

**Mayor:** Cr Warren Polglase

**Councillors:** P Youngblutt (Deputy Mayor)  
D Holdom  
B Longland  
K Milne  
K Skinner  
J van Lieshout

# Agenda

## **Ordinary Council Meeting Tuesday 17 November 2009**

held at Murwillumbah Cultural & Civic Centre  
commencing at 4.30pm

### **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.

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## CONFIRMATION OF MINUTES

- 1 **Minutes of the Ordinary and Confidential Council Meeting held Tuesday 20 October 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 20 October 2009 (ECM 7657484).
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 20 October 2009 (ECM 7608673).
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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 Schedule of Outstanding Resolutions as at 17 November 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.

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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.

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**18 AUGUST 2009**

**MAYORAL MINUTE**

**a3 [MM] Tweed Food Bowls Vision**

**170**

**Cr J van Lieshout**

**RESOLVED** that:-

1. Council Officers investigate and prepare a feasibility report on the potential for Northern Rivers region to increase its food growing capacity together with studies on food related industry initiative and more sustainable "Paddock to Plate" and "co-operative marketing" opportunities.
2. Council takes an active involvement in the \$1.9 million Northern Rivers Food Links Project and that a suitable workshop presentation on the "Draft Food Link Project Business Plan" be arranged.

**Current Status:** Workshop held on 22 September 2009, report to be prepared.

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## MAYORAL MINUTE

### 3 [MM] Mayoral Minute for the period 10 October – 08 November 2009

Councillors,

#### COMMITTEE MEETINGS:

##### Attended by the Mayor

- 22 Oct 2009 - TRAG Foundation Meeting – Tweed River Art Gallery, Mistral St, Murwillumbah
- 05 Nov 2009 - Tweed Economic Development (TEDC) Meeting - TEDC Offices, 41-43 Commercial Road, Murwillumbah (Cr van Lieshout also attended)

#### INVITATIONS:

##### Attended by the Mayor

- 13 Oct 2009 - TSC Multi Bin and Brand Launch – River bank, Chinderah Bay Drive, Chinderah (Cr Longland also attended)
- 13 Oct 2009 - Tweed Heads Chamber of Commerce Breakfast – Tweed Heads Bowls Club
- 15 Oct 2009 - Business Focus Group meeting re: Highway - Piers Property Group Office, Level 2, Cnr of Pearl & Turnock Sts, Kingscliff
- 24 Oct 2009 - River Festival opening and welcome – Jack Evans Boat Harbour
- 28 Oct 2009 - Citizenship Ceremony for 28 new citizens – Tweed Heads Civic Centre Auditorium, Cnr Brett & Wharf St, Tweed Heads
- 28 Oct 2009 - Launch of new Westpac site, Tweed City Shopping Centre, Tweed Heads
- 31 Oct 2009 - South Tweed Concept Plan presented by Bond University Students – Sustainable Living Centre, Kingscliff Waste Water Treatment Plant, Chinderah (Crs Holdom, Longland, Milne, Skinner also attended)
- 01 Nov 2009 - Opening of Wedge tail Retreat by Tweed Palliative Support Inc – 12 Wedgetail Court, Dulguigan 2484
- 02 Nov 2009 - Opening of Tweed Heads Visitor Information Centre – Cnr Wharf & Bay Streets, Tweed Heads (also attended by Crs van Lieshout, Holdom, Skinner, Longland)

- 04 Nov 2009 - Tweed Unlimited Arts Show opening – Kingscliff Bowling Club
- 05 Nov 2009 - Celebrating Centaur Presentation – Banora Point High School Hall
- 08 Nov 2009 - Murwillumbah Show Opening – Murwillumbah Showground

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

- 10 Oct 2009 - Jimbo's Sleepout, National Anti-Poverty Week 2009 – St Joseph's College, Banora Point (attended by Crs Holdom & van Lieshout)
- 14 Oct 2009 - Country to Coast Film & Television Tour networking evening by NSW Government Industry & Investment – Byron at Byron Resort, 77-79 Brokenhead Rd, Byron Bay (attended by Cr Barry Longland)
- 23 Oct 2009 - Justine Elliot announcement about grant for Bray Park cutting cycleway (attended by Cr Barry Longland)

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

- 26 Oct 2009 - Climate Change Summit, Governments United in the Challenge – Gold Coast Convention Centre, Broadbeach, Queensland

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**CONFERENCES:**

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

- 19-20 Oct 09 - 2009 Tourism Symposium – Byron at Byron Resort, Byron Bay (Cr Joan van Lieshout attended)
- 03-06 Nov 09 - NSW Coastal Conference – Ballina RSL Club, Ballina (Crs Longland & Milne attended)

**Information on Conferences to be held**

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

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**SIGNING OF DOCUMENTS BY THE MAYOR:**

NIL

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## **TWEED DISTRICT WATER SUPPLY AUGMENTATION**

At the October Council Meeting, Councillors Youngblutt and van Lieshout were appointed to the Tweed District Water Supply Augmentation Community Working Group. It is intended to conduct a minimum of five meetings of this Group during the period December 2009 to February 2010. To ensure that Council is duly represented at each of these meetings an alternative representative should be appointed who can attend if either of the delegates is unable to attend a meeting.

### **RECOMMENDATION:**

**That:-**

- 1. Councillor xxx be appointed as the alternative representative to the Tweed District Water Supply Augmentation Community Working Group.**
- 2. The Mayoral Minute for the period 10 October – 08 November 2009 be received and noted.**
- 3. The attendance of Councillors at nominated Conferences be authorised.**

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## ORDINARY ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER

#### REPORTS FROM THE GENERAL MANAGER

#### 4 [GM-CM] Regional and Community Local Infrastructure Program – Grant Allocation

##### ORIGIN:

General Manager

##### SUMMARY OF REPORT:

On 20 October 2009 Council considered the disbursement of the \$550,000 allocated to it from the Federal Government's round 2 of the Regional and Local Community Infrastructure Program (RLCIP). Subsequently on 21 October 2009 Council was allocated \$180,000 from the National Bikepaths Program to undertake the Bray Park cutting project.

This report reviews Council's resolution to allocate the RLCIP grant funds from the Bray Park cutting project to the Tweed Heads Auditorium project. The report also provides an update on the progress of the Fingal Boat Harbour project.

##### RECOMMENDATION:

That Council:-

1. **Makes application to the Regional and Local Community Infrastructure Program- Community Grants - Round 2 for funding of the following projects under the non-competitive component:**

(i) Playground Audit and Fencing	\$67,500
(ii) Chinderah Rock Wall Revetment	\$180,000
(iii) Tweed Heads Auditorium	\$152,500
(iv) Southern Fingal Boat Harbour Upgrade (including toilet block & play equipment)	<u>\$150,000</u>
<b>TOTAL</b>	<b>\$550,000</b>

2. **Makes application to the Regional and Local Community Infrastructure Program – Strategic Projects for the Murwillumbah Community Centre Project with a grant request of \$1,700,000.**

3. **Delegates the General Manager to be the Authorised Person (in accordance with this funding application) to enter into a funding agreement with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government for the Regional and Local Community Infrastructure Program: Round Two.**
4. **Executes documentation under the Common Seal of Council, if necessary.**



**REPORT:**

On 20 October 2009 Council considered the disbursement of the \$550,000 allocated to it from the Federal Government's round 2 of the Regional and Local Community Infrastructure Program (RLCIP).

It was resolved (in part) that:

*"Council:-*

1. *Makes application to the Regional and Local Community Infrastructure Program- Community Grants - Round 2 for funding of the following projects under the non-competitive component:*

<i>(i) Playground Audit and Fencing</i>	<i>\$67,500</i>
<i>(ii) Chinderah Rock Wall Revetment</i>	<i>\$180,000</i>
<i>(iii) Uki – Murwillumbah Cycleway (Bray Park Cutting)</i>	<i>\$152,500</i>
<i>(iv) Fingal Boat Harbour Upgrade (including toilet block &amp; play equipment)</i>	<i><u>\$150,000</u></i>
<i>TOTAL</i>	<i><u>\$550,000</u></i>
- (v) In regard to Item 1(iv), that Council staff further investigate options for undertaking improvements at the northern Fingal boat harbour and delegate decision-making to the General Manager subject to discussions with Councillors and the Fingal Head Community Association."*

**Fingal Boat Harbour**

In regard to part (v) of the resolution the Manager Recreation Services has reviewed options that would include additional works in the northern boat harbour. Mr Brawley has provided the following advice:

*"The northern boat harbour is limited in its capacity to provide safe recreational opportunities and water access. The boat launching facility is extremely heavily used and consequently there are regularly large numbers of vehicles and boat trailers manoeuvring throughout the area. Similarly, the harbour itself is also subject to heavy use with boats queuing and manoeuvring for access and egress to the river and the boat-ramp. The limited beach areas of the harbour are generally occupied by boats. These factors render the harbour relatively unsafe for swimming and personal water access and the land area unattractive and relatively unsafe for recreation, particularly in comparison to the southern boat harbour.*

*Conversely, the southern boat harbour has large areas of beach access to safe shallow waters for swimming activities which are separated from boats by a boat exclusion zone. As the launch facilities are located in the northern boat harbour, the hazard presented by vehicles with trailers is eliminated as is the concern with boats cuing and manoeuvring within the harbour. For the reasons outlined above, it is considered that even with additional facilities at the northern boat harbour, the southern boat harbour would still be the preferred location for the activities it is currently used for. The proposed works will assist by upgrading facilities and managing traffic and parking at the site to create an even safer environment."*

The Manager Recreation Services has contacted the President of the Fingal Heads Community Association, Evan Matthews, and he has expressed his full support of the recommended works and is excited about the project. He has also expressed his support for the works to be carried out on the southern boat harbour as described as the northern boat harbour gets very busy with boat activities and this would offer an alternative location and reduce the current pressure on the northern boat harbour.

It is, therefore, recommended that Council endorse the allocation of the RLCIP Grant funding application to the southern Fingal boat Harbour.

#### **Uki – Murwillumbah Cycleway (Bray Park Cutting)**

On Wednesday 21 October 2009 Council was advised that it had been successful in securing \$180,000 under the National Bikepaths Program for the Bray Park Cutting project. Consequently, this project is now ineligible to be submitted under the RLCIP.

Council's Corporate Management Team considered this situation on 21 October 2009 and reviewed the list of eligible projects in the report presented to Council. The Corporate Management Team resolved to recommend to Council that the Upgrade of the Tweed Heads Auditorium be the replacement project in lieu of the Bray Park Cutting project with a budget allocation of \$152,500.

The Manager Community and Cultural Services provided the following advice in relation to this project:

*“The refurbishment of the Tweed Auditorium has been identified as a strategic priority to enable the provision of cultural resources and facilities that will continue to meet the growing needs of our community.*

*Council has recently undertaken an audit and analysis of the Tweed Auditorium with a view to growing the capacity of the facility as a viable and sustainable regional enterprise for the performing arts presenting high quality entertainment and cultural programs in the Tweed Shire. It is proposed to undertake projects 2, 3 and 7 as shaded below.*

1	Remove hard proscenium & Change to soft curtain proscenium & install tracking for existing legs	20,000
2	Replace drapes – House curtain, Legs & Borders	42,000
3	Install a hexagonal truss and circuits to centre of the auditorium & 24 circuits of cabling	20,000
4	Purchase 10 x Portafloor Stage Modules	10,000
5	Replace furnishings - tables and chairs	53,000
6	Project Management – Design, facilitate, document and & audit	10,000
7	Upgrade lighting and Sound System	88,000”

#### **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.

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**5 [GM-CM] Code of Conduct Review - Cr Phil Youngblutt**

**ORIGIN:**

**General Manager**

**FILE NO: Code of Conduct; Conduct Review Committee**

**SUMMARY OF REPORT:**

Two Code of Conduct complaints against Cr Phil Youngblutt were referred to a Sole Reviewer for determination in accordance with the relevant sections of the Code of Conduct and the Conduct Review Committee/Sole Reviewer Policy.

**RECOMMENDATION:**

**That Council receives and notes the reports and findings of the Sole Reviewer into complaints against Cr Phil Youngblutt and determines any appropriate actions.**

## **REPORT:**

A member of the Conduct of Review Panel, Mr John Hawkins was engaged as a Sole Reviewer to investigate two complaints against Cr Phil Youngblutt. The complaints were similar in nature and related to Cr Youngblutt's reference to Tweed voters as 'morons'. One of the complainants requested anonymity and although not specifically provided for in the Code of Conduct the request has been complied with by removing the identity from Mr Hawkins' report.

Subsequent to engaging Mr Hawkins a third similar complaint was received by another Tweed resident, Ms Patricia Mann. I have determined to rely on Mr Hawkins' report into the first two complaints as satisfying the investigation and reporting aspects required by the Code of Conduct in regard to the third complaint.

Mr Hawkins' report and findings is reproduced below for Council's information.

## **REPORT AND FINDINGS OF THE SOLE REVIEWER JOHN HAWKINS INTO COMPLAINTS AGAINST CR. PHIL YOUNGBLUTT.**

### **THE COMPLAINT:**

By letter dated 24 September 2009 the complainant Mr Jeremy Cornford made the following complaints against Cr Youngblutt.

That comments attributed to the Councillor in the September 23 edition of the Tweed Daily News and comments allegedly made at the ABC local radio at 8:40 that same day referring to Tweed voters as "morons who had no idea how Council operates" and further that "they have no idea how the Council runs and some of them are business people, let alone the dropouts and the greenies" breach S4.2, S4.8, S6.1(e), S6.3 of Council's Code of Conduct and Council's Media Policy Version 1.2.

The Code of Conduct:

I set out hereunder sections of the Code of Conduct allegedly breached by Councillor Youngblutt.

#### **Section 4.2**

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. This means promoting public duty to others in the council and outside, by your own ethical behaviour.

#### **Section 4.8**

You must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

#### **Section 6.1(e)**

You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

e) causes, comprises or involves intimidation, harassment or verbal abuse.

### Section 6.3

You must treat others with respect at all times.

Media Policy Version 1.2:

Such policy statement is annexed hereto.

### **PRELIMINARY INVESTIGATIONS:**

1. By letter dated 7 October 2009, Mr Mike Rayner, General Manager of Tweed Shire Council appointed John Hawkins, a member of the Conduct Review Committee, Sole Reviewer and Chair for the purpose of investigating and reporting to Council upon the complaints by Mr Jeremy Cornford against Cr Youngblutt.
2. On 12 October 2009 the Sole Reviewer contacted the aforesaid complainant by telephone and informed him of his appointment and of the fact that he would receive a copy of the report upon his complaints against Cr Youngblutt. This advice was confirmed by letter.
3. On 12 October 2009, Councillor Youngblutt was contacted by the Sole Reviewer by telephone and informed of his appointment. On this occasion arrangements were made for an interview at Tweed Chambers on 13 October 2009 at 11am.
4. At 11am 13 October 2009 an interview by the Sole Reviewer of Cr Youngblutt at Tweed Chambers was undertaken. Making reference to the report in the edition of the Tweed Daily News dated 23 September 2009 Councillor Youngblutt acknowledged the use of the term morons, dropouts and greenies which were repeated on ABC local radio that day. He said he did not describe all voters in this manner and the headline "you're all morons" was a misquote. Councillor Youngblutt stated that his choice of words was inappropriate and deeply regretted. He added that he did not initiate the contact with the journalist Peter Caton and had no idea that this discussion would be published.
5. The Sole Reviewer has undertaken a detailed study of the Code of Conduct and numerous findings upon previous complaints.

### **FINDINGS:**

#### Section 4.2

This section provides that Council and staff have a duty to promote and support the key principles of the Code of Conduct by leadership and example and to maintain the public's trust and confidence in the integrity of the council. This means promoting public duty to others in the council and outside, by your own ethical behaviour.

Any member of the public reading the September 23 edition of the Tweed Daily News or listening to the local ABC interview that same day in which Councillor Youngblutt describes some voters as “morons who had no idea how Council operates” and “they have no idea how the Council runs and some of them are business people, let alone the dropouts and the greenies” could reasonably conclude that this was the view of Council as a whole. Thus the words used damage the public’s trust and confidence in the integrity of the Council potentially. I conclude that the words used by Cr Youngblutt constitute a breach of this section of the Code of Conduct.

#### Section 4.8.

This section provides that Councillors and staff must treat others with respect at all times. This means not using derogatory terms toward others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision making.

The use of the aforesaid description of Tweed voters in the aforesaid context by Councillor Youngblutt constituted a clear breach of this section. This breach is self evident as his chosen words themselves are disrespectful of the Tweed voters to whom he refers.

#### Section 6.1(e)

This section provides that Councillors and staff must not conduct themselves in carrying out their functions in a manner that is likely to bring the council or holders of civic office into disrepute. The subsection (e) prohibits acting in a way that causes, compromises or involves intimidation, harassment or verbal abuse.

Whilst the aforesaid offending language does not fall within the subsection (e), it must be noted that the description of Tweed voters attributed to Councillor Youngblutt is capable of bringing the Council or holders of civic office into disrepute in the minds of any person who may have read the aforesaid edition of the Tweed Daily News or heard the said radio broadcast. As a gentleman of considerable experience in local government, Councillor Youngblutt ought to have known or reasonably expected that his comments would be published by the journalist with whom he conferred. Thus this section of the Code of Conduct is breached by Councillor Youngblutt.

#### Section 6.3

This section provides that Councillors and staff must treat others with respect at all times.

The use of the words “morons, dropouts and greenies” by Councillor Youngblutt in the said publication of the Tweed Daily News and his broadcast in ABC local radio is disrespectful of the Tweed voters to whom he refers. Thus his remarks clearly breach this section of the Code of Conduct.



Media Policy:

I annex hereto a copy of Council's Media Policy (Version 1.2)

The complainant states that where the Mayor and Councillors are speaking in an official capacity and on behalf of council, they are encouraged to seek advice where necessary, from the General Manager. The Policy states that Mayor and Councillors as elected representatives are free to talk to the media to convey their personal opinion.

In this instance, Councillor Youngblutt was not speaking in an official capacity and on behalf of Council and prior consultation with the General Manager is not mandated by the Media Policy.

Thus the relevant sections of the Media Policy are not breached by the aforesaid comments of Councillor Youngblutt.

### **RECOMMENDATION:**

I respectfully suggest that this report be submitted to Council for any further action that may be considered necessary. I note that the Councillor had already suffered considerably harm to his personal reputation and that he has submitted a formal apology, a copy of which is annexed hereto.

### **COMPLAINT NUMBER TWO**

By letter dated 17 October 2009 a local resident asked Mr Rayner to investigate a series of alleged breaches of the Code of Conduct by Councillor Youngblutt. (*General Manager's note: the complainant's name has been removed as requested.*)

The letter of complaint objects to the use of the term "morons" as a description of the Tweed voters. The letter describes the publications of this description in the Tweed Daily News on Wednesday 23 September 2009 and the repetition of the term "morons" in a local ABC radio interview that same day.

This complaint cites section 6, 1-7 of the Code of Conduct which reads as follows:

You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse

f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment

g) causes, comprises or involves prejudice in the provision of a service to the community.

The use of the aforesaid language by Councillor Youngblutt is capable of bringing Councillors or holders of civic office into disrepute in that any reader of the aforesaid article or anyone who may have heard the associated broadcast could conclude that the language used by Councillor Youngblutt reflected the view of the Council or some member thereof. The same reasoning applies to subsection (c) and thus the words used by the Councillor could reasonably be described as improper or unethical.

I conclude that Councillor Youngblutt has thus breached the Code of Conduct for the aforesaid reasons.

**RECOMMENDATION:**

I commend this report to Council for further determination. I note Councillor Youngblutt has suffered considerable damage to his personal reputation and has personally submitted a written apology to Council at its last meeting. I annex hereto a copy of this apology.

**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

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**6 [GM-CM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - July to September 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 July to 30 September 2009.

As convention financial statements and other confidential material is attached as confidential attachments to this report.

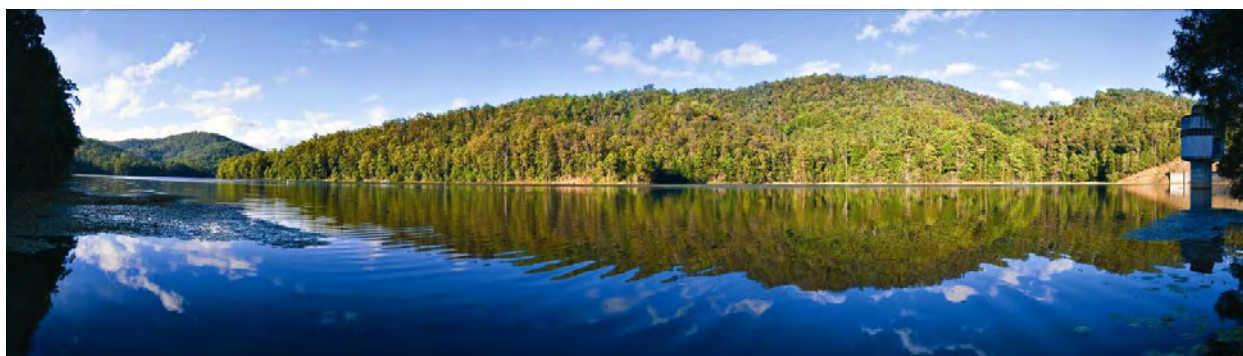
**RECOMMENDATION:**

**That:**

- 1. Council receives and notes the quarterly report from Tweed Economic Development Corporation for the quarter July to September 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 Economic Development Corporation Ltd  
Quarterly Report to Tweed Shire Council  
July to September 2009**



### **1. Economic Impact on Tourism Contribution to the Tweed Economy**

Update: The final report on the Economic Impact of Tourism on the Tweed Economy for Year Ending 2007/2008 has now been completed and forwarded to TSC and Tweed Tourism. Following is a brief overview and explanation of the full report.

Most economic research of this type is based on financial year ending results as they become available and there is usually a lag time between the actual end of the financial year, and when the relevant data becomes available and hence why this report is based on the 2007/2008 financial year.

The other point which needs to be kept in mind is that since 2008 there has been a global financial crisis (GFC) and as such this report does not necessarily reflect any impact of the GFC on the Tweed economy or specifically in this case the Tweed tourism industry.

TEDC proposes to conduct further updates of the economic model data based on the 2008/2009 financial year, which should reflect any impacts of the GFC on both the Tweed economy generally and the tourism industry specifically. Having said that, our analysis of the Tweed economy since 2002/2003 suggests that up until 2008 at least, the Tweed economy has been neither a 'boom or bust' economy, as is evidenced by the consisted population driven, 90% service based economy, which has been reflected in every update since TEDC began analysis of the economy.

In 2002/2003 the total impact of tourism on the Tweed economy was reported as 7.6%. This referred to the sum of the initial and flow-on effects. A more accurate measure (now adopted in the 2007/2008 report) is the measure of initial tourism expenditure which in 2002/2003 was \$1.18 million or 3.91% of overall Tweed local industry output. Similarly the value adding represented 3.8% and income 4.06% (wages & salaries) of the overall Tweed economy.

Now five years later. The tourism industry in the Tweed in 2007/2008 attracted about 1.261 million visitors and, despite not being an industry per se, had a significant impact on the economy of the Tweed. The tourism expenditure in 2007/2008 of \$144 million (\$1.18 million 2002/2003) represents about 5.83% of the overall Tweed local industry output. Similarly, the value added and income (wages & salaries) by tourism expenditure were about 5.98% and 6.63% respectively of the overall Tweed economy. Approximately 7.95% of all Tweed employment in 2007/2008 is dependent on tourism.

It is unfortunately very difficult to make any reliable comparisons between the results of the two studies undertaken by TEDC, due to a number of changes in data collection since 2002/2003 and changes to Tweed transaction tables.

The main impediments to any reasonable comparisons are due to:

- Significant differences in the tourism data available and collection;
- Changes to Tweed transaction tables (databases now based on place of employment rather than place of residence);
- ABS Classification changes;
- Growth in the overall Tweed economy; and
- Growth in the State and National economies.

In conclusion, the report confirms that there has been substantial growth in tourism in the Tweed in 2007/2008 and this growth has had a significant effect on the total production, value added, income and employment of businesses and industries in the Tweed. This growth is probably a reflection of the growth, availability and type of accommodation along the Tweed Coast and is consistent with tourism growth in NSW and Australia.

In the context of the overall Tweed economy, as explained in the full report, tourism is not represented as a single industry in the formal accounts of most countries or regions as it is not seen as a separate industry in the traditional sense, in which industries are classified. Tourism is essentially a demand concept, and most studies, including this one, focus on economic analysis of tourism in the context of expenditure made by tourists in the interface with suppliers of tourism commodities across a range of service sectors including; retail, dining, accommodation, transport, entertainment, etc.

This explanation needs to be taken into account when comparing the total contribution of recognized industry sectors to Gross Regional Product of the overall Tweed economy in 2007/2008 as follows:

<b>Primary Industries</b>	<b>\$36.8 million</b>	<b>3.2%</b>
<b>Manufacturing</b>	<b>\$69.8 million</b>	<b>6.1%</b>
<b>Services</b>	<b>\$1,047.4 million</b>	<b>90.7%</b>
<b>Total</b>	<b>\$1,154.0 million</b>	<b>100%</b>
<b>Tourism contribution</b>	<b>\$68.978 mil</b>	<b>5.83%</b>

## **2. TEDC Meeting Tweed Council**

The TEDC 2010-2014 Vision & Strategy (incorporates the Investment Attraction Strategy & Marketing Plan) paper was presented and discussed at a meeting with the TSC on the 4 August 2009. The presentation also included a 'Fact Sheet' on the Tweed, which outlined the challenges faced by the Tweed.

## **3. Telecommunications Infrastructure Action Plan**

- TEDC in collaboration with TSC engaged SRA Consulting to prepare an EOI funding application to facilitate broadband fibre optic roll out in the Tweed, which was submitted to the Federal Government Digital Regions Initiative funding program.
- The subject of the EOI was the proposal to establish a consortium between Tweed Council, Country Energy and Tweed Economic Development Corporation to run an optic fibre network capturing the major centre's of Tweed Heads, Kingscliff and Murwillumbah (as detailed in the Building i-Business in Regional Tweed EOI).
- The total cost to TEDC for preparation of the EOI was \$5,299.38 inc GST.
- A full submission is now in the process of being prepared to be lodged by 14 October 2009. TEDC has assisted in the preparation of the full application, however, TEDC is not eligible to be the lead

#### **4. TEDC Marketing and Events Update**

##### (a) North Coast Business Road Show (NCBRS)

- TEDC sponsored the Tweed Regional section of the North Coast Business Road Show for the third year. The Road Show was held on Tuesday, 15 September 2009 at the Cudgen Leagues Club.
- Focus of the Road Show was – One stop shop for small business to access information, resources, programs and opportunities to support small business in the Tweed. It was held in conjunction with the Kingscliff & Tweed Heads Chamber of Commerce breakfast.
- Other major sponsors included – Telstra Country Wide, TURSA, North Coast Institute of TAFE
- The following organisations also participated in this year's event:

*A Plus B Business Solutions, ACE North Coast Inc, AusIndustry (Dept. Innovation, Industry, Science & Research), Ballina Council – EDU, Byron United, Central West Community College, Clarence Business Enterprise Advisory Service, Clarence Property, Clarence Valley Council – EDU, Coffs Harbour Chamber of Commerce, Crystal Tec, Economic Development Unit – Lismore, Enterprise Connect, JHA Recruitment, Key Employment, NAB Business Banking, NORTEC, North Coast TAFE – Business Services, NORBEC, NSW Business Chamber, Office of Fair Trading, Probity Web & Print, Recover, Reid McGill Financial Services, Sensis Yellow Pages, Signxtreme, Solutions for Success, Susan Living Health Coast, Telstra Countrywide, TEDC, TURSA, Workcover.*

- Approximately 120 people attended the Road Show breakfast and a further 50 or so attended the event following the breakfast. TEDC handed out - on request - more than 50 copies of each of the TEDC publications; Pulse, Tweed Regional Profiles, Investment Attraction Portfolio, and received very positive feedback on TEDC activities and actions.

##### (b) TEDC Partnership with Southern Cross University

The Southern Cross University (SCU) - Graduate College of Management has been conducting a series of Business Development workshops on the Gold Coast. These seminars have provided information on topical business issues as well as providing excellent networking opportunities.

Subsequently, TEDC approached the SCU with an offer to Partner SCU in a similar series of workshops for the Tweed business community.

SCU have welcomed the opportunity to arrange a similar series in partnership with TEDC and will assist by providing a suitable presenter to speak on topical business issues, free of charge, and will assist with marketing the event by sending invitations to relevant contacts and working with TEDC to secure media coverage. At this stage we are looking to secure a venue and date for late October with the preference being the Tweed Coast.

#### **5. TEDC Marketing Material Update**

Work on the re-branding and redesigning of the TEDC stationery, publications and the website is nearing completion. The TEDC web site will be further enhanced to include advanced search functions, the ability to upload MP3 files of speeches, presentations and interviews by TEDC, as well as accommodating member's forums and survey monkeys.

TEDC has had an overwhelming positive response to the Tweed Pulse publication, including a number of testimonials. Industry Central ordered 150 copies of the Pulse to distribute to prospective businesses looking to relocate or establish in the Industry Central development.

#### **6. Master Planned Estates Submission - Minister Planning Hon Kristina Keneally MP**

The submission outlining 'The Need for a Review of Planning Processes' to facilitate approval of Employment Generating Land – Master Planned Estates/Business Park – with specific reference to precinct approval processes, was forwarded to the Minister on 27 July 2009.

A response was received on 20 August 2009.

#### **7. TEDC Annual General Meeting to be held 26 November 2009**

Venue to be advised.

#### **8. Business Survey**

TEDC is in the process of preparing a Tweed wide Business Retention & Expansion Survey. This survey is designed to seek a range of information which will assist TEDC to understand the needs and challenges facing businesses in the Tweed as part of a process of developing plans and strategies to assist new and existing business growth into the future.

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

- 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 retiring – Vision for Future. TEDC work acknowledged in Professor Clark's presentation.
- Attended World Rally Championships Luncheon at Tweed Heads.
- Participated in Media launch WRC in partnership with Tweed Tourism.
- Provided information to Murwillumbah Hospital Committee for presentation to Minister.
- TEDC represented at the Regional Development Conference 27 August 2009 on the Gold Coast – Turning Point 2010.
- Attended Murwillumbah, Kingscliff and Tweed Heads Chamber Breakfasts.
- TEDC represented at Economic Development Australia Conference in Melbourne on 28 September 2009. Submitted TEDC/TSC Telecommunications Infrastructure Plan for award recognition. (unsuccessful)
- Interview ABC Radio Re Fuel Price levy removal SEQ/N NSW impact on NR economy.
- Attended Tweed Tourism Board Meetings.
- 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 organisations/councils/university to speak on the macro approach to economic development.
- Responded to various Media inquiries. See media list.



**10. TEDC Media & Public Relations**

- Following 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 quarter is \$909.05, Financial Year to Date (2009/2010) \$2,727.15.

Date	Headline	Media	Size	Unit Cost per Page	Advertising Value	Editorial Value
01.08.09	Developer to Talk Up Benefits of Tweed	Tweed Daily News	17cm x 2col		\$152.26	\$ 456.78
06.08.09	Tweed a Smart Investment	Tweed Border Mail	12cm x 2col		\$107.47	\$ 322.41
06.08.09	Getting Down to Business	Tweed Border Mail	23cm x 5col		\$514.98	\$1,544.94
24.08.09	Getting Used to Inner City Living	Tweed Daily News	10cm x 3col		\$134.34	\$ 403.02
Total	July to September 2009				\$909.05	\$2,727.15
Year to Date					\$909.05	\$2,727.15

Editorial Value is estimated based on the PRIA multiplier of 8.

**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:**

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1. **Confidential Attachment** – Details of Tweed Business Enquiries 'Commercial in Confidence' (ECM7669519)

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**7 [GM-CM] Tweed Tourism Quarterly Performance Report - July to September 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 1 July to 30 September 2009. All financial information that is of a 'commercial in confidence' nature in this report has been provided in a confidential attachment.

**RECOMMENDATION:**

**That Council endorses:**

- 1. The Tweed Tourism Quarterly Report for the quarter July to September 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  
September 2009 Quarter Report**

**1. Financial**

*(THIS SECTION CONTAINS INFORMATION THAT IS COMMERCIAL IN CONFIDENCE AND IS PRESENTED IN THE CONFIDENTIAL ATTACHMENT.)*

**2. Marketing**

**Description and value of co-operative contributions:**

July-Sept 2008					3 months			
1st Quarter	Last Year	Budget	Variance		YTD	Last YTD	Budget	Variance
\$0	0	\$0	\$0	Co-op Marketing Revenue	0	0		
\$14,825	19,286	\$13,161	\$1664	Marketing Expenditure	\$14,825	\$19,286	\$13,161	\$1664

**Cooperative Marketing**

*Rivers of Life Campaign - Northern Rivers Tourism*

Using funds allocated from Tourism NSW, cooperative contributions from the seven LTO's within the region and industry operators, Northern Rivers Tourism put together the Rivers of Life campaign. There is a stand-alone web site and a 1300 number. The Tweed has a section on the site explaining an overview of the region, a link to our website and visitors can read through the visitors guide online. The target market for the campaign is South East Queensland and Northern NSW, all within a four hour drive. We will track results via our web stats, extra bookings via our site and also via our 1800 toll free stats. The media strategy includes TV, major print press, selected magazines and public relations. Tweed Tourism contributed \$10,000 to this campaign.

*Seafood Discovery Trail*

Connecting the Southern Gold Coast is the organisation set up by the Gold Coast City Council to deliver tourism and business outcomes for the region utilising the rates levy. Tweed Tourism have since formed a great relationship with CSGC and the idea for the SDT came about to help jointly promote the regions from Currumbin to Cabarita for both tourism and economic value.

The SDT provides a unique culinary experience from Cabarita to Currumbin with a selection of seafood outlets, fine dining, fresh food and water activities. The main focus was to have a point of difference to market to our local residents, drive markets of South East Queensland/Northern NSW along with plans to drive the idea internationally, especially to the Asian markets. There is a specific website with a link through to our website which will encourage consumers to stay longer within the destination. We also signed up 10 new members as a direct result of this initiative and currently have another 10 that are interested in being involved as we go forward. The official launch was held on 29 October with over 35 people from the local media and both regions. Steven Snow of Fins Restaurant is right behind the idea and, along with Paul Burt from Channel Nine who was the MC, put on a seafood demonstration at the opening. Tweed Tourism contributed \$7,000 to this initiative.

### *World Rally Championships*

Tweed Tourism worked closely with the rally organisers to maximise the value for our operators. We received over \$40,000 in bookings via our 1800 number and website directly related to the rally. With the help of TSC and in conjunction with TEDC, we also arranged a media lunch which gave us the chance to speak to the international media directly and present some welcome packs. This was held at Salt Bar on 1 September and attended by many international and domestic media representatives.

Our visitor information centres were kept very busy providing information throughout the event and we also sold the event program from our centres. The feedback from attendees and new visitors to the region was tremendous, as well as the publicity that highlighted to the world what we have to offer here.

### *General Marketing*

As well as the boost to marketing by TSC, a recent announcement by the combined NSW and QLD governments will see a 3 year, \$8.8 million marketing partnership to attract more international visitors to the East Coast of Australia. This is great news for the region and recognises the importance of the area to international tourism, with 8 out of 10 international holiday visitors visiting NSW and/or QLD during their stay in Australia.

## **1. Membership Numbers at 30/9/09**

	Renewed	Not renewed
Associate	50	14
General	88	21
Corporate	5	1
Corp		8
Affiliates	21	
Reciprocal	5	
Total	169	44

## **Membership Revenue**

***(THIS SECTION CONTAINS INFORMATION THAT IS COMMERCIAL IN CONFIDENCE AND IS PRESENTED IN THE CONFIDENTIAL ATTACHMENT.)***

## 1. Visitor Information Centres

Movement in visitor numbers at each VIC previous year

2009 - 2010

	2009/10	2008/09	Variance	2009/10	2008/09	Variance	2009/10	2008/09	Variance
	WHRC			Tweed Heads			Kingscliff		
Sept Qtr	6840	6471	5.70%	7007	6750	3.81%	2015	2109	-4.46%
Dec Qtr									
Mar Qtr									
Jun Qtr									
<b>Total</b>	<b>6840</b>	<b>6471</b>	<b>5.70%</b>	<b>7007</b>	<b>6750</b>	<b>3.81%</b>	<b>2015</b>	<b>2109</b>	<b>-4.46%</b>

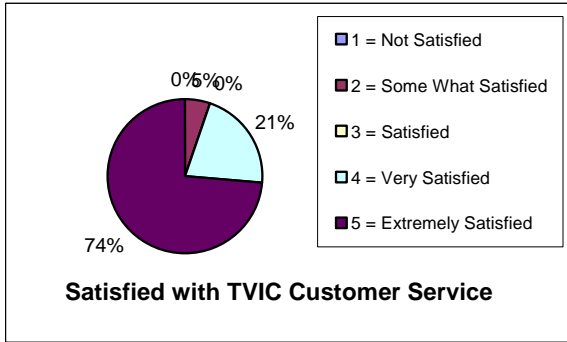
- Tweed and Murwillumbah both performed well for the first quarter, with both centres showing considerable increases to visitor numbers in comparison to the same period last year.
- Tweed showed the highest increase in the month of September. The new information centre opened at lunchtime on the 25<sup>th</sup> September and we have attracted significantly more visitors each day.
- Visitation from Victoria increased to all three centres in comparison to September quarter last year. As always, Queensland visitation was strong across all three centres.

Commissions Earned

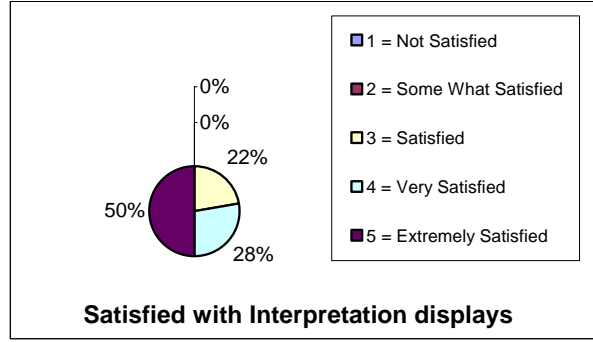
***(THIS SECTION CONTAINS INFORMATION THAT IS COMMERCIAL IN CONFIDENCE AND IS PRESENTED IN THE CONFIDENTIAL ATTACHMENT.)***

Quality of service at Visitor Information Centres

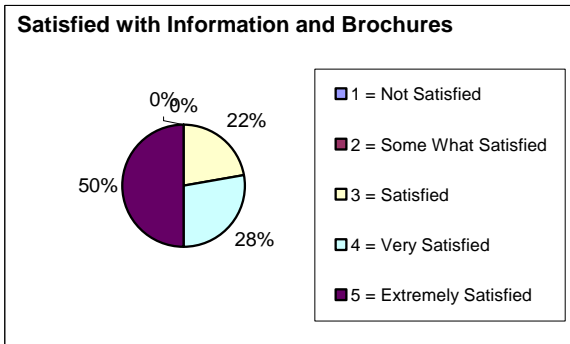
- Surveys for the last quarter, results show that 74% of visitors to the VIC's were extremely satisfied, 21% very satisfied with the quality of customer service received. Majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays.



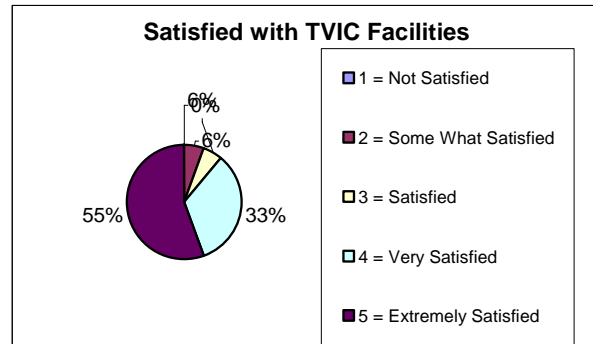
Were our visitors satisfied with our customer service.



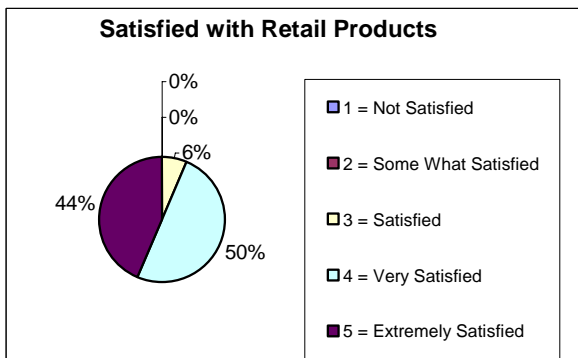
Were our visitors satisfied with our displays.



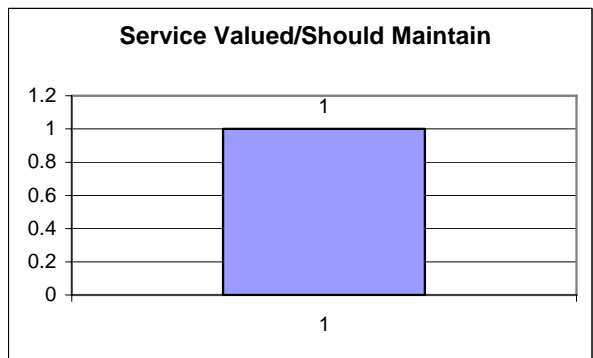
Were our visitors satisfied with our range of information.



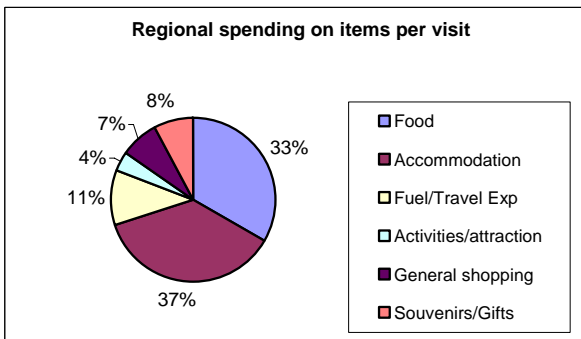
Were our visitors satisfied with our facilities.



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.

Retail Revenue

***(THIS SECTION CONTAINS INFORMATION THAT IS COMMERCIAL IN CONFIDENCE AND IS PRESENTED IN THE CONFIDENTIAL ATTACHMENT.)***

## **5. PRODUCT DEVELOPMENT**

### **Art & Culture**

Participated in the Arts Connecting Communities Action Planning Session facilitated by the Australian Business Arts Foundation (AbaF). The concept is to foster the development of arts and business partnerships in Tweed Shire Council. A number of initiatives have been suggested and the next step is for AbaF to hold a 2 day workshop with the regions artists. This will be an ongoing project to assist in the development of partnerships which ultimately will raise the regions artistic profile.

### **Taste the Tweed**

*Farm Tours* – In discussions with Petria Jukes of Tweed Shire Council regarding possible changes to their regulations to accommodate farm tours.

*Taste the Tweed @ Twin Towns* – This was a great success with over 1,000 people attending the various events and enjoying local Tweed produce. The plan is to make it an annual event which will grow over time.

*Farmers Market* – A number of meetings have been held with the famers and the local village communities who have identified Famers Markets as one of their priorities in the Caldera Economic Transition Program. They have agreed a day and time of every Friday at 7am to 11am. We are still exploring the location options with Tweed Shire Council, but at this stage Knox Park is a possibility..

### **Environment**

*National Landscapes* – Work in progress with Lin Sutherland of Below h2o Productions/Eco Earth TV for a seven minute segment which will go to air on the Discovery Channel along with a few of the other National Landscapes. Australia's Green Cauldron will be part of Travel Wild, a new series about adventure and eco-travel, focusing on tourism in harmony with the environment. It will be broadcast internationally in 2010 to an audience of well over 20 million – possibly 200 million people – from traditional TV network broadcasters, established retail outlets and through associated web channels.

The National Landscapes Regional Forum is being held in Alice Springs early November. Wendy Miller and Joanne Gurney will attend.

### **Birds**

The Tweed Bird Observers have organised to have their walks included on Tweed Tourism's website.



**Walks**

A number of meetings have been held with the Tweed Economic Transition Program community groups (Uki, Tyalgum, Chillingham) and National Parks & Wildlife in relation to trails in the vicinity of the three villages and in particular walks, horse riding, mountain biking, cycling and kayaking. A group submission is being prepared for funding through the Health Communities Grant Scheme to identify these trails, suitable usage and required signage.

**Cycle ways**

Wollumbin Bug (Bicycle Users Group) has been launched. Tweed Tourism is working with this group and Tweed Shire Council to determine suitable cycleways/mountain bike trails throughout the Tweed. Have had meetings with TSC and Job Futures regarding possible funding opportunities for the improvement, or development, of possible cycleways and/or shoulders on roads to alleviate squeeze spots.

**Indigenous Tourism**

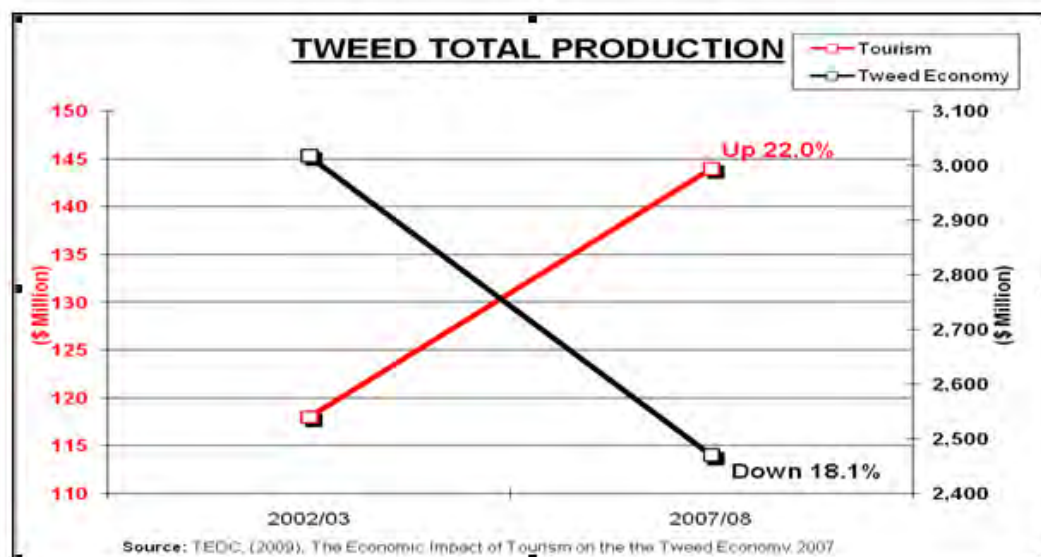
A number of meetings have been held with local indigenous people interested in furthering their tourism ventures. Liaising with the regions Aboriginal Enterprise Development Officer to explore options.

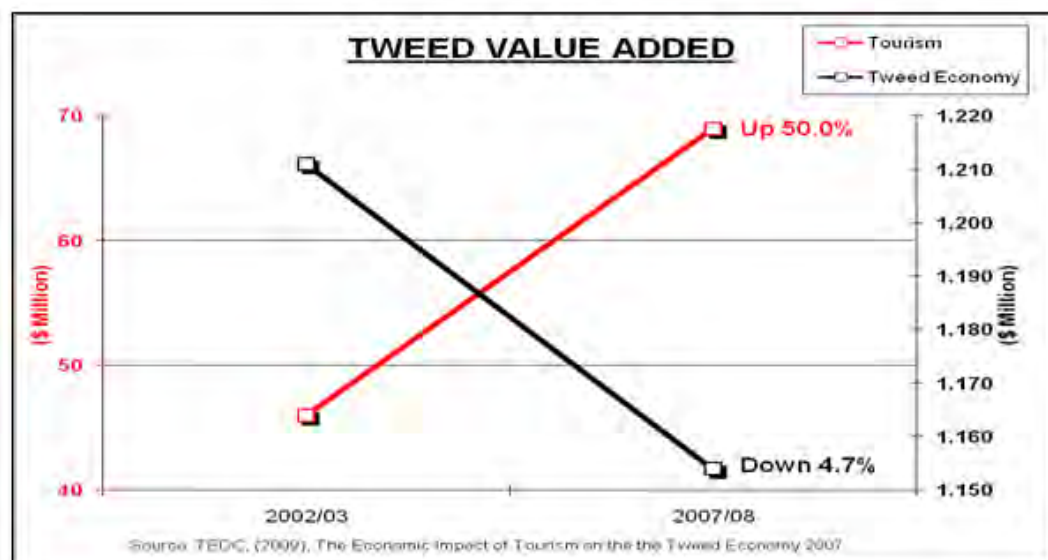
**Sports**

*Surfing* – The RAW Australasian titles and Rebel Sport Pro championships for Duranbah (northern end) is being held 9 to 15 November 2009.

**6. GENERAL**

The recent publication by the TEDC indicates the importance of Tourism to the Tweed economy and the fact that it has been the most buoyant and in fact has shown significant growth over the period since 2002/03. The impact can be seen in Tourism's contribution to the Tweed economy's total GDP, as well as aspects such as Wages and Salaries derived from the Tourism Industry. These figures indicate the growing importance of tourism to the Tweed economy.





**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).

1. **Confidential Attachment** - Tweed Tourism Quarterly Report – July to September 2009 (ECM 8291761)

## REPORTS FROM THE DIRECTOR PLANNING AND 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.

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**8 [PR-CM] Development Application DA09/0048 for an Eighteen (18) Lot Community Title Subdivision Comprising of Seventeen (17) Residential and One (1) Neighbourhood Property Allotment at Lot 56 DP 1030322, Collins Lane Casuarina**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA09/0048 Pt1**

**SUMMARY OF REPORT:**

The proposed development is to undertake a three stage, eighteen (18) lot community title subdivision comprising of seventeen (17) residential and one (1) neighbourhood property allotment. The lots will be formed under a community title scheme.

A SEPP 1 objection also accompanies the application. The objection is in respect of the planning standard identified within Clause 21A (2)(a) of the Tweed Local Environmental Plan 2000, specifically seeking variance to the 40 hectare minimum lot size development standard for the 7(f) Environmental Protection (Coastal Lands) zone.

The SEPP 1 objection relates to a small portion of the site adjacent to the eastern boundary which is zoned 7(f) Environmental Protection (Coastal Lands). The 7(f) zoned land represents approximately 11.7% of the site and the remainder of the site is zoned 2(e) Residential Tourist which has a minimum lot size of 450m<sup>2</sup>. It is proposed as part of the subdivision to include the 7(f) zoned land within proposed lots 13 to 17.

The application was referred to the NSW Department of Planning requesting the Director-General's Concurrence. Concurrence was granted to vary the 40 hectare minimum lot size development standard subject to no residential, associated buildings or structures permitted on land zoned 7(f).

The purpose of this report is to have the application determined by a full Council as Council Officers do not have the delegation to determine a development application with a SEPP 1 objection greater than 10 per cent variation of the applicable development standard.

After consideration of applicable environmental planning instruments, the Tweed Development Control Plan and various policies, the proposal is recommended for approval.

**RECOMMENDATION:**

**That Development Application DA09/0048 for a eighteen (18) lot community title subdivision comprising of seventeen (17) residential and one (1) neighbourhood property allotment at Lot 56 DP 1030322, Collins Lane Casuarina be approved subject to the following conditions: -**

## **GENERAL**

1. The staged development shall be completed in accordance with the Statement of Environmental Effects, the associated documentation and Plan No. 1 – Subdivision Plan prepared by Planit Consulting dated June 2009.

The staging is to occur as follows:

### **Stage 1**

One allotment comprising proposed Lot 6.

### **Stage 2**

Five allotments comprising proposed Lots 1-5.

### **Stage 3**

Eleven residential allotments and one neighbourhood property allotment containing an internal service road comprising proposed Lots 7-17 and internal road.

except where varied by the conditions of this consent.

[GEN0005]

2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

5. No residential buildings (or associated buildings, structures or services) are permitted on land zoned 7(f) Environmental Protection (Coastal Lands) within proposed allotments 13-17 within Stage 3.

This excludes the existing and proposed sewer infrastructure subject to compliance with Condition 15 of this consent to ensure compliance with the permissible uses within the 7(f) zone.

[GENNS01]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

7. 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]
8. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.
- [PCC0465]
9. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.  
All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be included as part of the construction certificate application.
- [PCC0485]
10. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for each stage of this development.  
The landscaping plan shall show street trees to Casuarina Way (with a minimum of one street tree per allotment frontage to Casuarina Way) and landscaping addressing the internal road within Stage 3.
- [PCC0585]
11. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.
- [PCC0865]
12. Prior to the issue of a Construction Certificate for civil works, the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (a) copies of compliance certificates relied upon
  - (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
    - earthworks
    - roadworks/access driveways
    - stormwater drainage

- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

13. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
  - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

14. Medium density/integrated developments (subject to separate future approvals) will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

This is relevant for Lots 7 - 11 and 13 - 17 in Stage 3 only.

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

[PCC1185]

15. Prior to issue of a Construction Certificate for Stage 3 the applicant is to lodge revised sewer infrastructure provisions for Lots 13 – 17 to relocate the proposed private sewer infrastructure outside the 7(f) zone.

Council may consider alternative options to maintain the proposed alignment including the possibility of retaining the sewer as public infrastructure upon lodgement of the Construction Certificate application. In this regard an easement in favour of Council over the public sewer would be required if it remained within the 7(f) zone.

This condition has been imposed to ensure compliance with the permissible uses within the 7(f) zone.

[PCCNS01]



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**PRIOR TO COMMENCEMENT OF WORK**

16. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
17. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:- [PCW0005]
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
  - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
  - (c) WorkCover Regulations 2000
18. 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. [PCW0025]
19. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate. [PCW0225]
- Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works. [PCW0375]
20. Civil work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
    - (i) the consent authority, or
    - (ii) an accredited certifier, and
  - (b) the person having the benefit of the development consent:
    - (i) has appointed a principal certifying authority,
    - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
      - C4: Accredited Certifier – Stormwater management facilities construction compliance
      - C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate,

This part of the condition is applicable to Stage 3 only and

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
  - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

21. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

22. Prior to commencement of 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.

[PCW0985]

23. Prior to the commencement of work, a Construction Certificate shall be obtained for the works proposed by this consent.

[PCWNS01]

24. Appropriate measures are to be put in place during the construction and/or demolition period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

#### **DURING CONSTRUCTION**

25. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

26. Construction of the internal accessway serving lots 7 to 11 and 13 to 17, generally to a 6m wide concrete/bitumen sealed standard, in accordance with the provisions of Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

This condition is applicable to Stage 3 only.

[DUR0055]

27. The provision of 7 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

This condition is applicable to Stage 3 only.

[DUR0085]

28. Construction and/or demolition 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 6.00pm

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]

29. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

30. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

31. During filling operations,

- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- All fill and cut batters shall be contained wholly within the subject land.
- 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 to the satisfaction of the Principal Certifying Authority.

and upon completion,

- all topsoil to be respread and the site to be grassed and landscaped including battered areas.

[DUR0755]

32. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

33. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

34. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

35. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

36. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

37. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

38. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

39. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

40. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans as required by Condition 10 of this consent.

[DUR1045]

41. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

42. 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 Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

43. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

**Road / Access Works**

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, bikeways - formwork/reinforcement
- (h) Final inspections - on maintenance
- (i) Off Maintenance inspection

**Water Reticulation, Sewer Reticulation, Drainage**

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final inspection - on maintenance
- (i) Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

44. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.  
[DUR2015]
45. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.  
[DUR2025]
46. 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/demolition.  
[DUR2185]
47. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.  
[DUR2205]
48. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.  
[DUR2355]
49. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.  
Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.  
  
This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.  
[DUR2375]
50. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg.  
[DUR2435]
51. All imported fill shall be from an approved source and free from contaminants.
52. A sewer manhole is present on the site. This manhole is not to be covered with soil or other material.  
Should additional fill be proposed in the area of the sewer manhole, application shall be made to Council's Engineering & Operations Division for the raising of the manhole.  
[DURNS02]

**USE**

53. 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.

[USE0125]

54. 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]

55. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

56. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

**Stage 1**

Water DSP6: 1 ET @ \$10709 per ET	\$10709
South Kingscliff Water Levy: 1 ET @ 248.4 per ET	\$248
Sewer Kingscliff: 1 ET @ \$5146 per ET	\$5146

**Stage 2**

Water DSP6: 5 ET @ \$10709 per ET	\$53545
South Kingscliff Water Levy: 5 ET @ 248.4 per ET	\$1242
Sewer Kingscliff: 5 ET @ \$5146 per ET	\$25730

**Stage 3**

Water DSP6: 9 ET @ \$10709 per ET	\$96381
South Kingscliff Water Levy: 10 ET @ 248.4 per ET	\$2484
Sewer Kingscliff: 9 ET @ \$5146 per ET	\$46314

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

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT **MUST** BE PROVIDED AT THE TIME OF PAYMENT.

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

[PSC0165]

**58. Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT **MUST** BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

**Stage 1**

(a) Tweed Road Contribution Plan: 6.5 Trips @ \$861 per Trips	\$5597
(\$782 base rate + \$79 indexation) S94 Plan No. 4 Sector6_4	
LCA4 - Casuarina:	\$103
(\$154 base rate + \$5 indexation per trip)	



**Heavy Haulage Component**

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

**Dist.** Average haulage distance of product on Shire roads  
(trip one way)

**\\$Unit** the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

**Admin.** Administration component - 5% - see Section 6.5

- |     |   |           |
|-----|---|-----------|
| (b) | <b>Shirewide Library Facilities:</b><br>1 ET @ \$374 per ET<br>(\\$374 base rate + \$0 indexation)<br>S94 Plan No. 11   | \$374     |
| (c) | <b>Bus Shelters:</b><br>1 ET @ \$26 per ET<br>(\\$26 base rate + \$0 indexation)<br>S94 Plan No. 12   | \$26      |
| (d) | <b>Eviron Cemetery:</b><br>1 ET @ \$131 per ET<br>(\\$131 base rate + \$0 indexation)<br>S94 Plan No. 13  | \$131     |
| (e) | <b>Emergency Facilities (Surf Lifesaving):</b><br>1 ET @ \$200 per ET<br>(\\$200 base rate + \$0 indexation)<br>S94 Plan No. 16   | \$200     |
| (f) | <b>Extensions to Council Administration Offices<br/>&amp; Technical Support Facilities</b><br>1 ET @ \$1996.80 per ET<br>(\\$1996.80 base rate + \$0 indexation)<br>S94 Plan No. 18 | \$1996.80 |

- (g) **Casuarina Beach/Kings Forest Community Facilities:**  
1 ET @ \$1443 per ET \$1443  
(\$1443 base rate + \$0 indexation)  
S94 Plan No. 19
- (h) **Casuarina Beach/Kings Forest Open Space:**  
1 ET @ \$1544 per ET \$1544  
(\$1544 base rate + \$0 indexation)  
S94 Plan No. 19
- (i) **Cycleways:**  
1 ET @ \$352 per ET \$352  
(\$352 base rate + \$0 indexation)  
S94 Plan No. 22
- (j) **Regional Open Space (Casual)**  
1 ET @ \$855 per ET \$855  
(\$855 base rate + \$0 indexation)  
S94 Plan No. 26
- (k) **Regional Open Space (Structured):**  
1 ET @ \$2327 per ET \$2327  
(\$2327 base rate + \$0 indexation)  
S94 Plan No. 26

**Stage 2**

- (a) **Tweed Road Contribution Plan:**  
32.5 Trips @ \$861 per Trips \$27983  
(\$782 base rate + \$79 indexation)  
S94 Plan No. 4

Sector6\_4

LCA4 - Casuarina: \$516

(\$154 base rate + \$5 indexation per trip)

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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<b>Prod.</b>	<b>Projected demand for extractive material to be hauled to the site over life of project in tonnes</b>	
<b>Dist.</b>	<b>Average haulage distance of product on Shire roads</b>	
	<b>(trip one way)</b>	
<b>\$Unit</b>	<b>the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)</b>	
<b>Admin.</b>	<b>Administration component - 5% - see Section 6.5</b>	
<b>(b)</b>	<b>Shirewide Library Facilities:</b>	
	<b>5 ET @ \$374 per ET</b>	<b>\$1870</b>
	<b>(\$374 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 11</b>	
<b>(c)</b>	<b>Bus Shelters:</b>	
	<b>5 ET @ \$26 per ET</b>	<b>\$130</b>
	<b>(\$26 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 12</b>	
<b>(d)</b>	<b>Eviron Cemetery:</b>	
	<b>5 ET @ \$131 per ET</b>	<b>\$655</b>
	<b>(\$131 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 13</b>	
<b>(e)</b>	<b>Emergency Facilities (Surf Lifesaving):</b>	
	<b>5 ET @ \$200 per ET</b>	<b>\$1000</b>
	<b>(\$200 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 16</b>	
<b>(f)</b>	<b>Extensions to Council Administration Offices &amp; Technical Support Facilities</b>	
	<b>5 ET @ \$1996.8 per ET</b>	<b>\$9984</b>
	<b>(\$1996.8 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 18</b>	
<b>(g)</b>	<b>Casuarina Beach/Kings Forest Community Facilities:</b>	
	<b>5 ET @ \$1443 per ET</b>	<b>\$7215</b>
	<b>(\$1443 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 19</b>	
<b>(h)</b>	<b>Casuarina Beach/Kings Forest Open Space:</b>	
	<b>5 ET @ \$1544 per ET</b>	<b>\$7720</b>
	<b>(\$1544 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 19</b>	
<b>(i)</b>	<b>Cycleways:</b>	
	<b>5 ET @ \$352 per ET</b>	<b>\$1760</b>
	<b>(\$352 base rate + \$0 indexation)</b>	
	<b>S94 Plan No. 22</b>	

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(j) **Regional Open Space (Casual)**  
5 ET @ \$855 per ET \$4275  
((\$855 base rate + \$0 indexation)  
S94 Plan No. 26

(k) **Regional Open Space (Structured):**  
5 ET @ \$2327 per ET \$11635  
((\$2327 base rate + \$0 indexation)  
S94 Plan No. 26

**Stage 3**

(a) **Tweed Road Contribution Plan:**  
58.5 Trips @ \$861 per Trips \$50369  
((\$782 base rate + \$79 indexation)  
S94 Plan No. 4

Sector6\_4

LCA4 - Casuarina: \$930

(\$154 base rate + \$5 indexation per trip)

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

**Dist.** Average haulage distance of product on Shire roads  
(trip one way)

**\\$Unit** the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

**Admin.** Administration component - 5% - see Section 6.5

(b) **Shirewide Library Facilities:**  
9.6918 ET @ \$374 per ET \$3625  
((\$374 base rate + \$0 indexation)  
S94 Plan No. 11

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(c) Bus Shelters: 10 ET @ \$26 per ET (\$26 base rate + \$0 indexation) S94 Plan No. 12	\$260
(d) Eviron Cemetery: 9.619 ET @ \$131 per ET (\$131 base rate + \$0 indexation) S94 Plan No. 13	\$1260
(e) Emergency Facilities (Surf Lifesaving): 9.689 ET @ \$200 per ET (\$200 base rate + \$0 indexation) S94 Plan No. 16	\$1938
(f) Extensions to Council Administration Offices & Technical Support Facilities 9.4828 ET @ \$1996.8 per ET (\$1996.8 base rate + \$0 indexation) S94 Plan No. 18	\$18935.26
(g) Casuarina Beach/Kings Forest Community Facilities: 9.6922 ET @ \$1443 per ET (\$1443 base rate + \$0 indexation) S94 Plan No. 19	\$13986
(h) Casuarina Beach/Kings Forest Open Space: 9.6938 ET @ \$1544 per ET (\$1544 base rate + \$0 indexation) S94 Plan No. 19	\$14967
(i) Cycleways: 9.6874 ET @ \$352 per ET (\$352 base rate + \$0 indexation) S94 Plan No. 22	\$3410
(j) Regional Open Space (Casual) 9.6932 ET @ \$855 per ET (\$855 base rate + \$0 indexation) S94 Plan No. 26	\$8288
(k) Regional Open Space (Structured): 9.6968 ET @ \$2327 per ET (\$2327 base rate + \$0 indexation) S94 Plan No. 26	\$22564

[PSC0175]

59. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.  
The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

This requirement is directed at Stage 3, but may also be imposed on earlier stages, depending on the extent of works required for those earlier stages.

[PSC0215]

60. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

This requirement is directed Stage 3, but may also be imposed on earlier stages, depending on the extent of works required for those earlier stages.

[PSC0235]

61. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

62. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

63. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

64. A Subdivision Certificate will not be issued by the General Manager until such time as all relevant conditions of this Development Consent have been complied with.

[PSC0825]

65. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
  - (b) Restriction as to user for proposed allotments 13 - 17 (inclusive) in accordance with Condition 5 of this consent as it relates to the 7(f) Environmental Protection (Coastal Lands) zone.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

66. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

67. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

68. Pursuant to Section 80A(1)(b) of the Environmental Planning and Assessment Act, 1979 (As amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000, the following Development Consents shall be surrendered by lodgement of the prescribed information, suitably executed, PRIOR to the issue of a Subdivision Certificate for the relevant Stages of the approved development, as follows;

- Stage 1: - Development Consent No. DA02/1009 and associated CC04/0403
- Development Consent No. DA02/1708 and associated CC04/0402
  - Development Consent No. DA09/0109 and any associated construction certificate.

Stages 2 and 3: - any relevant conflicting Development Consents.

[PSC0875]

69. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

70. A Community Management Statement detailing the by-laws necessary for the efficient running of the scheme. The Statement may include defining any proposed open and/or private accessways, as well as any statutory easements (service works plan). The Statement shall provide details on:

- The theme of the development (if any)
- Any special requirements for use or maintenance of the association property,
- Whether access within a scheme will be via public roads or whether accessways are to be used. Accessways remain association property and will have to be maintained by the association and not the local council.
- Who owns and maintains service lines within the scheme: the association or the service providers.
- The existing Council-imposed title restrictions over the property. These must all be reiterated within the Community Management Statement and cover: the restricted building area within the site; stormwater discharge infiltration requirements; and pet and plant restrictions.
- Other issues such as the hanging of washing, and noise.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

71. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- (a) Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- (b) No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- (c) No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.  
These ownership and control requirements shall be reinforced by inclusion in the Community Management Statement.

Any Instrument creating these restrictions shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

[PSC0905]



**72. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-**

- (a) Compliance Certificate - Roads / Accessways**
- (b) Compliance Certificate - Water Reticulation**
- (c) Compliance Certificate - Sewerage Reticulation**
- (d) Compliance Certificate - Drainage**

**Note:**

- 1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.**
- 2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".**

[PSC0915]

**73. The six (6) months Defects Liability Period, where relevant, commences upon the registration of the Plan of Subdivision.**

[PSC0925]

**74. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and sewerage system installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.**

**Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.**

**All costs associated with the CCTV inspection and repairs shall be borne by the applicants.**

[PSC1065]

**75. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval. The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.**

[PSC1115]

**76. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed.**

[PSC1165]

**77. Electricity**

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.  
Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

The existing Right-of-Carriageway registered over the western section of the Collins Lane cul-de-sac head and footpath area shall be extinguished, and a public road shall be dedicated to Council free of cost over the same road and footpath areas.

The area for road dedication shall be to the satisfaction of the Director Planning and Regulation.

This requirement is to be addressed as part of Stage 1

[PSCNS01]

- 78. All Community Title subdivisions require 'Lot 1' to be the 'community lot', with all common access and servicing provisions constructed and nominated within that lot. The proposed lots will need to be re-numbered accordingly, prior to the issue of a Subdivision Certificate for any stage of the development.**

[PSCNS02]

Prior to the issue of a Subdivision Certificate for Stage 1, the applicant is required to:

- a) Address the provision of all services to proposed Lot 6. This may require the prior submission of application forms and/or a construction certificate for any necessary relevant works.
- b) Submit Work-as-Executed information, test results and engineering certification on any subdivisional civil works that were previously constructed under either of the Council-issued construction certificates CC04/0402 and CC04/0403. All sewer junctions on new infrastructure are to be clearly nominated.
- c) Submit a Community Management Statement detailing the by-laws necessary for the efficient running of the scheme. The Statement may include defining any proposed open and/or private accessways, as well as any statutory easements (service works plan). The Statement shall provide details on:
  - The theme of the development (if any)

- Any special requirements for use or maintenance of the association property,
  - Whether access within a scheme will be via public roads or whether accessways are to be used. Accessways remain association property and will have to be maintained by the association and not the local council.
  - Who owns and maintains service lines within the scheme: the association or the service providers.
  - The existing Council-imposed title restrictions over the property. These must all be reiterated within the Community Management Statement and cover: the restricted building area within the site; stormwater discharge infiltration requirements; and pet and plant restrictions.
  - The NSW Rural Fire Service restrictions including Asset Protection Zones (APZ's).
  - Other issues such as the hanging of washing, and noise.
- d) The Stage 1 release must address (not necessarily construct) the stormwater management requirements for the entire development. This is due to the requirement for all lots to infiltrate roofwater, and have a surcharge overflow path to the street. Lots 7 to 12 have adverse fall away from the street, and the applicant must determine the most appropriate stormwater scheme for the site. Some site filling may be necessary to achieve this, and may involve Lot 6, being Stage 1 of the development. The stormwater management plan must also take into account:
- Likely landscaping within the surcharge overland flowpaths,
  - Surcharge overflows from the infiltration area to the street or public drainage system must occur by visible surface flow, not piped.
  - Treatment for runoff other than roofwater, to remove contaminants prior to entry into the infiltration device,
  - The design criteria infiltration rate of 3m per day, when sizing infiltration devices,
  - Sites under Strata or Community Title are normally required to have infiltration areas contained within community land, to ensure collective responsibility for site drainage. The applicant must specifically address and justify any deviation from this standard.
  - All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
  - All infiltration devices are to be located clear of all easements, and take into account the proximity of future dwelling foundations.

[PSCNS03]

#### **GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

79. At the issue of the subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Services document 'Standards for asset protection zones'.

80. A minimum 15 metre asset protection zone (APZ) is to be provided from the eastern boundary of proposed Lots 13 to 17 (inclusive) of the development and shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
81. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
82. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
83. The existing dwellings on proposed Lots 15 and 16 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors vents, weepholes and eaves.

**REPORT:**

**Applicant:** Mr D O'Rourke  
**Owner:** Mr D O'Rourke  
**Location:** Lot 56 DP 1030322, Collins Lane Casuarina  
**Zoning:** Part 2(e) Residential Tourist and Part 7(f) Environmental Protection (Coastal Lands)

**BACKGROUND:**Proposal

The proposed development is to undertake a three stage, eighteen (18) lot community title subdivision comprising of seventeen (17) residential and one (1) neighbourhood property allotment. The lots will be formed under a community title scheme.

The proposed subdivision will be delivered over three (3) stages, with all lots to be of varying size and utilise varying points of access. The stages, proposed lot sizes and access points are summarised in the table below:

Proposed Lot	Size (m <sup>2</sup> )	Accessed from
<b>Stage 1</b>		
6	503.15	Casuarina Way
<b>Stage 2</b>		
1	520.5	Casuarina Way
2	607.25	Casuarina Way
3	555.2	Casuarina Way
4	503.15	Casuarina Way
5	503.15	Casuarina Way
<b>Stage 3</b>		
7	714.8	Lot 19
8	479.8	Lot 19
9	479.8	Lot 19
10	479.8	Lot 19
11	464	Lot 19
12	503.9	Collins Lane
13	560	Lot 19
14	642	Lot 19
15	918.96	Lot 19
16	761.3	Lot 19
17	1362.6	Lot 19
18	910	Collins Lane

Proposed Lot 18 is to function as a neighbourhood property allotment and will be used to provide access, water, visitor parking (7 spaces) and a communal garbage storage area. This lot is proposed to be created as part of stage 3.

### SEPP 1 Objection

A SEPP 1 objection also accompanies the application. The objection is in respect of the planning standard identified within Clause 21A (2)(a) of the Tweed Local Environmental Plan 2000, specifically seeking variance to the 40 hectare minimum lot size development standard for the 7(f) zone.

The SEPP 1 objection relates to a small portion of the site adjacent to the eastern boundary which is zoned 7(f) Environmental Protection (Coastal Lands). The 7(f) zoned land represents approximately 11.7% of the site and the remainder of the site is zoned 2(e) Residential Tourist which has a minimum lot size of 450m<sup>2</sup>. It is proposed as part of the subdivision to include the 7(f) zoned land within proposed lots 13 to 17.

The application was referred to the NSW Department of Planning requesting the Director-General's Concurrence. Concurrence was granted to vary the 40 hectare minimum lot size development standard subject to no residential, associated buildings or structures being permitted on land zoned 7(f).

The Department of Planning advised that concurrence was granted in this instance for the following reasons:

- The majority of the proposed residential lots are within the land zoned 2(e) Residential Tourist while only the eastern strip consists of 7(f) Environmental Protection;
- The residential dwellings will be situated entirely within the 2(e) zone. No buildings or associated structures would be permitted in the 7(f) zone;
- The proposed uses of the land would be residential, which is consistent with the surrounding land uses.

### Site

The subject site is located off the end of Collins Lane within (but has frontage to Casuarina Way) within the central precinct for Casuarina (approved Stage 4). It is a rectangular shaped block with a 93 metre frontage to Casuarina Way and a depth of 143 metres to create a total site area of 1.61 hectares. The subject site is generally level (as a result of fill for the subdivision) and is clear of any significant vegetation, however the site is partially identified as bushfire prone.

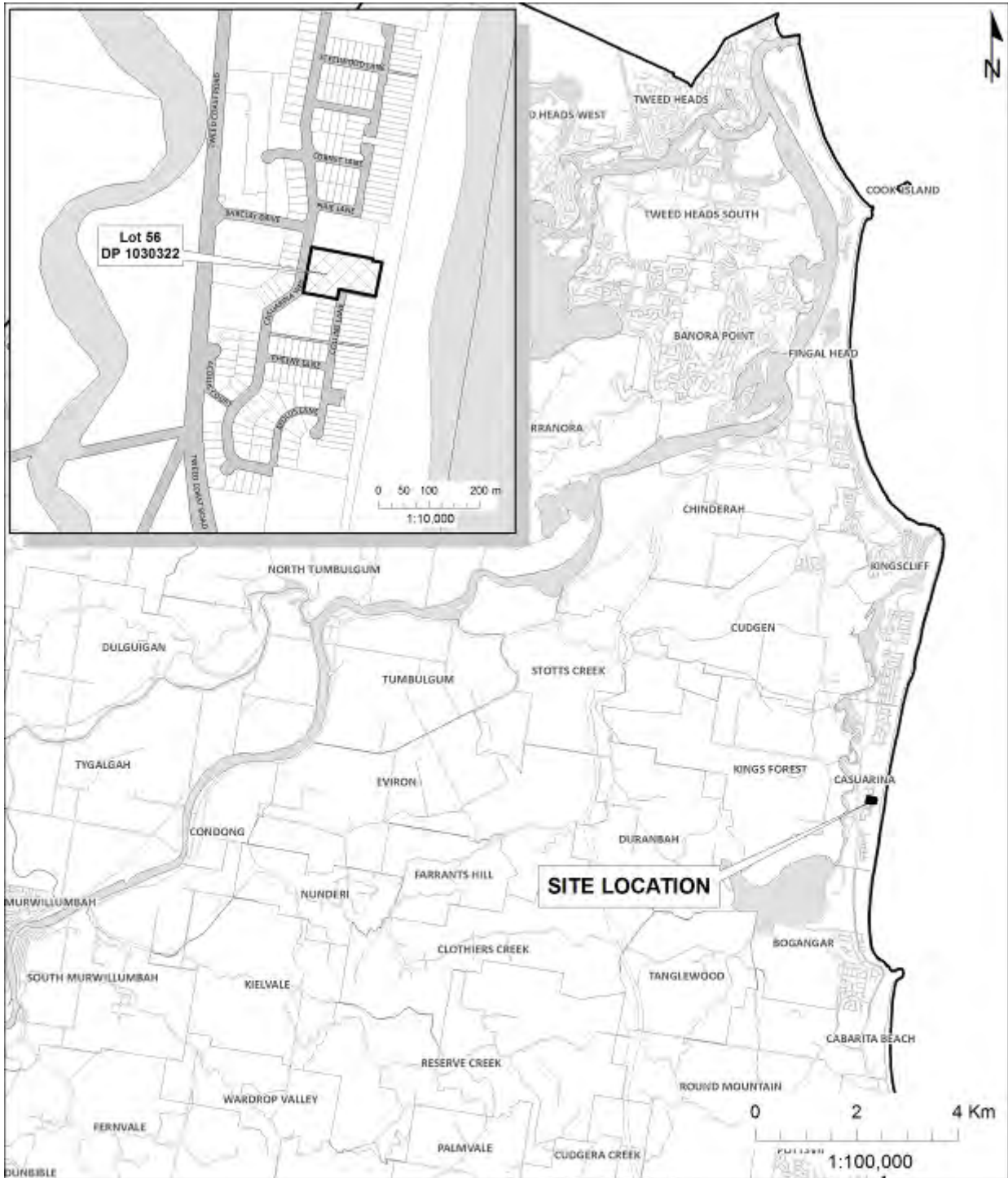
The site accommodates existing vehicular access from Collins Lane and an approved detached dual occupancy (two dwellings). With a number of ancillary outbuildings such as storage sheds, tennis court and a cabana.

### Summary

As the Department of Planning have granted Director General's Concurrence, the purpose of this report is to have the application determined by a full Council as Council Officers do not have the delegation to determine a development application with a SEPP 1 objection greater than a 10 per cent variation of the applicable development standard.

After consideration of applicable environmental planning instruments, the Tweed Development Control Plan and various policies, the proposal is recommended for approval.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
**Lot 56 DP 1030322,**  
**Collins Lane, Casuarina**

Filename: z:\asn\planning\msd\449\_B&W\_SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 4 November, 2009

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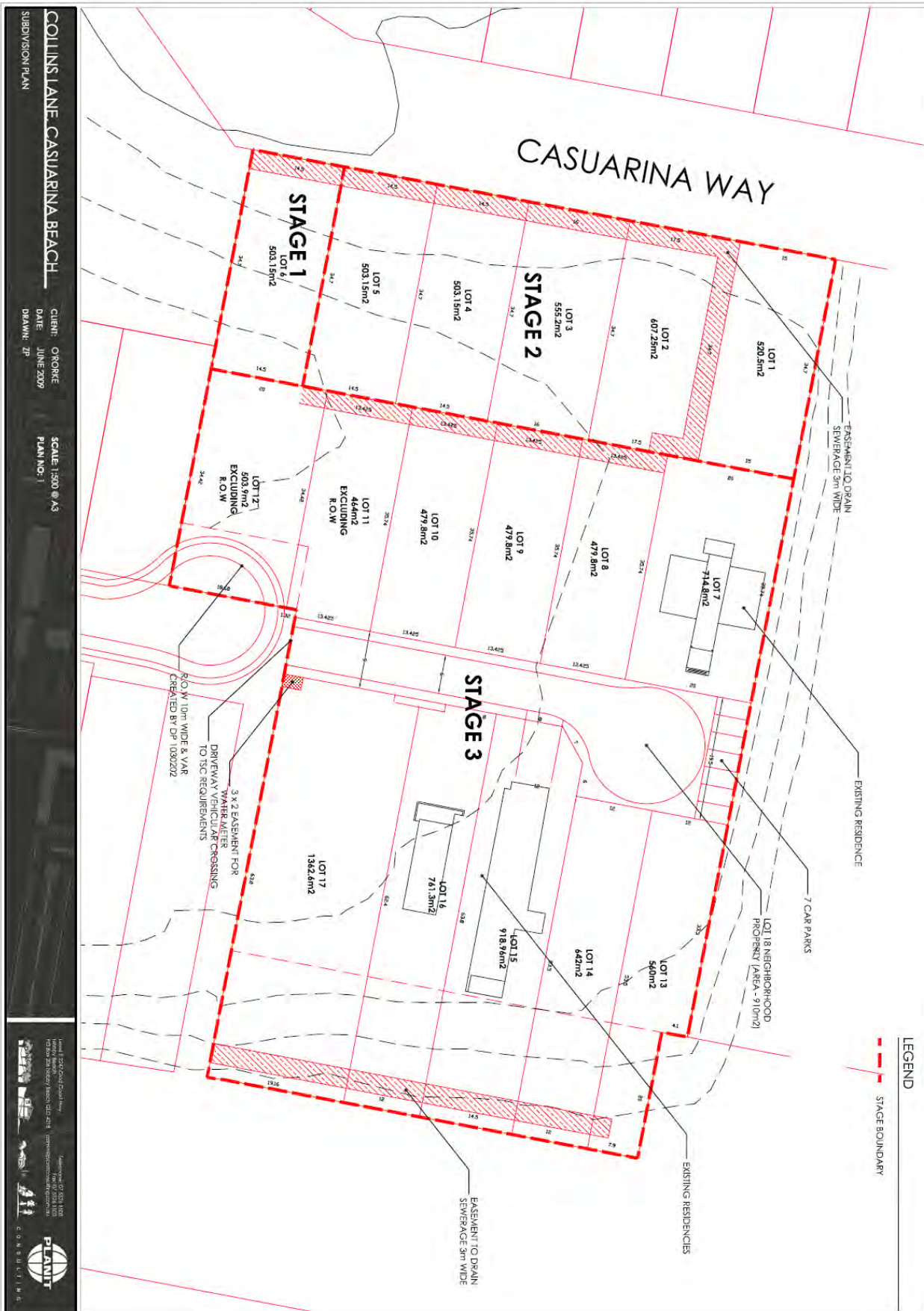
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**TWEED**  
**SHIRE COUNCIL**



DEVELOPMENT/ELEVATION PLANS:





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

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

**Tweed Local Environmental Plan 2000**

**Clause 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, as it is not considered likely to result in a reduction of residential amenity for nearby residential properties or the shire as a whole.

**Clause 5 - Ecologically Sustainable Development**

Clause 5 of the LEP relates to 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*. The subject site is an existing infill site and therefore the proposed development is considered to be in keeping with the ESD principles.

**Clause 8 Consent considerations**

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 part zoned 2(e) Residential Tourism, the primary objectives of which are outlined below.

The proposed subdivision is considered consistent with the primary objective of the zone as it will be for residential use.

Other relevant clauses of the TLEP have been considered elsewhere in this report and it is considered that the proposed dual occupancy generally complies with the aims and objectives of each.

The proposal is not considered to contribute to any unacceptable cumulative impact in the community due to the established residential nature of the subject area.

#### Clause 11 - Zone objectives

The site is part zoned 2(e) Residential Tourist and 7(f) Environmental Protection (Coastal Lands).

#### **2(e) Residential Tourist Zone**

Primary objective

- *To encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.*

Secondary objective

- *To permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.*

The proposed development for an eighteen (18) lot subdivision of a residential development lot within the Casuarina Beach Estate is considered to be consistent with the objectives of the 2(e) zone.

#### **7(f) Environmental Protection**

Primary objectives

- *To identify land susceptible to coastal erosion and protect it from inappropriate development.*
- *To protect and enhance the scenic and environmental values of the land.*

Secondary objective

- *To allow for other development that is compatible with the primary function of the zone.*

The proposed subdivision is considered to be appropriate in the 7(f) zone as the majority of the proposed residential lots are wholly within the land zoned 2(e) Residential Tourist while only the eastern strip consists of 7(f) Environmental Protection.

The residential dwellings will also be situated entirely within the 2(e) zone and no buildings or associated structures will be permitted in the 7(f) zone. The proposed uses of the land will be residential, which is consistent with the surrounding land uses.

#### Clause 15 - Essential Services

The proposal can be adequately serviced by way of existing water and sewer mains within the locality, whilst augmentation and embellishment of the existing stormwater facilities can also be satisfactorily achieved subject to compliance with the provisions of Tweed DCP Section A5 and conditions of consent.

The proposal is considered to be consistent with the provisions of Clause 15 of TLEP 2000.

#### Clause 16 - Height of Building

A 3 storey height limit encumbers the allotment. No buildings are proposed as part of this application.

The proposal is considered to be consistent with the provisions of Clause 16 of TLEP 2000.

#### Clause 17 - Social Impact Assessment

Having regard to the provisions of DCP Section A13, a detailed social impact assessment is not required.

#### Clause 27 - Development in Zone 7(f) Environmental Protection (Coastal Lands)

The objective of Clause 27 is to protect land that may be susceptible to coastal erosion processes from inappropriate development. It is considered that the proposed eighteen (18) lot community title subdivision will not impact on the behaviour of the sea, beach or dune, landscape or scenic quality of the locality, and any native vegetation.

The existing 3m wide easement to drain sewer in the 7(f) zone has been previously approved as public infrastructure (which is a permissible use). The current proposal seeks to relocate the existing sewer line (which services one house) and relocate it in alignment with the sewer infrastructure south of the subject site.

Works within the 7(f) zone for sewer infrastructure is only permissible for public purposes not private purposes as proposed within the subject community title scheme.

Accordingly Condition 15 has been recommended which reads as follows:

15. *Prior to issue of a Construction Certificate for Stage 3 the applicant is to lodge revised sewer infrastructure provisions for Lots 13 – 17 to relocate the proposed private sewer infrastructure outside the 7(f) zone.*

*Council may consider alternative options to maintain the proposed alignment including the possibility of retaining the sewer as public infrastructure upon lodgement of the Construction Certificate application. In this regard an easement in favour of Council over the public sewer would be required if it remained within the 7(f) zone.*

*This condition has been imposed to ensure compliance with the permissible uses within the 7(f) zone.*

Having a public sewer line within the 7(f) zone is consistent with surrounding development and in this instance is considered acceptable.

#### Clause 35 - Acid Sulfate Soils

The subject site is identified as possessing Class 4 Acid Sulphate Soil levels. Council's Environmental Health Unit have advised that the site has been subject to significant earthworks and disturbances for historical sand mining and construction of the subject subdivision. Any ASS which may have been present on the site would have been exposed previously. Further, the approved ASSMP for Casuarina Beach required treatment of materials below 5m AHD, west of the old coast road (which does not apply to the subject land).

It is considered that the proposal complies with the requirements of Clause 35 of the TLEP 2000.

#### Clause 39 - Contaminated Lands

The site is existing residential land and is part of the greater Casuarina Beach Estate. Council Environmental Health Unit have advised that in accordance with a Council Resolution of 21/11/2001 no further testing for contamination was necessary.

It is considered the proposal complies with the requirements of Clause 39 of the TLEP 2000.

#### Clause 39A - Bushfire Protection

The subject land is identified as being within a Bushfire hazard area. As per the provisions of the Rural Fires Act 1997 and pursuant to Section 100B of the Act a permit is required for subdivisions on land subject to bushfire hazard.

The NSW RFS has given their general terms of approval for the development and appropriate conditions of consent have been imposed.

## **State Environmental Planning Policies**

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

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

This clause applies to the subject site as the NSW Coastal Policy applies. The proposal is consistent with the NSW Coastal Policy, Coastline Management Manual and North Coast Design Guidelines. The development will not result in overshadowing of the beach or waterfront open space.

#### **Clause 33: Coastal hazard areas**

The proposal is for subdivision of an existing residential allotment within the Casuarina Beach Estate. All foreshore rehabilitation and beach access points have been undertaken/established as part of the parent subdivision. The proposal has no direct implications or relevance in this regard.

It is considered the proposed subdivision is in accord with the Coastline Management Manual and the existing subdivision patterns within the area. The proposal is compliant with Clause 33.

#### **Clause 43: Residential development**

Clause 43 of the North Coast Regional Environmental Plan 1988 (NCREP) provides guidelines for Council when considering residential development. These controls include density, site erosion and environmental constraints on the land.

Site erosion will be minimised throughout the construction phase and enforced via conditions of consent. The density of the proposed development has been maximised without adversely affecting the environmental features of the land.

#### **SEPP No. 1 - Development Standards**

As discussed, the applicant seeks to vary the development standard regarding minimum allotment size for a residential subdivision as contained within Schedule 3 (subclause 2) of the Tweed LEP 2000.

The applicant contends that *the proposed development raises no matters of adverse significance in local, regional or state terms and no public benefit will result from the maintenance of the subject development standard in this case.*

A SEPP No. 1 submission may be supported where the applicant demonstrates that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case and specifies the grounds of that objection. The applicant must also demonstrate the consistency with the aims of the SEPP.

#### **In support of the proposed variation, the applicant has provided the following:**

*The proposed subdivision has been designed to replicate the existing layout with regard to the 'beach front' allotments and is clearly representative of the established subdivision pattern.*

*In this regard the established subdivision pattern provides 'beach front' residential allotments (inclusive of the subject site) which incorporates a part 2(e)/7(f) zoning. This configuration sees all 7(f) zoned land within the existing residential allotments provide areas less than 40 hectares. An effective visual representation of this situation can be found within Council's zoning maps.*

*The proposed layout inclusive of lot size variation is clearly in keeping with the existing subdivision pattern and will enable the continued development of the Casuarina Beach Estate in a coordinated and consistent manner. Granting of development consent inclusive of the proposed lot size variation will not result in an excess or avoidable impact.*

*Despite the lot size variation all existing 'beach front' allotments within Casuarina Beach achieve land uses generally in accordance with the objectives of the 7(f) zone. This is achieved by way of the regulatory requirements of Tweed Development Control Plan 2008 Section B5 and 88b Covenants which enforce no development and strict landscaping standards (native coastal dune species) in these areas. By virtue of the proposal applying these existing controls the subdivision will effectively duplicate the established environmental and scenic characteristics of both the adjoining 'beach front' allotments and that of the subject property. No adverse impacts will result to the established environmental character.*

#### **Assessment of the applicant's submission:**

The following assessment of the SEPP No. 1 is based on the principles set by Chief Justice Preston (*Wehbe v Pittwater Council* [2007] NSW LEC 827).

- 1. The applicant must satisfy the consent authority that "the objection is well founded", and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

Chief Justice Preston has noted 5 ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. In this instance, the first option, being the objectives of the standard are achieved notwithstanding non-compliance with the standard has been adopted.

- 2. The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*; and**

The objects specified within Section 5(a)(i) and (ii) relate to the promotion and co-ordination of the orderly and economic use and development of land, and the protection, provision and co-ordination of communication and utility services.

The proposal provides for a community title subdivision in an existing subdivision that incorporates a development with access to utility services and within close proximity to community facilities. The subject allotment has been identified for subdivision since the creation of the Casuarina Beach Estate.

It is not considered that the granting of this application would hinder the attainment of such objectives.

**3. It is also important to consider:**

- a. whether non-compliance with the development standard raises any matter of significance for State or regional planning; and**
- b. the public benefit of maintaining the planning controls adopted by the environmental planning instrument.**

The proposed non-compliance with Schedule 3 of the Tweed LEP 2000 is not considered to raise any matter of significance for State or regional planning.

There would be little public benefit in maintaining the development standard in this case as only a small fraction of the property is zoned 7(f) and the proposed layout inclusive of lot size variation is also clearly in keeping with the existing subdivision pattern and will enable the continued development of the Casuarina Beach Estate.

The streetscape and amenity of the locality will also be enhanced through the erection of new dwellings and infrastructure designs which in turn may lead to a resource-related wider public benefit.

Chief Justice Preston notes that there is a public benefit in maintaining planning controls. However, the proposed non-compliance with the Tweed LEP 2000 is considered to be justified in this instance and is not likely to result in an adverse planning precedent as it is localised. As such, the granting of this application is unlikely to impact upon public benefit.

In addition, the Director-General's Concurrence has been granted to vary the 40 hectare minimum lot size development standard subject to no residential, associated buildings or structures permitted on land zoned 7(f).

**SEPP No. 55 - Remediation of Land**

The land has been sand mined in the past and areas of radiation have been discovered in the Casuarina Beach area. In relation to this development, Council's environmental Health Unit are satisfied that on the basis of the information submitted to Council, that further investigation is not required for radioactive material.

**SEPP No 71 – Coastal Protection**

Clause 8 of the SEPP identifies matters for consideration for land within the coastal zone. The application is considered to adequately satisfy the matters for consideration. Specifically the proposed development will be considered compatible with existing and approved development for the locality upon completion of the proposed subdivision works.

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

There are no draft Environmental Planning instruments applicable to the proposed development.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

Each allotment has been designed to enable a dwelling house to be erected that will be fully compliant with the relevant Sit and Building Design controls contained within Section A1.

It is noted that the existing dwelling which is to be located on Lot 7 provides a minor variation to the front deep soil zone with a small 3.5m x 4.0m uncover feature entry deck located in this area. Given this structure is existing and was approved prior to Section A1, a variation is considered appropriate in this instance.

A2-Site Access and Parking Code

The property has frontage to both Casuarina Way and Collins Lane. Proposed Lots 1 to 6 will have individual access driveway directly fronting an existing public road. Lots 7 to 11 and 13 to 17 will share the proposed 6m wide concrete driveway which will be constructed as part of Stage 3.

Seven (7) additional off street car parking spaces have been provided within the neighbourhood property allotment. It is considered that seven additional visitor car parking spaces is ample to service 17 residential allotments.

Council's Engineer therefore has raised no concerns with regard to site access and parking.

A5-Subdivision Manual

The proposed community title subdivision generally complies with the requirements of Section A5 of the DCP. With regards to the relevant provisions regulating lot size and dimensions, all allotments are compliant meeting both the 450m<sup>2</sup> minimum lot size and providing sufficient width and length to accommodate the required 10m by 15m building envelope.

B5-Casuarina Beach

The provisions of Section B5 relate to the land within the Casuarina Beach Estate. It is considered that the proposed infill subdivision is compliant with all relevant requirements of Section B5.



B9-Tweed Coast Strategy

The Plan sets objectives for future development concentrating on public services and design principals. This application does not contradict the objectives of this plan.

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

Clause 92(a) Government Coastal Policy

The subject land is affected by the coastal policy. The proposed development is not considered to be in conflict with the policies and strategies of 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**

There are no further likely impacts in addition to those previously discussed.

The proposal is consistent with the surrounding residential character. The site's suitability has been demonstrated throughout the assessment of the proposal including the assessment of the minimal environmental impacts and consistency with environmental planning instruments and the DCP.

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

The suitability of the site for the development has been demonstrated by way of general consistency with the applicable environmental planning instruments and the Tweed Development Control Plan and minimal environmental impacts. The proposal is consistent with the residential character of the locality.

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

The proposal was advertised for a period of fourteen days from Wednesday 25 February to 11 March 2009. During this period eight (8) submissions were received against the development. In response to the various objecting submissions the following assessment of the common issues is summarised below.

Objection	Response
Significant increase in traffic flow in Collins Lane, Pheeny Lane Aeolus Lane	Council's Engineers have raised no issues regarding the existing road network catering for the increased traffic resulting from the subdivision. The subject allotment has always been identified for future subdivision and as a result the local road network has been designed and has the capacity to accommodate the minor increase generated by the proposal.

Loss of Turning circle at northern end of Collins Lane	The existing cul de sac at the end of Collins Lane is to be retained as to allow for a suitable turning circle for vehicles to safely manoeuvre.
Insufficient parking	Seven additional off street car parking spaces have been provided within the neighbourhood property allotment. It is considered that seven additional visitor car parking spaces is ample to service 17 residential allotments.
Construction traffic management	It is envisaged that there will be increased traffic movement during construction periods. This traffic however will only be temporary.

**(e) Public interest**

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is therefore considered to be in the interest of the general public.

**OPTIONS:**

1. Adopt the recommendation and resolve to approve the development application with conditions.
2. Resolve to refuse the development application with reasons.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicant has the option to appeal the matter in the Land and Environment Court should they be dissatisfied with Council's resolution.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed development is consistent with the applicable environmental planning instruments, the Tweed Development Control Plan and policies. The proposal will not result in adverse cumulative impacts. It is therefore considered the site suitable for the development and warrants approval.

**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.

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**9 [PR-CM] Development Application DA09/0385 for a Telecommunications Facility (30 Metre High Monopole and Associated Infrastructure) at Lot 17 DP 778719, No. 19 Meadow Place Uki**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA09/0385 Pt1**

**SUMMARY OF REPORT:**

Council has received an application for the construction of a telecommunication facility at Lot 10 DP 778719, No. 19 Meadow Place Uki. The telecommunication facility will comprise of:

- A 30 metre high monopole with 6 panel antennas mounted on a circular headframe and 2 x 1.2 metre parabolic antennas at 26 metres.
- A prefabricated equipment shelter will be located at the base of the proposed monopole.
- A high security chain wire fence around the proposed compound;
- Ancillary and associated equipment including items such as safety equipment, amplifiers, diplexers, triplexers, mounts, feeders, cable trays, and other associated infrastructure which are all considered to be necessary to facilitate the safe operation of the authorised facilities.

The application was advertised for a period of fourteen (14) days from Wednesday 22<sup>nd</sup> July 2009 to Wednesday 5<sup>th</sup> August 2009. During this period forty (40) submissions were received comprising of thirty four (34) objections and six (6) submissions in favour of the development. The most common issues raised were regarding the visual impact of the monopole, health concerns from electromagnetic energy generated from the facility and consideration of alternative locations. An assessment of the issues raised is summarised within the body of this report.

Additionally, this application has considered possible alternative sites. The applicant submitted sufficient material to suggest that alternative sites would not provide as significant improvement to the 3G coverage (or have the ability to provide any suitable coverage at all) as the subject site.

Following the assessment against the relevant heads of consideration, Council Officers consider that the proposed telecommunication facility will enhance the telecommunications services in Uki and the broader locality and therefore are recommending approval of the application. It is considered that the location and design of the proposal is suitable without causing any significant adverse impacts on the natural and built environments, the communications facility will also create a positive impact socially and economically by providing enhanced telecommunications coverage for the locality.

**RECOMMENDATION:**

**That Development Application DA09/0385 for a telecommunications facility (30 metre high monopole and associated infrastructure) at Lot 17 DP 778719, No. 19 Meadow Place, Uki be approved subject to the following conditions: -**

**GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos S8479F, Sheets G1 – G4 prepared by Daly International dated 06/04/2009, 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. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.**  
[GEN0135]
- 4. Access to the site shall be upgraded to provide a bitumen seal from edge of the existing road carriageway of meadow Place to the property boundary.**  
[GENNS01]
- 5. Erosion and Sediment Control shall be provided and maintained in accordance *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”.**  
[GENNS01]
- 6. The access track from the property boundary at Meadow Place to the Optus Compound shall be upgraded to provide a driveway of minimum standard to allow a 2 wheel drive vehicle access to the compound under all weather conditions.**  
[GENNS01]
- 7. A Right of Carriageway shall be created over the existing property access road servicing the proposed Optus compound.**  
[GENNS01]
- 8. An easement for electricity supply (minimum 2m wide) shall be created (as required) over the electricity infrastructure within Lot 17 DP 778719 servicing the proposed Optus compound.**  
[GENNS01]
- 9. The monopole is to be painted mist green to blend with it's surrounds.**  
[GENNS02]
- 10. At the commencement of building works and in perpetuity the leased area shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.**  
[GENNS03]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. 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]

12. Detailed design drawings for the proposed access road to the monopole site must be submitted for approval by Director Planning and Regulation. The location of native vegetation species must be indicated and named on the plans and measures to avoid or ameliorate impacts indicated. In particular, avoidance of the average 2m wide root plate for larger Brushbox (*Lophostemon confertus*) trees and avoidance of damage to the Strangler Fig (*Ficus watkinsiana*) roots must be demonstrated.

[PCCNS01]

13. A vegetation management plan must be submitted for approval by Director Planning and Regulation detailing compensatory works as an offset for loss of native species. Such works must include planting of a minimum of 30 native species and Camphor Laurel and other weed species control within a defined area no less than 1 hectare in area.

[PCCNS02]

## **PRIOR TO COMMENCEMENT OF WORK**

14. 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]

- 15. 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]

- 16. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

- 17. Prior to commencement of 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]

## **DURING CONSTRUCTION**

- 18. All proposed works are to be carried out in accordance with the conditions of development consent, approved drawings and specifications.

[DUR0005]

- 19. Construction and/or demolition 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 6.00pm

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]



20. 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]
21. 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]
22. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.  
[DUR0985]
23. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - dust during filling operations and also from construction vehicles
  - material removed from the site by wind
- [DUR1005]
24. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense.  
Any damage to property (including pavement damage) is to be rectified by the Developer to the satisfaction of the General Manager.  
[DURNS01]

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

25. 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]
26. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.  
[POC0805]

#### **USE**

27. 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.  
[USE0125]

**28. 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]

**29. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.**

[USE0225]

**30. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.**

[USE1035]

**31. Works must be completed by qualified bush regenerators in accordance with the approved vegetation management plan.**

[USENS01]

**REPORT:**

**Applicant:** Optus Mobile Pty Ltd  
**Owner:** Mr D Nelmes and Mrs C Timbs  
**Location:** Lot 17 DP 778719, No. 19 Meadow Place Uki  
**Zoning:** 1(a) Rural  
**Cost:** \$200,000

**BACKGROUND:**

Council has received an application for the construction of a telecommunication facility at Lot 10 DP 778719, No. 19 Meadow Place Uki. The telecommunication facility will comprise of:

- A 30 metre high monopole with 6 panel antennas mounted on a circular headframe and 2 x 1.2 metre parabolic antennas at 26 metres.
- A prefabricated equipment shelter will be located at the base of the proposed monopole.
- A high security chain wire fence around the proposed compound;
- Ancillary and associated equipment including items such as safety equipment, amplifiers, diplexers, triplexers, mounts, feeders, cable trays, and other associated infrastructure which are all considered to be necessary to facilitate the safe operation of the authorised facilities.

Optus have stated that the purpose of siting a mobile tower in this location is that they have identified the need to improve digital mobile telephone coverage and to introduce the new Optus 3G mobile phone network to the areas of Uki, Dum Dum and rural surrounds.

The proposed site is located approximately 1.1 km north east of Uki Village on an elevated rural property. The subdivision pattern in this vicinity comprises of a mixture of small and large rural holdings used for both farming practices and residential occupation. The closest dwelling house to the facility is approximately 150 metres. The proposed location for the telecommunication facility is located amidst a dense plot of vegetation made up of predominantly camphor laurel trees with a number of native species. Access to the proposed site is achieved firstly via the existing driveway which leads to the existing residence on the property and secondly onto an existing dirt track.

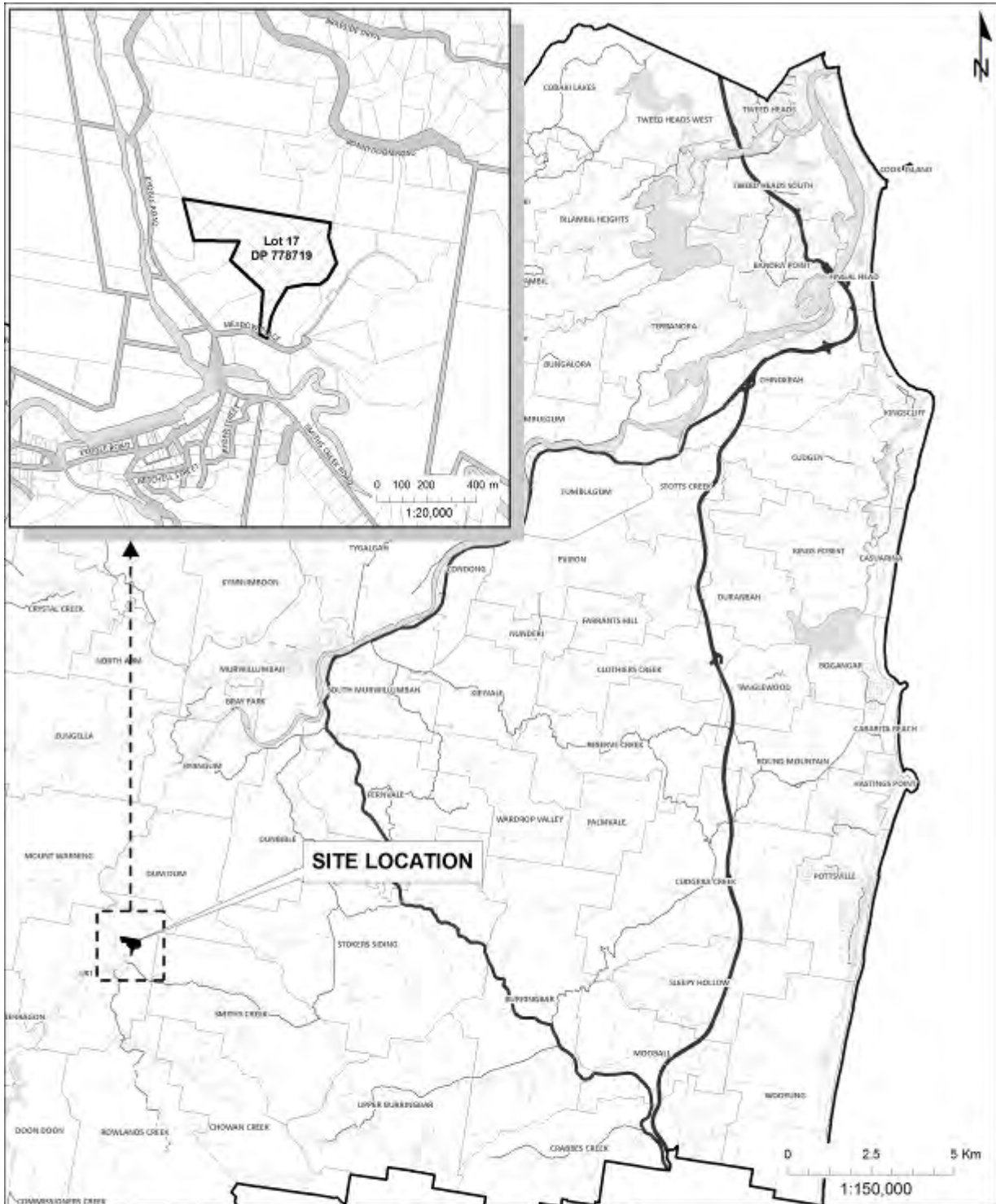
The applicants have stated that the proposed site was preferred as opposed to other locations in the Uki area for the following reasons:

- The elevated position of the site;
- The visual screening the existing tree cover affords;
- The Rural 1(a) zoning as opposed to an environmental protection zoning which incorporates a majority of the high points in Uki;
- The site is readily accessible;
- The availability of power at close range; and
- The lower ecological value of the site;

The application was advertised for a period of fourteen (14) days from Wednesday 22<sup>nd</sup> July 2009 to Wednesday 5<sup>th</sup> August 2009. During this period forty (40) submissions were received comprising of thirty four (34) objections and six (6) submissions in favour of the development. The most common issues raised were regarding the visual impact of the monopole, health concerns from electromagnetic energy generated from the facility and consideration of alternative locations. An assessment of the issues raised is summarised within the body of this report.

Following the assessment against the relevant heads of consideration, Council Officers consider that the proposed telecommunication facility will enhance the telecommunications services in Uki and the broader locality and therefore are recommending approval of the application. It is considered that the location and design of the proposal is suitable without causing any significant adverse impacts on the natural and built environments, the communications facility will also create a positive impact socially and economically by providing enhanced telecommunications coverage for the locality.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
 Lot 17 DP 778719  
 No.19 Meadow Place, Uki

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

Author: J. Batchelor - Planning Reforms Unit

Date Printed: 4 November, 2009

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Cadastral 4 November, 2009  
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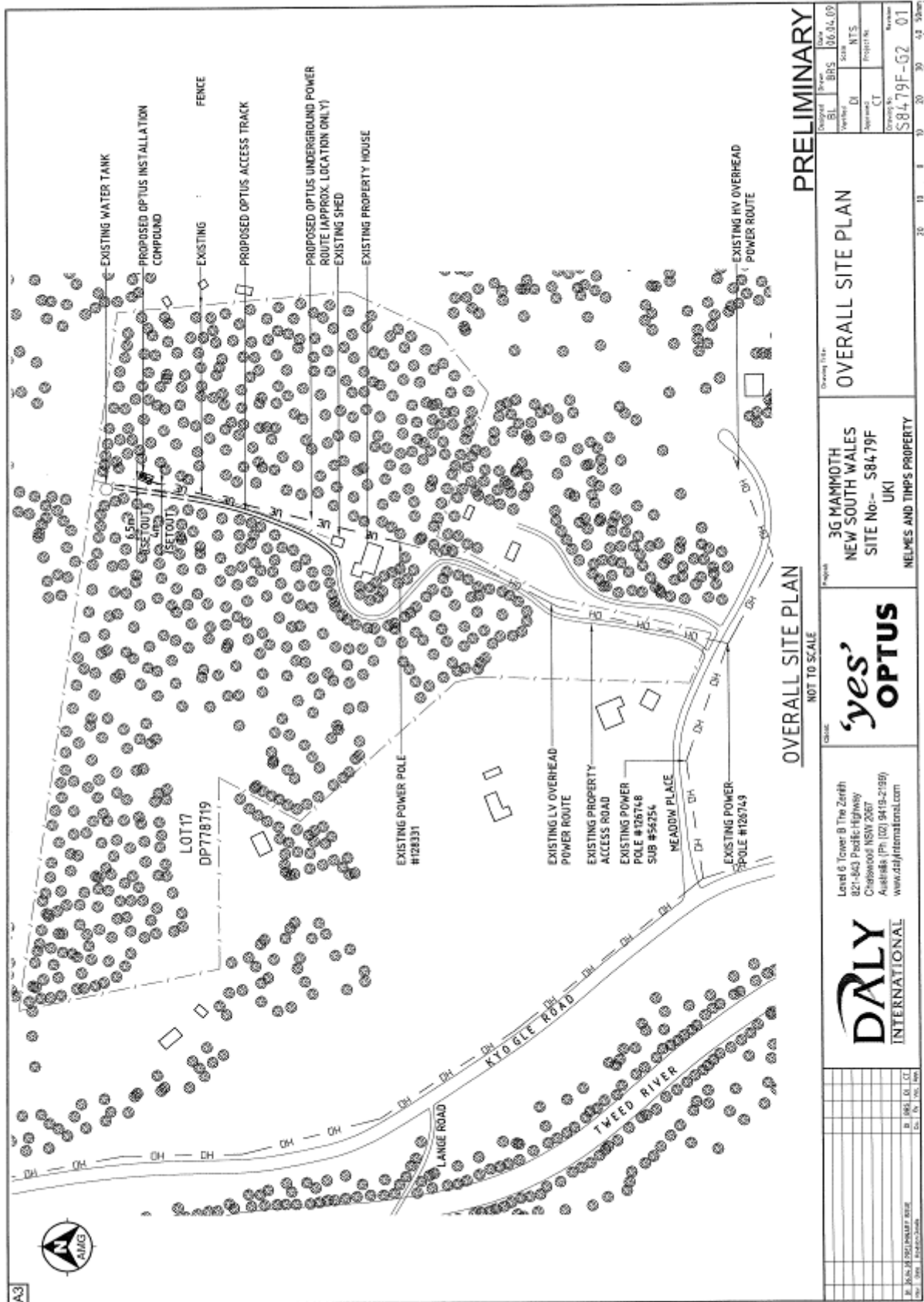
Coordinate System - WGA Zone 56  
 Datum - GDA 94

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DEVELOPMENT/ELEVATION PLANS:











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

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

**Tweed Local Environmental Plan 2000**

Clause 4 - Aims of the Plan

The main objective of Clause 4 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.”*

The subject proposal seeks consent for the erection of a telecommunications facility comprising of a 30 metre high monopole and ancillary infrastructure. The proposal involves minor modification to the natural environment in the form of the removal of a small clump of camphor laurel trees. The remaining vegetation including native species will not be touched. It is considered that the proposed development will have minimal impact on the natural environment.

In terms of the developed character of the area the proposal will facilitate better technological availability for people in the area which could potentially enhance economic viability in the area.

The proposed development is therefore considered to be consistent with the aims of this plan.

Clause 5 - Ecologically Sustainable Development

The proposed development is consistent with the four principles of ecological sustainable development by;

- a) not creating irreversible environmental damage.
- b) the environment is maintained for the benefit of future generations.
- c) the biological diversity and ecological integrity is retained and a fundamental consideration.
- d) the environmental qualities of the locality are retained.

Clause 8 Consent considerations

The subject land is zoned 1(a) Rural.

The primary objective of the 1(a) zone is to enable the ecologically sustainable development of land that is suitable primarily for agricultural and natural resource utilisation purposes and associated development and to protect rural character and amenity.

The proposal is consistent with the primary objective of the zone by aiding technological advancement in the rural area while not compromising the rural character and amenity of the area.

The proposed telecommunication facility is consistent with the secondary objective of the 1(a) zone by allowing development that is not suitable within an urban area due to the greater visual impact it generates and at the same time improving telecommunications in the locality. The proposed telecommunication facility is permissible with consent.

The other aims and objectives of this plan that are relevant have been considered and addressed within this report.

An assessment addressing relevant policies has been undertaken identifying that the development would not create an unacceptable cumulative impact on the community, locality or catchment.

### Clause 11 - Zone objectives

#### *Primary objectives*

- *to enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.*
- *to protect rural character and amenity.*

#### *Secondary objectives*

- *to enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.*
- *to provide for development that is not suitable in or near urban areas.*
- *to prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.*
- *to provide non-urban breaks between settlements to give a physical and community identity to each settlement.*

The proposal is defined by the Tweed LEP 2000 as a Telecommunication Infrastructure (Facility). The proposal is considered permissible with development consent and is consistent with the objectives of the zone by aiding technological advancement in the rural area while not compromising the rural character and amenity of the area.

### Clause 15 - Essential Services

Electricity supply is available from Meadow Place. Power is proposed to be supplied as an extension to this supply. The power supply is proposed to be run underground via a 2 metre easement.

### Clause 16 - Height of Building

The proposed equipment shelter is single storey in height, with the associated tower being approximately 41m in height. Under the definition of storey within the Tweed LEP 2000 the tower can not be measured in storeys, however given the placement of the tower amongst vegetation of a comparable height and scale the proposal is considered consistent with the clause.

### Clause 39A – Bushfire Protection

The site is identified as being prone to bush fire. The telecommunication facility is considered to comply with the clause due to the following:

- The development will not create a significant adverse impact on the implementation on bush fire control strategies. The telecommunication facility will assist bush fire control by providing communications.
- The facility will not increase the threat to the lives of residents, visitors or emergency service personnel (the facility does not house residents or visitors).
- The facility will be constructed of non-flammable material.

### **State Environmental Planning Policies**

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

##### Clause 12: Impact on agricultural activities

The council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

Due to the site being heavily vegetated, it is considered that the development will not cause a loss of prime crop or pasture land.

#### **SEPP (Infrastructure) 2007**

The proposed development is classified under Division 21 as development that requires consent from Council. The SEPP stipulates:

*‘Development for the purposes of telecommunications facilities, other than development in clause 114, may be carried out by any person with consent on any land.’*

Hence the application is applying for consent to erect the telecommunications tower.

#### **SEPP (Rural Lands) 2008**

The land is within the 1(a) Rural Zone and the provisions of this SEPP apply to the proposed development.

The principles are stated and addressed as follows:

*The Rural Planning Principles are as follows:*

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

It is considered that the proposed development satisfies the rural planning principles as it will provide development on rural land that will contribute to the broader community needs by improving telecommunications in the locality.

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

N/A

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

**Tweed Development Control Plan**

**A2-Site Access and Parking Code**

Vehicular access to the site is proposed via Meadow Place. An existing driveway

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

N/A

**(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**

Noise

Some level of noise will be generated during the construction phase for the proposed monopole. During the operation phase of the lifespan of the monopole noise associated with use of air conditioning plants servicing the equipment shelter will be generated. However, considering the distance to nearby dwellings is approximately 150 metres, no significant impacts are anticipated. If the development is approved appropriate conditions of consent can be utilised to address any subsequent noise issue associated with construction works and the use of the air- conditioning units.

Lighting

The application does not make mention of any security lighting to be used at the facility. It is considered that this issue can be addressed by appropriate conditions of consent.

Contamination

The issue of contamination has been considered in the SEE. The SEE states that the site is heavily vegetated and the site has not been used for any other uses. Council's mapping system shows that there are no cattle dip sites within 200m of the proposed facility. An examination of the available aerial photos and topographical maps for the site also do not indicate that the site was used for any potentially contaminating activity.

Radiofrequency Electro Magnetic Emissions (RF-EME Levels)

The Australian Government and the Australian Communications and Media Authority (ACMA) (Australia's regulator for broadcasting, the internet, radio-communications and telecommunications) published a Factsheet titled Mobile phone base stations and electromagnetic radiation (EME).

The following is an extract from the fact sheet;

*"ACMA has made mandatory EME exposure limits for installations such as broadcast towers and mobile phone base stations. The exposure limits set by ACMA were determined by the **Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)** based on recent scientific findings and the world's best practice. **These limits are many times below a level of exposure to EME that is known to have adverse effects on the human body and are consistent with World Health Organisation guidelines.***

*ACMA has adopted a precautionary approach to the regulation of EME, ensuring that **exposure limits** to emissions from communications transmitters are stringent and **lower** than those levels that have been found to cause adverse health effects.*

*Public exposure to emissions from radio-communications transmitters is generally many times less than the exposure limits required by the standards. ARPANSA conducted audits of base stations between 1997 and 1999, and again in 2003. The results show low EME levels were found in areas accessible to the public."*

Radiofrequency Electro Magnetic Emissions (RF- EME) from the operation of the Base Station has been assessed and a report has been provided dated 24/04/09. This Report has been prepared in accordance with the requirements of The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and estimates the maximum cumulative EME levels (% of ACMA mandated exposure limit) produced by the site at ground level at the following distance from the antennas:

Distance from the antennas at 19 Meadow Place	Maximum Cumulative EME Level
0m to 50m	0.0051%
50m to 100m	0.0079%
100m to 200m	0.042%
200m to 300m	0.042%
300m to 400m	0.024%
400m to 500m	0.014%

The values of electromagnetic energy are given as percentages of the permitted limit. The results indicate that the **maximum estimated EME level is 0.042% of the ACMA mandated exposure limit at a distance of 202.67m**. The report demonstrates that the predicted emissions produced by the proposed facility are well within these standards. Therefore the operation of the Base Station is not expected to give rise to any RF- EME issue for the public.

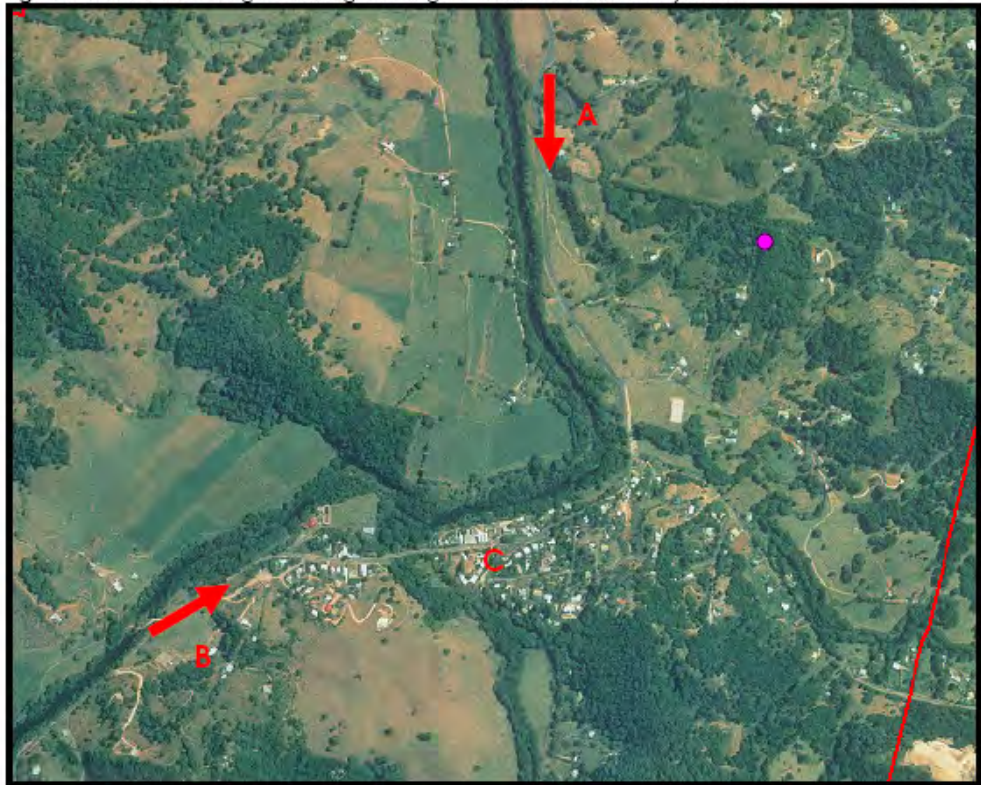
### Visual Impact

The proposed monopole is 30 metres in height and located on the top of an existing hill, some level of screening is afforded to the development from existing mature tree species that are located on the hill top. The undulating and winding terrain also assists in mitigating numerous view sheds to the site. The proposed monopole is to be painted mist green as to blend with its surrounds. The monopole structure has a relatively small circumference and the type of headframe is in a compact circular form as to further reduce the visual impact.

The following is a response provided by the applicant regarding the potential impact of the main view sheds of concern with this proposal.

- *Figure 3 below depicts view sheds when exiting and entering Uki village.*

Figure 3. Viewsheds entering and exiting Uki Village. Pink dot denotes the subject site.



Source: <http://imagery.maps.nsw.gov.au/>

- *Entering Uki heading north east along Kyogle Road “B”, the proposed monopole will not be visible.*
- *Entry into Uki heading south along Kyogle Road “A”; the proposed monopole is also unlikely to be detected until just before/driving past 1361 Kyogle road (refer to photo 6 below). The driver’s attention would have to be towards the left of the vehicle to view the proposed monopole. The impact of this view shed will be mitigated by vegetation which will make detection by drivers passing by difficult.*



**Photo 6.** Photograph taken from 1361 Kyogle road looking north east towards cherry picker and proposed site (proposed site located 140m behind cherry picker). The orange arrow indicates location of cherry picker. Pink arrow indicates compensation (distance & angle) for approximate location.



- *Views from the main centre of the village area “C” (commercial/tourist area). The proposed site location is difficult to detect from the centre of the village because of the elevated terrain at the northern end of the village. It is not anticipated that the monopole would be visible from the central area of Uki Village.*
- *There is minimal to no detrimental effect when heading through Uki village along Kyogle Road due to the double factors of dense mature vegetation and sharply twisting roads/ undulating steep terrain that limits the “panoramic view sheds”. Panoramic view sheds are more common when driving through rural farmland largely cleared of the majority of vegetation combined with gently undulating terrain. The only area where varying degrees of view to the proposed monopole can be gained is at the end of Meadow Place. The figures below identify potentially 4 properties which may have Mount Warning and the proposed monopole in the same view shed.*







From the information submitted above by the applicants, it is conceded that the proposed monopole may have some visual impact in public areas and on some neighbouring private properties as it will not be completely invisible as the facility needs a clear line of sight for transmission. However, the main view sheds of concern's impact is considered to be minimal as the applicants have designed the facility to be amongst existing mature tree species and the monopole is to be painted mist green as to blend with its surrounds.

#### Consideration of Alternative Sites

The applicant provided the following analysis of alternative sites:

*"When looking at alternative sites there is a limit as to how far the 3G mobile base station can be located from the targeted coverage area (in this case the township of Uki). Even though 3G coverage from a mobile station may reach many kilometres out from the actual base station the greater the distance from the base station the greater degradation the 3G signal suffers. Signal degradation leads to commonly experienced problems such as dropping out, poor connectivity, etc.*

#### **Alternative sites considered - (please refer to Map 1)**

*A telecommunications facility at this location would have been prominent from the main street of Uki.*

#### **Candidate 2 - Lot 2 DP 581366 No. 22-30 Aults Road Uki**

*Difficulties were encountered in sourcing power to this site. Additionally it was also anticipated that there would be difficulty in getting heavy machinery to the site (for construction) due to the steep gradient of the terrain.*

#### **Candidate 3 - Lot 53 DP 755754, Langes Road, Uki**

*Inability to obtain tenure approval from the property owner.*

#### **Candidate 4 - Water Treatment works, end of Old Convent Road, Uki**

*As per candidate 1.*

#### **Candidate 5 - Water Reservoir at end of Grants Road, Uki**

*Existing layout of area around water reservoir is problematic. There was difficulty in locating an appropriate area for the facility to be erected.*

#### **Candidate 6 - Lot 4 DP 43844 1359 Kyogle Road, Byangum NSW**

*Insufficient space left on property to appropriately accommodate the proposed facility. Furthermore, the existing house is already located in the prime area for any proposed telecommunications facility.*

**Candidate 7 - Property at end of Sunrise Place, Uki**

*As per candidate 3.*

**Candidate 8 - Working Quarry site off Smiths Creek Road, East of Uki**

*Site was discounted from a radiofrequency perspective because the 3G signal to Uki was blocked by terrain of a greater elevation to the west of the quarry. Basically, the main intended target of the 3G coverage, Uki Village, would have received no coverage from this location. Please see Figure 1 for a 3D illustration. Additionally the quarry is also a working quarry which also makes it difficult to secure an area that will not impede quarry activities now and in the future.*

**Candidate 9 - Site located around Mt Wollumbin**

*This site was very difficult to access by heavy machinery due to the steep terrain. It is also probable that the creation of a significant power easement (20m wide) requiring tree removal, would have been needed if this site had been progressed.*

**Candidate 10 - Lot 17 DP 778719, 19 Meadow Place, Uki**

*Candidate 10 is situated on elevated terrain outside the main Uki village area. This candidate has many attractive features for telecommunications facility siting including access, power and good vegetation cover.*

*Following critical evaluation of the above candidates, a preferred nominated candidate is then selected. This selection is based on a number of key issues including radiofrequency coverage; planning/environmental considerations; engineering criteria; and the availability of the site and associated construction costs (as outlined in greater detail in Section 2.2 above).*

*In this particular instance, the proposed candidate identified as Candidate 10 at Lot 17 DP 778719, 19 Meadow Place, Uki was considered as the optimum outcome to provide Optus 3G mobile and wireless broadband to the Uki area."*

Council is satisfied with the applicant's analysis as detailed above and accordingly has recommended approval for the subject site based on appropriate conditions of consent.

### Flora and Fauna

The site is mapped under the Tweed Vegetation Management Strategy 2004 as Camphor Laurel dominated vegetation of low ecological significance and low ecological sensitivity. A site visit confirmed that the area upon which the monopole is proposed is mainly cleared and surrounded by Camphor Laurel, declared a Noxious Weed in Tweed Shire in March 2009. Camphor Laurel trees up to 6m as well as 10 rainforest edge species saplings 1 to 2m will require removal to enable the monopole erection. In addition, some further minor removal of native and exotic vegetation is likely along the proposed access road.

The larger site is mapped as Steep Protected Land in part with slopes over eighteen degrees. Ecological value exists within the occasional large (greater than 40cm diameter at breast height) Brushbox and Strangler Fig trees on the lot at lower elevation and regeneration of native rainforest seedlings is occurring in the vicinity of these trees. Despite the dominance of Camphor Laurel, these regenerating species indicate that the hillside could be rehabilitated to Brushbox Open Forest with a rainforest understorey over a period of time if significant effort were to be expended. Such occurrences are greater than 50m from the proposed monopole site and thus potential fauna using these trees are unlikely to be affected by installation of the tower.

Wildlife Atlas records for the surrounding 5km radius include records of a number of threatened flora and fauna species and the site is likely to provide occasional forage habitat for some of these threatened species such as the Grey-headed Flying Fox, Rose-crowned Fruit Dove and Superb Fruit Dove. However, the habitat is unlikely to provide roost sites for these species such that they could be considered resident on site.

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

The existing vegetation will provide a visual screen to the subject proposal. The elevated nature of the hill top affords the desired level of coverage to the proposed telecommunication tower. The proposed telecommunication facility will provide for a greater/better telecommunications service for the locality. The site has been deemed to be suitable for the proposal.

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

The application was advertised for a period of fourteen (14) days from Wednesday 22<sup>nd</sup> July 2009 to Wednesday 5<sup>th</sup> August 2009. During this period forty (40) submissions were received comprising of thirty four (34) objections and six (6) submissions in favour of the development. In response to the various objecting submissions the following assessment of the common issues raised is summarised below.

Objection	Response
Health concerns from electromagnetic energy generated from the facility	This has been discussed previously in this report.
Devaluation of property prices	The consideration of property prices is not a Section 79C matter for consideration.
Increased Traffic	The facility will be unmanned and service vehicles are expected to attend the facility for maintenance purposes only on average four (4) times per year. Due to the limited amount of servicing, additional traffic on Meadow Place is not considered an issue.
Alternative sites	<p>Optus has a network of base stations throughout Australia and when an area is identified to have poor network coverage or capacity a new facility has to be located to fit into the existing network. Optus, where practicable will try and locate telecommunications equipment on existing structures or rooftops.</p> <p>A search of the area has revealed that due to the area being generally rural, there are no existing structures such as water towers that would be suitable to house a telecommunications facility.</p> <p>In choosing the proposed location for the monopole, the applicants also considered a number of alternative sites, <b>attached</b> to this report is a copy of the applicants assessment of Alternative Sites.</p>
Location/site unsuitable	A search of the area has revealed that there are no other telecommunications facilities in the area. In order to reduce the number of facilities in the area Telstra would normally co-locate, but there are no such towers in the area.
Lack of community consultation	It is not a statutory obligation for the applicants to undertake community consultation.
Visual impacts	This has been discussed previously in this report.

**(e) Public interest**

The submissions that have been received are noted, Council currently has no specific policies in relation to telecommunication tower development. The proposal is a permissible form of development in the 1(a) zone and therefore can be assessed by Council.

The visual impact on the adjoining landowners will be minimal as the applicants have designed the facility to be amongst existing mature tree species and the monopole is to be painted mist green as to blend with its surrounds.

The communities concerns in regard to health risks are acknowledged and have been considered. However, current research indicates that the potential for health implications from EME levels is minimal. In this instance Council relies on the relevant standards from ARPANSA and other authorities. Council's Environmental Health Officers deemed the submitted information and reporting on the potential health risks of the monopole to be consistent with outlined Australian standards. The proposed development is consistent with all relevant guidelines and proposed to be conducted in accordance with outlined Australian standards. The proposed telecommunication facility will provide for a greater/better telecommunications service for the locality.

**OPTIONS:**

1. Resolve to adopt the recommendations made and approve the development application.
2. Resolve to refuse the development application.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

If the applicant is dissatisfied with the determination a right of appeal exists in the Land and Environment Court.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed telecommunication facility will enhance telecommunications services in the locality. The location and design of the proposal is considered suitable without any significant adverse impacts on the natural and built environments, the communications facility will create a positive impact socially and economically by providing enhanced telecommunications coverage for the locality.

**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. Applicant's assessment of alternative sites (ECM 8404297)
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**10 [PR-CM] Development Application DA09/0523 for a Dwelling at Lot 383 DP 1134599, Overall Drive Pottsville**

**ORIGIN:**

**Building & Environmental Health**

**FILE NO: DA09/0523 Pt1**

**SUMMARY OF REPORT:**

An application has been received to construct a single storey dwelling at the above property. The property is a corner allotment has a primary street frontage to Overall Drive and secondary street frontage to Kellehers Road with the rear boundary of the property adjacent to a public reserve zoned 7(l) Environmental Protection Habitat which extends down to the river foreshore of Mooball Creek.

The applicant has lodged a SEPP No. 1 variation as the proposed development will result in overshadowing of the adjoining foreshore.

This development application is being reported to Council due to the Department of Planning's Circular PS08-014 issued on 14 November 2008 requiring all State Environmental Planning Policy No. 1 variations greater than 10% to be determined by full Council. Given that the Department of Planning has advised Council Officers to be conservative with the application of the 10% rule, the difficulties of calculating 10% of the shadow development standard (as it is time based), it has been decided to report this application to Council.

After assessment of the relevant planning matters, and taking into account the minor overshadowing to open waterfront space at Mooball Creek and also the constraints imposed by the geometry of the corner allotment it is considered that the proposed development is suitable for approval, subject to conditions.

**RECOMMENDATION:**

**That:-**

- A. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed**
- B. That Development Application DA09/0523 for a dwelling at Lot 383 DP 1134599, Overall Drive Pottsville be approved subject to the following conditions: -**

**GENERAL**

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
4. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material. Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole. [GEN0155]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. 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]

**PRIOR TO COMMENCEMENT OF WORK**

6. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works. [PCW0005]
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 Regulation 2000, 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 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. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

15. Construction and/or demolition 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 6.00pm

**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]

16. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

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

[DUR0245]

18. 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]

19. 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]

20. 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]

21. 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]

22. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

23. 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, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority. Please note timber retaining walls are not permitted. [DUR0835]
24. 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]
25. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - dust during filling operations and also from construction vehicles
  - material removed from the site by wind
- [DUR1005]
26. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
27. 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 Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
28. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
29. 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/demolition. [DUR2185]
30. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR2245]
31. 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]

- 32. 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]
- 33. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.**
- [DUR2515]
- 34. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.**
- [DUR2535]
- 35. 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]
- 36. 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]

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

- 37. 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]
- 38. Prior to the issue of an occupation certificate,**
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and**
  - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-**
    - (i) the method of protection; and**
    - (ii) the date of installation of the system; and**
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
    - (iv) the need to maintain and inspect the system on a regular basis.**

[POC0235]

39. 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 professionally 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]

40. 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]

41. 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

42. 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]

43. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

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

[USE0505]



**REPORT:**

**Applicant:** Mr JB Watson and Mrs JA Watson  
**Owner:** Mr JB Watson and Mrs JA Watson  
**Location:** Lot 383 DP 1134599, Overall Drive Pottsville  
**Zoning:** 2(a) Low Density Residential  
**Cost:** \$236,000

**BACKGROUND:**

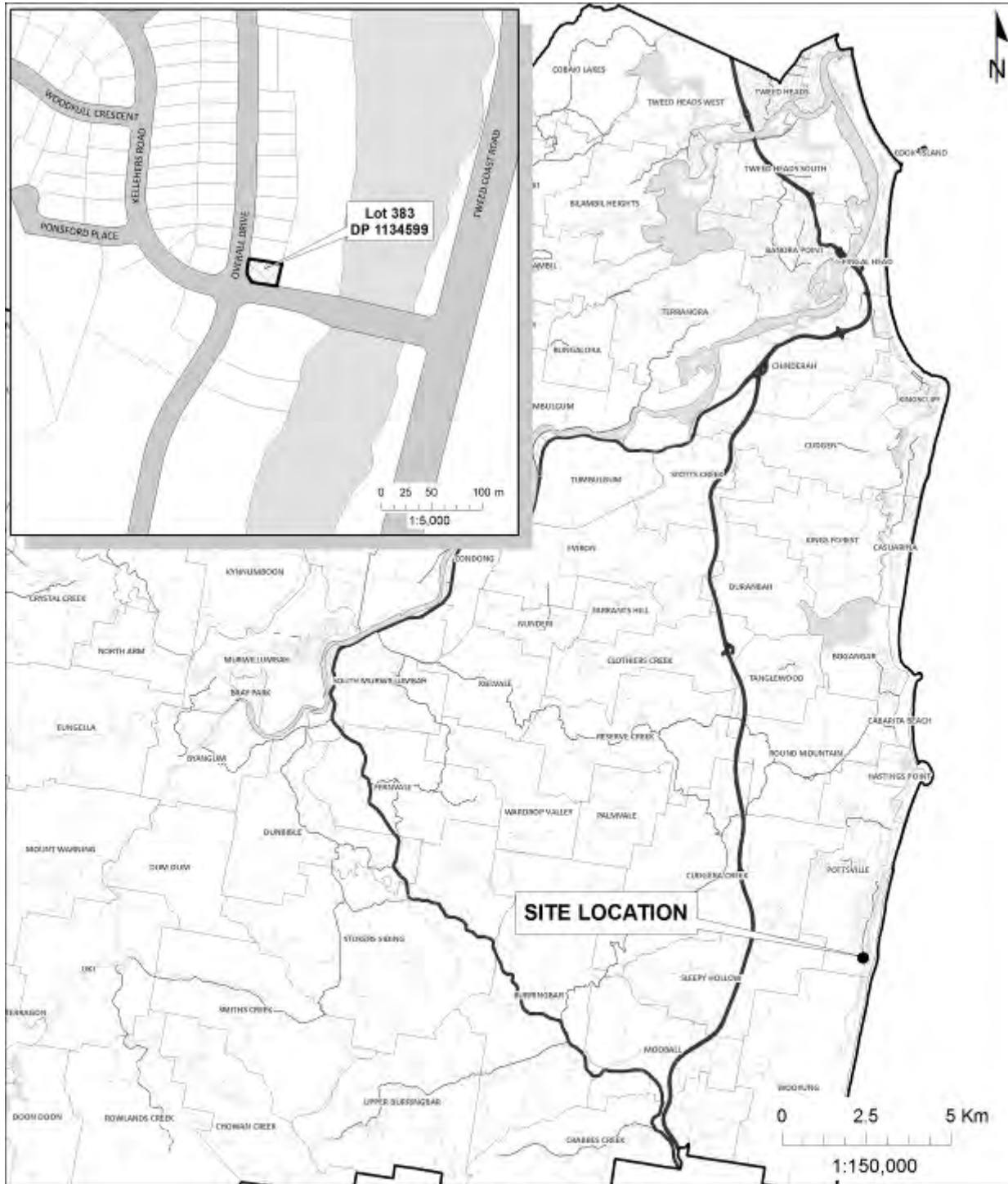
An application has been received to construct a new single storey dwelling on the subject property and part of the application is a SEPP1 objection against Clause 32B 4(b) of the North Coast Regional Environmental Plan 1988 (now a State Environment Planning policy) relating to overshadowing of waterfront open space before 3pm midwinter 21 June and 7pm midsummer (daylight saving time) 21 December. The proposed single storey dwelling will cast a shadow onto the waterfront open space before the above times and therefore must be considered by Council.

The property is zoned 2(a) Low Density Residential under Tweed Local Environmental Plan 2000 and the proposal is permitted development under the local environment plan. The adjoining zoning to the south and east is 7(l) Environmental Protection (Habitat). The allotment is located on the eastern side of Overall Drive Pottsville and is bounded by an existing approved residence to the north and the secondary street (Kellehers Drive) to the south with the eastern rear boundary adjacent to the Mooball Creek reserve (waterfront open space).

The submitted shadow diagrams at 3.00pm on the 21 June and 6.00pm 21 December illustrate overshadowing from the dwelling extending approx 1.8m onto the waterfront open space from the rear boundary of the subject property. This does not impact upon the creek foreshore and areas where the public will congregate for recreational and water activities. It is considered the existing riparian vegetation at Mooball Creek is of a height, size and area that will overshadow the reserve and creek to a greater extent than overshadowing from the proposed dwelling.

The geometry of the corner allotment will not allow the development to be pushed 1.8m closer to the front boundary to prevent overshadowing to waterfront open space as this will reduce the front building line to the south western corner of the house to 0.888m affecting the primary street alignment of the building to Overall Drive in relation to existing approved development to the north of the property and will generally be detrimental to the streetscape. If the building structure is pushed closer to Overall Drive it will also impact on sight lines for safe traffic flow at the Overall Drive/Kellehers Road roundabout.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
**Lot 383 DP 1134599**  
**Overall Drive, Pottsville**

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

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 4 November, 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 all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including interest 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 requirements 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.



Coordinate System - MGA Zone 56  
 Datum - GDA 94

Cadastral 4 November, 2009  
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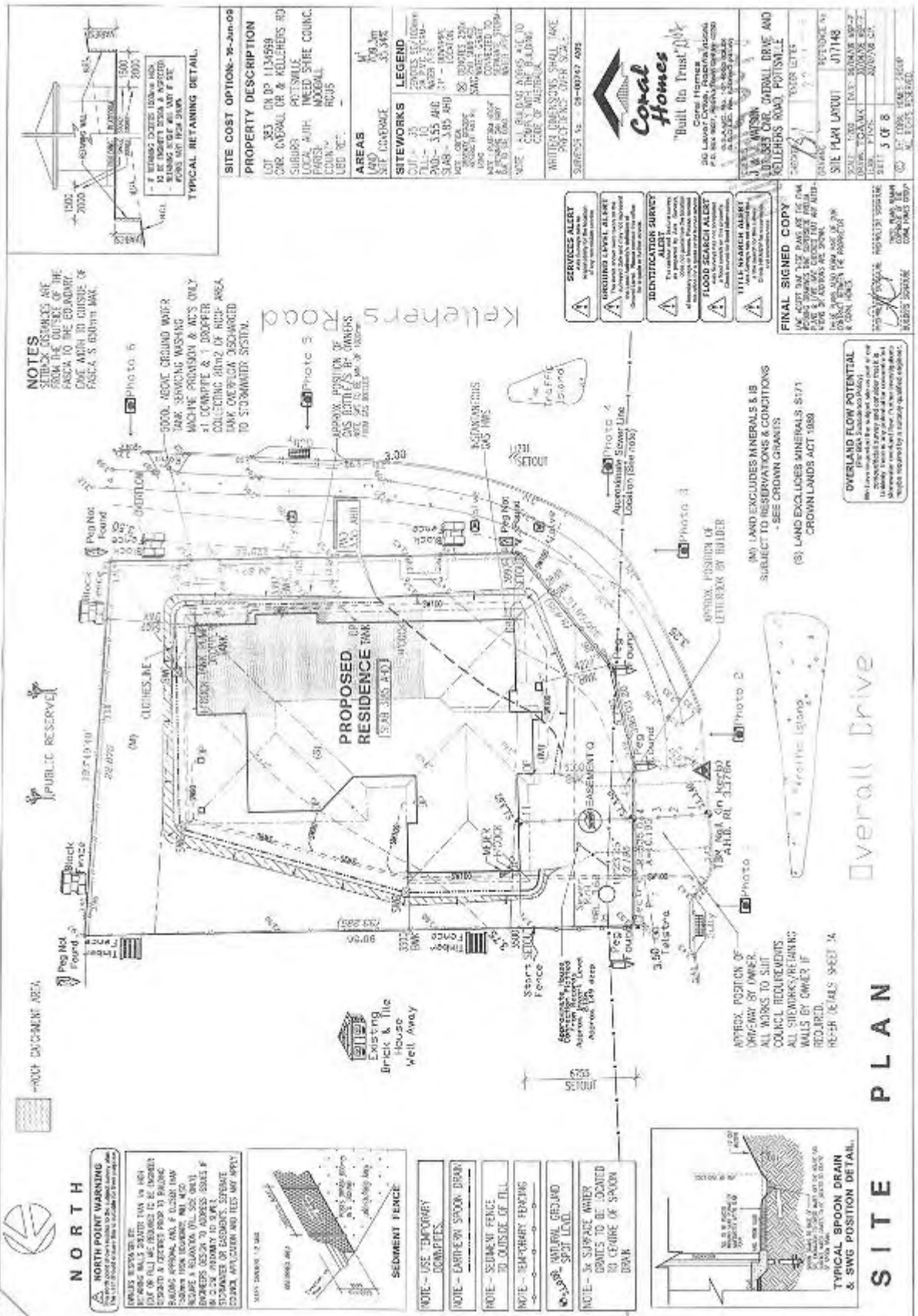
DO NOT SCALE  
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**TWEED**  
 SHIRE COUNCIL

DEVELOPMENT/ELEVATION PLANS:



SHAKI WINDOWS / DOOR GLAZING SCHEDULE	
No.	Description
101	3000mm x 2100mm
102	3000mm x 2100mm
103	3000mm x 2100mm
104	3000mm x 2100mm
105	3000mm x 2100mm
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196	3000mm x 2100mm
197	3000mm x 2100mm
198	3000mm x 2100mm
199	3000mm x 2100mm
200	3000mm x 2100mm
TOTAL	4755.00

**ELEVATION 1 . (WEST)**

**ELEVATION 2 . (NORTH)**

**ELEVATION 3 . (EAST)**

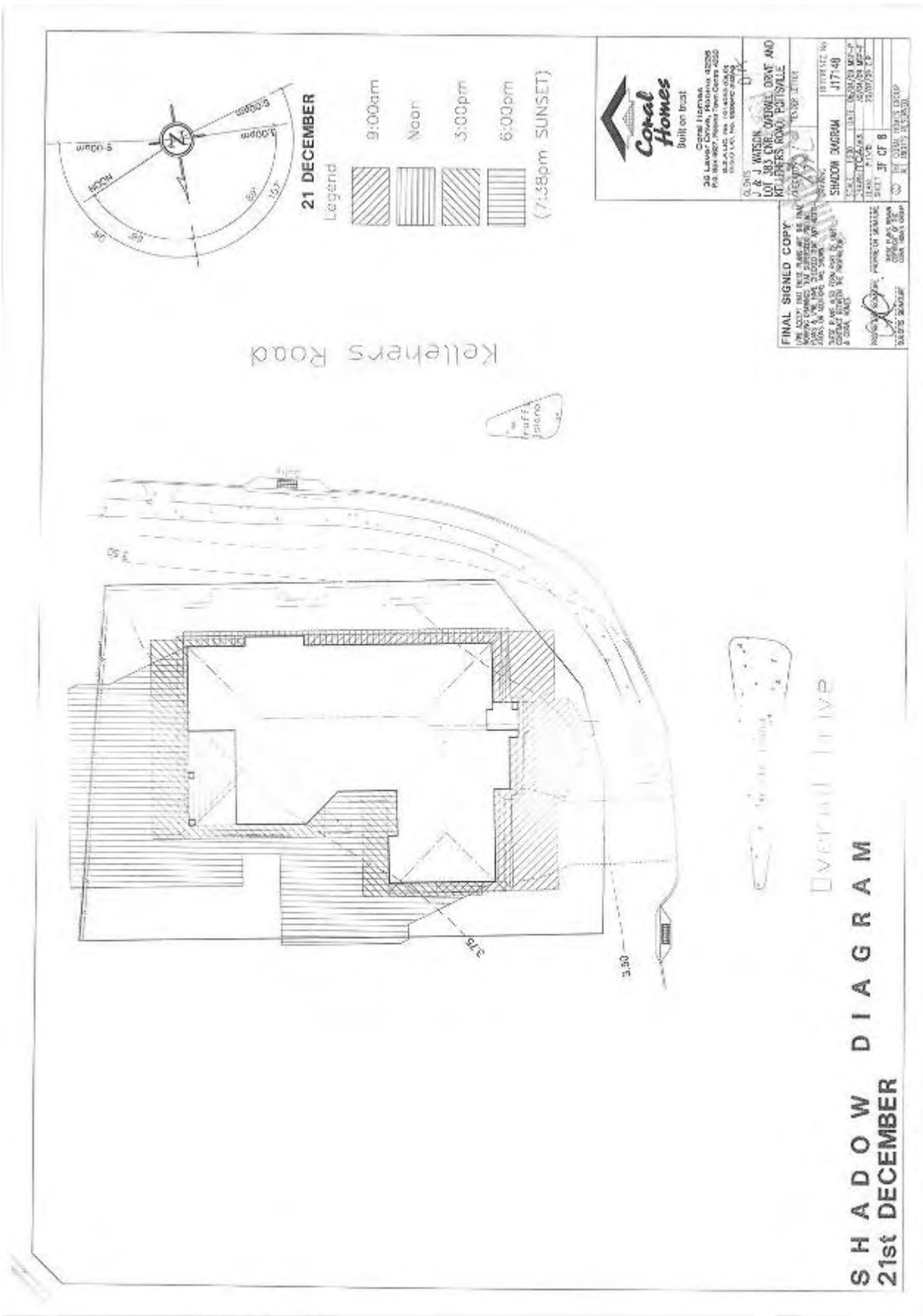
**ELEVATION 4 . (SOUTH)**

**SKILLION MODIFIED NORFOLK 251 MODIFIED NOTES**

ROOF PITCHED AT 20° IN ESE NOTED OTHERWISE  
 N.C.L. = ANTI-RUN OFF-GROUND LINE  
 A.L. = ANCHORAGE ABOUT  
 R.B.A.L. = REFLECTIVE BULBING MEMBRANE

**FINAL SIGNED COPY**  
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**DESIGNER:** J. G. J. WILSON  
**PROJECT:** 3000 O'NEILL DRIVE AND KELLEYS ROAD, POTTSVILLE  
**DATE:** 11/11/09  
**SCALE:** AS SHOWN  
**REFERENCE NO.:** J17140  
**ELEVATIONS:** 1, 2, 3, 4  
**DATE:** 11/11/09  
**SCALE:** AS SHOWN  
**PROJECT:** 3000 O'NEILL DRIVE AND KELLEYS ROAD, POTTSVILLE  
**DATE:** 11/11/09  
**SCALE:** AS SHOWN



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

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

**Tweed Local Environmental Plan 2000**

Clause 4 - Aims of the Plan

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 the option of housing diversity and for non-residential development. The proposed development is consistent with the primary objective of the zone.

Clause 5 - Ecologically Sustainable Development

Development is consistent with the objectives and aims of clause 5

Clause 8 - Zone objectives

Development is consistent with the objectives and aims of clause 8

Clause 15 - Essential Services

All essential services are available within the area.

Clause 16 - Height of Building

Single storey development complies with two storey height requirements of the area.

Clause 17 - Social Impact Assessment

A social impact assessment is not required given the minor nature of the proposal

Clause 35 - Acid Sulfate Soils

Council records advise the allotment is subject to Class 3 ASS and as the earthworks for the building pad will not exceed 1m in depth it is anticipated that the construction of the dwelling will not impact on any acid sulfate soils in the area.

Other Specific Clauses

None apparent

Specific Clauses

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

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

Clause 32B – Development Control applies as the NSW Coastal Policy 1997 applies to the subject site.

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

The proposal will not impede public access to Mooball Creek foreshore.

The applicant's submission and shadow plans demonstrate that the proposed development will result in the 7(l) environmental protection (waterfront open space) to the east of the site being overshadowed before 3pm midwinter (standard time) on the 21 June and 7pm midsummer (daylight saving time) on the 21 December.

The applicant is seeking Council's support to assume the Director-General's concurrence in this instance. This matter is discussed in further detail in the SEPP No. 1 variation section within this report.

### **Clause 33: Coastal hazard areas**

The development will have minimal impact on coastal processes. The proposal is consistent with the Coastline Management Manual.

## **State Environmental Planning Policies**

### **SEPP No. 1 - Development Standards**

The proposal seeks a variation to the extent of shadow impacts on the adjacent foreshore reserve to the east. The property adjoining the site is zoned 7(l) environmental protection and is considered to be waterfront open space pursuant to this clause. The application was accompanied with a SEPP 1 objection and the applicant has provided the following reasons as to why this standard is unreasonable or unnecessary;

- *"Existing buildings in Overall Drive result in overshadowing of the foreshore area prior to the relevant times in both mid winter and mid summer.*
- *Existing trees on the foreshore areas result in significant overshadowing of the foreshore reserve prior to the relevant times.*
- *The immediate foreshore areas to be overshadowed are not useable passive open space areas and do not contain any public amenities or facilitates at which members of the community would be expected to congregate. The overshadowing will therefore not alienate the physical use of the area.*
- *The shadows do not extend to the foreshore area during winter."*

An objection has been lodged under SEPP 1 to vary the development standard provided by clause 32B (4) of the North Coast Environmental Plan 1988(NCREP 1988), which prohibits overshadowing of the coastal reserve at the times of 3pm mid winter (standard time) 21 June and 7.00 pm midsummer (daylight saving time) 21 December to be unreasonable. The shadow diagrams submitted show that the building will overshadow the coastal reserve to the east at both of these times.

It is considered in this instance that the standard is unreasonable for the following reasons.

Whilst the dwelling will overshadow the coastal reserve the area of the coastal reserve that will be affected is a managed grassed area only. The shadow will not impact on any areas used by the public for formal water and recreational activities.

It should be noted that the shadows cast by the riparian vegetation on Mooball Creek in this reserve located behind the subject property will have a greater impact on the river foreshore and the managed reserve area than the proposed dwelling. The creek is over 20 metres from the rear boundary of the property.

Council has granted many other approvals for dwellings along Overall Drive with similar minor overshadowing encroachments into the waterfront open space and it is considered that in this instance Council should also support this request.

### **State Environmental Planning Policies**

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

##### Clause 32B: Coastal Lands

See above (under specific clauses)

##### Clause 43: Residential development

The proposal is consistent with the requirements and objectives of Clause 43 part (1) a, b, c, d, and e

##### SEPP No. 1 - Development Standards

The objection against overshadowing is well founded and it is also considered that granting of the consent to the development application is consistent with the aims of this Policy as set out in clause 3.

##### SEPP No. 6 - Number of Storeys in a Building

Compliant

##### SEPP No 71 – Coastal Protection

The development is generally consistent with the objectives of SEPP 71 and will not impact on the public's enjoyment and access to the foreshore.



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) The Provisions of any Draft Environmental Planning Instruments**

None apparent

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The proposed development meets the requirements of A1-Residential and Tourist Development Code (DCP6) with the exception of the front building line setback. The development control plan requires a 6m front building line setback and the proposed development application is requesting a variation to the mandatory 6m front building line setback of 4.227m reducing down to 2.688m due to the irregular geometry of the corner block and the constraints imposed by the splayed corner boundary lines. The proposed front building line setbacks have been assessed by an area team meeting and they have indicated notification for a variation to *Design Control 3: Setbacks* of A1 Residential and Tourist Development Code (DCP6) is not required. The primary street setback variation has allowed the dwelling to be positioned on a difficult corner allotment to benefit the streetscape and protect traffic sight lines and also achieve the required 5m rear boundary setback and maintain front Deep Soil Zones and provide areas in the front yard for landscaping that will enhance the natural and built environment of the area.

A3-Development of Flood Liable Land

Council records advise the land is subject to flooding and the habitable floor area must be above 3.3m Australian Height Datum. The submission presents habitable floor area at 3.85 Australian Height Datum and is compliant.

**(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 a vacant site in an established subdivision which has been specifically created for residential development. The proposed development is of a design in keeping with the architectural style and residential character of the area.

### Access, Transport and Traffic

Minimal impact is envisaged, the proposed is a single residence within an approved residential subdivision. Driveway Application DWY 09/0200 has been approved by Council.

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

### Surrounding Landuses/Development

The site is currently vacant and is suitable for the proposed development. The property is located within an existing residential area and all essential services are provided to the site. The area is a mixture of new dwellings under five (5) years old with varying architectural styles and the design of the proposed dwelling is in keeping with the existing residential character of the area.

### Flora and Fauna

No flora and fauna will be affected by the proposed residential dwelling.

### Topography

Site is flat.

### Site Orientation

The dwelling has been located on the property, with compliant side and rear boundary setbacks. The dwelling has a front building line variation and does not meet the required 6 metre building line as required in Councils A1 Residential Tourist and Development Code (DCP6) and a variation has been requested [see above (a) (iii) *Development Control Plan (DCP)*]. The internal primary living area and external living areas of the dwelling have been orientated to the northeast and will optimize ocean breezes and north solar access. The 4m boundary clearance for living areas has been achieved with the design and privacy to the neighbouring allotment is compliant.

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

Notification not required as per Area Team Meeting decision.

## **(e) Public interest**

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

**OPTIONS:**

1. Council resolve to assume the Director-General's concurrence and resolve to approve the development application.
2. Council not resolve to assume the Director General's concurrence and 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.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

After assessment of the relevant planning matters, and taking into account the minor overshadowing to open waterfront space at Mooball Creek and also the constraints imposed by the geometry of the corner allotment 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.

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**11 [PR-CM] Development Application DA08/0869 for a Dwelling, Attached Garage, Swimming Pool & Fence at Lot 346 DP 1087716, No. 9 Cylinders Drive Kingscliff**

**ORIGIN:**

**Building & Environmental Health**

**FILE NO: DA08/0869 Pt1**

**SUMMARY OF REPORT:**

An application has been received to construct a two (2) storey dwelling and in-ground swimming pool on the subject property. The property is situated on the eastern side of Cylinders Drive, Kingscliff and backs on to the coastal foreshore of South Kingscliff Beach.

The applicant has lodged a SEPP No. 1 variation as the proposed development will result in overshadowing of the foreshore.

This development application is being reported to Council due to the Department of Planning's Circular PS08-014 issued on 14 November 2008 requiring all State Environmental Planning Policy No. 1 variations greater than 10% to be determined by full Council. Given that the Department of Planning has advised Council Officers to be conservative with the application of the 10% rule, the difficulties of calculating 10% of the shadow development standard (as it is time based), it has been decided to report this application to Council.

No submissions have been received in relation to the proposal. It is considered that the subject application is suitable for approval.

**RECOMMENDATION:**

**That:**

- A. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.**
- B. That Development Application DA08/0869 for a dwelling, attached garage, swimming pool & fence at Lot 346 DP 1087716, No. 9 Cylinders Drive Kingscliff be approved subject to the following conditions: -**

**GENERAL**

- 1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.**

[GEN0015]

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

[GEN0115]

3. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application.

Such structural engineers design details are to confirm that the fence proposal has been designed to take account of all site issues including the site's soil and load bearing characteristics, wind and other applied loadings, long term durability of all components particularly in relation to corrosion and compliance with Tweed Shire Council's policies for "Sewers - Building in Proximity" and provision of appropriate pedestrian sight clearances to footpaths in accordance with Australian Standard AS2890 "Parking Facilities".

[GEN0145]

4. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.  
Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.

[GEN0155]

5. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve or footpath for the "dining blister" for dining purposes. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0245]

6. a) New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2. New construction of the western façade shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.
- b) Screen-less door systems, including glazing and supporting framework shall be designed and constructed to withstand 19kW/m<sup>2</sup> of radiant heat flux to prevent the entry of embers into the building. Draught excluders, seals and door furniture shall be manufactured from materials having a flammability index no greater than 5 (with the exception of intumescent seals which are permissible) and ensure that there are no gaps >2.0mm in diameter when the door is closed.
- c) Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.

- d) No brushwood (or the like) or treated pine timber fencing shall be used.
- e) At the commencement of building works the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.
- f) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- g) To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and maintained at all times.

[GENNS01]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- 7. 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]

#### **8. Stormwater**

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
  - \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).

- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

**9. A construction certificate application for works that involve any of the following:-**

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

**PRIOR TO COMMENCEMENT OF WORK**

**10. 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]
11. 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]
12. 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]
13. 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]

- 14. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

- 15. Prior to commencement of 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]

- 16. 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]

#### **DURING CONSTRUCTION**

- 17. Construction and/or demolition 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 6.00pm

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]

- 18. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

19. 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]
20. 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]
21. 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]
22. 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]
23. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
24. 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, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority. Please note timber retaining walls are not permitted. [DUR0835]
25. 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]
26. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - dust during filling operations and also from construction vehicles
  - material removed from the site by wind
- [DUR1005]
27. All landscaping is to comply with the 88B Instrument pertaining to the site. [DUR1055]

28. 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 Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.  
[DUR1875]
29. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.  
[DUR1945]
30. **Swimming Pools (Building)**  
(a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 – 2007 & AS 1926.3 -2003. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))  
(b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.  
(c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.  
(d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.  
[DUR2075]
31. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.  
[DUR2085]
32. 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/demolition.  
[DUR2185]
33. 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]
34. **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]
35. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.  
[DUR2515]

36. **Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.**

[DUR2545]

37. **All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-**

- \* 43.5°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]

38. **The front fence 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 affect or be affected by the sewer main.**

[DUR2645]

39. **No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.**

[DUR2705]

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

40. **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]

41. **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 professionally 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]

42. 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]
43. 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

44. 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]
45. The building is to be used for single dwelling purposes only. [USE0505]
46. Bushfire asset protection zones are to be maintained around the house site at all times to the satisfaction of the NSW Rural Fire Service. [USE0575]
47. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements. [USE1245]
48. **Swimming Pools (Building)**
- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
  - (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
  - (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times. [USE1295]
49. The swimming pool is not to be used for commercial purposes without prior Development Consent. [USE1305]

**REPORT:**

**Applicant:** Inarc Design Qld  
**Owner:** Ms TM Bourke  
**Location:** Lot 346 DP 1087716, No. 9 Cylinders Drive Kingscliff  
**Zoning:** 2(f) Tourism  
**Cost:** \$650,000

**BACKGROUND:**

The property is zoned 2(f) tourism under Tweed Local Environmental Plan 2000 and is located on the eastern side of Cylinders Drive, Kingscliff. The property is currently vacant and is bounded by residential land to the north and south and to the east a coastal reserve (waterfront open space).

An application has been received to construct a new two (2) storey dwelling and swimming pool on the subject property. The property is situated on the eastern side of Cylinders Drive Kingscliff and backs on to the coastal foreshore of South Kingscliff Beach

A SEPP No. 1 is sought for a variation to the North Coast Regional Environmental Plan 1988 relating to overshadowing of waterfront open space, as the proposed two storey dwelling will cast a shadow on the adjacent waterfront open space.

In terms of the assessment of this application it should be noted that Council has previously resolved the following in respect of the imposition of the controls of Tweed Development Control Plan Section A1:

*"The provisions of Tweed Development Control Plan Section A1 in relation to single dwelling houses not be applied to applications received prior to close of business on Monday 30<sup>th</sup> June 2008 and this decision be notified in the Tweed Link".*

In this instance the proposed development application was lodged with Council on 30 June 2008 and therefore has been designed to comply with Council's development requirements that were applicable before the introduction of A1.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
**Lot 346 DP 1087716**  
**No.9 Cylinders Drive, Kingscliff**

Filename: z:\wsp\planning\mxd\A4@ B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 4 November, 2009

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including, without limitation, liability in negligence) for all expenses, losses, damages (including interest 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 excavation, a "Dig before you Dig" enquiry must be made by calling 1400. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastre 4 November, 2009  
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Coordinate System - MGA Zone 56  
 Datum - GDA 94

DO NOT SCALE  
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Civic and Cultural Centre  
 3 Tumbulgum Road  
 Murwillumbah NSW 2494  
 PO Box 616  
 Murwillumbah NSW 2484

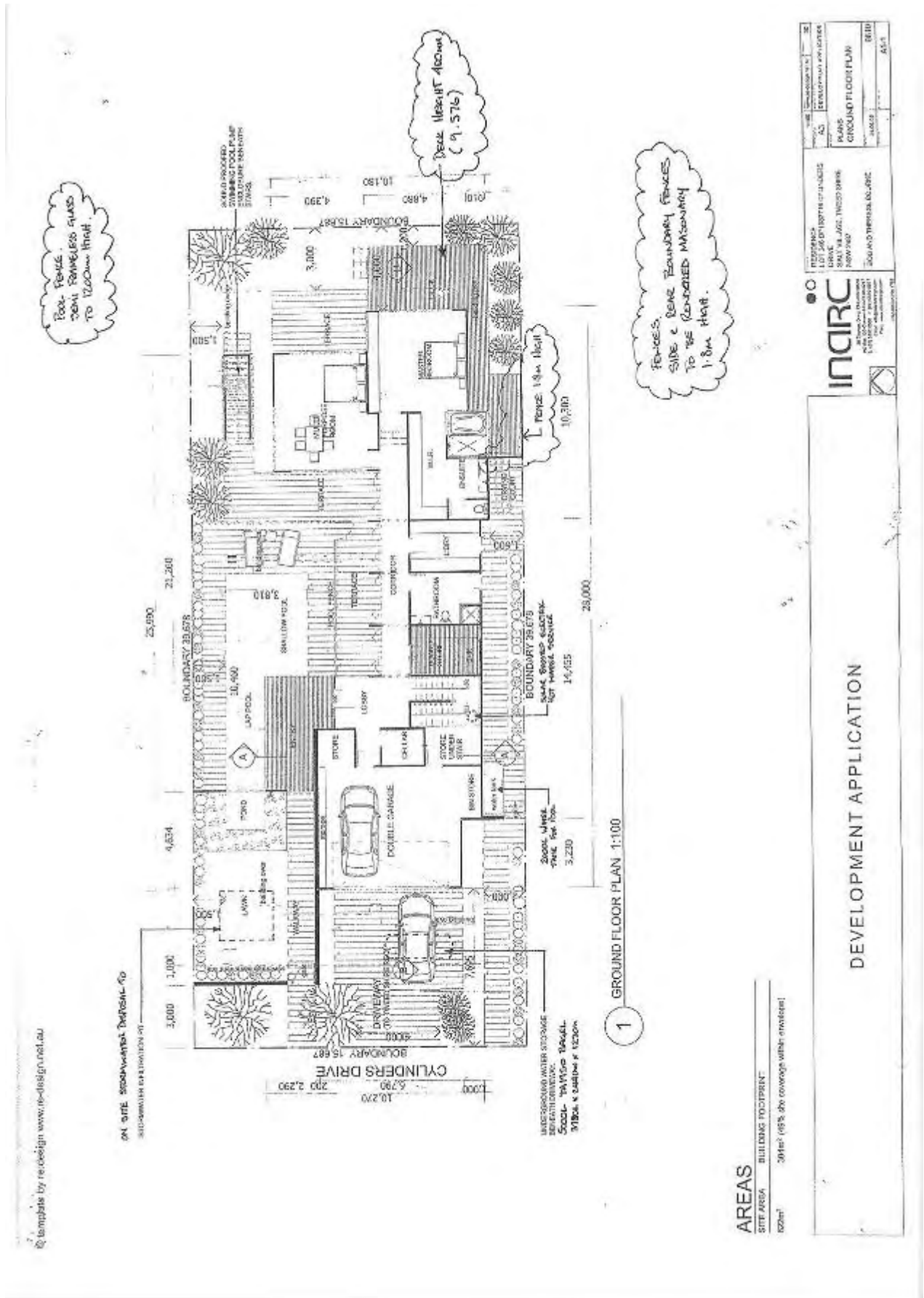
T: (02) 6670 2400 / 1300 292 672  
 F: (02) 6670 2485  
 W: www.tweed.nsw.gov.au  
 E: plans@reforms@tweed.nsw.gov.au

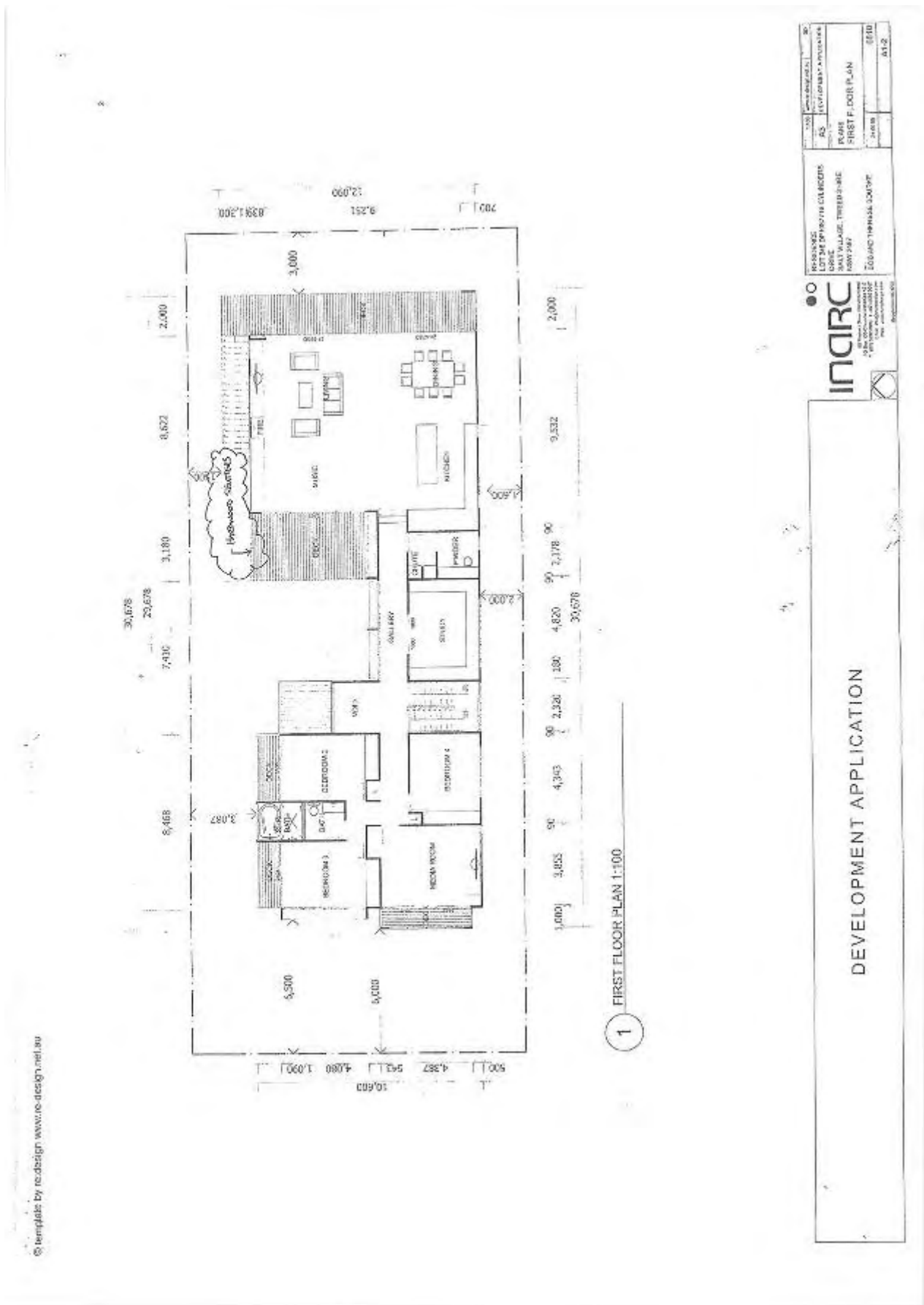


**TWEED**  
**SHIRE COUNCIL**

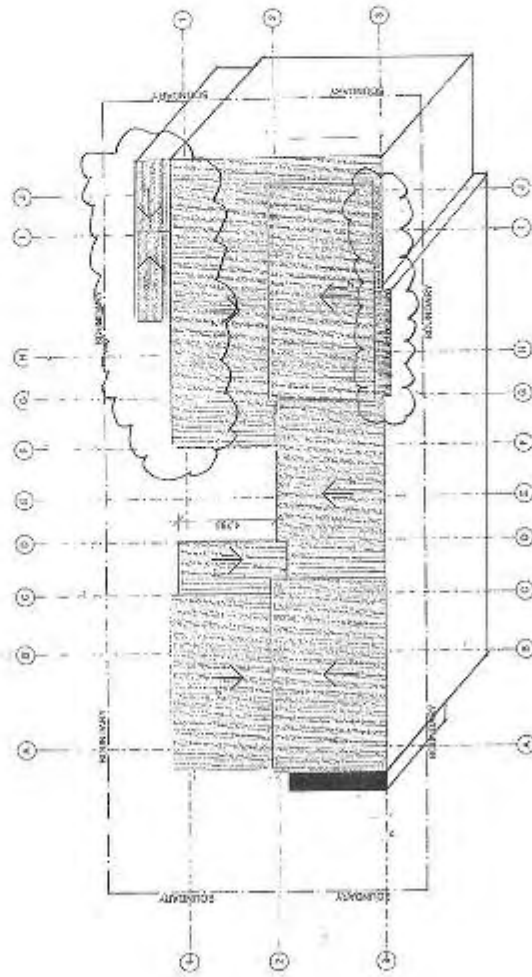


**DEVELOPMENT/ELEVATION PLANS:**





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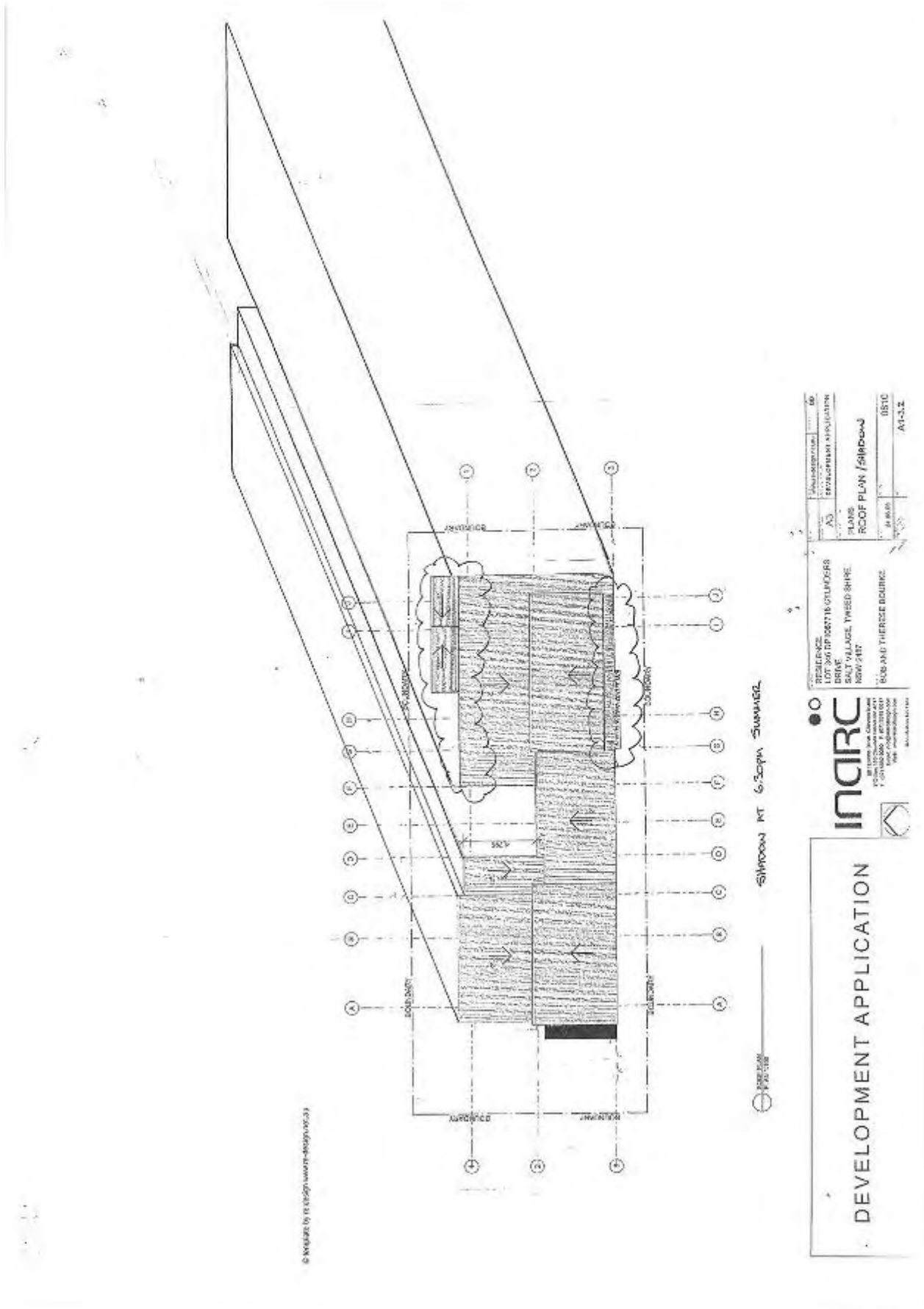


SHADOW AT 3 PM WINTER

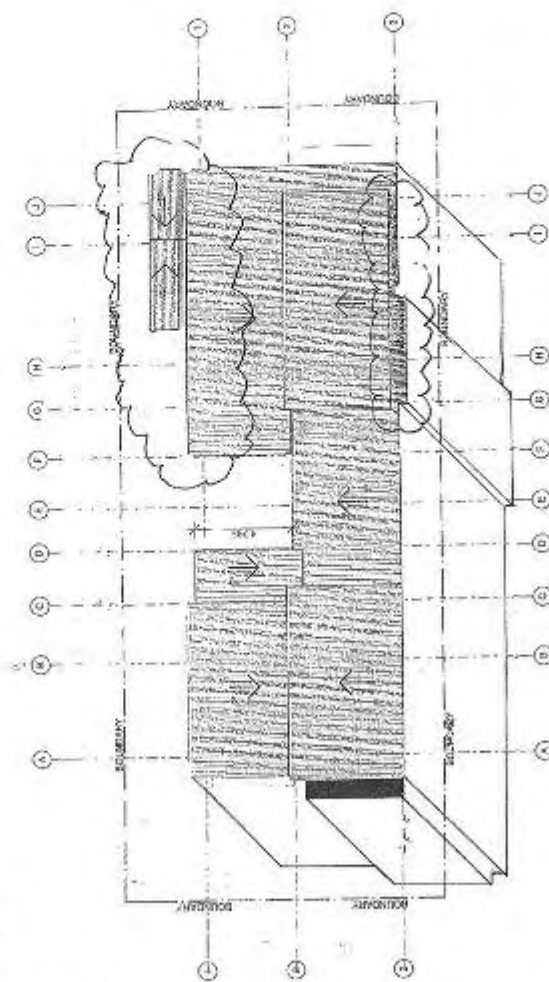


PROJECT 111 VICTORIA STREET DRIVE SOUL VILLAGE, TOWER 3/3/01 NEW 2487	NO. OF SHEETS A3	SHEET NO. A3-3	DATE 08/10
DESIGNER INDARC ARCHITECTS	PROJECT NO. INDARC/111VICTORIA/01		SCALE AS SHOWN
TITLE ROOF PLAN / SHADOW		DRAWN BY A13-J	

DEVELOPMENT APPLICATION



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SHADOW AT 9 AM WINTER

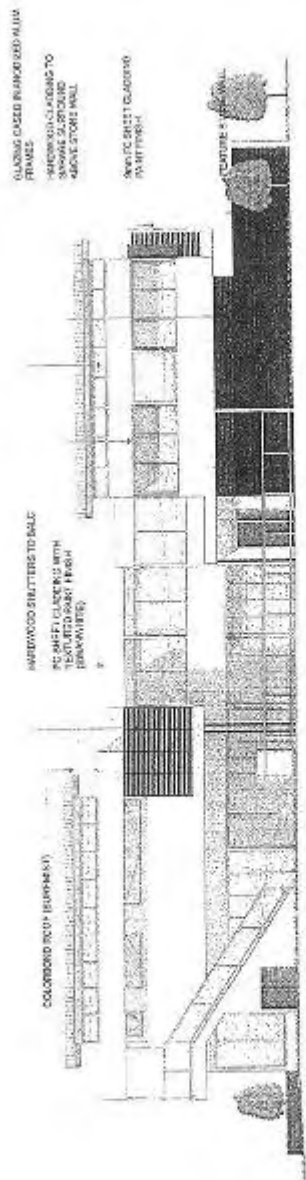
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			REVISION 4
			REVISION 5
			REVISION 6
			REVISION 7
			REVISION 8
			REVISION 9
			REVISION 10

RESIDENCE  
 LOT 248 (P-0277) ISLANDERS  
 DRIVE  
 SALT VILLAGE, THIRD SECTOR  
 RSA 287  
 SCA AND THERSE BOURNE  
 CONSULTANTS

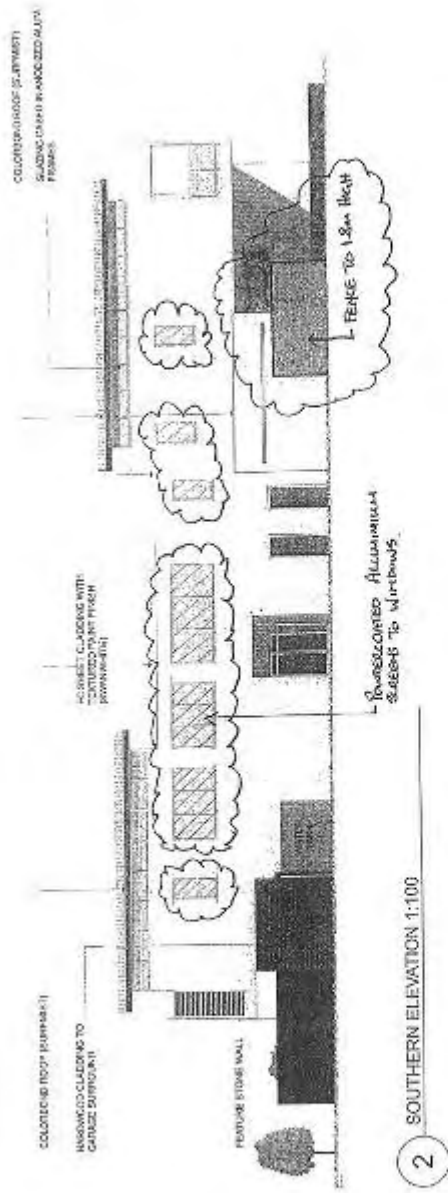


**DEVELOPMENT APPLICATION**

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1 NORTHERN ELEVATION 1:100



2 SOUTHERN ELEVATION 1:100

PROJECT NO.	2009/00000000
DATE	10/11/09
PROJECT NAME	DEVELOPMENT - 1
CLIENT	10/11/09
SCALE	A4-1

**INDIRC**  
 Institute of Design & Architecture  
 10/11/09  
 10/11/09

DEVELOPMENT APPLICATION

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- FEATURE STONE WALL
- EG SHEET GLAZING WITH TEXTURED PAINT FINISH (SUNSHINE-11)
- WALL-TO-WALL GLAZING PAINT FINISH
- COLORBOND ROOF (SUNSHINE) GLAZING CASING IN ANODIZED ALUMINUM FRAMES
- HARDWOOD SHUTTERS TO BALCONY
- ANODIZED GLAZING TO BALCONY TO MATCH FINISH

- EG SHEET GLAZING WITH TEXTURED PAINT FINISH (SUNSHINE-11)
- COLORBOND ROOF (SUNSHINE)
- GLAZING CASING IN ANODIZED ALUMINUM FRAMES



AND = 9.176

DEVELOPMENT APPLICATION

**INDIRC**

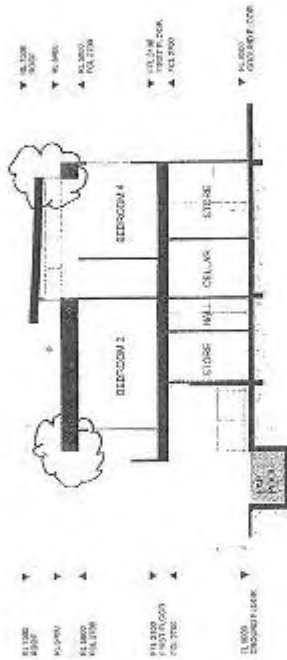
INCORPORATED

1000 WESTERN AVENUE  
MELBOURNE VIC 3004

PROJECT NO: 1000 WESTERN AVENUE  
SUBJECT: DEVELOPMENT APPLICATION  
DRAWING NO: 1000 WESTERN AVENUE  
ELEVATIONS - 2

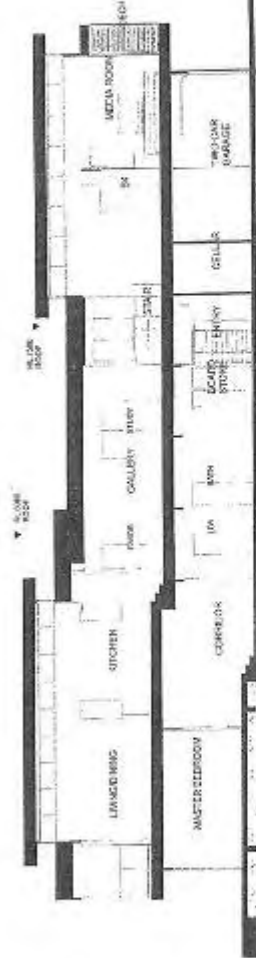
DATE: 10/11/09

SCALE: AS SHOWN



1 SECTION A 1:100

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2 SECTION B 1:100

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RHS 9.176

**INCIRC**

INCIRC ARCHITECTURE & INTERIOR DESIGN  
 100/102 WILSON STREET  
 SYDNEY NSW 2000  
 PH: (02) 9550 1111  
 WWW.INCIRC.COM.AU

INCIRC ARCHITECTURE & INTERIOR DESIGN		100/102 WILSON STREET SYDNEY NSW 2000		100/102 WILSON STREET SYDNEY NSW 2000
PROJECT: LOT 100/102 WILSON STREET SYDNEY NSW 2000		SECTION: SECTION A		DATE: 06/10
DRAWN: [Name]		CHECKED: [Name]		APP: [Name]

DEVELOPMENT APPLICATION



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

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

**Tweed Local Environmental Plan 2000**

Clause 4 - Aims of the Plan

The subject site is zoned 2(f) Tourism. The primary objective of the zone relates to the provision of integrated tourist development and uses associated with, ancillary to or supportive of the tourist development.

The secondary objectives relate to the provision of high quality residential development being integral and supportive of the primary intent of this zone. The proposed development is consistent with the secondary objective of the zone.

Clause 15 - Essential Services

All essential services are available within the area.

Clause 16 - Height of Building

The proposed height of the development is 7.5m and complies with the 2 storey and 9m maximum height limitation affecting the subject site.

Clause 17 - Social Impact Assessment

A social impact assessment is not required given the minor nature of the proposal.

Clause 35 - Acid Sulfate Soils

The area contains class 4 acid sulfate soils, which exist at a depth of greater than 2 metres below surface level. As approximately 2 metres of fill was placed on the site at subdivision stage, the depth of Acid soils would be approximately 4 metres below current surface level. It is not anticipated that the development will impact on the acid soils in the area.

Other Specific Clauses

Clause 36 - Coastal Erosion Hazard Outside Zone 7(f)

The proposal is consistent with the considerations of this clause. The proposed development will not affect the beach or dune system and landscape or scenic quality of the locality, other than in relation to shadowing which is discussed in detail later in this report.

Council's mapping records indicate the subject site is clear of the 100 year hazard line.

### Clause 39A – Bushfire Protection

Council's records indicate that the site is bushfire prone. The proposal is consistent with the considerations of this clause. Conditions placed on this consent are in keeping with the conditions of consent requested by the NSW Rural Fire Service for neighbouring properties with a similar bush fire exposure.

### State Environmental Planning Policies

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

##### Clause 32B: Coastal Lands

Clause 32B – Development Control applies as the NSW Coastal Policy 1997 applies to the subject site.

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

The proposal will not impede public access to the foreshore.

The applicant's submission and shadow plans demonstrate that the carrying out the development will result in the waterfront open space to the east of the site being overshadowed before 3pm midwinter (standard time) and 6.30pm midsummer (daylight saving time).

The applicant is seeking Council's support to assume the Director-General's concurrence in this instance. This matter is discussed in further detail in the SEPP No. 1 variation section within this report.

##### Clause 33: Coastal hazard areas

The development will have minimal impact on coastal processes. The proposal is not inconsistent with the Coastline Management Manual.

##### SEPP No. 1 - Development Standards

An objection has been lodged under SEPP 1 to vary the development standard provided by clause 32B (4) of the North Coast Environmental Plan 1988(NCREP 1988), which prohibits overshadowing of the coastal reserve at the times of 3pm mid winter and 6.30 pm midsummer to be unreasonable. The shadow diagrams submitted show that the building will overshadow the coastal reserve to the east at both of these times.

The proposal seeks a variation to the extent of shadow impacts to the adjacent foreshore reserve to the east. The property adjoining the site is zoned 7(f) environmental protection and is considered to be waterfront open space pursuant to this clause. The application was accompanied with a SEPP 1 variation and the applicant has provided the following reasons as to why this standard is unreasonable or unnecessary;

- *We believe the overshadowing to be predominately on a walking path and some natural vegetation on the foreshore.*
- *There will not be any overshadowing to the beach itself.*
- *This residence is in line with other residences in the street which have similar issues.*

Generally, the above points are agreed to and it is considered in this instance that the standard is unreasonable for the following reasons.

Whilst the dwelling will overshadow the coastal reserve, the area of the coastal reserve that will be affected comprises a grassed area and coastal dune vegetation and a cycle way. The shadow will not impact on areas used for formal recreational activities.

It should be noted that the shadows cast by the trees in the reserve located immediately behind the subject property will have a greater impact on the beach than the dwelling under consideration and in the most part intercept the dwelling shadows. The beach is over 100 metres from the rear of the property.

Council has granted many other approvals for dwellings along the Tweed Coast, particularly in the Salt subdivision that have similar minor overshadowing encroachments into the coastal foreshore and it is considered that in this instance Council should also support this request.

#### SEPP No 71 – Coastal Protection

The development is generally consistent with the objectives of SEPP 71 and will not impact on the public's enjoyment and access to the foreshore.

#### 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) The Provisions of any Draft Environmental Planning Instruments**

None apparent

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

##### Tweed Development Control Plan

##### A1-Residential and Tourist Development Code

In regards to compliance with the design controls out lined in section A1, when DCP Section A1 was adopted Council resolved that:

- The provisions of Tweed Development Control Plan Section A1 in relation to single dwelling houses not be applied to applications received prior to close of business on Monday 30<sup>th</sup> June 2008 and that this decision be notified in the tweed link.

In this instance the development application was lodged with Council on the 30<sup>th</sup> June 2008 and therefore has been designed to comply with Council's development requirements that were applicable before the introduction of A1.

Notwithstanding the above the requirements of A1 have been considered in the assessment of the application.

It should be noted that the most recent amended plans and supporting information were received by Council on the 14<sup>th</sup> September 2009 and these plans were the result of information requested during the assessment of the application.

Section A1 of Tweed DCP introduced detailed parameters for improved site outcomes including the provision of deep soil zones, impermeable site area, private open space, landscaping, car parking, setbacks and general street presence. These are addressed below.

External Building Elements Part A – Dwelling Houses, Alterations and Additions to Dwelling Houses, Garages, Outbuildings, Swimming Pools.

#### Public Domain Amenity

##### **Streetscape**

The proposed development is consistent with the desired future character of the area whilst being sympathetic to the surrounding developments.

The dwelling is clearly visible from Cylinders Drive and the dwelling is setback 6m from the street which is consistent with the surrounding developments.

##### **Public Views and Vistas**

The proposal will not result in an unreasonable view loss of the beach and foreshore given the 2 storey limitation as specified in the Tweed Local Environmental Plan 2000 and the 9 metres height in A1. The proposed dwelling provides view corridors for dwellings located on the western side of Cylinders Drive, between dwellings and side boundary set backs.

#### Site Configuration

##### **Deep soil zones (DSZs)**

The property contains two areas of deep soil zones, one at the front of the dwelling and the other at the rear of the dwelling adjacent to the eastern property boundary.

The deep soil zone in the front yard of the property extends across the entire length of the site, and excludes the concrete driveway and entrance path, which is consistent with the design control requirements.

The second deep soil zone extends across the entire width of the property adjacent to rear eastern boundary and has a width of 3 metres to 1.2 metres while this is less than the required 5.5 metres under the more recent controls it is consistent with the 3 metres for the dwelling and 1.2 metres for the deck, setback requirement outlined in the 88b instrument for the subdivision and is therefore considered acceptable.

### **Impermeable Site Area**

The current provisions of A1 limit the maximum allowable impervious surface area of the site to 65% for allotments between 500m<sup>2</sup> and 750m<sup>2</sup>. The area of the subject site is 622m<sup>2</sup> and therefore the maximum impermeable area permitted at the completion of the development would be 404m<sup>2</sup>.

The proposal has a calculated impervious area of 69.25% which is in excess of the current requirements by 4.25%.

Although the impermeable area is slightly above the current requirements, the objectives are considered satisfied as all the roof water is to be discharged on site into infiltration pits and a 5000L water tank will be installed. In addition, this requirement is not strictly enforceable as the application is subject to previous design controls which did not directly address this issue.

### **External Living Areas**

The dwelling makes provision for external living areas in the form of a patio and terrace areas adjacent to the pool providing adequate solar access to the dwelling and private open space.

### **Landscaping**

The applicant has provided a landscape plan in conjunction with the proposal, providing screening plants along the southern side boundary and shrubs within the front and rear setbacks.

The proposal is generally consistent with this design control.

### **Topography, Cut and Fill**

The site is in a new residential subdivision. The whole subdivision, when constructed was filled approximately 2 metres. The building platform for the property is generally flat, but has an approximate fall of 10% from the building platform to the eastern rear property boundary. Minimal cut and fill is proposed with the construction of the dwelling, which complies with the design controls outlined in section A1.

### **Setbacks**

The proposal is consistent with the set back controls being 6 metres from the front boundary, 1.5 metres from the northern side boundary and 1.6 metres from the southern side boundary.

The set back from the rear boundary while not the required 5 metres nominated in A1, is 3 metres for the dwelling and 1.2 metres for the deck which is consistent the prescribed set back requirement in the 88b instrument for the subdivision and Councils requirements prior to the introduction of A1.

#### Car Parking and Access

The design control requires the proposed vehicle access and parking to be consistent with Section A2 of the DCP. Two (2) off street car parking spaces are provided behind Council's 6 metre building line in the garage located at ground floor level within the dwelling. Vehicle access to these spaces is considered adequate.

#### Height

##### **Building Height**

The maximum height of the dwelling is 7.5 metres which is consistent with the current maximum design control of 9 metres.

##### **Ceiling Height**

The control encourages a minimum ceiling height of 2.7m for habitable rooms. The architectural plans show a minimum floor to ceiling height of 2.7m which satisfies the current requirements of the DCP.

#### Building Amenity

##### **Sunlight Access**

Private open space for the dwelling will receive sufficient access to sunlight. The dwelling includes the provision of terraced areas orientated north adjacent to the pool area and eastern rear boundary.

Overshadowing will impact on any proposal on the southern side of the site however impacts are considered in keeping with what could be reasonably expected by a neighbouring dwelling as the proposed development is in keeping with the bulk and scale of existing dwellings in the area. Cylinders Drive runs north – south and it is anticipated that most of the dwellings along this street will have similar shadow impacts to those caused by the proposed dwelling.

##### **Visual Privacy**

Overlooking into adjoining properties has been minimized with the provision of suitable screening and strategic window positioning along both sides of the dwelling.

### **Acoustic Privacy**

The applicable control relates to air conditioning and other mechanical equipment. A condition of consent has been recommended stating the noise of an air conditioner, pump or other mechanical equipment shall not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity of the item.

### **View Sharing**

This matter has been discussed previously in this report.

### **Natural Ventilation**

The design of the dwelling provides for adequate natural ventilation.

### **Building Orientation**

The dwelling has been sited on the property to optimize solar access and coastal views as well as providing an acceptable street presentation.

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

The submitted architectural plans show only minimal fencing is proposed with the development. The proposal incorporates a 1.8m high and 5.5 metre long feature stone front court yard wall which stands 3 metres from the front property boundary. Landscaping is proposed in front of this fence to help reduce its impact on the streetscape.

1.8 metre high concrete block boundary fences are proposed to both side boundaries.

The development was notified to adjoining property owners and no objections were received to the proposal.

Fencing for the proposal is consistent with the design controls in place prior to the introduction of A1.

### **Roof**

The design of the roof being generally flat is consistent with the design requirements of section A1. A condition regarding the implementation of non-reflective roof materials has been recommended in the conditions.

### **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.

### Swimming Pools

The proposed swimming pool is set back behind Council's Building line and 1.5 from the eastern side property boundary and is consistent with the design control objectives for swimming pools in Section A1.

### Floor Space Ratio (FSR)

The current A1 provisions control the maximum allowable floor area of a dwelling in relation to the total area of the site, as a means of matching the building scale with the capacity of the site and local area.

The proposed site has an area of 622m<sup>2</sup> and the dwelling has an approximate 'floor area' as defined by the DCP of 338m<sup>2</sup> which complies with the current prescribed allowance applying the 0.55:1 ratio.

The proposal is also consistent with the design requirements applicable at the time of lodgement of the application.

### A2-Site Access and Parking Code

The development will comply with the requirements of section A2 in relation to vehicle access and parking. Two car spaces have been provided in the garage located at ground floor level within the dwelling.

## **(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 within a residential subdivision which has been specifically created for residential development. The proposed development is an architect designed building of high quality and will be in keeping with the architectural style and residential character of the area.

### Access, Transport and Traffic

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

### Flora and Fauna

Minimal impact is envisaged, the site has been cleared during the creation of the subdivision.



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

Surrounding Land uses/Development

It is considered that 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.

The design of the dwelling is in keeping with the residential character of the area.

Topography

The building platform was created at subdivision stage and is generally flat, but has an approximate fall of 10% from the building platform to the eastern rear property boundary.

Site Orientation

The building has been centrally located on the property 6 metres back from the front property boundary. The site is rectangular in shape with the western front boundary facing Cylinders Drive, the northern side boundary adjoining another residential property, the eastern rear boundary adjoins a coastal reserve and the southern side boundary adjoins an unformed lane way, which is part of a large proposed residential development.

The living areas of the dwelling have been mainly orientated to the east and north to optimize ocean views and solar access to the north.

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

None apparent

**(e) Public interest**

The development will not prejudice the public interest.

**OPTIONS:**

1. Council resolve to assume the Director-General's concurrence and resolve to approve the development application.
2. Council not resolve to assume the Director General's concurrence and resolve to refuse the development application, providing reasons for refusal.

**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.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed development is consistent with the applicable environmental planning instruments with an acceptable variation of Clause 32B of the NCREP, and is generally consistent with the applicable Council policies. The proposal represents quality urban development which will make a positive contribution to the locality.

**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.

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**12 [PR-CM] Update on Development Application DA05/0223 for a restaurant at Lot 1 DP 553728, No. 4 Wharf Street Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA05/0223 Pt2**

**SUMMARY OF REPORT:**

In late 2008, Council was made aware of unauthorised building works at the existing approved restaurant adjacent to the Jack Evans Boatharbour. An investigation into the works was undertaken, with the proprietor of the premises being advised that an application to modify Development Consent DA05/0223 was required. This was to be accompanied with a Building Certificate application for the unauthorised works, as well as a Construction Certificate for any further building works.

An application to modify the original approval by way of internal and external building modifications and use of the premises (known as the "iBar") was subsequently lodged by the applicant. Unauthorised use (lap dancing) was also included in Council's assessment of the development.

The application was refused by Council, with a recommendation to initiate legal action with regard to: unauthorised building works; the premises being used in a different manner from the original consent; and outstanding contributions fees.

The following report has been prepared to highlight the fact that the issues arising with this application have evolved and require reconsideration. It has also been prepared to update Council on the best way forward with regard to finalising all outstanding matters and includes a summary of the legal advice received on the matters raised above.

**RECOMMENDATION:**

**That:-**

- 1. Council requests the occupier of the premises at No. 4 Wharf Street, Tweed Heads, known as the "iBar" to lodge an extra S96 application to modify Development Consent DA05/0223 and building certificate application, incorporating all unauthorised building works on the subject site. If such applications are not lodged within 21 days of any Council resolution, Council officers will seek further legal advice about an appropriate cause of action in regard to the unauthorised building works, including the option of the issue of a penalty infringement notice;**
- 2. Outstanding contribution fees relating to DA05/0233 not be pursued and that only the contributions paid to date are recognised as credit for any future development of the subject site; and**

## REPORT:

The subject site is located adjacent to the Chris Cunningham Park and Jack Evans Boat Harbour, opposite Centro Tweed (Tweed Mall) on Wharf Street, Tweed Heads. The existing single storey building was previously a Tourist Information Centre, as well as the sales office for the Latitude 28 proposal, which is now the Ultima site.

On 8 June 2005, Council's Development Assessment Panel issued development consent DA05/0223 for a restaurant known as "*Wright on the Water*" at 4 Wharf Street, Tweed Heads. The original approval was for the installation of a commercial kitchen to run a Steakhouse Restaurant from the existing building. The approval was for two stages of development. Stage 1 involved: the installation of a kitchen and bar within the existing building; the replacement of part of the northern and eastern external walls with retractable doors; and the installation of the services and refuse enclosure on the southern side of the building. Stage 2 incorporated: the construction of a 4.5m wide roofed terrace along the northern and eastern elevations for alfresco dining; and an additional unisex disabled toilet.

Following an investigation by Council's Compliance Officer with regard to a complaint regarding unauthorised construction activities in December 2008, the Lessee of the premises lodged a S96 application on 19 March 2009 incorporating:

- The replacement of the approved external masonry deck with a timber deck, by way of constructing the timber deck above and over the existing masonry deck. In addition, increase the size of the timber deck by an additional 18m<sup>2</sup>;
- Extend the roof area over the deck area to cover the entire deck. The roof is proposed to be pitched;
- The internal dining area removed and all dining on the external deck, with "casual dining" inside. The stacking doors removed and replaced with walls;
- Bar area moved and increased in size, and kitchen moved;
- Waiting area deleted;
- Office added near entry, adjacent to toilet facilities. An external fan proposed to meet BCA requirements;
- Additional unisex toilet added;
- Increase area of the approved service and refuse area on southern side of the building from 6m<sup>2</sup> to 43m<sup>2</sup>, to be used for storage, refuse, cool room and cleaners amenities;
- Relocate the cool room from within the main building to the service and refuse area noted above;
- Continue 24 hour trading, requiring the removal of Conditions 6 and 7 from the consent.

On 16 June 2009, Council resolved to refuse the proposed modifications and initiate legal action in relation to: unauthorised building works; the premises being used in a different manner from the original consent; and outstanding contributions fees.

The proprietor of the restaurant has continued operating from the premises with the unauthorised building works remaining unregulated.

**SITE DIAGRAM:**



**LOCALITY PLAN**  
 Lot 1 DP 553728  
 4 Wharf Street, Tweed Heads

Filename: e:\year\planning\msd\A4P\_B&W Site Plan.mxd

Author: J. Batchelor - Planning Reforms Unit

Date Printed: 6 November, 2009

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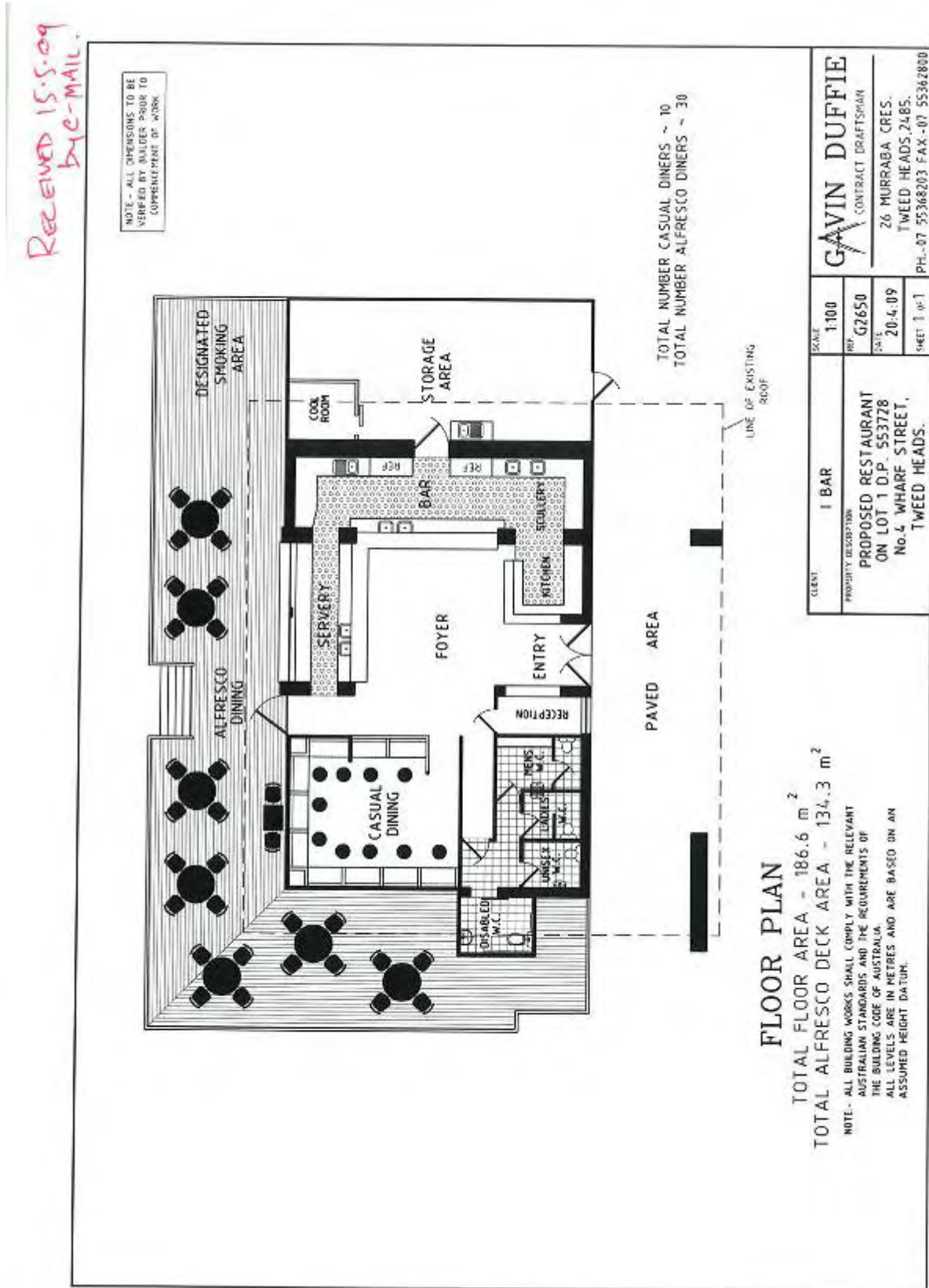


**TWEED**  
 SHIRE COUNCIL





EXISTING INTERNAL LAYOUT:



Legal advice has been obtained from Marsdens Law Group and is attached as a confidential item. Based on the legal advice, Council's Development Assessment Unit has concluded the following:

### Unauthorised Building Works

Council records clearly indicate that unauthorised building works have taken place, beyond that approved under Stages 1 and 2 of Development Consent DA05/0223. As noted by Council's legal advice, the works carried out to date can be regularised by Council through the issue of a building certificate, upon receipt of such application.

Council's Building Services Unit has previously noted that a building certificate application is required in respect to the unauthorised works. The building certificate would not be issued until such time that appropriate development consent has been obtained for the development.

Since the refusal of the S96 application in June 2009, a site inspection on 11 September 2009 by Council's Building Services Unit has also identified additional works undertaken by the proprietor of the premises. These works consist of an awning over part of the northern and eastern external decks, which appear to be in accordance with Stage 2 of the approved development. However, as Stage 2 has not been issued with a Construction Certificate, such works will need to obtain building certification.

As noted throughout this entire process, the building works undertaken to date incorporates development beyond that approved under DA05/0223. This includes (but is not limited to): changes to the approved internal configuration of the premises (i.e. a new office; the deletion of kitchen & cool room; and new bar location); as well as external modifications (i.e. the external plant area is now much larger and incorporates a cool room (which does not comply with the BCA).

As noted by the above legal advice, court action is not recommended at this stage with regard to unauthorised works. Rather, it is recommended that in addition to a Building Certificate, the occupier of the premises lodge a new S96 application to modify the approved layout of the restaurant (assuming owners consent can be obtained). This would allow Council an opportunity to "tidy up" existing conditions of consent, so as to ensure appropriate provisions are in place in terms of noise / amenity etc.

It is also recommended to issue a Penalty Infringement Notice for the unauthorised building works. Such a fine (\$1,500) would be consistent with previous Council procedures for similar unauthorised works.

The alternative to a S96 is proceeding with legal action, which may incorporate the removal of all unauthorised works to date by way of reinstating the building to how it was originally approved. Whilst this is a valid option, it is not considered to be the most practical, in that the new works have given the aging building an uplift and result in a much better looking development overall.

### Unauthorised Use of Building

The approved use under DA05/0223 was for a restaurant incorporating a maximum of 40 diners. The proposed use of the premises (under the recently refused S96) was somewhat different from the originally approved use, in that the development incorporated a lap dancing component within the building.



Since the refusal of the S96, several evening site inspections from Council staff and observations from Tweed Police have concluded that lap dancing no longer occurs at the premises. As such, the occupation of the premises now appears to be in general accordance with the approved use – a restaurant.

Despite this, a S96 application is still required for the unauthorised changes to the layout of the premises. The lodgement of such application would allow Council to undertake a merit assessment of the development, ensuring that it meets Council requirements in terms of patronage, parking, noise, amenity issues etc.

To determine what application is the most appropriate (i.e. S96 or new development application), an assessment needs to be undertaken in terms of whether the proposed development is “substantially the same” as the originally approved development, pursuant to the provisions of the Environmental Planning and Assessment Act. Key planning principles relate to a general comparison (rather than in detail) between the approved development and the proposed modifications, to determine if the development as a whole is essentially or materially similar to the originally approved development.

In this regard, it could be argued that the development is substantially the same, in that it is still a “restaurant”, despite the internal / external configuration changing somewhat. One of the critical issues is the constraint of only 40 diners. If the amendments incorporated additional seating etc, a new development application would be required and reassessment undertaken in terms of car parking provisions and applicable contribution fees etc. In either situation, the applicant would be required to provide a clear indication of seating, hours of operation, noise impact etc for Council’s consideration.

The previously refused application incorporated an issue of a Place of Public Entertainment (POPE) licence being required for the lap dancing component of the development. This issue is no longer relevant as a result of the lap dancing use ceasing within the premises. It should also be noted that the Department of Planning has issued new ‘Planning for Entertainment Guidelines’ (26 October 2009) which state that...“*pubs, restaurants, registered clubs and other venues do not need development consent to provide live, or any other form of, entertainment that is part of the venues main business*”.

In light of the above legal advice, Class 4 court proceedings are not recommended at this stage with regard to use of the premises.

### Outstanding Contributions

Despite the approved plans not distinguishing between the 2 stages, Condition 1 of the consent requires the development to be carried out in accordance with the applicant’s Statement of Environment Effects. Council’s file incorporates a letter from the applicant requesting 2 stages for the development: Stage 1 being the kitchen and interior of the restaurant; and Stage 2 being the verandah on the external part of the building.

Although the above legal advice questions the certification of Stage 2 (i.e. no distinction between either stage on the Construction Certificate issued in July 2005), Council’s internal electronic records appear to indicate that the Construction Certificate was only for Stage 1.

In addition, the applicant was advised on numerous occasions prior to the lodgement of the S96 application that a construction certificate was required and that recalculation of outstanding contribution fees was required.

Nonetheless, the above legal advice on this matter clearly indicates that Council is not guaranteed of a positive outcome if Class 4 proceedings were undertaken and that Council would likely be up for court costs if unsuccessful. In this regard it is recommended that court action not proceed. Rather, the site would only have a credit for the contributions paid to date.

**OPTIONS:**

1. Council requests the occupier of the premises at No. 4 Wharf Street, Tweed Heads, known as the "iBar" to lodge an extra S96 application to modify Development Consent DA05/0223 and building certificate application, incorporating all unauthorised building works. If such applications are not lodged within 21 days of any Council resolution, Council officers will seek further legal advice about an appropriate cause of action in regard to the unauthorised building works, including the option of the issue of a penalty infringement notice; or
2. Proceed with legal action through Council's Solicitor's in relation to unauthorised building works. This may incorporate the removal of all unauthorised works to date by way of reinstating the building to how it was originally approved.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Option 1 - the applicant has a right of appeal in the NSW Land and Environment Court if dissatisfied with the determination of any future S96 application.

Option 2 - financial implications may result from legal proceedings.

**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 legal opinion (ECM 4108123)
-

**13 [PR-CM] Court of Appeal Judgement (CA40279/09) in Relation to Development Application DA06/0413 for a Staged Seniors Living Development under SEPP (Seniors Living) 2004 at Lot 1 DP 786570 No. 87-89 Tweed Coast Road, Hastings Point**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA06/0413 Pt12**

**SUMMARY OF REPORT:**

In May 2009 the Hastings Point Progress Association challenged an earlier NSW Land and Environment Court Judgement in regards to "The Point" (an aged care development at Hastings Point) in the Court of Appeal.

Council is now in receipt of the Court of Appeal Judgement in relation to this application.

The Judgement declares the Court of Appeal matter is "dismissed with costs" and the previous decision (issued by NSW Land and Environment Court) as "valid".

Therefore the development consent for DA06/0413 (comprising an aged care housing development) as issued by Tweed Shire Council in May 2007 remains valid.

Council did not actively defend this case and only put on a submitting appearance thus allowing the case to be defended by the applicant. Council's legal expenses in relation to this case have been minimal to date (approximately \$1300). Council's legal advice indicates that as Council only put on a submitting appearance Council is not entitled to claim any legal expenses associated with the case. Therefore the costs order issued by the Court of Appeal would only apply to the second respondent Aeklig Pty Ltd to recover their costs from the applicant Hastings Point Progress Association.

It is recommended that Council receive and note the attached judgement.

Since receipt of this judgement, Council has been further advised of two (2) additional appeals that are being lodged by Hastings Point Progress Association Incorporated in regards to this matter:

1. Application for Leave to Appeal to the High Court (reference S270/2009);
2. Court of Appeal to Re-List under the "slip rule" as the appellant submits that the conclusion reached by the Court of Appeal (Justice McColl and Justice Young) should lead to the Appeal being allowed and the matter being remitted to the Trial Judge.

In both the above matters, Council has put on a submitting appearance (as previously discussed with Councillors) and will take no participatory role in these proceedings. Upon finalisation of these additional matters Council will be advised of the outcome.

**RECOMMENDATION:**

**That:-**

- A. The report on the Court of Appeal Judgement (CA40279/09) in Relation to Development Application DA06/0413 for a Staged Seniors Living Development under SEPP (Seniors Living) 2004 at Lot 1 DP 786570 No. 87-89 Tweed Coast Road, Hastings Point be received and noted.**
  
- B. That Council receive and notes the two (2) additional appeals that have been received in regard to this matter and further notes the decision in accordance with legal advice to put a submitting appearance with regard to these matters.**

## REPORT:

DA06/0413 sought approval for a staged seniors living development under SEPP (Seniors Living) 2004 comprising 91 independent living units, 94 supported living units and 67 beds within a high care facility at Lot 1 DP 786570 No. 87-89 Tweed Coast Road, Hastings Point.

The application was approved by Council subject to conditions of consent.

The DA was challenged in the NSW Land and Environment Court by Hastings Point Progress Association Incorporated. The nature of the appeal focused on two matters of procedure (as the Appeal could only relate to procedure and NOT merit);

1. That Council failed to consider Clause 8 of the Tweed LEP 2000 specifically in regard to cumulative impact; and
2. That Council's decision was manifestly unreasonable.

The appeal was unsuccessful on both counts.

The judgement determined that the Senior Living SEPP prevailed over Clause 8 of the Tweed LEP 2000, as Clause 8 of the Tweed LEP 2000 was inconsistent with the SEPP Senior Living.

Secondly the judgement determined that Council's decision was not manifestly unreasonable.

The case was accordingly dismissed.

In May 2009 the Hastings Point Progress Association challenged the NSW Land and Environment Court decision. The NSW Court of Appeal undertook a judicial review of the NSW Land and Environment decision primarily focussing on whether Clause 8 of the Tweed LEP 2000 actually formed an inconsistency with the Senior Living SEPP.

The Hastings Point Progress Association argued that the Clause was an additional assessment criterion not one in conflict with anything contained within the SEPP.

Aeklig Pty Ltd argued that:

1. Clause 8 of the LEP mandates that a refusal be granted unless the three matters (8 (1) (a) and (b) and (c) are satisfied; and
2. The SEPP Senior Living permits development despite the provisions of any other instrument provided the development complies with the SEPP

Therefore Aeklig argued that Clause 8 was inconsistent with the SEPP enabling the SEPP to prevail.

The Court of Appeal decision is determined by three judges. In this instance two judges ruled in the favour of Aeklig and one judge was dissenting.

The judgement summarised inter alia:

*“...The critical issue on appeal was whether Clause 8 of the Tweed LEP 2000 was inconsistent with Clause 17 of the SEPP – SL for the purposes of s36 of the Environmental Planning and Assessment Act 1979 (NSW) because it mandated refusal of a development which nevertheless was to be carried out in accordance with SEPP – SL.*

*...That provision cannot, in my view, operate concurrently with Clause 17 of SEPP SL which permits the development to which it refers “despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy.*

*This is not to say that the consent authority is not required by s79C to take those conditions into account in its consideration of a development that otherwise complies with SEPP – SL. But having done so, the consent authority has a discretion to grant consent, notwithstanding that it is not satisfied of each of the three conditions in Clause 8(1). The inconsistency arises because Clause 8(1) mandates refusal in those circumstances.”*

The Court of Appeal held that the case was dismissed with costs.

As detailed within the summary above Council did not actively defend this case and only put on a submitting appearance. Therefore the costs order issued by the Court of Appeal would only apply to the second respondent Aeklig Pty Ltd to recover their costs from the applicant Hastings Point Progress Association.

It is recommended that Council receive and note the attached judgement.

Since receipt of this judgement, Council has been further advised of two (2) additional appeals that are being lodged by Hastings Point Progress Association Incorporated in regards to this matter:

1. Application for Leave to Appeal to the High Court (reference S270/2009);
2. Court of Appeal to Re-List under the "slip rule" as the appellant submits that the conclusion reached by the Court of Appeal (Justice McColl and Justice Young) should lead to the Appeal being allowed and the matter being remitted to the Trial Judge.

In both the above matters, Council has put on a submitting appearance (as previously discussed with Councillors) and will take no participatory role in these proceedings. Upon finalisation of these additional matters Council will be advised of the outcome.

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

Council did not actively defend this case and only put on a submitting appearance thus allowing the case to be defended by the applicant. Council's legal expenses in relation to this case have been minimal (approximately \$1300).

Should the Hastings Point Progress Association Incorporated continue with the Appeal in the High Court minimal additional legal costs may be incurred to again put on a submitting appearance only.

**POLICY IMPLICATIONS:**

The judgement provides an interpretation to the way in which State Environmental Planning Policies can override the local controls.

The Court of Appeal judgement implies that where a local control mandates refusal unless matters are satisfied (as is the case with Clause 8) then the consent authority need not undertake the assessment of that control in the first instance.

It is recommended that TSC continue to undertake judicious consideration of environmental planning instruments when assessing development applications and await the future determinations of the pending verdicts.

**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. NSW Court of Appeal Judgement CA40279/09 - 11 September 2009 (ECM 6125683)
  2. NSW Land and Environment Court Judgement - 6 June 2008 (ECM 1871912)
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**14 [PR-CM] Planning Reform Unit Work Program**

**ORIGIN:**

**Planning Reforms**

**FILE NO: GT1/LEP/2006 Pt14**

**SUMMARY OF REPORT:**

This report seeks Council's endorsement of a new fee and process structure for ensuring that costs associated with reporting and investigation of 'betterment' proposals and 'scoping' exercises are recoverable from a proponent and not borne by the community through Council.

The impact on Council's resources generally arising from external commercially driven and or speculative development concepts and proposals is addressed in this report. In particular the report highlights the implications arising from requests to reconsider strategic planning policies from a financial and resource cost perspective.

A proposed fee structure catering for strategic policy review that occurs outside of nominated and or general policy review periods, whereby the process would otherwise be widely open to public review and comment, is provided with two options comprising a 'lower' and 'upper' (full) cost recovery model.

Ensuring that the Tweed community does not carry the financial burden by way of Council's resources, but, also to ensure that the resources committed to implementing the Council's adopted Planning Reforms work program 2009/2012 are not unduly diminished or diverted away from the commitment to preparing a strategic planning framework for the Tweed, the report presents the view that a fee schedule and procedural guideline is essential.

Lastly, the report raises the importance of having an effective strategic planning framework, particularly in light of the considerable development pressure on the Tweed Council to release further land, and canvasses the necessity for Council to endorse the proposed fees and procedure to enable Council Officers to continue to direct the necessary efforts into building that framework over the next 3 years.

**RECOMMENDATION:**

**That: -**

- 1. Council supports the fees and charges schedule identified within Table 1 (Option 1) to this report relating to requests to review strategic planning policies:**

**Table 1 – Fees and Charges**

<b>Request for review of strategic planning policy outside of review period</b>	
<b>Item</b>	<b>Fees &amp; Charges</b>
General administration fee	\$500
Review process fee	\$500 + \$95 per hour per reviewer beyond 4hrs Plus, all additional printing costs
Council appointed and managed consultancy	The cost is to be determined by a Council invitation and submission process and agreed to by applicant + 25% administration fee.
Other costs	The applicant is liable to all additional costs in relation to the reprinting of an amended strategy and in addition is also liable for the partial cost of the current printing charge relating to the printing of the current policy, which shall be based on the number of unsold copies remaining

2. **The fees and charges identified within Table 1 (Option 1) of this report relating to requests to review strategic planning policies be exhibited in accordance with Section 610F of the Local Government Act, 1993, and**
3. **Council endorses a general process procedure for the management of requests for the review of strategic planning policies as detailed in Figure 1 of this report.**

## **REPORT:**

### **Report Purpose**

#### ***The key Issue***

This report seeks Council's endorsement of a process that enables the Planning Reform Unit to recover the cost associated with the services rendered in the assessment, investigation and reporting of 'betterment' or scoping type proposals. The reason for the proposed fees is that all associated costs arising from commercially or speculative proposals should be borne by the proponent who is making the request of Council.

Betterment relates to the enhanced value of real property arising from local improvements that would include, but not limited to, land rezoning or the listing of a property in a strategic policy, e.g. a land release strategy.

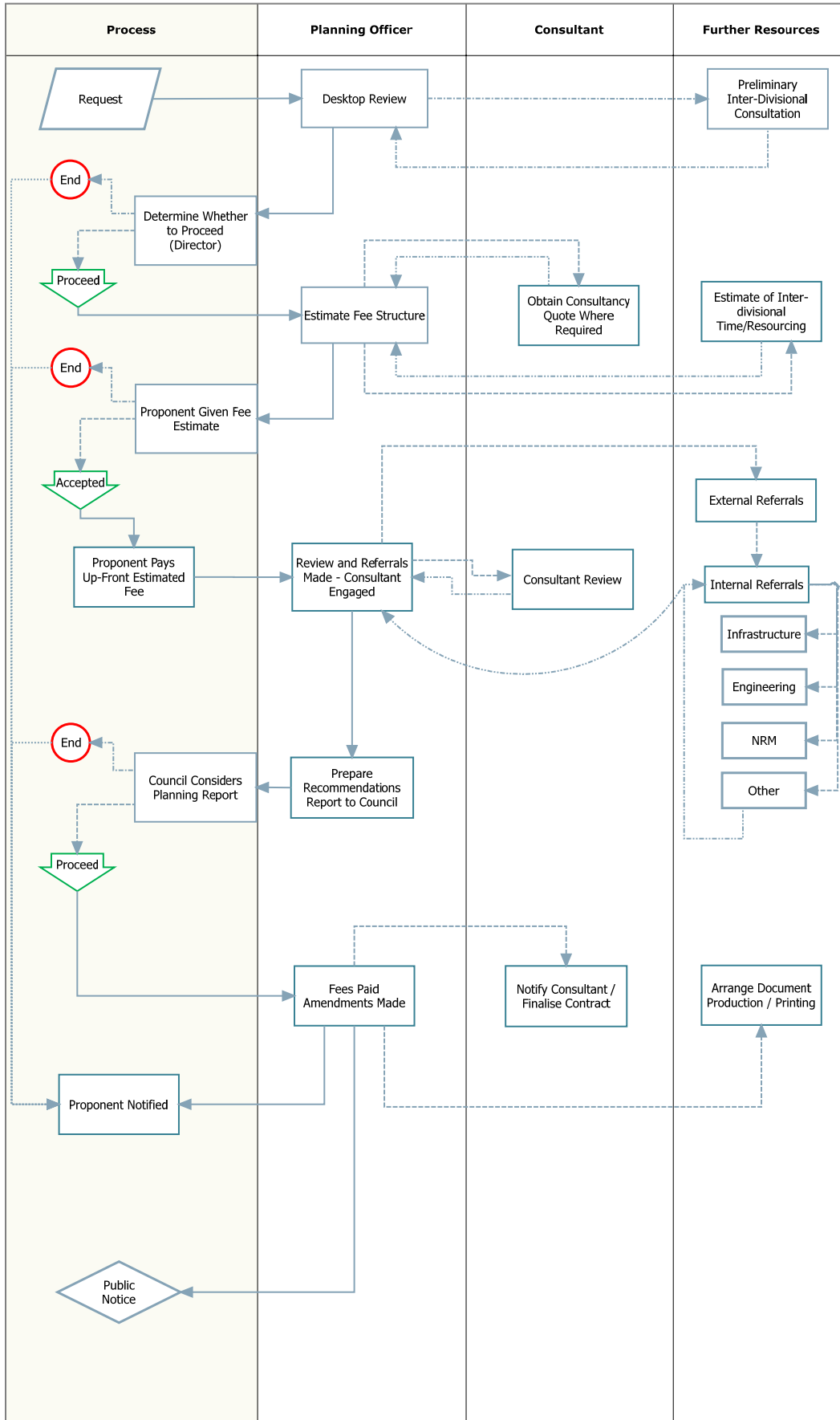
Council's Planning Reforms Unit (PRU) is frequently called upon to provide preliminary and sometimes detailed assessment of commercially driven and speculative development scenarios. The level of assessment required to undertake a proper review is often far reaching, typically with resource demands arising beyond the PRU into specialised areas of engineering, ecology, and the like. It is quite rare that requests of a development nature can be dealt with on a planning analysis alone.

#### ***What is a Request for Review in this Report?***

The kind of request referred to in this report is a reference to those, typically, but not always, made by professional consultancies on behalf of a client who is seeking to raise the capital value and development capacity of their land by way of land rezoning or listing of the land in a broader strategic strategy, for example; Tweed Urban and Employment Land Strategy 2009, with similar results. These requests are those typically made against an adopted strategy. It does not include general enquiries regarding, for example; information on the particular zoning of a property, the process by which a rezoning may occur, or how a particular provision of the local environmental plan or development control plan affects or applies to a particular scenario or site.

The following illustration, Figure 1, highlights a procedure that could typically be used for the evaluation and assessment of a proposed review, and the general process typically employed.

Figure 1 – Diagrammatical Representation of Key Review Processes



### ***Are there any Current Examples of a Request?***

Councillor's would be aware from the Ordinary Meeting of Council on 20 October 2009 that a request has been made by Planit Consulting Pty Ltd ("the Planit request") on Behalf of Leisure Brothers seeking a review of the Tweed Urban and Employment Land Release Strategy ("the TUELRs") 2009, as adopted by Council on 17 March 2009.

Although the Planit request is not subject to any form of cost recovery it is indicative of the kind of request for reconsideration of a strategic land-use policy canvassed in this report.

### ***Are Reviews a Good or Bad Thing?***

In general, reviews of Council strategic planning policies are a legitimate and relevant practice that can be used to take account of circumstances not envisaged at the time of preparation or to take account of change in circumstance. In essence, reviews are a mechanism or tool for project review and control. When properly managed externally driven reviews can add value to the relevance and currency of the strategic policy.

### ***Will there be an Impact on the Strategic Policy?***

There can be far reaching impacts on the strategic policy being reviewed but also on the broader framework. However, the tendency for impacts to arise is often linked to the process used for evaluation. A well planned and considered procedure like that illustrated in Figure 1 should not lead to adverse impacts and may have a positive impact on the relevance and currency of the policy.

In summary, with a properly managed and resourced procedure for assessing requests to review strategic policy there should be no need for a reactive approach by way of barring requests for reconsideration. The review procedure can further reduce the impact on Council's resources if supplemented with an appropriate system of cost recovery. This report provides two options for cost recovery below.

### ***What Impact do Requests Have on Council's Other Resources?***

Resource implications arise in different ways. The more obvious impact is with the staff resourcing of the review, which depending on the nature and complexity of the proposal will determine how many staff will be required. Several key areas that arise typically include;

- Engineering (water, sewer, roads, hydrology, civil)
- Natural Resource Management
- General Administration
- Resourcing of correspondence, postage, public notification, printing
- Administration of external consultations (external State Agencies, key stakeholders, business groups, organisations, community groups)

The interactions across Council's resource base, that is, the different areas of specialty, are best illustrated in Figure 1 above.

## Managing Impact without Limiting Opportunity

### Cost Recovery Option

Basically, the better way to limit and manage the substantial costs associated with requests to review strategic policies, without ruling out or unnecessarily limiting the opportunity presented by way of reviews, is to levy an hourly rate for the time of the Council staff directly involved with the review, and the full cost of any consultancy fees with an additional 25% for administrative project management.

The cost recovery procedure outlined above will recover the “full cost” as far as it is practical to do so, however, it is worth noting that unless an additional general administrative cost is levied the cost of processing, filing, receipting, postage and handling, and the like, will not be recoverable.

The tables below provide two options for consideration:

#### Option 1 – Preferred Option.

**Table 1 – Fees and Charges**

Request for review of strategic planning policy outside of review period			
Item	Fees & Charges		
General administration fee	\$500		
Review process fee	\$500 + \$95 per hour <u>per reviewer</u> beyond 4hrs Plus, all additional printing costs		
Council appointed and managed consultancy	The cost is to be determined by a Council invitation and submission process and agreed to by applicant + <b>25%</b> administration fee.		
Other costs	The applicant is liable to all additional costs in relation to the reprinting of an amended strategy and in addition is also liable for the partial cost of the current printing charge relating to the printing of the current policy, which shall be based on the number of un-sold copies remaining		

#### Option 2 – Alternative Option.

**Table 2 – Fees and Charges**

Request for review of strategic planning policy outside of review period			
Item	Fees & Charges		
General administration fee	Nil		
Review process fee	\$500 + \$95 per hour <u>per reviewer</u> beyond 4hrs Plus, all additional printing costs		
Council appointed and managed consultancy	The cost is to be determined by a Council invitation and submission process and agreed to by applicant + <b>20%</b> administration fee.		
Other costs	Nil.		

The Environmental Planning and Assessment Act 1979, makes no reference to fees and charges for strategic policies generally, as it does with other policies, such as, local environmental plans (LEP) and development control plans (DCP). There is no restriction operating on local councils for the levying of fees and charges for related costs on the Council arising from the kind of requests canvassed in this report.

The latter plans above, namely LEPs and DCPs, have their fees and charges detailed in the Council's Schedule of Fees and Charges 2009/2010, as a requirement, and which is adopted with the Council's Management Plan. It is intended that any fee structure arising from this report will also be included in that Schedule, for consistency.

### **CONCLUSION:**

It is important to recognise the strategic relevance and necessity of a coherent and defensible strategic policy framework, not only from Council's perspective but also as a means of providing certainty for the development industry and for investment in the Tweed.

This report discussed above the relevance and appropriateness of allowing reviews as a method of project control, provided that the procedure employed is sufficient to allow for a proper assessment. This latter element is the key ingredient to justify and validate any review process outside of the Council's ordinary review of the policy as a whole. It can be a very important mechanism for updating policy in the short-term that may otherwise not be internally scheduled for review, but, that is nevertheless needed.

Although limiting the ability for review outside of the nominated strategy review period will for the most part maintain the value embedded in those policies it is, as discussed in this report, equally valuable to capitalise on the ability to review Council's policies as circumstances change. To support this process and to limit the impact on Council's resources this report canvasses the idea of cost recovery or "user-pays", by the proponent making the request.

Taking these matters into account it seems both fair and reasonable to the community through Council and the proponent that the latter be required to pay the cost of any work arising from the latter's intention to 'test' or 'scope- out' the betterment options available and open to them through a review of Council's strategic planning policies.

If the propositions in this report are accepted it would be open to Council to introduce a fee structure to recover the costs associated with a request for review, with a reciprocating benefit to both the proponent and Council. Two options are canvassed in this report with Option 1 providing broader scope for the full cost recovery, and being the preferred option.

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

Adoption of a fee structure associated with the request to review strategic planning policies will limit otherwise potential substantial resource impacts.

### **POLICY IMPLICATIONS:**

This report seeks a clear direction on managing requests to review adopted strategic planning policies in a way that limits the impact on Council's resources by way of an appropriate and relevant fees and charges schedule.

**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.

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**15 [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 for the month of October 2009 that there are no 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
DA08/0911	staged integrated housing development comprising 18 residential dwellings, community building, car parking, 19 lot community title subdivision (inclusive of common lot) with pathway to public open space	Lot 238 DP 1070792 & Lot 86 DP 1066472 Saltwater Crescent, Kingscliff	23/10/2009	Schedule 3 of Tweed Local Environmental Plan 2000	2(f) Tourism	Variation to Subclause (2) of the enabling clause in Schedule 3 of the Tweed LEP 2000 for 'Portions 194, 301 and 312 Kings Beach, South Kingscliff' stipulating that proposed allotment sizes for the creation of dwelling houses within a subdivision of the subject land must have a minimum area of 450sqm. None of the proposed allotments meet this control.	Up to 56%	Tweed Shire Council
DA08/1161	town house development comprising eight (8) attached dwellings	Lot 9 DP 33501, No. 109 Pacific Highway; Lots 1 & 2 DP 568733 No. 111 Pacific Highway, Banora Point	18/9/2009	Clause 51A of Tweed Local Environmental Plan 2000	2(a) Low Density Residential	Clause 51A of the LEP requires a density of not more than 1 dwelling per 450m <sup>2</sup> of site area. This methodology is followed in Section A1, where it requires a minimum lot size of 1350m <sup>2</sup> for town house developments (being 3 x 450m <sup>2</sup> ). The provision for a 'development lot' to created at a minimum size of 220m <sup>2</sup> enables the concurrent application of building and subdivision development with the ability to co-locate and provide communal private infrastructure, but, it is not a density guide beyond the 1350m <sup>2</sup> minimum lot size, or minimum 450m <sup>2</sup> site area per dwelling.  Accordingly, when reviewing the controls as detailed above, the LEP and DCP controls correspond with each other and in our respectful opinion do not provide a basis for	38%	Tweed Shire Council

DA No.	Description of Development	Property Address	Date Granted	Development Standard to be Varied	Zoning	Justification	Extent	Authority
						<p>inconsistency.</p> <p>The applicant's interpretation of the DCP is not concurred with in so far as there is no intention by Council to alter density, that is, the DCP does not seek nor intend on altering the density ratio in the 2(a) zone.</p>		
DA08/1170	two (2) lot subdivision	Part Lot 1 DP 1073137 & Part Lot 1 DP 1073137 No. 43 & 19Turners Road, Wardrop Valley	23/10/2009	Clause 20(2)(a) of Tweed Local Environmental Plan 2000	1(a) Rural	<p>The application was originally submitted in the form of proposed Lot 1 being 1.2 hectares and proposed Lot 2 being 40.5 hectares. As Lot 2 was not complying with Clause 11 an objection under SEPP 1 and the concurrence of the Department of Planning (DoP) was required.</p> <p>Concurrence was granted by the DoP on the condition that Council requires that the proposed Lot 1 be enlarged to include all land south of the currently proposed northern boundary. Proposed Lot 2 – became approx 39.2 ha and the smaller rural residential holding proposed Lot 1 became approx 2.5ha.</p> <p>Council Officers did not agree with the Department of Planning and recommended the application for refusal. However, the Councillors approved the application.</p>	93.25%	Director-General Department of Planning
DA09/0415	additions to multi unit dwelling - small roof structure (resulting in partial fourth storey component)	Lot 11 SP 79988 No. 11/1-3 Murphys Road, Kingscliff	23/10/2009	Clause 16 of Tweed Local Environmental Plan 2000 and Clause 32B of North Coast Regional Environmental Plan 1988	2(b) Medium Density Residential	<p>The partial 4th storey is not of significant scale or size to raise any issues for regional or local planning. The partial 4th storey represents an open shade structure that is in keeping with the existing scale and context of the building.</p> <p>The proposed overshadowing is minor in scale relative to the overall size of the foreshore</p>	approximately 5% of the actual building to be a partial 4th storey	Tweed Shire Council

**Council Meeting Date: Tuesday 17 November 2009**

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DA No.	Description of Development	Property Address	Date Granted	Development Standard to be Varied	Zoning	Justification	Extent	Authority
						reserve. The shadow falls within the vegetated portion of the foreshore dune.		

**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.

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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**16 [CNR-CM] State Library of New South Wales Public Libraries Funding Strategy 2009/2010**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

The State Library has allocated \$160,641 to the Tweed Shire Council being the annual subsidy calculated as \$1.85 per capita. The State Library has also allocated \$75,007 being the Disability and Geographic adjustment. This is a total of \$235,648. The estimated grant for the 2009/2010 budget period was \$230,805, which is an increase of \$4,843.

**RECOMMENDATION:**

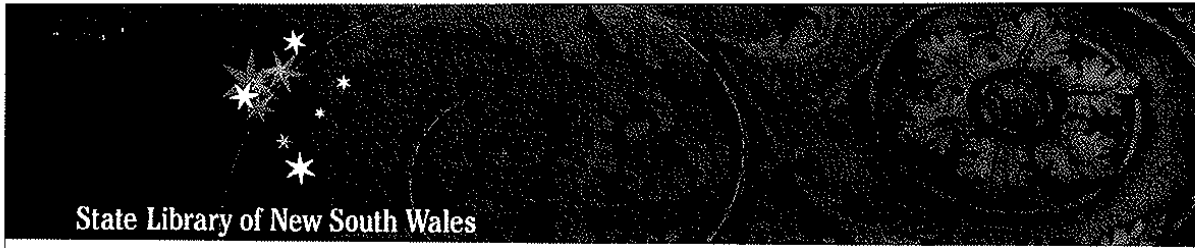
**That Council accepts the 2009/2010 grant of \$235,648 from the State Library of NSW.**

**REPORT:**

The State Library has allocated \$160,641 to the Tweed Shire Council being the annual subsidy calculated as \$1.85 per capita. The State Library has also allocated \$75,007 being the Disability and Geographic adjustment. This is a total of \$235,648. The estimated grant for the 2009/2010 budget period was \$230,805, which is an increase of \$4,843.

At least 30% of the Disability and Geographic adjustment grant must be allocated to Local Priority Projects (LPP). Council has previously spent 100% of the grant on LPP.

A copy of the letter from State Library of New South Wales is reproduced below.



Mr Michael Rayner  
 General Manager  
 Tweed Shire Council  
 PO Box 816  
 MURWILLUMBAH NSW 2484

LIBRARY - GENERAL  
 TWEED SHIRE COUNCIL  
 FILE No. LIBRARY - GENERAL  
 DOC. No. ....  
 REC'D: - 6 OCT 2009  
 ASSIGNED TO: COLBERT, R.  
 HARD COPY  IMAGE

MULLENBACH, R.

Dear Mr Rayner

**Public Libraries Funding Strategy 2009/10**

The State Government has allocated \$25.528 million to the provision of public library services in 2009/10.

Under the Public Libraries Funding Strategy 2009/10 Council will receive:

Subsidy @ \$1.85 per capita	\$160,641
Disability and Geographic adjustment	\$75,007
	<b>Note: at least 30% of the Disability and Geographic adjustment payment listed above is to be allocated to Local Priority Project(s).</b>

**LOCAL PRIORITY GRANT PROJECT(S)**

**All councils to submit this form.**

Please find enclosed with this letter the one page Local Priority Grant application form for 2009/10.

**APPLICATION FOR SUBSIDY/STATE GOVERNMENT ASSISTANCE**

**All councils are to submit one of these forms.**

Please find enclosed Council's Application for Subsidy or Application for State Government Assistance. The relevant form for your Council is enclosed.

Councils that are signatory to a regional library agreement that does not currently comply with the Library Act are entitled to apply for a State Government Assistance payment. Refer to **Attachment 1** for further information on State Government Assistance payments.

Celebrating 100 years of the Mitchell Library 1910 -2010  
 Macquarie Street Sydney NSW 2000 Australia  
 Phone (02) 9273 1414 Facsimile (02) 9273 1255  
 TTY (02) 9273 1541 www.sl.nsw.gov.au

#### STATEMENT OF LIBRARY OPERATIONS

See **Attachment 2** for details of the Statement of Library Operations reporting manual.

#### All councils are to submit this form.

Council is to provide a statement of library operations for the period July 2008 to June 2009 for the 'provision, control and management of libraries, library and information services in its area'. **Form A – Statement of Library Operations: Councils** is available on the State Library website at:  
[http://www.sl.nsw.gov.au/services/public\\_libraries/statistics/docs/statementoflibraryoperations\\_councils.xls](http://www.sl.nsw.gov.au/services/public_libraries/statistics/docs/statementoflibraryoperations_councils.xls)

**Note:** Council's Narrative Statement on the library service, which is part of the Statement of Library Operations report.

#### Is Council the Executive/Administering Council of a regional library service?

If Council is the Executive/Administering Council of a regional library service an additional statement of library operations is to be submitted on behalf of the regional library service. **Form B – Statement of Library Operations: Executive/Administering Council of a Regional Library** is available at:  
[http://www.sl.nsw.gov.au/services/public\\_libraries/statistics/docs/statementoflibraryoperations\\_regionallibraryservice.xls](http://www.sl.nsw.gov.au/services/public_libraries/statistics/docs/statementoflibraryoperations_regionallibraryservice.xls)

**Note:** Councils are required to use the State Library versions of forms A & B as available on our website.

#### SUBMISSION OF FORMS

Please find as **Attachment 3** a checklist of forms to be submitted by Council. Original copies of all relevant forms, with the required signatures, are to be completed and returned by mail to Kathy Morrison, Public Library Services by **Friday 13 November 2009**.

If you have any enquiries about the application forms please contact Kathy Morrison, Grants & Subsidies Clerk (Monday to Thursday) on (02) 9273 1528. Enquiries regarding the funding arrangements can be directed to Cameron Morley on (02) 9273 1483.

Yours sincerely



Frances Sims  
Director, Public Library & Community Learning Services  
1 October 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.

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**17 [CNR-CM] Request by Tweed Heads Historical Society to commission architectural model of Tweed River Regional Museum, Flagstaff Hill**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Council resolved at its September 2006 meeting that Flagstaff Hill was the preferred site for the new Museum building at Tweed Heads, and the concept was developed by architect Paul Berkemeier. Tweed Heads Historical Society has requested that Tweed Shire Council procure a model of the concept for general use in publicity, public consultation and fundraising.

The cost to commission an architectural model of the current Flagstaff Hill Museum concept is in the order of \$4,500 (including a colour model, display case and delivery).

Council considered a recommendation to proceed with a model for Flagstaff Hill Museum at its 15 September 2009 meeting and resolved:-

*"That this item be deferred to hold a workshop to discuss the two Museums and the Flagstaff Hill museum."*

Council held a workshop on 13 October 2009 and it was requested that the deferred report be presented to Council for further consideration at its meeting scheduled for 17 November 2009.

**RECOMMENDATION:**

**That Council approves the procurement of an architectural model for the current Flagstaff Hill Museum concept.**

## REPORT:

Tweed River Regional Museum ("the Museum") came into effect by Tweed Shire Council's adoption of the Tweed River Regional Museum Strategic Plan 2004 on 2 June 2004, and upon the signing of the Memorandum of Understanding on 20 September 2004.

Along with the site of the existing museum at Kennedy Drive, Flagstaff Hill was one of the sites considered for the Tweed Heads branch of the Regional Museum.

Further pursuit of this site was mothballed as it was considered that as the site was related to planning activities of the Tweed Heads Town Centre and Jack Evans Boat Harbour precinct, that it may not be made available and that this may delay Museum redevelopment plans. Further, as the Kennedy Drive site was available and confirmed, this was the most expedient choice.

The Strategic Plan therefore recommended that the existing Museum at Kennedy Drive, Tweed Heads be redeveloped to create a new purpose built Museum.

In 2005, Council initiated a design competition for architects to design the new building and Paul Berkemeier Architects was selected. A Concept was developed for Kennedy Drive, in order to meet the deadline of applying to the New South Wales Ministry for the Arts for funding for the building program.

While the Kennedy Drive Site is suitable for the Museum, it is evident that Flagstaff Hill is a premium location for the facility.

The Tweed River Historical Society wrote to Council to express its desire to revisit investigations as to the availability of the Flagstaff Hill site as an alternative.

Council then initiated negotiations with the Department of Lands, resulting in the in-principle support for the concept from the office of the Regional Manager.

Department of Lands recommended that Council apply for a short-term licence for site investigations, and submit documentation indicating the scale and nature of the proposed development.

Council resolved in September 2006 that Flagstaff Hill is the preferred option for the Museum, and that architect Paul Berkemeier be commissioned to develop a Concept for the site, and this be forwarded to the Department of Lands.

As a consequence of this, the licence was granted and an architect's concept was presented to the Minister for Lands. A geotechnical investigation and site survey have been completed.

The Minister for Lands has approved the use of the site for a Museum.

The long-term lease is subject to the development approval, and terms can be negotiated prior to the Development approval.

Architect Paul Berkemeier, as the selected architect for Tweed River Regional Museum, has developed design and documentation for the Museum.

Council continues to negotiate terms and conditions of a long-term lease.

Council is in final stages of preparation of Development Application suitable for lodgement.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Estimated cost of architectural model of the current Flagstaff Hill Museum concept (including a colour model, display case and delivery) is \$4,500. Funds are available in the current budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**18 [CNR-CM] Doon Doon Hall Grant**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

The Community Builders Program, administered by the Communities and Early Years Division of Community Services is an important resource for community development and social inclusion in NSW. Community Builders is a funding program for projects that aim to build strength and capacity within communities and enhance their ability to manage issues and respond to change.

A steering committee of Doon Doon residents applied to the Community Builders funding program, then known as Area Assistance Scheme (AAS) on behalf of Tweed Shire Council in 2008/09 for \$40 000 capital expenditure costs for improvements to Doon Doon Hall.

The Minister for Community Services Linda Burney MP has approved the application. In order to receive the approved funding Council is required to sign a Service Agreement with the Department of Community Services.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the Community Builders Grant of \$40,000 from Department of Community Services for the material costs of improvements to Doon Doon Hall;**
- 2. Completes the relevant documentation and votes the expenditure.**

## REPORT:

Community Services is the leading NSW Government agency responsible for community services. The Department assists children, young people and families across a continuum of care. The Community Builders Program is an important resource for community development and social inclusion in NSW. It is administered by the Communities and Early Years Division of Community Services. Community Builders is a funding program for projects that aim to build strength and capacity within communities and enhance their ability to manage issues and respond to change. The program is based on the Area Assistance Scheme and intends to build on the strengths of the AAS by continuing to fund community development projects in six regions across NSW, which includes the North Coast.

The Council's Community Development Officer held a public meeting at the Doon Doon Hall in late 2008 to gauge community interest and energy in facilitating the development of community activities in the Hall as a way of strengthening the small and isolated rural community. The Steering Committee identified that the Hall had been underutilized since its move onto Cram's Farm which formed part of an agreement with a local landholder on whose land the hall had been located. The kitchen of the hall had been built as a lean-to and was structurally unsound and unable to be moved with the hall. As a result the hall consists of one good size room with no undercover outdoor space, no storage space and no kitchen facilities. The Steering Committee prioritised the development of these facilities, applying to the Community Builders Funding Program (then known as AAS) in 2008 for \$40,000 capital expenditure costs to modify the Doon Doon Hall. The local employment service organisation TURSA has committed their Work for the Dole Program to undertake the construction of the facilities with no labour cost.

The Minister for Community Services Linda Burney MP has approved the application. In order to receive the approved funding Council is required to sign a Service Agreement with the Department of Community Services.

A copy of the letter of offer is reproduced below.





# NSW DEPARTMENT OF COMMUNITY SERVICES

Head Office 4-6 Cavill Avenue, Ashfield NSW 2131 • Locked Bag 28, Ashfield NSW 1800  
DX 21212 Ashfield • Tel (02) 9716 2222 • Fax (02) 9716 2999

GOVT GRANT - CRONBELL  
HALL - DOON DOON  
SCHEME.  
TWEED SHIRE COUNCIL  
FILE NO. AREA ASSISTANCE  
DATE - 6 JUL 2009  
ASSIGNED TO RAYNER, M  
HARD COPY  IMAGE   
MCLENNAN, R.

Mr Michael Raynor  
General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Mr Raynor

### Area Assistance Scheme (AAS) 2009 Funding Project Number: 9074409 – Improvements for Doon Doon Hall

I am pleased to advise you that the Minister for Community Services, Linda Burney, MP, has approved your 2009 AAS application for the above project. Your local Member of Parliament may also announce this in your local area.

In order to receive the funding approved by the Minister, your organisation is required to sign a Service Agreement with the Department of Community Services.

The 2009/10 Service Agreement comprises the following components:

- Schedule A lists all the projects auspiced by your organisation, the term of funding, funds approved for the project(s) and whether the funding is renewable, fixed term or one-off. Schedule A also lists any special conditions relating to the use of these funds.
- Schedule B relates to service specifications. They are subject to all the conditions contained in the Service Agreement. The conditions regarding 2009/10 service specifications are outlined in Schedule A of the agreement.

There are some administrative processes which need to be completed in a timely fashion to ensure your project/s proceeds smoothly. These include:

#### 1. Service Agreement

You are being issued with two copies of the 2009/10 Service Agreement. The table on the front page of the Service Agreement will need to be completed by you. Please arrange for both copies of the Service Agreement to be signed by authorised representatives of your organisation and returned within one month of the date of this letter to the DoCS addressee nominated on the front page of the Agreement. DoCS will countersign the Agreements and forward you one copy for your records.

A payment will be made into your nominated bank account by electronic funds transfer once the signed Service Agreements are in place. Subsequent six monthly payments will be made on receipt of project returns which are due every six months.

[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

DataWorks Document Number: 338276

The Area Assistance Scheme 2008/09 Application forms the service specifications to the Service Agreement. Any variations to the aims and objectives or financial budget, as outlined in the application, or requests for extensions of time beyond the term of the budget, must be made in writing to DoCS.

All Financial Management and Financial Reporting Requirements are outlined in Attachment 1 to the Service Agreement. If your organisation is required to provide an Auditor's Report, the Auditor must meet the requirements specified in Attachment 1 to the Service Agreement. Special note should be taken of the different financial reporting requirements for service providers receiving payments under \$25,000; service providers receiving between \$25,000 and \$100,000; and those service providers receiving over \$100,000 in any financial year.

If you are not registered for GST you need to tell us (see Section 12). You will also need to tell us within one week if you cease to be registered for GST.

## **2. Remuneration Payment Certificate**

If you are to be a signatory to the Certificate, issued under Section 127 of the New South Wales Industrial Relations Act, 1996, you should review the instructions for completing this Certificate prior to signing.

Please note that, if appropriate, the signed Certificate needs to be forwarded to DoCS together with your audited financial reports.

## **3. Office Bearer Form**

This form is to be completed by organisations. Local Government Councils do not need to complete the form

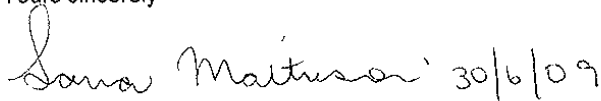
## **4. Payment Details Form**


Please complete the details to enable direct deposit of funds into your bank account as outlined in the Service Agreement.

Any change in the business address or bank account details (signed by two authorised representatives of the organisation) are to be provided in writing to DoCS.

Thank you for your cooperation and commitment to the delivery of quality services to the people of New South Wales.

Yours sincerely

 Dana Maitson 30/6/09

 Deirdre Young  
**Manager**  
**Community Program Support**

**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.

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**19 [CNR-CM] Extension of Tweed Shire Social Plan 2005-2009**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

This Report provides for the extension of the life of the adopted Social Plan 2005-09 until a new Integrated Community Strategic Plan for Tweed Shire is adopted on 30 June 2011, under recently approved Local Government legislation.

**RECOMMENDATION:**

**That Council:-**

- 1. Receives and notes the assessment of the 2005-2009 Social Plan.**
- 2. Extends the life of the existing 2005-2009 Social Plan until 30 June 2011.**

## **REPORT:**

The NSW Department of Local Government has introduced legislation that requires Councils to prepare and adopt a 10-year Integrated Community Strategic Plan, replacing previous separate social, economic, environmental and governance strategic plans.

Councils can nominate either March 31, 2010; 2011; or 2012 as the date for adoption of the new Plan. 31 March 2011 is considered the most suitable date for Tweed Shire, to allow time to thoroughly research, integrate and prepare a new Plan.

Existing strategic plans and their programs are required to be continued in force until the date of adoption of the new Plan. Tweed Shire Social Plan 2005-09 is only in force until the expiration of the fifth anniversary of its adoption, 14 November 2009.

In order to extend its life, Council must resolve to extend it until the intended date for adoption of the Integrated Community Strategic Plan in 2011. This will allow the Social Plan Strategies to continue to be implemented, and the usual annual consultations of the community on social issues to be continued for a further 16 months.

## **INTRODUCTION:**

The Tweed Shire Social Plan 2005-09 was adopted by Council on 17 November 2004, and will have been in effect for 5 years, its intended life span, by November 2009.

The NSW Local Government Department is introducing legislation this year requiring Councils to adopt a new triple bottom line planning regime based on Community Strategic Plans, which will integrate the former Social Plans with economic and environmental strategies. Councils are able to choose adoption dates for the new plans, and Tweed Shire has opted for 31 March 2011 to complete its Community Strategic Plan.

Preparation for the 2011 Strategic Plan includes assessment of previous plans such as the current Social Plan. This report looks at outcomes from the implementation of the Social Plan 2005-09, and suggests ways to approach planning for the social component of the 2011 Strategic Plan.

Annual consultations have been carried out during the life of the Social Plan to provide feedback on issues, but the original 2005 Strategies have not been altered; they require assessment whether issues have been appropriately addressed, and whether they are more or less relevant in 2009.

Some projects and actions have been initiated since 2005 independently of the Social Plan, and new Strategies may be introduced to incorporate emerging issues.

### **Initiatives of the Social Plan 2005-09:**

The current Social Plan recommended 10 headline initiatives to be implemented, listed on Page 1; a simple assessment of its implementation can be made by reference to these initiatives.

The outcomes have been scored, based on the discussion in Appendix 1 below, indicating either a poor outcome (P), a significant improvement (S), or a major achievement (M). This inevitably involves subjective judgement, but enables a 'big picture' view of the degree of success in addressing the major initiatives.

They proposed to maximise social wellbeing through measures to:

- Facilitate community service development and advocacy, S
- Initiate a Quality of Life Program to maintain service levels, S
- Encourage social participation and development of young people, S
- Facilitate opportunities for employment of young people, P
- Increase capacity for care of the frail aged, S
- Increase tertiary education and training resources, P
- Coordinate human and health services delivery, P
- Promote affordable housing, sustainable transport and mixed use centres, S
- Establish a long-term funding program for community facilities, M
- Work with agencies to improve public transport services. P

#### Summary Status of the 40 Strategies:

At a more detailed level, the 40 Strategies included in the Social Plan 2005-09, and discussed individually at Appendix 1, have been summarised regarding the degree of progress made over the last 5 years in the following Table:

#### Social Plan Strategies Assessment Table – Status Summary (See Appendix 1):

Strategy Topic:	Strategy Completed	Strategy Not Completed	Ongoing Implementation	Need Reduced/ Redundant	Need Increased/ More Acute	No Action Taken	Need New or Amended Strategy
1.1 Growth Awareness		○	○		○		
1.2 Needs Assessment		○	○		○		○
1.3 Human Services Plan		○			○	○	○
1.4 Locality Plans		○	○				○
1.5 Rural Networks		○	○				
1.6 Urban Design Panel						○	○
1.7 Housing Panel					○	○	○
1.8 Release Areas Sustainable		○	○		○		○
1.9 OP Strategy		○	○			○	
1.10 Crime Strategy		○	○				○
1.11 SEIA DCP		○				○	
2.1 Facilities Program	○						○

2.2 Library Strategy	O						o
2.3 Open Space Strategy		O	O				
2.4 Banora Pt CC	O				O		o
2.5 Mur. CC Expansion		O	O				
2.6 Kingscliff CC		O				O	
2.7 Cobaki CC		O				O	
2.8 Casuarina NC		O				O	
2.9 Kings Forest CC		O			O		
2.10 Youth Centres		O	O		O		
2.11 Goori Funerals				O		O	
2.12 Public Transport			O		O		o
2.13 Pedestrian Infrastructure		O	O		O		o
2.14 Cycleway Plan		O	O				
3.1 Expand Community Services			O		O		
3.2 Invest in New Services			O		O		
3.3 Aged Support Worker			O		O		
3.4 ATSI Worker			O				
3.5 Families First			O				
3.6 Tweed Men's Project		O				O	o
3.7 Women's Support			O			O	
3.8 Children with a Disability		O	O				
3.9 Youth Worker	O		O		O		
3.10 HIV/AIDS Service						O	o
3.11 Anti-Homophobia						O	o
4.1 Consulting Community	O		O				o



4.2 Measuring Wellbeing						O	o
4.3 Management Plan		O	O				
4.4 Issue Papers						O	o
TOTAL out of 40:	5	21	24	1	14	15	18

**Conclusions** that may be drawn from the Strategy Status Table include:

- Few of the Strategies can be described as completed, with many not having a finite life; more than half are ongoing, with varying degrees of success,
- Although a somewhat subjective area, issues relating to one third of Strategies appear to have become more acute since 2005; broadly speaking, these include issues affecting the range of human services available, awareness of needs by Government, new housing and design issues, youth support, and transport disadvantage,
- No action has been achieved concerning nearly one third of the Strategies,
- Nearly half of the Strategies could justify amendment or review, with changed circumstances requiring a renewed approach,
- During the five year period the Social Plan has had a significant effect in focusing Council action towards addressing a wide range of social issues.

**Possible New Strategies:**

A number of issues that were not included in the Social Plan have assumed greater significance since 2005 and strategies for them should be considered for inclusion in 2011. These may include:

- Population growth as it affects the supply of social services,
- Elder abuse affecting the security of the older population,
- Homelessness and the affordability of housing,
- Regional museums development,
- An age-friendly built environment,
- Active living and a healthy lifestyle,
- Non-work incomes, pension levels and benefits for low-income people,

**APPENDIX 1:**

**Detailed Analysis of the 2005-09 Strategies:**

This Appendix focuses on the 40 Strategy Actions of the adopted 2005-2009 Social Plan to assess how effectively they have been implemented. It notes where Strategies that require funding have been included in the 2008/9 Budget, the 2008-11 Management Plan, the 7-Year Financial Plan, or have been funded by Government or other external contributions.

**SOCIAL PLAN STRATEGIES (Section 7 of the Social Plan)**

**Council's Community Planning Role (7.1):**

**1. Promote awareness of Tweed Shire growth to Government and business, and advocate for a fair share of service agency resources:**

The effect of this Strategy is uncertain, as it is impossible to say which of many Government agency programs that were introduced in the 05-09 period were due to Council advocacy.

One program which did benefit from direct Council action is Community Options (Home Care); representations that DADHC funding to Tweed was not equitable resulted in negotiations and subsequent increases in annual funding.

Another project resulting from local lobbying was the planning for Pottsville Community Health Centre, carried out by NCAHS through a local steering committee, and now ready for early construction.

In the Cultural field, City of the Arts funding was already in place in 2005, but when it finished in 2006 the Cultural Development Fund was extended as an annual Council budget allocation.

In 2006 Council initiated the 7-Year Financial Plan which included programs under the headings Community Life, Cultural Development, Social Development and Community Safety totalling \$32m; these programs were partly based on social planning proposals developed earlier as the Quality of Life Program, and so the Social Plan was instrumental in achieving a higher profile for community programs in the Financial Plan.

In conclusion, this Strategy has had some effect and should be continued, but needs to be more specifically directed to current issues.

**2. Undertake Needs Assessment that develops social policy, leading to social, economic and cultural initiatives enhancing community wellbeing:**

Annual Social Plan consultations have taken place during the five years to obtain feedback and identify any emerging issues, though without amending the original Social Plan. This was carried out through the Tweed Link using MCCA Unit funds. The consultations will assist preparation of the 2010-14 Plan, but further significant consultation will also be required in 2009/10.

The Tweed Shire Community Profile was updated by a consultant for Council after 2006 Census data became available. Further updating will be required after the 2011 Census, notional cost \$15,000.

Funding allocation of \$25,000 will be required for the 2010-14 Social Plan, unless it is carried out in house.

**3. Complete the Integrated Human Services Delivery Plan:**

This project aimed to better coordinate all human services provided at the local level in Tweed Shire.

It commenced with Premier's Department assistance, but after some two years of development the Department did not support the planned outcomes and it was abandoned.

There is no formal coordination of the many overlapping programs promoted by a variety of agencies, often in similar fields; services for families with young children are particularly noticeable in this respect. There is also a tendency for services to be centralised in major towns and to be unavailable in smaller towns and villages.

A survey of human services and their distribution needs to be included as part of any Integrated Strategic Plan process prepared by Council.

**4. Prepare Locality Plans for South Tweed Heads, Kingscliff & Pottsville in consultation with communities and agencies:**

Plans for South Tweed Heads were included with Tweed Heads CBD Plan by Planning NSW.

Tweed Coast Strategy (DCP 51), 2003, included Kingscliff, Casuarina and Kings Forest, but more recent work has been frustrated by legal issues affecting developable land.

Pottsville has a 2001 Locality Plan to guide its rapid growth, not recently updated.

A program of Locality Plans was included in the 7-Year Plan; of these, Murwillumbah has been completed by Planning Reforms Unit (\$50,000), others having been deferred by financial or staff constraints.

A separate Villages Project funded in 2006-9 by DSARD and supported by Council community development staff is ongoing in Uki, Tyalgum and Chillingham.

Strategic planning for release areas and major centres has progressed, but more local community planning exercises tend to have been deferred. These should be included in any Integrated Strategic Plan process undertaken by Council.

**5. Promote Information Networks in Rural Areas to improve services and establish neighbourhood centres:**

A halls refurbishment program was allocated \$105,000 in 2007/8, and 4 halls have been improved so far with kitchens, toilets and general repairs, part of a \$645,000 Community Buildings Maintenance program. The former Community Technology Centres program has expired, but the assets of several CTCs are now part of neighbourhood centres. Both Council resources and Government work creation programs have been utilised. A new generation of sustainability grants allows the prospect of further improvements to community buildings.

Modest improvements have been made to rural community assets, providing improved facilities for local services and community activities. Refurbishment needs to be continued through 2010-14.

**6. Establish an Expert Advisory Panel on Urban Design:**

This was a recommendation of the Tweed Futures 04/24 Strategic Plan. No action has been taken to implement it. The major recent urban design exercise has been the Tweed Heads Town Centre Plan prepared by Planning NSW in 2007 in conjunction with Council.

Operating an advisory panel may be difficult without local availability of urban design experts, and it may be more practical to rely on urban design expertise of Council staff or consultants. The loss of staff expertise in 2006 has recently been overcome with a new appointment.

**7. Establish an Expert Advisory Panel on Community Development and Housing, and adopt an Affordable Housing Strategy:**

No action has been taken on this Tweed Futures recommendation. With increasing interest being taken in affordable housing, however, a draft Affordable Housing Strategy has been prepared, primarily focused on designing provisions for inclusion in Part 2 of the new LEP that is being prepared.

In late 2008 the Federal Government also introduced affordable rental and purchase housing schemes that Councils can participate in, and these are being assessed.

Lack of a housing policy has resulted in much recent housing development being of types inappropriate for the needs of Tweed residents. There is an urgent need for Council to consider affordable housing policy to address the housing stress evident in Tweed. This can be via adoption of a Strategy, in the Integrated Strategic Plan process, or more directly via provisions inserted into the imminent 2009 LEP. This will be an ongoing issue through the 2010-14 Social Plan period.

**8. Adopt Sustainable Neighbourhood Planning Principles in new release areas, including a pattern of local centres that are within walking distance of most dwellings:**

Sustainable planning and transport principles have been included in Council's updated DCP, but developers have been slow to adjust their designs, and in cases where development has been continuous for some years they can merely amend old designs. Recent NSW legislation has given responsibility for major release area concept plans to the State; Council is actively cooperating by commenting on these concept plans, but it may have limited effect.

Environmental requirements for subdivisions have been improved, but there is a need for continuous evolution in design principles to meet rapidly changing circumstances due to climate change, emissions requirements and the economics of housing and transport. This requires continuous review of the DCP through 2010-14, perhaps by means of a broad in-house committee or taskforce.

**9. Adopt a Strategy for Appropriate Location of Housing and Services for Older People:**

No formal Ageing Strategy has been adopted by Council, although MCCS Unit has completed much background work on policies for ageing and disability, and a framework for such a strategy. This is being progressed through an ongoing working group with the Department of Ageing, Disability and Home Care. Council commissioned a draft Disability & Ageing Strategy in the 1990s, but the State has not adopted the applicable Australian Standards.

In the absence of an operational Ageing Strategy, housing, services and the general environment for older people are less adequate than they should be. Housing is not generally designed to be accessible for older people, for instance, and conveniently located services are not guaranteed. With continuing immigration of older people, it is increasingly urgent to formalise an Ageing Strategy, or incorporate this into the Integrated Strategic Plan.

**10. Adopt a Local Crime Prevention Strategy:**

Tweed Council and Gold Coast Council jointly adopted a Tweed/Coolangatta Community Safety Action Plan in 2003 for the Tweed Heads and southern Gold Coast areas. The NSW Attorney General's Department requires such plans to be renewed after 3 years, and Council commissioned a consultant to review it in 2007; however, on submission to AGD in early 2008 the new plan was not accepted, making Council ineligible to receive funding assistance from NSW Government. The reason given referred to changed guidelines requiring a different approach. Council also commenced a Tweed Shire Community Safety Action Plan in 2008 for the remainder of the Shire, but this is effectively on hold.

To continue to promote community safety, Council can either commission a review of its draft plan or seek funding for projects from sources other than the Attorney General's Department. This will need to be resolved in order to meet community safety aspirations.

**11. Amend the Socio-Economic Impact DCP (No.45) to take account of sustainability:**

In 2005 DCP No.45 required developments that exceeded specific criteria of size and use type to submit a Socio-Economic Impact Assessment showing how effects would be mitigated. It was proposed to amend the criteria to give preference to sustainable developments, but no action has been taken, other than to include DCP No.45 in the consolidated Shire DCP.

A review of these provisions to consider matters of sustainability may still be beneficial.

**Community Facilities (7.2):**

**12. Finalise Council's Community Facilities Policy and Program:**

Following earlier work on community facilities programs, Council decided to commission consultants to prepare Tweed Shire Community Facilities Plan in 2007. This recommends projects to meet Council's needs for a comprehensive range of community services facilities (excluding recreation and open space services) over a ten year period, including costs.

The Plan includes development during the 2010-14 period, and should be used to guide the implementation of facilities proposals in the Social Plan.

A proposed Sustainable Local Transport Plan and a Disability Discrimination Action Plan were also included under this item. A draft SLTP was prepared in 2004, but has not been adopted, though there is a growing need to address the sustainable transport issue. A draft Disability Discrimination Action Plan has also been in existence for many years, and a recent request for resources to update it was declined; this remains a significant outstanding need. Both documents should be retained as background for issues to be addressed by the new Social or Strategic Plan

**13. Tweed Library Strategy:**

The original Library Strategy prepared by consultants in 2000 established a 3-branch policy to enable quality service to be provided within limited resources. It recommended expansion of the 3 branches which was completed several years ago, though still short on floor space standards. Further expansion at Kingscliff and Murwillumbah is proposed to be funded under the 7-Year Financial Plan (Kingscliff \$3.0m, Murwillumbah \$2.0m).

Proposals for new branches at Pottsville, Kings Forest and Cobaki have been resisted; however, the Community Facilities Plan, 2007, again raises proposals for the latter two branches on the basis of need. As the two release areas are developed, it is possible new libraries will have to be considered before 2014, though the recommended S.94 Plan provision has not yet been made.

**14. Tweed Open Space Strategy:**

The 2002 Open Space Strategy and S.94 Plan to increase open space provision and develop regional sports facilities was endorsed by the Social Plan, but not considered in any detail. Programs in the current Management Plan would be boosted considerably by the \$38.6m provision in the 7-Year Plan, Parks and Recreation Program.

**15. Banora Point Community Centre:**

The Centre was built in 2005-6 for \$1.8m as planned, and the Social Plan rider to 'facilitate community based management through an Establishment Officer' was realised for 6 months. Since then, requests to fund a coordinator to initiate activities at the Centre have been declined, and alternative sources have struggled to fund a part-time coordinator. It is likely to become merely a facility rather than a multi-purpose centre in the near future.

There are opportunities to increase the effectiveness of the Centre and meet the needs of a changing community by employing a community development worker, and by developing further indoor and outdoor activities.

**16. Murwillumbah Community Support Centre Expansion:**

Expansion proposals in the Social Plan have been progressed to concept plan stage, with community consultation, but complicated funding arrangements have proved difficult to finalise. \$1.0m is earmarked in Council's budget, and the proposal was endorsed by the Community Facilities Plan in 2007. Building is expected in late 2009, but is likely to be in two stages. There is strong demand from service providers for space, while the present building is limiting the services that can be provided. Council should seek to explore further options.

**17. Kingscliff Community/Civic & Cultural Centre:**

Upgrading of Kingscliff Amenities Hall is budgeted \$100,000 in 2009, but planning for a major facility on the Coast has not progressed at Kingscliff, partly due to land cost increases. \$1.5m is allocated in the 7-Year Plan, and the Community Facilities Plan endorsed a multi-purpose facility at Kings Forest as the most suitable coastal location. If this release area commences development soon, a facility here could contribute to its development before 2014. Kingscliff itself seems unlikely now to be the site for a new facility.

**18. Cobaki Community Centre:**

Another major release area proposal, Cobaki has been long delayed, and if as seems likely it is commenced soon, a significant facility will be required in its town centre, possibly by 2014. S.94 Plans have envisaged a major and a minor facility serving different parts of this large area, but is dependent on development generating sufficient funds, or assistance by the developer to realise a facility in the early stages. No design work has been started, but a site is designated near the town centre.

**19. Casuarina Neighbourhood Centre:**

In 2005 a S.94 Plan provided for a facility at Casuarina Town Centre, while also providing for facilities at Kings Forest. The Town Centre has not yet commenced development, and the Community Facilities Plan in 2007 has rolled Casuarina in with Kings Forest facilities. It therefore appears that Casuarina will have only a small facility. No design planning has yet been undertaken.

**20. Kings Forest Community Centre and Neighbourhood Centres:**

S.94 planning has envisaged one major and two minor facilities at Kings Forest, but the population envisaged has since been reduced by a third following environmental studies. However, the Community Facilities Plan 2007 has effectively subordinated Kingscliff and Casuarina centres to Kings Forest, possibly maintaining its importance. So long as Kings Forest does commence in the short term, it will become the major community centre for the whole Coast area, but still needs to generate significant S.94 contributions.

## **21. Youth Centres:**

In 2005 Council had not developed a policy regarding youth centre facilities, but was under pressure to develop a facility at Pottsville. It undertook a Youth Needs Assessment in 2006, and adopted a policy to strengthen its involvement in youth activities, but defer commitment to built facilities for 5 years, or until it had sufficient management resources.

The 7-Year Plan allocated \$300,000 for a Tweed Coast Youth Centre.

The Community Facilities Plan 2007 recommended youth facilities at Murwillumbah, Kings Forest and Cobaki Lakes. Proposed designs for the Murwillumbah Community Support Centre Expansion include a youth component. Kings Forest and Cobaki Lakes facilities will be subject to sufficient S.94 funding availability, but planning for these may be required before the end of the 2010-14 period.

A new Youth Policy was adopted in 2008.

## **22. Goori Funerals:**

An investigation of site options was proposed following the raising of this issue in a 2004 report on Aboriginal community facility needs. Subsequently, no further concern was raised, and no action was taken to investigate sites. If a need arises, this issue can be revived in future.

## **23. Country Public Transport:**

This item refers to any transport service infrastructure in Tweed Shire. The NSW Ministry of Transport offers grants annually to Councils for transport facilities and infrastructure such as interchanges and bus shelters. The Council has submitted applications each year to develop its public transport infrastructure, providing information signs, seating, shelters, footpaths, etc. Many applications were successful and facilities were installed by the Council workforce.

Additional programs included transport information days held under the Healthy Ageing program at shopping centres, in conjunction with other stakeholders; development of a Shire Transport Network brochure; and Ministry-funded trials of improved services. Private-operator service improvements also occurred during the period.

A fund for bus shelters has been provided as part of S.94 contribution plans (\$28,000pa).

Proposals under the 7-Year Plan for a small Youth Transport Program (\$15,000 over 7 years) were successful, but a proposed Transport Service Improvement Program and Mobility Management Office were not successful.

Council has contributed through the Youth Transport Program, installation of infrastructure and promotion and awareness activities, but a larger contribution has come from the Ministry of Transport. There is continuing community pressure for improved transport, particularly for older and young people, that goes beyond infrastructure to service coordination and improvements.

## **24. Pedestrian Infrastructure programs:**

A Pedestrian Access & Management Plan (PAMP) is being implemented (\$80,000 including crossings, and \$266,000 for footpath rehabilitation in 2008/9) in conjunction with RTA.

7-Year Plan Transport & Road Programs also included Cabarita street scaping (\$0.5m completed), Pottsville and Kingscliff Street scaping (\$1.0m each, excluded), and Cudgen Creek Walk Bridge (\$1.43m, completed).

Strategically more urgent for an ageing population than provision for motor traffic, pedestrian infrastructure requires ongoing priority for access and health reasons.

**25. Cycleway Plan implementation:**

Expenditure in 2008/9 was \$92,200 jointly with RTA, and the Shire Cycleway Map has been updated. Implementation has been ongoing in the high priority areas, while usage has increased. Most infrastructure built has been recreational or school-oriented, segregated from roads, and there is very little on-road provision for cycle commuting or cycle touring at present.

**Community Services (7.3):**

**26. Expand resources for existing community services:**

Expansion of the Community Options program, funded by the State, due to severe demand pressure has improved recently, following a static period when waiting lists had to be closed.

The Cultural Program Plan 2001-07 details cultural services during this period, including City of the Arts funding (Arts NSW).

The 7-Year Plan provides \$462,000 for Community Services Work, \$935,400 for Cultural Development Services, \$462,000 for Aged Persons Social Development, and \$50,000 Volunteering Tweed support.

Rapidly growing population means that program budgets for social, cultural and health-related services need to continuously increase by 2.5% per annum just to maintain current service levels. Some budgets have not maintained this rate of growth, but are often not under Council's control. Some existing services have been terminated, such as the Mobile Men's Shed program.

**27. Encourage Investment in new services:**

A number of community services previously unrepresented have been introduced in Tweed since 2005. YWCA early childhood intervention/parenting services are a notable example, while On-Q support services have been introduced for mental health sufferers. A palliative care service was absent until initiated by a local community group, and a local palliative care hostel is currently seeking extra support to continue.

Youth services have been a priority area in Council's own service system in recent years, following a Youth Needs Assessment in 2006. A full-time Youth Development Officer was appointed in 2007. The 7-Year Plan includes \$456,000 for Improved Services for Shire Youth (\$76,000 target for 2010), as well as proposals for youth components in future community centres. Skate parks in Tweed have been developed exclusively on Council reserves.

Most new services are funded by agencies other than Council, but Council can often facilitate them by providing leased space in Council facilities. One example is the expanded Baby Health service operated by NC Area Health Service at Banora Point Community Centre. In other cases Council can sometimes provide sites for facilities, such as the Child Care Centre on part of the Banora Point Community Centre site.



There is continuing strong demand for Council facilitation of new services, and new proposals are in the pipeline. It has been a successful strategy that should be continued and expanded further.

**28. A Worker to support aged people:**

In 2005 Council had one officer who combined Disability Services with Ageing Services. The demand (almost 1 in 4 of the population aged 65 and over) was such that these functions needed to be separated. Since 2006 an additional Healthy Ageing officer has worked 2 days/week.

The 7-Year Plan provides \$462,000 for Community Services Work, as the need for services for an ageing population continues to grow.

**29. An ATSI Worker:**

In the early 2000s Council had employed an Aboriginal Liaison (Administrative) Officer who left and had not been replaced. In 2005 it was recognised this was a serious gap, needing to be filled to restore relations with the ATSI community. Council's pre-existing Aboriginal Advisory Committee continued in the absence of a Council appointee. A new appointment was made in 2007.

The 7-Year Plan allocated \$462,000 for Aboriginal Community Development, which provides for projects including action to conserve Aboriginal heritage.

**30. Families NSW program (formerly Families First):**

In 2005 a Tweed Families First Implementation Group, lead by Dept. of Community Services and including the major human services agencies and Council, was in operation to oversee support for families with babies and young children.

The Management Plan allocated \$16,918 for Child Development (baby health centres) in 2008/9.

In recent years Council's services have planned to have a focus on older children (12-18 years) rather than young children, but the FIG continues with the current Families NSW programs.

**31. Collaborate with The Family Centre in Tweed Men's Project:**

The Tweed Mobile Men's Shed initiative was a men's support project operating from a caravan, auspiced by The Family Centre and Council and funded by the Federal Dept. of Family & Community Services. It operated for four years, ceasing in 2006. The Family Centre has continued fostering the men's group activities on a reduced basis, allied with its other family-oriented support activities. It was hoped to establish a permanent men's resource centre in Tweed, but this has not been possible.

Men's issues, particularly around access to the children of broken families, are in ongoing need of support in Tweed.

**32. Support efforts to prevent violence against women:**

Tweed Shire Women's Service, in conjunction with Community Health, Lifeline and the Police Force provide support services specifically for women experiencing crisis. Council has no such programs, but women's issues are included in its support for families, young people, seniors and the ATSI community.

**33. Expand early intervention services for children with a disability:**

The Dept. of Ageing, Disability and Home Care has primary responsibility for children with a disability, but the Council's support worker, Ageing & Disability, and Community Options (home care for children aged 6 or more who meet HACC guidelines) auspiced by Council also have roles.

Council's role has not changed in the last 5 years, although resources available to DADHC are now more adequate than formerly.

**34. Youth Worker to increase Young People's support services and information:**

In 2005 Council was sharing a Youth Officer with The Family Centre for one day/week. This was becoming inadequate as youth issues increased, and Council undertook a Youth Needs Assessment in 2006. The consultants recommended Council focus on a short term increase in youth activities and support projects through appointing a Youth Development Officer full-time, which occurred in 2007.

Some funding for youth was also able to be included in the 7-Year Plan: a Youth Activities Program of \$50,000 and Youth Transport funding \$60,000, though not sufficient to provide continuous funding over all seven years.

As well as a program specifically for youth, components of several other programs also cater for youth needs, including crime prevention, libraries, public art and open spaces.

Youth services cover a broad range of objectives from personal safety to health advice, drugs and alcohol, education, life skills, transport, training and employment, as well as recreation activities and social events. They are an ongoing high priority for Council that will require more resources.

**35. HIV/AIDS specialist service:**

There is no specialist support program in Tweed, but there is an outreach service based in Lismore.

The funding situation has not changed in recent years. It is not easy to provide an effective service over such a distance.

**36. Anti-homophobia projects:**

There are no programs providing support for sexual minorities, or discouraging sexual discrimination, in Tweed. The support organisation ACON has a branch in Lismore, and has been advocating for local support for Safe Place programs in Northern Rivers communities. Local organisations and Councils can establish these programs with ACON's help, which may be an appropriate course in Tweed.

## **Community Groups (7.3):**

### **37. Consult with the community:**

As part of the current Social Plan process, annual Social Plan consultations (from 2006 onwards) have been held to provide reassessment of community issues and preferences. This has taken the form of a page in Tweed Link inviting submissions about a range of socio-economic issues affecting the major community groups, such as families, young people, older people, etc. Responses have been documented and classified, actions taken to address them where possible and a report given back to the respondents; changes have not been made to the original Social Plan at this stage, but the feedback can be incorporated into the 2010-14 Social Plan.

Many other social surveys have been carried out over the 5 years, usually for projects with need for data on specific aspects of the community, such as transport, youth or elderly persons' attitudes and circumstances. These have sometimes assisted investigations to identify new issues or changed circumstances.

Some surveys are carried out by Council to assess its own performance, but these have different objectives from the Social Plan investigations.

Consultation for the 2005-09 Social Plan relied on a Telephone Interview Survey carried out in 2004 for Council's 04/24 Strategic Plan. A repeat of this Survey in 2009 would be an appropriate way to identify any changed attitudes or circumstances over the 5 year period. It is estimated this would cost in the order of \$20,000, and could be part of consultations for the Community Strategic Plan that the Local Government Department is introducing this year in place of the current style of Social Plan.

### **38. Initiate measurement of wellbeing of community groups:**

A number of Councils have developed systems for periodically measuring factors which indicate the current social or economic or environmental health of the local community, or groups within the community. This enables an index or graph to be built up over time of improvements or deterioration of wellbeing, or whether the community is getting closer to a desirable target or further away.

No action has yet been taken to initiate a system, because it would require significant resources at regular intervals. The familiar 'State of the Environment' reports are one version of such an indicator, though aimed largely at environmental factors to measure sustainability of the community.

The imminent introduction of Community Strategic Plans may be an opportunity to commence wellbeing measurement.

### **39. Continually review Management Plan Programs:**

This proposal arose from the difficulty of introducing new programs or projects under the Management Plan system because existing continuing Programs retained most of the available resources. The idea essentially was to assume that all existing Programs terminated at each annual review, and had to be compared on a cost/benefit basis with competing new Programs.

While this idea has not been explicitly adopted, the 7-Year Plan, commenced in 2006, represented a new start in which a tranche of new community programs (prepared in 2004 as the Quality of Life Program) was considered alongside ongoing programs. This gave the 7-Year Plan a much more equitable representation of community programs than previous Management Plans.

In future reviews of the Management Plan or 7-Year Plan, it would be beneficial to adopt a similar approach as used in 2006.

**40. Implement further recommendations from Issue Papers:**

The Issue Papers referred to was a series of research papers prepared for the Community Development Plan Working Group, a 1997 forerunner of the Social Plan, investigating in some detail the major community groups and major issues such as housing or transport in Tweed, during 1999-2001 when the initial annual Social Plans were being prepared.

Not all the recommendations from the Issue Papers could be developed into Social Plan Strategies, for various reasons including limited resources, and there is still scope to revisit these papers, or update them, to develop new strategies or projects for the next 5-year Social Plan.

This could now be undertaken in preparation for the forthcoming Community Strategic Plan.

**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. Tweed Shire Council Social Plan 2005-2009 (ECM 8543264)
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**20 [CNR-CM] Water Supply Drought Management Strategy**

**ORIGIN:**

**Director Community & Natural Resources**

**SUMMARY OF REPORT:**

Council resolved at its meeting of 17 February 2009 to adopt the Integrated Water Cycle Management (IWCM) Strategy Report which incorporates 18 specific Strategy Actions. Action 2 was to develop a Drought Management Program, and as a result of that resolution a Drought Management Strategy (DMS) has been prepared.

Council at its meeting of 21 July 2009 resolved to place the Draft Drought Management Strategy on public exhibition for six weeks. Public exhibition closed 25 September 2009 with only one telephone comment and one late written submission received.

This report addresses issues raised in public submission and proposes recommendations for adoption.

**RECOMMENDATION:**

**That Council adopts the Drought Management Strategy and its recommendations:**

- 1. The current Council drought management policy, restriction triggers and targeted savings be revised as outlined in this report; with a review to be undertaken in 2012.**
- 2. The cessation level for flow bypass requirements at Bray Park Weir be set at a level of 50 % of the capacity of the Clarrie Hall Dam as proposed in the Department of Water and Energy (DWE) draft Water Sharing Plan for the Tweed River area.**
- 3. That any investigation of options for alternative drought emergency water supply be deferred pending the results of Council's Water Supply Augmentation Options project expected in July 2010.**
- 4. A Blue Green Algae Management Plan be developed for Council's three water bodies in accordance with the template provided in the Water Directorate's management protocols.**
- 5. A catchment management plan and land management guidelines be developed for the Upper Tweed catchment (upstream of Bray Park Weir).**

6. **An additional destratification unit be installed in the Clarrie Hall Dam to enhance the capacity, flexibility of the existing system and to provide system redundancy; and destratification equipment within the Bray Park weirpool also be investigated to assist in the management of blue green algae blooms within the weirpool.**
7. **A register of critical customers be developed for use in the drought communications plan.**

## **REPORT:**

### **Background**

Council resolved at its meeting of 17 February 2009 to adopt the Integrated Water Cycle Management (IWCM) Strategy Report which incorporates 18 specific Strategy Actions. Action 2 was to develop a Drought Management Program, and as a result of that resolution a Drought Management Strategy (DMS) has been prepared.

Council at its meeting 21 July 2009 resolved to place the Draft Drought Management Strategy on public exhibition for six weeks. Public exhibition closed 25 September 2009 with only one telephone comment and one late written submission received.

The 21 July 2009 Council Report is attached under a separate cover

### **Submission**

The Submission received from Tweed Heads Environment Inc. is also attached under a separate cover. The major issues raised in this submission are as follows:

1. The accuracy of future population projections used
2. Population expansion of the Gold Coast and drying climate change not addressed
3. Highly treated sewage water is wasted when discharged from Banora Pt STP
4. DWE licensing details not provided
5. Review of DWE licensing conditions not considered
6. Seasonal, worst drought and drying climate change scenarios not considered
7. Construction works should use potable water rather than recycled water
8. That toxic algal events have occurred in the weir and dam
9. Council should seek other options to improve Tweed River environmental flows

### **Issue 1: The accuracy of future population projections used**

The population projections used are based on those determined in the Demand Management Strategy which was adopted by Council in its meeting of 17 February 2009. These are the most accurate population projections available for water demand planning, and the projected population of 157,000 in 2036 is considered to be more precise than the range of 120,000 to 160,000 by 2031 quoted by the submission. In any case, population projections are reviewed and revised on a regular basis and as further information becomes available, and Council will continue to carry out this prudent practice.

### **Issue 2: Population expansion of the Gold Coast**

The population of the Gold Coast has no direct bearing on water demand for Tweed Shire. An increasing Gold Coast population could potentially have some influence on a connection to the South East Queensland Water Grid for drought security purposes. However it is recommended that any investigation of options for alternative drought emergency water supply be deferred pending the results of Council's Water Supply Augmentation Options project expected in July 2010. Council's current demands are within the safe yield of the existing system and will remain so for the period required to determine a preferred option. Upon adoption of a preferred option, emergency drought supplies can be reassessed within the framework of the augmented system.

**Issue 3: Highly treated sewage water is wasted when discharged from Banora Point STP**

The submission suggests that recycled water be utilised as a drought tolerant water supply. Council does not disagree with this proposal, and increased and opportunistic recycled water use is Action 13 in its Integrated Water Cycle Management (IWCM) Strategy Report adopted on 17 February 2009. Further, Council's Demand Management Strategy, adopted by Council in its meeting of 17 February 2009, recommends that Council continue to pursue and develop potential water recycling (effluent re-use) opportunities.

**Issue 4: DWE licensing details not provided**

The Drought Management Strategy is based on modelling of various drought scenarios to determine the security of the water supply system to these droughts. Inclusion of the current licensing conditions within the report is not considered to provide any additional relevant information.

**Issue 5:** Review of DWE licensing conditions not considered; and

**Issue 9:** Council should seek other options to improve Tweed River environmental flows

The Drought Management Strategy is based on the current licensing conditions, and Environmental flows are determined under Council's license conditions set by DWE. The Tweed River Water Sharing Plan is still being finalised by DWE and the future effect on licensing conditions is not yet known. Council has recently made an initial submission to DWE's draft water sharing plan document, however detailed modelling will be required to quantify the effects of the plan. This modelling will not be completed until early next year, and it is not clear when the Tweed River Water Sharing Plan will be gazetted. At that point in time, the Drought Management Strategy may need to be revisited to take into account any relevant changes.

**Issue 6: Seasonal, worst drought and drying climate change scenarios not considered**

This is not the case. Council has undertaken significant drought and secure yield modelling in the past and the Drought Management Strategy has been based on this comprehensive data. The strategy considered the following scenarios, each of which considered seasonal effects and DWE's 5/10/20 rule which assumes two consecutive drought events:

- Case 1 - Zero Flow – This case assumes zero inflow to Clarrie Hall dam and zero flow in the Tweed and Oxley Rivers and can be considered as a climate change scenario
- Case 2 – Continuous Period of 1902 Drought Conditions – The assessment on the 1902 flows provides a reliable guide to drought performance, particularly taking account of the low probability of back to back, worst on record, drought years.

**Issue 7: Construction works should use potable water rather than recycled water**

The submission noted that some recent construction works in the Shire have utilised potable water for dust suppression when recycled water is readily available. Council does not disagree with promoting the increased use of recycled water wherever possible, however each situation would need to be assessed on its merits. The feasibility of such proposals are highly dependent on potential health restrictions associated with daytime spraying and the cost implications of transporting recycled water large distances if it can not be sourced nearby. Council will continue to pursue and develop potential water recycling (effluent re-use) opportunities as outlined in its Water Cycle Management (IWCM) Strategy Report adopted on 17 February 2009.



**Issue 8:** That toxic algal events have occurred in the weir and dam

This is not correct. The algal bloom alerts issued for water bodies in the Tweed in recent times are precautionary in nature and are based on NSW Water Directorate Management Protocols which rely on algal counts in the water body. For a toxic event to occur, particular algae must be present in sufficient numbers and must discharge toxins into the water body. To date Council has detected potentially toxic varieties of algae on a number of occasions at levels where the protocols recommend that toxicity should be assumed. These are referred to as high risk. However, Council's sampling and testing of the water bodies to date, which is a further requirement of these management protocols, has not detected any toxins from these algal events.

### **Strategy Recommendations**

The recommendations proposed are in line with the requirements of the NSW Department of Water & Energy's *Best-Practice Management of Water Supply and Sewerage Guidelines* which identify 6 criteria for best-practice management of water supply and sewerage including the development and implementation of a sound Drought Management Strategy.

The Strategy Report makes the following recommendations:

1. The current Council drought management policy be revised including the current restriction triggers and targeted savings as outlined in this report. A further review of the restrictions triggers should be undertaken in 2012. At this stage the preferred contingency option will likely be known and the actual performance of the demand management program will be clearer.
2. The cessation level for flow bypass requirements at Bray Park Weir be set at a level of 50 % of the capacity of the Clarrie Hall Dam. This proposal should be reviewed in consultation with DWE and may be considered to accommodate growth. A revision of the proposed Conditions Statement for the Upper Tweed may be required.
3. Tweed Shire continues to pursue a pipeline link to the SEQ Water Grid with a capacity of up to 20 ML/day (a volume of 14 ML/d for 2014 and 18 ML/d for 2018 required to provide continuous supply under worst case conditions), as the preferred contingency plan for the Bray Park water supply system. This option should also be further investigated as part of the Water Supply Augmentation Options study as an option to improve reliability of supply.
4. Prior to 2012 (or other approval date as advised by the Queensland Water Commission), the preferred contingency plan would be temporary desalination package plants to a capacity of 16 ML/d. Such an option would likely be triggered at 40% level in the Clarrie Hall Dam.
5. A Blue Green Algae Management Plan be developed for Council's three water bodies in accordance with the template provided in the Water Directorate's management protocols.
6. A catchment management plan and land management guidelines be developed for the Upper Tweed catchment (upstream of Bray Park Weir).
7. An additional destratification unit be installed in the Clarrie Hall Dam to enhance the capacity, flexibility of the existing system and to provide system redundancy.

8. A register of critical customers be developed for use in the drought communications plan.
9. Monitoring of the Tweed River and Doon Doon Creek flows be upgraded to enable monitoring as required under the draft Department of Water and Energy's Conditions Statement. These works have been completed as part of the development of the draft Water Sharing Plan.

It should be noted that Council is examining various alternative water supply options under the Water Supply Augmentation Options study, such as those proposed in recommendations 3 and 4. It is recommended that any investigation of options for alternative drought emergency water supply be deferred pending the results of Council's Water Supply Augmentation Options project expected in July 2010. Council's current demands are within the safe yield of the existing system and will remain so for the period required to determine a preferred option. Upon adoption of a preferred option, emergency drought supplies can be reassessed within the framework of the augmented system.

In regards to recommendation 7, it is recommended that destratification equipment within the Bray Park weirpool be investigated to assist in the management of blue green algae blooms within the weirpool. Any investigation should determine whether such a system is feasible given that the weirpool is a long shallow water body and that these characteristics are likely to adversely affect the performance of any system proposed.

An overview of the Drought Management Strategy Report is as follows:

1. Introduction
2. Water Supply Background - Provides data on population, water demand, water resources, water supply system and water quality for each water supply system
3. Demand Management and Restrictions - Outlines details of the plan including the restriction trigger levels, details of the actions to be taken under each level and the removal of restrictions
4. Contingency Plans - Addresses the contingency options available for the water supply should a drought continue
5. Implementation of Strategy - Provides guidance on implementation aspects such as system monitoring, consultation with stakeholders and external agencies
6. Recommendations - Recommendations for the implementation of the Drought Management Strategy

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

Compliance with the NSW Department of Water & Energy's Best-Practice Management of Water Supply and Sewerage Guidelines.

There will be an ongoing resource requirement for the implementation and monitoring of Drought Management recommendations. This will include items ranging from the administration of programs such as reviewing and enforcing new restriction triggers, the catchment management plan, a register of critical customers, monitoring of river flows, and blue green algae management.

**POLICY IMPLICATIONS:**

If adopted, amend relevant water supply policies in accordance with strategy recommendations.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Tweed Shire Council Drought Management Strategy - Final Report, MWH April 2009 (ECM 3395049)
  2. Council Report dated 21 July 2009 (ECM 3403907 )
  3. Tweed Heads Environment Group Inc - Submission (ECM 6915427)
  4. Public Comment by telephone – File note of transcript (ECM 4278305)
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**21 [CNR-CM] Quarterly Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: July to September 2009**

**ORIGIN:**

**Contracts**

**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 September 2009 is \$ 4,072,893.66 inclusive of GST. This takes the current contract sum to the end of September 2009 to \$66,286,448.69 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$3,367,378.49 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 \$1,050,000.00 inclusive of GST and includes \$150,000 inclusive of GST in Rise and Fall and \$900,000 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 \$67,330,000 inclusive of GST could be expected.

**RECOMMENDATION:**

**That Council receives and notes the total value of variations to date of \$4,072,893.66 inclusive of GST, for Contract EC2006-157 Construction of the Bray Park Water Treatment Plant: -**

- 1. Variation No.71 – Relocation of entry gate. (\$19,639.54 GST Incl.);**
- 2. Variation No.72 - Membrane Facility roofing improvements. (\$35,508.98 GST Incl.);**
- 3. Variation No.73 – Alternate Sludge Facility monorail crane. (\$11,363.47 GST Incl.);**

4. **Variation No.74 – Additional internal linings to Membrane Building. (\$55,836.00 GST Incl.);**
5. **Variation No.98 – Additional dosing trench covers in Membrane Building. (\$13,484.26 GST Incl.);**
6. **Variation No.99 – Design change to stairs to Thickener and Sludge Holding Tank. (\$11,772.04 GST Incl.);**
7. **Variation No.100 – Access hatches to Flocculation Overflow and Raw Water Inlet Chambers to provide safe access. (\$6,885.73 GST Incl.);**
8. **Variation No.101 – Additional security mesh to Chemical Building. (\$7,996.25 GST Incl.);**
9. **Variation No.102 – Provide distribution board to Laboratory and associated ducted skirting. (\$11,184.25 GST Incl.);**
10. **Variation No.103 – Improved structural steel framing to support viewing area windows. (\$7,761.60 GST Incl.);**
11. **Variation No.104 – Provide safety railings to roof access walkway. (\$10,358.91 GST Incl.);**
12. **Variation No.105 – Adjustment to correct Variation No.85. (\$-1,135.44 GST Incl.);**
13. **Variation No.106 - Alternative communications equipment to improve system reliability: (PLC and VSD). (\$27,360.17 GST Incl.);**
14. **Variation No.107 – Additional floor coverings to Membrane Facility. (\$12,304.60 GST Incl.);**
16. **Variation No.108 – Additional switchboard hardware. (\$25,501.32 GST Incl.);**
17. **Variation No.109 – Additional hand basins throughout plant. (\$10,146.68 GST Incl.);**
18. **Variation No.110 – Cost Adjustment from 1 May 2009 up to and including 31 July 2009. (\$689,388.71 GST Incl.).**

Please note that Council's computerised "*Contracts Manager*" system records Extensions of Time as zero cost "Variations". Hence, Variation numbers 75-97 do not relate to changes to the scope of the works and are not covered above.

## REPORT:

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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 September 2009 is \$4,072,893.66 inclusive of GST. This takes the current contract sum to the end of September 2009 to \$66,286,448.69 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$3,367,378.49 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 \$1,050,000.00 inclusive of GST and includes \$150,000 inclusive of GST in Rise and Fall and \$900,000 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 \$67,330,000.00 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, and
- Omissions, ambiguities or discrepancies in design and documentation.

Details of the variations approved during the period July to September 2009 are provided below for the information of Council, as follows:

Variation No.	Description	Amount (Incl GST)	Status
71	Resolution of land matters issues with the owners of the adjacent cemetery require the main entry gate to be relocated some 100 metres west and the existing fence moved to the southern side of Durroon Ave.	\$19,639.54	Approved
72	<p>The contractor and TSC have identified a number of omissions on the drawings that require additional works so as to complement adjacent finishes and/or are required to ensure the long term watertightness of the building. These works include:</p> <ol style="list-style-type: none"> <li>1. Completion of parapet wall cladding on Grid 8 between Grids A and B and Grid A between Grids 7 and 8. The remainder of the wall on Grid 8 between Grids B and J is included in the contract; however the detail for this area omits the cladding and flashings. Additional cladding and flashing required to ensure watertightness.</li> <li>2. Eave lining along Grid A. This detail was provided in the drawings and is required to provide a professional finish above the front door.</li> <li>3. End flashings along Grids 2 and 7. The ceiling between Grids 7 and 8 is included in the contract, however the detail omitted a flashing to cover the exposed end as seen from the membrane viewing area. Similarly to Item 2 above, the flashing is required to provide a professional finish to the interior of the building.</li> <li>4. Rainwater heads off box gutters on Grids D and F. The drawings show the downpipes to finish and discharge within 400mm of the lower roof and wall joint. It is considered during a storm with strong winds from the south and south east that this discharged water could be driven back under the flashing and enter the building. A revised layout showing a positive directional flow towards the gutter is required.</li> <li>5. Internal linings to the Plant Room on Level 01. The drawings do not show any linings or acoustic insulation to the walls in this room. Sound levels emanating from similar plant rooms on previous projects suggest that without acoustic works the sound levels in adjacent rooms (Meeting and Viewing Area) will be unacceptable in the long term.</li> </ol>	\$ 35,508.98	Approved
73	The contract drawings of the sludge facility show an opening in a concrete wall for a monorail crane beam to exit the building. The specification calls for an electric chain hoist Demag Model UDKUN20-2500V1 2/1 F4 M3 (or equivalent). The opening has been constructed in accordance with the drawings and the chain hoist has been supplied in accordance with the specification.	\$ 11,363.47	Approved



Variation No.	Description	Amount (Incl GST)	Status
	<p>However, the specified chain hoist has greater dimensions than can fit through the opening.</p> <p>Three options are available –</p> <p>a. Extend the opening.</p> <p>b. Supply a manual chain hoist that will fit through the opening.</p> <p>c. Supply and install an alternative electric chain hoist.</p> <p>It is considered option (a) is unsatisfactory as the main double doors attached) have already been fabricated and are ready for installation. Option (b) is not considered suitable as the equipment to be moved along the crane rail weighs approximately 3 tonnes (dewatering centrifuge). Option (c) is therefore recommended as the most practical solution.</p> <p>Alternative electric chain hoists from other suppliers including Kone, Pacific and Hitachi have been sourced but no monetary advantage is apparent.</p>		
74	The internal walls of some sections of the membrane building have not been specified to be lined. Walls adjacent to the flocculation tanks and membrane maintenance area reveal girts, furring channels and the foil side of the insulation blanket. To more easily maintain a clean environment for the membranes and to show a more professional appearance to the inside of the building, it is proposed to fix custom orb cladding to these surfaces.	\$ 55,836.00	Approved
98	Detailed drawings of the route and protection of dosing lines between the Chemical Building, Chlorination Room and dosing lances at the static mixers were not shown on the contract drawings. To be able to easily locate, identify and access each line within the cast in-situ concrete trenches it is considered necessary to provide FRP gratings supported on SS angle.	\$ 13,484.26	Approved
99	The scope of work for Variation 07 was primarily to raise the Thickener and Sludge Holding Tanks. Included in that variation are stairs to access the machinery. It was also recognised at the time that the finished surface levels would not be known and therefore the access stairs were priced for a maximum 18 risers. It is now established that the stairs require more than 18 risers and consequent mid rise landings to comply with AS1657.	\$ 11,772.04	Approved
100	The civil drawings do not include for any safe access by TSC personnel into the flocculation overflow and raw water inlet chambers. The only way of entry without a removable cover in the roof is via the opening between the underside of the roof and the top of the weir. This is	\$ 6,885.73	Approved

Variation No.	Description	Amount (Incl GST)	Status
	considered to be unsafe and accordingly TSC has requested the contractor provide a price for removable covers similar to those over the permeate outlet.		
101	The civil and structural drawings do not show any details to complete the fixture of the security mesh along the southern wall of the chemical building. A note on the architectural drawings is not carried over to the structurals and consequently no constructive details are available. Following completion of the installation of the mesh, it has become apparent vermin will have relatively easy entry to the building and create a nuisance for TSC staff by way of alarms trips etc. A fully enclosed the wall will eliminate the problem.	\$ 7,996.25	Approved
102	TSC's electrical supervisor has requested a distribution board be installed in the laboratory. The board houses all Level 01 light and power CBs and was originally designed to be located in the main switchroom on Level 00. The relocation will enable personnel to maintain the equipment more efficiently.  Further, the foyer area was not shown to have any GPOs installed. As the layout of the proposed displays and the like are not known at this time, ducted skirting is considered the best option in lieu of wall mounted fittings.	\$ 11,184.25	Approved
103	All internal walls are specified to be fabricated from light steel framing, plasterboard lined and so on. The main wall of the Viewing Room has been erected and it is now evident that the frame will not safely support the 4 windows, each 3.4 high x 2.5 metres wide. A structural steel frame is necessary to ensure adequate long term support for the wall.	\$ 7,761.60	Approved
105	The specified proprietary roof access system 'Walkmaster' has not allowed for the situation whereby personnel must be protected by a handrail generally within 2 metres of any roof edge. The drawings show the walkway and no handrail. It is considered mandatory to install a safe system and accordingly handrails are required.	\$ 10,358.91	Approved
105	Incorrect amount was approved for RCA Variation No.85. This amount is to adjust back to correct amount.	\$ -1135.442	Approved
106	TSC has requested a change to the communications equipment as detailed below: <ul style="list-style-type: none"> <li>• PLC - Omron Processor : change to model CS1-65HH - Qty 9</li> <li>• PLC - Omron Ethernet Module : change to EIP-21 Ethernet module - Qty 9</li> <li>• VSD - ATV Communications: change to VW3 A3</li> </ul>	\$ 27,360.17	Approved

Variation No.	Description	Amount (Incl GST)	Status
	316 module for each VSD. The alternative equipment will provide TSC with a more reliable and efficient communications network.		
107	The design allowed for floor coverings of vinyl, tiles or carpet to various rooms and corridors in the membrane facility. There is no specified floor covering for the area extending from the lunchroom eastward to the meeting room. It is considered that to provide a more professional presentation to visitors and to make general cleaning of the floor somewhat easier, a vinyl floor covering is to be provided.	\$ 12,304.60	Approved
108	As referenced in the request for Variation 85, modifications were identified during factory inspection testing of the switchboards by TSC and HWA. In addition to these modifications, some improvements to the design were also identified and accordingly hardware is required to be installed and tested into each MCC. The additional works will improve the efficiency and overall performance of the plant electrical services.	\$ 25,501.32	Approved
109	The design allowed for ablutions within the membrane building only and TSC's OHS inspection team has recognised there is a requirement to provide hand basins for better hygiene at various locations around the site.	\$ 10,146.68	Approved
110	Cost Adjustment from 1 May 2009 up to and including 31 July 2009.	\$689,388.71	Approved

The approved variations have been or will be incorporated into the works.

Note current project budget contingency is approximately \$270,000.00 (GST Incl.).

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the contract budget and the total project budget. The current estimated final contract value is approx. \$67,330,000.00 (GST Incl.) including estimated future variations and exclusive of the current project budget contingency of approximately \$270,000.00 (GST Incl.).

**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.

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**22 [CNR-CM] 2009/2010 Fees & Charges - New Waste Management Fees**

**ORIGIN:**

**Waste Management**

**SUMMARY OF REPORT:**

In relation to the impending new multi bin system there are some varying service arrangements that have previously not been available. The new services are bulk bin recycling for domestic and some commercial properties, and compacting bulk bin services for garbage.

**RECOMMENDATION:**

**That the additional bulk bin fees as reported be placed on exhibition for twenty-eight (28 days).**

**REPORT:**

In relation to the impending new multi bin system there are some varying service arrangements that have previously not been available. The new services are bulk bin recycling for domestic, services for some commercial properties, and compacting bulk bin services for garbage. The fees below are provided under EC2008-153, Council's waste management collection Contract with Solo Resource Recovery. All prices exclude GST.

**Bulk Bin Charges - Recycling  
Domestic Waste Management**

Size 1 bin per service \$40

Size 2 bin per service \$70

Size 3 bin per service \$90

**Bulk Bin Charges - Compacting Bulk Bins  
Domestic Waste Management**

Size 1 compacting bin per service \$30.95

Size 2 compacting bin per service \$57.90

Size 3 compacting bin per service \$80.45

**Bulk Bin Charges - Recycling  
Non-Domestic Waste Management**

Size 1 bin per service \$40

Size 2 bin per service \$70

Size 3 bin per service \$90

**Commercial Garbage Services  
Non-Domestic Waste Management**

80L garbage per service \$3.00

140L garbage per service \$3.00

240L recycling per service \$3.86

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**23 [CNR-CM] Waste and Sustainability Payments**

**ORIGIN:**

**Waste Management**

**SUMMARY OF REPORT:**

NSW Councils located within the Waste and Environment Levy Regulated Area receive payments for meeting a pre-determined set of standards relating to waste and sustainability. Tweed Shire Council has met the 2009/2010 Standards and therefore is eligible for the Waste and Sustainability Payment (WaSIP). The value of the WaSIPs is determined by population and provides Tweed Shire Council with \$159,515.60. Each Council receiving WaSIP's is committed to providing the Department of Environment Climate Change and Water (DECCW) with an action table that details the waste and sustainability projects that will be delivered as a result of receiving the payments. The projects listed in the attached 2009/2010 Action Table Report meet the criteria for spending of WaSIP funds and aim to improve recycling and sustainability standards.

**RECOMMENDATION:**

**That Council authorises General Manager to sign the 2009/2010 Action Table Report to commit the Waste and Sustainability Payment (WaSIP) funds to the nominated projects.**

## REPORT:

The Waste and Environment Levy Regulated Area was extended in 2009 from Blue Mountains to the Queensland Border, capturing Tweed Shire Council in the Rural Regulated Area. As a result Council remits \$10 per tonne of waste disposed to landfill to the Department of Environment Climate Change and Water (DECCW). The levy increases by \$10 per tonne each year from 2009/2010 until it reaches in excess of \$70 per tonne in 2015/2016.

NSW Councils located within the Waste and Environment Levy Regulated Area receives a payment for meeting a pre-determined set of standards relating to waste and sustainability. This payment takes the form of Waste and Sustainability Improvement Payment (WaSIP). The Protection of Environment Operations (Waste) Regulations 2005 Part 5 defines the Regulated area, defines the standards for receiving WaSIPs, and explains how the payments are calculated (determined by the WaSIP fund balance each year and population). The standards for receiving the 2009/2010 WaSIP in the Regional Regulated Area are:

- All residential dwellings (other than multi-unit buildings) within the local government area are to have access to a dry recycling collection service. As a minimum this will involve kerbside collection in towns and population centres, and drop off facilities for non urban areas.
- Provide the Department of Environment and Climate Change (DECC) with the information required under the National Environment Protection (Used Packaging Materials) Measure by 31 August 2009.
- Collect and provide DECC with baseline data (where known) on tonnages of dry recyclables and garden organics collected for recycling (including contamination levels) and residual domestic waste (garbage) by 31 August 2009.
- Participate in an on-line survey developed by LGSA / DECC, to determine the status of sustainability planning / programs operating within the local government area

Tweed Shire Council has met the 2009/2010 standards and therefore has been provided with the full WaSIP amount of \$159,515.60.

Each Council receiving WaSIP's is committed to providing the Department of Environment Climate Change and Water (DECCW) with an action table that details the waste and sustainability projects that will be delivered as a result of receiving the payments. The project listed in the attached Action Table Report meet the criteria for spending of WaSIP funds and aims to improve recycling and sustainability standards.

### **Nominated projects (refer to attachment Action Table Report)**

#### Public Place Recycling

A trial of 20 public place recycling bins is to be expanded with the purchase of additional public place recycling bin enclosures with yellow hoods. The trial has provided some success in prominent areas allowing for residents to recycle while using Council's parks and footpaths. The additional recycling bin enclosures will assist in making the program consistent across the Shire and improve recycling rates.

#### Green Organics Bin Lids

All new bins provided under the new Waste Collection Contract will comply with the Australian Standards A4123.7 bin body and lid colours. However, the existing 9000 green organics bins that will remain in circulation have a pale green lid which does not comply with the Australian Standard. The new lids designed for new bins have education messages that will assist in decreasing contaminants being placed in the green organics bins. The project to retro-fit the existing bin stock with the new education stamped bin lids will deliver a consistent and complying bin stock across the shire and improve the quality of the green organics waste stream allowing for more efficient and cost effective recycling of green waste. The current roll-out of up to 100,000 new bins for the new contract allows for cost efficiencies in conducting this project in 2009/2010.

#### Sustainability Action Plan

The final nominated project will provide a framework for Council's first Sustainability Action Plan. The project will scope and model the documentation required allowing Council staff to develop a long term Sustainability Action Plan.

The projects listed in the attached action table meet the criteria for spending of 2009/2010 WaSIP funds and aim to improve recycling and sustainability standards.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**24 [CNR-CM] Northern Rivers Catchment Management Authority Current BMP  
Soil Health Coastal Floodplains: Part A (Tweed) Contract No. NR-IS09-10-T4a**

**ORIGIN:**

**Natural Resources Management**

**SUMMARY OF REPORT:**

The Northern Rivers Catchment Management Authority (NRCMA) has offered Council a \$25,000 contract to undertake Floodplain Management works on the Tweed Floodplain. This project will facilitate, through on-ground works and extension outcomes, the active management of Acid Sulfate Soils, flood-gated drains and floodplains.

**RECOMMENDATION:**

**That Council accepts the current Best Management Practice Soil Health on Coastal Floodplains - Part A grant of \$25,000 from Northern Rivers Catchment Management Authority.**

**REPORT:**

The NRCMA has been funding Floodplain projects and Council has been successful in securing a number of grants. The next round of funding is offering Council a \$25,000 contract to continue this work. The Project Outcomes are:

- Reduction of Acid Sulphate Soils (ASS)
- Adoption of farmers implementing ASS Best Management Practices
- Increased awareness and understanding by farmers and community of ASS/NRM sustainable management practises on the floodplain

A copy of the correspondence from NRMCA is reproduced below.





PO Box 618  
GRAFTON NSW 2460

Contact: Simon Proust

14 September 2009

Tweed Shire Council  
PO Box 816  
Murwillunbah NSW 2484

Attention: Sebastien Garcia-Cuenca

Dear Sir

**RE: CONTRACT NO: NR-IS09-10-T4a**  
**CONTRACT NAME: Current BMP Soil Health on Coastal Floodplains: Part A**

As the contractor for the above mentioned contract I am pleased to inform you that this Contract has now been executed and your copy of the Contract is attached.

The Northern Rivers Catchment Management Authority's (NRCMA) Contract Contact for this project is Simon Proust. Insert Simon's details are AMP Centre, 24 Gordon Street Coffs Harbour NSW 2450 or P O Box 1417 Coffs Harbour NSW 2450 and can be contacted on 6653 0111. Please ensure that progress report(s) and the eventual final report are forwarded to Simon directly.

Your purchase order number is 4519 7874. Please ensure when you create your tax invoice that the invoice includes the purchase order number. Invoices are to be forwarded to the Northern Rivers Catchment Management Authority at P O Box 618 Grafton NSW 2460.

We look forward to working with you and providing assistance where possible.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Michael Pitt".

On behalf of:  
Michael Pitt  
**General Manager**

FLOODPLAIN MANAGEMENT  
GRANTS - GENERAL

TWEED SHIRE COUNCIL
FILE No. <u>AGREEMENTS</u>
DOC. No. ....
REC'D: 15 SEP 2009
ASSIGNED TO: <u>GARCIA-CUENCA, S</u>
HARD COPY <input type="checkbox"/> IMAGE <input type="checkbox"/>

All Correspondence to the General Manager - PO Box 618 GRAFTON NSW 2460  
Tel: 02 66420622 - Fax: 02 66420640 - Email: northern@cma.nsw.gov.au

DataWorks Document Number: 566272

PROJECT SERVICES CONTRACT

Contractor Details

Name of contractor organisation: Tweed Shire Council

Address: PO Box 816, Murwillumbah 2484

Australian Business Number: 90 178 732 496

Are you registered for GST? Yes

Contact Person: Sebastien Garcia-Cuenca

Address: PO Box 816, Murwillumbah 2484

Phone: (02) 6670 2629

Fax: (02) 6670 2557

e-mail:

sgarciacuenca@tweed.nsw.gov.au

Northern Rivers Catchment Management Authority

Authority's Representative: Michael Pitt

Address: PO Box 618, Grafton NSW 2460

Phone: (02) 66 42 0622

Fax: (02) 66 42 0640

e-mail: [northern@cma.nsw.gov.au](mailto:northern@cma.nsw.gov.au)

Upon execution of this Contract by the Contractor and the Northern Rivers Catchment Management Authority, the Contractor agrees to perform the Project in strict accordance with the Project Specification set out Schedule 1, and any documents referred to therein, in consideration for which the Authority agrees to pay the Contractor the Contract Amount shown in Schedule 2, all subject to the terms and General Conditions of Contract and Special Conditions of Contract (if any), set out below.

Signed as an agreement by the Authority's Representative on the 7th day of September 2009

Signed for & on behalf of the Authority

Signature

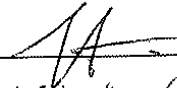


Name printed Michael Pitt

Position General Manager

Signed for & on behalf of the Contractor

Signature



Name printed Sebastien Garcia-Cuenca

Position Sustainable Agriculture Program Leader



Northern Rivers Catchment Management Authority

Contract No NR-IS09-10-14A

Version 08.v5 Page 2 of 21

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Tweed Shire Council financial contribution per contract.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**25 [CNR-CM] Department of Education, Employment and Workplace Relations  
Local Jobs – Building the Environmental Capacity of Tweed Valley  
Farmland: JF2009 - 1348**

**ORIGIN:**

**Natural Resource Management**

**SUMMARY OF REPORT:**

Department of Education, Employment and Workplace Relations (DEEWR) has offered Council a \$489,589 contract to undertake the project: **Building the Environmental Capacity of Tweed Valley Farmland**. In accordance with the contract, a further \$72,093 (cash) and \$58,300 (in kind), will be contributed to the project from Council's Sustainable Agriculture Program and participating landholders. Project partners include: Tweed Shire Council, DEEWR, Northern Rivers Catchment Management Authority (NRCMA), Bush regeneration and nursery contractors, farmers.

The project will implement rehabilitation of farm waterways such as cane drains or modified creeks, through planting and maintenance of 10 km of riparian vegetation while creating and retaining employment in local agriculture related industries, specifically the ecological restoration and horticultural industries.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the Building the Environmental Capacity of Tweed Valley Farmland grant of \$489,589 from Department of Education, Employment and Workplace Relations.**
- 2. Completes the relevant documentation and votes the expenditure.**

## REPORT:

Department of Education, Employment and Workplace Relations (DEEWR) has offered Council a \$489,589 contract to undertake the project: **Building the Environmental Capacity of Tweed Valley Farmland**. In accordance with the contract, a further \$72,093 (cash) and \$58,300 (in kind), will be contributed to the project from Council's Sustainable Agriculture Program and participating landholders. Project partners include: TSC, DEEWR, NRCMA, Bush regeneration and nursery contractors, farmers.

The project will implement rehabilitation of farm waterways such as cane drains or modified creeks, through planting and maintenance of 10 km of riparian vegetation while creating and retaining employment in local agriculture related industries, specifically the ecological restoration and horticultural industries.

It is anticipated that the project will deliver the following environmental and socio-economic outcomes:

### Environmental:

- Improved catchment water quality.
- Decrease overland water runoff and soil loss.
- Reduced chemical input in sensitive areas.
- Enhance fish/aquatic habitat.
- Offers carbon sequestration capacity to increase farm emission offsets.

### Socio-Economic:

- Create a position as a Sustainable Agriculture Project Officer and develop skills in sustainable agriculture management in the Tweed.
- Generate and/or retain jobs in the local horticultural and ecological restoration industries and to allow them the capacity to provide training to build local skills base.
- Facilitate valuable flow-on effects for the fisheries industry and tourism industry through improved water quality.

Increase farmland profitability by minimising the costs associated with weed control, erosion, soil acidity, and problems caused by acid sulfate soils.

A copy of the letter of offer from Department of Education, Employment and Workplace Relations is reproduced below.



**Australian Government**  
Department of Education, Employment and Workplace Relations

Mr Sebastian Garcia-Cuenea  
Sustainable Agriculture Program Leader  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

AGRICULTURE - SUSTAINABLE  
JOBS FUND  
15 SEP 2009  
GARCIA-CUENEA  
MCLENNON, R

Dear Mr Garcia-Cuenea

**JF2009-1348**

Thank you for your organisation's submission to Round One of the Jobs Fund. I am very pleased to advise you that your application for the Building The Environmental Capacity of Tweed Valley Farmland was successful and will receive funding of \$489,589 (excluding GST) through the Local Jobs component of the Jobs Fund.

The Jobs Fund is an integral component of the Australian Government's commitment to Keep Australia Working. Projects funded through the Jobs Fund will help communities to maximise the benefits of the Government's Economic Stimulus Plan and develop localised responses to the impact of the global recession.

There was a strong response to the call for proposals under Round One of the Jobs Fund and the field was highly competitive. All proposals were assessed in accordance with the Jobs Fund Guidelines.

The next step will be to develop a funding agreement for your project with the Department. Some aspects of your proposal may be subject to further discussions with the Department before a funding agreement can be finalised. You will be contacted shortly by the Department to clarify any issues and provide you with any further information you may require. In particular, the Department would like to discuss with you how the number of employment and training opportunities arising from your project could be maximised. Following this, you will be sent a funding agreement and further instructions.

Details of the successful projects will be published on [www.deewr.gov.au](http://www.deewr.gov.au) once funding agreements have been finalised.

We look forward to working with you on this exciting project.

Yours sincerely

Graham Carters  
Deputy Secretary - Employment and Participation Policy Cluster  
Department of Education Employment and Workplace Relations  
2. September 2009



16-18 Mort Street, Canberra ACT 2601  
GPO Box 9880, Canberra ACT 2601 | Phone (02) 6121 6000  
[www.deewr.gov.au](http://www.deewr.gov.au) | ABN 63 578 775 294

DataWorks Document Number: 5075043

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

TSC Financial Contribution as per contract: \$72,093 (cash) and \$58,300 (in kind), will be contributed to the project from Council's Sustainable Agriculture Program and participating landholders.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS****26 [EO-CM] Flood Mitigation Program Grant Funding****ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

Council has received an offer for grant funding to undertake maintenance of flood mitigation assets in the 2009-2010 financial year.

**RECOMMENDATION:**

**That Council formally accepts the following grant offer and provides the necessary amount to match the Government grant for maintenance from its 2009/10 allocation for Flood Mitigation Maintenance:**

<b>Grant Program</b>	<b>Project</b>	<b>Funding Ratio</b>	<b>Total Grant Funding</b>	<b>Required Council Funding</b>
<b>NSW Floodplain Management Program (State Only)</b>	<b>Maintenance of Flood Mitigation Works</b>	<b>1:1</b>	<b>\$24,200</b>	<b>\$24,200</b>

**REPORT:**

Council is in receipt of a letter of offer for a flood mitigation maintenance grant for 2009-2010. The offer is in accordance with the standard conditions for financial assistance and is summarised as follows:-

<b>Grant Program</b>	<b>Project</b>	<b>Funding Ratio</b>	<b>Total Grant Funding</b>	<b>Required Council Funding</b>
NSW Floodplain Management Program (State Only)	Maintenance of Flood Mitigation Works	1:1	\$24,200	\$24,200

**Project Details**

Maintenance of Flood Mitigation Works

Council is responsible for the ongoing maintenance and replacement of over 200 floodgates and other flood mitigation structures such as levees, pumps and gauges in rural and urban areas. An improved asset management plan for flood mitigation assets has been developed over recent years, prompting an increased need for maintenance spending, which will be assisted by the above grant funding. The grant offer matches the amount sought in Council's grant application.

It is recommended that Council formally accepts the grant offer, and provides the necessary amount to match the grant funding from its annual allocation for Flood Mitigation Maintenance.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds are available in the current 2009/2010 budget for Flood Mitigation Maintenance to match the grant offer.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**27 [EO-CM] Floodplain Management Program Grant Funding**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

Council has received an offer for grant funding of \$80,000 from the State Assisted Floodplain Risk management Program (\$2 State:\$1 Council) for floodplain management projects in the 2009/10 financial year.

This grant can be applied to the following projects:-

1. South Tweed Heads Flood Levee – Investigation and Design
2. Tweed Flood Warning

This grant is a “lump sum” which can be applied to either or both of the two projects within the limit of the overall total.

The local matching component, on the basis of 2:1 funding, is \$40,000 resulting in an overall total of \$120,000 and Council’s 2009/10 budget has sufficient allocation to meet this requirement.

**RECOMMENDATION:**

**That:-**

1. **Council formally accepts the grant offer of \$80,000 for floodplain management projects from the Minister for Climate Change and Environment under the State Floodplain Management Program 2009/10.**
2. **All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Council is in receipt of a letter of offer for a floodplain management program grant for 2009-2010. The offer is detailed as follows:-

<b>Grant Program</b>	<b>Project</b>	<b>Funding Ratio</b>	<b>Total Grant Funding</b>	<b>Required Council Funding</b>
NSW Floodplain Management Program (State Only)	South Tweed Heads Flood Levee – I&D  Tweed Flood Warning	2:1	\$80,000	\$40,000

The grant is a 2:1 “lump sum” to be applied over either of the above projects (rather than two separate grants).

Council funding is required to match 50% of the grant as a local component (i.e. \$40,000) and the total available funds are therefore \$120,000.

**Project Description**

South Tweed heads Flood Levee – Investigation and Design

This project follows on from the South Tweed Heads Levee Study which was previously funded under the Commonwealth’s Natural Disaster Mitigation Program.

The South Tweed Heads Levee Study will recommend rehabilitation measures and this additional funding will provide the resources for engineering investigation and design of some of the remedial measures.

Tweed Flood Warning

This project seeks to improve flood warning by installing additional rainfall gauges where presently there is limited data available.

The Chillingham area and parts of the Coastal Creeks system are in need of additional gauges and the Bureau of Meteorology will be consulted to determine the most appropriate installations for the available budget.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

**LEGAL:**

Council is following the floodplain management process in accordance with the NSW floodplain Development Manual. The Local Government Act 1993 provides indemnity for Councils acting in “good faith” and in accordance with that manual.

**RESOURCE:**

Council will engage consultants to assist in these specialised projects.

**FINANCIAL:**

Council's 2009/10 budget has sufficient funds available to provide the necessary local funding component.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**28 [EO-CM] Cemetery Work Permit Fee Exemption for The Office of Australian War Graves**

**ORIGIN:**

Recreation Services

**SUMMARY OF REPORT:**

The Office of Australian War Graves (OAWG) has written to Council to request exemption for cemetery fees pertaining to work permits in cemeteries.

**RECOMMENDATION:**

**That Council agrees to exempt the Office of Australian War Graves (OAWG) from cemetery work permit fees. The OAWG shall still be required to submit task based risk assessments and address all application requirements for the works.**

**REPORT:**

Council charges a \$160 application fee for the issue of a permit any monumental work undertaken at its cemeteries. This fee covers costs for reviewing the proposed works and ensuring that appropriate occupational health and safety issues are adequately addressed on site for the works.

Only two applications for monumental works have been received to date in 2009 for the Office of Australian War Graves (OAWG). Historically there have been few requests from OAWG and it is anticipated that this will not change significantly in the future.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

An average of two requests is anticipated per year and would result in a fee sacrifice of \$320 per year.

**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.

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**29 [EO-CM] Amendment to S94 Plan No 23 - Offsite Parking**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: S94 Plan No 23 - Offsite Parking**

**SUMMARY OF REPORT:**

*Section 94 Contributions Plan No.23 – Offsite Parking (CP23)* allows a developer to make a contribution to Council for the provision of required parking spaces offsite instead of requiring that all carparking to be provided on the development site itself.

The mapped areas within the plan were originally derived from the commercial zoned land in the CBD areas. For flexibility in applying contributions this amendment proposes to include *5(a) Special Uses* zoned land adjacent to the Cabarita CBD within the mapped area in CP 23 (Figure 1D).

An administrative amendment has also been made to update Clause 2.9 in relation to the obligation of accredited certifiers to be consistent with Council's other S94 plans.

**RECOMMENDATION:**

**That:-**

- 1. Council adopts Draft S94 Plan No 23 – Offsite Parking Version 2.1 as a basis for exhibition and community discussion/consultation.**
- 2. Draft plan Version 2.1 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 2.**

## REPORT:

### 1. Background

*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.

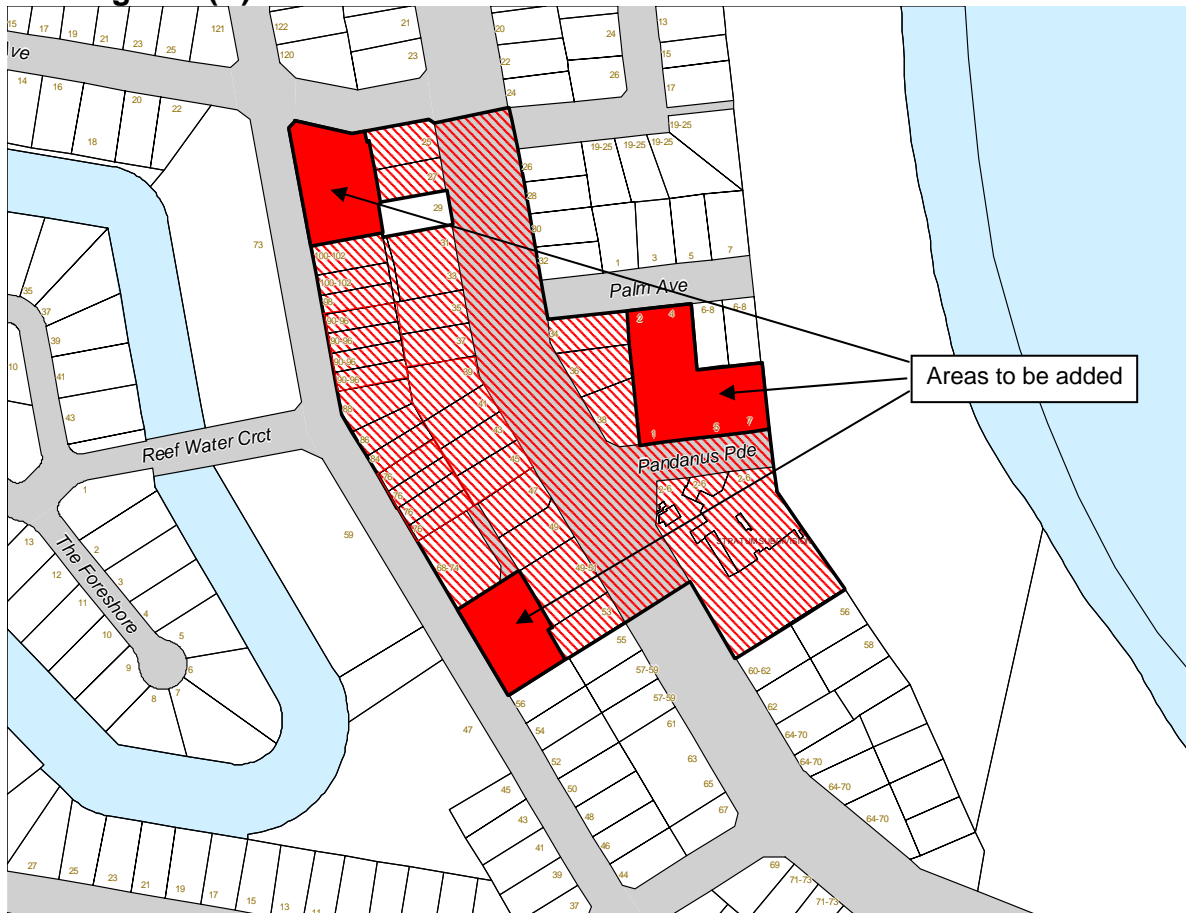
### 2. Amendment to CP23

The mapped areas within the plan were originally derived from the commercial zoned land in the CBD areas. For flexibility in applying contributions this amendment proposes to include *5(a) Special Uses* zoned land adjacent to the Cabarita CBD within the mapped area in CP 23 (Figure 1D).

The plan has therefore been amended to include an updated Figure 1D.

An administrative amendment has also been made to update Clause 2.9 in relation to the obligation of accredited certifiers to be consistent with Council's other S94 plans.

Figure 1(D)



### 3. Draft Tweed LEP 2010

It should be noted that the Special Uses zone (5(a)) has been deleted from the forthcoming Draft LEP and in this location it is proposed that the land will be re-designated as Commercial zoned land, further supporting the proposed amendment.

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This amendment will facilitate consideration of a Section 96 development consent amendment application submitted by the Surf Life Saving Club.

#### POLICY IMPLICATIONS:

This report proposes an amendment to Council's 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. Draft Section 94 Plan No. 23 – Offsite Parking. (ECM 8297266).

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### 30 [EO-CM] Adoption of Amended Section 94 Plan No. 16 - Emergency Facilities (Surf Lifesaving) (Version 6.0)

#### ORIGIN:

Planning & Infrastructure

**FILE NO: Section 94 Plan No. 16 - Emergency Facilities (Surf Lifesaving)**

#### SUMMARY OF REPORT:

Amendments to Section 94 Plan No. 16 Emergency Facilities (Surf Lifesaving) were exhibited from 23 September to 21 October 2009. No submissions were received during the period and the amended plan is now recommended for approval. Version 6 incorporates the following changes to the plan:-

- Works program revised, taking account of outstanding works and expenditure to date.
- Original apportionment factors applied.
- Population projection revised downwards in line with the figures in the Tweed Shire Community Profile 2008.
- Occupancy rates provided per bedroom as per those adopted by Council in the Tweed Shire Urban Release Strategy 2009.
- Contribution for tourist development standardised to apply per bedroom rather than per bed.
- Refers to the forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Clauses to enable future indexation of rates in the plan.
- Current Department of Planning template for a S94 plan applied.
- Admin component revised for the remaining works from 10% to 5%.
- Specifies that no contribution will be levied on new consents after 31 December 2009.

The revised contribution rates are as follows:-

	Persons	Rate
Per person	1	\$47.20
Detached dwelling	2.4	\$113
1 bedroom unit	1.3	\$61
2 bedroom unit	1.7	\$80
3 bedroom unit	2.1	\$99
4+ bedroom unit	2.4	\$113

The rate for tourist development that provides accommodation to be applied per bedroom as above.

**RECOMMENDATION:**

**That Council:-**

- 1. Approves Draft Section 94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (Version 6.0) 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 6.0 of the Plan (CP 16) comes into effect on the date of the notice.**

## REPORT:

### 1. Background

S94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (CP 16) has been in existence since August 1996 for the purpose of collecting S94 contributions for the provision of key community infrastructure in Tweed Shire in accordance with Section 116H of the Environmental Planning and Assessment Act, being the provision of social facilities in the form of infrastructure which supports the provision of volunteer rescue and volunteer emergency services facilities. The current version of the plan (Amendment No 4) was adopted in February 2006.

In July 2009 a Direction was received from the Minister for Planning which required Council to review all of its contributions plans prior to 31 December 2009, and with regard to CP16, required this review to "provide for the removal of contributions for ... surf lifesaving facilities".

### 2. Amendment

Notwithstanding the Minister's Direction, it was felt necessary to amend the plan at this time in order to clarify the works program and ensure that contributions on old consents can continue to be collected and indexed as appropriate after that date. The plan was therefore amended and exhibited between 23 September and 21 October 2009 and the amended version of this plan is now presented for adoption prior to the 31 December deadline. Version 6 incorporates the following changes to the plan:-

- Revises the Works Program, taking account of outstanding works and expenditure to date.
- Reverts to original apportionment factors.
- Revises the population projection downwards in line with the figures in the Tweed Shire Community Profile 2008.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2009.
- Standardises the contribution for tourist development to apply per bedroom rather than per bed.
- Makes reference to the forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning template for a S94 plan.
- Revises the admin component for the remaining works from 10% to 5%.
- Specifies that no contribution will be levied on new consents after 31 December 2009.

**Summary of Works Program:**

Expenditure on surf lifesaving capital first use equipment and new Clubhouse (inclusive of 10% admin)	\$1,024,254
Remaining identified works (inclusive of 5% admin)	\$420,000
<b>Total</b>	<b>\$1,444,254</b>

Revising the original population projection figure for the area from 54,000 to 30,600 as provided in the Tweed Shire Community Profile 2008, and applying it to the total Works Program to be funded by this plan of \$1,444,254 results in the following contribution rates for Version 6:

	Persons	Current Rate	New Rate
Per person	1	\$77	\$47.20
<i>Detached dwelling</i>	2.6	\$200	\$123
Detached dwelling	2.4		\$113
1 bedroom unit	1.3		\$61
<i>Medium density unit</i>	1.7	\$131	-
<i>Medium density unit</i>	1.95		\$92
2 bedroom unit	1.7		\$80
3 bedroom unit	2.1		\$99
4+ bedroom unit	2.4		\$113

**3. Submissions**

Amendments to Section 94 Plan No. 16 – Emergency Facilities (Surf Lifesaving) were exhibited from 23 September until 21 October 2009. No submissions were received during the exhibition period, however during the exhibition of the Plan, Council finalised the necessary wording to enable the levying of contributions on relevant Complying Development Certificates (where applicable) including those issued by accredited certifiers, and this detail has been added to other draft S94 Plans subsequently exhibited. The plan as exhibited already included the appropriate clause (Clause 2.8), however the accompanying Schedule, Appendix 4 has now been added. As this information does not change the structure or calculations in the plan, nor the resulting levy, the Schedule has been added to the Plan for approval.

Section 94 Plan No 16 – Emergency Facilities (Version 6.0) is recommended for approval.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The adoption of Draft *Section 94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (Version 6)* will enable Council to expend the balance of contributions already collected on elements of the updated Works Program, and continue to collect outstanding contributions on consents issued prior to 31 December 2009, including indexation.



If the Draft Plan is not adopted, part of the cost of these works may require financing from the general fund and from existing ratepayers who are not contributing to the demand for these facilities.

**POLICY IMPLICATIONS:**

Contributions are required so that Council is able to provide surf lifesaving facilities specified in the contribution plan. Most of Council's S94 Plans have been reviewed and re-exhibited in a timeframe to enable the changes to be operational before 31 December 2009 in order to comply with the Minister for Planning's recent directions to Council in relation to S94 contributions.

**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 16 – Emergency Facilities (Surf Lifesaving) (Version 6.0) (ECM 8201626).
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**31 [EO-CM] Adoption of Amended Section 94 Plan No. 5 - Local Open Space (Version 6.1.1)**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: Section 94 Plan No. 05 - Local Open Space**

**SUMMARY OF REPORT:**

Amendments to Section 94 Plan No. 5 Local Open Space were exhibited from 23 September to 21 October 2009 and are now recommended for approval. Version 6.1.1 made no substantive changes to the plan, however amendment and re-exhibition of the plan was required to:-

- Revise the admin component for the remaining works from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009;
- Take the opportunity to provide a standardised contribution for unit development according to the number of bedrooms in accordance with rates in the adopted Tweed Urban Land Release Strategy 2008;
- Clarify the wording relating to indexation base years.

In addition to the amendments as exhibited, an updated clause and new Schedule has been added to the plan to provide for the levying of this contribution on a Complying Development Certificate where applicable.

The total Works Program and contributions rates are:-

<b>Works Program</b>	<b>Including 5% Admin</b>
Structured Open Space	\$7,560,000
Casual Open Space	\$7,140,000

Occupation Estimates for Tweed Urban Land Release Strategy		Structured Open Space (Does not apply to tourist accommodation or aged persons development)		Casual Open Space (The rate for tourist development that provides accommodation is to be applied per bedroom as indicated below)	
		Levy	Indexed Rate 1/7/2009	Levy	Indexed Rate 1/7/2009
	Persons				
Per person	1	\$240	<b>\$251</b>	\$209	<b>\$219</b>
Detached dwelling	2.4	\$575	<b>\$602</b>	\$502	<b>\$526</b>
1 bedroom unit	1.3	\$312	<b>\$327</b>	\$272	<b>\$285</b>
2 bedroom unit	1.7	\$408	<b>\$427</b>	\$356	<b>\$373</b>
3 bedroom unit	2.1	\$504	<b>\$528</b>	\$440	<b>\$460</b>
4+ bedroom unit	2.4	\$575	<b>\$602</b>	\$502	<b>\$526</b>

**RECOMMENDATION:**

**That Council**

- 1. Approves Draft Section 94 Plan No 5 – Local Open Space (Version 6.1.1) 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 6.1.1 of the Plan (CP 5) comes into effect on the date of the notice.**

**REPORT:****1. Background**

S94 Plan No 5 – Local Open Space Version 6 was approved by Council on 9 October 2008. The update applied the Department of Planning's template for a S94 plan and provided for indexation of contribution rates. Contribution rates were indexed in accordance with the plan on 1 July 2009 (Version 6.0.1). In July 2009 Council was directed by the Minister for Planning to amend all of its S94 Plans to reduce the admin component from 10% to 5%. S94 Plan No 5 – Local Open Space Version 6.1.1 was duly amended and exhibited between 23 September and 21 October 2009. The exhibition period is now closed and the amended Plan is submitted for Council approval.

**2. Amendment**

This minor amendment made no substantive changes to the plan, however re-exhibition of the plan was required to:-

- Revise the admin component for the remaining works from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009;
- Take the opportunity to provide a standardised contribution for unit development according to the number of bedrooms in accordance with rates in the adopted Tweed Urban Land Release Strategy 2008;
- Clarify the wording relating to indexation base years.

In addition to the amendments as exhibited, an updated clause has been added and new Schedule to enable the addition of a suitable condition on a Complying Development Certificate for the purposes of levying S94 Contributions as described above.

Amendments to the total works program and contributions rates included in the plan are as follows:-

<b>Works Program</b>	<b>Including 5% Admin</b>
Structured Open Space	<del>\$7,920,000</del> \$7,560,000
Casual Open Space	<del>\$7,480,000</del> \$7,140,000

Occupation Estimates for Tweed Urban Land Release Strategy		Structured Open Space (Does not apply to tourist accommodation or aged persons development)				Casual Open Space (The rate for tourist development that provides accommodation is to be applied per bedroom as indicated below)			
	Persons	Levy		Indexed Rate 1/7/2009		Levy		Indexed Rate 1/7/2009	
Per person	1	<del>\$251</del>	\$240	<del>\$263</del>	\$251	<del>\$219</del>	\$209	<del>\$229</del>	\$219
Detached dwelling	2.4	<del>\$653</del>	\$575	<del>\$684</del>	\$602	<del>\$570</del>	\$502	<del>\$597</del>	\$526
1 bedroom unit	1.3		\$312		\$327		\$272		\$285
2 bedroom unit	1.7		\$408		\$427		\$356		\$373
<del>Medium Density unit</del>	<del>1.95</del>	<del>\$427</del>	<del>\$468</del>		<del>\$490</del>	<del>\$373</del>	<del>\$408</del>	<del>\$391</del>	<del>\$427</del>
3 bedroom unit	2.1		\$504		\$528		\$440		\$460
4+ bedroom unit	2.4		\$575		\$602		\$502		\$526

### 3. Submissions

No submissions were received during the exhibition period, however during the exhibition of the Plan, Council finalised the necessary wording to enable the levying of contributions on relevant Complying Development Certificates (where applicable) including those issued by accredited certifiers, and this detail has been added to other draft S94 Plans subsequently exhibited. As this information does not change the structure or calculations in the plan, nor the resulting levy, the Schedule and amended Clause have been incorporated into the Plan for approval. The wording consists of an alteration to Clause 2.9 and the addition of a Schedule, Appendix F.

Section 94 Plan No 5 – Local Open Space (Version 6.1.1) is recommended for approval.

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The adoption of Draft *Section 94 Plan No 5 – Local Open Space (Version 6.1.1)* will adjust the rates to reduce the admin levy from 10% to 5% in order to be consistent with the Minister for Planning's direction of 10 July 2009.

#### POLICY IMPLICATIONS:

Most of Council's S94 Plans have been reviewed and re-exhibited in a timeframe to enable the changes to be operational before 31 December 2009 in order to comply with the Minister for Planning's recent directions to Council in relation to S94 contributions.

#### 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 5 – Local Open Space (Version 6.1.1) (ECM 8199406).

**32 [EO-CM] Proposed Streetscaping for Main Street Cabarita Beach, Bogangar**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

As Council would be aware, the streetscaping of Tweed Coast Road Cabarita Beach / Bogangar is part of Council's 7 year plan. Funding has been allocated this financial year for this project.

This report provides a background to the project and the progress of the project to date.

**RECOMMENDATION:**

**That Council:-**

- 1. Endorses the contents of the proposed streetscaping for Main Street Cabarita Beach, Bogangar report and**
- 2. Officers commence detailed design of the Tweed Coast Road Cabarita Beach / Bogangar Streetscaping Project.**

## **REPORT:**

### ***Project Background and Concept Design:***

The streetscaping of Tweed Coast Road Cabarita Beach / Bogangar is part of Council's 7 Year Infrastructure and Services Plan (being 'a Project Supporting Economic Development & Tourism'). Funding of \$500,000 has been allocated this financial year for this project.

The streetscaping involves mostly landscaping and paving treatments along the main street. Another major component is a landscaped central median. The intent of the design is to reinforce the coastal character of the Cabarita Beach / Bogangar town whilst providing a safe and inviting environment in which to do business and engage with the local community.

Passive traffic calming initiatives are proposed to be implemented. These initiatives include central median planting to reduce the perceived width of the carriageway whilst complementing this with tree planting in the pedestrian walkways to create an arching effect over the road and the realignment of line markings to provide a constant carriageway width. The benefit of slowing traffic, especially along Tweed Coast Road which is the main coastal distributor road, is the increased potential for motorists to stop and do business. A new entry statement is proposed at the southern approach to the town, reducing carriageway width and announcing arrivals into Cabarita. An upgrade to the landscaping in the northern roundabout is also proposed.

The planting of trees in the footpath also creates natural shade for pedestrians and a more vibrant streetscape in which to engage with others. The design intends to promote 'mixed use' including alfresco dining, places to sit and watch, with street furniture placed throughout including bins, drinking fountains, bike racks and seating. Works which are already completed in Pandanus Parade will help create an inviting physical link between Tweed Coast Road and the ocean. The proposed colours and themes are design to reinforce the coastal character using light sandy colours and textures and natural timber finishes.

### ***Project Progress:***

A concept design of the proposed improvements has been completed and was placed on public display on 14 September 2009. Public submission closed on 14 October 2009. Only a few responses were received from the community however all of these were quite positive.

The concept design was prepared by Council officers following significant consultation with the Cabarita Beach Bogangar Residents Association and the Cabarita Beach Business Association.



A summary of public responses received is as follows:-

- You are to be commended for the design.
- Well done.
- Be mindful of the disruption to businesses, particularly on the eastern side of Tweed Coast Road at the corner with Pandanus Parade and continuing north to Palm Avenue, as they would be especially vulnerable to loss of trade and income if construction work outside their premises were to continue during school holidays.
- We hope that any plantings will be native to the area and please consider coastal paperbarks instead of palm trees on the median strips.
- I think this looks fantastic and is long overdue for our little ugly duckling of a town! We think this is a fantastic initiative and is just what the area needs to improve the ability for the public to engage with both business and community as you say. We feel that sometimes Cabarita has been left behind, and think that this sort of planning will bring it up to speed with the rest of the Tweed Coast without compromising its village atmosphere.

The public comments that were received will be taken into consideration in both the design and construction phases.

During the consultations with the Cabarita Beach Bogangar Residents Association and the Cabarita Beach Business Association it was suggested that a roundabout at the intersection of Banksia Avenue and Tweed Coast Road would provide southbound vehicles on Tweed Coast Road a safe opportunity for U-turning back into the town and also be a convenient location for the southern entry statement to the town. This suggestion is a very good one however the cost to construct such a roundabout would be in excess of \$300,000 which cannot be funded at this time.

Discussions have also been conducted with Country Energy for the undergrounding of power through the town however Country Energy are not prepared to fund the \$600,000 estimated cost to do so in the near future. Country Energy may be willing however to entertain a cost sharing arrangement with Council in the future for such undergrounding. As part of this project electrical conduits will be provided beneath the western footpath to enable such undergrounding of power lines in the future. The provision of conduits is a minimal cost.

The advertised concept plans and some typical streetscape photo galleries are attached to this report.

***Project Financial Issues:***

The current funding for the project is \$500,000. Current indications are that, to complete the design and construction as proposed on the concept plan, the current budget allocation will be exceeded. As such the work may need to be split into two components; the first component being the central landscaped street median, the proposed entry statement to the south and the footpath area on the eastern side of Tweed Coast Road; the second component being the footpath area on the western side of Tweed Coast Road. This methodology will suit some uncertainty with footpath construction on the western side of Tweed Coast Road due to a proposed shopping centre development on this side of the road. A more accurate estimate of the proposed works will be undertaken following completion of the detailed design. This will provide a better indication of the extent of works which can be funded.

It is expected that the detailed design will be completed by early in the new year with the construction going out to contract. Tendering is expected to commence shortly after completion of the detailed design and actual construction is expected to commence before mid 2010.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Financial implications are as provided in this report.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Attachment 1 - Photos of streetscape upgrades Coolum and Caloundra (ECM 8209187).
  2. Attachment 2 - Tweed Coast Road Bogangar Traffic Management and Streetscaping Concept Plan Sheet 1 PD08009/01 (ECM 8240335).
  3. Attachment 3 - Tweed Coast Road Bogangar Traffic Management and Streetscaping Concept Plan Sheet 2 PD08009/02 (ECM 8240357).
  4. Attachment 4 - Tweed Coast Road Bogangar Traffic Management and Streetscaping Concept Plan Sheet 3 PD08009/03 (ECM 8240358).
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**33 [EO-CM] EC2009-132 Annual Supply of Retail Electricity to Contestable Sites  
1 July 2010 to 30 June 2011**

**ORIGIN:**

**Contracts**

**FILE NO: EC2009-132**

**SUMMARY OF REPORT:**

Council has a Retail Electricity Supply Agreement (RESA) with Energy Australia for the Supply of Retail Electricity to Contestable Sites (large sites consuming more than 160,000kWh energy per year) until 30 June 2010. The contract was setup using the State Contract service provided by NSW Procurement (formerly known as NSW Department of Commerce).

NSW Procurement recently announced the award of the new State Contract No.777 (Supply of Retail Electricity to Contestable Sites). The new contract is for 12 months from 1 July 2010 to 30 June 2011. The new contract arrangement has been awarded to Energy Australia and the electricity supply rates contracted are significantly lower than the supply rates under the existing contractual arrangement.

**RECOMMENDATION:**

**That:-**

- 1. Council accepts the Retail Electricity Supply Agreement (21 day payment term option) from Energy Australia for the Supply of Retail Electricity to Contestable Sites for the period 1 July 2010 to 30 June 2011.**
- 2. The General Manager is given delegated authority to complete two (2) copies of the Retail Electricity Supply Agreement (the Contract) for submission to Energy Australia by close of business 18 November 2009.**
- 3. Council accepts the Value Added Services proposal from Testing & Certification Australia (a business of Energy Australia) for the Direct Metering Service component of Supply of Retail Electricity to Contestable Sites for the period 1 November 2009 to 31 July 2012.**
- 4. The General Manager is given delegated authority to sign off the Quotation of Services (the contract) for return to Testing & Certification Australia by close of business 18 November 2009.**
- 5. Council prepares an open tender for the Supply of Retail Electricity to the Street Lighting and Traffic Signal Network for a period of at least 12 months from 1 July 2010.**

6. **A GreenPower Options Report is prepared for consideration by Council to adopt cost effective methods to further reduce Council's carbon footprint.**

## REPORT:

### **Existing Large Site Electricity Supply Contract**

Council has a current Retail Electricity Supply Agreement (RESA) with Energy Australia for the Supply of Retail Electricity to Contestable Sites (large sites consuming more than 160,000kWh energy per year) until 30 June 2010 (refer to Council Recommendation from the meeting held 17 February 2009). This agreement was formed utilising State Contract No.777 which is managed by NSW Procurement (formerly known as NSW Department of Commerce).

The benefits of being a client of the State Contract No.777 include:

- Quick, easy access for electricity needs, all at State Government best price
- Hassle free and common terms and conditions
- Significant savings through the combined purchasing power of the State Government
- Flexible options to purchase and modify portions of accredited GreenPower energy
- Removes the need to prepare open market tenders each time a contract expires

On 1 July 2009, Council received a Letter of Commitment from NSW Procurement to continue the State Contract No.777 agreement after 1 July 2010. This document was signed by Council's General Manager and returned to NSW Procurement on 22 July 2009 as approved by Council.

On 14 October 2009, Council received an email from NSW Procurement announcing the awarding of a new State Contract No.777 arrangement for the period 1 July 2010 to 30 June 2011. The new contract arrangement has been awarded to Energy Australia and the electricity supply rates contracted are significantly lower than the supply rates under the existing contractual arrangement. NSW Procurement advised that all customers who completed the Letter of Commitment process have preference over other existing customers.

On 21 October 2009, Council received an email from Energy Australia that included a draft RESA for the period 1 July 2010 to 30 June 2011. The offer carried a validity period of 4.00pm on 17 November 2009.

Council officers have negotiated with the Account Manager from Energy Australia and were able to obtain an extension of time until 4.00pm on 18 November 2009 to sign and return the RESA. This extension was required due to the scheduling of the next Council Meeting to be held after 4.00pm 17 November 2009.

### **Assessment of the Retail Electricity Supply Agreement**

Without any current competitive offers, the new RESA offer can only be assessed against Council's previous Electricity contract rates. It is important to acknowledge that NSW Procurement have strategically completed the tender process at a different time of year than last time. The research into the best time to buy in the electricity price cycle has resulted in a much cheaper set of energy supply rates.

A series of comparison spreadsheets have been developed by Council to compare the current RESA contract rates with the new RESA rates proposed (refer Attachment 1 – EC2009-132 Cost Comparison). It must also be noted that the only cost variables that can be compared are the energy consumption costs. All other cost components that make up the energy charges are fixed market or government charges.

Energy Australia has included two payment term options in the new RESA offer. There is an opportunity to save approximately 0.3c per kWh consumed if a 14 day payment term is adopted (this equates to approximately \$5,000.00 per year based on current electricity consumption patterns).

The existing RESA contract payment term is 21 days and invoices are able to be processed in sufficient time. Council's Finance Department has noted that previous receipt of invoices from Energy Australia has been quite efficient and invoices could potentially be processed within 14 days of invoice date.

However, there is significant risk created by locking in a 14 day term payment option. The slightest delay of receipt of invoice could cause the payment to miss the weekly cheque run and late fees could be charged. The potential savings in a 14 day payment term do not appear attractive for the amount of risk taken.

Council can minimise the risk of receiving late fees on invoices by adopting the 21 day payment terms and continuing good banking practices to earn interest right up until the payment is due.

Based on past contract rates, Council should consider the RESA (21 day payment terms) offered by Energy Australia as genuine value for money and delegate the General Manager the authority to sign the RESA Offer and return by 18 November 2009. The energy rates offered by Energy Australia will save Council approximately \$100,000 per annum compared to the current rates.

### **Assessment of Direct Metering Services Offer (Value Added Services)**

On 30 October 2009, Council received an email from Testing & Certification Australia (a business of Energy Australia) that included a proposal for discounted pricing of direct metering services.

Testing & Certification Australia (TCA) are the current meter reading agent for Council's Contestable sites and the service is charged at \$2.3288 per meter per day (equivalent to \$850.00 per meter per annum). The Direct Metering Service is not part of the State Contract No.777 arrangement.

The TCA proposal includes a discounted price of \$675.00 per meter per annum (which equates to \$1.85 per meter per day) and includes access to the TCA Webgraph website. This website is a graphing tool that can be used to monitor Council's energy consumption, carbon emissions and environmental footprint.

Council can reduce its total meter servicing charges by approximately \$3,500 per annum by adopting this proposal and delegating the General Manager authority to sign the Customer Consent form at the same time the Energy Australia RESA is signed.

### **Cost Effective Street Lighting Energy Supply Options**

The RESA supplied by Energy Australia does not have a separate rate for Street lighting energy supply. Previously, Council's electricity supply contracts have contained a separate portion or flat rate for Street lighting and traffic signals. The separate rate was usually a 24 hour flat rate and approximately the same unit rate as the general off peak rate.

Most of the energy used for street lighting and traffic signals is consumed during the off peak period but under the contract with Energy Australia, the percentage consumed during the shoulder period is charged at a significant premium (refer Attachment 1 – EC2009-132 Cost Comparison).

The most cost effective solution for Council's Street lighting electricity supply would be to award a contract after an open market tendering process undertaken before the current contract expires on 30 June 2010. It is anticipated that this action would save Council around \$10,000 per annum in energy consumption costs.

### **Commitment to Greenhouse Gas Reductions**

At the meeting on Wednesday 19 February 2003, Council adopted a goal to reduce its greenhouse gas emissions to 20% below 1996 levels by 2010. A 6% portion of GreenPower for all energy consumed under State Contract No.777 would be a significant contribution towards the achievement of this goal and would demonstrate an ongoing commitment to climate change mitigation.

### **GreenPower Availability and Flexibility**

GreenPower is available under all components of State Contract No.777. A firm commitment to the purchasing of GreenPower energy has not been included in the recommendations of this report as the recommendation to enter the State Contract No.777 by the due date is the critical action.

GreenPower offers Government agencies a simple way to reduce greenhouse gas emissions and demonstrate commitment to the environment. Other State owned corporations are voluntarily making the commitment to purchase a portion of their electricity needs as accredited GreenPower, such as Sydney Water and the Zoological Parks Board.

GreenPower Options will need to be considered further in a separate report prepared for recommendation by Council before 1 July 2010. The report will focus on the additional energy costs and the environmental benefits achieved by nominating a percentage of GreenPower.

The RESA terms offered by Energy Australia include flexible GreenPower purchasing arrangements which enable clients to alter their GreenPower commitment without any added administration fees through the life of the contract.

### **Documentation Received**

14/10/2009 email from NSW Procurement - State Contract No.777 Info Update  
21/10/2009 email from Energy Australia - State Contract No.777 RESA Offer  
29/10/2009 email from Energy Australia - Confirmation of Offer Extension  
30/10/2009 email from Testing & Certification Australia – Metering Services Proposal  
(filed in Councils document management system and can be perused by Councillors if required)

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

Nil.

### **POLICY IMPLICATIONS:**

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure and Contracts Management Process document.

**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. EC2009-132 Annual Supply of Retail Electricity to Contestable Sites 1 July 2010 to 30 June 2011 Cost Comparison (ECM 8357230).
-



**34 [EO-CM] Purchase of Lot 1 DP 10436, 121 Kennedy Drive, Tweed Heads**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

The Department of Main Roads Queensland purchased Lot 1 DP 10436 in the preliminary stages of the Tugun Bypass Project as part of the land resumption program to ensure the Kennedy Drive northbound on ramp could be reconstructed as part of the project. Design refinements made as detailed design progressed enabled the subject allotment to remain intact although with greatly reduced amenity.

The Department of Main Roads Queensland recently approached the Roads and Traffic Authority of NSW (RTA) to gauge if NSW Road Authorities had any interest in the property before they disposed of it on the open market.

Currently Council has engaged Local Government Engineering Services (LGES) jointly with the RTA to investigate and undertake preliminary design work on the proposed Eastern Service Road between Kennedy Drive and Kirkwood Road adjacent to the Pacific Highway. This project is part of the Lower Tweed and Pacific Highway Traffic Master Plan (October 2006) jointly developed between Council and the RTA.

Concept design work undertaken to date indicates that at least part of the subject allotment will be required to accommodate future intersection and footpath cycleway upgrading when the Western Service Road is constructed in about 2020. The RTA has agreed to meet 50% of the purchase cost. It is considered prudent to purchase the allotment given it is likely to be required in the future.

**RECOMMENDATION:**

**That Council:-**

- 1. Agrees to purchase Lot 1 DP 10436 (121 Kennedy Drive, Tweed Heads) for the sum of \$148,500 with half being funded by the Roads and Traffic Authority of NSW.**
- 2. Endorses the expenditure of \$148,500 plus associated legal costs.**

**REPORT:**

The Department of Main Roads Queensland purchased Lot 1 DP 10436 in the preliminary stages of the Tugun Bypass Project as part of the land resumption program to ensure the Kennedy Drive northbound on ramp could be reconstructed as part of the project. Design refinements made as detailed design progressed enabled the subject allotment to remain intact although with greatly reduced amenity.

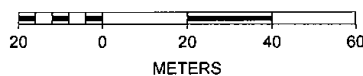
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Currently Council has engaged Local Government Engineering Services (LGES) jointly with the RTA to investigate and undertake preliminary design work on the proposed Eastern Service Road between Kennedy Drive and Kirkwood Road adjacent to the Pacific Highway. This project is part of the Lower Tweed and Pacific Highway Traffic Master Plan (October 2006) jointly developed between Council and the RTA.

The subject allotment is shown in the following diagram:-



SCALE 1 : 1,438



**Disclaimer**  
 While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranties expressed or implied, stability or otherwise, about the accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all 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 should be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Call before You Dig" enquiry must be made by calling 1400.  
 The information contained on this document remains valid for 30 days only from the date of supply.

Concept design work undertaken to date indicates that at least part of the subject allotment will be required to accommodate future intersection and footpath cycleway upgrading when the Western Service Road is constructed in about 2020. The RTA has agreed to meet 50% of the purchase cost. It is considered prudent to purchase the allotment given it is likely to be required in the future.

Queensland Department of Main Roads has forwarded a letter stating the allotment has been valued by Certified Valuers at \$148,500 (copy attached to this report). The allotment is zoned residential 2(a) and has a building entitlement so there is little risk in the purchase because if detailed design avoids encroachment the allotment can be on sold.

Funding for the purchase can be sourced from the TRCP No. 4 as the Service Roads Projects are listed in the Works Program in Schedule 5 as items 36(e) Kennedy Drive Interchange with Western Service Road and 36(d) Western Service Road - Terranora Creek Bridge to Kennedy Drive.

It is proposed to utilise TRCP funds to purchase the allotment and claim 50% of the purchase price from the Roads and Traffic Authority of NSW.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The recommendation will result in the sum of \$76,250 (the net cost after payment of Roads and Traffic Authority of NSW portion) being transferred from the Section 94 TRCP No. 4 and subsequent expenditure. There are sufficient funds in the TRCP No. 4 to cover this expenditure.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Queensland Department of Main Roads letter (ECM 8392532).
-

**35 [EO-CM] Acquisition of Land for Road Purposes - Reconstruction of Snake Creek Bridge, Mt Burrell**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Council has obtained funding from the Roads and Traffic Authority for the reconstruction of bridges on distributor roads leading in and out of the Shire.

The bridge over Snake Creek, located on Kyogle Road, Mount Burrell has been identified as requiring replacement and relocation to improve the alignment of entry onto and egress from the bridge. The realignment of the approaches to the bridge necessitates the acquisition of the land from the owners of Lots 6, 7 and 14 in DP 875563 at Mount Burrell.

Negotiations have been finalised and agreement has been reached as to the compensation payable, comprised as both monetary compensation and works in kind. The land is to be acquired by private treaty, as a subdivision for road widening and it is necessary to resolve to approve the acquisition and to sign all necessary documentation under the Common Seal of Council.

**RECOMMENDATION:**

**That:-**

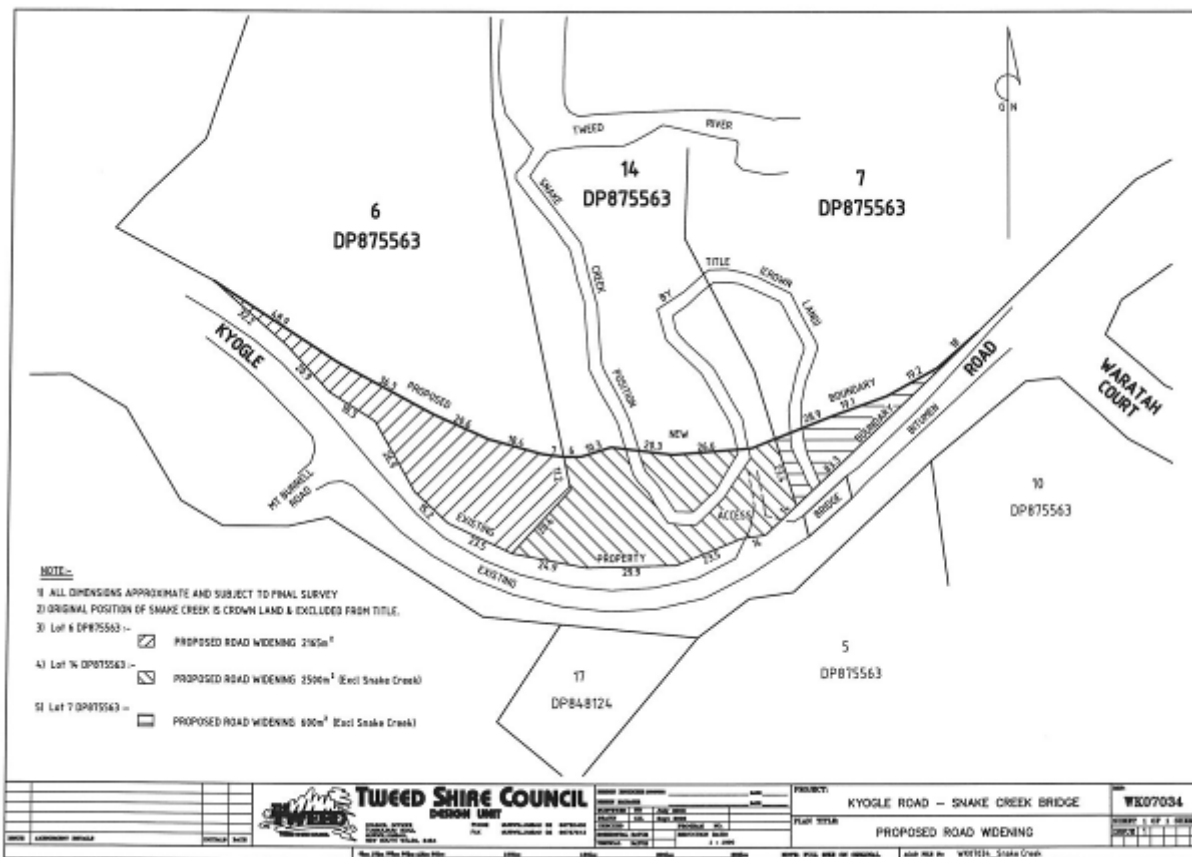
- 1. Council approves the acquisition of road widening affecting Lots 6, 7 and 14 in DP 875563 by private treaty acquires of an area of approximately 5265m<sup>2</sup> for road purposes to facilitate the replacement and relocation of Snake Creek Bridge on Kyogle Road at Mount Burrell ; and**
- 2. Council approves the payment of compensation for the acquisition in an amount of \$85,000 plus legal fees of \$3,960 including GST, independent valuation costs of \$6,600 including GST, as well as the provision of works in kind, being an approximate value of \$4,020. The total compensation amount equalling \$99,580 (inclusive of GST); and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Council has obtained funding from the Roads and Traffic Authority for the replacement of timber bridges on distributor roads leading in and out of the Shire.

The bridge over Snake Creek, located on Kyogle Road at Mount Burrell has been identified as requiring replacement and relocated to improve the approaches onto the bridge. The realignment of the approaches to the bridge necessitates the acquisition of the land from the owner of Lots 6, 7 and 14 in DP 875563 at Mount Burrell.

The total area to be acquired from the affected landowner is 5,265 m<sup>2</sup>; shown hatched below:-



Negotiations have been finalised with the landowner and agreement has been reached as to the compensation payable, comprised of both monetary compensation, in the sum of \$85,000 plus legal fees and independent valuation costs totalling \$99,580 (inclusive of GST), as well as the provision of works in kind, which include upgrading the fencing of the boundaries to the road, construction of an improved alternative access onto Kyogle Road, landscaping and expanding the sealed area of road verge in front of Lot 7.

The land is to be acquired by private treaty, as a subdivision for road widening and it is necessary to resolve to approve the acquisition and to sign all necessary documentation under the Common Seal of Council.

It is to be noted that the area shown as Snake Creek has been filled within the area to be acquired from Lot 14. The filled area remains in the ownership of the Crown and it will be necessary to acquire the Crown Land within Lot 14 for road purposes. The acquisition of the Crown Land will be the subject of another future report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**36 [EO-CM] Arkinstall Park Master Plan**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

In 2005, Tweed Shire Council undertook a planning process to identify and analyse the present and future needs for sporting and recreation facilities at a regional or higher level in the Tweed Shire until 2022. The Regional Sport and Recreation Facilities Plan (the plan) was completed and adopted by Council in February 2006. The main recommendation of the plan is the staged development of Arkinstall Park, Tweed Heads as a regional sports complex including the following facilities:-

- Regional Hard Court Tennis Centre
- Two court indoor sports complex
- Multi-user clubhouse, changing facilities and meeting rooms
- Regional rectangular multi-use fields with grandstand/s and floodlighting
- Regional netball complex

A master planning process for the proposed Arkinstall Park facility commenced in 2006 which included extensive community and stakeholder consultation. Based on the assessments undertaken, the plan identified a demand/need for the following infrastructure development:-

- A new regional tennis facility
- New regional senior and junior rectangular sports fields
- New indoor sports stadium (4 court)
- Improved traffic circulation (pedestrian and vehicular) through Arkinstall Park
- Improved community amenities (i.e. BBQ's shelters, toilets, playground)
- Health and fitness facilities. Note Council will continually need to review the business case for this initiative throughout the process

The draft masterplan was endorsed by the Council Administrators at a workshop held 13 February 2007. The draft masterplan has been subsequently amended to reflect the issues raised by the community consultation and comments from the main stakeholders. The final masterplan with amendments reflecting the outcome of the consultation was endorsed by the Sports Advisory Committee at its meeting held 18 September 2007. In parallel with the master planning process, Developer Contribution Plan 26 – Shirewide/Regional Open Space was amended to include updated Arkinstall Park Masterplan works and cost estimates.

Unfortunately, due to changes in key personnel, amalgamations and mergers with the consultant company there has been an extended delay in receiving the final documentation. The final plan including volume 1 – Study overview and key directions and volume 2 - Research and Consultation has now been received.

The current balance of the active open space component of Contribution Plan 26 is \$3,205,222. Accordingly, Council is in a position to commence the first stages of implementation of the master plan.

**RECOMMENDATION:**

**That Council:-**

1. **Adopts the Arkinstall Park Masterplan and Feasibility Study.**
2. **Commences implementation of the following works as recommended in the plan:-**

**Project Number from Masterplan**

<b>Item N – Tree planting</b>	<b>Item D – New player facilities (tennis)</b>
<b>Item E3 – Carparking</b>	<b>Item E1 – Internal carpark and access (tennis)</b>
<b>Item E4 – Carparking</b>	<b>Item F – Upgrade existing tennis facility</b>
<b>Item E2 – Carparking</b>	<b>Item G1 – Resurfacing (Netball courts grass)</b>
<b>Item L – Recreation areas</b>	<b>Item G1 – Lighting (netball)</b>
<b>Item B – New Tennis courts</b>	

3. **Votes expenditure of \$2,488,400 from CP 26 to undertake the works in point 2.**

## REPORT:

### Background:

In 2005, Tweed Shire Council undertook a planning process to identify and analyse the present and future needs for sporting and recreation facilities at a regional or higher level in the Tweed Shire until 2022. The Regional Sport and Recreation Facilities Plan (the plan) was completed and adopted by Council in February 2006. The main recommendation of the plan is the staged development of Arkinstall Park, Tweed Heads as a regional sports complex including the following facilities:-

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Unfortunately, due to changes in key personnel, amalgamations and mergers with the consultant company there has been an extended delay in receiving the final documentation. The final plan including volume 1 – Study overview and key directions and volume 2 - Research and Consultation has now been received.

### Consultation:

A series of consultative processes and workshops with Tweed Head residents, sporting clubs, community groups, relevant Council staff and other key stakeholders was undertaken during the period August 2006 – May 2007.

A comprehensive approach was adopted for the consultation, which was designed to ensure that a wide cross section of people and interested parties were given an opportunity to provide input into the future planning and development sporting facilities at Arkinstall Park, and for the Tweed Shire generally.

A chronological summary of the consultation undertaken is shown in the following table:-

<b>Date</b>	<b>Method of Consultation</b>	<b>Group/Stakeholder</b>
<b>First Round of Consultation</b>		
14 August 2006	Meeting	Tweed Heads Tennis Club
	Meeting	Tweed Netball Association
	Combined Meeting	Tweed Heads Seagulls Senior and Junior Ruby League Clubs
	Combined Meeting	Tweed Heads Soccer Club, Bilambil Soccer Club and Banora Point Soccer Club
	Meeting	Tennis Terranora
	Meeting	Lindisfarne Anglican Grammar School
15 August 2006	Meeting	Tweed River High School
		Tweed Heads South Public School
	Meeting	Tweeds Heads District Softball Association
17 August 2006	Telephone Interview	Netball QLD
	Telephone Interview	Slammers Basketball Club
18 August 2006	Telephone Interview	Sport & Recreation QLD
	Telephone Interview	Sport & Recreation NSW
23 August 2006	Telephone Interview	QLD Rugby League
September 2006	Questionnaire (letter box drop)	Residents surrounding Arkinstall Park (approx. 1,800 households - 152 returned)
20 October 2006	Telephone interview	Gold Coast Soccer Association
	Telephone interview	Tweed Coast Junior Touch Association
		South Tweed City Touch Association
24 October 2006	Meeting	Tennis Australia
23 November 2006	Combined Meeting	Tennis stakeholders
8 March 2007	1 <sup>st</sup> Sports Club Workshop (to review 1 <sup>st</sup> draft master plan)	Tweed NA, Tweed Heads TC, Tweed Heads Seagulls RLFC, Tweed District TA, Tennis Terranora, Tweed District Junior TA, Casuarina Beach Rugby Union, Coolangatta Tweed Rugby

Date	Method of Consultation	Group/Stakeholder
	Community Workshop	Residents/community groups/schools
<i>Other follow-up calls, submissions and interviews occurred during this time also</i>		

### Second Round of Consultation

11 September 2007	2 <sup>nd</sup> Stakeholders Workshop (to review 2 <sup>nd</sup> draft master plan)	Tweed Netball Association, Seagulls Rugby League Club, Tennis Terranora, Tweed District Tennis Association, Tweed District Junior Tennis Association, Tweed Heads Tennis Club
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The complete documentation of the outcomes of the consultation process is detailed in volume 2 of the report 'research and consultation'.

The main issues raised by the community in response to the first draft masterplan were concerns regarding traffic and requests for more opportunities for passive recreation within the park. In response, a traffic study was completed and the plan amended to include more internal tree plantings and family recreation areas including BBQ;s, play equipment and picnic facilities. The main traffic impacts will be experienced with the construction of the indoor sports centre and grandstanded facilities. It is anticipated that these facilities will not be constructed in the short term and not until the Kirkwood Road extensions are completed and all traffic entering Arkinstall Park attending either of these facilities will be via Kirkwood Road. There will be no access from Kirkwood Road to residential areas surrounding Arkinstall Park thereby negating any traffic impacts on surrounding residential areas. The Masterplan was amended to increase the number of internal carparks to accommodate predicted traffic movements.

The issues that were raised by the current tenants and potential facility tenants were addressed through the consultation process to the point where the plan was endorsed by all parties. However, it is acknowledged that whilst many of the issues raised by Tweed Heads Tennis Club were addressed, the Club does not support the proposed plan in principal, mainly related to concerns at the impact of increased development on the amenity of the area and potential impact of the Club's operations, feeling that two Clubs could not operate next to each other. It is noted that at that point in the consultation process, discussions were being held with Terranora Tennis as potential tenants of the new facility. Tennis Terranora are no longer stakeholders in this project and Council has had discussions with the President of Tweed District Tennis Association (TDTA) who has indicated the Association is interested in managing the facility as their home base. The establishment of Arkinstall Park as a base for the TDTA supports the rationale of Arkinstall Park as a regional level facility.

### Implementation

Based on the assessments undertaken, the plan identified a demand/need for the following infrastructure development:-

- A new regional tennis facility
- New regional senior and junior rectangular sports fields
- New indoor sports stadium
- Improved traffic circulation (pedestrian and vehicular) through Arkinstall Park.
- Improved community amenities (i.e. BBQ's shelters, toilets, playground)
- Health and fitness facilities. Note Council will continually need to review the business case for this initiative throughout the process.

It is also noted that the master plan includes recommendations and costings to convert some of the existing grass netball courts to hard surface courts and to provide lighting to additional courts.

The total estimated cost of implementation is \$42,033,255 with Council's contribution expected to be \$20M to \$30M. Contribution Plan 26 - Shirewide/Regional Open Space (CP 26) includes contributions for Arkinstall Park \$31,443,473.

It is not anticipated that the funding for the construction of the major infrastructure items within the plan being the indoor sports centre and the grandstand and amenities will be available until at least another 10 years into the life of CP 26. The construction of these facilities will also be the subject of further business and feasibility investigation before proceeding. However, the adoption of the plan reserves the footprint for these facilities and provides a tool to access external funding opportunities that may arise.

CP 26 has a current balance of \$3,205,222.00. Detail design and construction of the following elements of the plan can commence immediately:-

Project number from Masterplan	Works description	Costs
<b>PARKING</b>		
Item N – Tree planting	Supply and planting of semi-mature trees around park perimeter	\$6,000
Item E3 – Carparking	Sealed right angled Car parking along Cunningham St east (72 spaces)	\$117,300
Item E4 – Carparking	Combination sealed parallel and right angled parking – kerb and channel along Oxley St (76 spaces)	\$123,300
Item E2 – Carparking	New parking along Cunningham Street (west), sealed right angled parking (63 spaces)	\$94,800
<b>RECREATION</b>		
Item L – Recreation areas	BBQ's, shelters, seats, paving, playground	\$160,000
<b>TENNIS</b>		
Item B – Tennis courts	11 new hard court tennis courts including fencing and lighting	\$495,000
Item D – New player facilities	New player and spectator facilities building	\$400,000
Item E1 – Internal carpark and access	Internal carpark and roadway to service new facility (191 spaces)	\$447,000
Item F – Existing tennis facility	Upgrade existing tennis facility including security, drainage and building upgrade	\$80,000
<b>Netball</b>		
Item G1 – Resurfacing	Convert existing grass netball courts (7) to synpave surface.	\$245,000
Item G1 – Lighting	Install floodlighting to competition standard (16 courts)	\$320,000
<b>TOTAL</b>		<b>\$2,488,400</b>

It is proposed that discussions be commenced with Tennis NSW, TDTA and Tweed Heads Tennis Club regarding the design and management of the proposed new tennis facility. Similarly, the upgrade of the netball facility will be negotiated with Tweed Netball association and the state bodies.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Voting of \$2,488,400 from CP 26.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Arkinstall Park Feasibility Study and Master Plan (ECM 8538008).

**Items to be tabled by the Director Engineering and Operations at the Council meeting:-**

- Arkinstall Park Traffic Report April 2008 (ECM 8538012).
  - Feasibility and Master Plan Study for Proposed Regional Sports Complex at Arkinstall Park - Tweed Heads - Volume 1 Study Overview and Key Directions Draft Report (ECM 8538023).
  - Arkinstall Park Feasibility and Master Plan Study - Volume 2 Research and Consultation June 2009 Draft Report (ECM 8539028).
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**37 [EO-CM] Naming of Reserve - Holston Park**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

At it's meeting held 15 September 2009 Council resolved to advertise the proposal to name the park area located at 97 to 103 River Street 'Holston Park' for twenty eight (28) days inviting submissions from the public.

At the close of comment, 3 submissions were received, none objecting to the proposal.

**RECOMMENDATION:**

**That Council names the park area located at 97 to 103 River Street 'Holston Park' and erects signage.**

**REPORT:**

At it's meeting held 15 September 2009 Council resolved to advertise the proposal to name the park area located at 97 to 103 River Street 'Holston Park' for twenty eight (28) days inviting submissions from the public.

At the close of comment, 3 submissions were received as outlined below;

DW number	Submission	Response
7367051	Suggesting a park in River Street should be named after the Knight Family	Council resolved at it's meeting held 15 September to name a park in River Street 'Knight Family Park'.
7217732	Supports the proposed naming	Supports proposal
6886322	Requesting information as to why the name Holston Park, noting that they have some alternative ideas, but if there is good reason for naming the park Holston Park, they would not pursue the issue	Proposed name has been determined as meeting the park naming guidelines requirements. No alternatives received.

As no objections to the proposed naming were received, it is recommended that Council name the park located at 97 to 103 River Street 'Holston Park' and erect signage.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**38 [EO-CM] Casuarina Town Centre - Owner's Consent**

**ORIGIN:**

**Director Engineering & Operations**

**FILE NO: DA09/0661**

**SUMMARY OF REPORT:**

The Minister has granted consent to Project Application 06\_0258 (Casuarina Town Centre).

In the absence of owner's consent from Council, on terms acceptable to the proponent and the Department, the Minister's approval has deleted desirable stormwater drainage and landscaping works from Council's land being lots 10 and 13 DP 1014470 and from the Easement/Right of Carriageway benefiting Council over lot 223 DP104849.

Whilst these deletions/re-arrangements have enabled the Minister to proceed with issue of an approval, the re-jigging of stormwater works and deletion of landscaping works to avoid the need for Council owner's consent has resulted in a poor quality open space and stormwater drainage outcome.

The NSW Department of Planning have recognised this issue and advised that *"the proposed stormwater arrangement is only intended to be a temporary solution and is not considered to be the optimal outcome for managing stormwater across the site in the long term. The proponent has been encouraged to further liaise with Council regarding the carrying out of works within lots 10 and 13 prior to the development of the remaining stages of the proposal"*.

In accordance with this advice the Proponent has requested Council to grant owner's consent for these works. These works are considered to be in the public interest and it is proposed that owner's consent be granted.

**RECOMMENDATION:**

**That:-**

- 1. Council gives owner's consent to for the lodgement of a 75W amendment to the Minister's Consent for Project Application 06\_0258:-**
  - a) To carry out upgrading and landscaping works including stormwater infiltration on lot 13 DP 1014470.**
  - b) To carry out stormwater, sewerage and landscaping works including the filling in of the east/west drainage swale that runs along the northern boundary of the proposed Town Centre site. This will include piping of the stormwater sized in accordance with existing Minister's condition B24(a).**

- c) To carry out works on Lot 10 DP1014470 (sports fields). This work will involve integration of the realigned stormwater drainage from the Town Centre with the existing system that utilises the northern end of Lot 10, and will facilitate the inclusion of additional car parking within the proposed retail site.
2. After the Minister has amended the consent in accordance with 1. above, Council:-
  - a) Grants consent to enter upon Lots 10 and 13 DP 1014470 for the purpose of constructing the works referred to in 1.
  - b) In exchange for creation of the 20m reserve on the northern edge of the Town Centre and creation of a 15m wide pedestrian/cycleway easement connecting this reserve to Lot 10 DP 1014470, relinquish the current Easement/Right of Carriageway benefiting Council over lot 223 DP104849.
  - c) Prior to relinquishment of the Easement/Right of Carriageway benefiting Council over lot 223 DP104849 raises no objection to constructing the works referred to in 1(b).
3. Council agrees that the creation of the reserve and easement in 2(b) and construction of the works in 1 are full compensation for the granting of owner's consent in 2(a) and relinquishing of easement in 2(b).

## REPORT:

### 1. Background

Kings Beach No.2 Pty Ltd (KB2) applied to the Minister for Planning for approval of the Casuarina Town Centre. The Minister issued approval 20 September 2009.

The proponent KB2 had previously requested landowner's consent from Council, to do various works associated with the Town Centre on Council land and easement which included:-

Council Land or Interest	Proposed Works
1. 10/1014470, Sportsfield	Adjustment to stormwater drainage channel
2. 13/1014470 Coastal Reserve	"effect operational works in Lot 13 associated with the proposed Stage 1 development, namely drainage works, landscaping works, and pedestrian and bicycle path works" formal owner's request by letter dated 8 August 2008
3. Dianella Drive	Close intersection onto Tweed Coast Road. To be replaced by new intersection with Town Centre Main Street
4. Easement/Right of Carriageway Benefiting Council over lot 223 DP104849. The easement/right of way is 32m and 36m wide and contains landscaped open space, bikeway/pathway, an open stormwater drain and underground gravity sewerage pipes.	Resort/residential buildings, shops, supermarket car park, new roads. Full site regarding and levelling.

In response to this request, Council resolved on 28 May 2009:-

*"That Council:*

- (a) *Subject to (b), (c) and (d) below and the proponent agreeing to change the concept plan to:*
- i. Widening the east/west open space reserve on the northeast of the Town Centre site from 15 to 20m and lengthen it to reach Casuarina Way*
  - ii. provide a 15m wide easement, optimise the alignment, optimise separation of vehicular traffic and provide landscaping satisfactory to Council for the balance of the walkway/cycleway commencing in the reserve referred to in (i) above and extending to lot 10 DP1014470D and*
  - iii. extend the beach esplanade road in accordance with the Kings Beach Development Plan.*

*Council grant owner's consent relating to lots 10 and 13 DP1014470, the easement/right of carriageway benefiting Council over lot 223 DP104849 and Dianella Drive for the purpose only of permitting the application to proceed to determination by the Department.*

- (a) Consent does not include owner's consent to enter upon Council's land to carry out works*
- (b) Consent does not include Council's consent to relinquish its benefits relating to easements and right of way on lot 223 DP104849.*
- (c) The matters referred to in (a) and (b) above would be the subject of further negotiations with the proponent, in the event that the Pt 3A application is successful. Negotiations would include monetary compensation to Council relating to these transactions.*
- (d) The Director of Planning and Regulations forward appropriate conditions to the Department of Planning for consideration in the Part 3A determination."*

It is understood the proponent was not agreeable to item (a)(iii) above.

The consent issued by the Minister incorporates the provisions of items (a) (i) and (ii) above, but, does not include (a)(iii).

In the absence of owner's consent from Council, on terms acceptable to the proponent and the Department, the Minister's approval has:-

- deleted proposed stormwater drainage works on lot 10 DP 1014470 (sportsfield) and relocated them to the supermarket site
- deleted proposed stormwater drainage and landscaping works on Lot 13 DP 1014470 (coastal reserve)
- relied on compliance from the RTA for closure of Dianella Drive
- deleted the proposed underground stormwater pipes in the "swale" easement and deleted filling of the open "swale" which would have enabled the "swale" to be filled to a more useable (in terms of useable open space) flat cross section and appropriately landscaped.
- relocated infiltration basins, previously to have been located in the coastal reserve, into the "swale"

Whilst the above deletions/re-arrangements have enabled the Minister to proceed with issue of an approval, the re-jigging of stormwater works to avoid the need for Council owner's consent results in a poor quality stormwater drainage and open space/landscaping outcome. This deficiency is recognised by the Department of Planning in the Director-General's Environmental Assessment Report which says:-

*"It should be noted that the proposed stormwater arrangement is only intended to be a temporary solution and is not considered to be the optimal outcome for managing stormwater across the site in the long term. The proponent has been encouraged to further liaise with Council regarding the carrying out of works within lots 10 and 13 prior to the development of the remaining stages of the proposal".*

Figure 15 is also an extract from the above report:-

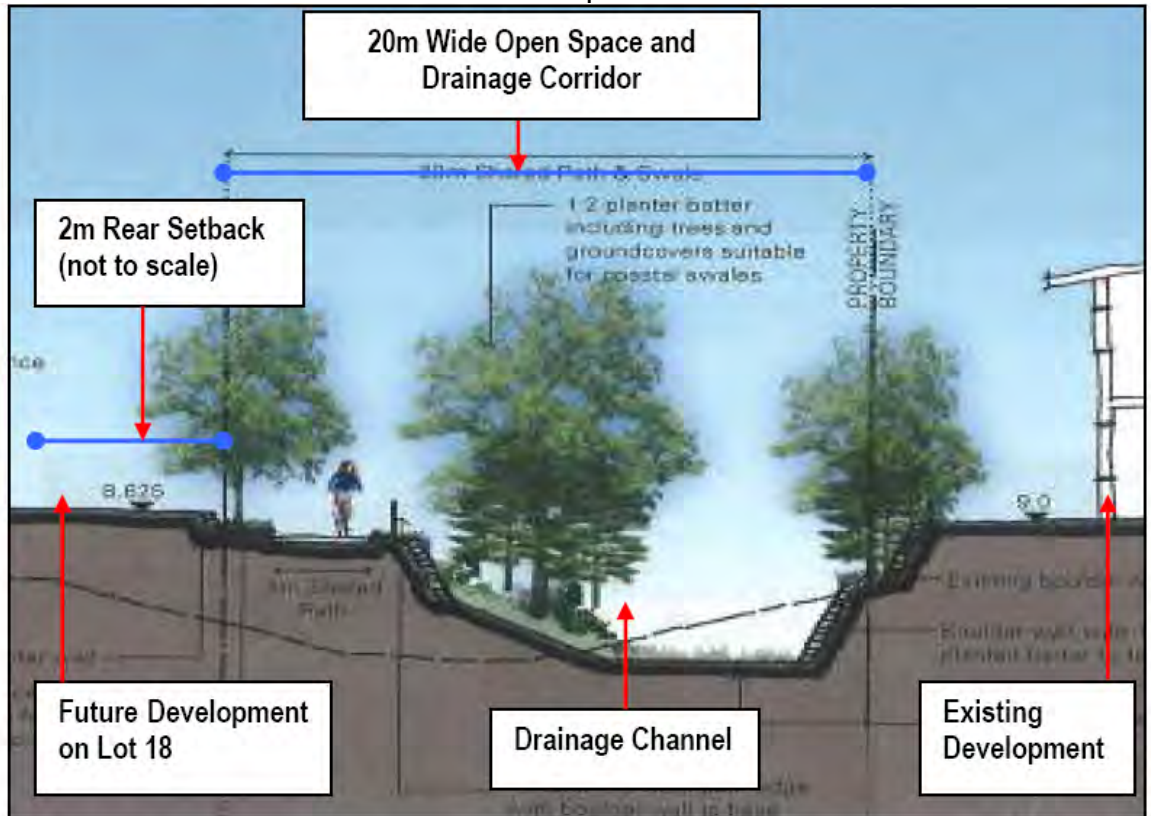


Figure 15: Photomontage of Screening within the Open Space Corridor (source: Preferred Project Report)

## 2. Amended Request for Council Owner's Consent

The proponent has responded to the Department's Environmental Assessment Report, and has met with Council staff to obtain agreement on how to amend the Ministers Consent to provide the optimum stormwater drainage and open space outcome that all parties desire. The technical aspects of this have generally been agreed and the proponent has formally requested owner's consent from Council for the stormwater drainage and landscaping works (originally) proposed on Council land and on the easement over lot 223 DP104849.



The Proponent has formally requested consent to the following:-

"

- To carry out upgrading and landscaping works including storm water infiltration on Lot 13 in accordance with the original proposal submitted to TSC for owners consent as part of the process of the Minister for Planning granting the current approvals.
- To carry out storm water, sewerage and landscaping works including the filling in of the east / west drainage swale that runs along the northern boundary of the proposed Town Centre site. This will include the piping of storm water sufficient to handle a 1 in 100 year flood event. This work to be in accordance with the original proposal submitted to TSC for owners consent as part of the process of the Minister for Planning granting the current approvals.
- To the relinquishing of the current easement that the TSC has over the drainage swale for storm water, sewerage and right of carriageway, in exchange for dedication of the areas as noted in the approval as issued by the Minister for Planning (being an area of land 20m wide from Lot 13 in the east through to the yet to be constructed Casuarina Way to the west), and the provision of a new easement running south and south west for storm water, sewerage and right of carriageway from the proposed dedication to connect through to Lot 10.
- To the carrying out of works on Lot 10, being the sports fields owned by TSC just to the south of the proposed retail complex. This work will involve integration of the realigned storm water drainage from the Town Centre with the existing system that utilizes the northern end of Lot 10, and will facilitate the inclusion of additional car parking within the proposed retail site. These car parks were deleted during the approvals process to allow drainage works to be wholly contained within the development site. This work to be in accordance with the original proposal submitted to TSC for owners consent as part of the process of the Minister for Planning granting the current approvals.

"

The Proponent has advised that upon receiving Council's unequivocal consent they will seek a S75W amendment to the existing approval from the Minister.

### **3. Assessment of Proposal**

The only substantive matter raised in Council's resolution of 28 May 2009 that has not been addressed in the Minister's consent for Casuarina Town Centre is Item "(a) (iii) *extend the beach esplanade road in accordance with the Kings Beach Development Plan.*"

It is disappointing that the Minister has chosen to ignore Council's request to require the full length of esplanade previously designated in the Land and Environment Court consent of 1998. However, that decision has now been made and it is in everyone's interests to move forward and ensure that the "temporary" stormwater drainage arrangements contained in the Ministers Consent are amended so that the preferred, high quality stormwater drainage facilities and landscaping can be provided in the areas requiring Council's owner's consent.



It is considered that the value of the stormwater drainage and landscaping works and the value of the reserve and easement to be provided by the proponent are reasonable compensation for Council's relinquishment of the easement over the "swale" in lot 223 DP104849 and providing owner's consent for the proponents works on Lots 10 and 13 DP 1014470.

The proposed works will provide the following public benefits:-

- The previous "swale" easement of 36m width has been reduced to a "reserve" of 20m width in the Minister's consent. Given the reduced width, the piping, filling and landscaping of the "swale" ditch landform will provide a more useful, and visually appealing public open space and walkway/cycleway corridor on the northern perimeter of the Town Centre. The more level landform will also be more manageable and less costly for Council to maintain.
- The underground piping of the stormwater drainage in the swale is to be sized for storm events in excess of 100 years. This is identical to the sizing of the receiving downstream drainage through the pedestrian/cycleway easement in the currently approved consent by the Minister.
- Enhanced landscaping in the coastal swale will provide a more appropriate setting for the eastern end of the Town Centre.

The proposed works are considered to have the following private benefits for the proponent:-

- The enhanced landscaping of the previous "swale" reserve to the north and the coastal reserve to the east is likely to enhance the commercial appeal of the Town Centre Development
- Consent for stormwater drainage works on lot 10 DP 1014470 (sports fields) will negate the need to provide parallel drainage works in the adjacent supermarket site and negate the loss of associated car parking spaces. The stormwater works on lot 10 will have no adverse impacts on the amenity of the sports fields.

It is considered the proponents request for owner's consent should be approved.

#### **4. Outstanding Technical Issues**

The Minister's consent has the following conditions relating to the piped drainage system:-

##### ***B24 Design of Piped Drainage System***

Detailed engineering plans and calculations of the east-west drain shall be provided to Council as part of a s68 Local Government Act Stormwater Application, requiring separate Council approval prior to the issue of a Construction Certificate. The application shall include the following:

- (a) a design that conveys the 100 year ARI stormwater flow, with a safety factor of 1.5 applied to design rainfall intensity, and providing a 0.5m freeboard before water can surcharge into adjoining land.

- (b) The inlet structure at the coastal swale shall be designed to accept the 100 year ARI inflow, with measures to minimise blockage.
- (c) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.
- (d) The works shall not result in batter slopes exceeding 1:4 (vertical:horizontal). The works must maintain minimum clearances and cover to all underground public infrastructure, as specified in Council's DCP Section A5 - Subdivision Manual, and associated Development Design and Construction Specifications.
- (e) The design of the east-west drain shall incorporate all existing drainage outlets to the existing drainage swale, including any major system flow paths.
- (f) Design detail that demonstrates the equivalency of the proposed stormwater infiltration system with the plan "Infiltration Basin Configuration - Draining to Controlled Outlet No.11", Cardno MBK, Plan Reference SK No.7079/1-24 Rev B, 7 March 2001. Infiltration basins shall be designed to absorb the 3 month ARI (deemed to be 40% of the 1 year ARI event) storm runoff from the public stormwater system, based on a maximum infiltration rate determined in accordance with Council's Development Design Specification D7 - Stormwater Quality Section D7.9.9. Design detail must clearly identify the size and extent of the contributing catchment to each infiltration basin. Infiltration basins shall be wholly contained within land dedicated to Council. Basins shall be readily maintainable, and shall only contain structures and other infrastructure where it does not conflict with performance objectives or maintainability.

There have been ongoing discussions with the proponents consultant (Trevor Johnson of Cardno MBK) regarding the implementation of item (f) above and some inconsistencies in the revised plans submitted with the proponent's request for owner's consent (27 October 2009). These matters have been resolved and it is hoped that the revised plans will be available prior to the 17 November Council meeting.

## **5. Conclusion**

It is considered that granting of owner's consent is in the public interest and should be given.

Figure No. DA40M (06/11/09) Dedication and Easement Plan



FIGURE No. DA40M(06/11/09)  
DEDICATION AND  
EASEMENT PLAN

KINGS BEACH (NO. 2) PTY LTD	
DATE - 06/11/09	BY -
DRAWN BY -	REV -
CASUARINA BEACH TOWN CENTRE DA SUBMISSION	
7079/4/1 - FIG DA40	



I hereby certify that the information contained in this document is true and correct to the best of my knowledge and belief.  
I am a duly qualified and registered Professional Engineer in the State of Queensland.  
I am a duly qualified and registered Professional Engineer in the State of Queensland.

Scale 1:500  
DATE FOR THE DESIGN  
10/11/09

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Owner's consent is required for an amendment to Ministers Consent for Project Application 06\_0258 and involves use of public land owned by Council. The report considers that granting of owner's consent is in the public interest.

**POLICY IMPLICATIONS:**

Use of public land implications.

**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. Figure No. DA40M (06/11/09) (ECM 8591744).
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**REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES**
**39 [TCS-CM] Quarterly Budget Review - 30 September 2009****ORIGIN:****Financial Services****SUMMARY OF REPORT:**

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2009/10 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 September 2009 in the General, Water and Sewer Funds.

**RECOMMENDATION:****That the:-**

1. **Quarterly Budget Review Statement as at 30 September 2009 be adopted.**
2. **Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2010.**

Category	Description	Change to Vote	
		Deficit	Surplus
	<b>General Fund</b>		
	<b><u>Expenses</u></b>		
Ex-Operating	<b>Operating</b>	1,181,749	0
Ex-Interest	<b>Interest</b>	0	0
Ex-Capital	<b>Capital</b>	5,166,682	0
Ex-Loan reps	<b>Loan Repayments</b>	0	0
Ex-TTR	<b>Transfers to Reserves</b>	39,000	0
		<b>6,387,431</b>	<b>0</b>
	<b><u>Income</u></b>		
	<b>Rates, Charges and other</b>		
In-Operating	<b>Operating</b>	0	89,574
In-OG&C	<b>Operating Grants &amp; Conts</b>	0	831,175
In-CG&C	<b>Capital Grants &amp; Conts</b>	0	3,331,383
In-Loan funds	<b>Loan Funds</b>	0	0
In-Recoup	<b>Recoupments</b>	0	2,099,299
In-TFR	<b>Transfers from Reserves</b>	0	36,000
In-Sales	<b>Asset Sales</b>	0	0
		<b>0</b>	<b>6,387,431</b>
	<b>Net Surplus/(Deficit)</b>		<b>0</b>

Category	Description	Change to Vote	
		Deficit	Surplus
	<b>Water Fund</b>		
	<b><u>Expenses</u></b>		
Ex-Operating	Operating	458,929	0
Ex-Interest	Interest	0	0
Ex-Capital	Capital	1,615,000	0
Ex-Loan reps	Loan Repayments	0	0
Ex-TTR	Transfers to Reserves	0	3,313,025
		<u>2,073,929</u>	<u>3,313,025</u>
	<b><u>Income</u></b>		
	<b>Rates, Charges and other</b>		
In-Operating	Operating	0	80,404
In-OG&C	Operating Grants & Conts	0	0
In-CG&C	Capital Grants & Conts	0	0
In-Loan funds	Loan Funds	0	0
In-Recoup	Recoupments	0	249,200
In-TFR	Transfers from Reserves	1,568,700	0
		<u>1,568,700</u>	<u>329,604</u>
	<b>Net Surplus/(Deficit)</b>		<u>0</u>
	<b>Sewer Fund</b>		
	<b><u>Expenses</u></b>		
Ex-Operating	Operating	247,828	0
Ex-Interest	Interest	0	0
Ex-Capital	Capital	0	11,191,500
Ex-Loan reps	Loan Repayments	0	0
Ex-TTR	Transfers to Reserves	0	1,153,912
		<u>247,828</u>	<u>12,345,412</u>
	<b><u>Income</u></b>		
	<b>Rates, Charges and other</b>		
In-Operating	Operating	0	0
In-OG&C	Operating Grants & Conts	0	0
In-CG&C	Capital Grants & Conts	700,000	0
In-Loan funds	Loan Funds	6,750,000	0
In-Recoup	Recoupments	2,257,500	0
In-TFR	Transfers from Reserves	2,390,084	0
In-Sales	Asset Sales	0	0
		<u>12,097,584</u>	<u>0</u>
	<b>Net Surplus/(Deficit)</b>		<u>0</u>

## **REPORT:**

### **Budget Review 30 September 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>		
Nullum st property	(8,000)	Rent
Durroon Avenue	(1,369)	Demolished
Reynolds Street house	(3,143)	Transferred to Sewer fund
Local Govt & Shires Assoc. subscriptions	1,132	Advice received
Far North Coast Weeds	(4,424)	Advice received
Cemeteries MIP reserve	20,000	transfer to reserve
FAG general	167,076	Advice received
FAG Roads	(73,541)	Advice received
Builders sanitary - fees	(11,628)	Sanitary service contract with Council to finish in December
SES contribution	3,571	Adjusted estimates
On-Site Sewage Management - Approval to Operate	(105,724)	Fee now levied onto properties.
On-Site Sewage Management - Inspection fee domestic	16,050	Fee incorrect
	<u>0</u>	



## Full details:

Item	Category	Description	Current Vote	Change to Vote	Comments
<b>1. Proposed Variations</b>					
<b>General</b>					
1	In-Operating	Family Day Care rental income		<b>(20,000)</b>	Rental for Park Street Tweed Heads
1	Ex-TTR	Family Day Care loan		<b>15,000</b>	Repayment of loan to ELE reserve
1	Ex-Operating	Recreation st maintenance		<b>5,000</b>	Maintenance
2	In-Operating	Nullum st property		<b>(8,000)</b>	Rent
3	Ex-Operating	Durroon Avenue		<b>(1,369)</b>	Demolished
4	Ex-Operating	Reynolds Street house		<b>(3,143)</b>	Transferred to Sewer fund
5	Ex-Operating	Local Govt & Shires Assoc. subscriptions	45,163	<b>1,132</b>	Advice received
6	Ex-Operating	Far North Coast Weeds	130,824	<b>(4,424)</b>	Advice received
7	In-Operating	Cemeteries fees		<b>20,000</b>	reduce by perpetual mtce amount
7	In-Operating	Cemeteries Maintenance in Perpetuity Income		<b>(20,000)</b>	transfer from cemeteries current income
7	Ex-TTR	Cemeteries MIP reserve		<b>20,000</b>	transfer to reserve
8	In-OG&C	FAG general	<b>(6,301,526)</b>	<b>167,076</b>	Advice received
8	In-OG&C	FAG roads grant	<b>(1,867,000)</b>	<b>(333,442)</b>	Advice received
8	Ex-Operating	FAG roads expenditure	1,867,000	<b>259,901</b>	Advice received
9	Ex-Operating	Bilambil sportsfields improvements		<b>205,000</b>	Master plan, electrical & building works
9	In-Recoup	Plan 95 contributions - open space		<b>(205,000)</b>	Funding for above
10	In-OG&C	Grant Visions Macleod income		<b>(27,650)</b>	Art gallery grant project
10	Ex-Operating	Grant Visions Macleod expenditure		<b>27,650</b>	Art gallery grant project
11	Ex-Operating	Cross Border Traffic Master Plan		<b>80,000</b>	Tender EC2008-103
11	In-Recoup	Contribution Plan No 4		<b>(80,000)</b>	Funding for above
12	Ex-Operating	Builders sanitary - contract payments	79,728	<b>(44,728)</b>	Sanitary service contract with Council to finish in December
12	In-Operating	Builders sanitary - fees	<b>(62,100)</b>	<b>33,100</b>	Sanitary service contract with Council to finish in December
13	Ex-Capital	Extension to Creek St		<b>14,165</b>	Private works road sealing
13	In-CG&C	Contribution to works		<b>(14,165)</b>	Funding for above
14	Ex-Operating	Soil Health on Coastal Floodplains		<b>25,000</b>	New project
14	In-OG&C	Northern Rivers Catchment Management Authority		<b>(25,000)</b>	Funding for above
15	Ex-Operating	Supporting Sustainable Agriculture in the Tweed		<b>99,280</b>	New project
15	In-OG&C	Department of Environment, Water, Heritage and Arts		<b>(99,280)</b>	Funding for above
16	Ex-Capital	RLCIP projects		<b>550,000</b>	Additional funding
16	In-CG&C	RLCIP grants		<b>(550,000)</b>	Additional funding
17	Ex-Operating	Fire Brigades contribution	334,330	<b>(3,298)</b>	Adjusted estimates
17	Ex-Operating	RFS contribution	162,895	<b>(26,895)</b>	Adjusted estimates
17	Ex-Operating	SES contribution	0	<b>33,764</b>	Adjusted estimates
18	Ex-Capital	Library s94 expenditure (book stock, shelving)	95,264	<b>(95,264)</b>	No longer allowed - Department directive
18	In-Recoup	Contribution Plan No 11	<b>(297,278)</b>	<b>95,264</b>	Reverse funding for above
19	Ex-Operating	Road safety programs- Speed Trailer		<b>18,500</b>	New program
19	In-OG&C	Road safety RTA contributions		<b>(18,500)</b>	Funding for above
20	Ex-TTR	SES - transfer to reserve		<b>4,000</b>	Transfer additional funds for vehicle replacement
20	Ex-Operating	SES Vehicle running costs		<b>(4,000)</b>	Funding for above
21	Ex-Capital	Public toilets Budd Park		<b>18,000</b>	Disabled access renovations
21	Ex-Capital	Public toilets Jack Bayliss Park		<b>18,000</b>	Disabled access renovations
21	In-TFR	Transfer from Access Reserve		<b>(36,000)</b>	Funding for above
22	Ex-Operating	Biodiversity program delivery		<b>4,790</b>	New program
22	In-OG&C	NRCMA grant		<b>(4,790)</b>	Funding for above
23	Ex-Capital	Kingscliff Beach Foreshore Protection Works		<b>397,000</b>	New program
23	In-CG&C	DECC grant		<b>(198,500)</b>	Funding for above

**Council Meeting Date: Tuesday 17 November 2009**

Item	Category	Description	Current Vote	Change to Vote	Comments
23	Ex-Capital	7 Year plan - Coastline management plan	241,655	<b>(198,500)</b>	Funding for above
24	Ex-Operating	Development Assessment salaries	2,087,609	<b>72,422</b>	Correct original budget
24	Ex-Operating	Planning Reform salaries	645,070	<b>(72,422)</b>	Correct original budget
25	In-Operating	On-Site Sewage Management - Approval to Operate	<b>(2,142)</b>	<b>(105,724)</b>	Fee now levied onto properties.
26	In-Operating	On-Site Sewage Management - Inspection fee domestic	<b>(31,050)</b>	<b>16,050</b>	Fee incorrect
27	In-Operating	Lot 1 Wardrop Valley Road		<b>(5,000)</b>	Grazing Lease Income
27	Ex-Operating	Lot 1 Wardrop Valley Road		<b>5,000</b>	Property Maintenance
27	Ex-Operating	Lot 1 Wardrop Valley Road		<b>4,800</b>	Council Rates
27	Ex-Operating	Miscellaneous property expenses	85,044	<b>(4,800)</b>	Council Rates
28	Ex-Operating	Building the Environmental Capacity of Tweed Valley Farmland		<b>489,589</b>	New grant funded project
28	In-OG&C	Dept of Education. Employment & Workplace Relations		<b>(489,589)</b>	Funding for above
29	Ex-Operating	Vegetation restoration, Koala Beach - Seabreeze link road		<b>15,000</b>	Restoration of plantings & riparian vegetation
29	In-Recoup	Contribution Plan 4		<b>(15,000)</b>	Funding for above
				<b>0</b>	
<b>Water Fund</b>					
30	Ex-Operating	Various operating expenses		<b>458,929</b>	Treatment energy costs + minor adjustments
30	In-Operating	Annual Access charges		<b>(3,976)</b>	Minor adjustments
30	In-Operating	Volumetric charges		<b>(76,428)</b>	Minor adjustments
30	Ex-Capital	Various capital works		<b>1,615,000</b>	Adjustments and rescheduling of projects
30	Ex-TTR	Transfers to Asset replacement reserve		<b>(3,313,025)</b>	Funding adjustment
30	In-TFR	Transfers from Asset Replacement Reserve		<b>1,568,700</b>	Funding adjustment
30	In-Recoup	Transfers from Capital Contributions Reserve		<b>(249,200)</b>	Funding adjustment
<b>Sewer Fund</b>					
31	Ex-Operating	Various operating expenses		<b>247,828</b>	Minor adjustments
31	Ex-Capital	Various capital works		<b>(11,191,500)</b>	Adjustments and rescheduling of projects
31	In-CG&C	Capital grants		<b>700,000</b>	Funding adjustment
31	In-Loan funds	Loan funding		<b>6,750,000</b>	Funding adjustment
31	Ex-TTR	Transfers to Asset replacement reserve		<b>(1,153,912)</b>	Funding adjustment
31	In-TFR	Transfers from Asset Replacement Reserve		<b>2,390,084</b>	Funding adjustment
31	In-Recoup	Transfers from Capital Contributions Reserve		<b>2,257,500</b>	Funding adjustment
				<b>0</b>	
<b>2. Variations Arising from Council Resolutions</b>					
32	Ex-Operating	Arts Northern Rivers	18,558	<b>3,723</b>	Council meeting 16/6/09
32	Ex-Operating	Regional Organisations	34,084	<b>(3,723)</b>	Council meeting 16/6/09
33	Ex-Capital	Commissioners Ck Rd		<b>300,000</b>	Council meeting 18/8/09
33	Ex-Capital	Snake Ck Bridge approaches		<b>500,000</b>	Council meeting 18/8/09
33	Ex-Capital	Kyogle Road CHD to Palmers Rd		<b>423,354</b>	Council meeting 18/8/09
33	In-CG&C	Roads to Recovery grant		<b>(1,223,354)</b>	Council meeting 18/8/09
34	Ex-Capital	Kyogle Road CHD to Palmers Rd		<b>1,345,364</b>	Council meeting 18/8/09
34	In-CG&C	Repair Program grant		<b>(1,345,364)</b>	Council meeting 18/8/09
35	Ex-Capital	Riverview St widening		<b>218,000</b>	Council meeting 18/8/09
35	Ex-Capital	Kennedy Dr widening		<b>1,676,563</b>	Council meeting 18/8/09
35	In-Recoup	Contribution Plan 4		<b>(1,894,563)</b>	Council meeting 18/8/09
				<b>0</b>	

**Summary of Revotes by Type**

Item	Category	Description	Current Vote	Change to Vote	Comments
		2008/09 Variations		0	
		Council Resolutions		0	
		Carried forward		0	
<b>Summary of Revotes - by Category</b>					
<u>Expenses</u>					
		Operating		1,888,506	
		Interest		0	
		Capital		(4,409,818)	
		Loan Repayments		0	
		Transfers to Reserves		(4,427,937)	
				(6,949,249)	
<u>Income</u>					
		Rates, Charges and other Operating		(169,978)	
		Operating Grants & Conts		(831,175)	
		Capital Grants & Conts		(2,631,383)	
		Loan Funds		6,750,000	
		Recoupments		(90,999)	
		Transfers from Reserves		3,922,784	
		Asset Sales		0	
				6,949,249	
		Net		0	
<b>Summary of Revotes - by Division</b>					
		Technology & Corporate Services		164,485	
		Planning & Regulation		(97,731)	
		Community & Natural Resources		(13,213)	
		Engineering & Operations		(53,541)	
		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>	
<b>Income Statement</b>							
-							
<b>Operating Expenses</b>							
Employee Costs	33,256	33,256	2,688	2,688	4,275	4,275	40,219
Borrowing Charges	4,843	4,843	4,881	4,881	835	835	10,559
Materials & Contracts	29,187	31,489	3,038	3,038	8,425	8,673	43,200
Depreciation	14,003	14,003	8,288	8,288	14,258	14,258	36,549
Other Operating Expenses	6,622	6,622	871	871	1,201	1,201	8,694
	<b>87,911</b>	<b>90,213</b>	<b>19,766</b>	<b>19,766</b>	<b>28,994</b>	<b>29,242</b>	<b>139,221</b>
<b>Operating Revenue</b>							
Rates & Annual Charges	48,122	48,122	3,153	3,153	16,422	16,422	67,697
User Charges & Fees	11,238	11,328	11,954	11,954	1,719	1,719	25,001
Interest	2,439	2,439	131	131	131	131	2,701
Other Revenues	908	908	190	190	15	15	1,113
Grants & Contributions for operating purposes	14,585	15,416	437	437	645	645	16,498
Grants & Contributions for capital purposes	5,849	9,180	4,877	4,877	3,143	2,443	16,500
	<b>83,141</b>	<b>87,393</b>	<b>20,742</b>	<b>20,742</b>	<b>22,075</b>	<b>21,375</b>	<b>129,510</b>
Surplus/(Deficit)	(4,770)	(2,820)	976	976	(6,919)	(7,867)	(9,711)

## Funding Result Reconciliation

*Add Back non-funded items:*

Depreciation	14,003	14,003	8,288	8,288	14,258	14,258	36,549
Internal Transfers	6,581	6,581	(3,347)	(3,347)	(3,235)	(3,235)	(1)
	15,814	17,764	5,917	5,917	4,104	3,156	26,837

Transfers from Externally Restricted Cash	3,151	5,250	7,276	7,276	7,316	5,059	17,585
Transfers from Internally Restricted Cash	410	446	4,775	4,775	9,607	7,217	12,438
Proceeds from sale of assets	1,811	1,811				0	1,811
Loan Funds Utilised	10,111	10,111	1,080	1,080	8,250	1,500	12,691
Repayments from Deferred Debtors							
	31,297	35,382	19,048	19,048	29,277	16,932	71,362

	<b>General Fund</b>		<b>Water Fund</b>		<b>Sewer Fund</b>		
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Total</u>
<i>Funds were applied to:</i>							
Purchase and construction of assets	(20,265)	(24,311)	(14,171)	(14,171)	(20,842)	(9,651)	(48,133)
Repayment of principal on loans	(2,744)	(2,744)			(722)	(722)	(3,466)
Transfers to Externally Restricted Cash	(4,246)	(4,246)	(4,877)	(4,877)	(2,343)	(2,343)	(11,466)
Transfers to Internally Restricted Cash	(4,042)	(4,081)			(5,370)	(4,216)	(8,297)
<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	956	956	2,000	2,000	2,000	2,000	4,956
<b>Available Working Capital as at 30 June 2010</b>	<b>956</b>	<b>956</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>4,956</b>

## Summary by Division

	<u>Original Budget</u>	<u>Revised Budget</u>
Surplus/(Deficit)		
Technology & Corporate Services	(49,621,384)	(49,456,899)
Planning & Regulation	7,086,230	6,988,499
Community & Natural Resources	8,869,497	8,856,284
Engineering & Operations	34,439,548	34,386,007
General Manager	(773,891)	(773,891)
	<b>0</b>	<b>0</b>

## General Fund

The General Fund is expected to remain as a “balanced budget”.

## Water Fund

The Water Fund is expected to remain as a “balanced budget”.

## Sewer Fund

The Sewer Fund 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.

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**40 [TCS-CM] Corporate Quarterly Report - July to September 2009  
Incorporating the 7 Year Infrastructure and Services Plan**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 July to 30 September 2009 is presented for consideration by Council.

This report details the progress for the period 1 July to 30 September 2009 on activities identified to be undertaken during 2008-2009 in the 2008-2011 Management Plan including progress on the 7 Year Infrastructure and Services Plan.

**RECOMMENDATION:**

**That Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 July to 30 September 2009.**

REPORT:

Tweed Shire Council Corporate Quarterly Report for July - Sept 2009



Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Social Media Plan</b>					
<b>Communications &amp; Marketing</b>					
<b>Festivals &amp; Events</b>					
C031	number	25	11	11	
<b>Community &amp; Natural Resources</b>					
<b>Manager Community &amp; Cultural Services</b>					
C012	number	16	6	6	
C010	number	50	220	220	
C010	number	5	11	11	
C010	number	30	0	0	
C009	number	8	8	8	
C010	number	400	350	350	
C008	number	15	5	5	
C008	number	25	8	8	
C008	number	50,000	15,401	15,401	
C012	number	4	12	12	
C012	number	4	10	10	
C012	number	20	18	18	
C012	number	4	7	7	
C010	number	1	0	0	
C012	number	4000	1,240	1,240	
C007	number	12	15	15	
C007	number	3	2	2	
C007	number	n/a	0	0	
C012	number	450	78	78	
C012	hours	5200hrs	1,402	1,402	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009



Social Action Plan		Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Community &amp; Natural Resources</b>							
<b>Manager Community &amp; Cultural Services</b>							
		C012	number	n/a	0	0	
	Disability projects funding submissions	C012	number	50	7	7	
	Seniors projects events & activities	C012	number	10	0	0	
	Disability projects, volunteers involved	C012	number	10	5	5	
	Seniors projects media releases	C012	number	20	9	9	
	Seniors community groups & service providers serviced	C012	number	600	7	7	
	Aged industry organisations involved in planning	C012	number	10	15	15	
	Aged industry number of meetings	C012	number	20	7	7	
	Disability projects, events & activities	C010	number	3120	650	650	
	Museum visitor attendance	C012	number	600	221	221	
	CompPacks total cases managed for NSW Health	C012	number	12	3	3	
	Aboriginal liaison meetings facilitated	C008	%	100%	50	50	
	Cultural Development, adoption of the 2009-10 Cultural Plan	C008	%	100%	25	25	
	Cultural Development, Tweed Creative Industries Strategy	C008	number	20	4	4	
	Cultural Development, partnerships developed & initiated	C008	number	7	6	6	
	Cultural Development, Cultural Arts Project development	C008	number	50	25	25	
	Cultural Development, Cultural Arts Project participants	C008	number	150	80	80	
	Cultural Development, Cultural Arts Project attendances	C008	%	50%	25	25	
	Cultural Development, Entrepreneurial & Audience Development Strategy	C007	%	50%	25	25	
	Cultural Development, Stage 1 Auditoria project	C007	number	10	37	37	
	Community Halls & Centres coordination	C012	%	100%	10	10	
	Social Plan completed	C012	hours	560hrs	137	137	
	Aboriginal liaison hours coordinating initiatives or activities	C012	number	3	2	2	
	Aboriginal liaison workshops & exhibitions held	C008	%	100%	90	90	
	Cultural Development Research Study	C012	%	100%	0	0	
	Aboriginal History Book completed	C012	number	165	38	38	
	Youth services network meetings/workshops attendees	C012	hours	700hrs	156	156	
	Aboriginal Advisory Committee support						

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

	Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Social Action Plan</b>						
<b>Community &amp; Natural Resources</b>						
<b>Manager Community &amp; Cultural Services</b>						
Youth services network meetings/workshops	C012	number	11	2	2	
Youth sector and AOD meetings	C012	number	8	3	3	
Museum projects delivered	C010	number	10	4	4	
Young people participating/attending projects or activities	C012	number	900	155	155	
Youth Committee meetings facilitated	C012	number	24	7	7	
Young people consulted in relation to Council activities	C012	number	100	96	96	
Young people using Council facilitated / provided transport	C012	number	500	250	250	
Youth development projects volunteers	C012	number	50	70	70	
Libraries number of library users	C009	number	310,000	91,902	91,902	
Libraries number of members	C009	number	44,000	44,678	44,678	
Libraries book borrowings	C009	number	700,000	172,109	172,109	
NAIDOC week initiatives & activities planned	C012	number	9	5	5	
Youth sector and AOD projects/activities	C012	number	35	6	6	
<b>Engineering &amp; Operations</b>						
<b>Manager Recreation Services</b>						
Parks request for maintenance	C027	number	n/a	35	35	
Local recreation capital works completed on time in budget	C027	%	100%	11	11	
Swimming pool attendance	C022	number	n/a	33,555	33,555	
<b>Economic Action Plan</b>						
<b>Business &amp; Economic Development</b>						
<b>Manager Business &amp; Economic Development</b>						
Quarterly payments to TEDC	A021	\$	\$109,697	109,697	109,697	
Non-residential construction certificates	D001	number	n/a	4	4	
Quarterly payments to Tweed Tourism	A021	\$	\$119,161	119,161	119,161	
Visitors to Murwillumbah Visitor Information Centre	A022	number	25,000	0	0	Current quarter visitor numbers are provided in a report due end of October.
Audit of Cat1 National Competition Policy businesses (TCHP - Water & Sewer)	A022	number	2	0	0	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009

	Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Economic Action Plan</b>						
<b>Business &amp; Economic Development</b>						
<b>Manager Business &amp; Economic Development</b>						
	A022	number	22,000	0	0	Current quarter visitor numbers are provided in a report due end of October
<b>Environmental Action Plan: Natural Environment</b>						
<b>Community &amp; Natural Resources</b>						
<b>Coordinator Natural Resource Management</b>						
	E013	number	3	1	1	
	E020	%	100%	20	20	
	C016	%	100%	10	10	
	E016	trap days	16,000	4,000	4,000	
	C018	number	4	1	1	
	C018	%	100%	100	100	
	E021	number	20	3	3	
	C016	ha	300ha	100	100	
	C020	%	100%	25	25	
	E020	%	100%	40	40	EIS complete, now tied in with other foreshore project approvals.
	E020	%	100%	20	20	Grant received, designs complete.
	C018	%	100%	50	50	Limited access site, community launch in Feb 2010.
	E020	%	100%	2	2	
	E021	number	2	0	0	
	E016	number	6	6	6	Projects commenced.
	C018	number	1	1	1	
	C018	%	60%	20	20	
<b>Environmental Action Plan: Built Environment</b>						
<b>Community &amp; Natural Resources</b>						
<b>Waste Management Coordinator</b>						
	G002	%	25%	35	35	
	G002	m3	450,000m3	346,275	346,275	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009

Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Environment Planning &amp; Built Environment</b>					
<b>Community &amp; Natural Resources</b>					
<b>Waste Management Coordinator</b>					
	Environmental education initiatives & events conducted	100	29	29	Includes related promotions (incl. media), initiatives, and events.
G002	Quarterly tonnes of green waste reprocessed	1500	2,550	2,550	
G002	Kilograms of recycling per capita	<140kg	26	26	
<b>Engineering &amp; Operations</b>					
<b>Manager Water</b>					
S003	Annual average residential water consumption per connection	<200		169	2008/2009 year.
S003	Annual reused effluent	10%		8	2008/2009 year.
<b>Planning and Regulation</b>					
<b>Coordinator of Planning Reforms</b>					
D002	Strategic land use & locality plans adopted	2	0	0	
<b>Manager Building &amp; Environmental Health</b>					
C025	Inspections of food outlets	550	100	100	
C019	Average processing time for 688 approvals water/sewer	n/a	5	5	
C019	Building Certificates approved	n/a	27	27	
C019	Development Applications determined by Building Unit	n/a	195	195	
C019	Average processing time to issue a Complying Development approval	<10days	7	7	
C019	Complying Development Approvals	n/a	27	27	
C019	Average processing time to issue a Construction Certificate	<15days	9	9	
C019	Construction Certificates Approved	n/a	77	77	
C019	Average processing time to determine a Development Application (Building Unit)	<40days	29	29	
C025	On-site sewage management systems failures as a % of total systems inspected	n/a	30	30	
<b>Manager Building and Environmental Health</b>					
C025	Number of on-site sewage management systems inspected	100	134	134	
C019	Number of Development Applications received in the period	n/a	178	178	
<b>Manager Development Assessment</b>					
D001	DA's approved	n/a	89	89	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009

	Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Environmental Action Plan: Built Environment Planning and Regulation</b>						
<b>Manager Development Assessment</b>						
	D001	number	n/a	81	81	
Number of DA's received in the period						
DA's approved as a % of total DA's processed	D001	%	n/a	90	90	
Average processing time to process a DA	D001	days	60 days	67	67	
s149 Certificates issued	D001	number	n/a	1,064	1,064	
<b>Infrastructure Action Plan</b>						
<b>Engineering &amp; Operations</b>						
<b>Manager Water</b>						
Sewer rising mains breaks per 100kms	S001	number	<10		0	2008/2009 year.
Sewage overflows per 100kms	S001	number	<10		8	2008/2009 year.
Confirmed sewer chokes per 100kms	S001	number	<40		10	2008/2009 year.
Quality of effluent meeting DEC(EPA) 90 percentile licence limit	S003	%	100%		84	2008/2009 year.
Water mains failures per 100kms of mains	W004	number	<10		5	2008/2009 year.
Average residential sewer bill	S005	\$	\$492(07/08)		503	2008/2009 year.
Duration of programmed sewer service interruptions	S001	%	95%<-12hrs		100	2008/2009 year.
Duration of unplanned sewer service interruptions	S001	%	95%<-8hrs		100	2008/2009 year.
Odour complaints per 100 connections	S002	number	<1		0	2008/2009 year.
Moderate sewer public environmental incidents reported	S005	number	0		3	2008/2009 year.
Water service connection failures per 1000 connections	W006	number	<25		7	2008/2009 year.
% of time water restrictions apply	W001	%	<5%		0	2008/2009 year.
Unaccounted lost water	W004	%	<15%		12	2008/2009 year.
Moderate water supply environmental incidents reported	W007	number	0		0	2008/2009 year.
Average residential water bill	W007	\$	\$312(07/08)		371	2008/2009 year.
Frequency of unplanned water interruptions	W006	number	<50		8	2008/2009 year.
Total volume of raw water extracted	W006	ml	10,250		9,564	2008/2009 year.
Total volume of treated water supplied	W006	ml	9600		8,639	2008/2009 year.
Total volume of sewage treated	S003	ml	7500		8,958	2008/2009 year.
<b>Manager Works</b>						
Roads resurfaced (all programs)	E009	kms	50kms	41	41	5km of asphalt overlays 08/09 carried over.

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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	Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Infrastructure Action Plan</b>						
<b>Engineering &amp; Operations</b>						
<b>Manager Works</b>						
Roads re-sheathed (all programs)	E009	kms	20kms	19	19	
Total kerb and gutter renewals	E009	mitrs	350mitrs	25	25	
Unsealed roads graded	E010	kms	350kms	14	14	
<b>Planning &amp; Infrastructure Engineer</b>						
New cycleways constructed	E014	mitrs	800	912	912	
New footpaths constructed	E014	mitrs	1000	714	714	
Street light upgrades	E004	number	>10	1	1	
Maintained and repaired floodgates	E002	number	>30	9	9	
New bus shelters constructed	E010	number	9	0	0	Contract signed for supply and install.
Bus shelter signage renewed	E010	number	200	64	64	
<b>Governance Action Plan</b>						
<b>Technology &amp; Corporate Services</b>						
<b>Chief Information Officer</b>						
Custom mapping requests response time	A004	day	1day	1	1	
Visitors to Councils web site	A004	number	n/a	42,800	42,800	
<b>Coordinator Human Resources</b>						
Average duration rate of lost time injury	A007	number	n/a	6	6	
Full time employees	A007	number	n/a	664	664	
Lost time injury	A007	number	n/a	13	13	
Workers compensation claims	A007	number	n/a	17	17	
OHS reported incidents	A007	number	n/a	62	62	
<b>Manager Corporate Governance</b>						
Freedom of Information Requests	A029	number	n/a	2	2	
Completion of the Internal Audit Plan	A029	%	100%	15	15	
Integrated planning & reporting project	A029	%	n/a	0	0	Implementation team appointed.
Formal complaints	A029	number	n/a	12	12	
<b>Manager Financial Services</b>						
Annual Rates Coverage Ratio	A009	number	n/a		0	0.43:1, 2008/2009 year.
Annual Unrestricted Current Ratio	A009	number	>1		2	2.4:1, 2008/2009 year.
Implementation of an Asset Management System	A009	%	20%	10	10	Asset Management Plans nearing completion. Asset data in Ascetic.

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009

Governance Action Plan		Cost Centre	Measure	Target	July - Sept	Total	Comments
<b>Technology &amp; Corporate Services</b>							
<b>Manager Financial Services</b>							
	A009	Annual Debt Service Ratio	%	<18%		9	8.94, 2008/2009 year.
<b>Revenue &amp; Customer Services Coordinator</b>							
	A009	Rate assessments paid in full at first quarter	%	n/a	24	24	
	A009	Outstanding rates, charges and fees	%	n/a	62	62	
	A009	Annual movement in rates & annual charges from previous year	%	n/a		8	2008/2009 year.
<b>Pensioner rebate assistances for each quarter</b>							
	A009	Pensioner rebate assistances for each quarter	number	n/a	500	500	
<b>Average of all rates detailed in a residential rate notice</b>							
	A009	Average of all rates detailed in a residential rate notice	\$	n/a	1,855	1,855	
<b>Rates outstanding at start of each instalment</b>							
	A009	Rates outstanding at start of each instalment	%	n/a	73	73	
<b>Human Resources Action Plan</b>							
<b>Technology &amp; Corporate Services</b>							
<b>Coordinator Human Resources</b>							
		Actual staff trained against training plan	number	n/a	0	0	Information not available this quarter as Training Plan was only approved in September.
<b>Terminations resulting from performance management</b>							
		Number of job vacancies readvertised	number	n/a	1	1	
<b>Industrial relations issues handled</b>							
		Industrial relations issues handled	number	n/a	6	6	
<b>Time taken to fill an advertised job vacancy</b>							
		Time taken to fill an advertised job vacancy	days	n/a	35	35	
<b>Employees per 1000 population</b>							
		Employees per 1000 population	number	n/a	8	8	Based on a population of 86,833 and 664 employees.
<b>Successful outcomes of industrial issues</b>							
		Successful outcomes of industrial issues	number	n/a	6	6	
<b>Equal Employment Opportunity Action Plan</b>							
<b>Technology &amp; Corporate Services</b>							
<b>Coordinator Human Resources</b>							
		% of females employed to total equivalent full-time staff	%	n/a	27	27	
		EEO complaints received	number	n/a	4	4	
		EEO complaints substantiated	number	n/a	1	1	
		% of males employed to total equivalent full-time staff	%	n/a	73	73	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

04/11/2009



Tweed Shire Council 7 Year Infrastructure and Services Plan Progress Report for July - Sept 2009

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Business and Economic Development</b>							
Economic Marketing & Promotion	Contribution to TEDC Projects.	R. Adams	76673 Rev	\$ 76,673	\$ 19,168	Funding to TEDC to undertake economic development projects identified in the Economic Growth Management Strategy.	Four payments made in quarterly instalments. Marketing Strategy provided.
Corporate Planning Unit	Develop a Business Plan.	R. Adams	80691 Rev 24817 C/O	\$ 105,508	\$ 21,190	Employment costs for Economic, Corporate Planner and Consultancy Fees for Council 10-Year Business Plan.	Planner employed. Business Plan completed May 2008.
Economic Development Support	Council's Internal Economic Development Projects.	R. Adams	64327 Rev 159822 C/O	\$ 224,149	\$ 17,417	Undertake various economic development projects as endorsed by the General Manager.	Council endorsed contribution to Murwillumbah CCTV. Remainder proposed to be applied to upgrade of Murwillumbah World Heritage Rainforest Centre in 09/10
Visitors Information Centre	Operate Visitor Information Centre	R. Adams	25,000 Rev	\$ 25,000	\$ 6,250	Funding relates to Tweed Heads and Murwillumbah	Paid quarterly to Tweed Tourism
Economic Marketing & Promotion - Tourism	Tweed Tourism Support.	R. Adams	120,000 Rev	\$ 120,000	\$ 30,000	Funding to Tweed Tourism to undertake tourism marketing and promotion of Tweed.	Four payments made in quarterly instalments. Administrators have approved Tweed Tourism Marketing Plan.
Upgrade Saleyards	Allowance for maintenance of pens, races and other saleyard capital infrastructure.	R. Adams	25000 Rev 37631 C/O	\$ 62,641	\$ 52,300	Works underway to upgrade pens and loading areas to steel. Commitment made for \$37,641 to be undertaken between 08/09 and 09/10 PAS05141.	Being undertaken in accordance with "Infrastructure and Upgrade Program - Murwillumbah Cattle Sale Yards" ECM 3156314.
Internal Auditor		N Baldwin	Rev	\$ 93,118	\$ -	No action at this stage.	Staffing requirements to be reviewed.
Tourism & Promotion - Internal		R. Adams	14000 rev	\$ 14,000	\$ -		



Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Business and Economic Development</b>							
WHRC Redevelopment		R Adams	100000 loans	\$ 100,000		\$ - None to date	Review and concepts to be drafted in 2010
<b>Business and Economic Development Total</b>				<b>\$ 821,089.00</b>	<b>\$ 146,325.00</b>		
<b>Community and Natural Resources</b>							
Cultural Arts Seed Funding	This project would enable further arts-based community-driven initiatives to be encouraged, following the expiry of the Tweed City of the Arts activities.	G Corbett	1130 C/O	\$ 1,130		\$ - Funds to be used to support projects that arise out of the AbAF forum.	Awaiting identification of projects.
Arts Traineeship and Mentorship	This project, would initiate accredited traineeships and mentorship in arts and cultural areas, targeted at youth and students. It would operate in partnership with key tertiary institutions to develop and implement an arts-based mentorship package.	G Corbett	3311 C/O	\$ 3,311		\$ - Funds required to support and mentor a community arts trainee working on the projects that arise out of the AbAF Forum.	Cultural Development projects to be implemented. Proposed project in collaboration with AbAF and Council.
Youth Activities Program	Part of a package of youth-oriented projects in the Quality of Life Program, this project would provide \$12,500 to fund youth activities as identified by the Youth Development Officer.	G Corbett	12,500 Rev 4996 C/O	\$ 17,496	\$ 5,384	A continuing program of activities is currently progressing. Projects devised and implemented as previous programs are completed. Activities have been devised and implemented at Banora Point Community Centre. Program is funded by Council until Dec 2010.	Implemented plan to further work with young people in Pottsville, Uki, Chillingham, Tyalgum, Banora Point, Murwillumbah, Cabanita (CDSE Funded) and Tweed Heads to identify and run projects/activities.
Youth Transport	Allied to the Youth Activities Program, this project would provide \$15,000 specifically for enabling transport by young people, primarily aged 12-18 in line with Council's draft Youth Needs Analysis.	G Corbett	15,000 Rev 12478	\$ 27,478	\$ 4,256	On-going program is being implemented.	In partnership with Youth Services and agencies identified and developed responses that support young people's access to services and events. Responded to continuing demands and needs.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Community and Natural Resources</b>							
Improved Services for Shire Youth	The employment of a Youth Development Officer arose from needs identified from the Social Plan.	G Corbett	Revenue	\$ 65,995	\$ 20,008	Youth Development Officer employed. Implementation of programs commenced.	Ongoing.
Aboriginal Community Development	As outlined in the Social Plan. Coordinate development of community and council related issues.	G Corbett	63995 Rev 47722 C/O	\$ 111,717	\$ 14,091	Aboriginal Liaison Officer employed. Implementation of programs commenced.	Ongoing.
Community Centre Murwillumbah	The upgrade of the Community Centre located in Knox Park, Murwillumbah will provide a focus for the numerous community services that are now provided in a number of scattered locations within Murwillumbah.	G Corbett	dependant on sales & grants	\$ -	\$ -	Concepts drawings completed for Better Regions application for Federal Funding. Project Manager engaged. Application forthcoming.	Myal St sold funds to be held.
Museum - Tweed Heads	It is planned to build a significant new building at Tweed Heads and the refurbishment of the Murwillumbah Museum. The Museum will house and exhibit the extensive collections of the Tweed River Regional Museum.	G Corbett		\$ -	\$ -	DA is completed and ready for lodgement. Additional funding requests from State & Fed. Govt. Lease conditions in final stage of negotiation with the Dept. of Lands.	DA lodgement dependant on Gazettal of revised zoning. Develop brief and call tenders for Exhibitions design. Further discussions to be held with Native Title Group
Carpet Replacement & Refurbishment - Murwillumbah Auditorium	Stage 2 would see works in the auditorium to replace carpet on walls, upgrade of stage.	G Corbett	150000 reserves	\$ 150,000	\$ 16,966	Consultants report received on the use of the Tweed and Murwillumbah Auditoria as a performing arts and mixed use space.	EMT approved staged development and maintenance of the Shire's two auditoria. Work is progressing. Carpet replaced.
Community Building Maintenance	This provision will allow major upgrading works to the many community buildings for which Council has a responsibility in lieu of the current repair on a needs basis provided for under current budget constraints.	G Corbett	105000 Rev 41486 C/O	\$ 146,486	\$ 41,522	Work completed for Piggabeen Hall and Bray Park Community Centre. Limpinwood Community Hall, Crystal Creek Hall, Fernvale and Reserve Creek Hall nearly completed.	Maintenance requirements determined. Work is progressing on the most urgent refurbishments.
Waterways Asset Replacement	Replacement of Waterways Assets.	J Lofthouse	30,000 Rev	\$ 30,000	\$ 1,889	Chanderah boat ramp car park completed.	Final costing to be put against this allocation. Major repairs required to 2 pontoons.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Community and Natural Resources</b>							
Vegetation Management Strategy	This program is critical to ensuring the best practice management of vegetation, and hence landscape in the Tweed Valley.	J Lofthouse	278571 Rev / 450714 Gmt / 228680 C/O	\$ 907,965	\$ 34,872	4 on-ground projects commenced, 8 Planning or other projects commenced. Funds committed to pending grant projects not yet commenced.	Priority Actions: LEP reforms; continued NRM project inventory; complete Biodiversity DCP; establish on-ground incentives program, continue education and awareness activities/projects. Ongoing.
Administration Officer	Staff costs.	G Corbett	Revenue	\$ 53,701	\$ 12,595	Administration Officer employed.	Ongoing.
Coastline Management Plan Implementation	Kingscliff Foreshore Protection Works	J Lofthouse	241655 C/O	\$ 241,555	\$ 5,000	Draft Emergency Action Plan complete. Grant funding received for Surf Club seawall.	Approvals for seawall and seek tenders for works in front of Surf Club.
Duranbah Beach Plan of Management	Redesign stormwater including quality improvements, amenity	J Lofthouse	235672 C/O	\$ 235,672	\$ 54,585	Detailed design and approvals.	construct redesigned stormwater system.
Museum Murwillumbah		G Corbett		\$ -	\$ -	Architect finalised concept for 2 storey extension. DA lodged for a disability access ramp.	Council to assess viability of 2 storey extension. DA approved for ramp and will call tenders for construction.
Tweed Coast Estuaries Management Plan	Implementation of Coast Estuaries Mgmt Plan	J Lofthouse	138575 Revenue 138569 grant 60686 C/O	\$ 337,830	\$ -	Revetment works on Cudgen Creek. Ongoing program of projects.	Access Funds rolled over. Contribute to Sustainable Agriculture Strategy, ASS projects, Cudgera Creek ecological Health investigation.
Amenities hall Kingscliff		G Corbett	100000 C/O	\$ 100,000	\$ -	Works on stage one near completion.	Working towards stage 2.
Youth Strategy Implementation		G Corbett	500000 grants	\$ 500,000	\$ -	Included in CP15 S94.	Consult with the community regarding utilisation of space in Gabarita/Bogangar.
Regional boating strategy implementation		J Lofthouse	S94	\$ 60,000	\$ -		
Bushland Maintenance Officer		J Lofthouse	68305 Rev 3432 C/O	\$ 71,737	\$ -	Bushland Officer employed	Ongoing.
<b>Community and Natural Resources Total</b>				<b>\$3,062,173.00</b>	<b>\$211,168.00</b>		
<b>Engineering and Operations</b>							

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Engineering and Operations</b>							
Land Purchase Open Space-Requests to purchase 6a/6b zoned land.	Purchase land in 6a/6b zoned land.	P Morgan	100000 C/O	\$ 100,000	\$ -	No current acquisitions as at the end of the first quarter.	Continuing to review further land acquisitions.
Park Asset Maintenance	Addressing playground compliance issues in line with Australian Standards.	S Brawley	171050 Rev 22831	\$ 193,881	\$ 68,857	Upgraded play equipment in numerous parks in accordance with priorities identified in condition assessment audit.	Upgrading of further equipment in parks.
Parks Asset renewal	Replace ageing/failing assets - Playground Equipment, BBQ & Shelters.	S Brawley	341,750 Rev 5284 C/O	\$ 347,034	\$ 7,081	Works program developed. Awaiting advise of funding applications through Building Communities Program.	Implement improvement plan.
Lot 500 Bushland	Maintenance to Dune Vegetation - Casuarina	S Brawley	8,200 Rev 14911 C/O	\$ 23,111	\$ -	Regeneration works commenced in line with Lot 500 dune management plans.	Continuation of regeneration works.
Regional Sport & Recreational Facilities	Complete Feasibility/Master Plan study - Arkinstall Park; Proceed to further studies dependant on results of Feasibility Study.	S Brawley	866156 C/O	\$ 866,156	\$ -	Draft Master Plan options presented to stakeholders. Draft Plan endorsed by stakeholders, Sports Advisory Committee and discussed with Administrators. Traffic Plan completed.	Completion of Business Plan and Feasibility Study based on Master Plan.
Coastal Landscape Strategy	Implement Kingscliff Foreshore Landscape Plan; Develop & implement Landscape Plan for Ambrose Brown Park, Pottsville.	S Brawley		\$ 471,655	\$ 471,655	Completed are: Draft Kingscliff Foreshore Masterplan and Wommin Bay Memorial Walkway and viewing platform; Cabarita foreshore footpath; Tweed Coastal furniture design and documentation; Ambrose Brown Park upgrade completed.	Nil.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Engineering and Operations</b>							
Asset management Levees & Floodgates	The program is initially to provide a computer based asset management plan followed by remediation (catch up) works in following years.	D Rose	85,000 Rev 135442 C/O	\$ 220,442	\$ -	Data collected - remainder of project on hold awaiting implementation of asset management system. Maintenance inspections are continuing with results held in MEX and repairs being undertaken as required.	Implementation delayed due to change in asset management system from MEX to Technology One 'Works and Assets'. Work is progressing with Technology One regarding changeover.
Stormwater drainage rehabilitation	Rehabilitate stormwater drainage throughout the Shire, identified by condition of assets.	I Kite	400,000 Lns	\$ 400,000	\$ 191,077	Captains Way refining complete.	General inlet repairs commenced.
Gravel Re-sheeting of Unsealed Roads	Re-sheet unsealed roads with gravel identified by condition assessments.	I Kite	398,000 Lns 73956 C/O	\$ 471,956	\$ 195,961	19kms of unsealed roads resheeted.	Program continuing through year.
Sealed road resurfacing	Reseal sealed roads in accordance with condition assessment.	I Kite	490,300 Lns 542 C/O	\$ 490,842	\$ 167,855	19km of rural roads resealed.	Remaining program to be completed by Dec 2009.
Sealed road rehabilitation	Rehabilitation of sealed roads in accordance with condition assessment.	I Kite	688,900 Lns 81855 C/O	\$ 770,755	\$ 258,401	2300m <sup>2</sup> pavement rehabilitated & 490m <sup>2</sup> digout patches complete.	Program continuing through year.
Kerb & gutter rehabilitation	Rehabilitate kerb and gutter in accordance with condition assessment.	I Kite	70,000 Lns 37455 C/O	\$ 107,455	\$ 8,094	23m of kerb and gutter replaced.	Program continuing through year.
Footpaths rehabilitation	Rehabilitate footpaths in accordance with condition assessment.	I Kite	266,000 Lns 152991 C/O	\$ 418,991	\$ 32,634	200m <sup>2</sup> of concrete footpath replaced.	Program continuing through year.
Sportsgrounds Capital Works (Local)	Represents the difference between the planned Capital Works Program for local sporting facilities (lights, change rooms etc) and funds available through Section 94 Developer Contributions.	S Brawley	300000 loans 387073 C/O	\$ 687,073	\$ -	Capital Works Program endorsed by Sports Advisory Committee. Lighting plan and quote received for Waler Peate Fields. Waler Peate plans may change with consideration to proposed Depot Road fields.	Plan to roll funding into 2009/10 to accumulate sufficient funds to construct amenities and lighting at Waler Peate Field, Kingscliff. Sportsfield lights installed at Waler Peate Fields.
Knox Park Upgrade	Planned upgrade of Knox Park to improve linkages with Murwillumbah CBD and improve the amenity and usability of the park	S Brawley	0	\$ -	\$ -	Funding postponed and redirected to Murwillumbah Swimming Complex as per Council resolution 31/07/2007.	No further action.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Engineering and Operations</b>							
Kingscliff Pool upgrade	Shade structure + upgrading of Pool Facilities.	S Brawley	936 C/O	\$ 936	\$ -	Shade structure installed. \$400,000 reallocated to Murwillumbah Swimming Complex as per Council resolution 31/07/2007.	No further action.
Surf Life Patrols	Provision for increase in fees due to the demand for additional areas to be provided with paid lifeguards	S Brawley	12,000 Rev 10024 C/O	\$ 22,024	\$ -	Casuarina Beach included in patrols contract Shirewide Beach Audit and action plan adopted. Extended lifeguard services commenced.	Recommendations of plan to be implemented through Beach Safety Liaison Committee.
Surf Life Saving Strategy 2020	With 40km of coastline under its care and control, Council needs to develop ways for identifying where and when beach safety measures should be employed and how the issue of beach and surf safety should be provided to residents and visitors.	S Brawley	10,000 S94	\$ 10,000	\$ -	Commenced revision of beach emergency signage. Audit completed of all beach access points. Support of Surf Lifesaving Clubs through provision of warning signage, emergency phone and reimbursement for fuel costs associated with emergency rescues.	Review revision of signage and beach access points. Implementation of projects identified in the review in accordance with budget allocation. Over expenditure of funds to be transferred to another cost centre.
Botanic gardens	Council has resolved to develop a botanical garden on land it owns at Eviron as part of a strategy for rehabilitation of parts of the land that will be used for landfill and in conjunction with that part of the land that forms the Tweed Valley Cemetery.	S Brawley	100,000 S94	\$ 100,000	\$ 47,882	Draft hydraulic plan for botanic gardens core area completed. Commenced hydraulic plan for gateway gardens.	LEGS to produce engineering detail and specifications for hydraulic works.
Botanical Gardens Visitors Centre		S Brawley	500000 C/O	\$ 500,000	\$ -	To be considered after construction of hydraulic works.	
Flood studies coastal creeks 2D	Council has resolved to undertake a joint flood study flood study with Byron Shire Council for all Coastal Creek Floodplains from Kingscliff to Ocean Shores (Cudgen, Cudgera and Moolball Creeks in Tweed Shire plus Marshalls Creek in Byron Shire)	D Rose	37500 Rev 37500 C/O	\$ 75,000	\$ -	Flood study on exhibition 14/10/09.	Consider public comment and report back to committee/council.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Engineering and Operations</b>							
Pottsville North drainage outlet - Elanora		I Kite	900000 C/O	\$ 900,000	\$ -	Project in design phase. Scheduled for construction commencing in June 2010.	Finalise design.
West Kingscliff drain - Gales/Bowling club		I Kite	800000 Rev 750000 C/O	\$ 1,550,000	\$ -	Project in design phase. Scheduled for construction commencing December 2009.	Finalise design. Report to Council regarding Bowling Club development impact on project.
Recreation asset management		S Brawley	13947 C/O	\$ 13,947	\$ -	Draft asset plans commenced.	completion of 1st iteration of asset management plans.
Tweed Heads Masterplan/Jack Evans Boatharbour		S Brawley	Loans	\$ 5,000,000	\$ 367,621	Final construction plans due. Civil works commenced.	Finalise contract documentation and packages.
<b>Engineering and Operations Total</b>				<b>\$13,741,266.00</b>	<b>\$1,817,118.00</b>		
<b>Planning and Regulations</b>							
Residential (urban releases) Development Strategy.	Last adopted in 1991, a major review of the Strategy was required to ensure infrastructure plans and growth is coordinated.	I Lonsdale	39802 C/O	\$ 39,802	\$ -	Council adopted the Tweed Urban and Employment Lands Release Strategy 2009 at its meeting of 17 March 2009.	Completed.
Environmental Health Compliance Caravan Parks.	This will allow a proactive approach to the issues that arise within caravan parks. These include installations of structures on site. This will assist in reducing possible impacts from major events such as flooding, storms, etc.	R Cameron	69429 Rev 14418 C/O	\$ 83,847	\$ 15,833	Compliance Officer employed. Proposed new structures in parks are being assessed by officer with existing structures audited. Complaints being attended to. Currently inspections being undertaken for renewal of licences to operate.	Continue above mentioned actions and assist Environmental Health Officers in auditing processes for data entry into Proclaim system. Officer now also assisting in complaint investigation and compliance work.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Planning and Regulations</b>							
Emergency Management Plan Implementation.	This program will result in the regular review of the Tweed Disaster Plan, the provision of support to the various emergency agencies such as the State Emergency Service and the Rural Fire Services.	R Cameron	39728 Rev 16473 C/O	\$ 56,201	\$ 11,598	Officer reviewed Tweed Disaster Plan which is nearing completion. Developing web page. Updating Councils evacuation plans in all Council buildings. Assisting in fire drills. Working on beach signage for emergency location indicators.	Finalise disaster plan continue to develop web page. Work towards completion of other before mentioned matters.
Building Compliance Officer.	An additional employee is required to carry out inspections and take action in regard to general complaints received by Council from the public in relation to miscellaneous matters such as stormwater issues, retaining walls, use of land and buildings etc.	R Cameron	66865 Rev 8257 C/O	\$ 75,122	\$ 17,277	Compliance Officer employed. Officer attending to all complaints and notice of intention from private certifiers in a timely manner. Procedures for complaint lodgements implemented.	Continue to follow up complaints in a timely manner and review processes.
Health & Building Surveyor.	An additional employee is required to maintain a satisfactory level of service to perform regulatory functions including the assessment of applications for construction certificates, complying development, development applications, sewer applications etc.	R Cameron	87410 Rev 3682 C/O	\$ 91,292	\$ 23,845	Health & Building Surveyor employed. Has undertaken fire safety audits, inspections for places of public entertainment, Building Certificates and general inspections associated with building works. Officer now assigned to South area.	Continue above mentioned duties and carry out assessments for various approvals. Officer now appointed to Southern District carrying out assessment of various applications and general Building Surveyor duties.
Administration Officer.	Staff Costs.	R Cameron	48387 Revenue 20068 C/O	\$ 68,455	\$ 10,364	Administration Officer appointed 25 March 2008.	Officer now providing support to Environmental Health section and maintaining Essential Services register.
Environmental Health Compliance Officer		R Cameron	107705 Revenue 4485 C/O	\$ 112,190	\$ 23,205	Officer employed. Currently auditing On-site sewage management systems.	Continue to audit existing On-site sewage management systems.



Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
<b>Planning and Regulations</b>							
Urban Design Planner		I Lonsdale		\$ 74,694	\$ 25,272	A new full-time Urban Designer position was created, and a new person was appointed and commenced employment with the Planning Reforms Unit in January 2009.	The Urban Designer provides input into new planning policy and provides a level of design assistance on major and key development applications, including significant Council infrastructure projects.
SES Operations Centre additions Banora Point		R Cameron	70000 Rev 50000 Grt	\$ 120,000	\$ -	Negotiating with SES for additional \$20,000 i.e. dollar for dollar funding.	Finalise negotiation for funding and lodge Development Application.
<b>Planning and Regulations Total</b>				<b>\$721,603.00</b>	<b>\$127,394.00</b>		
<b>Grand Total</b>				<b>\$18,346,123.00</b>	<b>\$2,302,005.00</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.

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**41 [TCS-CM] 2008/2009 Statutory Financial Reports / Audit Report**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Council's Statutory General Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 for the financial year ended 30 June 2009 have been completed and audited. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2008/09.

The financial result for the year reveals that Council's finances are in a favourable position and that the internal financial management practices are sound.

The Financial Reports for 2008/09 are now presented to Council for adoption.

**RECOMMENDATION:**

**That Council adopts the tabled 2008/09 Financial Reports.**

## REPORT:

### BACKGROUND

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2009 have now been completed and the auditor's report received.

A copy of the Financial Reports will be tabled to this meeting.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell.

### LEGISLATION REQUIREMENTS

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that: -

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
  - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report.
7. Section 428(2)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.

9. It is a requirement of the Department of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Director General by 7 November of each year.

#### **COUNCIL'S RESPONSIBILITY**

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2009.

Update No. 17 to the Local Government Code of Accounting Practice and Financial Reporting was issued in June of this year and is relevant to accounting periods ending 30 June 2009.

#### **BENEFITS AND PURPOSE OF ANNUAL FINANCIAL REPORTING**

The primary benefits of financial reporting are:

- It makes Council accountable to the community for its financial management
- It provides the community and other interested parties with access to information about the current financial status of Council and its operational performance for the period in question.

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

#### **ANNUAL FINANCIAL REPORTING SYSTEM**

##### ***General Purpose Financial Reports***

Under the requirements of Australian Accounting Standards, Council is required to prepare the following reports for each financial year.

### ***Income Statement***

This shows the operating result and change in net assets from operations for the year.

### ***Balance Sheet***

This discloses the assets, liabilities and equity of Council.

### ***Statement of Changes in Equity***

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

### ***Cash Flow Statement***

This shows information about cash flows associated with Council's operating, financing and investing activities.

### ***Notes to the Financial Statements***

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Certificate in accordance with Section 413(2)(c) of the Act.

### ***Special Schedules***

The Department of Local Government, the Local Government Grants Commission and the Department of Water and Energy require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

## **AUDIT MANDATE**

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2009 under Section 417 of the Local Government Act 1993.

The audit included:

- An examination of the financial information for the purpose of expressing an opinion on financial statements to help establish the credibility of those statements
- An examination of financial information for the purpose of reporting on the legality and control of operations and the probity of those dealing with public funds, and including the expression of an opinion on an entity's compliance with the statutory requirements and regulations that govern the activities of Council.

Council's auditor must prepare two reports to Council (Section 417 (1)): -

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Department of Local Government. These reports were sent on 2 November 2009.

### MANAGEMENT RESPONSIBILITY - AUDIT

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council each three months. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

### PERFORMANCE INDICATORS

Council remains in a sound financial position regarding its short-term liquidity. The key financial performance ratios, as shown in the statements and listed in the following table, remain at satisfactory levels.

Performance Indicators	2008/09	2007/08	2006/07	2005/06
Unrestricted Current Ratio	2.371%	2.378	2.325	2.250
Debt Service Ratio	8.94%	7.35%	6.88%	6.91%
Rates and Annual Charges Coverage Ratio	43.01%	41.50%	40.28%	42.45%
Rates and Annual Charges Outstanding	5.82%	4.98%	4.79%	5.28%

To clarify the meaning and implication, a basic definition of each indicator is listed below.

- a) Unrestricted Current Ratio – The total current cash or cash convertible assets available, divided by current liabilities, excluding assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. This is a measure of Council's liquidity.
- b) Debt Service Ratio – The amount used to repay borrowings as a percentage of total operating revenues. The indicator shows the amount of revenue necessary to service annual debt obligations.
- c) Rates and Annual Charges Coverage Ratio – This percentage is based on rates and annual charges revenues as a percentage of total operating revenues. This is a measure of Council's dependency on rate income.
- d) Rates and Annual Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges. This indicator measures the effectiveness of Council in recovering legally owed debts.

**FINANCIAL OVERVIEW - GENERAL COMMENTS**

While the above performance indicators reflect a sound position, the result has only been achieved through tight control over Council finances. Council's infrastructure needs continue to exceed available funds and the demand for works and services continue to grow as the population of the Shire increases. As experienced during the deliberations for the 2009/10 Management Plan & Budget, funding for operational and capital works continues to remain tight.

**INCOME STATEMENT**  
for the year ended 30 June 2009

Original budget <sup>(1)</sup> 2009 \$'000		Notes	Actual 2009 \$'000	Actual 2008 \$'000
	<b>INCOME FROM CONTINUING OPERATIONS</b>			
	<i>Revenue:</i>			
61,815	Rates and annual charges	3a	61,880	56,588
25,992	User charges and fees	3b	25,310	23,656
5,214	Interest and investment revenue	3c	6,757	4,297
1,400	Other revenues	3d	1,686	9,683
14,213	Grants and contributions provided for operating purposes	3e,f	21,234	17,210
18,904	Grants and contributions provided for capital purposes	3e,f	26,976	24,882
	<i>Other Income:</i>			
	Net share of interests in joint ventures and associates using the equity method	19	40	38
127,538	<b>TOTAL INCOME FROM CONTINUING OPERATIONS</b>		143,883	136,354
	<b>EXPENSES FROM CONTINUING OPERATIONS</b>			
39,482	Employee benefits and on-costs	4a	39,373	39,930
7,947	Borrowing costs	4b	7,447	3,691
25,994	Materials and contracts	4c	35,546	31,611
34,060	Depreciation and amortisation	4d	39,584	36,563
10,000	Other expenses	4e	9,048	10,172
	Net Loss from the disposal of assets	5	3,052	2,018
117,483	<b>TOTAL EXPENSES FROM CONTINUING OPERATIONS</b>		134,050	123,985
10,055	<b>OPERATING RESULT FROM CONTINUING OPERATIONS</b>		9,833	12,369
10,055	<b>NET OPERATING RESULT FOR THE YEAR</b>		9,833	12,369
10,055	Attributable to Council		9,833	12,369
(8,849)	<b>NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS AND CONTRIBUTIONS PROVIDED FOR CAPITAL PURPOSES</b>		(17,143)	(12,513)



## BALANCE SHEET

as at 30 June 2009

	Notes	Actual 2009 \$'000	Actual 2008 \$'000
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	6a	117,880	110,602
Investments	6b	0	4,045
Receivables	7	14,241	12,567
Inventories	8	1,019	828
Other	8	1,204	2,146
<b>Total current assets</b>		<u>134,344</u>	<u>130,188</u>
<b>Non-current assets</b>			
Investments	6b	23,089	16,955
Receivables	7	2,644	2,535
Infrastructure, property, plant and equipment	9	1,971,731	1,875,995
Investment property	14	2,336	2,208
Intangible assets	22	901	919
<b>Total non-current assets</b>		<u>2,000,701</u>	<u>1,898,612</u>
<b>Total assets</b>		<u>2,135,045</u>	<u>2,028,800</u>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	10	14,220	16,196
Borrowings	10	3,232	4,053
Provisions	10	19,685	19,570
<b>Total current liabilities</b>		<u>37,137</u>	<u>39,819</u>
<b>Non-current liabilities</b>			
Payables	10	240	382
Borrowings	10	135,651	75,484
Provisions	10	5,231	4,732
<b>Total non-current liabilities</b>		<u>141,122</u>	<u>80,598</u>
<b>Total liabilities</b>		<u>178,259</u>	<u>120,417</u>
<b>Net assets</b>		<u>1,956,786</u>	<u>1,908,383</u>
<b>EQUITY</b>			
Retained earnings	20	982,898	973,065
Revaluation reserves	20	973,888	935,318
Council equity interest		1,956,786	1,908,383
<b>Total equity</b>		<u>1,956,786</u>	<u>1,908,383</u>

**COUNCIL OF TWEED SHIRE**  
**STATEMENT OF CHANGES IN EQUITY**  
for the year ended 30 June 2009

		Actual 2009 \$'000			Actual 2008 \$'000		
	Notes Ref	Retained Earnings	Asset Revaluation Reserve	Total Equity	Retained earnings	Asset Revaluation Reserve	Total Equity
Balance at beginning of the reporting period	20	973,065	935,318	1,908,383	960,683	533,377	1,494,060
Adjustment	20	0	38,570	38,570	13	0	13
Transfers to/(from) Asset Revaluation Reserve	9,20		0	0		401,941	401,941
<b>Net movements recognised directly in equity</b>		<b>973,065</b>	<b>973,888</b>	<b>1,946,953</b>	<b>960,696</b>	<b>935,318</b>	<b>1,896,014</b>
<b>Net operating result for the year</b>		<b>9,833</b>		<b>9,833</b>	<b>12,369</b>		<b>12,369</b>
<b>Total recognised income and expense for the year</b>							
<b>Balance at end of the reporting period</b>	20	<b>982,898</b>	<b>973,888</b>	<b>1,956,786</b>	<b>973,065</b>	<b>935,318</b>	<b>1,908,383</b>

## CASH FLOW STATEMENT

### for the year ended 30 June 2009

Budget 2009 (\$'000)		Notes	Actual 2009 (\$'000)	Actual 2008 (\$'000)
	<b>Cash flows from operating activities</b>			
	<i>Receipts:</i>			
61,815	Rates and annual charges		61,054	56,258
25,992	User charges and fees		24,651	22,385
5,214	Investment revenue and interest		6,485	4,051
28,787	Grants and contributions		32,165	30,480
1,400	Other		1,686	9,683
	<i>Payments:</i>			
(39,482)	Employee benefits and on-costs		(37,767)	(36,456)
(25,994)	Materials & contracts		(45,350)	(38,028)
(7,947)	Borrowing costs		(7,553)	(3,686)
(10,000)	Other			
<b>39,785</b>	<b>Net cash provided in operating activities</b>	11(b)	<b>35,371</b>	<b>44,687</b>
	<b>Cash flows from investing activities</b>			
	<i>Receipts:</i>			
	Sale of investments		7,083	166
1,815	Sale of infrastructure, property, plant & equipment		1,973	1,701
	Payments from deferred debtor		205	370
	Increase of deposits held in trust		399	437
	<i>Payments:</i>			
	Purchase of investments		(9,780)	(13,976)
(102,678)	Purchase of infrastructure property, plant & equipment		(86,604)	(71,237)
	Advances to deferred debtors		(93)	(1,676)
	Refunds of deposits held in trust		(622)	(844)
<b>(100,863)</b>	<b>Net cash used in Investing activities</b>		<b>(87,439)</b>	<b>(85,059)</b>
	<b>Cash flows from financing activities</b>			
	<i>Receipts:</i>			
49,674	Borrowings and advances		62,245	35,714
	<i>Payments:</i>			
(4,850)	Borrowings and advances		(2,899)	(4,135)
<b>44,824</b>	<b>Net cash provided by financing activities</b>		<b>59,346</b>	<b>31,579</b>
<b>(16,254)</b>	<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>7,278</b>	<b>(8,793)</b>
123,582	<b>Cash and cash equivalents at beginning of reporting period</b>	11(a)	<b>110,602</b>	<b>119,395</b>
<b>107,328</b>	<b>Cash and cash equivalents at end of reporting period</b>	11(a)	<b>117,880</b>	<b>110,602</b>



Lismore, 27 October 2009

The Mayor & Councillors  
Tweed Shire Council  
Civic and Cultural Centre  
MURWILLUMBAH NSW 2484

Dear Councillors

We advise that we have completed our audit of the Council's general purpose and special purpose financial reports for the year ended 30 June 2009 under section 417 of the Local Government Act 1993.

In accordance with that section we now report on the conduct of the audit.

#### 1. AUDITORS' RESPONSIBILITIES

In order that you may appreciate our responsibilities as auditors, we take this opportunity to briefly discuss the scope of our audit.

In accordance with our contractual arrangements with Council we have undertaken to perform an attest (risk based) audit. The definition of an attest audit is:

"the minimum audit work necessary to enable an opinion to be expressed as to whether the financial report is presented fairly in accordance with the requirements of the Local Government Act 1993, Australian Accounting Standards and Accounting Interpretations so as to present a view which is consistent with an understanding of the Council's financial position, the results of its operations and its cash flows."

#### Forming an opinion

Our function as auditors is to examine the general purpose and special purpose (National Competition Policy) financial reports presented to us by the Council. Our audit responsibility does not extend to:


- The original budget information included in the income statement, cash flow statement, Note 2(a) and Note 16 budget variation explanations in the general purpose financial report;
- The best practice disclosures in Notes 2 & 3 to the special purpose financial report; and
- Information presented at Note 17 to the general purpose financial statements relating to projected future contributions, cost of works and over / (under) funding.

Accordingly, we do not express an audit opinion on this information.

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Liability limited by a scheme approved under the Professional Standards Legislation.

Thomas Noble & Russell is a member of  International. A world-wide organization of accounting firms and business advisers

As auditors of the Council we are not responsible for the preparation of the financial reports nor for the maintenance of proper and adequate accounting records and proper systems of internal control. These responsibilities, together with the requirement to present financial reports which give a true and fair view of the state of the Council's affairs and of its results are imposed on the General Manager and Councillors by the Local Government Act and Regulations 1993.

As auditors of Council we are not required to:

- 1) Review and assess the adequacy of Council's:
  - a) Management plans;
  - b) Quarterly budget reviews;
  - c) Insurance cover; or
  - d) Infrastructure improvement / maintenance planning and monitoring.
- 2) Form an opinion on or advise Council on the probity of its decisions, however we ensure that the financial effect of Councils decisions are adequately disclosed in the general purpose and special purpose financial reports in accordance with applicable Accounting Standards, Accounting Standards Interpretations and other mandatory professional requirements.

## **2. FINANCIAL MANAGEMENT PRACTICES**

In accordance with the requirements of the Local Government Act and Regulations Council must prepare detailed budgets for all operations. As part of the budgetary process Council is responsible for authorising all expenditures and variations to budget. Council's policy in general fund is to operate with a balanced budget.

The quarterly review of Council's budget progress is a very important process in ensuring that the financial targets established by Council are satisfied. We are aware that management place a high level of importance in ensuring that budgets are complied with. To maintain Council's financial position there needs to be a continued level of accountability and responsibility by senior management. All decisions of Council need to be made with appropriate consideration of their financial impact.

### 3. CONSOLIDATED OPERATING RESULT

Council's surplus from all activities for 2009 totalled \$9,833,000. This compares to a surplus in 2008 of \$12,369,000. This result can be summarised as follows:

	2009 \$'000	2008 \$'000	2007 \$'000	2006 \$'000
Income from continuing operations	117,515	106,055	98,772	91,519
Expenses from continuing operations	(91,414)	(85,404)	(74,217)	(71,205)
Result from continuing operations before depreciation	26,101	20,651	24,555	20,314
Less Depreciation expense	(39,584)	(36,563)	(34,771)	(22,400)
<b>Operating result before capital amounts</b>	<b>(13,483)</b>	<b>(15,912)</b>	<b>(10,216)</b>	<b>(2,086)</b>
<b>Capital Revenue &amp; Other Non-Operating Items</b>				
Capital grants and contributions	26,976	24,882	30,745	20,703
Fair value gains and losses on investments	(608)	(2,058)	44	-
Significant items	-	7,475	-	-
Loss on disposal of assets	(3,052)	(2,018)	(136)	(1,569)
<b>Surplus from all activities</b>	<b>9,833</b>	<b>12,369</b>	<b>20,437</b>	<b>17,048</b>

#### 3.1 Operating Result Before Capital Amounts

##### Variations to 2008 by Revenue / Expenditure

The result from continuing operations before capital amounts has improved from a deficit of \$15,912,000 in 2008 to \$13,483,000 in 2009. Some of the material components contributing to the movement in the deficit from continuing operations before capital amounts include:

Account	Increase / (Decrease) \$'000	Effect on Operating Result \$'000	Reason for Increase / Decrease
<b>Income</b>			
General rates	3,861	3,861	General rates have increased due to a special variation approved by the Minister for Local Government of 9%.
Sewer Annual Charges	856	856	Revenue has increased due to an increment in the annual charge per assessment from \$492 in 2008 to \$509 in 2009.
Building Services Income	(646)	(646)	Building Services income decreased by \$646,000 as economic development slowed during the financial year.
Swimming Pool Income	444	444	The completion of Tweed Regional Aquatic Centre led to an increase in attendance fees income. The Centre

Account	Increase/ (Decrease) \$000	Effect on Operating Result \$000	Reason for Increase/Decrease
			was closed for refurbishment in 2008.
Operating Grants & Contributions	4,089	4,089	Operating grants and contributions have increased after receipt of 2009/10 first quarter Financial Assistance Grant paid in advance.
Interest and investment revenue	2,460	2,460	Interest and investment revenue has increased largely due to a general improvement in economic conditions from the 2008 year.
<b>Expenses</b>			
Borrowing Costs	3,226	(3,226)	Finance costs have increased in conjunction with the drawdown of \$69m in borrowings to fund construction of the Bray Park filtration plant.
Materials and contracts	3,277	(3,277)	Materials and contract expenses have largely increased as Council has incurred expenditure on asset maintenance as part of the seven year management plan.
Planning and Development Expenses	501	(501)	The increase in expenditure is largely attributable to legal costs incurred defending various planning decisions.
Depreciation Expense	3,021	(3,021)	Depreciation expense has increased in conjunction with the revaluation of water and sewer infrastructure and operational land and buildings as at 30 June 2008. Depreciation also increases as Council provides more infrastructure assets for its ratepayers.

**3.2 Capital Revenue and Other Non-Operating Items**

The surplus from all activities has been influenced by capital grants and contributions, losses on the disposal of assets and other non-operating items. We provide an understanding of the non-operating items that have materially impacted the 2009 surplus.

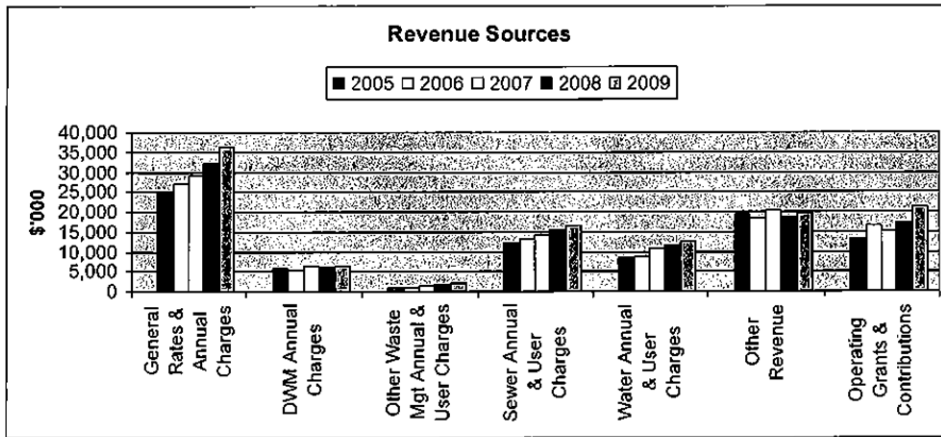
**a) Increase in Capital Grants & Contributions**

The overall increase from the prior year of \$2,094,000 for capital grants and contributions is largely attributable to additional RTA contributions received in 2009 for a number of projects including Roads to Recovery and Kyogle Road Auslink Blackspot.

**b) Loss on Disposal of Assets**

The loss on disposal of assets is largely influenced by the amount of infrastructure replaced during the financial year. The loss equates to the written down value of assets which are replaced as a normal part of Council's infrastructure replacement programme.

**4. COUNCIL REVENUE SOURCES**



The above graph illustrates the sources of Council revenue streams excluding capital grants and contributions. When analysing Council's revenue streams the following observations can be made:

- General rates and annual charges continues to trend upwards to allow funding of operations and special projects throughout the Shire as part of the seven year plan; and
- Water annual and user charges increasing in conjunction with price reviews, continued population growth and usage of water.





**5. CAPITAL CONTRIBUTIONS**

Capital contributions received during the period amounted to \$23,904,000. This can be broken down as follows:

	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Developer Infrastructure Dedications	15,906	11,267	4,128	9,034	21,494
Section 94 Contributions - cash	2,997	3,953	10,476	2,502	7,551
Section 64 Contributions - cash	2,927	5,637	13,039	2,912	9,313
RTA Contributions	1,378	468	-	-	525
Other contributions	696	2,639	926	2,791	672
<b>TOTAL</b>	<b>23,904</b>	<b>23,964</b>	<b>28,569</b>	<b>17,239</b>	<b>39,555</b>

Developer cash contributions have reduced as the level of development has slowed during the 2009 financial year. Developer infrastructure dedications represent roads, drainage, water and sewer infrastructure transferred to Council's control upon completion of a subdivision or other project by a developer.

***Section 94 and 64 Contributions***

At 30 June, 2009 Council had \$29,762,000 held as a restricted asset for S94 contributions. S64 receipts are treated as a recoupment of infrastructure constructed in prior years and accordingly there are no unexpended S64 contributions. Council places all such receipts into internal reserves.

**6. WATER SUPPLIES**

**(i) Operating Result**

Water supply activities can be summarised as follows:

<b>Water</b>	<b>Actual 2009 \$'000</b>	<b>Actual 2008 \$'000</b>	<b>Actual 2007 \$'000</b>
Rates and service availability charges	3,041	2,919	2,798
User charges	9,959	8,890	8,292
Interest	1,315	1,297	1,611
Other	968	1,262	1,191
Government grants	364	359	363
Capital contributions	3,912	7,813	8,068
<b>Total Revenue</b>	<b>19,559</b>	<b>22,540</b>	<b>22,323</b>
Management expenses	4,830	4,471	4,093
Operating costs	4,768	4,562	4,259
Other	475	339	321
Depreciation	8,139	7,830	7,423
Loss/(Gain) on disposal of assets	603	454	106
Interest expense	2,455	394	-
<b>Total Expenses</b>	<b>21,270</b>	<b>18,050</b>	<b>16,202</b>
<b>Operating Result</b>	<b>(1,711)</b>	<b>4,490</b>	<b>6,121</b>
	<b>2009</b>	<b>2008</b>	<b>2007</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Average Rate / Service Availability Charge Per Assessment	90	89	88
Management & Operating Costs Per Assessment	284	274	263

**(ii) Explanations for Significant Variances to Prior Year**

*Income*

User charges revenue has increased after the price per kilolitre was varied upwards from \$1.23 to \$1.36. Capital contributions fluctuate from year to year dependent on the number and size of developments.

*Expenditure*

Management and Operating expenses fluctuate with infrastructure maintenance requirements whilst depreciation expense has increased in conjunction with asset revaluations and the construction of infrastructure assets. Interest expense has increased in conjunction with borrowings to fund the construction of the Bray Park water filtration plant.

**7. SEWERAGE SERVICES**

**(i) Operating Result**

Sewerage Services activities can be summarised as follows:

Sewerage	Actual 2009 \$'000	Actual 2008 \$'000	Actual 2007 \$'000
Rates and service availability charges	15,545	14,674	13,526
User charges	1,264	1,018	1,054
Interest	713	1,471	1,924
Other	1,307	1,409	814
Grants - PWD	107	45	132
- Other	354	354	357
Capital Contributions	8,924	10,687	7,461
<b>Total Revenue</b>	<b>28,214</b>	<b>29,658</b>	<b>25,268</b>
Management Expenses	4,196	3,864	3,394
Operating Costs	8,065	7,009	5,675
Other	562	434	476
Depreciation	15,959	14,207	13,447
Loss/(Gain) on Disposal of Assets	590	1,537	170
Interest	790	318	278
<b>Total Expenses</b>	<b>30,162</b>	<b>27,369</b>	<b>23,440</b>
<b>Operating Result</b>	<b>(1,948)</b>	<b>2,289</b>	<b>1,828</b>
	<b>2009</b>	<b>2008</b>	<b>2007</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Average Rate / Service Availability Charge Per Assessment	486	471	430
Management & Operating Costs Per Assessment	384	349	288

**(ii) Explanations for Significant Variances to Prior Year**

*Revenue*

Rates and service availability charges revenue has increased due to an increment in the annual charge per assessment from \$492 in 2008 to \$509 in 2009. Other revenue in 2008 was influenced by the recognition of a receivable of \$1,432,000 associated with the construction of electricity generation facilities at the Condong Sugar Mill.

*Expenditure*

Management and Operating expenses fluctuate with infrastructure maintenance requirements whilst depreciation expense has increased in conjunction with asset revaluations and the construction of infrastructure assets

## 8. COUNCIL'S FINANCIAL POSITION

### 8.1 Cash and Investments

At balance date Council cash and investments totalling \$140,969,000. Most of Council's cash and investments are restricted in their use via legislation, contractual arrangements or Council resolution. The amount of restricted and unrestricted cash and investments is detailed as follows:

	\$'000
Total cash and cash equivalents	117,880
Total investments	23,089
Less: Externally restricted cash & investments	(115,258)
Less: Internally restricted cash & investments	<u>(24,755)</u>
Unrestricted cash and investments	<u>956</u>

Unrestricted cash and investments represent the amount available to satisfy daily operations.

### 8.2 Investments

In accordance with Australian Accounting Standards Council has designated all of its investments as "at fair value through the profit & loss". Note 1 to the financial statements provides information relating to investments designated as "at fair value through the profit & loss". Once Council designates its investments as at fair value through the profit and loss it must recognize each investment at its fair (market) value in the balance sheet and the movements in fair value throughout the year are brought to account as revenues or expenses in the income statement. The volatility in credit markets over the last year has resulted in Council recognising reductions in the value of its investments totalling \$608,000.

A summary of the movement in Council's investments is as follows:

	<i>At Fair Value Through the Profit &amp; Loss</i>	
	2009	2008
	\$'000	\$'000
Fair value of investments at beginning of the year	21,000	9,248
Investments purchased during the year	9,780	13,976
Investments sold or redeemed	(7,083)	(166)
Movement in fair value of investments	<u>(608)</u>	<u>(2,058)</u>
Fair value of investments at the end of the year	<u>23,089</u>	<u>21,000</u>

### 8.3 Non-Current Assets and Liabilities

Council has a net non-current asset position of \$1,859,579,000 which consists largely of infrastructure, property, plant and equipment, loans and provisions for employee entitlements. In 2008 Council's net non-current assets was \$1,818,014,000.

**8.4 Assets Purchased and Constructed**

During the year Council capitalised the following property, plant and equipment:

	2009 \$'000	2008 \$'000	2007 \$'000
<i>Developer Infrastructure Dedications</i>			
Open Space	733	870	815
Roads and Drainage Network	5,306	4,969	835
Water Supply Network	1,804	2,204	674
Sewerage Network	7,577	2,817	1,804
<i>Non-cash Grants/contributions</i>			
Bush Fire, Subsidised Schemes etc.	486	407	903
<i>Council Constructed / Purchased Assets</i>			
Land and Buildings	10,722	9,674	2,933
Plant and Equipment	4,776	5,867	6,149
Roads and Drainage	18,803	9,029	11,768
Water Supply Network*	3,821	6,097	8,600
Sewerage Network **	2,788	48,718	7,368
Other Structures	5,870	41	570
Work in Progress	50,565	33,228	40,636
	113,251	123,921	83,055

\* Costs associated with the Bray Park water filtration plant is included in Work in Progress at year end. It is expected that this expenditure will be transferred into water infrastructure at the completion of the project.

\*\* During the 2008 year the Kingscliff sewer treatment plant was completed and capitalised in the Council's financial records at a total cost of approximately \$40 million.

**8.5. Asset Management**

Asset management is an important part of Council's operations. Council currently controls and maintains \$1.972 billion in infrastructure assets. This valuation is likely to increase on the revaluation of roads, bridges footpaths etc in 2010 in accordance with the revaluation timetable detailed later in this report. The depreciation expense attaching to Council's assets represents one of the largest expense items in the income statement.

**Integrated Planning and Reporting Framework and Asset Management*****Background Information***

On the 25 June 2009 the NSW Government introduced the Local Government Amendment (Planning and Reporting) Bill 2009. This Bill has passed through parliament and is currently awaiting assent to become law. This legislation will replace the former Council Management Plan and Social Plan with a new strategic planning and reporting system called the Integrated Planning and Reporting Framework (IPAR).

The IPAR Framework has been developed as part of the Local Government Reform Program and proposes changes to the Local Government Act 1993 to improve council's long term community, financial and asset planning.

The key drivers for changing the current planning and reporting framework include: increased expectations on local government, innovation of some councils with positive effects, recent findings from reviews of council strategic performance, and the need for improved asset management and long term financial planning.

Under the IPAR framework each Council is to prepare an Asset Management Strategy to provide a clear direction for asset management. The development of an Asset Management Strategy will enable council to illustrate how its asset portfolio supports the service delivery needs of its community into the future.

An Asset Management Policy must also be prepared which sets the framework for the preparation of Council's Asset Management Strategy and Asset Management Plan/s. An Asset Management Plan is a long term plan that outlines the asset activities for each service and outlines actions and resources to provide a defined level of service in the most cost efficient way.

#### **Asset Revaluations**

The Department of Local Government has mandated that all infrastructure assets including land and buildings are to be recognised in Council's financial records at their fair value. Fair value represents the written-down replacement cost of each asset using modern day equivalent materials, design and capacity.

Council is now required to revalue its assets in accordance with the following:

<b>Asset Type</b>	<b>Date of Revaluation</b>
Water and Sewer Infrastructure	30 June 2007
Operational Land and Buildings	30 June 2008
Roads and Drainage Infrastructure	30 June 2010
Other Structures and Other Assets	30 June 2011
Community Land and Land Improvements	30 June 2011

Each year Council is required to assess the carrying value of its assets so that they continue to reflect their fair value. As part of this process Council assessed the fair value of its buildings, water and sewer infrastructure during the 2009 financial year which resulted in an increase to the carrying value of the assets and the asset revaluation reserve of \$38,570,000.

#### **Asset Revaluations for 2010**

Council is required to revalue its roads and drainage assets during the year ending 30 June 2010. The revaluation of these assets is a large and complex process with the final result being the establishment of an accurate and detailed asset register that will assist council to manage this infrastructure in conjunction with its asset management policy and strategy.

The NSW Department of Local Government (DLG) has released a document that establishes milestones relating to the revaluation of roads and drainage infrastructure. As part of our audit process we enquired as to Council's progress on satisfying these milestones relating to the revaluation of roads and drainage infrastructure assets. Our discussions and observations have noted that Council has:

- Formed an Asset Management Committee and established key milestones in accordance with the DLG requirements;
- Identified all roads, bridges, drainage and other related infrastructure under Council's control;
- Prepared a valuation methodology for each asset type;
- Recognised material components of assets that may have a different useful life so they may be depreciated more accurately; and
- Commenced planning for the update of policies and procedures to support accounting and asset management processes

At this stage it is planned that the revaluation of this asset class will be finalised within Department of Local Government timeframes and be ready for audit prior to the end of the 2010 financial year.

#### 8.6. Loans Liability

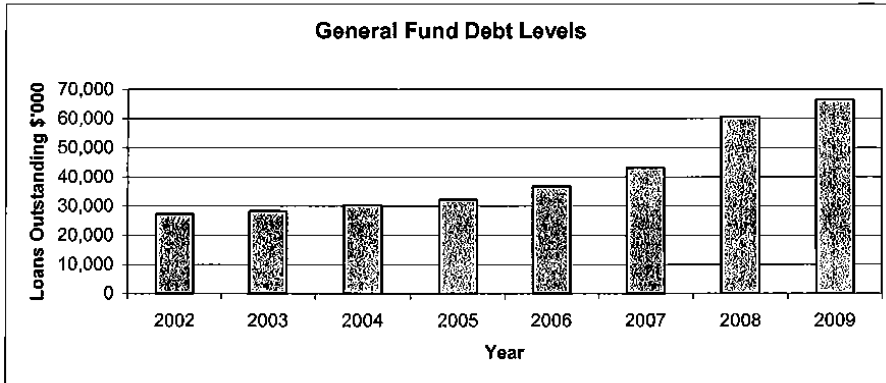
##### Total Loan Liability

Council has a total loan liability as at 30 June 2009 of \$138,883,000. This loan liability is attributable to:

	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
General Fund	66,422,000	60,639,000
Water Fund	68,620,000	14,560,000
Sewer Fund	3,841,000	4,338,000
	<b>138,883,000</b>	<b>79,537,000</b>

**General Fund Loan Liability**

The movement in General Fund borrowings since 2002 is illustrated in the graph below:



General Fund debt levels have increased by \$5,783,000 on 2008. During the 2009 financial year Council's General Fund borrowed \$8,185,000 to fund the following projects:

	<b>2009</b>
	<b>\$'000</b>
Community Buildings	350
Drainage	2,875
Upgrade	1,000
Open Space	700
Public Toilets and Boat Ramps	140
Roads, Bridges, Footpaths and Cycleways	3,120
	<u>8,185</u>

**9. PERFORMANCE INDICATORS**

Council's performance can be measured using selected indicators. We provide an analysis of key performance indicators as disclosed at Note 13 to the general purpose financial statements.

***Unrestricted Current Ratio***

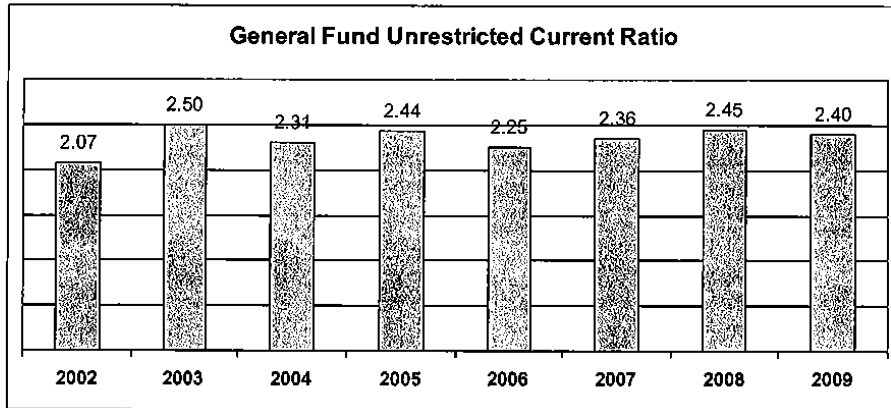
The unrestricted current ratio represents Council's capacity to meet its commitments from current assets net of externally restricted cash, investments and receivables.

Factors influencing Council's unrestricted current assets ratio include:

- Planning and budgetary controls;
- Cash management and the timing of cash flows;
- The level of internally restricted assets; and
- Credit management policies and economic circumstances



*General Fund Unrestricted Current Ratio*

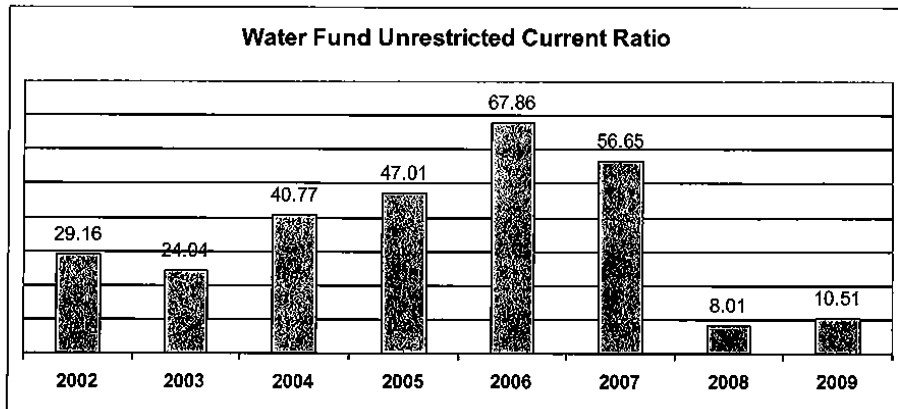


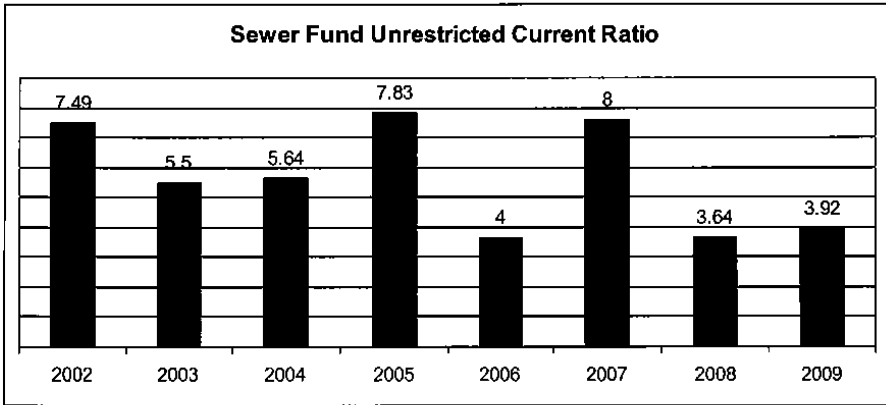
Council's general fund unrestricted current ratio at balance date remains at an acceptable level of 2.40. This means that Council has \$2.40 in liquid assets for every \$1 in current liabilities. The trending of this ratio over the last seven years highlights the stability of the general fund unrestricted current ratio and illustrates Council's sound short-term financial position and ability to absorb unforeseen expenses.

*General Fund Long-Term Objectives*

It is important to note that the unrestricted current ratio does not reflect Council's capacity to fund long term infrastructure needs nor the state of the infrastructure itself. Council needs to assess its infrastructure requirements and develop strategies to ensure the long-term viability (ability to provide services) of its assets.

*Water and Sewer Funds Unrestricted Current Ratio*



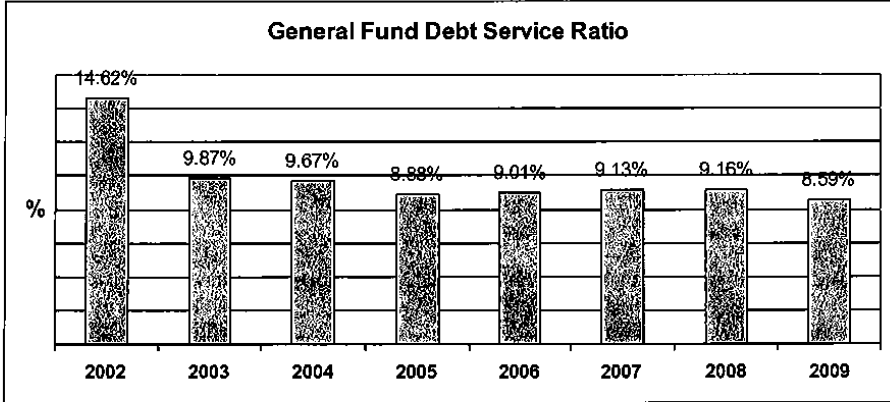


The unrestricted current ratio for water and sewer activities may fluctuate significantly. Yearly variations in the ratio may result from the build up of internal reserves and the impact of lower debt levels and will continue to fluctuate in the future as further funds are collected and expended on infrastructure improvements.

**Debt Service Ratio**

This indicator assesses the degree to which revenues from continuing operations are committed to the repayment of debt. Factors influencing a council's debt service ratio include:

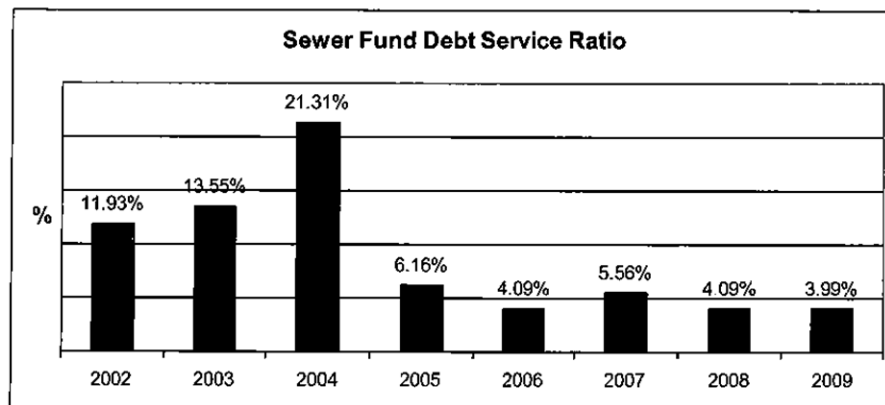
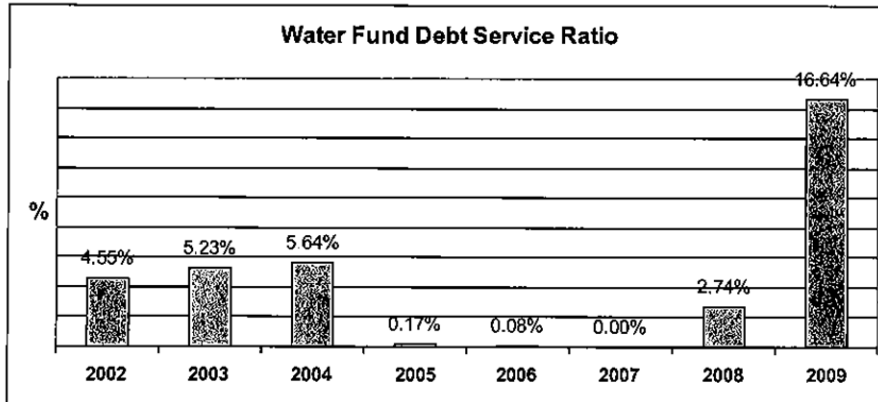
- The rate of new development in the shire;
- Council's debt policy;
- Interest rate movements and loan terms;
- Capital investment strategies and capital contributions policies;
- The level of cash reserves available to reduce the level of borrowings; and
- The state of Council's infrastructure / age of assets.



Council's debt service ratio represents total debt service costs as a percentage of revenues (excluding specific purpose grants and contributions as well as capital revenue). The above graph illustrates Council's management of debt service levels over the past seven years. Council's general fund debt service ratio has remained consistent at approximately 9% since 2005.

The current general fund debt service ratio is acceptable for a council with high population growth and corresponding infrastructure needs.

*Water and Sewer Fund Debt Service Ratio*



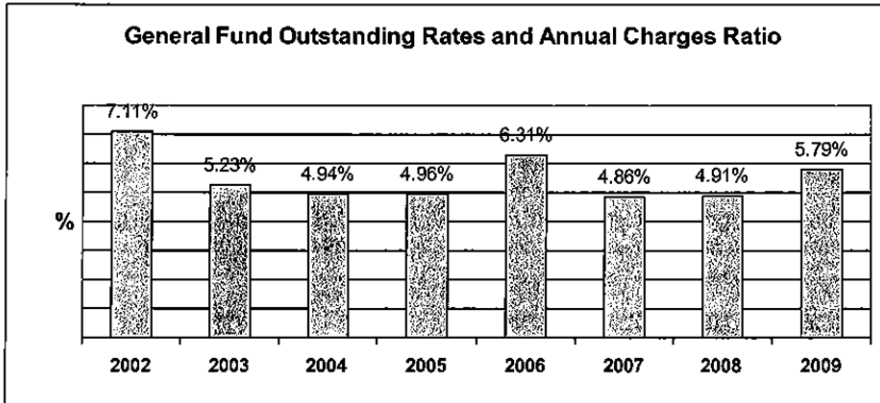
The above graphs illustrate the periodic borrowings to fund Council's capital works programmes for water and sewer funds. Water fund's debt service ratio has increased in conjunction with borrowings of \$69 million to fund the construction of the Bray Park filtration plant. The Sewerage fund did not borrow any money during the 2009 financial year.



**Rates and Annual Charges Outstanding Percentage**

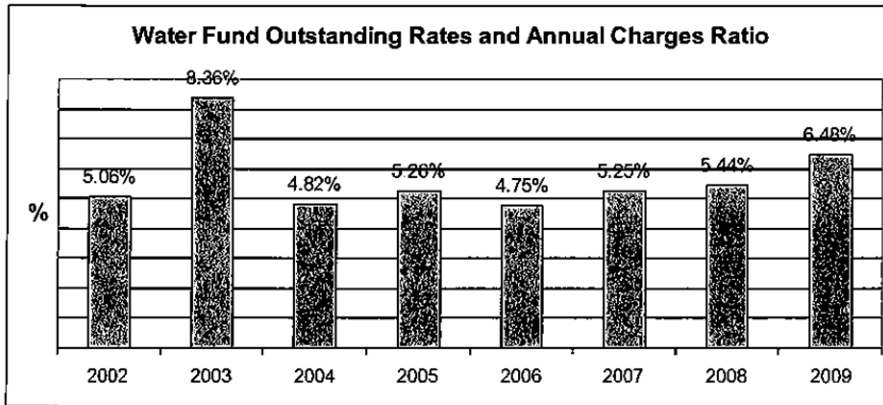
This indicator assesses the effectiveness of Council's revenue collection. Factors influencing Council's rates and annual charges outstanding ratio include:

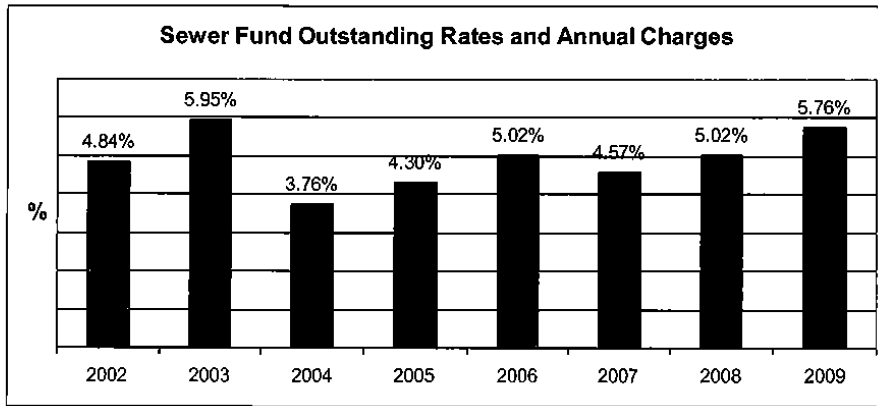
- Council's rating policy,
- Credit management policies;
- The socioeconomic characteristics of the area; and
- Environmental factors influencing ratepayer's ability to satisfy their obligations.



Council's general fund rates and annual charges outstanding percentage has remained in the range of 5-6%. This ratio illustrates that Council has sound debt collection policies and procedures in place.

*Water and Sewer Funds Rates & Annual Charges Outstanding*





The above graphs illustrate the rates and annual charges outstanding ratio for water and sewer funds and reflects sound debt collection management practices.

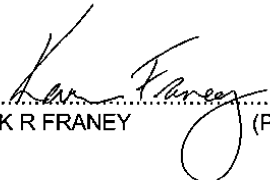
**10. INTERNAL CONTROL ENVIRONMENT**

No significant breakdowns of internal control were encountered during the course of our audit nor did we become aware of the existence of items comprising material error sufficient to cause us to issue a qualified audit opinion.

Subject to the foregoing comments the books of account and records of the Council were maintained in good order and condition and the information and explanations required during the course of our work were readily supplied by the General Manager and his staff.

Yours faithfully

**THOMAS NOBLE & RUSSELL  
CHARTERED ACCOUNTANTS**

  
K R FRANEY (Partner)



**COUNCIL OF TWEED SHIRE  
GENERAL PURPOSE FINANCIAL REPORT  
INDEPENDENT AUDIT REPORT**

**Report on the Financial Report**

We have audited the accompanying financial report of Tweed Shire Council (the Council), which comprises the balance sheet as at 30 June 2009, the income statement, statement of changes in equity and cash flow statement for the year then ended, a summary of significant accounting policies, other explanatory notes and the Statement by Councillors' and Management.

**Council's Responsibility for the Financial Report**

The Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Local Government Act 1993. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by Council, as well as evaluating the overall presentation of the financial report.

Our audit responsibility does not extend to the original budget information included in the income statement, cash flow statement, note 2(a), note 16 budget variation explanations and note 17 forecast information, and accordingly, we do not express an opinion on such. In addition, our audit did not include an analysis of the prudence of business decisions made by Council or management.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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31 Keen Street (PO Box 106) Lismore NSW 2480	Email: <a href="mailto:lismore@tnr.com.au">lismore@tnr.com.au</a>   Phone: Business Services +61 (0)2 6621 8544   Audit & Assurance +61 (0)2 6626 3000	Website: <a href="http://www.tnr.com.au">www.tnr.com.au</a>   Facsimile: +61 (0)2 6621 9035
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*Independence*

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.


*Audit Opinion*

In our opinion:

- (a) The Council's accounting records have been kept in accordance with the requirements of the Local Government Act 1993, Chapter 13 part 3 Division 2; and
- (b) The financial report:
  - (i) Has been presented in accordance with the requirements of this Division;
  - (ii) Is consistent with the Council's accounting records;
  - (iii) Presents fairly the Council's financial position as at 30 June 2009, the results of its operations and its cash flows for the year then ended; and
  - (iv) Are in accordance with applicable Accounting Standards, Interpretations and other mandatory professional reporting requirements in Australia;
- (c) All information relevant to the conduct of the audit has been obtained; and
- (d) There are no material deficiencies in the accounting records or financial report that have come to light during the course of the audit.

This opinion must be read in conjunction with the rest of our audit report.

**THOMAS NOBLE & RUSSELL  
CHARTERED ACCOUNTANTS**

  
.....  
K R FRANEY (Partner)  
Registered Company Auditor

Dated at Lismore this 27<sup>th</sup> day of October 2009.





**COUNCIL OF TWEED SHIRE COUNCIL  
SPECIAL PURPOSE FINANCIAL REPORT  
INDEPENDENT AUDIT REPORT**

**Report on the Financial Report**

We have audited the accompanying special purpose financial report of Tweed Shire Council (the Council), which comprises the balance sheet as at 30 June 2009, the income statement for the year then ended, a summary of significant accounting policies, other explanatory notes and the Statement by Councillors' and Management.

**Council's Responsibility for the Financial Report**

The Council is responsible for the preparation and fair presentation of the financial report in accordance with the Local Government Act 1993 and has determined that the accounting policies described in note 1 to the financial statements, which form part of the financial report, are appropriate to meet the financial reporting requirements of Department of Local Government. The Council's responsibility also includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the Council's financial reporting obligations. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement. Our audit responsibility does not extend to the best practice management disclosures in note 2 and note 3, and accordingly, we do not express an opinion on such.

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by Council, as well as evaluating the overall presentation of the financial report.

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The financial report has been prepared for distribution to the Council and the Department of Local Government for the purpose of fulfilling the requirements of National Competition Policy reporting. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the Council or the Department of Local Government, or for any purpose other than that for which it was prepared.

Our audit did not include an analysis of the prudence of business decisions made by Council or management.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Independence*


In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

*Audit Opinion*

In our opinion, the special purpose financial report of Tweed Shire Council:

- (a) Has been prepared in accordance with the requirements of those applicable Australian Accounting Standards detailed in note 1 and the Local Government Code of Accounting Practice and Financial Reporting;
- (b) Is consistent with the Council's accounting records; and
- (c) Presents fairly, in all material respects, the financial position of Council's nominated Business Activities as at 30 June 2009 and the results of their operations for the year then ended.

**THOMAS NOBLE & RUSSELL  
CHARTERED ACCOUNTANTS**

  
.....  
K. R. FRANEY (Partner)  
Registered Company Auditor

Dated at Lismore this 27<sup>th</sup> day of October 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.

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**42 [TCS-CM] 2008/2009 Statutory Annual Report**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

In accordance with Section 428(1) of the Local Government Act 1993, Council must within five months after the end of each financial year prepare a report as to its achievements with respect to the objectives and performance targets set out in its Management Plan for that year.

The Annual report must address a number of requirements, contained within Section 428(2) of the Local Government Act 1993.

Council's Annual Report for 2008/2009 has been prepared in accordance with the provisions of Section 428 of the Local Government Act 1993 and is ready for forwarding to the Division of Local Government as required by Section 428(3).

Information on the Annual Report will be published in the Tweed Link and the document will be displayed on Council's Internet site. Copies of the document will be made available at the libraries and to the public upon request.

**RECOMMENDATION:**

**That Council receives and notes the production of the 2008/2009 Annual Report.**

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. 2008/2009 Statutory Annual Report (ECM 8592900)
  2. State of the Environment 2009 Report (to be tabled at the meeting)
-

**43 [TCS-CM] Review of Council Policy "Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors"**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

Council in accordance with Section 252 of the Local Government Act 1993 is required to adopt each year (by 30 November) a policy, concerning the payment of expenses incurred or to be incurred by, and the provision of facilities for the mayor and councillors in relation to discharging the functions of civic office.

Council's Policy, *Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors* - was last reviewed at its meeting of 16 December 2008, where amendments were made to applicable monetary limits.

The policy has been reviewed in accordance with the Division of Local Government Councillor Expenses and Facilities Policies REVIEW TEMPLATE and *Division of Local Government Circular 09-36, dated 7 October 2009 Release of Revised Councillor Expenses and Facilities Guidelines*.

The draft policy being recommended for approval by Council has been enhanced by:

- incorporating monetary limits for all expenses under one area instead of two previously; and
- incorporating new provisions outlined in circular 09-36.

Importantly there are no changes being recommended in the draft policy to Councillors monetary limits for all expenses.

The enhancements are detailed in this report.

In accordance with Section 253 (3) of the Local Government Act 1993, Council is not required to give public notice of its intention to amend this policy, as it is of the opinion that the proposed amendment is not substantial.

**RECOMMENDATION:**

**That in accordance with:**

- 1. Section 252 of the Local Government Act 1993, Council adopts the Draft Policy Councillors - Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy – Version 1.4;**

2. **Section 253 (3) of the Local Government Act 1993, Council is of the opinion that the proposed amendment is not substantial and therefore does not need to give public notice of the proposed amendment to the Councillors - Payment of Expenses and Provisions of Facilities for Mayor and Councillors Policy – Version 1.4.**

## REPORT:

Council in accordance with Section 252 of the Local Government Act 1993 is required to adopt each year (by 30 November) a policy, concerning the payment of expenses incurred or to be incurred by, and the provision of facilities for the mayor and councillors in relation to discharging the functions of civic office.

Council's Policy, Councillors - *Payment of Expenses and Provision of Facilities for Mayor and Councillors* - was last reviewed at its meeting of 16 December 2008, whereby amendments were made to monetary limits.

The policy has been reviewed in accordance with the Division of Local Government Councillor Expenses and Facilities Policies REVIEW TEMPLATE and *Division of Local Government Circular 09-36, dated 7 October 2009 Release of Revised Councillor Expenses and Facilities Guidelines*.

The draft policy being recommended for approval by Council has been enhanced by:

- incorporating monetary limits for all expenses under one area instead of two previously; and
- incorporating new provisions outlined in circular 09-36.

Importantly there are no changes being recommended in the draft policy to Councillors monetary limits for all expenses.

The enhancements are detailed as follows:

### Section 1.1 – Purpose of the Policy

Insert last paragraph:

*The terminology of Councillor contained in this policy also applies to an Administrator/s of Council where applicable and with any legislative modification.*

### Section 2.1.1 – Mayor and Councillors Annual Remuneration

Insert paragraph:

*The Annual Remuneration for Mayor and Councillors, adopted by Council does not fall within the scope of this policy*

### Section 2.1.4 – No private benefit unless payment made

Insert paragraph:

*Councillors should not obtain a private benefit from the provision of equipment and facilities, nor from travel bonuses such as "frequent flyer" schemes or any other such loyalty programs whilst on council business.*

Section 2.1.5 – No use of council resources for political purposes

Insert paragraph:

*Councillors are not to use facilities, equipment and services to produce election material or for any other political purposes.*

Section 2.1.6 – Insert Gifts and benefits given to be of token value

Insert paragraph:

*In circumstances where it is appropriate for councillors to give a gift or benefit (for example on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Code of Conduct (clause 8.1).*

Section 2.1.7 – Insert Approval and dispute resolution processes

Insert paragraphs:

*This policy sets out in various areas the approval arrangements for all expenses. In particular the attendance at seminars and conferences, training and educational courses, dinners and other non – council functions.*

*Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the Mayor and/or General Manager, then the disputed decision should be reviewed by the Chair of the Audit Committee, with a report to the full council meeting.*

Section 2.2.5 – Legal expenses and obligations

Insert words in italics:

Council may therefore indemnify or reimburse the reasonable expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731) ; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act ;
- A Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or investigative body and where the finding is *not* substantially unfavourable to the Councillor; or
- *In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct.*



Council will not indemnify or reimburse the legal expenses of a Councillor arising merely from something that a Councillor has *initiated or done or did not involve the performance of their role as a Councillor* during his or her term in office.

#### Section 2.2.7 – Attendance at dinners and other non – council functions

Delete wording in bold and insert words in italics:

No payment will be reimbursed for any component of a ticket to support attendance by councillors at political fund raising functions **that is additional to the service cost of the function, such as a donation to a political party or candidate electoral fund or some other private benefit.**

#### Section 2.2.8 – Spouse and partner expenses

Delete wording in bold and insert words in italics:

Council may reimburse expenses of spouse, partners and accompanying persons in certain and special circumstances at any *official* Council **approved** function, with prior approval being sought from the Mayor and General Manager.

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

Sections 252 and 253 of the Local Government Act, 1993

#### **POLICY IMPLICATIONS:**

Council's Corporate Policies

#### **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. Draft Policy Version 1.4 – Councillors - Provision of Expenses and Provision of Facilities for Mayor and Councillors (ECM 8553788)
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**44 [TCS-CM] Integrated Planning and Reporting**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

The Local Government (Planning and Reporting) Amendment Act 2009 has been assented and commenced operation on 9 October 2009. The Division of Local Government has written to Council requesting a nomination of the Group timeframe that Council will be according with in achieving compliance with this revised reporting framework.

Internal work through the establishment of a multi-disciplinary implementation team has already commenced, with this team analysing the existing plans and strategies that have previously been adopted with a view to converting any current outcomes, objectives, actions and/or key performance indicators into the required framework.

A review of the processes involved to meet the appropriate timeframes has been undertaken and it is proposed that Council will accord with a Group 2 Council and have the Community Strategic Plan and Delivery Program adopted by 30 June 2011.

**RECOMMENDATION:**

**That in accordance with the requirements of the Local Government (Planning and Reporting) Amendment Act 2009 Council advises the Division of Local Government that it nominates as a Group 2 Council with all requirements to be met to have a Community Strategic Plan and Delivery Program by 30 June 2011.**

**REPORT:**

The Local Government (Planning and Reporting) Amendment Act 2009 has been assented and commenced operation on 9 October 2009. The Division of Local Government has written to Council requesting a nomination of the Group timeframe that Council will be according with in achieving compliance with this revised reporting framework.



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

Mr Michael Rayner  
General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

OUR REFERENCE A195960

YOUR REFERENCE

CONTACT

DLG team

02 4428 4220

SUSTAINABLE REGIONAL PLANNING  
LOCAL GOVT DEP-CIR

TWEED SHIRE COUNCIL
FILE No: COUNCIL MANAGEMENT
DOC. No: .....
RECD: 21 OCT 2009
ASSIGNED TO: RAYNER, M
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

14 October 2009

Dear Mr Rayner

**Implementation of the integrated planning and reporting framework**

As advised in Circular to Councils 09-37, the *Local Government (Planning and Reporting) Amendment Act 2009* was assented to on 9 October 2009.

**Group nomination:**

As you would be aware, the Amendment Act includes transitional provisions to enable general purpose councils to select when they will commence under the new Integrated Planning and Reporting framework. To facilitate this, Council is asked to advise in writing its choice of Group for the implementation of the new requirements. Please note that Group choice will need to be determined by Council resolution.

Nominations for Group 1 will be formally Gazetted by Ministerial Order, with these councils required to meet the timeframes that are set out in Schedule 8 of the Amendment Act.

The timeframes are as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

Councils are required to submit their completed Community Strategic Plan to the Division of Local Government, Department of Premier and Cabinet, within 28 days of it being endorsed by Council.

When determining which one of the three Groups it will participate in, Council should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan
- the status of its Resource Strategy development. It is essential that the elected council has adequate information to inform its decisions when endorsing the Community Strategic Plan and adopting its first Delivery Program and Operational Plan. For example, Council should have an asset management strategy developed that identifies how it will manage its assets and how and over what timeframe it will develop asset management plans for all classes of assets.

If Council has already adopted, or is well-progressed towards adopting a long term community strategic plan, which included appropriate community engagement, it is encouraged to consider nominating for Group 1.

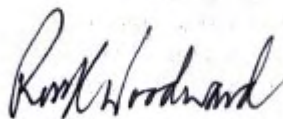
It would be appreciated if the attached Group nomination template could be completed and returned to the Division by close of business on Tuesday, **1 December 2009**. Please return the completed form to: [ipr@dlg.nsw.gov.au](mailto:ipr@dlg.nsw.gov.au) or (fax) 02 4428 4199 or IP&R Project Team, Division of Local Government, Locked Bag 3015, Nowra, 2541.

**Survey:**

A survey regarding the Integrated Planning and Reporting framework will soon be circulated to councils via email. Your assistance in responding to this survey would be appreciated.

I would like to take this opportunity to thank you for your input to the development of the new framework and I look forward to continuing to work with you on its implementation.

Yours sincerely



**Ross Woodward**  
Deputy Director General (Local Government)  
Department of Premier and Cabinet



**General Purpose Council IP&R Group Nomination Form**

<b>Council:</b>	
<b>Contact officer:</b>	
<b>Contact telephone:</b>	
<b>Contact email:</b>	
<b>Date of Council meeting at which resolution was made:</b>	
<b>Group Nomination:</b>	
<input type="checkbox"/> <b>Group 1</b>	By nominating for this group I understand that Council is agreeing to adopt a Community Strategic Plan and Delivery Program by 30 June 2010. I understand that Council will be named in a Ministerial Order to this effect, which will be formally Gazetted.
	Signed:  General Manager
<input type="checkbox"/> <b>Group 2</b>	By nominating for this group I understand that Council is agreeing to adopt a Community Strategic Plan and Delivery Program by 30 June 2011. I understand that Council will be named in a Ministerial Order to this effect, which will be formally Gazetted.
	Signed:  General Manager
<input type="checkbox"/> <b>Group 3</b>	By nominating for this group I understand that Council is agreeing to adopt a Community Strategic Plan and Delivery Program by 30 June 2012. I understand that Council will be named in a Ministerial Order to this effect, which will be formally Gazetted.
	Signed:  General Manager

**Return completed form to:** [ipr@dlg.nsw.gov.au](mailto:ipr@dlg.nsw.gov.au) or (fax) 02 4428 4199 or post to IP&R Project Team, Division of Local Government, Locked Bag 3015, Nowra NSW 2541.

Internal work through the establishment of a multi-disciplinary implementation team has already commenced, with this team analysing the existing plans and strategies that have previously been adopted with a view to converting any current outcomes, objectives, actions and/or key performance indicators into the required framework.

A review of the processes involved to meet the appropriate timeframes has been undertaken and it is proposed that Council will accord with Group 2 and have the Community Strategic Plan and Delivery Program adopted by 30 June 2011. In undertaking this timeframe the preparation of the current Management Plan and associated documentation for the 2010/2011 financial period will occur as normal with the new processes becoming effective for the ten year period commencing 1 July 2011. Unfortunately this will result in some duplication of resources between now and the effective commencement of the Community Strategic Plan with this resource management being monitored by the implementation team.

The requirements of the new reporting processes can be summarised in the following diagram:



**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.

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45 [TCS-CM] Meeting Dates January to December 2010

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

Council must meet at least 10 times each year in a separate month as prescribed by Section 365 of the Local Government Act 1993.

Council's Code of Meeting Practice states:

*“2.1 How Often Does the Council Meet?*

*All meetings are held in the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.*

*The Act Sec 365*

*Council Meeting to be held on the third Tuesday of the month from 4.30pm.*

*Council meetings may be held at other venues as determined by Council.*

*3.11 Community Access*

*2. Community Access is held in the Council Chambers, Murwillumbah on the second Tuesday of the month from 4.30pm-6.30pm.”*

Due to the requirement of adopting the 2010-2011 Management Plan by 30 June 2010 it is proposed that the June Council meeting and the Community Access session to occur a week later than the normal schedule. It is further proposed to convene the December Council meeting and Community Access session a week earlier than the normal schedule to avoid any conflict with Christmas activities.

To aid in more effective meeting practices for Reserves Trust matters, it is proposed to conduct Reserves Trust meetings following the Community Access session on the second Tuesday of each month.

**RECOMMENDATION:**

**That:**

1. **In accordance with the Code of Meeting Practice the Council meetings and Community Access sessions for 2010 be confirmed, as follows:**

<b>Community Access</b>	<b>Council</b>
12 January	19 January
9 February	16 February
9 March	16 March
13 April	20 April
11 May	18 May
15 June	22 June
13 July	20 July
10 August	17 August
14 September	21 September
12 October	19 October
9 November	16 November
7 December	14 December

2. **The Reserves Trust meetings be convened at 6.30pm on the second Tuesday of each month (following Community Access).**

**REPORT:**

Council's Code of Meeting Practice states:

**“2.1 How Often Does the Council Meet?**

*All meetings are held in the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.*

*The Act Sec 365*

*Council Meeting to be held on the third Tuesday of the month from 4.30pm.*

*Council meetings may be held at other venues as determined by Council.*

**3.11 Community Access**

*2. Community Access is held in the Council Chambers, Murwillumbah on the second Tuesday of the month from 4.30pm-6.30pm.”*

It is recommended that the meeting schedule for the 2010 be as follows:

<b>Community Access</b>	<b>Council</b>
12 January	19 January
9 February	16 February
9 March	16 March
13 April	20 April
11 May	18 May
* 15 June	* 22 June
13 July	20 July
10 August	17 August
14 September	21 September
12 October	19 October
9 November	16 November
** 7 December	** 14 December

\* June meetings to occur a week later to accommodate the public exhibition period and formal adoption of the Management Plan.

\*\* December meetings to occur a week earlier to avoid any conflict with Christmas activities.

To aid in more effective meeting practices for Reserves Trust matters, it is proposed to conduct Reserves Trust meetings following the Community Access session on the second Tuesday of each month.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

In accordance with Council's Code of Meeting Practice.

**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.

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**46 [TCS-CM] In Kind and Real Donations - July to September 2009**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Details of in kind and real donations for the period July to September 2009 are reproduced in this report for Council's information.

**RECOMMENDATION:**

**That Council notes total donations of \$202,303.55 for the period July to September 2009.**

**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period July to September 2009 are reproduced as follows:-

<b>Financial Assistance</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$16,000.00	Tweed Kenya Mentoring Program	Budget Allocation	27/07/2009
\$11,440.00	Australian Volunteer Coast Guard - Kingsscliff Flotilla	Budget Allocation	05/08/2009
\$7,500.00	Tweed Valley Banana Festival	First Round Donations 09/10	19/08/2009
\$1,000.00	Caldera Regional Arts Incorporated	First Round Donations 09/10	19/08/2009
\$3,000.00	Island Style Promotions	First Round Donations 09/10	19/08/2009
\$1,000.00	The Unity Festival Inc	First Round Donations 09/10	19/08/2009
\$1,000.00	The Combined Orchid Societies	First Round Donations 09/10	19/08/2009
\$6,000.00	Tyalgum Festival Committee Inc	First Round Donations 09/10	19/08/2009
\$990.00	Tweed Shire Women's Service Inc	First Round Donations 09/10	19/08/2009
\$500.00	Kingscliff Beach Babes Community Playgroup	First Round Donations 09/10	19/08/2009
\$500.00	Tweed Valley Community Church	First Round Donations 09/10	19/08/2009
\$200.00	Tweed Gold Coast Family History & Heritage Assoc	First Round Donations 09/10	19/08/2009
\$1,000.00	Cabarita Beach Dune Care	First Round Donations 09/10	19/08/2009
\$1,000.00	Friends of the Pound Tweed Inc	First Round Donations 09/10	19/08/2009
\$500.00	Wollumbin BUG (Bicycle Users Group)	First Round Donations 09/10	19/08/2009
\$550.00	Chillingham Community Assoc	First Round Donations 09/10	19/08/2009
\$1,000.00	Rosellas Community Preschool Inc	First Round Donations 09/10	19/08/2009
\$1,000.00	Friends of Wollumbin Landcare	First Round Donations 09/10	19/08/2009
\$550.00	Uki Public Hall & Recreation Reserve Trust	First Round Donations 09/10	19/08/2009
\$1,000.00	Possums Community Preschool	First Round Donations 09/10	19/08/2009
\$11,440.00	Volunteer Marine Rescue	Budget Allocation	03/09/2009
\$5,200.00	North Coast Academy of Sports	Budget Allocation	03/09/2009
\$120,000.00	Repcos World Rally/Speed on Tweed	Budget Allocation	30/09/2009
<b>\$192,370.00</b>			

<b>Goods and/or Materials</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$40.00	Banora Point Pre-School	10 Shrubs	03/07/2009
\$48.00	Bilambil Landcare	12 Shrubs	08/07/2009
\$80.00	National Tree Day	20 Shrubs	17/07/2009
\$104.00	Murwillumbah High School	26 Shrubs	27/07/2009
\$120.00	Kingscliff/Murwillumbah Tafe	30 Shrubs	29/07/2009
\$60.00	Tyalgum Public School	15 Shrubs	29/07/2009
\$80.00	St James Primary School Banora Point	20 Shrubs	04/08/2009
\$60.00	Kingscliff High School	15 Shrubs	04/08/2009
\$96.00	Murwillumbah Bowls Club	12 Trees	17/09/2009
<b>\$688.00</b>			

<b>Provision of Labour and/or Plant &amp; Equipment</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$390.57	Chamber of Commerce - Bridge Lighting	Provision of Labour & Council Plant	07/08/2009
\$536.40	Burringbar RSL - War Memorial Restoration	Provision of Labour & Council Plant	14/08/2009
\$193.09	Seniors Expo	Provision of Labour & Council Plant	11/09/2009
\$2,428.64	Life Education Van Relocation	Provision of Labour & Council Plant	July/Sept
<b>\$3,548.70</b>			

<b>Rates</b>			
<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
\$144.10	Crabbes Creek Hall Pty Ltd	Garbage Rates 2009/2010	30/07/2009
<b>\$144.10</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	07/07/2009
\$74.25	Various Community Notices	Advertising	14/07/2009
\$81.00	Various Community Notices	Advertising	21/07/2009
\$209.25	Various Community Notices	Advertising	28/07/2009
\$40.50	Various Community Notices	Advertising	04/08/2009
\$94.50	Various Community Notices	Advertising	11/08/2009
\$162.00	Various Community Notices	Advertising	25/08/2009
\$135.00	Various Community Notices	Advertising	01/09/2009
\$47.25	Various Community Notices	Advertising	08/09/2009
\$67.50	Various Community Notices	Advertising	15/09/2009
\$81.00	Various Community Notices	Advertising	22/09/2009
\$297.00	Various Community Notices	Advertising	29/09/2009
<b>\$1,329.75</b>			

Room Hire Amount	Recipient	Donated Item	Date
\$91.50	The Writers Festival	Room Hire - Murwillumbah Civic Centre	10/08/2009
\$162.00	Banana Festival	Room Hire - Murwillumbah Civic Centre	11/08/2009
\$162.00	Banana Festival	Room Hire - Murwillumbah Civic Centre	12/08/2009
\$162.00	Banana Festival	Room Hire - Murwillumbah Civic Centre	13/08/2009
\$428.00	Banana Festival Fashion Parade	Room Hire - Murwillumbah Civic Centre	14/08/2009
\$411.00	Banana Festival Bands	Room Hire - Murwillumbah Civic Centre	15/08/2009
\$221.00	Banana Festival Performing Arts	Room Hire - Murwillumbah Civic Centre	17/08/2009
\$85.00	Banana Festival Ball	Room Hire - Murwillumbah Civic Centre	21/08/2009
\$360.00	Banana Festival Ball	Room Hire - Murwillumbah Civic Centre	22/08/2009
\$190.00	Department of Education Awards Night	Room Hire - Murwillumbah Civic Centre	10/09/2009
\$95.00	Murwillumbah Jazz Club Schools	Room Hire - Murwillumbah Civic Centre	22/09/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	01/07/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	08/07/2009
\$101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	13/07/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	15/07/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	22/07/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	29/07/2009
\$221.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	02/08/2009
\$101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	10/08/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	19/08/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	26/08/2009
\$101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	07/09/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	09/09/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	16/09/2009
\$216.00	Twin Towns Flower Show	Room Hire - Tweed Heads Civic Centre	18/09/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	23/09/2009
\$71.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	30/09/2009
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	08/07/2009
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	12/08/2009
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	09/09/2009
\$82.00	Tweed Heads Hospital	Room Hire - Tweed Heads Meeting	06/07/2009



Room Hire Amount	Recipient	Donated Item	Date
\$82.00	Auxiliary Tweed Heads Hospital	Room Room Hire - Tweed Heads Meeting	07/09/2009
\$82.00	Auxiliary South Sea Islanders Meeting	Room Room Hire - Tweed Heads Meeting	12/09/2009
<b>\$4,223.00</b>			
<b>\$202.303.55</b>	<b>Total Donations 1st Quarter (July, August, September 2009)</b>		

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**47 [TCS-CM] Monthly Investment Report for Period Ending 31 October 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 Council's 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 17 November 2009.

**RECOMMENDATION:**

**Refer to addendum report.**

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 48 [SUB-TRRMAC] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 17 September 2009

**Venue:**

Coolamon Cultural Centre

**Time:**

4:10pm

**Present:**

Councillor Barry Longland; David Oxenham (Director Community & Natural Resources); Gary Corbett (Manager Community & Cultural Services); Kathryn King (Acting Senior Museum Curator); Max Boyd (Community Representative); Gary Fidler (Community Representative); Sandra Flannery (Community Representative); Faye O'Keeffe (Community Representative); Lesley Mye (Community Representative); Yvonne Waddington (Tweed Heads Historical Society); Denise Garrick (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Mary Lee Connery (Uki & South Arm Historical Society); Ron Johansen (Murwillumbah Historical Society); Beverley Lee (Murwillumbah Historical Society); Carol Piggott (Murwillumbah Historical Society – Observer); Kirsty Andrew (Minute taker).

**Apologies:**

Joan Smith; Bron Trathen; Syd Miller

**Minutes of Previous Meeting:**

**Moved:** Gary Fidler

**Seconded:** Sandra Flannery

**RESOLVED** that the Minutes of the Tweed River Regional Museum Advisory Committee meeting held Thursday 2 July 2009 be accepted as a true and accurate record of the proceedings of that meeting.

**Business Arising:**

Denise Garrick enquired about the result of the report to Council on the model for the proposed museum at Flagstaff Hill.

Councillor Barry Longland reported that the model was not approved and the decision was deferred pending a workshop on the Regional Museum project. The debate made it clear that some Councillors have changed their position regarding the Flagstaff Hill site.

**Correspondence:**

Nil

## Reports:

### 1. Acting Senior Museum Curator's Report 2 July – 17 September 2009

#### **Museum Building and Development Program**

Council received a letter from NSW Department of Lands 26 August 2009, in general support of a lease at Flagstaff Hill "in the form of a 25 year term with an option for another 25."

The museum received a visit from the Federal Department of Infrastructure, Transport, Regional Development and Local Government on the 9 September, who administer the funding agreement relating to the Better Regions project, of which the museum received \$1 million. The government representative was taken to Flagstaff Hill and briefed as to progress.

Tweed River Regional Museum Foundation is receiving advice on Deductible Gift Recipient status from Robert Parsons of Stacks Law Firm, Murwillumbah.

Tweed River Regional Museum Friends recently presented a cheque to Council to the amount of \$2500 in support of the museum general building fund.

A museum workshop was held on Wednesday 26 August. Museum volunteers from the three Historic Societies as well as Foundation and Friends representatives attended. Its main function was to look at goal setting and forward planning. A second workshop is scheduled for 23 September to further develop ideas for fundraising events and profile raising, and develop a timeline for the next 12 months.

#### **Works to Existing Buildings**

Work to the roof of Murwillumbah Museum took place 12–15 September by Dickinsons of Murwillumbah.

The process is underway for the waterproofing of the roof of the RSL Hall, Tweed Heads. A tender by invitation has gone out and the closing date is 23 September 2009.

#### **Award Nominations**

Two entries have been submitted to the Museums and Galleries NSW (state wide peak industry body) IMAGinE awards program – one for the Migration project 'Families of Fortune' and the other for the forming of the Museum Friends group. Announcements are to be made in September.

#### **Conservation /Collections**





A number of acquisitions are attached.




#### **Projects**

The Museum has a small exhibition on display at Tweed Heads throughout the month of September. This is part of the Arts Northern Rivers project "Rivers, Roads and Rail" which consists of a regional exhibition trail and accompanying website. The exhibition concentrates on the Tweed River, with a focus on the Pilot Station at Flagstaff Hill. It includes an audio presentation and framed images from a private collection.



**PROPOSED ACQUISITIONS**

2 July – 17 September 2009

ARTIFACT	DESCRIPTION & DATE	DONOR	REPORT	IMAGE
China plate	Dinner plate, marked W. Choy Central Café.	Ernie Cobb	Provenance - Chinese community in Tweed. Relates to themes of Industry & Leisure.	
Oars	Sargent & Burton sculling oars c. 1970.	Joan Wilkie	Tweed provenance. Relates to theme of Leisure.	
Photograph	4 piece panorama photograph of Bilambil	Joan Wilkie	Tweed provenance.	
China plate	Uki War Memorial plate, featuring image of Uki War Memorial and Uki citizens c. 1936.	Margaret Clark	Strong provenance to Uki. Relates to various themes.	
Bird's nest	Grass, paperbark, moss and man-made fibre, lined with thistle down,	Gary Pick	Enhances Natural History & ornithological collections. Scientific value	No image

	joined to bamboo twigs. 2008.		high. Relates to theme of Natural Environment.	
Cutlery	5 pieces: dinner knife and fork, tablespoon, dessert fork and teaspoon. 'Loders Uki' mark. C. 1929.	Peter (Ted) Byrne	Relates to criteria of Leisure, Village life, Industry, & Local objects. Provenance to Uki.	
T-Shirts	4 Uki tug-o-war t-shirts.	Terry Faulks	Object provenance strong. Relates to life in Uki village and local businesses. Enhances collection of social history from the upper Valley. Recent village history	
China	China bowl featuring image of Uki War Memorial, and vase featuring image and wording 'the mountains from Uki'.	Edna Gallard	Strong provenance to Uki. Relates to various themes.	



T-shirts	2 Uki touch football t-shirts, c. 2003.	Esma Thompson	Object provenance strong. Relates to life in Uki village and local businesses. Enhances collection of social history from the upper Valley. Recent village history	
Cell door	1 Murwillumbah Police Station cell door and fittings, c. 1908	Murwillumbah Police	Strong local provenance. Relates to various themes and has interpretive potential.	No image
Masonic Lodge items	2 certificates, 1 apron, 1 letter, 2 Installation booklets, 1 pocket-book of Installation ceremony, belonging to Anton Gottle, c. 1925 – 32.	Ian O'Connell	Strong provenance to Murwillumbah and indicative of major social group in Tweed now in decline. Relates to previous and possible future donations.	

**Recommendations: That the Acting Senior Museum Curator's report be received and noted by the Committee and that the recommendations for Acquisitions be accepted.**

**Moved: Lesley Mye**

**Seconded: Gary Fidler**

**RESOLVED** that the Acting Senior Museum Curator's Report be received and noted and that the recommendations for acquisitions be approved.

## **2. Murwillumbah Historical Society Report**

A verbal report was given by Ron Johansen, President Murwillumbah Historical Society. A successful display and talk were presented as part of History Week, on the topic of the Murwillumbah bank robbery of 1978. The talk was done on-site at the bank and Australian band Bullamakanka performed their song about the robbery.

## **3. Tweed Heads Historical Society Report**

No report tabled by Tweed Heads Historical society due to President being unwell. The Committee sent their best wishes to Joan, and Lesley Mye suggested sending a card to Joan. The committee agreed - Kathryn King to action this.

## **4. Uki and South Arm Historical Society Report**

Written report tabled and distributed to Committee members.

Uki and South Arm Historical Society had previously sent to the Acting Senior Museum Curator and other Historical Societies a letter and a request for an item to be placed on the agenda of the Advisory Committee meeting, regarding consultation meetings between Historical Societies and the Senior Curator.

As neither the Acting Senior Museum Curator nor Tweed Heads Historical Society received this letter or request, it was decided to defer the item until the next meeting.

Helena Duckworth to resend letter and agenda item request.

### **Business Arising from Reports:**

**Moved: Barry Longland**

**Seconded: Sandra Flannery**

### **RECOMMENDATION:**

That an external sign be erected acknowledging the contribution of Tweed Coast Sheds, Aussie Fasteners Murwillumbah, JH Williams & Sons and the Dickinson Family for the re-roofing of the Murwillumbah Branch of Tweed River Regional Museum at Council's expense.

### **General Business:**

#### **1. Building Project**

David Oxenham presented an update on Museum building projects.

Murwillumbah access ramp and stairs:

After much work by Tweed Shire Council and heritage architect, Paul Berkemeier, the proposal for a new disabled ramp and stairs at Murwillumbah Branch was put to the Council meeting of 15 September 2009.

A workshop with Councillors was held prior to the meeting.

The proposal was recommended for refusal by Council's Planning Department, however the Councillors accepted the proposal, with conditions.

The proposal will now be finalised by the architect and tenders called.

Work is expected to commence late this year or early next year.

#### **Flagstaff Hill site:**

The recommendation to the Council meeting of 15 September 2009 that they approve the procurement of an architectural model for Flagstaff Hill was not approved.

An amendment was carried that "this item be deferred to hold a Workshop to discuss the two museums and the Flagstaff Hill Museum."

Council staff will now organise the workshop and seek the opinions of Councillors.

Discussion followed on the implications of this and the role of the Advisory Committee in negotiations.

**Moved: Max Boyd**

**Seconded: Barry Longland**

**RESOLVED** that David Oxenham organise a workshop, at the earliest opportunity prior to the Councillors' workshop, with Councillors and members of the Tweed River Regional Museum Advisory Committee to discuss the Regional Museum project.

Lesley Mye declined to vote on this issue and declared a conflict of interest as she is a member of the Gold Coast Native Title Group that currently has a claim over land that includes the Flagstaff Hill site.

## **2. Aboriginal Cultural information**

Lesley Mye requested that Historical Societies consult with the Aboriginal community via the Aboriginal Advisory Committee before publishing items that contain Aboriginal cultural information, so that there are no inaccuracies and the Aboriginal community is fully aware of what is being published.

Lesley Mye will prepare standard text for acknowledging the original inhabitants of this area. This will be given to Kathryn King, who will distribute it to all Historical Societies.

## **3. Items to be carried over to next meeting**

Due to time constraints, the following agenda items will be carried over to the next meeting:

Revision and updating of the MoU

Relationship of Friends membership and benefits to TRRM

### **Next Meeting:**

The next meeting of Tweed River Regional Museum Advisory will be held Thursday 12 November 2009 at 4:00pm.

The meeting closed at 5:30pm

### **EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

### **EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**As per the Committee's recommendation being:**

#### **1. Acting Senior Museum Curator's Report 2 July – 17 September 2009**

That an external sign be erected acknowledging the contribution of Tweed Coast Sheds, Aussie Fasteners Murwillumbah, JH Williams & Sons and the Dickinson Family for the re-roofing of the Murwillumbah Branch of Tweed River Regional Museum at Council's expense.

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**49 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 14 October 2009**

**Venue:**

Canvas & Kettle Meeting Room

**Time:**

1.20pm

**Present:**

Cr Barry Longland (Chair); Cr Katie Milne; Terry Kane (Cabarita Beach-Bogangar); Gary Thorpe (Hastings Point); John Harbison (Mooball); Jason Pearson (Kingscliff); Ian Rabbitts (Fingal Head); David Cranwell (Pottsville); Jane Lofthouse, Tom Alletson, Mark Kingston (Tweed Shire Council).

**INFORMAL:**

Cathey Philip (Minutes Secretary), Tanya Fountain (Tweed Shire Council).

**Apologies:**

Richard Hagley (Department of Environment, Climate Change & Water); Lance Tarvey (Department of Environment, Climate Change & Water); David McPherson (NSW Land & Property Management Authority); Rhonda James (Caldera Environment Centre); David Oxenham, Sebastien Garcia-Cuenca, Stewart Brawley (Tweed Shire Council).

*Danny Rose attended at 1.20pm*

*Ian Dinham attended at 1.30pm*

**Minutes of Previous Meeting:**

**Moved: David Cranwell**

**Seconded: John Harbison**

**RESOLVED** that the Minutes of the Tweed Coastal Committee meeting held Wednesday 12 August 2009 be accepted as a true and accurate record of the proceedings of that meeting.

**Business Arising:**

**Item from Meeting held 12 August 2009**

**Cudgera Creek Ecological Assessment**

Tom presented the Cudgera Creek Ecological Assessment final draft after which a lengthy discussion took place.

**Item from Meeting held 12 August 2009**

**Summary of Mooball Creek Water Quality Monitoring**

Tom presented a summary of the Mooball Creek Water Quality Monitoring with results mostly compliant with ANZEC Water Quality Guidelines.

**Item from Meeting held 12 August 2009**  
**Marine Water Quality - Hastings Point Dune Disposal**

Jane to provide details of previous ground water monitoring studies at the next meeting. Gary requested details be emailed to him earlier if possible.

*Next Meeting - Details to be provided.*

**Item from Meeting held 12 August 2009**  
**Crown Land Status - Fingal Head**

Jane provided brief update and circulated a map of the Crown Land easements as they relate to Fingal Head. These had been supplied by David McPherson.

**Correspondence In:**

**1. Department of Environment, Climate Change & Water**

Jane advised the funding from Department of Environment, Climate Change & Water for 2010/11 (funding period changed to financial year) and is due on 10 November.

**Correspondence Out:**

**1. Department of Environment, Climate Change & Water**

Jane advised of acceptance of grants for works program for 2009/2010.

---

**Agenda Items:**

**1. Coastal Creeks Flood Study**

Danny Rose provided an update on the Coastal Creek Flood Study which is going out on public exhibition 14 October 2009. There was a general discussion after the presentation. Noted that the Flood Study provides data but does not present management options.

---

**2. Program Update**

Jane provided an update on the Tweed Coastal program after which a general discussion took place.

Members felt it worthwhile repeating ecological health studies in other creeks.

Tom advised that the Hastings Point signs had not been erected as yet.

*Tanya Fountain left the meeting at 3.00pm*

Seabreeze Estate development was discussed and Jane provided details on requirement for rehabilitation of the riparian zone along Cudgera Creek.

**Moved:** David Cranwell

**Seconded:** Katie Milne

**RESOLVED** that the following recommendation be presented to Council

**RECOMMENDATION:**

That Council further investigate the standard of riparian rehabilitation at Seabreeze Estate and its compliance with development consent conditions.

---

**3. Tweed DuneCare Coordinating Committee Minutes**

Minutes of the Tweed DuneCare Coordinating Committee meeting held Thursday, 24 September 2009 were circulated and discussed.

Jane asked Ian how the sand trapping trial was going at Fingal Head. Ian advised that the system seemed to be working well. The system is labour intensive and being managed by Fingal Head CoastCare.

David concerned about proposal to create a walkway along the sand dune at South Kingscliff. Jane advised this was requested by Kingscliff DuneCare and explained their request. David considered a track in this location pointless.

David asked for clarification of bollard replacement at Potts Point. David requested if it was possible to upgrade track either side of creek mouth at Pottsville. Also concerned about condition of the rock walls.

---

**General Business:**

**1. Beach Access Points**

Pottsville Community Association writing to Council about the emergency beach access track north of Mooball Creek Mouth.

David advised association there is no point doing anything until the beach rehabilitates. Requested attention be given to emergency access track near Ambrose Brown Park.

Concerned when tracks being rebuilt they are made too steep. No point doing it at the moment because there is no beach.

Jane raised issue of beach access gates being locked only when there is an erosion event that creates dangerous access conditions.

---

## 2. Various Items - Fingal Head

Ian advised/requested:-

- South Fingal - sign regarding off-leash dog area has been washed away and needs to be replaced.
  - Shelter shed at old boat harbour in poor condition.
  - Two barbecues available but only one shelter shed - another shed required.
  - Asked when the planting would take place in Marine Parade. Jane advised when agreement is reached on what's going to be planted.
- 

## 3. Norries Headland & Hastings Point Headland

Terry advised of severe erosion at Norries Headland. Asked if Rod Keevers could investigate. Gary asked if Rod could also look at Hastings Point headland as the track is eroding back into headland.

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## 4. Report from Southern Cross University on Damage Caused by 4WD vehicles to Invertebrates

A study has been done at South Ballina beach. Tom will follow up for next meeting.

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## 5. Sunset Committee Fingal Road

Tom to investigate the status of the joint committee that was dealing with Letitia Road and report back to Cr Milne.

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## 6. Beach Safety Liaison Committee

Terry advised the Beach Safety Liaison Committee has been reformed and that he is Tweed Coastal Committee representative.

He advised that Section 94 funds cannot be used on capital works for SLSC.

Terry also mentioned that the numbering of emergency beach access tracks signs has been finalised.

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## 7. Ambrose Brown Park

David advised that the work at Ambrose Brown Park has finished but rubbish and rubble has been left behind by construction contractors.

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**Next Meeting:**

The next meeting of the Tweed Coastal Committee will be held Wednesday 9 December 2009 in the Canvas & Kettle Meeting Room.

The meeting closed at 3.40pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**2. Program Update**

*That Council further investigate the standard of riparian rehabilitation at Seabreeze Estate and its compliance with development consent conditions.*

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**50 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 29 October 2009**

**Venue:**

Mt Warning Meeting Room

**Time:**

Commencing at 9.00am

**Present:**

**Committee Members:** Cr Barry Longland (Deputy Mayor), Snr Constable Jason Thrupp (NSW Police on behalf of Snr Constable P Henderson), Liz Smith (Roads and Traffic Authority of NSW on behalf of Mr M Baldwin).

**Informal:** Mr John Zawadzki (Chairman), Mr Ray Clark, Ms Judith Finch and Ms Deyel Fallows (Minutes Secretaries).

**Apologies:**

Mr Mike Baldwin (Roads and Traffic Authority of NSW), Mr Thomas George MP (Member for Lismore), Mr Col Brooks, Snr Constable Paul Henderson (NSW Police), Mr Geoff Provest MP (Member for Tweed), Mr Rod Bates, Mr Paul Brouwer.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held 24 September 2009 be adopted as a true and accurate record of proceedings of that meeting.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**[LTC] Schedule of Outstanding Resolutions 29 October 2009**

**1. [LTC] Eyles Avenue, Murwillumbah**

**ORIGIN:**

Planning & Infrastructure

**FILE NO:** ECM 3999809; Traffic - Committee; School Zones; Parking Zones; Safety; Eyles Avenue; Schools - Murwillumbah Public

**SUMMARY OF REPORT:**

From Meeting held 27/8/09 (Item B1)

Concern has been raised with cars parking in Eyles Avenue on the school side.

*"These vehicles are causing problems for buses accessing the School Bus Zone. Could 'No Parking' at School finishing times be implemented here?"*

Council officers will investigate this site and report to the meeting.

**COMMITTEE ADVICE:**

That:-

1. Council officers discuss with the School representatives the possibility of extending the 'No Parking' zone on the eastern side of Eyles Avenue to the intersection with Prince Street.
2. This item be placed on the Schedule of Outstanding Resolutions.

**Current Status:** That Item B1 from Local Traffic Committee meeting held 27 August 2009 and 24 September 2009 remain on the list of Outstanding Resolutions.

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**2. [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:**

**From Meeting held 27/8/09 (Item B6)**

This item was discussed at the Local Traffic Committee meeting held 30 July 2009 (item A1) and is reproduced below:-

*"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"*

The installation of the existing bollards in Healy Lane appears to have been the result of a Local Traffic Committee resolution of 25 September 1998. The Committee considered various traffic concerns of the Fingal Head Progress Association and resolved (in part) "that the provision of bollards in Healy Lane be investigated as a means of reducing vehicle speed.

Council officers will measure the width of Healy lane on site and report to the meeting.

**COMMITTEE ADVICE:**

**That Healy Lane, Fingal Head be placed on the Schedule of Outstanding Resolutions.**

**Current Status: That Item B6 from Local Traffic Committee meeting held 27 August 2009 and 24 September 2009 remain on the list of Outstanding Resolutions.**

**Comments from Meeting held 24 September 2009:**

The Chairman advised that the width of Healy Lane, Fingal Head is 5.2m, which is enough width to allow a car to be parked and for another vehicle to pass.

Correspondence is being awaited regarding the Progress Association's thoughts on removal or otherwise of the existing bollards in Healy Lane.

**Current Status: That Item B6 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.**

**COMMITTEE ADVICE:**

**That no further action be taken in relation to Healy Lane, Fingal Head and the correspondent advised of the Committee's advice.**

**Current Status: Completed**

### 3. [LTC] Kennedy Drive, Tweed Heads West

#### ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

#### SUMMARY OF REPORT:

##### From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

*"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.*

*..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street.*

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

#### COMMITTEE ADVICE:

That:-

1. Council officers further investigate the possibility of a right turn lane on Kennedy Drive into Norman Street.
2. That this item be listed on the Schedule of Outstanding Resolutions.

**Current Status:** That Item B7 from Local Traffic Committee meeting held 27 August 2009, 24 September 2009 and 29 October 2009 remain on the list of Outstanding Resolutions.

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#### **4. [LTC] Tomewin Road, Dungay**

**ORIGIN:**

Planning & Infrastructure

**FILE NO:** ECM 3948848; Traffic - Committee; Speed Zones; Tomewin Road; Dungay Creek Road

**SUMMARY OF REPORT:**

**From Meeting held 27/8/09 (Item B9)**

At the Local Traffic Committee meeting on 25 June 2009 the Police Representative requested that a speed limit review of Tomewin Road, north of Dungay Creek Road be undertaken with a view to adopting a fixed speed zone along this road.

Tomewin Road north of Dungay Creek Road is currently signposted as derestricted speed limit however its alignment inhibits speeds greater than about 70 km/hr.

Council's traffic data shows the following counts for Tomewin Road (at the tick gates - May 2008):-

756 vehicles per day with an 85<sup>th</sup> percentile speed of 58 km/hr.

It is suggested that the Roads and Traffic Authority of NSW conducts a speed limit review of Tomewin Road north of Dungay Creek Road.

Accident statistics for the 5 year period from July 2003 to June 2008 show 18 crashes on Tomewin Road with 14 of those being off path on curve, 16 were single vehicle and 4 of the crashes were motorcyclists, with 1 motorcyclist being a fatality.

**COMMITTEE ADVICE:**

**That the Roads and Traffic Authority of NSW be requested to conduct a speed limit review of Tomewin Road north of Dungay Creek Road.**

**Current Status:** That Item B9 from Local Traffic Committee meeting held 24 September 2009 and 29 October 2009 remain on the list of Outstanding Resolutions.

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#### **BUSINESS ARISING**

The Chairman distributed comments from Mr W McKennarney regarding Item B6 (Bus Stops - Installation of J Poles) in relation to the meeting held 24 September 2009.

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The Committee noted Mr McKennarley's comments.

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES**

**A1 [LTC] Kingscliff Central**

**ORIGIN:**

Planning & Infrastructure

FILE NO: 7611986; 6886378; Traffic - Committee; Traffic - Parking Zones; Pearl Street

**SUMMARY OF REPORT:**

Requests received for 10 minute or 30 minute parking at Kingscliff Central Business District, 11 - 13 Pearl Street, Kingscliff as follows:-

*"I as a local resident would like to see the area outside the bank be a 10min or 30min parking spot so that youre almost guaranteed a spot any day of the week."*

*"I request two parking spaces be provided for the purpose of customer's banking needs.*

*I have observed other office workers and tenants parking in front of Kingscliff Central all day.*

*This has resulted in regular customer complaints, especially the elderly and business customers."*

Council officers have inspected the site and confirmed that there is a high demand for parking in this area. The request for time limited parking may assist the local businesses.

Council officers will investigate this matter further and report to the meeting.

It was suggested that Council officers investigate two hour parking in consultation with the business owners.

**COMMITTEE ADVICE:**

**That this item be listed on the Schedule of Outstanding Resolutions.**



**A2 [LTC] Old Ferry Road, Murwillumbah**

**ORIGIN:**

Planning & Infrastructure

FILE NO: 7219846; Traffic - Committee; Safety; Speed Zones; Old Ferry Road, Murwillumbah

**SUMMARY OF REPORT:**

At the Local Traffic Committee meeting held 25 June 2009, a request was made for the installation of a temporary safety mirror at 11 Old Ferry Road. The item is reproduced below:-

*"Request received for the installation of a convex safety mirror on Old Ferry road, Murwillumbah to improve the sight distance of approaching traffic to the driveway at number 11. Traffic volumes have increased on this road due to Council drainage works underway in Wharf Street.*

*The measured sight distance from the driveway at number 11 to approaching traffic is less than 30 metres and the speed limit on this road is 50 km/hr. Therefore the temporary installation of this device conforms to the Road and Traffic Authority's guidelines. The installation will be temporary until completion of Council's drainage works.*

**RECOMMENDATION TO COMMITTEE:**

*That a temporary convex safety mirror be approved for installation on Old Ferry Road opposite the driveway to number 11."*

A further request has now been received from the owner of 11 Old Ferry Road, Murwillumbah to purchase the temporary convex safety mirror for permanent installation. The Works Unit has advised that other work is planned that will also detour traffic through Old Ferry Road.

The installation of the mirror is in accordance with Roads and Traffic Authority of NSW guidelines as Old Ferry Road is a street with a speed limit of not more than 50km/hr.

**RECOMMENDATION:**

**That a convex safety mirror be approved for permanent installation opposite 11 Old Ferry Road, Murwillumbah.**

**FOR VOTE - Councillor Barry Longland, Liz Smith  
ABSENT. DID NOT VOTE - Snr Constable Jason Thrupp**

## **B. INFORMAL ITEMS SECTION**

### **GENERAL TRAFFIC ADVICE**

#### **B1 [LTC] Carraboi Terrace, Tyalgum - Temporary Road Closure**

##### **ORIGIN:**

Planning & Infrastructure

FILE NO: 5835244; Festivals - Tyalgum Diggers Sports Day; Roads - Closures - Temporary including traffic; Carraboi Terrace

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

This item was discussed at Local Traffic Committee meeting held 14 May 2009 and the resolution is reproduced below:-

*"That the temporary closure of Coolman Street, Tyalgum on Saturday 25 July 2009 from 6:00am to 4:00pm be approved subject to standard conditions of approval."*

Council has since been advised that the event planned for 25 July 2009 was postponed. Approval is now sought for this event to be held on Saturday 31 October 2009 for temporary road closure only of a section of Carraboi Terrace, Tyalgum *"from the corner of the school down to the weir during the hours of 6am to 4pm"* for the Tyalgum Diggers Sports Association's Family Day & Rodeo.

The request is therefore:

That the temporary closure of Carraboi Terrace, Tyalgum from the corner of the school down to the weir during the hours of 6.00am to 4.00pm on Saturday 31 October 2009 be approved subject to standard conditions of approval.

##### **COMMITTEE ADVICE:**

**That the Committee has no objection to the proposed temporary road closure of Carraboi Terrace, Tyalgum during the hours of 6.00am to 4.00pm on Saturday 31 October 2009 and event subject to standard conditions.**

**FOR VOTE - Councillor Barry Longland, Liz Smith**

**ABSENT. DID NOT VOTE - Snr Constable Jason Thrupp**

**B2 [LTC] Old Lismore Road, Murwillumbah**

**ORIGIN:**

Planning & Infrastructure

FILE NO: ECM3999809; Traffic - Committee; Safety; Old Lismore Road; Bus Services - Routes

**SUMMARY OF REPORT:**

**From Meeting held 27/8/09 (Item B4)**

*"Concern has been raised with the width of Old Lismore Road.*

*"School buses are now servicing the Sovereign Heights and Hundred Hills Estates. There is a small section of Old Lismore Road between these two subdivision which is very narrow and not as safe for buses as it should be."*

*Council officers will inspect the site and report to the Committee.*

**COMMITTEE ADVICE:**

*That:-*

- 1. Council officers investigate the road widths at the sharp bend on Old Lismore Road just south of Riveroak Drive.*
- 2. That this item be placed on the list of Outstanding Resolutions."*

Council officers investigated the road widths at the sharp bend on Old Lismore Road and found the width to be 5.5m - 5.6m. The radius of the bend is about 20m. This geometry requires a bus to take up most of the road carriageway to negotiate the bend. It is considered that the volume of traffic and sight distance is low 85<sup>th</sup> percentile speed and that the situation is acceptable until traffic volumes increase.

*Senior Constable Jason Thrupp arrived at 9.30am.*

Council's Traffic Engineer advised that works have been programmed to widen Old Lismore Road around this bend in the 2011/2012 as part of the five-year Works Program.

**COMMITTEE ADVICE:**

**That the Committee note the concerns of the bus operator.**

**FOR VOTE - Councillor Barry Longland, Snr Constable Jason Thrupp, Liz Smith**

### **B3 [LTC] Kyogle Road, Uki**

#### **ORIGIN:**

Planning & Infrastructure

FILE NO: ECM 3948848; 4967392; Traffic - Committee; Speed Zones; Tomewin Road; Dungay Creek Road

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

##### **From Meeting held 24/9/09 (Item B5)**

*"Two requests have been received in relation to the pedestrian crossing in Uki:-*

- "the traffic through Uki is increasing all the time and this will continue to do so now that the Nightcap Development has been approved.*
- Trucks come thundering down the hill and couldn't possibly stop if someone stepped out onto the road.*
- Cars overtake on the crossing, make illegal U-turns, park on it and use it as a drop off and pick up area, generally ignoring it.*
- Even though the village is a 50 km/hr zone (and 40 km/hr for the School Zone) very few drivers take notice of the speed limit - Council has indicated that they have monitored speed and found it to be satisfactory.*
- The school would like flashing lights.*
- The suggestion of a 'raised crossing' which would force vehicles to slow down."*

*Kyogle Road is a major distributor road and a classified road in Tweed Shire. The advice of the Roads and Traffic Authority of NSW should be sought for both the installation of a raised pedestrian crossing and flashing lights.*

*Council's traffic data indicates the following for Kyogle Road through the Uki village for the week ending 20 February 2008:-*

*85<sup>th</sup> percentile speed 58km/hr*

*Average Daily Traffic 2,500 vehicles per day (vpd) (2005 - 2,649 vpd, 2001 - 2,445 vpd)*

*Crash data indicates that there have been no recorded pedestrian incidents over the last 5 years.*

*Renae Harding P & C Association, Uki Public School, Maggie Wilkins-Russell, Area Coordinator, Uki Neighbourhood Watch and the Principal of UKI Public School, Mr Jeffrey Robinson addressed the Committee with the following comments:-*

*"The ongoing problems of vehicles speeding through the Uki village and across the pedestrian crossing has become an urgent situation. During consultation with Council in 2002 and 2007 many issues were raised regarding traffic calming. The village speed limit is totally disregarded and motorists seem to still be travelling at 80 km/hr within the village. Everyone in the village has a horror story about the pedestrian crossing. Hoons do burn outs on the crossing and sometimes vehicles overtake other vehicles at the crossing.*

*The crossing possibly needs a change in texture and colour. There is also no defining points indicating the 'start' and 'end' of the village. The volume of traffic is also increasing. Consideration needs to be given for something obvious to force traffic to slow down, maybe speed cameras or a change of texture or colour leading to the crossing or installation of chicanes or narrow the road. Speed bumps are not considered appropriate due to noise issues with heavier vehicles.*

*From the School's perspective, Mr Jeffrey Robinson tabled a letter and petition and support from other schools. School operation is from 8.50am to 2.50pm. However, it needs to be remembered that other schools use the crossing starting much earlier in the morning to catch buses.*

*Mr Robinson advised that he had personally witnessed near misses on the crossing during the last 20 weeks that he has been at the School with parents having to drag children back when it is realised that a vehicle has no intention of stopping. The sound of screeching tyres occurs on a daily basis. The school flags are put out each day at 8.00am and removed at 3.20pm and have been left out all day as an extra precautionary tactic.*

*Parked cars often obscure the crossing signs. The 50km/hr speed limit is absolutely non existent at the southern end of Uki village.*

*Consideration of flashing 40 km/hr school zone signs is requested from 7:00am (due to children crossing the road to catch buses) and similar to the signs in Murwillumbah to clearly indicate to drivers that they are approaching the school. Also raised crossings are requested as they would be more easily seen. It was requested that existing signs and the crossing should be repaired. Tree plantings on the sides of the road could also give the impression to motorists to slow down.*

*The main bus stop for high school students is on the opposite side of the road at The Buttery with bus stops on both sides of the road for the interchange of students."*

*The Committee noted that Council has previously resolved to consider a report on traffic safety measures in the village, which is currently being prepared.*

**COMMITTEE ADVICE:**

*That:-*

- 1. Council officers consider re-linemarking all delineation lines and speed zone stencils throughout Uki village.*
- 2. Council officers consider providing a low profile pedestrian crossing at the same location of the existing pedestrian crossing subject to discussion with the Roads and Traffic Authority of NSW.*
- 3. Council officers discuss the possibility of installing the flashing 40 km/hr School Zone signs at the Uki School with the Roads and Traffic Authority of NSW.*

This item was further discussed at the Council meeting held 20 October 2009.

Discussions have been held with the Roads and Traffic Authority of NSW in relation to Item 3 above. Further discussions are necessary including providing the Roads & Traffic Authority of NSW with pedestrian/vehicle counts.

It was suggested that Council's Road Safety Officer consider an educational campaign regarding the difference between a marked pedestrian crossing and a children's crossing. It was also suggested that NSW Police consider enforcement of the road rules at this crossing following the educational campaign.

**COMMITTEE ADVICE:**

**The Committee note the extra comments within the body of the report.**

**FOR VOTE - Councillor Barry Longland, Snr Constable Jason Thrupp, Liz Smith**

**B4 [LTC-LATE] "That Festival"**

**ORIGIN:**

Planning & Infrastructure

**FILE NO:** ECM7953781; LN 19419; 40468; 11686; DA09/0469 Pt1; Traffic Management; Tweed Coast Road; Round Mountain Road; Development Applications - General

**SUMMARY OF REPORT:**

Council has received a proposal for a music festival proposed for a site accessed from Round Mountain Road, Round Mountain. The festival will attract up to a maximum number of 4,500 patrons.

A Traffic Management Plan has been provided that shows traffic controls along Tweed Coast Road and Round Mountain Road which includes temporary speed signage. Car parking to accommodate up to 932 spaces will be provided on a property 2kms west on Round Mountain Road. Shuttle buses will shuttle patrons to and from the event site.

**COMMITTEE ADVICE:**

**That the "That Festival" be further considered by Council and Roads and Traffic Authority of NSW officers.**

**FOR VOTE - Councillor Barry Longland, Snr Constable Jason Thrupp, Liz Smith**

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 26 November 2009 in the Mt Warning Meeting Room commencing at 9.00am.

There being no further business the Meeting terminated at 10.15am.

**EXECUTIVE MANAGEMENT COMMITTEE COMMENTS:**

**A2 [LTC] Old Ferry Road, Murwillumbah**

**Noted by EMT at its meeting of 4 November 2009.**

**EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATIONS:**

**A2 [LTC] Old Ferry Road, Murwillumbah**

**RECOMMENDATION:**

**That a convex safety mirror be approved for permanent installation opposite 11 Old Ferry Road, Murwillumbah.**

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**51 [SUBCOM] Minutes of Sub-Committees Not Requiring Council Decision as at 17 November 2009**

The followed listed Minutes of Sub-committees are for distribution only as they do not require a Council decision.

**UNDER SEPARATE COVER:**

- 1. Minutes of the Tweed River Committee Meeting held Wednesday 14 October 2009 (ECM 8346530)**
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## ORDERS OF THE DAY

### 52 [NOR-CM] [GM-CM] Regional and Local Community Infrastructure Program

#### NOTICE OF RESCISSION:

Councillors B Longland, P Younblutt and W Polglase move the resolution at Minute Number 301 of the Ordinary Council Meeting held Tuesday 20 October 2009 being:-

"..... that Council:-

1. Makes application to the Regional and Local Community Infrastructure Program- Community Grants - Round 2 for funding of the following projects under the non-competitive component:

(i)	Playground Audit and Fencing	\$67,500
(ii)	Chinderah Rock Wall Revetment	\$180,000
(iii)	Uki – Murwillumbah Cycleway (Bray Park Cutting)	\$152,500
(iv)	Fingal Boat Harbour Upgrade (including toilet block & play equipment)	<u>\$150,000</u>
	TOTAL	\$550,000
- (v) In regard to Item 1(iv), that Council staff further investigate options for undertaking improvements at the northern Fingal boat harbour and delegate decision-making to the General Manager subject to discussions with Councillors and the Fingal Head Community Association.
2. Makes application to the Regional and Local Community Infrastructure Program – Strategic Projects for the Murwillumbah Community Centre Project with a grant request of \$1,700,000.
3. Delegates the General Manager to be the Authorised Person (in accordance with this funding application) to enter into a funding agreement with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government for the Regional and Local Community Infrastructure Program: Round Two.
4. Authorises all documentation be executed under the Common Seal of Council if necessary.

**be rescinded**

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**53 [NOM-Cr K Milne] World Rally Car Championships/Conservation Based Tourism**

Councillor K Milne moves:

The World Rally Car Championships have recently been held in the Tweed and Kyogle Shire. This has caused major angst, division and distress in these communities due to concerns for the impact to these sensitive and internationally significant environments, especially with the scheduling of this race during breeding season, and the democratic processes and legislation that were overridden to enable this race.

Councillor K Milne moves:-

That Council:-

1. Makes a commitment to conservation based, eco tourism in the future that is focused on events and activities that are in harmony with the environment and the expectations of all sectors of the community.
  2. Enshrines in the new Local Environment Plan a commitment to a focus on conservation based eco tourism.
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**54 [NOM-Cr D Holdom] Mobile Phones**

**NOTICE OF MOTION:**

Councillor D Holdom moves that all mobile phones (including Councillor's mobiles) are turned off before entering the chamber at either, a formal meeting of Council as a Whole, Community Access and/or Workshops before entering the chamber.

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**55 [NOM-Cr D Holdom] Local Government Aboriginal Network Conference 2012**

**NOTICE OF MOTION:**

Councillor D Holdom moves that Council staff investigate and report back to Council on lodging a bid to hold the Local Government Aboriginal Network Conference in the Tweed Shire in 2012

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**56 [NOM-Cr D Holdom] Code of Meeting Practice - Public Gallery Etiquette**

**NOTICE OF MOTION:**

Councillor D Holdom moves that Council amends the Code of Meeting Practice to include the following when Council as a Whole is formally convened:-

- All signs and masks be prohibited from the public gallery and Civic Centre
  - While Council acknowledges the democratic right to protest, a designated area outside the Civic Centre be established to allow citizens to neatly leave all signs and all masks before entering the Civic centre
  - A copy of the amended Code of Meeting Practice (being suitably bound) be placed alongside the business papers and/or any other public information as available to the general public and be left ad infinitum within the public gallery desk area and updated as changes occur to the Policy Document
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**57 [NOM-Cr K Milne] Section 94 Developer Funds**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council investigates the opportunities for providing enhanced open space and community and environmental facilities through Section 94 developer funds.

**58 [NOM-Cr K Milne] Government Information (Public Access) Act 2009**

**NOTICE OF MOTION:**

Background:

The Government Information (Public Access) Act and two other associated Acts were passed by the NSW parliament in June this year. They are expected to become fully operational early in 2010.

These Acts have significant implications for all councils, and for community access to council information. The Government Information (Public Access) (Consequential Amendments and Repeal) Act 2009 repeals the entire Freedom of Information Act 1989, and the "Access to Information" provisions of Chapter 4, Part 3 of the Local Government Act (including section 12 of the Act), and replaces them with the new Government Information (Public Access) Act 2009. The Government Information (Information Commission) Act 2009 establishes the role of Information Commissioner. Some information about the new system is available from the Department of Premier and Cabinet website, at:

[http://www.dpc.nsw.gov.au/prem/foi\\_reform\\_-\\_open\\_government\\_information](http://www.dpc.nsw.gov.au/prem/foi_reform_-_open_government_information). However, there appears to be little information about the specific impact of the new legislation on councils, or on how it will affect the ability of members of the public and councillors to access council information.

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The Interim Information Commissioner has stated that he is currently consulting stakeholders to ensure a smooth transition to the new system. Given the short period between now and the council festive season break, it would be timely for councillors and the community to be briefed on the key changes in the new system, and its specific implications for council and the local community.

**Councillor K Milne moves that Councillors receive a public briefing (if possible before the end of the year) on the implications for council and the local community of the new Government Information (Public Access) Act 2009 and its associated legislation.**

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**59 [NOM-Cr K Milne] Local Environmental Plan Committee**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council establishes a community working group committee to address matters related to the new Local Environment Plan.

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**60 [NOM-Cr K Milne] Draft NSW Coastal Planning Guidelines**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council holds a workshop on the Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise and how this will affect Tweed developments.

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**61 [NOM-Cr K Milne] Ecological Sustainability Principles**

**NOTICE OF MOTION:**

**Background**

Extract: Willoughby City Council Sustainability Charter 2008

Achieving sustainability will require 'ecological decision making'. This will involve the integration of ecological sustainability into all government and business decision-making processes, so as to reduce our impact on Australia and the world in general.

**Councillor K Milne moves that Council develops a policy to provide for provide for priority consideration of ecological sustainability principles throughout all Council's policies, procedures and decision making processes and that mandatory of implementation of ecological sustainability be provided for, unless otherwise justified.**

- a. Renewable energy utilisation to be a requirement and at least 50% recycled materials should be utilised unless otherwise justified.**
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**62 [NOM-Cr K Milne] Retrospective Sustainability and Jack Evans Boat Harbour**

**NOTICE OF MOTION:**

**Background**

According to the World Business Council for Sustainable Development (WBCSD), "Concrete is the most widely used material on earth apart from water, with nearly three tons used annually for each man, woman, and child." Cement is made by burning fossil fuels when the limestone and clay are heated to over 1300°C and CO<sub>2</sub> is liberated from the decomposed limestone according to the following reaction:

The energy intensive calcination step is a necessary key to cement production. Therefore, the focus of reductions in CO<sub>2</sub> emissions during cement manufacturing is on energy use. However, energy efficiency is ultimately limited by two factors: (1) the high temperature needed to drive the calcination of limestone, and (2) 60% of CO<sub>2</sub> produced in cement manufacture arises from the calcination reaction itself.

**The manufacture of cement produces about 0.9 kilograms of CO<sub>2</sub> for every kilogram of cement. Around 5 – 8% of global CO<sub>2</sub> emissions result from cement manufacture, making this product one of the more polluting activities undertaken by mankind.**

**So the question is, can we do this better?**

One of the primary advantages of geopolymers over traditional cements from an environmental perspective is largely associated with the much lower CO<sub>2</sub> emissions from geopolymer manufacture compared to OPC production. This is mainly due to the absence of the high-temperature calcination step in geopolymer synthesis.

While the activators used in geopolymers do reintroduce some Greenhouse cost, the overall CO<sub>2</sub> saving due to widespread geopolymer utilisation is in the order of 80-90% when compared with Portland cement. Zeobond Pty Ltd had the 'green credentials' of E-Crete put to the test by independent experts who conducted a Life Cycle Analysis and found that E-Crete does indeed produce 80% less CO<sub>2</sub> than OPC.

### **COMPARISON OF GEOPOLYMER CONCRETE AND OPC BINDER SYSTEM GREENHOUSE EMISSIONS**

For further information on geopolymers see our research section.  
<http://www.zeobond.com/env.htm>

**Councillor K Milne moves that materials used for the Jack Evans Boat Harbour be from marine friendly, sustainable resources, including recycled plastic boardwalks and e-concrete.**

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### **63 [NOM-Cr K Milne] Solar Powered Street Lights**

#### **NOTICE OF MOTION:**

Councillor K Milne moves that Council officers pursue the opportunity to provide solar power streetlights in new developments, by negotiating with appropriate authorities, to further these measures including for Kings Forest, Cobaki Lakes and Bilambil Rise, and bring forward a report.

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### **64 [NOM-Cr K Milne] Promotion of Tweed Biodiversity and Safer Driving Practices**

#### **NOTICE OF MOTION:**

Councillor K Milne moves that Council establishes a series of articles to promote the Tweed Biodiversity through the Tweed Link and to encourage the community to *slow down while driving at night* to avoid wildlife.

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**65 [NOM-Cr K Milne] Native Vegetation Clearing Education**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council adopts a zero tolerance policy to native vegetation clearing and establishes a marketing campaign through the Tweed Link, pamphlets etc to educate the community on the importance of this issue and informs the community how to report suspected breaches.

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**66 [NOM-Cr K Milne] Queensland Shark Nets**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council writes to the Queensland State to request the removal of Shark Nets due to the effect on marine life.

**Background**

The Tweed does not use shark nets.

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**67 [NOM-Cr K Milne] Edible Local Native Trees**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council investigates how to further implement the planting of edible local native food trees, in landscaping, street planting and edible parks plans for new Greenfield developments including Kings Forest, Cobaki Lakes and Bilambil Rise to provide for greater self sustainability ie an "Edible Village" concept.

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**68 [NOM-Cr K Milne] Water Tanks**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council investigates the opportunity for provision of water tanks being further utilised in non rural areas and brings a report back to Council.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

- 1 [CNR-CM] Contract Variation Report EC2008-153 with Solo Resource Recovery provides for the Collection of Municipal Solid Waste, Collection and Processing of Recyclables, Collection of Organics, Collection of Bulky Wastes and Collection of Public Plac

#### 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

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