)	93%
Testing & Commissioning (10%)	15%

**CONTRACTOR PERFORMANCE**

- 66 days EOT rain to date. Total payment due to RCA at end of June is approx. \$56.4M.
- OHS – no incidents in June. No LTIs. One unofficial audit by DoC highlighted a number of defective work situations. No non-conformances raised.
- Environmental management – no incidents in June.
- Pressure testing of chemical and service pipework underway

**ISSUES FOR TSC**

- Total net variations to date approx. \$170k (excl. bulk earthworks).
- Known variations to come estimated to be valued around \$200K.
- Provision for Bulk Earthworks processed as Variations (currently approx. \$230k).
- HWA Process Engineers have been visiting more regularly to provide assistance to TSC and RCA with chemical system (P&ID) queries.

**COMMENTS/RISKS**

- Membranes arrived 17&18 June 09. RCA looking after storage, covered by their insurance. Need to ensure temp range (5C-35C) is not breached inside storage containers. Average temperatures in containers 03/07/09 (2.00pm) ranged from 15.8 to 17.1.
- Advice to TSC is that commissioning of chemical systems can commence 20/07/09.
- DoC maintains belief that completion of Milestone 2 will be around mid August 2009. Milestone 3 complete around mid December 09.
- Strainers have been removed from site and repainted at Neumanns at Currumbin. DFT checks now all positive.

**PROJECT PHOTO**



	Contact: Michael Wraight Telephone: 02 6670 2411 Email: mwraight@tweed.nsw.gov.au		Contact: Mark Upton Telephone: 02 6670 2280 Email: mupton@tweed.nsw.gov.au
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	----------------------------------------------------------------------------------

C:\Documents and Settings\caheyp\Local Settings\Temporary Internet Files\DLK30\Bray Pk WTP Rpt June 2009.docm

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the contract budget and the total project budget. The current estimated final contract value is \$66,460,000.00 (GST Incl.) including estimated future variations and exclusive of the current project budget contingency of approximately \$1,000,000.00 (GST Incl.).

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**22 [CNR-CM] Funding Variation to Original Report to Council – Proposed Increase in ComPacks Budget**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

The ComPacks Program Manager with NSW Health, has written to Tweed Shire Community Options on 22 July 2009, outlining the changes to the current three (3) year agreement. The agreement has one (1) year remaining as it ends on 30 June 2010.

The changes relate to an increase in funding for each of the 612 packages of care that Tweed Community Options receives, to enable community service support on discharge from hospital for community members who are referred for assistance.

The Contract is also now more clearly written to define the responsibilities and obligations of both NSW Health and Tweed Shire Council.

In summary the total funding for 2009/2010 will be \$918,583 from NSW Health and a minimum target of 612 packages of care is expected from implementation of the budget.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the variation of funds from NSW Department of Health to an annual total of \$918,583 and provides a minimum of 612 ComPacks packages of care up until 30 June 2010.**
- 2. Signs the ComPacks Funding Agreement variation document for 2009/2010 and returns same with an accompanying letter confirming acceptance of the grant.**

**REPORT:**

Tweed Community Options continue to provide case management and broker community care support services to patients who discharge from NSW Hospitals and who are referred to our program under the ComPacks referral and eligibility criteria. Almost all referrals come from Tweed Hospital or Murwillumbah Hospital.

It has been the experience of Tweed Community Options that the majority of patients referred for ComPacks case management are also eligible for HACC services. They are also frail aged or have complex health needs and are unable to successfully obtain necessary services without assistance from staff working in the community care industry.

Tweed Community Options staff have the skills and knowledge to ensure that those people referred for case management services, and linkages to the community care system, are efficiently linked into appropriate supports.

ComPacks consists of a series of supports, documented within a care plan, provided to the client for a period of up to 6 weeks post discharge from hospital. Many patients are frail aged and living alone, or have a carer who is not always able to support them in the first few weeks that they are home from hospital.

Winter months are the time when hospitals are under considerable strain to support all people who present for assistance, particularly when a local hospital is supporting a community with a high ageing population. This is also the time when our ComPacks case managers receive up to 20 referrals per week.

The increase in funding per package will enable Tweed Community Options to purchase more services per person. The revised Funding Agreement from NSW Health identifies more clearly what the contractual obligations are for both parties to the contract.

A copy of the letter from NSW Health dated 22 July 2009 is reproduced below.



## NSW HEALTH

22 July 2009

Linda Wiggins  
Manager  
Tweed Shire Community Options  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Linda,

**Re: ComPacks Funding 2009/2010**

Thank you for continuing to participate in the ComPacks program.

This letter is to outline the 2009/2010 funding provided to Tweed Valley Shire Community Options to deliver the ComPacks program. See table below for a summary of current funding.

Funding Agreement	Amount	Packages	
Current funding agreement until Jun 30 <sup>th</sup> 2010 incl Esc	450,048	300	
Variation 1 - 08/09		312	expired
Variation 2 - 09/10 (incl esc)	468,535	312	
<b>Current Total</b>	<b>918,583</b>	<b>612</b>	

In summary, for 2009/2010: **Your total funding is: \$918,583**


**Your minimum target is: 612 packages**

Please find attached documents regarding the 2009/2010 ComPacks funding, for signature. Please print out **two** copies of **part 1** of the agreement and return both copies with signature to the Department by post within 14 days of receiving. These documents will then be signed by the Department and a copy will be returned to you for your records.

The postal address is as follows: ComPacks Program Manager  
Health Services Performance Improvement Branch  
NSW Health  
Locked Mail bag 961  
North Sydney NSW 2059

If you have any questions in regards to this matter please contact me on 9391 9921 or [achan@doh.health.nsw.gov.au](mailto:achan@doh.health.nsw.gov.au)

Yours sincerely,



Anne-Maree Chant  
ComPacks Program Manager

3553374

NSW Department of Health  
ABN 92 697 899 630  
73 Miller St North Sydney NSW 2060  
Locked Mail Bag 961 North Sydney NSW 2059  
Tel (02) 9391 9000 Fax (02) 9391 9101  
Website [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---

**23 [CNR-CM] Licence Agreement for Access and Car Parking - 21 and 23 Beryl Street, Tweed Heads**

**ORIGIN:**

**Design**

**FILE NO: DA07/0938**

**SUMMARY OF REPORT:**

Council has issued consent for an orthodontic clinic at 23 Beryl Street, Tweed Heads (being Lot 3 Section 5 DP 4043). The land is adjacent to a Council owned vacant parcel (being Lot 2 Section 5 DP 4043) which provides off street car parking in Beryl Street. These parcels share a common boundary, The Council owned land is north of the boundary and the privately held land is south of the common boundary.

The car parking requirements for the clinic fell short by two spaces, and in assessing these requirements, Council's traffic engineer identified an opportunity to maximise the off street car parking provided on Council's adjacent parcel.

Council's parcel, 21 Beryl Street, currently provides ten spaces, located along the northern boundary of the parcel. It was suggested that a three metre corridor within 23 Beryl Street (the developer's land) be provided on the southern boundary between the parcels, then Council could create a further nine public car parking spaces. In doing so, the three metre corridor, which was to be the access to the clinic, now forms part of the car park. The formed access to the car park on Council's parcel, will become the access off Beryl Street to the clinic.

This suggestion resolved the deficit in car parking for the development, and generates further car parking in the precinct. The planning assessment unit are satisfied that this addresses the deficit, and accordingly conditioned the development to create mutually beneficial easements over each parcel.

However, it is difficult to restrict the benefit of the easement burdening Council's land to the development requiring the benefit. An alternative way to create the right of access and car parking is for Council to enter into a licence agreement, whereby the consideration for the agreement is the mutual benefit and burden over each parcel.

It is recommended that Council approve entering into a licence agreement with the owner of 23 Beryl Street to allow access over Council land and the use of part of the adjacent land for car parking.

It is now necessary for Council to resolve to execute all documentation under the Common Seal of Council.

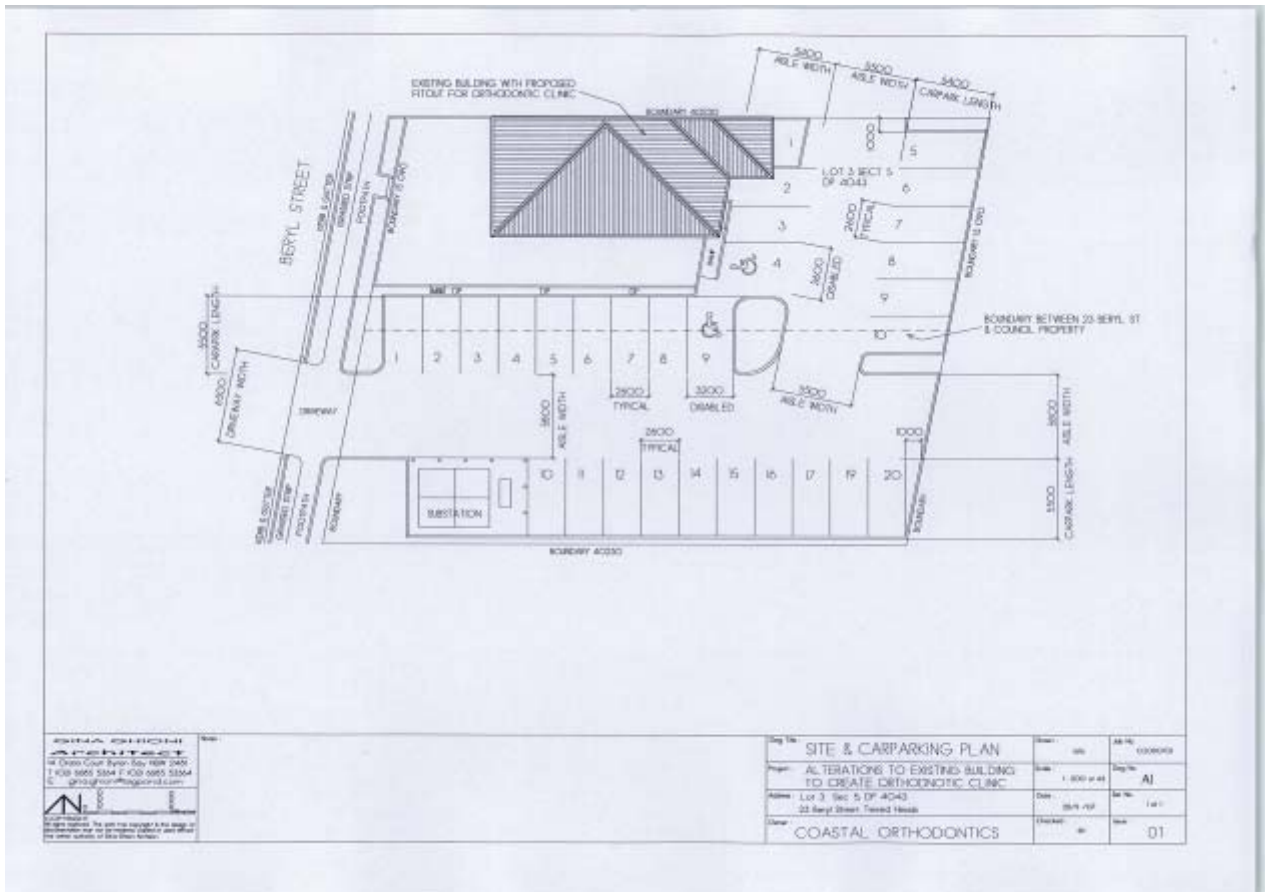
**RECOMMENDATION:**

**That:-**

- 1. Council approves entering into a licence agreement with the owner of Lot 3 Section 5 DP 4043 whereby access to Lot 3 from Beryl Street, Tweed Heads is over Lot 2 Section 5 DP 4043 owned by Council and part of Lot 3 is used for public car parking;**
  
- 2. All documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report. The plan below shows the proposed layout of car parking and access to be effected by the licence agreement for mutually beneficial car parking and access arrangements:-



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.



THIS  
PAGE  
IS  
BLANK

**REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS****23 [EO-CM] Road Closure Application - Parish of Cudgen****ORIGIN:****Design****FILE NO: GR3/12/6****SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserve has been conducted and it is noted that this section of road has full formation and is currently in use by the adjoining property owners. This road also provides full access to surrounding National Parks and Wildlife Land and is utilised by its officers to conduct inspections of the area. It is Council's understanding that an objection to the closure of this road has been submitted to the Department of Lands by National Parks & Wildlife Service.

This road has also been identified by the Rural Fire Service as a potential access for fire fighting purposes and they have advised Council that an objection to its closure will also be lodged by them.

An application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 however has not yet been determined.

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.

**RECOMMENDATION:**

**That Council objects to the closure of the section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.**

**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserve has been conducted and it is noted that this section of road has full formation and is currently in use by the adjoining property owners. This road also provides full access to surrounding National Parks and Wildlife Land and is utilised by its officers to conduct inspections of the area. It is Council's understanding that an objection to the closure of this road has been submitted to the Department of Lands by NPWS.

This road has also been identified by the Rural Fire Service as a potential access for fire fighting purposes and they have advised Council that an objection to its closure will also be lodged by them.

Sections of this road reserve have been identified as having moderate to low ecological sensitivity with a high ecological status and are within a regional fauna corridor. The road reserve west of Lot 1 in DP 601049 is also a known secondary koala habitat Class A.

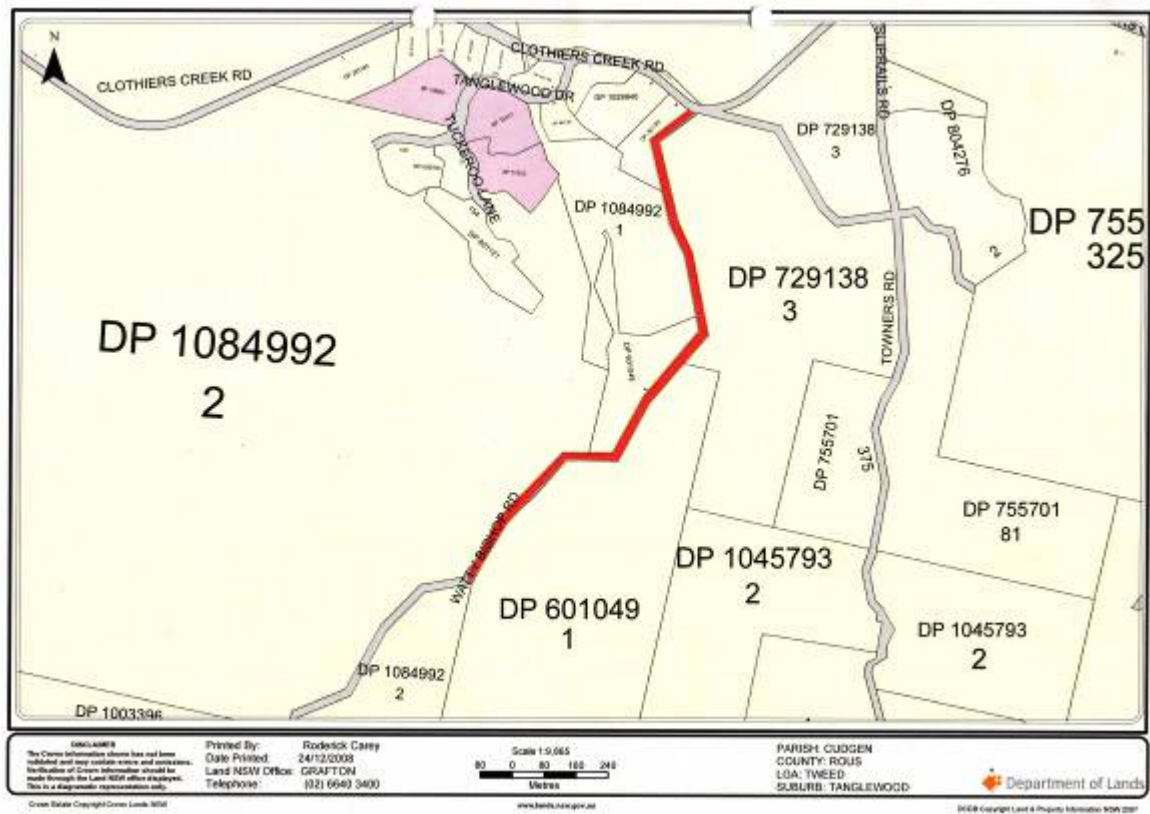
Pursuant to Council's Policy on road closure and private purchase the following points should be noted for roads **not** eligible for closure which are applicable to this particular application based on the information provided above:-

2. *Roads capable of providing physical access to other roads, public and private properties, Public and Crown Reserves, public utility installations, railways and the like.*
3. *Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....*
5. *Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value;*

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.



Below is a plan showing the proposed road closures:-



Below are a series of photos that show the current formation. From inspection of the road it is evident that there is current usage.

1. View from Clothiers Creek Road



Photos 2 and 3 showing the formation:-



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**24 [EO-CM] Classification of Land as Operational, Pottsville**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Proposed Lots 380, 382 and 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville are to be transferred to Council as a Drainage Reserve and Sewer Pump Station following registration of the plan of subdivision.

It is therefore necessary to resolve to classify these parcels as “Operational” pursuant to the provisions of the Local Government Act, 1993.

**RECOMMENDATION:**

**That:-**

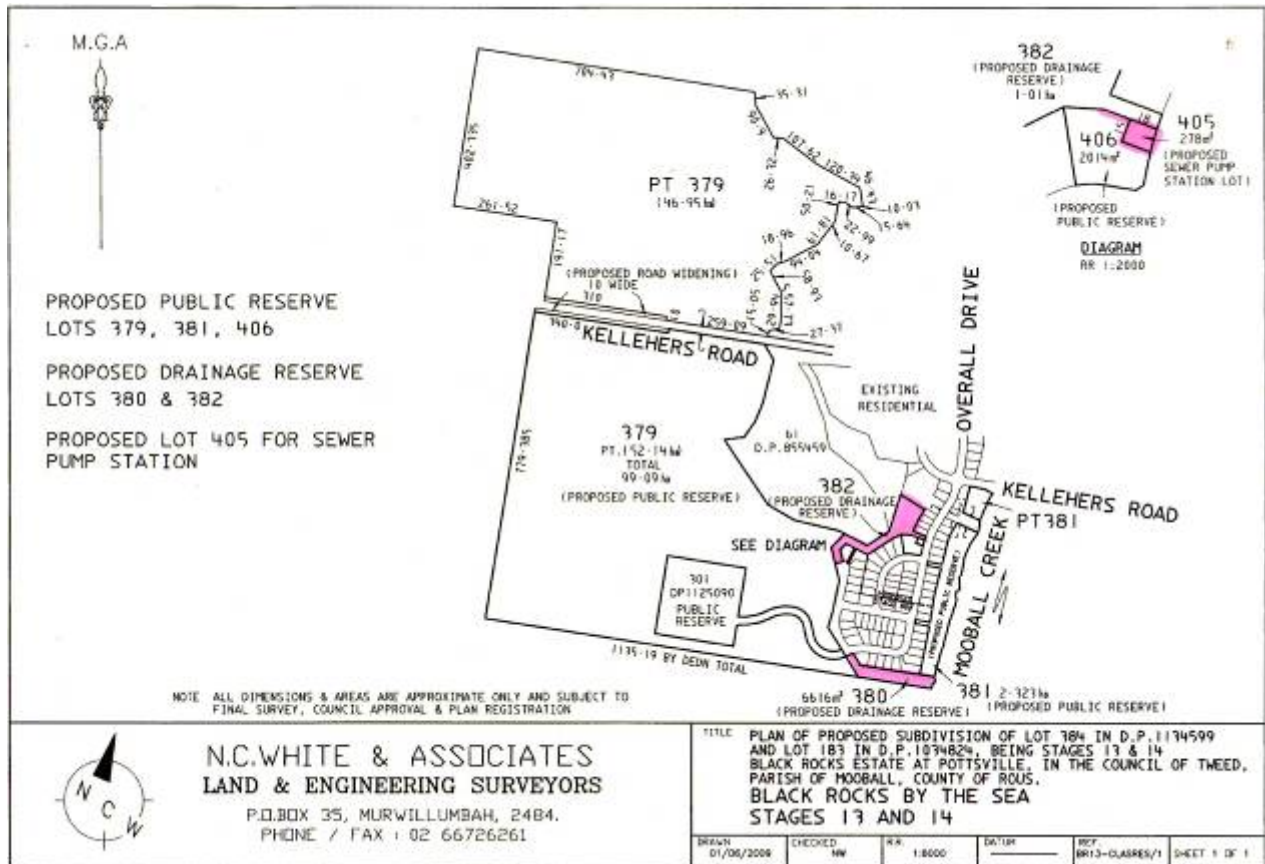
- 1. Council approves the transfer of proposed Lots 380 and 382 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Drainage Reserve; and**
- 2. Council approves the transfer of proposed Lot 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Sewage Pump Station; and**
- 3. Proposed Lots 380, 382 and 405 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Proposed Lots 380, 382 and 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville are to be transferred to Council as a Drainage Reserve and Sewer Pump Station following registration of the plan of subdivision.

It is therefore necessary to resolve to classify these parcels as “Operational” pursuant to the provisions of the Local Government Act, 1993.

A copy of the plan showing proposed Lots 380 and 382 as Drainage Reserve and proposed Lot 405 as Sewage Pump Station is shown below:-



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



**25 [EO-CM] Application to Close and Purchase Part of Road Reserve - Oakbank Terrace and Riverbend Way, Murwillumbah**

**ORIGIN:**

**Design**

**FILE NO: GR 3/12/13 and DA04/1618 Pt19**

**SUMMARY OF REPORT:**

Council has received an application to close and purchase sections of road reserve being cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah as per the attached plan. This application arises from Condition 125 of Development Consent DA04/1618 as follows;

*“The cul-de-sac heads of Oakbank Terrace and Riverbend Way are to be partially closed to delete the unnecessary widening at the bulbs, and provide a straight road alignment.”*

The applicant is seeking the closure and transfer of these sections of road reserve at nil land cost. The applicant will however be gaining a benefit from the closure of these sections of road by adding land size to five (5) parcels, thus adding value to the land which will be sold by them.

It would be recommended that Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah and purchase by the applicant at a value determined by a registered valuer upon gazettal.

**RECOMMENDATION:**

**That:-**

- 1. Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah;**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. The title of the closed road be consolidated with the adjacent land;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

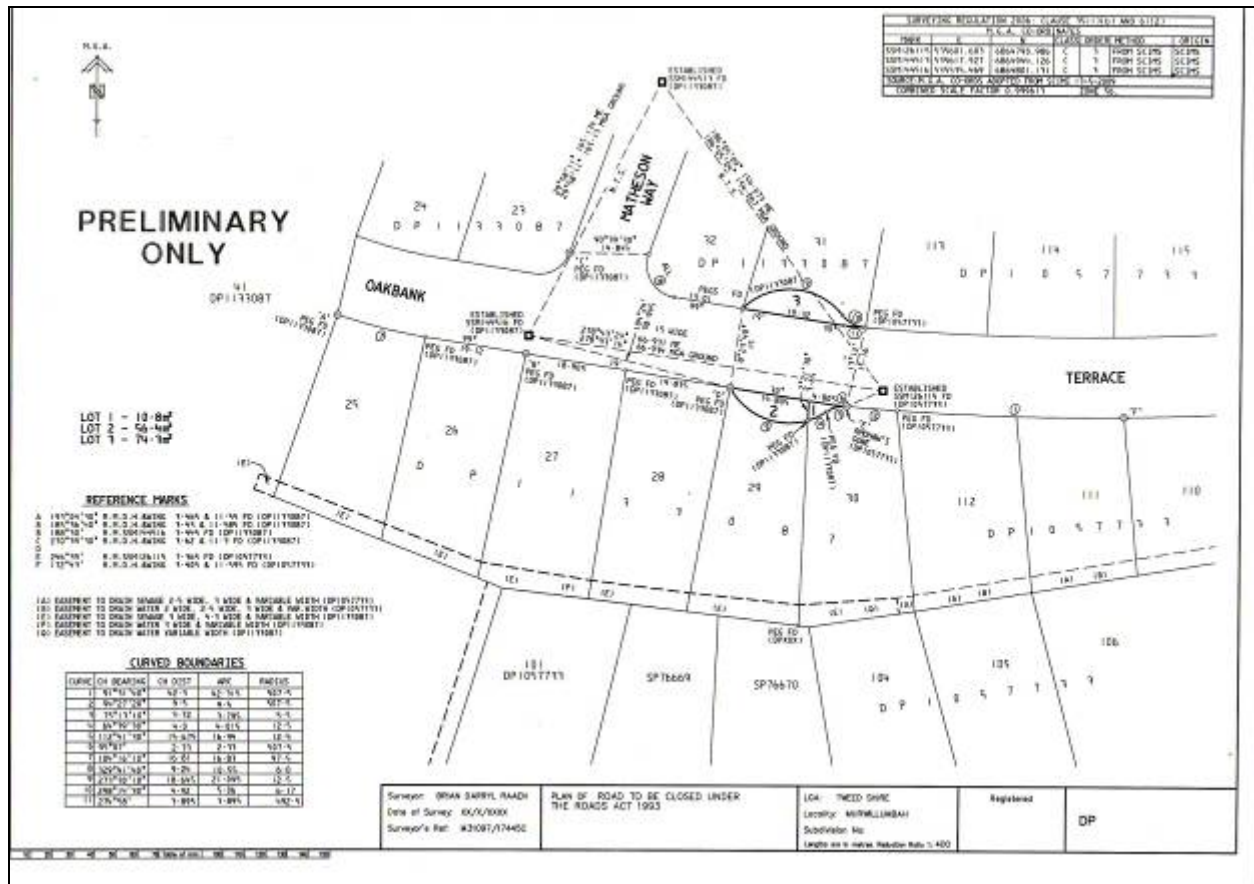
Council has received an application to close and purchase sections of road reserve being cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah as per the plan below. This application arises from Condition 125 of Development Consent DA04/1618 as follows:-

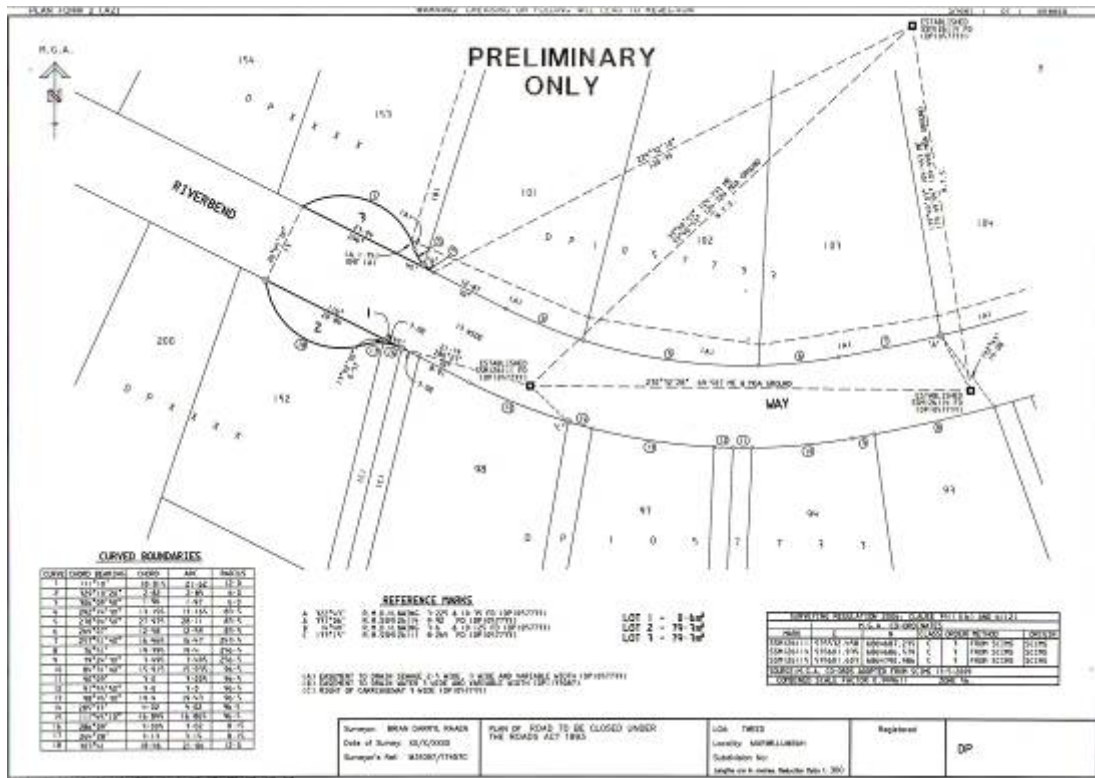
*“The cul-de-sac heads of Oakbank Terrace and Riverbend Way are to be partially closed to delete the unnecessary widening at the bulbs, and provide a straight road alignment.”*

The applicant is seeking the closure and transfer of these sections of road reserve at nil land cost. The applicant will however be gaining a benefit from the closure of these sections of road by adding land size to five (5) parcels, thus adding value to the land which will be sold by them.

It would be recommended that Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah and purchase by the applicant at a value determined by a registered valuer upon gazettal.

Plans showing proposed road closure:-





**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.



THIS  
PAGE  
IS  
BLANK

**26 [EO-CM] Regional Roads - Review of Classification**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

In 2003 the State Government commenced an independent review of road classifications (State Roads, Regional Roads and Local Roads). The Minister for Roads Michael Daley MP has issued a media release advising of the completion of this review. The Roads & Traffic Authority (RTA) has written to Council advising of the implications of the review for Council. A copy of the Ministerial News Release and Roads & Traffic Authority of NSW letter follows at the end of this report.

The major implication for Tweed Shire is the declassification of Terranora Road and transfer of funding responsibility for this road from the Roads & Traffic Authority of NSW to Council.

**RECOMMENDATION:**

**That Council receives and notes the Regional Roads - Review of Classification report.**

**REPORT:****Background**

In 2003 the State Government commenced an independent review of road classifications (State Roads, Regional Roads and Local Roads). The objective of the review was to identify additions to, and deletions from, the State and Regional Road network to ensure that the network is meeting the needs of the community and industry, within the available levels of funding. The identification of changes on classification was to take account of changes in the road's state or regional functional significance and importance, arising from changes in land use, economic activity, population distribution, the construction of new roads, and the resulting growth and change in traffic generation and distribution.

**Criteria for Classification**

The identification of State and Regional Roads is based on road function and is independent of funding. Functional classification groups roads into classes or systems according to their function or the character of the service they are intended to provide so as to encourage travel to move within the network in a logical and efficient manner.

The criteria for the classification of roads used by the review panel are:-

**State Roads:**

- Link major commercial, industrial and residential areas and distribution centres and
- Ports within Sydney, Newcastle, Wollongong and Central Coast urban areas
- Link major NSW urban centres with Sydney, Newcastle and Wollongong
- Link these major centres with each other where there is significant interaction
- Link major regions throughout the State with each other.

**Regional Roads**

- Link smaller towns with the State Road network
- Connect smaller towns with each other
- Perform sub arterial function in major urban centres by
- Supplementing State Roads for significant intra-urban flows
- Providing access for significant flows to other commercial and industrial centres
- Provide access from State Roads to major recreation and tourist areas of State significance
- Provide town centre relief routes
- Provide access for significant freight flows to major inter-modal interchanges.

**Local Roads**

- Other Public Roads

## **Consultation**

The consultation process carried out by the Review Panel with Councils and the RTA is summarised below:-

- The Panel introduced the review to councils via a series of presentations at Regional Consultative Committee meetings in late 2003.
- In May 2004, the Panel distributed an Information Paper to Councils and RTA Regions. The Paper outlined the road classification criteria, current road funding and management arrangements between the RTA and Councils, and set out the review process. The Paper invited all Councils to put submissions to the Panel on road reclassification.
- The Panel received submissions from 138 Councils and the RTA Regions. After receiving the RTA submissions, the Panel identified a number of roads for consideration for reclassification that were not raised by Councils.
- The Panel undertook an initial assessment of all proposals and in May 2005 distributed an Interim Report to all Councils.
- The Panel received responses from over 60 Councils to its Interim Report.
- The Panel subsequently held discussions with representatives of 52 Councils throughout the State, and inspected a number of roads. The Panel also asked the RTA and several Councils to discuss particular proposals to identify a preferred option.
- Following responses to the Interim Report, the Panel revisited the Councils' original submissions, and took into account additional comments from Councils in their responses to the Interim report, discussions at meetings with Councils, discussion with the RTA, and additional material provided by Councils at the meetings or subsequently provided.
- In arriving at its recommended reclassifications, the Panel has relied primarily on information provided by Councils and the RTA Regions.

## **Implications for Tweed Shire Council**

Council's existing Regional Roads are :-

Kyogle/Nimbin Road  
Tweed Valley Way  
Tweed Coast/Cudgera Creek Road  
Terranora Road  
Numinbah Road  
Tomewin Road  
Minjungbal Drive

Prior to the opening of the Yelgun to Chinderah Motorway, Terranora Road was used as a bypass in the event of flooding of the (then) Pacific Highway (now Tweed Valley Way). Terranora Road was classified as a Regional Road because of its function as a State Road high level bypass. With the opening of the Motorway Terranora Road no longer fills this role and accordingly has lost its Regional Road classification. This reclassification was expected and foreshadowed in the Interim Report.

The effect of the reclassification of Terranora Road from Regional Road to Local Road has reduced the length of Tweed Regional Road by 12.2km from 159km to 147km.

### **Funding**

As Regional Road funding is distributed proportionally with road length, the reduction in length of Regional Roads will result in a (relative) decline in Regional Road Block Grant funding. However, the Government has increased overall funding for Regional Roads to provide a transitional safety net. Under the safety net arrangements Council will receive an identical Block Grant for Regional Road maintenance in 2009/2010 as it received in 2008/2009 (\$1,662,000). The safety net payments will then decrease by one third per year over the following three years. At the time of preparation of this report the notional reduction in the Block Grant has not been advised.

From 2012/2013, the maintenance of Terranora Road will have to be funded entirely from the Council allocation for road maintenance.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Staged reduction in grants for Regional Roads maintenance.

### **POLICY IMPLICATIONS:**

Nil.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. News Release by NSW Minister for Roads, Michael Daley MP and Letter from Roads & Traffic Authority dated 5 June 2009 (ECM 3052818).
-



**27 [EO-CM] Amendment of Council's Fees and Charges - Quarry Products**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

The report briefly summarises quarry activities and proposes increases in the charges for materials to internal and external customers to reflect increased production costs.

**RECOMMENDATION:**

**That:-**

- 1. The proposed changes to Council's adopted Fees and Charges be placed on public exhibition for 28 days.**
- 2. A further report be provided to Council recommending adoption of revised charges after consideration of any comments from the public.**

**REPORT:**

Council owns or leases seven quarries:-

<b>Quarry Name</b>	<b>Road</b>	<b>Locality</b>	<b>Status</b>	<b>Materials</b>
Kinnears Quarry	Harrys Road	North Arm	Not operational	
Singhs Quarry	Harrys Road	North Arm	Operational. Leased	Roadbase and gravel
Chilcotts Quarry	Numinbar Road	Chillingham	Not operational	
Duroby Quarry	Duroby Road	Duroby	Not operational	
Burringbar Quarry	Cudgera Creek Road	Burringbar	Not operational. DA to re-open lodged	Roadbase and gravel
Quarry Road Quarry	Wardrup Valley Road	South Murwillumbah	Operational	Filling
Quirks Quarry	Eviron Road	Eviron	Operational	Roadbase, gravel and aggregates

The quarries producing roadbase and gravel are predominantly operated to supply materials for Council's construction and maintenance activities. Quarry Road Quarry supplies fill at cost to internal and external customers. In 2008/09, 31% of total production was sold to external customers. Quirks Quarry is operated in conjunction with Council's solid waste landfill site at Stotts Island – the hole left after extraction is completed will become a cell for the landfill.

Section 118 of Council's adopted Fees and Charges includes prices for the sale of quarry products to internal customers (Council Sales), external customers (Private Sales) and RTA/Public Bodies Sales.

In March 2009 expressions of interest for the hire of plant to Council were invited. Included in the proposals received were hire rates for quarry production equipment (crushers and screens). A report listing the expressions of interest was adopted by Council at its meeting on 28 May 2009. The hire rates for quarry production equipment have increased significantly and this will reflect in the cost of production of quarry materials, in turn requiring revision of the fees and charges for these products to both internal and external customers.

The external price for fill is proposed to be reduced to encourage sales and reduce the stockpile which is occupying space in the quarry and restricting operations. The prices for screened gravel and cracker dust is proposed to be held at current levels to promote sales of these materials where excessive stockpiles have accumulated.

The current prices listed for sale of materials to the RTA/Public Bodies are identical to those charged to external customers. In the past five years there have been no sales of materials to the RTA/Public Bodies and it is recommended that this separate listing in the

Fees and Charges be deleted. Should the RTA or other Public Bodies approach Council for materials then they would be treated as external customers.

In accordance with the above, the revised prices below are recommended:-

<b>Product</b>	<b>Existing Price per tonne GST incl.</b>	<b>Proposed Price per tonne GST incl.</b>
<b>COUNCIL SALES (EX QUARRY)</b>		
Raw Gravel	\$9.60	\$9.60
Overburden/Fill	\$2.50	\$2.50
Crushed/Screened Gravel	\$12.00	\$13.00
Aggregate 75 + mm	\$12.00	\$13.00
Aggregate 30 – 70mm	\$12.00	\$13.00
Aggregate 20mm	\$13.00	\$14.50
Aggregate 10mm	\$13.00	\$14.50
Aggregate 7mm	\$15.00	\$17.00
Cracker Dust	\$11.00	\$11.00
Screened Topsoil	\$12.00	\$12.50
Screened Sand	\$12.00	\$12.50
<b>RTA/PUBLIC BODIES</b>		
Raw gravel	\$9.60	Refer to Private Sales
Overburden/Fill	\$4.80	Refer to Private Sales
Crushed/Screened Gravel	\$15.10	Refer to Private Sales
Aggregate 75 + mm	\$13.15	Refer to Private Sales
Aggregate 30 – 70mm	\$13.15	Refer to Private Sales
Aggregate 20mm	\$13.75	Refer to Private Sales
Aggregate 10mm	\$13.75	Refer to Private Sales
Aggregate 7mm	\$17.10	Refer to Private Sales
Cracker Dust	\$11.20	Refer to Private Sales

---

<b>Product</b>	<b>Existing Price per tonne GST incl.</b>	<b>Proposed Price per tonne GST incl.</b>
Screened Topsoil	\$12.50	Refer to Private Sales
Screened Sand	\$12.50	Refer to Private Sales
<b>PRIVATE SALES (EX QUARRY)</b>		
Raw gravel	\$9.60	\$9.60
Overburden/Fill	\$4.80	\$2.50
Crushed/Screened Gravel	\$15.10	\$15.10
Aggregate 75 + mm	\$13.15	\$15.50
Aggregate 30 – 70mm	\$13.15	\$15.50
Aggregate 20mm	\$13.75	\$16.50
Aggregate 10mm	\$13.75	\$16.50
Aggregate 7mm	\$17.10	\$19.00
Cracker Dust	\$11.20	\$11.20
Screened Topsoil	\$12.50	\$12.50
Screened Sand	\$12.50	\$12.50

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

**28 [EO-CM] Surf Life Saving Far North Coast Branch Patrolling Season Summary**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

Surf Life Saving Far North Coast Branch has forwarded a summary of its patrolling seasons activities and statistics. The summary and fact sheets are attached for Councils information.

**RECOMMENDATION:**

**That the Surf Life Saving Far North Coast Branch Patrolling Season Summary report be received and noted.**

**REPORT:**

Surf Life Saving Far North Coast Branch has forwarded a summary of its patrolling seasons activities and statistics. The summary and fact sheets are shown below for Council's information:-



**Surf Life Saving Far North Coast Branch Inc.**

SURF LIFESAVING.  
 SURF LIFESAVING CLUB - CAHWARRINA  
 SURF LIFESAVING CLUB - CABARITA  
 SURF LIFESAVING CLUB - CUDGERI

22<sup>nd</sup> June, 2009

Mr P Knight  
 Director Engineering & Operations  
 Tweed Shire Council

TWEED SHIRE COUNCIL  
 FILE NO: BRACHES - GENERAL  
 DOC. No: \_\_\_\_\_  
 REC'D: 30 JUN 2009  
 ASSIGNED TO: KNIGHT, P  
 HARD COPY  IMAGE

Dear Patrick,

I hope that you and your family had a happy and safe summer. The official Surf Life Saving Beach Patrolling season is now over and I would like to take this opportunity to inform you of what your local Surf Life Saving clubs have been up to and the services we have provided to the community this summer.

■ Lives Saved	323
■ Preventative actions	9089
■ Shark alarms	47
■ Searches	41
■ Lost Children	31
■ First aid treatments totalling	774
○ Marine stings	535
○ Minor cuts and abrasions	154
○ Major wounds	6
○ Fractures/ Dislocations	6
○ Resuscitations	2
○ Spinal injury	5
○ Other	66
■ Drowning	1
■ Near Drowning	3
■ Events requiring Incident reports	34
■ Incidents requiring ambulance	17
■ Beach closures	58

NOTE: COPIES RECEIVED FOR  
 GM & T. GREEN.

During the 2008/09 season our members have contributed **34,429 voluntary patrol hours** on the Tweed, Byron, Ballina, Richmond Valley & Clarence Shire beaches. This contribution is a valuable resource to the community and we strive to provide the best possible service and use the most up to date approved methods.

The Far North Coast Branch currently boasts 1,155 active volunteer Surf Lifesavers, 1,550 Junior or Nipper members and a total membership of 5,128, making us one of the largest community based groups in the local area.

Surf Life Saving Far North Coast prides itself on the proud tradition of saving lives on our beaches. Our role as the guardians of the surf that has been going on since 1907 and is known world wide as the prime aquatic rescue organisation within Australia and around the world.

The role of the Surf Lifesaver has developed and changed as time goes by and the clubs have adapted to better practises as they are developed.

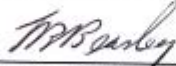
I have attached a fact sheet for your information which profiles the patrol activities of the affiliated Surf Life Saving Clubs in your council area. As you can see our Surf Clubs have again provided a first class lifesaving service to the beach going public, reinforcing ourselves as a highly valuable asset to the local community and Australia as a whole.

Surf Life Saving Far North Coast appreciates the valuable assistance that you continue to give to our clubs. This partnership is an essential community partnership which provides considerable value to both the clubs and community in general.



I will take this opportunity on behalf of the clubs of the Far North Coast and their members, to thank you for your support during the 2008/09 season and look forward to continuing to grow and strengthen our relationship into the future.

Yours in Surf Life Saving



John Beasley OAM  
President



## Surf Life Saving Far North Coast Branch The Facts & Figures 2008/09 Patrolling Season Tweed Shire Council Clubs

### Fingal Rovers SLSC

- 223 Volunteer Members
- 84 Active Patrolling Lifesavers
- Patrol Statistics**
- 2519.75 Hours Patrolling
- Average patrol hours/person 30
- 78 Lives Saved
  - o No Gear 5
  - o Tube 5
  - o Board 34
  - o IRB 6
  - o RWCV 28
  - o Other 1
- 1053 Preventative actions
- 92 First aid treatments
  - o Marine Stings 74
  - o Minor cuts and abrasions 14
  - o Other 3
  - o Resuscitation 1
- 1 Lost Child
- 3 Searches
- 6 Shark Alarms
- 3 Beach Closures
- 1 Incidents Requiring Ambulance
- 1 Incident Reports Completed
- 71 Nippers (5 – 13 year olds)
- 228 New Awards**
- 3 Advanced Resuscitation Certificates
- 26 ATV Inductions
- 67 Bronze Medallions
- 5 Defibrillation Certificates
- 1 Radio Operator Certificate
- 1 Resuscitation Certificate
- 4 Senior First Aid Certificates
- 1 Silver Medallion Advanced Emergency Care
- 5 Spinal Management Certificates
- 1 Assessors
- 7 Facilitators
- 2 Trainers
- 1 Surf Sports Official
- 104 Junior Surf Education Awards
- 221 Award Proficiencies

### Cudgen Headland SLSC

- 1644 Volunteer Members
- 189 Active Patrolling Lifesavers
- Patrol Statistics**
- 4270.5 Hours Patrolling
- Average patrol hours/person 22.6
- 32 Lives Saved
  - o No Gear 3
  - o Tube 12
  - o Board 17
- 723 Preventative actions
- 159 First aid treatments
  - o Fracture/ Dislocation 1
  - o Marine Stings 129
  - o Minor cuts and abrasions 21
  - o Other 6
  - o Spinal 2
- 4 Searches
- 4 Shark Alarms
- 21 Lost Child
- 5 Beach Closures
- 3 Incidents Requiring Ambulance
- 1 Incident Reports Completed
- 265 Nippers (5 – 13 year olds)
- 455 New Awards**
- 4 Advanced Resuscitation Certificates
- 7 ATV Inductions
- 18 Bronze Medallions
- 7 Defibrillation Certificates
- 5 IRB Crew Certificates
- 5 Silver Medallion Basic Beach Management
- 8 Spinal Management Certificates
- 9 Surf Rescue Certificate
- 34 Surf Survival Certificates (Community)
- 3 Facilitators
- 3 Surf Sports Coaches
- 6 Surf Sports Officials
- 355 Junior Surf Education Awards
- 508 Award Proficiencies



**Salt SLSC**

- 282 Volunteer Members
- 60 Active Patrolling Lifesavers
- Patrol Statistics**
- 2137 Hours Patrolling
- Average patrol hours/person **35.62**
- 2 Lives Saved
  - o Tube 1
  - o Board 1
- 893 Preventative actions
- 1 First aid treatments
  - o Major Marine Stings 1
- 1 Lost Child
- 2 Shark Alarms
- 5 Beach Closures
- 140 Nippers (5 – 13 year olds)
- 136 New Awards**
- 31 ATV Inductions
- 18 Bronze Medallions
- 4 IRB Crew Certificates
- 1 Silver Medallion IRB Driver
- 82 Junior Surf Education Awards
- 88 Award Proficiencies

**Cabarita Beach SLSC**

- 476 Volunteer Members
- 106 Active Patrolling Lifesavers
- Patrol Statistics**
- 4054 Hours Patrolling
- Average patrol hours/person **38.25**
- 23 Lives Saved
  - o No Gear 1
  - o Tube 1
  - o Board 14
  - o IRB 7
- 471 Preventative actions
- 27 First aid treatments
  - o Fracture/ Dislocation 1
  - o Marine Stings 16
  - o Minor cuts and abrasions 8
  - o Other 2
- 2 Searches
- 3 Shark Alarms
- 11 Beach Closures
- 5 Incident Reports Completed
- 257 Nippers (5 – 13 year olds)
- 330 New Awards**
- 3 Advanced Resuscitation Certificates
- 16 ATV Inductions
- 18 Bronze Medallions
- 10 Defibrillation Certificates
- 11 Silver Medallion Basic Beach Management
- 3 Silver Medallion IRB Drivers
- 8 Surf Rescue Certificate
- 1 Surf Sports Official
- 261 Junior Surf Education Awards
- 351 Award Proficiencies

**Surf Life Saving Far North Coast: Valuing an Australian Icon**

This season the clubs of the Far North Coast Branch collectively dedicated around **34,429 patrol hours** to serve the community, keeping them safe as the movement continually strives to work with government and stakeholders to provide the safest possible beach and aquatic environment.

**Value of Volunteer Surf Life Saving Operations in the Far North Coast – season 2008/09**

In 2008/09, Surf Life Saving FNC volunteers contributed 33,522 hours	
*The value of volunteering time	<b>\$1.214m*</b>
In 2008/09, Surf Life Saving FNC volunteers performed 323 rescues	
*The value of these rescues	<b>\$44.897m*</b>
Total value in time and rescues	<b>\$46.111m*</b>

\*These figures are based on official membership & rescue statistics from the 2008/09 volunteer patrol season, and findings from 'Valuing an Australian Icon: The Economic and social Contribution of Surf Lifesaving in Australia', a report compiled by The Allen Consulting Group published in October 2005.

<http://www.slsa.com.au/site/contents/resource/00000481-docsource.pdf>

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---

**29 [EO-CM] Park Naming - Dalnair Park**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

At its meeting held 16 December 2008, Council resolved to call for comment regarding the proposed naming of a park located at 5 Oakland Parade, Banora Point 'Dalnair Park'. At the close of comment, no submissions were received.

**RECOMMENDATION:**

**That Council names the park located at 5 Oakland Parade, Banora Point 'Dalnair Park' and erects signage.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---

**30 [EO-CM] Infrastructure Program 2009/2010**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Submitted for Council's consideration is the proposed Infrastructure Program for 2009/2010. The total Program is for \$36.8M and represents a range of improvements to existing assets and some new assets.

Generally the road and bridge construction programs are based on the previously approved 5 year forward program.

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

**RECOMMENDATION:**

**That Council approves the Infrastructure Program for 2009/2010 as detailed in the report.**

**REPORT:**

**Infrastructure Program - Key Issues**

The proposed 2009/2010 Infrastructure Program of \$36.8M returns to normal levels following the completion of two major projects - Kingscliff Wastewater Treatment Plant and Bray Park Water Treatment Plant.

The major capital works items include:-

Item	Proposed 2008/09 Expenditure \$M	Comments
Replace timber bridges	1.8	4 bridges on Kyogle Road
Piggabeen Bypass	0.7	Completion of works commenced in 2005/2006
Urban street upgrading	1.8	
Rural road upgrading	1.3	
Kyogle Road realignment and widening at Terragon	1.3	Continuation of current project only
Sealing of School Bus Routes	0.8	
Darlington Drive drainage improvement	0.4	
Tyalgum Water Treatment Plant Upgrade	1.4	
Banora Point Waste Water Treatment Plant Upgrade	4.2	
Kingscliff Waste Water Treatment Plant Decommissioning	4.0	

Project delivery is managed by a combination of in house and external resources.

Most larger jobs are being delivered by a contract process and the design of major works is generally carried out by specialist consultants.

**Roads**

Council maintains 1082km of local roads which are made up of:-

431km	Urban Sealed
473km	Rural Sealed
178km	Rural Unsealed

In addition there are 159km of Regional Roads to maintain.

Council has had a Pavement Management System (PMS) for its sealed roads since the late 1980s which is used to assist in the determination of the five year forward program. The PMS is predicated on visual inspections of the pavement. Other factors used in determining relative priority are:-

- Traffic volumes
- Drainage problems
- Bus routes
- Safety

A brief summary of the various programs follows:-

### **Rehabilitation Program - AC Resurfacing**

Asphalt surfaced roads require regular resurfacing or rejuvenation. This ongoing program provides for approximately 40% of the cyclical program.

### **School Bus Route Sealing - (04/05 RateRise) Program**

This program provides basic sealing of existing gravel roads to improve travel conditions on school bus routes. This program ceases after 2010/2011 when the associated rate rise lapses.

### **Asphalt Resheeting (04/05 Rate Rise)**

Asphalt surfaced roads require regular resurfacing or rejuvenation. This program provides approximately 60% of the required funding. However this program ceases after 2010/2011 when the associated rate rise lapses.

### **7 Year Plan Items**

The 7 Year Plan for roads infrastructure is targeted at increasing asset life through improved and increased maintenance.

Gravel Re-sheeting: Gravel roads require regular re-sheeting with gravel to replace wear and erosion. The 7 Year Plan provides the majority of the funding required for this cyclical program.

Sealed Roads Resurfacing: Spray sealed roads require regular resealing to maintain the waterproof seal and traction. The 7 Year Plan provides about 30% of the required funding for this cyclical program.

Sealed Roads Rehabilitation: The 7 Year Plan provides funding for heavy patching and rehabilitation of deteriorated sealed roads.

Kerb and gutter Rehabilitation: The 7 Year Plan provides funding for replacement of deteriorated sections of kerb and guttering.

### **Urban Street Reconstruction**

This program provides for upgrading of old sealed urban roads. Projects usually include: kerb & guttering; drainage improvement; widening; and pavement & surfacing renewal.

### **Rural Road Reconstruction**

This program provides for rehabilitation and upgrading of old, sealed rural roads. Projects usually include pavement strengthening and resurfacing, and minor re-alignment.

### **Roads to Recovery Program**

The Roads to Recovery funding is used for three purposes:

- To accelerate the Sealing School Bus Routes Program;
- To accelerate the Rural Road Reconstruction Program; and
- To provide supplementary or co-funding for Regional Road projects.

### **Black Spot Program**

This program is dependent on grant funding. Projects are assessed for priority on a state-wide basis.

### **Federal Assistance Grants Program**

This program is used for:

- Advanced survey, design and land acquisition for future projects;
- Funding of major road upgrades; and
- Co-funding of Regional Roads and Blackspot projects.

### **Repair Program**

This program provides 50% grant funding for Regional Roads rehabilitation or upgrading projects.

### **TRCP Program**

This is Council's road development program funded by developer contributions.



## **Bridges**

### **Bridge Construction**

Council has had a timber bridge replacement program for approximately 20 years and this has significantly reduced the number of timber bridges in the shire to 42 out of a total of 239. In 2006/2007 the NSW Government announced the Timber Bridges Partnership Program that will provide co-funding for the replacement of timber bridges on Regional Roads. Council has been fortunate in having 5 bridges on Kyogle Road included on the Program, with the first of those, Perch Creek Bridge, recently completed.

## **Drainage**

### **Drainage Asset Management (04/05 Rate Rise)**

This program provides for minor upgrades and rehabilitation of the stormwater drainage network.

This program ceases in 2010/2011 when the associated rate rise lapses.

### **Drainage Construction**

This program provides for major drainage upgrade projects.

### **Stormwater Drainage Rehabilitation (7 Year Plan)**

This program provides for:

- Rehabilitation of existing infrastructure; and
- Major upgrading of stormwater drainage.

## **2009/2010 INFRASTRUCTURE PROGRAM**

### **ROADS**

<b>Rehabilitation Program - AC Resurfacing</b>	<b>263 700</b>
<b>School Bus Route Sealing - (04/05 Rate Rise) Program</b>	<b>534 756</b>
Byrill Creek Rd - extend seal 1km	284 756
Tyalgum Creek Rd - extend seal 1km	250 000
<b>Total</b>	<b>534 756</b>
<b>Asphalt Resheeting (04/05 Rate Rise)</b>	<b>367 644</b>

---

<b>7 Year Plan Items</b>	<b>1 647 200</b>
--------------------------	------------------

*Gravel Resheeting of Unsealed Roads	398 000
*Sealed road resurfacing	490 300
*Sealed road rehabilitation	688 900
*Kerb & gutter rehabilitation	70 000

---

**Total 1 647 200**

---

<b>Urban Street Reconstruction</b>	<b>1 814 298</b>
------------------------------------	------------------

Lakeview Pde - reconstruct full length	485 000
Myeerimba Pde - completion of 2008/09 project	255 000
River St - from Greville St to Colin St	440 000
Broadwater Esp - From Lakeview Tce to Fern St	466 000
Byangum Rd - from Bagoo Ave to Fern St	168 898

---

**Total 1 814 898**

---

<b>Rural Road Reconstruction</b>	<b>1 323 000</b>
----------------------------------	------------------

Crabbes Creek Rd - upgrade of Tweed Valley Way intersection	494 000
Wooyung Rd - segment 90 0.4km	176 000
Burringbar Rd - between rail crossings	165 000
Dulguigan Rd - segments 50 and 150 - 0.7km	238 000
Gravel Resheeting	250 000

---

**Total 1 323 000**

---

<b>Roads to Recovery Program</b>	<b>1 223 354</b>
----------------------------------	------------------

Commissioners Creek Rd - extend seal 1.2km	300 000
Kyogle Rd - approaches to Snake Creek Bridge	500 000
Kyogle Rd - co-funding of Repair Program	423 354

---

**Total 1 223 354**

---

<b>Black Spot Program</b>	<b>0</b>
---------------------------	----------

No approved projects

---

**Total 0**

---

<b>Federal Assistance Grants Program</b>	<b>1 867 000</b>
------------------------------------------	------------------

Piggabeen Rd Bypass - completion	700 000
Contribution To "Repair" Program	747 000
Advanced Survey & Land Acquisition	420 000

---

**Total 1 867 000**

---

<b>Repair Program</b>	<b>1 345 364</b>
-----------------------	------------------

Kyogle Rd - Clarrie Hall Dam to Palmers Rd (Ongoing)	1 345 364
------------------------------------------------------	-----------

---

<b>Total</b>	<b>1 345 364</b>
--------------	------------------

<b>TRCP Program</b>	
Riverview St - widening at primary school	218 000
Kennedy Dr - widening to 4 lanes	1 676 563

<b>Total</b>	<b>1 894 563</b>
--------------	------------------

## BRIDGES

<b>Bridge Construction</b>	
O'Briens Bridge	445 000
Snake Creek Bridge	440 000
Twin bridge	600 000
Brewer-Charles Bridge	320 000

<b>Total</b>	<b>1 805 000</b>
--------------	------------------

## DRAINAGE

<b>Drainage Asset Management (04/05 Rate Rise)</b>	
	115 398
<b>Total</b>	<b>115 398</b>

<b>Drainage Construction</b>	
Murwillumbah Street - completion of 2008/09 project	300 000
Darlington Drive - Banora Point	350 000
Tamarind Street - Cabarita Beach	240 000
McKissock Drive - Kingscliff	100 000
Winders Place - Lake Kimberley revetment	15 000

<b>Total Drainage Construction</b>	<b>1 008 000</b>
------------------------------------	------------------

<b>Stormwater Drainage Rehabilitation (7 Year Plan)</b>	
Drainage rehabilitation - various locations	400 000
West Kingscliff	800 000

<b>Total Drainage Rehabilitation</b>	<b>1 200 000</b>
--------------------------------------	------------------

## FOOTPATHS

<b>Pedestrian Facilities (04/05 Rate Rise)</b>	<b>54,896</b>
<b>Footpaths Rehabilitation (7 Year Plan)</b>	<b>266,000</b>
<b>Footpath Construction Program</b>	<b>121 049</b>
Sandra Street - Kirkwood Rd to Megan St	14 596
Viking Street - Olga St to Sutherland St	22 784
Viking Street - Olga St to walkway to Gibson St	12 619
Oxley Street - Heffron St to Dept Housing Building	19 307
Thompson Street - Frances St to Angela St	18 230
Bank Avenue - Solander St to Hicks St	26 262
Construction management 8% of total	7 251
<b>Total</b>	<b>121 049</b>

## CYCLEWAYS

<b>Cycleway Program</b>	<b>92 200</b>
Kyogle Road Bray Park cutting	92 200
<b>Total</b>	<b>92 200</b>

## RECREATION SERVICES

<b>Public Toilets Capital Works</b>	<b>170 000</b>
Budd Park, Murwillumbah Refurbish	75 000
Jack Bayliss Park, Kingscliff	75 000
Ambrose Brown Park, Pottsville	20 000
<b>Total</b>	<b>170 000</b>
<b>Sportsfield Capital Works Program</b>	<b>2 260 000</b>
Knox Park Netball Court upgrade and Clubhouse Refurbish	100 000
Walter Peate - relocate and replace amenities building	250 000
Queens Park amenities upgrade	10 000
Shirewide Irrigation Management System	100 000
Reg Dalton - replace change room facility and toilets	400 000
St Josephs Playing Fields - amenities block	100 000
Queens Park Lights	100 000
Barry Sheppard sportsfield lights, amenities	100 000
Les Burger - construction of additional playing field and expansion to amenities building	100 000
Depot Rd Sportsfields development - commencement	1 000 000
<b>Total</b>	<b>2 260 000</b>

<b>Park Furniture</b>	<b>385 000</b>
Hastings Point - replacement of picnic shelters, BBQ, bins and bollarding	60 000
Pioneer Park - replacement of shelters	45 000
Fingal Foreshore - replacement of picnic shelters, BBQ, bins and bollarding	40 000
Fingal Boatharbour - replacement of picnic shelters, BBQ, bins and bollarding	60 000
South Kingscliff - replacement of picnic shelters, BBQ, bins and bollarding	45 000
Budd Park	65 000
Tumbulgum Foreshore - completion of timber bollard fencing	40 000
Ray Pascoe Park - replacement of shelters and completion of replacement bollarding	30 000
<b>Total</b>	<b>385 000</b>

<b>Playgrounds</b>	<b>145 000</b>
Ebenezer Park (nee John Follent Park)	30 000
Tamarisk Avenue Golden Links	35 000
Uki - Sweetenham	35 000
Willward Park Murwillumbah	15 000
Burringbar	15 000
Alan McIntosh Park, Cudgen	15 000
<b>Total</b>	<b>145 000</b>

### Water Supply & Sewerage

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

<b>WATER 2010 CAPITAL PROGRAM</b>		
Tyalgum WTP Upgrade	Construction	1 420 000
WPS 8 Hillcrest Res	Construction	60 000
WPS 23 Hillcrest Booster	Construction	400 000
WPS 27 Glenys Booster	General	260 000
Burns Hill Reservoir	Civil Upgrade	50 000
Hospital Hill 2 Reservoir	Rehabilitation	500 000
Razor Back Reservoir	Ladders/Platforms	50 000
Country Club Reservoir 250mm x 1700m	Trunk Main Upgrade	500 000
Old Lismore Rd 250mm x 220m	Trunk Main Upgrade	250 000
Reserve Creek road 300mm x 570m (includes Quarry Rd Bridge)	Trunk Main New	271 000
North Arm Road Duplication 250mm x 1950m St 1	Trunk Main New	500 000
Hillcrest Ave 250mm x 270m; 215m x 150mm	Mains Replacement	214 000
Lakeview Pde Twd Hds Sth 250mm x 500m, 150mm x 500m	Mains Replacement	400 000
River St Prospero to Stafford 100mm	Mains Replacement	50 000
Dorothy Street 100mm x 280m	Mains Replacement	50 000
Charles & Stanley Sts Adelaide to Alva Twd	Mains Replacement	94 000

<b>WATER 2010 CAPITAL PROGRAM</b>		
Hds 100mm x 470m		
Airfield Ave Cross connection 150mm x 460m	Mains New	140 000
Lakeview Pde to the Hermitage 150mm x 240m + 200mm x 350m	Mains New	300 000
Byangum Rd & Wade St 100mm x 150m	Mains New	37 000
Hartigan Hill Non -Return Valve Installation	Mains New	18 000
WPS8 to Glenys St Res 100mm x 240m	Mains New	80 000
Kennedy Drive 150mm x 1180m northern side, 200mm x 1600m southern side	Mains New	315 000
	<b>Total:</b>	<b>5 959 000</b>

<b>SEWER 2010 CAPITAL PROGRAM</b>		
SPS 1003 Charles Lane	Mechanical Upgrade	20 000
SPS 1003 Charles Lane	Electrical Upgrade	5 000
SPS 1005 Tweed Valley Way Buchanan St	Mechanical Upgrade	3 500
SPS 1005 Tweed Valley Way Buchanan St	Electrical Upgrade	20 000
SPS 1009 Buchanan Street	Electrical Upgrade	25 000
SPS 1010 Lundberg Drive (West)	Electrical Upgrade	30 000
SPS 1014 Tree Street	Electrical Upgrade	34 000
SPS 1015 Tweed Valley Way	Electrical Upgrade	35 000
SPS 1017 Tweed Valley Way	Electrical Upgrade	32 000
SPS 1019 Mcleod Street, Condong	Electrical Upgrade	10 000
SPS 2018 Gollan Drive	Odour & Septicity Control	100 000
SPS 2026 Piggabeen Road East	Odour & Septicity Control	50 000
SPS 2036 Fern Street	Electrical Upgrade	50 000
SPS 2038 Peninsula Drive	Electrical Upgrade	200 000
SPS 2038 Peninsula Drive	Civil Upgrade	50 000
SPS 2049 Meridian Way Syphon Ps	Civil Upgrade	167 000
SPS 3010 Cox Drive (Small)	Electrical Upgrade	20 000
SPS 3012 Amber Road	Electrical Upgrade	25 000
SPS 3015 Bosun Boulevard	Mechanical Upgrade	60 000
SPS 3015 Bosun Boulevard	Electrical Upgrade	100 000
SPS 3028 Enterprise Ave	Odour & Septicity Control	100 000
SPS 3028 Enterprise Ave	Collector Access Chamber Upgrade	80 000
SPS 4022 Ibis Court	Pipe Work Replacement	77 000
SPS 4030 Point Break Circuit	Mechanical Upgrade	40 000
SPS 5028 Coast Rd Nth Pottsville	Odour & Septicity Control	100 000
SRM 1005 Tweed Valley Way Buchanan St	SRM Replacement	40 000
SRM 2014 Parkes Drive	SRM Replacement	70 000
SRM 2032 Caloola Drive	SRM New	250 000
SRM 2033 Afex Park	Actuated Control Valve Upgrade	40 000
SRM 2052 Kennedy Dr 450mm x 1050m	SRM New	345 000
SRM 4022 Ibis Court	SRM New	137 000
Gravity Sewer Relining	Annual program	800 000
South Murwillumbah EG/12 to EG/10	Gravity Sewer	45 000

<b>SEWER 2010 CAPITAL PROGRAM</b>		
	Replacement	
M/H A/1A reconstruction Mbah	Gravity Sewer Replacement	50 000
Manhole Telemetry Sites	Gravity Sewer Replacement	50 000
Relocate inverted syphon mains for drain Mbah WWTP	Gravity Sewer Replacement	100 000
Banora Point WWTP	Biosolids Management	1 600 000
Banora Point WWTP Eff Quality Upgr	Design & Construction	2 650 000
Kingscliff WWTP decommissioning	Demolition	4 000 000
Hastings Point WWTP Sludge lagoon	General	400 000
Hastings Point WWTP	Inlet Works	30 000
Hastings Point WWTP	Dune Disposal System	600 000
Tumbulgum WWTP	EAT Aerators	60 000
Tyalgum WWTP	Effluent Reuse	20 000
Burringbar WWTP	Construction	750 000
Burringbar WWTP	SRM New	250 000
Les Burger Field	Effluent Reuse	380 000
Piggabeen Rd roundabout	Gravity Sewer Replacement	90 000
	<b>Total:</b>	<b>14 190 500</b>

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



---

**31 [EO-CM] Adoption of Amended Section 94 Plan No 23 - Offsite Parking (Version 2)****ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

Council at its meeting held 16 June 2009 resolved to exhibit Draft S94 Plan No 23 – Offsite Parking (Version 2). The Draft Plan was exhibited for 28 days from 24 June 2009 to 22 July 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page. No submissions were received. However in accordance with the Minister for Planning's Section 94E Direction of 10 July 2009 administration costs in the Plan must be reduced from 10% to 5%. The draft exhibited plan, as amended for reduced administration costs is now recommended for approval.

The amendment results in the following changes to the rate per unsupplied carparking space:-

Area	Version 1.4 Rate	Version 2 Rate
Tweed Heads	17,490	<b>\$24,570</b>
Murwillumbah	12,747	<b>\$15,907</b>
Kingscliff	20,000	<b>\$27,657</b>
Bogangar	13,619	<b>\$27,657</b>
Pottsville	14,834	<b>\$19,750</b>
Fingal	3,366	<b>\$2,898</b>

**RECOMMENDATION:****That Council**

- 1. Approves Draft Section 94 Plan No 23 – Offsite Parking (Version 2) as further amended to reduce administration costs, to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;**

2. **Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 2 of the Plan (CP 23) comes into effect on the date of the notice.**

---

**REPORT:****Background****1.1 Purpose of Section 94 Contributions Plan No. 23 – Offsite Parking (CP23)**

Development Control Plan Section A2 – Site Access and Parking Code (DCPA2) designates the number of parking spaces that must be provided for various classes of development. Where the site is unable to accommodate the designated number of parking spaces, Council may issue a development consent requiring section 94 contributions for the unsupplied spaces.

Section 94 Contributions Plan No.23 – Offsite Parking (CP23):-

- enables Council to collect contributions (for the unsupplied car parking spaces) from developers as a condition of consent
- enables these contributions to be used to finance public car parking in lieu of provision of car parking on the development site and
- designates contribution rates.

**1.2. Car Parking Contribution Rates**

CP23 came into effect on 18 November 1999, and the most recent amended version, Version 1.4, incorporating adjustments for the increase in land acquisition costs, was adopted by Council in July 2005.

**2. Amendment to CP23**

CP23 Version 2 reflects current rates for construction and land costs. Applying these increases to the calculation formulae contained in the Plan resulted in the following amended rates:-

Area	Version 1.4 Rate	Version 2 Rate
Tweed Heads	\$17,490	<b>\$24,570</b>
Murwillumbah	\$12,747	<b>\$15,907</b>
Kingscliff	\$20,000	<b>\$27,657</b>
Bogangar	\$13,619	<b>\$27,657</b>
Pottsville	\$14,834	<b>\$19,750</b>
Fingal	\$3,366	<b>\$2,898</b>

## Exhibition and Submissions

Council at its meeting held 16 June 2009 resolved to exhibit Draft S94 Plan No 23 – Offsite Parking (Version 2). The Draft Plan was exhibited for 28 days from 24 June 2009 to 22 July 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page. No submissions were received. However in accordance with the Minister for Planning's Section 94E Direction of 10 July 2009 administration costs in the Plan must be reduced from 10% to 5%. The draft exhibited plan, as amended for reduced administration costs is now recommended for approval.

## LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Increase in contribution rates is required to enable Council to finance its obligations to supply public parking in cases where development projects are unable to provide sufficient parking on their own sites.

Administration costs have been reduced from 10% to 5% in accordance with the Minister for Planning Section 94E Direction of 10 July 2009.

## POLICY IMPLICATIONS:

Adoption of amended car parking contribution S94 Plan (CP23).

## UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Section 94 Plan No 23 – Offsite Parking (Version 2) (ECM 3920373).
-

**32 [EO-CM] Pacific Highway and Adjacent Arterial Roads Master Plan between Stewart Road and Barneys Point****ORIGIN:****Planning & Infrastructure****FILE NO: GC12/3-2008103****SUMMARY OF REPORT:**

Council's support for the Tugun Bypass on 21 September 2005 was conditional on Main Roads joining with the NSW RTA, Gold Coast City Council and Tweed Shire Council to prepare a master plan for the border sections of the Pacific Highway between the Tweed River (Barneys Point) Bridge and Stewart Road (Tugun). A Technical Committee consisting of representatives from the four organisations initially met on 31 January 2008 to advance this masterplan process. The Committee's work plan requires a traffic study on the road network and future traffic patterns to determine if an overpass is required at Boyd Street. Tenders were called for the study. A total of eight tenders were received by the advertised closing date of 24 June 2009.

The lowest submission received was from Bitzios Consulting Pty Ltd for the upper limit fee of \$88,740 excluding GST. This amount can be funded from the current TRCP budget.

Bitzios Consulting has significant experience in transport planning and traffic impact assessment with clients including the Queensland Department of Transport and Main Roads, Gold Coast City Council and other local authorities. References have shown that Bitzios provided a very satisfactory service.

**RECOMMENDATION:****That:-**

- 1. Tender EC2008-103 - Cross Border Traffic Master Plan - Stewart Road to Barneys Point Bridge be awarded to Bitzios Consulting Pty Ltd for the upper limit fee of \$88,740.00 (excluding GST).**
- 2. The General Manager be given delegated authority to authorise variations up to a total upper limit fee of \$150,000.00.**
- 3. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies**

**the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

**REPORT:****1. Background****(a) Boyd Street Interchange**

In 1999, Council supported the Tugun Bypass C4 route proposed by the Queensland Department of Main Roads (QDMR) which included a full interchange at Boyd Street Tugun.

This interchange is considered an essential part of the Tweed Shire arterial road network and would provide a connection to the South East Queensland area for the future Cobaki Lakes and Bilambil Heights urban release areas. In 2004 without prior consultation or concurrence from Council, the EIS for the Tugun Bypass C4 route project was publicly exhibited with the Boyd Street interchange deleted. The advertised project did not even include an overpass for Boyd Street which is the minimum necessary to maintain access across the proposed freeway.

On 16 February 2005, Council resolved to oppose the Tugun Bypass C4 route, but, would reconsider if the Boyd Street Interchange was reinstated into the Tugun Bypass approval process.

After protracted negotiations with QDMR, agreement was finally reached for Council to support the Tugun Bypass with inclusion of the Boyd Street overpass (conditional on payment of \$6.45 Million by Council) as part of the Tugun Bypass construction works. The overpass was completed prior to opening of the Tugun Bypass. Council's support as detailed in a resolution of 21 September 2005 was conditional as follows:-

*"(b) This support is conditional on Main Roads joining with the NSW RTA, Gold Coast City Council and Tweed Shire Council to prepare a master plan for the border sections of the Pacific Highway between the Tweed River (Barneys Point) Bridge and Stewart Road (Tugun). The master plan process (already commenced by NSW RTA and Tweed Shire Council) is to be extended to consider:-*

- *Configuration of the northern section of the Tugun Bypass adjacent to Cobaki Lakes (NSW), Tugun (Qld) and adjacent urban arterial roads.*
- *Optimising freeway interchanges to provide appropriate levels of service on both the freeway and adjacent urban arterial roads and to ensure there is adequate connectivity to the proposed Tugun Railway station, Coolangatta airport and John Flynn hospital as well as adjacent Cobaki Lakes and Tugun urban areas*
- *Whether the Boyd Street overpass should be upgraded to a full interchange."*

QDMR agreed to Council's condition (b) above and a committee has been established to progress the "master plan".

**(b) Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road - Technical Committee**

The Committee had its inaugural meeting on 31 January 2008 (see Attachment B) with representatives from QDMR, NSW RTA, Gold Coast City Council and Tweed Shire Council.

The objectives of the Committee are:-

- 1.1 To investigate the planning of the Pacific Highway and wider area between Barneys Point and Tugun including the adjacent urban arterial road network.
- 1.2 Optimise Highway interchanges and the adjacent arterial road network on a whole of network basis to provide the most appropriate levels of service and to promote connectivity for future public transport initiatives. This will include if and when the Boyd Street Overpass should be upgraded to a full interchange accessing the Pacific Highway.
- 1.3 Make recommendations on the above to the respective stakeholders based on traffic and transport assessments. Note: Environmental issues will not be investigated as part of the Technical Committee process. These issues will be addressed in a later environmental assessment, detailed design and approval process.

and the Committee's Work Plan is:-

- Prepare a consultant's brief for the following:
  - Using traffic modelling of the Highway and adjacent arterial roads between Stewart Road and Barneys Point Bridge explore options to provide an efficient and effective road network in the study area.
  - This modelling should take into account the traffic and transport needs of the Tugun/Currumbin areas, Cobaki Lakes, John Flynn Hospital, Tweed Heads, Tweed Heads South, the gold coast Airport precinct and changing land use patterns.
  - Prepare broad estimates of costs for staging options.
  - Ensure function of Highway remains as interstate through road.
- Engage consultants.
- Consider consultant's report.
- Make recommendations to member organisations on preferred network and approvals for next steps.

## 2. Tenders for Traffic Study

The Committee has met on a number of occasions to finalise the brief for the study referred to in the Work Plan. Tenders have been called and received.

Eight future 'scenarios' will be tested as part of the work as follows:-

<b>Combination Urban Development Event</b>	<b>"Fixed" Infrastructure Events</b>	<b>Combination Infrastructure Event</b>
A. Low density mixed use development of Tweed Heads and	Reconfigured intersections on the Gold Coast Highway (particularly Boyd Street).	1. No Boyd Street interchange.



**Combination Urban Development Event**

South Tweed Heads based on current Tweed Shire Council and Gold Coast City Council Planning instruments.

B. Medium to high density mixed use development of Tweed Heads and South Tweed Heads.

**“Fixed” Infrastructure Events**

A single alternative access to the Coolangatta airport land.

Kirkwood Road Interchange.

Scenic Drive Diversion, Mcallisters Rd extension, Piggabeen Rd deviation and Cobaki Parkway construction as detailed in the TRCP.

6 laning of the Pacific Highway between Kirkwood Road and Kennedy Drive and 2 x two lane service roads across Terranora Creek.

The Pacific Highway Banora Point upgrade.

Other infrastructure events that may be mutually agreed in the course of this study.

**Combination Infrastructure Event**

2. Boyd Street Interchange with northbound on ramp and southbound off ramp only.

3. Boyd Street Interchange as a full interchange with both on and off ramps north and southbound.

4. Reconfigured Bilinga Interchange with Gold Coast Highway.

The master plan is essential in assisting to determine what future road infrastructure is needed along the Pacific Highway Corridor and when it will be required.

The Steering Committee has agreed to meet the costs of the Consultancy on a pro-rata basis. Council's share is 30% or \$26,622 excluding GST.

A total of eight tenders were received by the advertised closing date of 24 June 2009.

Tenders were received from the following Consultants:-

GTA Consultants  
Bitzios  
Cardno Eppell Olsen  
SKM  
MWH  
URS Australia  
Parsons Brinkerhoff  
Aurecom

The lowest tendered lump sum was received from Bitzios Consulting Pty Ltd for the lump sum of \$88,740.00 excluding GST. The expected time to complete the work is 52 weeks.

Further tender details are provided in the confidential Attachment A to this report.

Bitzios Consulting has significant experience in transport planning and traffic impact assessment with clients including the Queensland Department of Transport and Main Roads, Gold Coast City Council and other local authorities. Reference checks showed that Bitzios provided a very satisfactory service.

### 3. Variations

It is likely as the study progresses that additional network scenarios may need to be examined, accordingly unit rates for additional works are included in the tenders.

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The master plan is directly related to Council's Tweed Road Contribution Plan (Contribution Plan No. 4) and funding for the proposal can be obtained from the current Tweed Road Contribution Plan budget.

Variations to the scope of works may be required to test other scenarios that become apparent during the course of work. It is recommended that the General Manager be given delegated authority to authorise these work variations up to a total upper fee limit of \$150,000 (or effectively up to \$45,000 after receipt of contributions from other organisations).

#### POLICY IMPLICATIONS:

Major implications for strategic planning of the arterial road network for local and state authorities either side of the NSW/Qld border.

#### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment A** - Supplementary Confidential Information - Tender EC2008-103 (ECM 3871433).
  2. **Ordinary Attachment B** - Minutes of Meeting Held 31 January 2008 - Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road Technical Committee (ECM 1774024).
-

## **REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**

### **33 [TCS-CM] Conduct Review Committee**

#### **ORIGIN:**

**Corporate Governance**

#### **SUMMARY OF REPORT:**

Code of Conduct complaints have been referred to a Conduct Review Committee in accordance with the provisions of the Code of Conduct and Conduct Review Committee/Sole Reviewer Policy for consideration and determination.

Mr David Gibson, Chair of the Conduct Review Committee, has provided the following interim report and has requested that it be presented in Open Council.

#### **RECOMMENDATION:**

##### **That Council:-**

- 1. Receives and notes the Interim Report of the Conduct Review Committee.**
- 2. Determines any appropriate action to be undertaken from the Interim Report.**

## REPORT:

### CONDUCT REVIEW COMMITTEE

#### INTERIM REPORT

A Conduct Review Committee comprising of David Gibson (Chair), Maryann Andersen and Glen Ratjens was set up to consider complaints by two councillors and a resident against the Mayor alleging she had breached Council's Code of Conduct by:

- failing to accept a resolution of Council authorising the General Manager to accept a directorship on the Board of World Rally Australia Pty Ltd,
- using the press to call for his resignation from the Board, and
- other comments attributed to her in the press alleging , amongst other things, that the General Manager had a conflict of interest.

Another complaint regarding the Mayor's appearance at a Senate hearing into Agricultural and Related Industries on 4 March 2009 was dismissed as it was made "without prejudice".

The two councillors, Mayor and General Manager were interviewed by the Committee on Thursday 23 July 2009.

In November 2008 the Council resolved to "...authorise the General Manager to accept the offer from the Confederation of Australian Motor Sports to be a Director of World Rally Australia Pty Ltd".

At its meeting on Tuesday 21 July 2009 the Mayor put forward a Mayoral Minute seeking to rescind the earlier motion. The rescission motion was lost five votes to two.

This should now be the end of the matter. It has been dealt with twice by Council. The Mayor indicated to us that this is as far as she can take it, that she respected the decision of Council and that the matter was now closed.

We believe that to make a finding now would inflame the situation further. If the issue is dead then there is no need for further comment on it. It is time to put this matter behind those concerned, learn from the mistakes made, stop the bickering and move forward.

The Code of Conduct allows for the resolution of complaints by the use of alternative and appropriate strategies (clause 12.19(b)). There was a desire by those we interviewed for this to happen.

Consequently, we have decided to adjourn proceedings at this stage for a period of one month to allow this to happen and to see if this issue develops further. We ask the Public Officer to advise us of any further media reports about this issue.

In the meantime we recommend that:

1. the Mayor and General Manager meet and open lines of communication between them based on achieving the goals of Council. If necessary, a facilitator/ mediator should be appointed to assist in this. In her email to management and all staff of 7 July 2009, the Mayor encouraged all staff "...to move forward with us as a team...". This needs to start at the top.
2. councillors receive Code of Conduct training. Despite receiving some training, it is apparent to us that councillors do not understand the intricacies of the Code of Conduct.
3. councillors receive media training. The Mayor indicated to us that she had been misquoted in the press on a number of occasions.

These proceedings are adjourned to Friday 28 August 2009.



David Gibson  
Chair  
Conduct Review Committee  
27 July 2009

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

#### POLICY IMPLICATIONS:

In accordance with the Code of Conduct and Conduct Review Committee/ Sole Reviewer Policy

#### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**34 [TCS-CM] Tweed River Art Gallery and Tweed River Regional Museum  
Advisory Committee Constitutions**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

Following the election of Council, and the subsequent appointment of Councillor and Community representatives to the Tweed River Art Gallery and Tweed River Regional Museum Advisory Committees, the constitutions of both committees have been reviewed to ensure the objectives and membership requirements are achievable.

The constitutions, following review, have been aligned in terms of Membership, Termination of Membership, Meetings (including quorum provisions) and are submitted to Council for adoption.

**RECOMMENDATION:**

**That Council adopts:**

- 1. Tweed River Art Gallery Advisory Committee Constitution; and**
- 2. Tweed River Regional Museum Advisory Committee Constitution.**

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Constitutions in accordance with requirements of Section 355 Committees

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Tweed River Art Gallery Advisory Committee Constitution (ECM 3948010).
  2. Tweed River Regional Museum Advisory Committee Constitution (ECM 3947009).
-



**35 [TCS-CM] Review of Council's Delegations**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

Council is required in accordance with Section 380 of the Local Government Act 1993 to review all of its delegations during the first 12 months of each term of office.

Sections 377 and 378 of the Local Government Act 1993 describe the functions that Council may by resolution delegate to the General Manager and the function that the General Manager may delegate or sub-delegate respectively. Section 335 of the Local Government Act 1993 describes the functions of the General Manager.

Council at its meeting of 23 May 2006 ratified the delegations to the General Manager in accordance with Section 377 of the Local Government Act.

The functions being recommended that Council should delegate to the General Manager are in accordance with Section 377 of the Local Government Act 1993.

Further, Council at its meeting of 28 November 2006, delegated the exercise of powers under the Road Transport (General) Act 2005 regarding heavy vehicle limits enforcement function to Newlog officers who are employees of Ballina Shire Council.

**RECOMMENDATION:**

**That Council:**

- 1. Confirms the delegations to the General Manager other than the functions of Council in accordance with Section 377 of the Local Government Act 1993.**
- 2. Confirms the delegation previously provided on 28 November 2006 to Ballina Shire Council, in accordance with Section 377 of the Local Government, 1993, for the purpose of undertaking administration of the North East Weight of Loads Group (NEWLOG).**

**REPORT:**

Section 377 of the Local Government Act 1993 states that:-

*"(1) A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:-*

- a) The appointment of a General Manager;*
- b) The making of a rate;*
- c) A determination under Section 549 as to the levying of rate;*
- d) The making of a charge;*
- e) The fixing of a fee;*
- f) The borrowing of money;*
- g) The voting of money for expenditure on its works, services or operations;*
- h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment);*
- i) The acceptance of tenders which are required under this Act to be invited by the Council'*
- j) The adoption of a management plan;*
- k) The adoption of a financial statement included in an annual financial report;*
- l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;*
- m) The fixing of an amount or rate for carrying out by the Council of work on private land;*
- n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work;*
- o) The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the Environmental Planning and Assessment Act 1979;*
- p) The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under Section 194;*
- q) A decision under Section 356 to contribute money or otherwise grant financial assistance to persons;*
- r) Council under Section 455 in relation to attendance at meetings;*
- s) The making of an application, or the giving of a notice, to the Governor or Minister;*
- t) This power of delegation;*
- u) Any function under this or any other Act is expressly required to be exercised by resolution of the Council.*

*(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council."*

Section 378 of the Local Government Act 1993 states that:

- "(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2)."*

The functions of the General Manager are contained in Section 335 of the Local Government Act 1993. These being:-

1. The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
2. The General Manager has the following particular functions:
  - The day-to-day management of the Council;
  - To exercise such of the functions of the Council as are delegated by the Council to the General Manager;
  - To appoint staff in accordance with an organisation structure and resources approved by the Council;
  - To direct and dismiss staff;
  - To implement the Council's equal employment opportunity management plan.
3. The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

The delegations to the General Manager were last reviewed and approved by the previous Council on 23 June 2006.

The adoption of the recommendation does not change the current instrument of delegation to the General Manager.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Copy of Delegations to General Manager (ECM3951123).
-



**36 [TCS-CM] In Kind and Real Donations - April to June 2009**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Details of in kind and real donations for the period April to June 2009 are reproduced in this report for Council's information.

**RECOMMENDATION:**

**That Council notes total donations of \$64,279.38 for the period April to June 2009.**

**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period April to June 2009 are reproduced as follows:-

<b>Financial Assistance</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$ 11,440.00	Australian Volunteer Coast Guard - Kingssclyff Flotilla	Budget Allocation	9-Apr-09
\$ 1,000.00	Murwillumbah Historical Society	Donation - 50th Anniversary Celebration	15-Apr-09
\$ 5,000.00	Tweed Kenya Mentoring Program	Addition to Budget Allocation	29-Apr-09
\$ 3,599.00	Murwillumbah Festival of Performing Arts	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Cabarita - Pottsville Beach Lions Club	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Nitromax Productions	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Burleigh Arts Group Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 5,000.00	Tyalgum Festival Committee Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Caldera Environment Centre	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Murwillumbah Community Centre Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Tweed Palliative Care Support	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Twin Towns Friends Association Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 200.00	Neighbourhood Watch - Area 14	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Tweedlesea Seniors Day Club	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Westpac Lifesaver Rescue Helicopter	2nd Round Donations 08/09	30-Apr-09
\$ 500.00	St Vincent De Paul Society	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Kunghur Community Pre School	2nd Round Donations 08/09	30-Apr-09
\$ 800.00	Uki Sporting Horse Association	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Joey's Pouch Educational Child Care	2nd Round Donations 08/09	30-Apr-09
\$ 500.00	Burringbar District Sports Club	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Murwillumbah Friendship Club	2nd Round Donations 08/09	30-Apr-09
\$ 200.00	Tweed Valley Vehicle Restorers Club	2nd Round Donations 08/09	30-Apr-09
\$ 800.00	Tweed Valley Wildlife Carers	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Ukitopia Arts Collective	2nd Round Donations 08/09	30-Apr-09
\$ 10,000.00	Wintersun Festival Association Inc	Budget Allocation - Festivals	7-May-09
<b>\$ 56,039.00</b>			

<b>Goods and/or Materials</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$ 60.00	Uki Pre-School	15 Shrubs	25-May-09
\$ 112.00	Dungay Primary School	28 Shrubs	26-May-09
\$ 40.00	Crabbes Creek School	10 Shrubs	01-Jun-09
\$ 40.00	Banora Point High School	10 Shrubs	16-Jun-09
<b>\$ 252.00</b>			

<b>Provision of Labour and/or Plant &amp; Equipment</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$ 570.70	ANZAC Day Parade	Provision of Labour & Council Plant	24-Apr-09
\$ 171.99	Wintersun	Provision of Labour & Council Plant	05-Jun-09
\$ 284.31	Battle on the Border - Bike Race	Provision of Labour & Council Plant	05-Jun-09
\$ 783.06	Life Education Van Relocation	Provision of Labour & Council Plant	30-Jun-09
<b>\$ 1,810.06</b>			

<b>Tweed Link Advertising</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$ 40.50	Various Community Notices	Advertising	7-Apr-09
\$ 67.50	Various Community Notices	Advertising	14-Apr-09
\$ 74.25	Various Community Notices	Advertising	21-Apr-09
\$ 216.00	Various Community Notices	Advertising	28-Apr-09
\$ 60.75	Various Community Notices	Advertising	5-May-09
\$ 67.50	Various Community Notices	Advertising	12-May-09
\$ 74.25	Various Community Notices	Advertising	19-May-09
\$ 195.75	Various Community Notices	Advertising	26-May-09
\$ 81.00	Various Community Notices	Advertising	2-Jun-09
\$ 87.75	Various Community Notices	Advertising	9-Jun-09
\$ 81.00	Various Community Notices	Advertising	16-Jun-09
\$ 81.00	Various Community Notices	Advertising	23-Jun-09
\$ 256.50	Various Community Notices	Advertising	30-Jun-09
<b>\$ 1,383.75</b>			

<b>Room Hire</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	2-Apr-09
\$ 423.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	4-Apr-09
\$ 490.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	5-Apr-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	4-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	7-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	11-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	14-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	16-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	18-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	19-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	21-May-09
\$ 145.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	23-May-09
\$ 145.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	24-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	25-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	26-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	27-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	28-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	1-Jun-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Jun-09
\$ 67.67	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Jun-09
\$ 47.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	7-Jun-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	9-Jun-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	1-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	2-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	4-Apr-09
\$ 161.30	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	5-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	6-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	8-Apr-09
\$ 101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	13-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	15-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	22-Apr-09
\$ 82.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	26-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	29-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	6-May-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	10-May-09
\$ 101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	11-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	11-May-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	13-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	14-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	18-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	21-May-09

\$	106.50	Tweed Heads Hospital Fashion Parade	Room Hire - Tweed Heads Civic Centre	25-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-May-09
\$	67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	27-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	28-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	1-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	4-Jun-09
\$	101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	8-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	11-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	15-Jun-09
\$	41.80	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	17-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	18-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	22-Jun-09
\$	41.80	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	24-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	29-Jun-09
\$	27.90	Twin Towns Friends	Room Hire - South Tweed HACC	8-Apr-09
\$	27.90	Twin Towns Friends	Room Hire - South Tweed HACC	10-Jun-09
\$	42.40	Twin Towns Friends	Hall Hire - South Tweed Heads Commur	20-May-09
\$	78.70	Tweed Heads Hospital Auxilary	Room Hire - Tweed Heads Meeting Room	4-May-09
\$	78.70	Tweed Heads Hospital Auxilary	Room Hire - Tweed Heads Meeting Room	1-Jun-09
\$	<b>4,794.57</b>			

**\$ 64,279.38** Total Donations 4th Quarter (April,May,June 2009)

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.



**37 [TCS-CM] 2007/2008 Comparative Information on NSW Councils****ORIGIN:****Corporate Governance****SUMMARY OF REPORT:**

The 2007-2008 Comparative Information was released by the Department of Local Government on 17 July 2009.

Tweed Shire Council is in Group 5 of the Australian Classification of Local Government (ACLG) together with:

- Lake Macquarie,
- Newcastle,
- Shoalhaven, and
- Wollongong.

The purpose of the comparative information publication is to help communities and councils assess performance retrospectively across a broad range of activities.

In 2007 the Department of Local Government undertook a review of the comparative information publication, as the Department identified several areas where State departments collected similar information. As a result of the review library, waste and recycling, sewerage and planning and development services are no longer published in the comparative information dataset.

Performance indicators in isolation do not provide a full picture of a council's performance. The Comparative indicators do show differences between councils but do not explain why these differences arise.

**RECOMMENDATION:**

**That Council receives and notes the Department of Local Government's Comparative Information results for 2007/2008.**

**REPORT:**

**Group 5 summary**

	Population	5 yr growth rate	Total revenue (\$'000)	Total expenditure (\$'000)
Lake Macquarie	193,092	0.01%	172,559	140,260
Newcastle	150,357	0.96%	190,166	192,392
Shoalhaven	92,880	0.88%	158,454	141,462
Tweed	84,325	2.01%	136,316	121,967
Wollongong	195,768	0.44%	177,723	180,693

**1. Rating Performance**

	TSC	Group 5 average	NSW average
Residential	\$786	\$791	\$732
Farmland	\$1,277	\$1,353	\$1,695
Business	\$1,895	\$4,829	\$3,835
%Outstanding rates, & annual charges	4.98%	5.55%	5%
% movement in rates & annual charges	8.42%	8.87%	6%
% movement in user charges and fees	10.81%	11.66%	6%

Comparison:

- The farmland rate of Tweed remains to be the lowest rate in Group 5.
- The business rate of Tweed is 102% less than the NSW average and 158% less than the Group 5 average. The Tweed Business rate remains approximately 18% higher than lowest ranked Group 5 member Shoalhaven.
- Tweed effectiveness of collecting outstanding rates and annual charges has improved with a 6% decrease over two years.

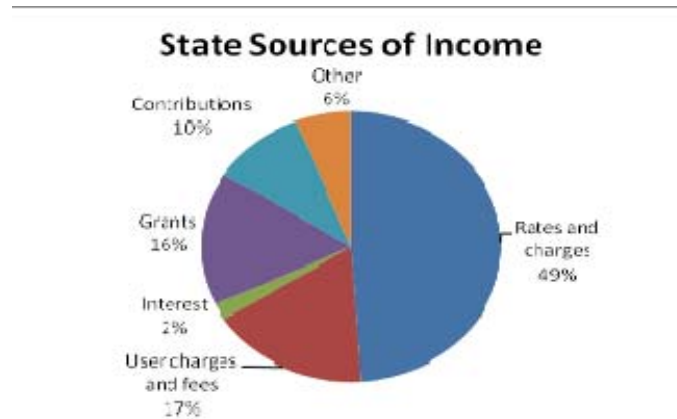
**2. Financial Performance**

2.1 Sources of income from continuing operations	TSC %	Group 5 %	NSW %
Rates & charges	41.51	51.16	49%
User charges & fees	17.35	17.70	17%
Interest	3.15	2.87	2%
Grants	11.62	13.91	16%
Contributions	19.26	9.03	10%
Other revenue	7.10	5.34	6%

Comparison:

- Tweed generated approximately 25% less income from Rates and Charges than the Group 5 average and 19% less than the state average.
- Tweed continues to achieve the higher interest income for Group 5 and remains consistently above 30% higher than the state average.
- Tweed recorded 37% less income from grants than the state average

- Income from contributions is an important revenue source for Tweed Shire Council. Tweed raised 83% more from contributions than the state average. The average of group 5, excluding Tweed is only 7.04. Lake Macquarie is the next ranked council raising 14.41% of income from contributions.
- Tweed has come from the lowest ranked Council for income raised by other sources in 2006/07 to be the highest ranked council in 2007/08.



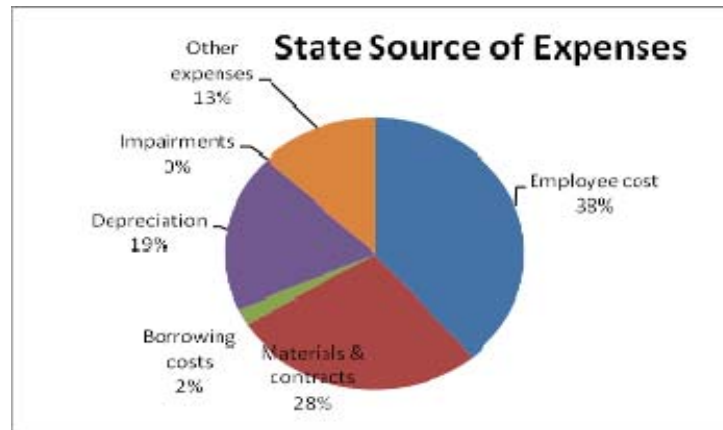
## 2.2 Dissection of expenses from continuing operations

This indicator assesses the expenditure patterns of council.

Costs	TSC (%)	Group 5 (%)	NSW (%)
Employee costs	32.74	38.17	39
Materials and contracts	25.92	26.29	28
Borrowing costs	3.03	2.06	2
Depreciation	29.98	20.59	19
Impairment	0	0	0
Other expenses	8.34	12.89	13

Comparison:

- Tweed reduced employee costs by 0.7% on the previous 2006/07 year and remains the lowest source of expense in Group 5.
- Tweed increased its borrowing costs by 28% on the previous 2006/07 year. The cost of borrowing for Tweed is 47% greater than the Group 5 average.
- Tweed has decreased the depreciation costs by 6% on the previous 2006/07 year. Depreciation costs remain 45% greater than the Group 5 average.



### 2.3 Financial Ratios

Ratio	TSC	Group 5	NSW	Industry benchmark
Current ratio (unrestricted)	2.38	2.63	2.86	>2:1 good
Debt service ratio	7.35	4.62	4%	n/a
Capital expenditure ratio	2.88	6.21	6.64	n/a

- The ability of Tweed to meet its financial obligations and level of liquidity is in the acceptable ratio above 2:1, indicating Tweed has 2 times the short-term liquid assets to cover short-term liabilities.
- Tweed expended 7.35% of income from continuing operations to service its debt obligations. It is generally accepted that funding for infrastructure by loans is a prudent financial strategy allowing for contributions to be paid over the life of the asset.
- Capital expenditure, Tweed had a net increase in asset value over the year with asset expenditure 2.8 times more than asset depreciation over the same period. This ratio excludes land, water and sewer infrastructure and does not make any allowance for asset revaluation that have occurred.

### 3. Corporate

#### 3.1 Equivalent full-time (EFT) staff

Category	EFT Staff
Tweed Shire	695
Group 5	845

### 4. Statutory Reporting

Tweed Council provided on time to the Department of Local Government the following statutory reports:

- Annual Report,
- State of the Environment Report,
- Access and Equity Report and
- Financial Reports.

Tweed Council has a published Community and Social Plan.

## 5. Environmental Management and Health Services

### 5.1 Environmental management and health expenses per capita

Category	Expenditure
Tweed Shire	\$43.98
Group 5	\$42.86
% of NSW \$30-\$45 per capita	21.7%

- Tweed has increased spending on environmental management and health services by 15% on the previous 2006/07 year.
- Shoalhaven was the highest ranked in Group 5 spending 2.5 times more than Tweed on environmental management and health services.

## 6. Recreation and Leisure Services

### 6.1 Net recreation and leisure expenditure per capita

Category	Expenditure
Tweed	\$73.68
Group 5	\$83.76
% of NSW \$60-\$90 per capita	33%

- Tweed improved spending on recreational and leisure services by 11.7% on the previous 2006/07 year.
- Tweed spent approximately 13% less than the Group 5 average.

## 7. Community Services

### 7.1 Community services expenses per capita

Category	Expenditure
Tweed	\$23.08
Group 5	\$25.61
% of Councils expenditure \$0-\$20	35%

- Tweed has improved expenditure on community services by 39.3% on the previous 2006/07 year.
- Tweed spent approximately 8% less than the Group 5 average.
- The Group 5 average is 1.36 times less than the NSW average of \$59.00.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

### POLICY IMPLICATIONS:

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.

---

**38 [TCS-CM] Quarterly Budget Review - 30 June 2009**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

This is the fourth quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2008/09 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, regulation 202 and 203. Council will have a balanced budget as at 30 June 2009 in the General, Water and Sewer Funds.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts the Quarterly Budget Review Statement as at 30 June 2009.**
- 2. Votes and adjusts the expenditure and income, as summarised below and detailed within the report, in accordance with the revised total expenditure and income for the year ending 30 June 2009.**

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<u>Expenses</u>		
Operating	875,546	0
Interest	0	0
Capital	845,000	0
Loan Repayments	0	0
Transfers to Reserves	2,076,273	0
	<u>3,796,819</u>	0
<u>Income</u>	0	0
Operating	0	2,801,819
Capital Grants & Conts	0	65,000
Loan Funds	0	150,000
Recoupments	0	0
Transfers from Reserves	0	780,000
Asset Sales	0	0
	<u>0</u>	<u>3,796,819</u>
Net Surplus/(Deficit)		<u><u>0</u></u>



Description	Change to Vote	
	Deficit	Surplus
<b>Water Fund</b>		
<u>Expenses</u>		
Operating	10,925	0
Interest	0	0
Capital	0	3,437,000
Loan Repayments	0	0
Transfers to Reserves	3,125,287	0
	<b>3,136,212</b>	<b>3,437,000</b>
<u>Income</u>		
Operating	0	83,712
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	60,800
Transfers from Reserves	445,300	0
	<b>445,300</b>	<b>144,512</b>
Net Surplus/(Deficit)		<b>0</b>
<b>Sewer Fund</b>		
<u>Expenses</u>		
Operating	343,388	0
Interest	0	0
Capital	0	2,815,500
Loan Repayments	0	0
Transfers to Reserves	120,612	0
	<b>464,000</b>	<b>2,815,500</b>
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	1,081,000	0
Transfers from Reserves	1,270,500	0
Asset Sales	0	0
	<b>2,351,500</b>	<b>0</b>
Net Surplus/(Deficit)		<b>0</b>



**REPORT:****Budget Review 30 June 2009 (Quarterly Budget Review)**

In accordance with regulation 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

**Report By Responsible Accounting Officer**

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Councils financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

The Financial reports included in the Quarterly Budget Review are as follows:

1. Variations
  - a) Variations Proposed
  - b) Introduced During Quarter – By Council Resolution
2. Budget Summary – by fund
  - a) By Type (including Available Working Capital)
  - b) By Division

**Variations**

There are two variations reports included in the Quarterly Budget Review during this quarter:

- Variations Proposed
- Council Resolutions

The Variations Proposed report details all of the recommended changes to budget that have been put forward by management at this review for Councils consideration.

The Council Resolutions report is provided as information to the Council and the community to explain the adjustments that have been included in the Approved Budget during the quarter.

## Income Statement

The Income Statement measures Council's financial performance over the period and shows whether or not Council has earned sufficient revenues to support its activities during that period, and whether or not surpluses have been created to fund additional or replacement assets to service community needs.

The statements show where Council's money comes from (Revenue) and how that revenue is consumed (Expenses) in providing the ordinary activities and services of the Council.

## Statement of Funding Result Reconciliation

The Funding Statement provides information about the source of cash and "cash like" funds, and how they have been (or are budgeted to be) applied in the Management Plan.

The "source" of funds includes the surplus or deficit (a negative source) from ordinary activities of Council as expressed in the Income Statement. In other words all of the ordinary activities of Council including collection of rates and other general income and provision of services are netted off and the remainder is available to provide a source of funds for other expenditure such as asset acquisition, loan repayments and transfer to reserve for future expenditure programs.

The programs that have had an effect on revenue are:-

Description	\$	Comments
<b>General Fund</b>		
Building Control Salaries	(30,000)	Salary savings (vacancy)
Building and Health Admin	14,236	Salaries
Building control other costs	20,349	Vehicle expenses
On-site Sewage Management	(16,859)	Salary savings (vacancy)
Conveyancing Drainage Diagrams	12,599	Economic downturn
Bldg Council Appl EP&AA	32,196	Economic downturn
Sundry Health Income	(21,075)	Footpath usage fees
Environmental Health Legal Expenses	(11,446)	Lower than expected
Art Gallery Salaries	22,000	Higher than expected
Art Income Sales/Workshops	(22,000)	Increase in activity
Banora Point Community Centre	13,000	Original budget sufficient
Banora Point Community Centre	(13,000)	Increase in activity
Tumbulgum Hall	5,455	Unscheduled maintenance
Community Workers Salary	20,000	Staff transfer
CCS Management	19,000	Staff transfer
Cultural Develop Salary	(44,455)	Leave savings
Murwillumbah Swimming Pool	83,554	Actual costs to run new pool
Murwillumbah Civic Centre	184,048	Increased costs due to extensions: electricity, cleaning, fire system compliance, electrical repairs
Entomology	(45,475)	Savings in operating costs
Cemeteries	(34,942)	Savings in maintenance costs
Environmental Health	(75,256)	Savings in legal and operating costs
Spots Ground Usage	(14,940)	Higher usage than anticipated
Development Assessment Income	(40,227)	Reimbursed costs from State Government
Drainage Maintenance	(45,428)	Budget savings
Professional Development	(11,334)	Budget savings
	0	

Full details:

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
<b>1.</b>		<b>Proposed Variations</b>			
		<b>General Fund</b>			
1	In	FAG Funds (general) for 09/10 received in advance	(6,088,430)	(1,535,679)	FAG Grant paid in advance
1	In	FAG Funds (roads) for 09/10 received in advance	(2,130,810)	(540,594)	FAG Grant paid in advance
1	Ex	Transfer above to reserve	0	2,076,273	restricting revenue received in advance
2	Ex	Expansion of Byrill Ck Restoration Program		30,000	Grant funds received
2	In	Dept of Environment & Climate Change		(30,000)	Funding for above
3	Ex	Coastal Community Group Storm Recovery		5,000	Project funded by NRCMA
3	In	Northern Rivers Catchment Authority grant		(5,000)	Funding for above
4	Ex	Bray Park Wetland		6,200	Grant funded project
4	In	Urban Sustainability Trust		(6,200)	Funding for above
5	Ex	Indian Myna Project (Salaries)		30,500	Allocate general budget to salaries budget
5	Ex	Indian Myna Project (General)	62,179	(30,500)	Allocate general budget to salaries budget
6	Ex	Minor traffic facilities	62,188	(4,727)	Transfer funds to below
6	Ex	Traffic facilities	208,362	4,727	Transfer funds from above
7	Ex	Blackspot program - Ducat St		65,000	Grant project
7	In	Blackspot grant		(65,000)	Funding for above
8	Ex	RTA Road Safety Audit - Lillian Rock to Uki		170,000	Grant project
8	In	RTA grant		(170,000)	Funding for above
9	Ex	Building Control Salaries	1,005,541	(30,000)	Salary savings (vacancy)
9	Ex	Building and Health Admin	342,676	14,236	Salaries
9	Ex	Building control other costs	109,643	20,349	Vehicle expenses
9	Ex	On-site Sewage Management	(30,746)	(16,859)	Salary savings (vacancy)
9	In	Conveyancing Drainage Diagrams	(105,000)	12,599	Economic downturn
9	In	Bldg Council Appl EP&AA	(672,619)	32,196	Economic downturn
9	In	Sundry Health Income	(87,975)	(21,075)	Footpath usage fees
9	Ex	Environmental Health Legal Expenses	38,741	(11,446)	Lower than expected
10	Ex	Art Gallery Salaries	328,961	22,000	Higher than expected
10	In	Art Income Sales/Workshops	(24,030)	(22,000)	Increase in activity
11	Ex	Banora Point Community Centre	70,000	13,000	Original budget sufficient
11	In	Banora Point Community Centre	(13,455)	(13,000)	Increase in activity
12	Ex	Tumbulgum Hall	2,545	5,455	Unscheduled maintenance
12	Ex	Community Workers Salary	112,926	20,000	Staff transfer
12	Ex	CCS Management	306,601	19,000	Staff transfer
12	Ex	Cultural Develop Salary	84,213	(44,455)	Leave savings
13	Ex	Murwillumbah Swimming Pool	478,368	83,554	Actual costs to run new pool
14	Ex	Murwillumbah Civic Centre	425,945	184,048	Increased costs due to extensions: electricity, cleaning, fire system compliance, electrical repairs
15	Ex	Mt Nullum Fire Trail - TSC contrib		35,016	RFS funded project
15	In	Mt Nullum Fire Trail - Grant		(23,000)	Funding for above
15	Ex	Bushfire management expenses		23,911	New program
15	In	Bushfire management income		(30,500)	Internal income for above
15	Ex	Noxious Weeds	130,824	(3,795)	Savings
15	Ex	Fire Hazard Reduction	79,927	16,097	Over expenditure due to additional unanticipated works required after Vic bushfires
15	Ex	Dune stabilisation	87,452	7,798	4WD beach access
15	in	4WD permit income		(7,798)	transfer from reserve
15	Ex	Sustainable Agriculture Program	84,213	(8,408)	Savings
15	Ex	Water quality control		5,493	Finalising costs for program

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
15	Ex	Acid sulfate soil		1,648	Finalising costs for program
15	Ex	Acid Soil Action		1,276	Finalising costs for program
15	Ex	Cudgen Lake		110	Finalising costs for program
15	Ex	Community Support Project Northern Rivers Catchment Authority grant		42,966	Grant funded project
15	In			(40,000)	Funding for above
15	Ex	Total catchment resource	35,672	(2,966)	Funding for above
15	Ex	SoE report	10,000	1,160	overspent
15	Ex	Sustainability Program	183,216	(1,160)	transfer costs for over expenditure
15	Ex	NRM recruitment	58,927	6,143	Overspent
15	Ex	Waterways salaries	82,139	(6,143)	transfer costs for over expenditure
15	Ex	Fingal Rd Dune Fence		20,003	Council's contribution
15	In	Fingal RD Dune Fence income		(16,921)	Funding for above
15	Ex	Foreshore Protection	14,700	(3,082)	transfer costs for TSC contribution
15	Ex	Boat Ramps	14,800	1,594	Overspent
15	Ex	Wharves maintenance	17,600	(1,594)	transfer funds for over expenditure
15	In	Pontoon licences	(20,000)	20,000	No income generated
15	Ex	Tweed River Festival	35,000	4,680	Overspent
15	In	Tweed River Festival income	(35,000)	(4,680)	Funding for above
15	Ex	Community Water Grants	88,023	(37,848)	Grant did not proceed. Reallocate Council's commitment
16	Ex	Entomology	230,635	(45,475)	Savings in operating costs
17	Ex	Cemeteries	704,380	(34,942)	Savings in maintenance costs
18	Ex	Environmental Health	761,369	(75,256)	Savings in legal and operating costs
19	In	Sports Ground Usage	(58,271)	(14,940)	Higher usage than anticipated
20	In	Development Assessment Income		(40,227)	Reimbursed costs from State Government
21	Ex	Drainage Maintenance	135,490	(45,428)	Budget savings
22	Ex	Professional Development	72,933	(11,334)	Budget savings
				0	
		<b>Water Fund</b>			
23	Ex	Various operating expenses		10,925	Minor adjustments
23	In	Annual charges		(83,712)	Higher than expected
23	Ex	Various capital works		(3,437,000)	Deferrals and adjustments
23	Ex	Transfers to Asset replacement reserve		3,125,287	Funding adjustment
23	In	Transfers from Asset Replacement Reserve		445,300	Funding adjustment
23	In	Transfers from Capital Contributions Reserve		(60,800)	Funding adjustment
				0	
		<b>Sewer Fund</b>			
24	Ex	Various operating expenses		343,388	Minor adjustments
24	Ex	Various capital works		(2,815,500)	Deferrals and adjustments
24	Ex	Transfers to Asset replacement reserve		120,612	Funding adjustment
24	In	Transfers from Asset Replacement Reserve		1,270,500	Funding adjustment
24	In	Transfers from Capital Contributions Reserve		1,081,000	Funding adjustment
				0	
		<b>2. Variations Arising from Council Resolutions</b>			
25	Ex	Tweed Valley Risk Management Plan		150,000	Meeting 21/4/09
25	In	Grant funds for above		(100,000)	Meeting 21/4/09
25	In	Unexpended loans - Council funds		(50,000)	Meeting 21/4/09
26	Ex	Sth Tweed Levee Study		90,000	Meeting 21/4/09
26	In	Grant funds for above		(60,000)	Meeting 21/4/09
26	In	Unexpended loans - Council funds		(30,000)	Meeting 21/4/09
27	Ex	Tweed Shire Flood Warning System		45,000	Meeting 21/4/09
27	In	Grant funds for above		(45,000)	Meeting 21/4/09
28	Ex	Tweed Shire Coastal Creeks.		210,000	Meeting 21/4/09
28	In	Grant funds for above		(140,000)	Meeting 21/4/09
28	In	Unexpended loans - Council funds		(70,000)	Meeting 21/4/09



Item	In/Ex	Description	Current Vote	Change to Vote	Comments
29	Ex	Land purchase Eviron		780,000	Meeting 21/4/09
29	In	Waste reserves		(780,000)	Meeting 21/4/09
				0	
<b>Summary of Revotes by Type</b>					
		2008/09 Variations		0	
		Council Resolutions		0	
		Carried forward		0	
<b>Summary of Revotes - by Category</b>					
<u>Expenses</u>					
		Operating		1,229,859	
		Interest		0	
		Capital		(5,407,500)	
		Loan Repayments		0	
		Transfers to Reserves		5,322,172	
				1,144,531	
<u>Income</u>					
		Operating		(2,885,531)	
		Capital Grants & Conts		(65,000)	
		Loan Funds		(150,000)	
		Recoupments		1,020,200	
		Transfers from Reserves		935,800	
		Asset Sales		0	
				(1,144,531)	
		Net		0	
<b>Summary of Revotes - by Division</b>					
		Technology & Corporate Services		529,260	
		Planning & Regulation		(115,483)	
		Community & Natural Resources		(45,475)	
		Engineering & Operations		(368,302)	
		General Manager		0	
				0	

## Budget Summary

	General Fund		Water Fund		Sewer Fund		Total
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	

### Income Statement

#### **Operating Expenses**

Materials & Contracts	24,186	39,749	2,795	2,928	3,313	3,920	46,597
Employee Costs	32,382	32,586	2,600	2,600	4,500	4,500	39,686
Interest Charges	4,056	4,212	3,628	2,449	263	263	6,924
Depreciation	14,001	14,001	7,407	7,407	12,702	12,702	34,110
Other Operating Expenses	5,000	4,989	750	750	750	750	6,489
	<b>79,625</b>	<b>95,537</b>	<b>17,180</b>	<b>16,134</b>	<b>21,528</b>	<b>22,135</b>	<b>133,806</b>



	General Fund		Water Fund		Sewer Fund		Total
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	
<b>Operating Revenue</b>							
Rates & Annual Charges	43,146	44,077	2,886	2,962	15,782	15,692	62,731
User Charges & Fees	12,543	11,863	11,806	9,646	1,547	1,549	23,058
Interest	2,502	2,502	106	106	106	106	2,714
Other Operating Revenue	1,300	1,300	50	1,350	50	50	2,700
Grants & Contributions	13,397	20,110	424	424	442	442	20,976
	<b>72,888</b>	<b>79,852</b>	<b>15,272</b>	<b>14,488</b>	<b>17,927</b>	<b>17,839</b>	<b>112,179</b>
Surplus/(Deficit) before Capital Amounts	<b>(6,737)</b>	<b>(15,685)</b>	<b>(1,908)</b>	<b>(1,646)</b>	<b>(3,601)</b>	<b>(4,296)</b>	<b>(21,627)</b>
Grants & Contributions (Capital amounts)	6,544	8,106	5,088	3,614	3,122	2,026	13,746
<b>Surplus/(Deficit) after Capital Amounts</b>	<b>(193)</b>	<b>(7,579)</b>	<b>3,180</b>	<b>1,968</b>	<b>(479)</b>	<b>(2,270)</b>	<b>(7,881)</b>
<b>Funding Result Reconciliation</b>							
<i>Add Back non-funded items:</i>							
Depreciation	14,001	14,001	7,407	7,407	12,702	12,702	34,110
Internal Transfers	6,733	6,581	(3,440)	(3,440)	(3,093)	(3,093)	48
	20,541	13,003	7,147	5,935	9,130	7,339	26,277
Transfers from Externally Restricted Cash	12,109	15,997	6,038	2,415	3,424	1,483	19,895
Transfers from Internally Restricted Cash	545	14,020	16,617	3,937	5,277	2,459	20,416
Proceeds from sale of assets	1,815	1,815		0		0	1,815
Loan Funds Utilised	9,129	19,253	40,545	54,060		0	73,313
Repayments from Deferred Debtors							
	44,139	64,088	70,347	66,347	17,831	11,281	141,716
<i>Funds were applied to:</i>							
Purchase and construction of assets	(31,285)	(50,179)	(60,721)	(52,872)	(10,205)	(4,908)	(107,959)
Repayment of principal on loans	(4,116)	(2,408)	(238)	0	(497)	(497)	(2,905)
Transfers to Externally Restricted Cash	(5,308)	(5,308)	(4,989)	(3,614)	(2,392)	(1,736)	(10,658)
Transfers to Internally Restricted Cash	(3,430)	(6,193)	(4,399)	(9,861)	(4,737)	(4,140)	(20,194)
<b>Increase/(Decrease) in Available Working Capital</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Available Working Capital Previous Financial Year	200	200	2,000	2,000	2,000	2,000	4,200
<b>Available Working Capital as at 30 June 2009</b>	<b>200</b>	<b>200</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>4,200</b>

**Summary by Division**

	Original Budget	Revised Budget
Surplus/(Deficit)		
Technology & Corporate Services	(42,905,799)	(44,308,100)
Planning & Regulation	5,143,714	6,422,686
Community & Natural Resources	7,813,719	7,991,721
Engineering & Operations	27,492,226	26,754,225
General Manager	2,456,140	3,139,468
	<b>0</b>	<b>0</b>

**General Fund**

The General Fund is expected to remain as a “balanced budget”.



**Water Fund**

The Water Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs and is expected to remain as a balanced budget.

**Sewer Fund**

The Sewer Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs and is expected to remain as a balanced budget.

**Statutory Statement – Local Government (General) Regulations 2005  
(Sections 202 & 203) by “Responsible Accounting Officer”**

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

- (a) establish and maintain a system of budgetary control that will enable the council’s actual income and expenditure to be monitored each month and to be compared with the estimate of the council’s income and expenditure, and*
- (b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**203 Budget review statements and revision of estimates**

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:*
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) if that position is unsatisfactory, recommendations for remedial action.*
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

**Statutory Statement**

**I consider that the financial position of Council is satisfactory “having regard to the original estimate of income and expenditure”.**



M A Chorlton  
**“Responsible Accounting Officer”**  
**Manager Financial Services**  
**Tweed Shire Council**



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

As discussed in the report.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**39 [TCS-CM] Monthly Investment Report for Period Ending 31 July 2009**

**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.

There is a requirement by our investment consultant to allow at least 5 working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be an addendum report provided to Council for consideration at its meeting on 18 August 2009.

**RECOMMENDATION:**

**Refer to addendum report.**

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**40 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2009**

VENUE:

Tweed Heads Civic Centre – South Sea Islander Meeting Room

TIME:

9.30am

PRESENT:

Mayor Joan Van Lieshout (Tweed Shire Council), Councillor Dot Holdom (Tweed Shire Council), Councillor Katie Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Vince Connell (Tweed Shire Council), Lesley Buckley (Tweed Shire Council), Lesley Mye (Tweed Shire Council), Dr Glenda Nalder (Community), Max Boyd (Community), Jackie McDonald (Tweed Wollumbin AECG), Joyce Summers (Canowindra), Rob Slockee (Commercial Fisher), Vicki Cora (Aboriginal Home Care), Ian Fox, Harry Boyd (Ngarak – Wal) & Michael Corke (Visitor).

APOLOGIES:

Marvette Logan, Maureen Logan, Chris Morgan

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the apologies be accepted

Carried unanimously

---

The Chair was declared vacant and nominations were called. Garth Lena was nominated and was unanimously elected to Chair the meeting.

Garth opened the meeting with a welcome to all present and paid respect to Elders past and present

---

MINUTES OF PREVIOUS MEETING:

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the minutes of the meeting held Friday 6 March 2009 be accepted as a true and accurate record of the proceedings of that meeting.

Carried unanimously

---

BUSINESS ARISING:

Item from Meeting held Friday 5 December 2008

BA 1 Draft – Tweed Coast Regional Crown Reserve

Ms Mye advised the committee that an invitation to attend a meeting of this Committee had been extended to Kevin Cameron, Department of Lands, Tweed Heads Office. To date, no response has been received.

---

Item from Meeting held Friday 5 December 2008

BA 2 Cultural Awareness Training

Ms Mye advised the Committee that the Councillors' training session was very successful.

---

Item from Meeting held Friday 6 June 2008

BA 3 Kerry Turner – Ethical Productions, Murwillumbah Showground Event Proposal

Ms Mye gave an update on the Unity Festival and general discussion was undertaken.

Moved: Jackie McDonald

Seconded: Councillor Holdom

RESOLVED that Council forward a letter of support to Kerry Turner – Ethical Productions supporting the Unity Festival.

Carried unanimously

---

Item from Meeting held Friday 5 December 2008

BA 4 Repco Rally Australia 2009

Ms Mye received no nominations with regard to a Cultural Welcome.

---

Item from Meeting held Friday 6 May 2005

BA 5 Entry Points to Tweed Shire

Ms Mye tabled a map of the two areas in question. The Numinbah entry site will use the endorsed wording. However, a decision on the Kyogle Road entry was deferred until the next meeting to clarify the actual site.

---

---

Item from Meeting held Friday 6 March 2009

BA 6 Mr Harry Boyd

Ms Mye advised Mr Boyd that Department of Aboriginal Affairs do not perform mediation. Ms McDonald advised Mr Boyd that Native Title Services can offer to do so.

---

Item from Meeting held Friday 6 March 2009

BA 7 Twin Towns Services Club - Proposed Development Application

David Oxenham advised the Committee that the proposed development of Twin Towns Service Club will have no impact on Goorimahbah.

---

Item from Meeting held Friday 6 February 2009

BA 8 Hel-a-va Jet Boats

Ms Mye tabled the conditions imposed in regard to the Development Application.

---

Item from Meeting held Friday 7 December 2007

BA 9 Piggabeen Road Deviation

Mr Ian Fox tabled the Archaeological Excavation and Cultural Heritage Assessment of the Piggabeen Road Shell Midden. The following recommendations were ratified: -

Recommendation 1	Radiocarbon Dating	ongoing
Recommendation 2	Artefact Reinterment	pending
Recommendation 3	An Aboriginal Road Name	Elder or family name
Recommendation 4	Cultural Awareness Training	ongoing
Recommendation 5	Monitoring	Cyril Scott TBLALC

In regard to Recommendation 2 Jackie McDonald and Kyle Slabb will advise the most appropriate area for the Reinterment.

In regard to Recommendation 3 Joyce Summers, Jackie McDonald and Kyle Slabb will supply appropriate information.

---

Item from Meeting held Friday 1 August 2008

BA 10 Proposed dam site - Byrill Creek Cultural Heritage Assessment

Mr Fox tabled the first draft of the Byrill Creek Cultural Heritage Assessment and informed the Committee that the final report should be completed shortly.

---

Item from Meeting held Friday 2 November 2007

BA 11 Aboriginal Advisory Committee

Mr Oxenham asked if the Committee would prefer to meet bi-monthly. The Committee resolved that monthly meetings were appropriate. The Committee further resolved that the Aboriginal Statement announced before each Council meeting need not be repeated at Aboriginal Advisory Committee meetings.

---

Item from Meeting held Friday 5 August 2005

BA 12 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Discussion was undertaken about the design of the old Border Caravan Park site. Councillor Milne advised the committee there the option was available to revert the plans back to the original design (2006).

---

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 6 March 2009 meeting has been dealt with.

Carried unanimously

---

GENERAL BUSINESS:

GB 1 Mayor Joan Van Lieshout

The Mayor gave a brief background on herself and advised the Committee how she looks forward to getting to know the Committee better in the future.

---



GB 2 Vince Connell – Director Plan & Regulations

Vince Connell gave a brief background of himself and general discussion was undertaken concerning the local Aboriginal Cultural Heritage and how Council can assist with recognising this. Mr Connell informed the Committee that there needs to be a balance in regard to Development Applications.

Mr Connell tabled the draft “Considering Aboriginal Heritage Issues” in Council’s new Development Application Preparation guide and asked for feedback. He also stated that a process is being developed to assist with displaying all culturally significant sites.

Ms Buckley asked Mr Connell did Leichhardt Council have a Cultural Heritage Advisor and perhaps that is the missing link between Council and Community and Council may consider a Local Government Partnership with the Heritage Office. Max Boyd suggested that an Aboriginal Heritage Study be undertaken of the whole Shire.

---

GB 3 Michael Corke

Mr Corke requested Aboriginal Cultural Heritage information in regard to his future business plans. General discussion was undertaken and the Committee instructed Ms Mye to forward the appropriate contacts to Mr Corke.

The Committee requested that Mr Corke keep the Committee informed.

---

GB 4 Rob Slockee

Mr Slockee tabled correspondence in regard to his Spanner Crabs licences and issues he has and general discussion was undertaken.

Moved: Max Boyd  
Seconded: Councillor Holdom

RECOMMENDED that on the basis of the information given today by Rob Slockee who is the only fisher person who identifies as Aboriginal, this Committee has grave concerns at the apparent unfair treatment which has been handed to him. The Committee would like an explanation as to why this is now deemed as an urgent matter as to why this is necessary.

Carried unanimously

Moved: Max Boyd  
Seconded: Jackie McDonald

Carried unanimously

---

GB 5 Natascha Wernick, Ukitopia Arts Collective – Youth Arts Festival

Ms Mye tabled correspondence asking if James McKenzie and Harry Boyd could perform the Welcome to Country at the Festival. General discussion was undertaken and the

---

Committee advised Ms Mye that under no circumstance could James McKenzie perform a Welcome to Country and that the Committee had no comment in regard to Harry Boyd performing the Welcome to Country.

---

GB 6 Eviron Road Quarry and Landfill

Mr Fox advised the Committee that he has been engaged to facilitate a Cultural Heritage Assessment for Eviron Road Quarry and Landfill to be completed by 10/06/2009.

Garth Lena was nominated on behalf of Minjungbal Museum and Kyle Slabb advised that Cyril Scott will be attending on behalf of Tweed Byron Local Aboriginal Land Council.

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that Mark Cora be endorsed as the Committee's representative

Carried unanimously

---

GB 7 Cultural Heritage Assessment for the entire Tweed Shire

Mr Boyd suggested that the entire Shire be mapped and in doing so staff at Council will be alerted to possible significant sites.

Mr Slabb stated that there would need to be guidelines and a plan of management in place.

Moved: Max Boyd

Seconded: Joyce Summers

Carried unanimously

Moved: Max Boyd

Seconded: Kyle Slabb

MOTION that Council prepare a process and or protocol between the Aboriginal Community and Tweed Shire Council to ensure that Aboriginal Heritage is given prominence in dealing with Development Applications within the Shire.

Carried unanimously

---

GB 8 Flagstaff Hill

Dr Nalder enquired if the Department of Lands have granted Council the lease in regard to the Tweed Museum site. Mr Oxenham informed the Committee that he has no knowledge of the lease being granted. Ms McDonald enquired about future consultation with Gold Coast Native Title in regard to the proposed Museum and Mr Oxenham informed the committee that future consultation will take place.

---

GB 9 Nightcap Village Development Kunghur

Ms McDonald advised the Committee that more investigation was required in regard to this development and that the massacre site was not mentioned by the Consultant. General discussion was undertaken.

Moved Garth Lena

Seconded Joyce Summers

RESOLVED that Tweed Shire Council Aboriginal Advisory Committee request that Councillor Milne propose an amendment to the Development Conditions of the Nightcap Village Development Kunghur.

That the Developer undertakes further consultation with the Aboriginal Community and revises the Aboriginal Cultural Heritage Management Plan to include a further inspection after initial ground clearance.

Carried unanimously

---

GB 10 Faith Bandler – Order of Australia

Moved: Max Boyd

Seconded: Garth Lena

RESOLVED that the Committee request Council to pass on their congratulations to Faith Bandler.

Carried unanimously

---

Incoming Correspondence

RepcO Rally Australia

Unity Festival

Piggabeen Road shell midden report

Memorandum of Understanding – In relation to the cooperative management of the Cobaki Broadwater and its catchment

Minutes – Wollumbin Meeting – 12/02/2009 and 09/04/2009

Everick Heritage Consultants – Aboriginal Cultural Heritage Assessment, Rise Estate

TAFE Kingscliff – The Aboriginal Cultural Education Program

Belly to Big School

---

Ukitopia collective

Everick Heritage Consultants – Wooyung Residential Subdivision

RTA – Pacific Highway Banora Point upgrade

Koori Kids - NAIDOC Week 2009

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that all inward correspondence be received and noted.

Carried unanimously

---

**NEXT MEETING:**

The next meeting of the Aboriginal Advisory Committee will be held Friday 5 June 2009, at 9.00 am in the South Sea Islander Room, Tweed Civic Centre, Brett Street, Tweed Heads.

The meeting closed at 1.25pm

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

**GB 4 Rob Slockee**

As per the Committee's recommendation being:-

***That Council contacts the Department of Primary Industries and advises them of the concerns in relation to changes to the Spanner Crab Endorsement and the impact on the local Aboriginal endorsement holders and request the Department meet to consider maintaining existing arrangements.***

---

**GB 7 Cultural Heritage Assessment for the entire Tweed Shire**

As per the Committee's recommendation being:-

***That Council sets aside funds in a future budget to undertake a Cultural Heritage Study of the entire Shire.***

---

**41 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 June 2009**

VENUE:

Tweed Heads Civic Centre – South Sea Islander Meeting Room

TIME:

9am

PRESENT:

Councillor Holdom (Tweed Shire Council), Councillor Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Vince Connell (Tweed Shire Council), Max Boyd (Community), Inspector Greg Jago (NSW Police), Kyle Slabb (Tweed Byron Local Aboriginal Land Council), Rick Nolan (indigenous Consultant Employment Plus Salvation Army), Rob Slockee (Aboriginal Commercial Fisher), Maureen Logan (Community Elder), Harry Boyd (Ngaraakwal), Lesley Buckley (Tweed Shire Council), Joyce Summers (Canowindra Aged & Disability Coop), Jackie McDonald (Tweed Wollumbin AECG), Garth Lena (Minyunbal Community) Ron Uphill (On-q Human Resources), Ian Fox (Archaeo Cultural Heritage), Gilbert King (Ngandanwal), Bo Lourey (Cavanagh, Lourey, Avuri, Percy families Ngarakwal & Ngnangdowal) Glenda Nalder (Community), Barbara Oliver (Community), Reg King (Ngandanwal), & Lesley Mye (Tweed Shire Council).

APOLOGIES:

Chris Morgan, John Cavanagh,

MINUTES OF PREVIOUS MEETING:

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the apologies be accepted

Carried unanimously

---

The Chair was declared vacant and nominations were called. Rick Nolan was nominated and was unanimously elected to Chair the meeting.

Rick opened the meeting with a welcome to all present and paid respect to Elders past and present

---

Moved: Max Boyd

Seconded: Maureen Logan

RESOLVED that the Committee defer Business Arising

Carried unanimously

---

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Councillor Holdom

RESOLVED that the minutes of the meeting held Friday 1 May 2009 be accepted as a true and accurate record of the proceedings of that meeting with the following amendment.

Carried unanimously

Amendment

Item from Meeting held Friday 5 August 2005

BA 12 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Discussion was undertaken about the design of the old Border Caravan Park site. Councillor Milne raised concerns with stage 1 and the natural edge of the Harbour and the effect that the proposed construction will have on the shore.

---

BUSINESS ARISING:

BA 1 Vince Connell – Tweed Shire Council

Vince Connell tabled a final draft document in regard to Development Application process, Aboriginal Heritage Assessments. Mr Connell tabled information from Sutherland Shire Council which we can hopefully adopt for our local area and advise the Committee that Sutherland Shire Council has a Cultural Heritage Officer on staff.

Council may invite an officer from Sutherland Council to discuss the process with the committee. Information will be distributed to the Committee to ratify the document at a future Committee meeting.

---

Item from Meeting held Friday 2 November 2007

BA 2 Aboriginal Advisory Committee

Director Community and Natural Resources David Oxenham advised that the public are entitled to attend Council's Committee meetings. The Chairperson advised the Githabul mob that if they wished to attend today's meeting they should have followed the standard protocol of contacting the Aboriginal Liaison Officer and requesting to be placed on the Agenda.

Mr Oxenham advised that this Committee needs a nominated chairperson for the term of the Committee. This Committee is an Advisory Committee to Council and as such the Code of Conduct is to be followed at all times.

It was suggested that perhaps the Terms of Reference can be amended so that each organisation representative can be named along with their alternative. Ms Lesley Buckley advised that the protocols may need to be amended and that "Nomination of an Elected Chairperson" be placed on the next agenda.

Dr Glenda Nalder advised all that the committee is composed of members of the local Aboriginal & Torres Strait Islander Community. Dr Nalder advised both Ms Wheildon and Mr McKenzie have spoken untruths about the local Tweed Aboriginal & Torres Strait Islander community and that Ms Wheildon had been invited to attend a committee meeting but had declined the invitation. Mr McKenzie had spoken to the Committee at a prior meeting.

Aunty Joyce Summers spoke about the boundaries of the Githabul Native Title Claim and the small parcel of land that their Native Title Claim comes into the Shire. The small parcel of land is situated in the Boarder Ranges National Park and no body resides there.

Members of the Committee enquired as to why the Githabul mob were interested in the Jack Evans Boat Harbour Re-Development especially "Goorimabah" as their Native Title Claims does not cover the area in question.

Mr Oxenham further advised that any issues that the Githabul mob have with the Tweed Aboriginal Community is not a Local Government issue and should therefore be settled by the two groups via the process of Community Meetings, with the next scheduled for 4 July 2009, to be held at Minjungbal Museum.

---

Item from Meeting held Friday 5 August 2005

BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Mr Max Boyd advised the committee that he would like to discuss the Jack Evans Boat Harbour project while the Githabul mob was attending today's meeting.

Mr Harry Boyd requested it be noted in the Minutes that the Jack Evans Boat Harbour area is Ngarakwal and Githabul Country, not Ngandawal Country, and that he would "like the records be set right".

The Githabul representatives advised that their Native Title Claim does not cover the area where Goorimabah will be built in the proposed Jack Evans Boat Harbour re-development.

Ms McDonald enquired as to why they have come to this meeting today as this is not how Aboriginal people do business. Mrs Barbara Oliver advised Ms Jackie McDonald that she is not Aboriginal that she is South Sea Islander. Ms McDonald advised everyone that there are many Aboriginal families that have connection to Ngandawal Country.

Ms Lesley Buckley advised the Committee of what was tabled, discussed and resolved by the IPPP Sub Committee.

Ms Buckley advised that Council had received submissions relating to Cultural Heritage, lack of consultation or consulting incorrect people, water quality and the naming.

Ms Buckley advised that due process has been followed and connection with the rightful people was established.

Dr Glenda Nalder spoke in regard to the naming and how the appropriateness of the language was determined with the assistance of Kyle Slabb, a descendant of the Traditional Owners of this Country, the IPPP Sub-Committee and the Aboriginal Advisory Committee. The advice is that goorima (gourema) is accepted as the local dialect for the word "story". "Goorimabah" translates as Place of Stories.

Ms Buckley asked was it appropriate to use the Public Art Strategy preamble and the Committee agreed.

Moved: Jackie McDonald

Seconded: Councillor Holdom

RECOMMENDATION that Council be advised that the Githabul Native Title Claim has no impact over the Jack Evans Boat Harbour Project "Goorimabah"

Carried unanimously

Councillor Milne asked Mr Oxenham about funding. Mr Oxenham advised that the first funding stage was unsuccessful and that Council is seeking funds from both Federal and State Government sources. Discussion was held on forwarding an invitation to the Member for Richmond, Justine Elliott, to attend a future meeting.

Moved: Garth Lena

Seconded: Councillor Holdom

RESOLVED that the Aboriginal Liaison Officer extends an invitation to Justine Elliot on behalf of the Committee to attend a future Committee meeting

Carried unanimously

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the Committee resume standing orders.

Carried unanimously

---

Item from Meeting held Friday 5 August 2005

BA 4 Banora Point Caravan Park

Ms McDonald advised the Committee that work has commenced on the site of the former Banora Point Caravan Park and she has concerns that a Cultural Heritage Assessment has not been carried out prior to the work commencing.

---



Councillor Holdom advised the Committee that appropriate Council officers are overseeing the work and that Cultural Heritage Issues are in hand.

---

Item from Meeting held Friday 1 May 2009

BA 5 Councillor Joan van Lieshout (Mayor) - Aboriginal Statement

Ms McDonald enquired as to why the Mayor is not reading the Aboriginal Statement and was there any apparent reason. David Oxenham advised the Committee he was unsure of the reason the Statement was not being read.

---

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 1 May 2009 meeting has been dealt with.

Carried unanimously

---

GENERAL BUSINESS:

GB 1 Ron Uphill, ON-Q Human Resources

Mr Uphill gave a brief background on his role and also advised the Committee that he is a part-time member of Forum Sentencing. In his role at ON-Q Mr Uphill works with disability clients and introduces his clients back into the work force.

Mr Uphill advised Forum Sentencing is open to all offenders. The Justice Department recommends offenders to the Forum and throughout the process Mr Uphill respects each individual client's culture.

---

GB 2 NSW Police Force – Introduction of Inspector Greg Jago

Inspector Greg Jago gave a brief introduction on his role in the NSW Police Force. Inspector Jago is the Duty Officer for Kingscliff and Murwillumbah and he handles Aboriginal Issues in the Local Area Command. Inspector Jago advised the Committee that the NSW Police Department employ Aboriginal Community Liaison Officers to assist with Aboriginal & Torres Strait Islander issues.

Two Aboriginal Community Liaison Officers positions are currently being advertised. One of the positions is for a full time male Aboriginal Community Liaison Officer and the second is for a temporary part time Aboriginal Community Liaison Officer (female) for a 12 month period.

---

Inspector Jago advised that the Tweed Byron Local Area Command Aboriginal Consultative Committee has reformed however the committee lacks representatives from the Tweed Aboriginal & Torres Strait Islander Community. Inspector Jago requested to attend this forum and table issues relating to the Community.

Moved: Garth Lena

Seconded: Maureen Logan

RESOLVED that the Committee endorse the request of Inspector Greg Jago that he attends this Committee to discuss police matters regarding the local Aboriginal & Torres Strait Islander Community

Carried unanimously

---

### GB 3 Rob Slockee – Fishing Licence issues

Mr Slockee tabled information at the May 2009 Committee meeting in regard to the Spanner Crab licence and advised the Committee that this issue has now been partly resolved.

Mr Slockee tabled correspondence in regard to his Ocean Haul Business Share Fishery Licence. He is seeking an amendment to the licence and has requested that Council support his application.

Moved Joyce Summers

Seconded Maureen Logan

Recommendation that Council contact Director General Richard Sheldrake NSW Department Primary Industries in support of Mr Rob Slockee's request.

Carried unanimously

---

### GB 4 Nightcap Village Development Kunghur

Director of Planning Regulation Vince Connell gave an update on the Nightcap Village Development. He advised that approx 1000 people will be residing in the Village and that support in principle has been given by Council until further research is completed so that final approval can be sought from Council.

---

### GB 5 Ian Fox, Archaeological Cultural Heritage re: Proposed Scenic Drive Diversion

Mr Fox advised the Committee that there is a proposal to decrease the usage of Scenic Drive and McAllister's Road interchange.

The proposed route has not been determined and Mr Fox enquired who needs to be consulted in regard to Cultural Heritage Assessment of the area.

---

The Committee advised Mr Fox that consultation is required with Tweed Byron Local Aboriginal Land Council, Minjungbal Museum and the Aboriginal Advisory Committee.

The Committee suggested that Mr Fox approach Mark Cora to perform the Cultural Heritage Assessment of the area. Mr Fox advised that the Assessment will be taking place in approximately four weeks.

---

GB 6 World Environment Day

Mr Oxenham advised the Committee that he has been approached to seek advice from the Committee in regard to a Welcome to Country on World Environment Day.

After much discussion the following was decided.

Moved: Councillor Holdom

Seconded: Maureen Logan

RESOLVED that the Committee endorse Mrs Deidre Currie to perform the Welcome to Country at World Environment Day, to be held on 14 June 2009

Carried unanimously

---

Incoming Correspondence

Tweed Tourism – Clarification on the dual naming of Wollumbin/Mt Warning

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that all inward correspondence be received and noted.

Carried unanimously

---

NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held Friday 7 August 2009, at 9.00am in the Activities Room, HACC Centre, Heffron Street, Tweed Heads South.

The meeting closed at 2.20pm

**DIRECTOR'S COMMENTS:**

**Nil**

**DIRECTOR'S RECOMMENDATIONS:**

**Item from Meeting held Friday 5 August 2005**

**BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project**

*That Council notes the Aboriginal Advisory Committee advice that the Githabul Native Title Claim has no impact over the Jack Evans Boat Harbour Project “Goorimabah”.*

**GB 3 Rob Slockee – Fishing Licence issues**

**The Committee's recommendation to be amended to read:**

*That Council contact Director General Richard Sheldrake NSW Department Primary Industries in support of Mr Rob Slockee’s request seeking an amendment to the proposed Spanner Crab licence changes.*

---

**42 [SUB-FMC] Minutes of the Floodplain Management Committee (Joint Sub-Committee) Meeting held Monday 13 July 2009**

File No: FLOODPLAIN MANAGEMENT COMMITTEE

Venue:

Mount Warning Room, Murwillumbah Civic Centre

Time:

10.00am

Present:

Councillor Kevin Skinner, Mr Danny Rose, Mr Patrick Knight, Ms Denise Galle, Mr Ian Dinham (Tweed Shire Council), Mr Brian Sheahan (State Emergency Services), Ms F Cecil (Chinderah Districts Residents Association Inc), Mr Robert Quirk, Mr Max Boyd, Mr James Flockton (Byron Shire Council), Mr Matthew Lambourne.

Informal: Benn Essery (TSC).

Guests: Ms Sharon Wallace & Ms Fanny Houdre (BMT WBM).

Apologies:

Mr Lindsay McGavin (Tweed Shire Council), Mr Toong Chin (Dept of Environment & Climate Change), Mr Phillip Holloway, Councillor Tom Tabart (Byron Shire Council), Mr Noel McAviney (State Emergency Services), Mr Jim Mangleson, Mr Lutz Gaedt.

Minutes of Previous Meeting:

Moved: Felicia Cecil

Seconded: Matthew Lambourne

RESOLVED that the Minutes of the Floodplain Management Committee (Joint Sub-Committee) meeting held Friday 19 December 2008 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BMT WBM have proceeded to run design flood events using the calibrated model that was endorsed at the previous Committee meeting, and have compiled a draft report, which is the subject of this meeting.

Technical members of the committee (TSC, BSC, DECC) have met with the consultants since the last meeting to clarify issues relating to the design events, finalise model assumptions and discuss the required outputs from the flood study (maps, GIS files etc).

Matthew Lambourne tabled the results of the model verification exercise he requested at the last meeting. The figure provided confirmed that the draft model closely replicated Matthew's recorded observations for the peak of the 2005 flood event upstream and downstream of the Kallaroo Circuit bund. BMT WBM have included this figure in their draft report.

General Business:

1. Changes to Committee Membership

Tweed Shire Council has appointed community representatives to the Floodplain Management Committee, and thus the joint Sub-Committee. Felicia Cecil and Robert Quirk have been reappointed. Max Boyd, who was previously a Councillor/Administrator representative to the Committee, has now been appointed as a community representative. Lutz Gaedt is a new community representative to the Committee.

---

2. BMT WBM Presentation

Consultants Sharon Wallace and Fanny Houdre of BMT WBM provided a comprehensive briefing to the Committee, regarding the progress of the Coastal Creeks Flood Study. A copy of the PowerPoint presentation slides was provided to each Committee member. A copy of the draft flood study report and associated maps will be distributed to Committee members separately soon (awaiting printing).

Many questions were asked and discussion ensued. Of particular interest to Tweed members of the Joint Committee were flooding conditions in and around the proposed Kings Forest Development, particularly where it affected emergency access to the site. It was noted that the site was a "high island", with land above PMF level.

The Committee noted that in one of the tables presented, it appeared that Q500 peak flows were less than the Q100 peak flows. Sharon explained that this was due to the different methods used for these extreme events, and that due to different temporal patterns, the Q500 was larger over the entire event. This issue is explained in more detail in the draft report.

Committee members were encouraged to review the draft report, and provide any feedback to Danny Rose (TSC) or James Flockton (BSC), who will follow up any issues with the consultants.

Moved: Patrick Knight

Seconded: Max Boyd

That the Joint Sub-Committee recommends that the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

RECOMMENDATION:

That the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

3. General Business

- a) Max Boyd requested that Committee members be provided with hard copies of the NSW Floodplain Development Manual (2005). While Tweed Shire Council does not have any spare copies, a request will be made to DECC to provide additional copies if possible.

The Committee was reminded that the Manual is available as a free download on the DECC website.

- b) Danny Rose provided a general update regarding Tweed's ongoing issues with Department of Planning (DOP) in providing a flooding clause in the forthcoming draft LEP, and potential impacts for existing risk management strategies. Conflicts between DOP and Manual definitions of flood prone land were discussed. Patrick Knight and Ian Dinham have been involved in meetings with senior Department staff and the Minister, and it is hoped that the issues can be resolved soon.
- 

Next Meeting:

The next meeting of Floodplain Management Committee (Joint Sub-Committee) will be held once the final report is prepared following completion of the public exhibition period.

The meeting closed at 12 noon.

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

**2. BMT WBM Presentation**

**As per the Committee's recommendation being:-**

**That the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.**

---

---

**43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 July 2009**

Venue:

Mt Warning Meeting Room

Time:

Commencing at 9.00am

Present:

Committee Members: Cr Barry Longland (Deputy Mayor), Mr Mike Baldwin, Roads and Traffic Authority, Snr Constable Paul Henderson, NSW Police, Mr Rod Bates representative for Mr Geoff Provest MP, Member for Tweed.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Paul Brouwer, Ms Judith Finch (Minutes Secretary), Ms Deyel Fallows (training for Minutes).

Apologies:

Mr Thomas George MP, Member for Lismore, Mr Col Brooks (alternate representative for Mr Thomas George), Mr Geoff Provest MP, Member for Tweed.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 25 June 2009 be adopted as a true and accurate record of proceedings of that meeting

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

[LTC] Schedule of Outstanding Resolutions 30 July 2009

1. [LTC] Speeds - Koala Beach

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 2020571; Koala Beach Estate; Traffic - Committee; Speed Zones; Local Area Traffic Management; Safety

SUMMARY OF REPORT:

From Meeting Held 16/4/09 (Item B9):

Request received in relation to excessive vehicle speeds on roads within Koala Beach. Speed needs to be reduced by using more speed humps or extra signage.

Council's traffic data taken during the week ending 13 February 2008 west of the Primary School on Cudgera Avenue is as follows:-

- Average daily traffic = 1,822 vpd



- 85<sup>th</sup> percentile speed = 50kph
- % heavy vehicles = 0.4%

Council's accident records (2003 - 2007) show no accidents on Cudgera Avenue or within the Koala Beach Estate.

Due to the low traffic volumes, relatively low 85<sup>th</sup> percentile speed and no accident record, it is considered the issues raised do not justify expenditure of funds for speed humps or signage.

RECOMMENDATION TO COMMITTEE:

That no action be taken and resident be advised of the reasons as stated in this report.

RECOMMENDATION TO COUNCIL:

That Council officers further investigate Koala Beach Estate for the provision of further 40kph signage and stencils.

FOR VOTE - Unanimous

PRESENT. DID NOT VOTE - Col Brooks

---

2. [LTC] 83 Wharf Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM2052501; 2060487; Wharf Street, Tweed Heads; Traffic - Committee; Parking Zones; LN 1723; 1724

SUMMARY OF REPORT:

From Meeting Held 25/6/09 (Item B9)

Request received in relation to changing the parking area at 83 Wharf Street to a 'Loading Zone' to *"enable traders to unload stock and take it directly into the rear of the tenancies, thereby making it safer for customers."*

Council officers to inspect the site and report to the Committee.

The Committee, on the information provided, noted that it is more desirable for loading and unloading to be conducted within the site. The applicant to provide further detailed information.

## RECOMMENDATION TO COMMITTEE:

For the consideration of the Committee.

## RECOMMENDATION TO COUNCIL:

That this matter be listed on the Schedule of Outstanding Resolutions.

FOR VOTE - Unanimous

PRESENT - DID NOT VOTE - Col Brooks

---

## BUSINESS ARISING

Nil.

## A. FORMAL ITEMS SECTION

## DELEGATIONS FOR REGULATORY DEVICES

## A.1 [LTC] Healy Lane, Fingal Head

## ORIGIN:

Planning & Infrastructure

FILE NO: 3150955; 3398521; Healy Lane; Queen Street Traffic - Committee; Directional Signs; Parking - Illegal; Driveways; LN 6510; Parking - Zones

## SUMMARY OF REPORT:

Request received in relation to parking arrangements in Healy Lane, Fingal Head. The property at 33 Queen Street has a rear boundary fronting onto Healy Lane.

*"This lane way is the only vehicular access to the parking area provided on our property. Our driveway is often obstructed by vehicles parked in the lane way on the opposite side of the lane from the driveway, and adjacent to our driveway, often blocking access for all residents of the lane to the north of the driveway. In particular vehicles with trailers are severely hindered during manouvering to get access to their properties. The possible solution to this problem would be to place no parking signs in the lane at the appropriate places."*

The seal width on Healy Lane between Lighthouse Parade to King Street is 4.2m. A width of 4.2m is insufficient for kerbside parking with a traffic lane. "No Parking" signage on both sides of the carriageway is an alternative to no action being taken. Council officers will inspect the site and report to the Committee.

Questions were raised about the width of the pavement and it was suggested that Council officers actually measure the width and investigate the reasons why the existing bollards are in place.

## RECOMMENDATION TO COMMITTEE:

That no action be taken.

## RECOMMENDATION TO COUNCIL:

That this matter be listed for consideration at the next Local Traffic Committee meeting.

FOR VOTE - Unanimous

---

## A.2 [LTC] Traffic Safety Concerns - Uki Village (Mitchell Street)

## ORIGIN:

Planning & Infrastructure

FILE NO: ECM1969548; 1968195; 2047852; 2084424; 3397998; Kyogle Road; Mitchell Street; Rowlands Creek Road; Norco Street; Traffic- Committee; Directional Signs; Speed Zones; Parking; Pedestrian Safety; Monitor/Camera; Traffic - Safety; Local Area Traffic Management; Bush Fire Brigades; Traffic - Parking Zones

## SUMMARY OF REPORT:

This item was discussed at the meeting held 12 February 2009 (Item B1) and is reproduced below:-

*"Request received regarding speeding traffic through the village of Uki.*

*"One trouble spot is the section of Rowlands Creek road outside First Light Bodyworks and the Uki Guesthouse, where drivers coming from the direction of Rowlands Creek ignore the Stop Sign and compete with vehicles travelling east, for first place onto Kyogle Rd. If this section were to be turned into one-way, speeding would automatically be minimised because vehicles would be forced to turn left and access Kyogle Rd from outside the school. This is a much safer access anyway, as the angle of the Rowlands Ck Rd off-shoot is quite dangerous.*

*Villagers must cross Kyogle Rd to access the shops on either side, but they have to put their lives at risk to do so. Nights are often worse as hoons use the straight stretch of road for street racing and burn-outs.*

*A couple of speed cameras either end of the village would be perfect, however, some form of speed deterrent would help enormously.*

*Market Day on the 3<sup>d</sup> Sunday of the month also poses a problem with parking. Of special concern is the density of traffic in Mitchell St near the headquarters of the Uki*

*Rural Fire Service. The fire truck is unable to exit the premises because of parking on both sides of the very narrow road. 'No Stopping' signs would address this problem."*

*This matter will be investigated by Council officers and reported to the meeting.*

*There is very strict criteria for fixed speed cameras and in this case this criteria would not be met.*

**RECOMMENDATION TO COMMITTEE:**

*That in relation to traffic issues in the Village of Uki it is recommended that:-*

- 1. Council officers consider the installation of a splitter island at the intersection of Kyogle Road and Rowlands Creek Road.*
- 2. The other issues be further considered by the Committee.*

**RECOMMENDATION TO COUNCIL:**

*That in relation to traffic issues in the Village of Uki it is recommended that:-*

- 1. Council officers consider the installation of a splitter island at the intersection of Kyogle Road and Rowlands Creek Road.*
- 2. Consideration be given to the trimming of landscaping within the Cenotaph area on Rowlands Creek Road.*
- 3. In relation to the exiting issues from the Uki Rural Fire Service Shed Council officers contact the Uki Rural Fire Service for their opinions.*

**FOR VOTE - Unanimous  
PRESENT. DID NOT VOTE - Rod Bates"**

In response to contact being made with the NSW Rural Fire Service this item is brought forward for further discussion.

Council wrote to the Rural Fire Service requesting advice on Item 3 from the February Local Traffic Committee meeting and correspondence has now been received from them confirming the need for prohibitive parking signage on Mitchell Street, Uki to ensure access for the fire truck.

**RECOMMENDATION TO COMMITTEE:**

*That "No Parking" signs be installed on Mitchell Street, Uki opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.*

**RECOMMENDATION TO COUNCIL:**

*That 'No Parking' signs be erected on Mitchell Street opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.*

FOR VOTE - Unanimous  
PRESENT. DID NOT VOTE - Rod Bates

---

A.3 [LTC-LATE] St Joseph's School, South Murwillumbah

ORIGIN:  
Planning & Infrastructure

FILE NO: 3448255; Traffic - Committee; Greville Street; Wardrop Street; Stafford Street; Traffic - School Zones; Traffic - Safety; School - St Joseph's

SUMMARY OF REPORT:

St Joseph's Primary School at South Murwillumbah is soon to commence building works on site, necessitating changes to designated parent and bus parking.

Currently parents access the school from Wardrop Street via Stafford Street. During construction, builders' vehicles will be using this area and it would be undesirable to mix construction vehicles with parents and students. It is proposed to designate the existing 'No Stopping' zone and the '5 minute Parking' as a 'Works Zone' for the construction period.

The existing bus zone is in Greville Street with direct access to the School. It is proposed to convert the bus zone to 'No Parking' to allow parents to drop off and pick up adjacent to the entrance. A new bus zone is proposed to be installed in Wardrop Street south of Greville Street. Students will be escorted to the new bus zone by teachers.

RECOMMENDATION TO COMMITTEE:

That:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

RECOMMENDATION TO COUNCIL:

That the following installations be approved for the duration of construction at the St Joseph's Primary School in South Murwillumbah:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

FOR VOTE - Unanimous

PRESENT. DID NOT VOTE - Rod Bates

---

## B. INFORMAL ITEMS SECTION

### GENERAL TRAFFIC ADVICE

#### B.1 [LTC] Speed on Tweed Road Closures 4 to 6 September 2009

##### ORIGIN:

Planning & Infrastructure

FILE NO: 3400020; 3400021; 3400022; 3400023; 3400231; Traffic - Committee; Safety; Festivals - Speed on Tweed; Queensland Road; Mooball Street; Rous Street; Ewing Street; Waterloo Street; Wharf Street; Nullum Street; Nullum Lane; Murwillumbah Street; DA09/0296

##### SUMMARY OF REPORT:

Request received for road closures for the Speed on Tweed event to be held 4, 5 and 6 September 2009 as follows. Note that all roads close at 5:00 pm on Friday 4 September and re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The applicant has advised that this year's events will be in conjunction with the Repco Rally Australia and that their road closures will or could override the above timetable.

##### RECOMMENDATION TO COMMITTEE:

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

---

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The temporary road closures are subject to Police approval and standard conditions.

**RECOMMENDATION TO COUNCIL:**

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The temporary road closures are subject to Police approval and standard conditions.

FOR VOTE - Unanimous  
PRESENT. DID NOT VOTE - Rod Bates

---

**Next Meeting:**

The next meeting of the Local Traffic Committee will be held 27 August 2009 in the Mt Warning Meeting Room commencing at 9.00am.

There being no further business the Meeting terminated at 9:36am.

**DIRECTOR'S COMMENTS:**

**Nil.**

**DIRECTOR'S RECOMMENDATIONS:****A. FORMAL ITEMS SECTION****DELEGATIONS FOR REGULATORY DEVICES****A.1 [LTC] Healy Lane, Fingal Head****ORIGIN:**

Planning &amp; Infrastructure

**FILE NO:** 3150955; 3398521; Healy Lane; Queen Street Traffic - Committee; Directional Signs; Parking - Illegal; Driveways; LN 6510; Parking - Zones

As per Committee recommendations being:

*That this matter be listed for consideration at the next Local Traffic Committee meeting.*

**A.2 [LTC] Traffic Safety Concerns - Uki Village (Mitchell Street)****ORIGIN:**

Planning &amp; Infrastructure

**FILE NO:** ECM1969548; 1968195; 2047852; 2084424; 3397998; Kyogle Road; Mitchell Street; Rowlands Creek Road; Norco Street; Traffic-Committee; Directional Signs; Speed Zones; Parking; Pedestrian Safety; Monitor/Camera; Traffic - Safety; Local Area Traffic Management; Bush Fire Brigades; Traffic - Parking Zones

As per Committee recommendations being:

*That 'No Parking' signs be erected on Mitchell Street opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.*

**A.3 [LTC-LATE] St Joseph's School, South Murwillumbah****ORIGIN:**

Planning &amp; Infrastructure

**FILE NO:** 3448255; Traffic - Committee; Greville Street; Wardrop Street; Stafford Street; Traffic - School Zones; Traffic - Safety; School - St Joseph's

As per Committee recommendations being:

*That the following installations be approved for the duration of construction at the St Joseph's Primary School in South Murwillumbah:-*



1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

## **B. INFORMAL ITEMS SECTION**

### **GENERAL TRAFFIC ADVICE**

#### **B.1 [LTC] Speed on Tweed Road Closures 4 to 6 September 2009**

##### **ORIGIN:**

Planning & Infrastructure

**FILE NO:** 3400020; 3400021; 3400022; 3400023; 3400231; Traffic - Committee; Safety; Festivals - Speed on Tweed; Queensland Road; Mooball Street; Rous Street; Ewing Street; Waterloo Street; Wharf Street; Nullum Street; Nullum Lane; Murwillumbah Street; DA09/0296

As per Committee recommendations being:

*That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-*

1. *Queensland Road - at north Showground car park entrance*
2. *Mooball Street and Rous Street junction*
3. *Rous Street, Ewing Street, Waterloo Street junction*
4. *Queensland Road and Waterloo Street junction*
5. *Queensland Road and Wharf Street junction*
6. *Wharf Street and Nullum Street junction*
7. *Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout*

*The temporary road closures are subject to Police approval and standard conditions.*

---



THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

**ORDERS OF THE DAY**

- 44 [NOR] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley**

**NOTICE OF RESCISSION:**

Councillors W Polglase, J van Lieshout and K Skinner move that the Planning Committee recommendation at Minute Number P99, subsequently adopted at the Ordinary Council Meeting at Minute Number 135, in relation to Item P2 - [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, as follows:

*"... that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be refused for the following reasons:-*

- 1. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 – Development Standards*
- 2. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with State Environmental Planning Policy (Rural Lands) 2008 as the proposal will result in:*
  - development being incompatible with surrounding agricultural uses,*
  - potential to create land use conflicts*
  - the proposed subdivision not supporting or enhancing the agricultural production of the site*
- 3. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with the 1(a) zone objectives within Clause 11 of the Tweed Local Environmental Plan 2000, as the proposed development does not:*
  - protect the rural character and amenity;*
  - prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.*
- 4. Pursuant to Section 79C(1)(a)(i) the development proposal in seeking a subdivision for a residential purpose is not consistent with Clause 20(2)(a) of the Tweed Local Environmental Plan 2000, as the proposed Lots are below the minimum requirement of 40 hectares.*
- 5. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development as proposed.*

6. *Pursuant to Section 79C(1)(e) the proposed development will result in prohibited development with dwelling houses located on undersized allotments that do not enjoy dwelling entitlements.*
7. *Pursuant to Section 79C(1)(e) the proposed development, is not within the public interest as the development would create two undersized lots in the 1(a) Rural zone."*

**be rescinded.**

- 45 [NOM] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley**

**NOTICE OF MOTION - Cr W Polglase:**

Councillor W Polglase moves:

That with regard to DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, Council officers bring forward conditions for approval for consideration by Council.

---



THIS  
PAGE  
IS  
BLANK

## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

#### 1 [EO-CM] Supply of Fill from Quarries

#### REASON FOR CONFIDENTIALITY:

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

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

