



TWEED
SHIRE COUNCIL

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 16 February 2010

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 on Tuesday 19 January 2010**

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 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 19 January 2010 (ECM 11713871).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 19 January 2010 (ECM 11711684).
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SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolutions to 16 February 2010

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.

Following various discussions and correspondence with the applicant throughout 2009, Council officers have most recently written to the applicant on 14 January 2010 requesting additional information to address previously unresolved issues, including updated engineering plans, the continuing reference to Gold Coast Council development controls, non-compliances with the BCA, waste collection details, deficiencies of the geotechnical report, outstanding environmental issues, and an amended bushfire risk assessment. A further report will be put to Council once these matters have been satisfactorily addressed by the applicant

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

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.

17 November 2009

ORDERS OF THE DAY

55 [NOM-Cr D Holdom] Local Government Aboriginal Network Conference 2012

444

Cr D Holdom

Cr K Skinner

RESOLVED 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.

Current Status: Report to be prepared.

65 [NOM-Cr K Milne] Native Vegetation Clearing Education

448

Cr K Milne

Cr B Longland

RESOLVED that Council:

1. Encourages the Department of Environment Climate Change and Water (DECCW) to:
-

- a) Adopt a zero tolerance policy to illegal native vegetation clearing and
 - b) Consider a marketing campaign to educate the community on the importance of this issue and informs the community how to report suspected breaches.
2. Invites representatives of the Department of Environment Climate Change and Water (DECCW) to present a workshop to Council on this issue.

Current Status: Workshop scheduled for 23 March 2010.

19 January 2010

a3 [MM] Mayoral Minute - Workshop/Briefing Sessions

17

Cr D Holdom

Cr J van Lieshout

RESOLVED that a Workshop be scheduled on the Core Business of Council.

Current Status: Workshop scheduled for 23 February 2010.

18

Cr D Holdom

Cr J van Lieshout

RESOLVED that a Workshop be scheduled on Sustainability Action Plan

Current Status: Workshop to be scheduled.

19

Cr D Holdom

Cr K Milne

RESOLVED that a Workshop be scheduled on Business Ethics and Procurement Policies.

Current Status: Workshop to be scheduled.

20

Cr D Holdom

Cr K Milne

RESOLVED that a Workshop be scheduled on Solar Power Wind Turbines and alternative energy sources and the legislation in force.

Current Status: Workshop to be scheduled.

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MAYORAL MINUTE

3 [MM] Mayoral Minute for the period 08 January 2010 to 05 February 2010

Councillors,

COMMITTEE MEETINGS:

Attended by the Mayor

- 21 Jan 2010 - Murwillumbah Community Centre Mgmt Committee - Coolamon Cultural Centre (also attended by Cr Longland)
 - 28 Jan 2010 - TEDC Board Meeting, TEDC offices, Murwillumbah
-

INVITATIONS:

Attended by the Mayor

- 16 Jan 2010 - Sam Singh Indian Festival - Murwillumbah Civic Centre
- 19 Jan 2010 - Visit from Minister for Planning & Lands, Tony Kelly MP
Release of the TH revitalisation plan and launch of LEP Stage 1
Tweed Heads Visitor Information Centre & Twin Towns
(Also attended by Crs van Lieshout, Longland, Holdom, Youngblutt, Milne, Skinner)
- 20 Jan 2010 - 4CRB Talkback radio with the Mayor – 8 Stevenson Crt, Andrews, Burleigh Heads
- 22 Jan 2010 - Bupa Banora Point Aged Care facility Opening - 18 Ballymore Court, Tweed Heads South
- 24 Jan 2010 - Thank you celebration for Rural Fire Brigade Service for their efforts in fighting Tweed bushfires - Cabarita Beach Surf Life Saving Club (also attended by Cr Dot Holdom)
- 25 Jan 2010 - Gold Coast Airport Terminal Launch – (also attended by Crs Longland, van Lieshout, Holdom)
- 26 Jan 2010 - Australia Day Flag raising – Jack Evans Boat Harbour, Tweed Heads
- 26 Jan 2010 - Australia Day Breakfast in the park – Lions Park, Kingscliff
- 26 Jan 2010 - Australia Day Presentation of local awards – Knox Park, Murwillumbah

- 26 Jan 2010 - Australia Day Citizenship & Awards Ceremony - Burringbar Primary School, Multifunction Area, Burringbar (also attended by Cr Youngblutt)
- 03 Feb 2010 - 4CRB Talkback radio with the Mayor – 8 Stevenson Crt, Andrews, Burleigh Heads
- 03 Feb 2010 - Safer Communities Alliance - Cabarita Beach Sports Centre, Les Burger Field (also attended by Cr Youngblutt)

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

NONE

Inability to Attend by or on behalf of the Mayor

- 30 Jan 2010 - World Wetlands Day Walk – Tweed Bicentennial Environmental Park, Pottsville
- 05 Feb 2010 - NORPA 2010 Season Launch – Lismore City Hall
- 05 Feb 2010 - Aboriginal Advisory Committee – Minjungbal Museum (Cr Dot Holdom attended as a member of the Committee)

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- NIL

Information on Conferences to be held

- 4-6 Mar 2010 - Women Making a Splash in Local Government by the Australian Local Government Women's Association – Moree Plains Shire
- 10-12Mar 2010 LGSA Tourism Conference 2010 – Cowra Shire Council, Cowra Civic Centre, Cnr Darling Street & Bartlett Avenue, Cowra
- 31 May – 2 Jun NSW Shires Association Conference - Sydney

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

SIGNING OF DOCUMENTS BY THE MAYOR:

- 02 Feb 2010 - Lease – Part of Courtyard Area at Tweed Heads Civic Centre to Southern Cross University.

RECOMMENDATION:

That the:-

- 1. Mayoral Minute for the period 08 January 2010 to 05 February 2010 be received and noted.**
- 2. 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] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - October to December 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 October to 31 December 2010.

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 October to December 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
October to December 2009**



1. TEDC Marketing Material Update.

- The upgrading of the TEDC marketing material including the Web site redesign has now been completed and the TEDC web site went live on November 30th 2009.
- The web site is a content managed site which allows for modifications and information to be uploaded in house (by TEDC staff) on an as required basis, and assists with search engine optimization for internet inquiries.
- TEDC now has the capacity to upload MP3 files of speeches, presentations and interviews.
- The new site allows use of the internet for member's forums and survey monkeys.
- The marketing material update includes the production of a new TEDC Investment Attraction Portfolio, new stationery, a new and revised approach to the TEDC News Letter which links directly back to the TEDC web site, and a new and re-formatted Tweed Pulse publication.
- TEDC has placed ads in JetStar, in-flight magazine for months of December 2009 and January 2010.
- TEDC is also compiling the next quarterly edition of the Tweed Pulse which will be released by end of January 2010.

2. Increased Level of Business and Investment Inquiry

- The dedicated and consistent approach to marketing adopted by TEDC, along with the content and substance of the information now available, is resulting in an ever increasing profile and recognition of TEDC, by the investment industry and other government and semi government agencies, who all form part of the ever increasing number of inquiries by businesses, investors, and organisations who are now identifying the Tweed region as a business and investment destination.
- TEDC is now recognized as the first point of contact for businesses seeking information on facts, figures and opportunities in the Tweed. In the last two months alone TEDC has been directly approached by more than 30 business entities seeking a range of information on; business opportunities, access to TEDC research and statistics, and a broad range of other information which is used to assist them in the development of business plans and/or in assessing the Tweed as a potential business location. In some instances TEDC has introduced the business to TSC or made connections with other state and federal government business agencies.

3. National Demand for Information and Presentation on TEDC Approach to Economic Development

- The TEDC profile is also being increasingly recognised at the broader national level and in the last month alone TEDC has received requests for presentation on its approach to economic development from councils in Townsville and Rockhampton in Queensland, and The Entrance in NSW.
- TEDC was also approached to present a key note address at the Planning Institute of NSW National conference held recently in Newcastle.
- TEDC was also approached by the NSW Business Chamber and NSW Business Council, with a view to becoming a member of the council.
- TEDC has been asked to host a delegation from Karrartha in WA in March 2010 regarding the TEDC approach to economic development.

4. Increasing Awareness of Value of TEDC Information at the Local Community

Level

TEDC is also receiving an increasing number of requests from local organisations to make presentations on facts relating to the Tweed economy.

Recent presentations include:

- The Tweed Heads Bowls Club as part of their forward thinking, strategic planning process.
- The Creative Arts "Connecting the Community Program" who were seeking economic data on the Tweed economy.

- A Medical Group in the Tweed who are seeking assistance and information on expanding their services in the Tweed as part of a process of dealing with the increasing challenges presented by the aging demographic and youth of the Tweed; and
- A local sporting club who have sought assistance as part of a process of managing changes to the club industry.

5. Whole of Tweed Shire Business Survey.

- TEDC is in the process of preparing a Tweed Shire-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 existing business growth and new job generating business investment into the future.
- TEDC has now received a confidential data base form the Australian Business Register which identifies all 5472 businesses registered for GST in Tweed Shire. The survey will commence in late January early February 2010.

6. Update TEDC/Southern Cross University Business Insight Event.

- TEDC and the Southern Cross University's Graduate College of Management have formed a partnership to deliver the Business Insights seminar series in the Tweed over the next twelve months.
- The first of these seminars entitled "marketing your way through tough times" was held in November at Salt.
- The event attracted a maximum of 175 people, with a further 40 people denied the opportunity as a result of the restricted capacity of the venue.
- A post event survey by TEDC has resulted in a 25% response, with very positive feedback.

7. Department of Lands Update

TEDC continues to liaise with the Department of Lands on a range of projects in the Tweed in response to investment inquiries regarding the Boyds Bay Marina proposal, Jack Evans Boat Harbour and other Tweed River initiatives.

8. Telecommunications Infrastructure Action Plan

TEDC in collaboration with Tweed Shire Council (TSC) have completed the Telecommunications Infrastructure Action Plan which was endorsed by Council in the June 2009.

- TEDC in partnership with TSC & Country Energy completed a funding application under the federal governments Digital Regions Initiative funding program. The proposal was to establish an optic fibre network link between Tweed Heads, Kingscliff and Murwillumbah, which would enhance service to government agencies and facilitate private sector investment and employment.
- TEDC is also part of a TSC/ Southern Cross University (SCU)/ Northern NSW consortium which incorporates all LGA'S from Coffs Harbour to the Tweed who have come together to submit a proposal for this Northern NSW region to become the second region next to Tasmania, for Federal Government Roll out of the NBN Fibre Network infrastructure program.
- The formation of this consortium is a clear recognition of the future significance and importance of having access to advanced optic fibre technology across the Northern NSW region as part of managing and accommodating sustainable social and economic growth into the future.

9. Social and Economic Impact of an Ageing Population

Issues associated with Health and Ageing in the Tweed, have long been identified by TEDC as areas requiring specific research and investigation as part of achieving future social and economic sustainability in the Tweed. The Fact Sheet previously presented to Council (Amended copy attached) outlines some of those challenges.

- In November 2009 TEDC completed a research paper on the Impacts of an Ageing Population as identified in the TEDC 2009 Work Program.
- The research report provides a comprehensive overview of the facts and challenges we face both as a region and nationally. The challenge is determining what actions or strategies need to be put in place to manage this challenging issue?
- TEDC has recently been advised that TSC have engaged a consultant to conduct research and provide information on issues associated with the ageing population in Tweed Shire.

10. TEDC Fact Sheet on Issues Impacting on the Tweed Economy.

- TEDC continues to update the attached facts sheet in the strong belief that the facts as presented distinctly outline the challenges the region faces in developing the actions and strategies necessary to achieve long term sustainable social and economic sustainability.

The TWEED 2031 Looking Forward The Facts

Research by TEDC confirms that;

- The TEDC National Award Winning Economic Modeling Tool updates of the Tweed economy since 2005 have consistently recorded and confirmed that the Tweed has consistently recorded a 90% serviced based economy.
- **The most recent update in 2007/08 again confirmed that the Tweed economy was worth \$1.15 Billion and was made up of 90.7% services sector, manufacturing at 6.1% and agriculture at 3.2% (& employing only 4.2% of the Tweed work force).**
- Generally, the Tweed economy had an annual growth rate of 1.4% over the last two years; in comparison, NSW which had an annual growth rate of 3.5%.
- **Research also confirms that the Tweed is a population driven serviced based economy which has simply responded to the needs of population growth, specifically in the ageing demographic.**
- The facts again confirm that agriculture is no longer the major economic driver of the Tweed economy and in fact is declining at a rate greater than the national average.
- Rural Land Use Report 2002 conducted by TEDC specifically identified farm lot sizes as an issue when it was confirmed that there were only 12 Properties over 200 hectares, 22 properties over 100 hectares, 700 properties between 40 and 100 hectares and over 700 properties between 1 and 40 hectares.
- **The research also found that not only are the farms/properties in the Tweed obviously fragmented small holdings, but due to the diverse biophysical attributes of the land are not productive, bringing into question whether economies of scale can be achieved.**
- Tourism research by TEDC in 2009 confirms that tourism's contribution to the Tweed economy was 5.8%. Note: Tourism is not an independent industry sector in its own right, but made up of a number of services including accommodation, dining, entertainment, travel etc.
- Unfortunately tourism is often seen as a growth opportunity and a solution to a regions economic woes, however TEDC research confirms that whilst tourism is one of the potential growth sectors of the Tweed economy, there is a need to adopt a more proactive strategic approach aimed at increasing real tourism product or things to do, if tourism is to achieve its true potential - rather than just continuing to rely on the natural attributes and assets of rainforest and beaches and more recently resort style accommodation to attract tourists to the region.
- Research on tourism shows that in 2008 the average stay in Hotels/Motels in the Tweed was 2.2nights (Gold Coast 4 nights), low occupancy rates of 50%, and low average expenditure of \$94 per night compared to \$183 per night on Gold Coast and \$214 per night for NSW.
- Population in June 2008, 86,833 Estimates as at end of 2009 suggest a current population of 90,000
- Projected population 2031, - 120,000

- demographic cohort going to have on the TSC rate base, health and community services and transport and telecommunications infrastructure?
- 49.14% of Tweed Shire ratepayers are on the minimum ordinary rate?
- The minimum residential rate in Tweed Shire for 2009/10 was \$747.10
- The general residential rate including water, sewer, garbage was \$1593.90
- The Tweed shire has a total of 38,004 ratepayers of which 21% or 8,107 are pensioners.
- The total Pensioner discount in 2009 was \$3,040,618 for which the Tweed shire council receives a 55% or (\$1,672,339.00) NSW government pensioner rate subsidy which means the net cost to council in 2009/10 \$1,368,279.
- The current unemployment rate in Tweed shire is 5.81% compared to NSW 4.76%
- The Tweed currently has - by state and national standards - one of the lowest work participation rates (WPR) in the country at 42%, when compared to NSW at 62%, SEQ at 62.7% and the Northern Rivers at 55%
- This WPR equates to only 30,522 people in full time equivalents actually earning and income and living in Tweed Shire, with 11,000 of the 30,522 leave the shire each day to work in other places. To put it another way; there are only 19,294 self employed and employees in full time equivalents actually living and earning an income in Tweed shire.
- These figures confirm the fact that if the Tweed is to achieve a moderate 50% work participation rate by 2031, then there is a need to generate some 25,000 additional new jobs by 2031. The Far North Coast Regional Strategy also suggests on a shire % population bases, a need to increase the job numbers in the Tweed by 17,000 jobs.

- **Weekly Individual Incomes Tweed LGA 2006 Census data ; 65.8% (Tweed) earn less than \$599.00 per week – NSW 54.5%; 81.4% (Tweed) earn less than \$1,000 per week – NSW 72.1%**

- **Weekly Household Incomes Tweed LGA 2006 Census Data; 57.2% (Tweed) have household income of less than \$1,000 per week – NSW 42.6%**

This research by TEDC confirms an urgent need to broaden and diversify the economic structure of the Tweed economy and stimulate business growth activity as part of a strategy to encourage and attract new investment driven job growth if we are to achieve future socio-economically sustainable population growth.

The proposal to broaden and diversify the economic structure of the Tweed economy will result in future economic and social sustainability by:

- Broadening the population demographic base
- Increasing the average disposable income
- Addressing the issue of high unemployment and low work participation rates
- Minimize the impact on Tweed Shire Council residential rate base. (21% currently affected by pensioner discounts – what will be the % in 2031?)
- Minimize the future impact of the high age demographic component of the population on health, community services and transport infrastructure, and
- Provide a broad based and sustainable economic structure into the future.

The Tweeds current socio-economic population demographics and statistics are the direct result of past strategies to manage and accommodate the demand driven by people wanting to relocate and or retire to the Tweed.

“Recent construction and development figures by Colliers International (September 2009) indicate almost \$11,755.8 billion in development is planned or under construction in the Tweed Shire. These figures are reflective of the increased interest by individuals and businesses who now view the Tweed as a desirable location to Live, Work & Play.

The \$11,755.8 billion in development includes coastal tourism and residential development, redevelopment of the Tweed Heads Central Business District (CBD), and commercial, industrial and retail development.

The launch of the \$350 million business epicenter- Industry Central, allows for 50 hectares of business investment opportunities as part of the master planned estate incorporating custom-designed land and building packages.

The Tweed offers a competitive option for development, generating significant interest from businesses and investors looking to expand or relocate to the Tweed. Major developments include:

Retirement Projects - \$ 151 million

Residential Projects - \$ 1,443.6 billion

Infrastructure - \$ 772.2 million

Apartment Projects - \$ 260.0 million

Mixed Use - \$8,550 billion

Commercial/Industrial/Retail Projects - \$ 579 million" End of quote.

Whilst these development and construction figures reflect a level of positivity in terms of managing and accommodating population growth, the underlying concern is that of the total investment dollars \$11,755.8 Billion, only \$579 million is about the creation of long term jobs and the broadening and diversification of the economic base of the Tweed economy away from a reliance on the serviced based industries including tourism. The \$11,755.8 Billion also contains of \$772.2 million for infrastructure.

11. Meetings Attended by TEDC

- CEO attended Meeting Sextons Hill action group and RTA 24th September 2009.
- CEO attended a presentation to TSC by The Heilbron Group (THG) on behalf of an investment consortium on concept proposal for a Master Planned Estate in the Tweed on October 13th 2009
- Meeting Industry Central October 22nd – Update and progress on business interest.
- TEDC represented at various Chamber meetings.
- Attended official opening Tweed Heads VIC November 2nd 2009
- Meeting with TSC on Telecommunications Infrastructure Funding proposal.
- CEO attended a meeting with the Sextons Hill Focus Group and the RTA on 12th November 2009, and meeting with Focus Group, Geoff Provest & Andrew Stoner on November 16th 2009.
- Presentation to Creative Arts "Connecting the Community Program" November 4th 2009.
- CEO presentation to Board of Tweed Heads Bowls Club Strategic Planning Meeting, November 5th 2009.
- Meetings with representatives of Brothers Junior League Club November 5th & 17th
- Meeting November 17th 2009, SCU (Lismore) TSC and representatives of all LGA'S from Taree to the Border on Telecommunications Infrastructure Funding Proposal.
- Attended TSC On Line DA Approval Process progress presentation November 19th 2009
- Attended Tweed Academy of Sport launch.
- Meeting Gary Belcher – Tweed Academy of Sport.
- Meeting with consultants engaged to review delivery of economic development and tourism November 23rd 2009.
- Attended TSC/Tweed City Centre Plans Final Consultation Meeting Tweed Heads December.
- Meeting with representatives- Kafe Fiesta festival Kingscliff December 9th.
- Meeting with farming representatives – Farming issues in the Tweed December 7th 2009

12. Tweed Economic Development Corporation Annual General Meeting Update

- The meeting was held at - Tweed Regional Art Gallery, Thursday 26 November 2009.
- A total of four Directors were elected including; Ron Ford, Robert Wesener, Harry Williams and Anthony (Tony) Mitchell.
- The TEDC Annual Report and Audited Statement of Accounts were presented and endorsed by the meeting.

13. Website Statistics for September 2009 to December 2009 not available due to changing web host.

14. Economic Model Consultancy

- TEDC has recently completed an economic impact assessment on the "Splendor in the Grass" festival for Byron.

15. 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 Editorial Value for the quarter is \$11,868 Total Editorial Value Year to date \$55,419

Media Coverage October to December

<u>Date</u>	<u>Headline</u>	<u>Media</u>	<u>Size</u>	<u>Unit cost per page</u>	<u>Advert Value</u>	<u>Editorial Value</u>
9/10/2009	Catching the swell of surfing tourism	Tweed Daily News	1/2 page	\$ 1,375.00	\$1,375.00	\$ 4,125.00
12/11/2009	Beat the Slowdown	Tweed Daily News	1/2 page	\$ 1,375.00	\$1,375.00	\$ 4,125.00
12/11/2009	Boss Wish List	Tweed Border Mail	25cm x 3 col		\$ 603.00	\$ 1,809.00
12/11/2009	SCU survey to poll Tweed Business Leaders	Tweed Border Mail	25cm x 3 col		\$ 603.00	\$ 1,809.00
TOTAL					\$3,956.00	\$11,868.00

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

Other Media Coverage

<u>Date</u>	<u>Headline</u>	<u>Media</u>	<u>Distribution Type</u>
November	There's a future for you in the Tweed	Jetstar Advertising	Jetstar
December	There's a future for you in the Tweed	Jetstar Advertising	Jetstar

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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** – Details of Tweed Business Enquiries 'Commercial in Confidence' (ECM7669519)
-

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5 [GM-CM] Tweed Economic Development Corporation (TEDC) 2008/09 Financial Statement and 2009/10 Budget

ORIGIN:

General Manager

SUMMARY OF REPORT:

As required by the current Tweed Economic Development Corporation (TEDC) Agreement the audited financial statements for the 2008/09 financial year and the 2009/10 Budget for the organisation need to be provided for Council's review.

As convention, all budgets and financial statements provided by TEDC are provided as confidential attachments.

RECOMMENDATION:

That:

1. **Council receives and notes the 2008/2009 Audited Financial Statement and 2009/2010 Budget reports from Tweed Economic Development Corporation.**
2. **ATTACHMENT 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
 - (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret**

REPORT:

As required by the current Tweed Economic Development Corporation (TEDC) Agreement the audited financial statements for the 2008/09 financial year and the 2009/10 Budget for the organisation need to be provided for Council's review.

As convention, all budgets and financial statements provided by TEDC are provided as confidential attachments.

Attached to this report is comparison of the budgets and audited statements submitted to Council as part of TEDC's contractual reporting requirements from the 2007/08 and 2008/09 financial years. For comparison purposes this sheet also contains the TEDC budget for 2009/10.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. **Confidential Attachment** – TEDC 2008/2009 Audited Financial Statement (ECM11374183)
 2. **Confidential Attachment** – TEDC 2009/2010 Budget (ECM11374171)
 3. **Confidential Attachment** – Review of TEDC Budgets and Actual Expenditures from 2007 to 2010 (ECM12114813)
-

6 [GM-CM] Tweed Tourism Quarterly Performance Report – October to December 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 October to 31 December 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 October to December 2009.**
- 2. ATTACHMENT 1 and 2 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret**

REPORT:



**Tweed Tourism
December 2009 Quarter Report**

1. Financial

(This section has been attached as a confidential attachment to the Council report)

2. Marketing

description and value of co-operative contributions

(This section has been attached as a confidential attachment to the Council report)

3. Members

Membership Numbers at 31/12/09

Renewed as at 31st December

Associate	78
General	107
Corporate	6
Corp Affiliates	21
Reciprocal	6
Total	218

Membership Revenue

(This section has been attached as a confidential attachment to the Council report)

4. Visitor Information Centres

movement in visitor numbers at each VIC previous year

2009 - 2010

	2009/10	2008/09	Variance	2009/10	2008/09	Variance
	WHRC			Tweed Heads		
Sept Qtr	6840	6471	5.70%	7007	6750	3.81%
Dec Qtr	6162	6029	2.21%	8991	5304	69.51%
Mar Qtr						
Jun Qtr						
Total	13002	12500	4.02%	15998	12054	32.72%

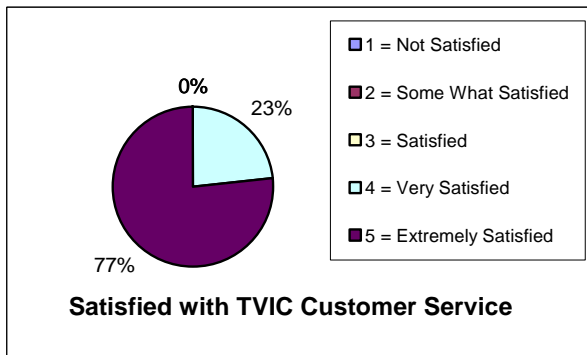
- Murwillumbah visitor numbers were steady with a slight overall increase for the quarter. Tweed continues to shine with an outstanding 69% increase in visitors numbers in

Commissions Earned

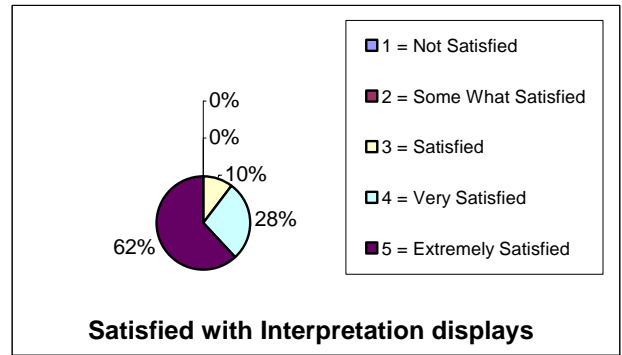
(This section has been attached as a confidential attachment to the Council report)

Quality of service at Visitor Information Centres

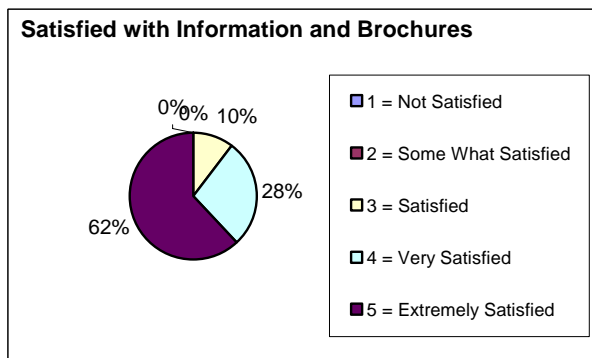
- Surveys for the last quarter, results show that 77% of visitors to the VIC's were extremely satisfied, 23% very satisfied with the quality of customer service received. Majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays.
- A common point of contention received from visitors to the Murwillumbah Centre is the lack of parking for visitors with caravans.



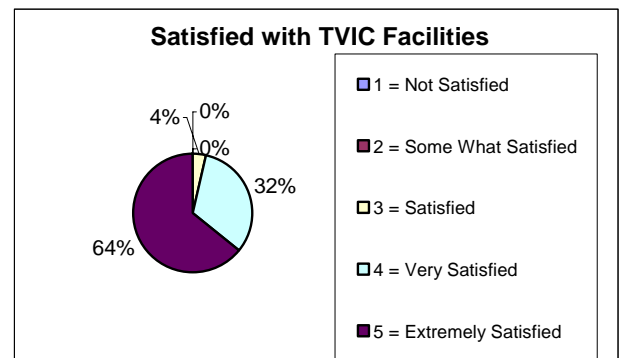
Were our visitors satisfied with our customer service.



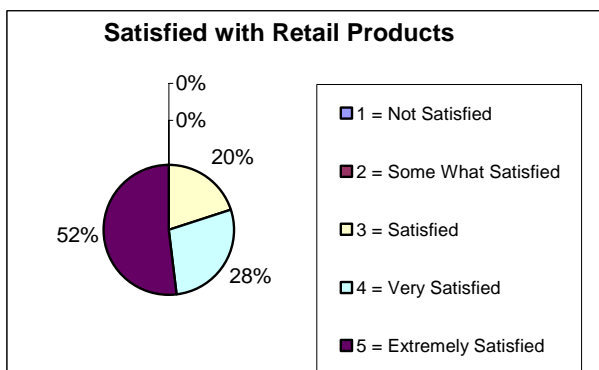
Were our visitors satisfied with our displays.



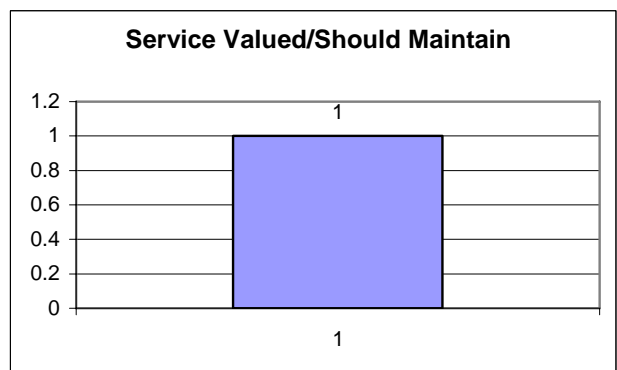
Were our visitors satisfied with our range of information.



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

Retail Revenue

(This section has been attached as a confidential attachment to the Council report).

1. Product Development

Art & Culture

Working with Lesley Buckley of Tweed Shire Council on the Arts Connecting Communities Action Plan initiated by the Australian Business Arts Foundation (AbaF). It is designed to foster relationships between businesses and the artists.

Festivals

Attended a meeting to consider the way forward with the Wintersun Festival. Further discussions planned.

Taste the Tweed

Seafood Discovery Trail – The website is developed and hardcopy booklets will also be available by mid January 2010 for distribution to participating operators and the wider community. It has received some good media coverage.

Farmers Market – A letter of support for a genuine farmers market in Knox Park Murwillumbah has been provided by Tweed Shire Council as the Trustees of the land on behalf of the Department of Lands. A Development Application and a Marketing Management Plan is now required to be sent with the letter to the Department of Lands for their approval.

Business Alacarte – Attended initial meeting for the Southern Gold Coast and the Tweed operators, primarily restaurants and cafes. The concept is to provide specialist assistance to improve businesses.

Taste the Tweed Hampers – Taste the Tweed hampers are selling well through the Tweed Visitor Information Centre as part of the Christmas promotion.

Environment

National Landscapes- Joanne Gurney and Wendy Miller attended the National Landscapes Regional Forum in Alice Springs early November 2009. Australia's Green Cauldron was unsuccessful in its bid for TQUAL funding. The Department of State and Regional Development is still offering \$25,000 if matched dollar for dollar. The group will reconvene in the new year to discuss options.

Birds

Information in relation to bird watching is now being included in the What's On in the Tweed newsletter. Also developing material for the website.

Walks

Ongoing meetings with the Tweed Economic Transition Program community groups (Uki, Tyalgum, Chillingham) and National Parks, in relation to trails in the vicinity of the three villages and in

Sports

Surf Life Saving - Met with Surf Life Saving members and Tweed Shire Council to consider ways to make our beaches safer. Arrangements have been made for Surf Safety brochures and cards to be distributed through the Visitor Information Centres and accommodation houses. Tweed Surf Safety specific brochures are planned.

Race Day – Sunday 3 January 2010.

Network Nights

The AGM/Christmas party was held Thursday 3 December at Twin Towns. It was a success with 85 people attending including Tweed Tourism volunteers who usually have a separate Christmas breakup party.

The next Network Night is planned for the Currumbin Wildlife Sanctuary.



TWEED TOURISM PR PROGRAM

Editorial Valuation – July 2009 to December 2009

EXECUTIVE SUMMARY

The following tables list the media coverage achieved through the various PR initiatives carried out by Verve Consulting on behalf of Tweed Tourism in the six months from July to December 2009. Calculations of value are based on the cost of taking out an advertisement of similar size to the published or broadcast editorial (Advertising Value), multiplied by 3 to estimate Editorial Value.

As such, estimated valuations of the media coverage achieved for the Tweed region and Tweed Tourism during the first **six months** of the 2009/10 financial year are as follows:

	Advertising Value	Editorial Value
PRINT MEDIA – DESTINATION FEATURES	\$ 325,488	\$ 976,464
TELEVISION MEDIA	\$ 332,400	\$ 997,200
LOCAL MEDIA – TWEED TOURISM FOCUS	\$ 38,031	\$ 114,093
WEBSITE LISTINGS	\$ 9,600	\$ 28,800
TOTAL ...	\$ 705,519	\$2,116,557

JOURNALIST FAMILIS

It is worth noting that, in achieving the above results, we have hosted and escorted a record number of journalists (36 in total) over the past 12 months. This has included group famils such as the Historic Pub Tour (9 media), the New Zealand media famil (5 media), TNSW's Rainforest Way famil (5 media), Whale Watching famil (5 media), and NRT's Rivers of Life famil (5 media), as well as various individual famils. Please note, this figure does not include the media who visited the region as part of the World Repco Rally coverage, although we did work extensively with the Rally's PR representative.

INDUSTRY FAMILIS

We have also hosted and escorted a number of key industry famils over the past 12 months, including the Corroboree 09 group of 15 UK/Europe travel agents, TNSW representatives from Japan and Korea and a group of some 17 movie industry producers and location scouts.



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PRINT MEDIA – DESTINATION FEATURES

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
25-06-09	Daily Telegraph	Meander on Scenic Route	EcOasis & Mavis' Kitchen	Full page col = 266 col cm	\$104.80 / col cm	\$27,877	\$83,631
27-06-09	Courier Mail Q Weekend	Kingscliff Seaside Guesthouse	Kingscliff Seaside Guesthouse	Full page col		\$23,850	\$71,550
01-07-09	Gold Coast Bulletin 'Bites' liftout	Bits & Pieces	Madura Tea & Luffleys	14 col cm	\$17.70/ col cm	\$ 248	\$ 744
30-07-09	Daily Telegraph	Where Crabby is Good	Catch a Crab, Santai, EcOasis, Tyalgum, Chillingham, Repco World Rally	34cm x 5 col = 170 col cms	\$123.29 /col cm	\$20,959	\$62,877
31-07-09	Daily Telegraph	Rally Puts Region into the Lime/light	Repco World Rally	237 words (est 130 col cm)	\$123.29 /col cm	\$16,027	\$48,081
31-07-09	Daily Telegraph	NSW Ultimate Road Trips	Rainforest Way	171 words (est 80 col cm)	\$123.29 /col cm	\$9,663	\$29,589
01-07-09	Daily News	White Whale is on the Way		167 words (est 65 col cm)	\$11.73 /col cm colour	\$ 762	\$2,286
02-07-09	Daily News	Great White Whale Returns		340 words (est 115 col cm)	\$11.73 /col cm colour	\$1,349	\$4,047
02-07-09	Northern Star	The White Whale Returns		175 words (est 80 col cm)	Est \$15 /col cm	\$1,200	\$3,600
02-07-09	Gold Coast Bulletin	Dazzler of the Deep	Aquatic Blue Charters Fingal Dive Charters	804 words (est. half page col)	\$3,742.20 per half page col	\$3,742	\$11,226
02-07-09	Tweed Shire Echo	Migaloo Sighted off Tweed Coast		104 col cm	Est \$15 /col cm	\$1,560	\$4,680
09-07-09	Tweed Sun	Excitement at Whale's Return		113 words (est. 50 col cm)	\$17.20 /col cm	\$ 860	\$2,580
10-07-09	Daily News	A Sight to be Remembered		344 words (est 115 col cm)	\$11.73 /col cm colour	\$1,349	\$4,047
10-07-09	Daily News	Market Share down to a Tea	Madura Tea	292 words (est 80 col cm)	\$11.73 /col cm	\$ 938	\$2,814
16-07-09	Tweed Shire Echo	Tweed Hinterland Villages	Valley Villages	3 page feature = 798 col cm	Est \$15 /col cm	\$11,970	\$35,910



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DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
Jul-Aug 09	Metro Magazine, Auckland	<i>The Green & Gold</i>	Currumbin Wildlife Sanctuary, Café D'Bah, Mt Warning, Tropical Fruit World, Salt Village, Peppers, Mantra, Bale, Golden Door, Santai, Bamboo, Kingscliff Seaside Guesthouse, Murwillumbah, Art Gallery, Tyalgum, Flutterbies, Mavis' Kitchen	1½ pages of 5 page feature	\$6,950 full pg + \$4,800 ½-pg	\$11,750	\$35,250
08-07-09	Brisbane News	<i>Bring a Doggy Bag</i>	Mavis' Kitchen	Full page col = 40 units	\$261.89 per unit	\$10,476	\$31,428
19-07-09	Sunday Star Times (New Zealand)	<i>Coast to Coast</i>	Tropical Fruit World Pt Danger Salt Village Mantra Santai Bamboo TR Regional Art Gallery Mt Warning Mavis' Kitchen Villages	1½ pages = 399 col cm	\$52.40 /col cm	\$20,908	\$62,724
Sept 09	Time Out Sydney	<i>Travel Northern Rivers</i>	Mt Warning Mavis' Kitchen Chillingham Bush Tucker Catch a Crab Cruises EcOasis	Full page col	Est \$3,500 per page	\$3,500	\$10,500
26-08-09	Gold Coast Bulletin	<i>Charters Passengers Blown Away by Killer Views</i>	Aquatic Blue Charters	65 col cm	\$26.74 /col cm colour	\$1,738	\$5,214
20-08-09	Daily News	<i>Tweed is Finger Lickin' Good</i>		486 words (est 150 col cm)	\$11.73 /col cm colour	\$1,760	\$5,280
26-08-09	Gold Coast Bulletin Bites liftout	<i>Farm Gate to Plate</i>	Taste the Tweed @ Twin Towns	114 col cm	\$17.70 /col cm colour	\$2,018	\$6,054
31-08-09	Tweed Weekly	<i>Broadening Culinary Horizons</i>		62 col cm	Est. \$300	\$ 300	\$ 900
22-09-09	Gold Coast Bulletin	<i>A Night out with Nature</i>	Vision Walks	3½ pages	\$5,995 / full pg	\$20,982	\$62,946



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DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
24-09-09	Paradise Magazine				\$2,997 / 1/2 pg		
01-10-09	Tweed Shire Echo	Arffest Celebrates our Biodiversity		36 col cm	Est \$15 /col cm	\$ 540	\$ 1,620
01-10-09	Tweed Shire Echo	A Feast for all Art Lovers		Min	Est \$15 /col cm	\$ 300	\$ 900
01-10-09	Tweed Shire Echo	Gig Guide		Min	Est \$15 /col cm	\$ 300	\$ 900
01-10-09	Tweed Shire Echo	Know your Protected Birds	Caldera Arffest	Min	Est \$15 /col cm	\$ 300	\$ 900
01-10-09	Tweed Sun	Arffest is Diverse		102 words (est 20 col cm)	\$17.20 /col cm	\$ 344	\$1,032
02-10-09	Courier Mail	What's On		Listing: 2 x 1 col cm	\$56.53/col cm	\$ 113	\$ 339
03-10-09	Gold Coast Bulletin	What's On		Listing: 3 x 2 col cm	\$33.91/col cm (w end rates)	\$ 203	\$ 609
Oct 09			Australia's Green Calderon Mt Warning McCalman's Crystalvale Crystal Creek Rainforest Retreat Tyalgum Chillingham Bush Tucker	2 page feature			
	4X4 Australia	Crystal Clear			\$2,947 per page	\$5,894	\$17,682
Summer 09	4X4 Australia – Summer Getaway Guide 2009	Top 5 NSW National Parks	Border Ranges NP	7.5 x 6.5 cm	\$1,174 per 1/3 page	\$ 390	\$1,170
22-09-09	New Zealand Herald	Happiness is ... the teashops in Tweed Valley	Murwillumbah Tyalgum (Flutterbies) Tropical Fruit World Mt Warning Mavis' Kitchen Kingscliff Seaside Guesthouse Mantra on Salt Beach	440 col cm + 7 cm	\$40.32 /col cm	\$18,023	\$54,069
21-09-09	Daily News	Life's Sweet for our Coffee Shops	NSW Regional R&C Awards success – Mavis' Kitchen	352 words (est 80 col cm)	\$11.73 /col cm colour	\$ 938	\$2,814
25-09-09	Gold Coast Bulletin	Tweed Scoops Restaurant Award Hat-Trick	Sugar Beat Coffee Shop Fins Restaurant	119 words (est 50 col cm)	\$26.74 / col cm colour	\$1,337	\$4,011



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DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
29-09-09	Tweed Weekly	R&C Awards –		Est		\$ 300	\$ 900
22-10-09	Queensland Country Life	R&C Awards – No clipping		Est		\$ 300	\$ 900
Oct 09	AAA Directions Magazine (New Zealand)	Just Coasting	Café D'Bar Tropical Fruit World Aust's Green Cauldron Mt Warming Mavis' Kitchen	Full page col	\$3,132 per pg	\$3,132	\$9,396
29-10-09	Gold Coast Bulletin	Big Hugs for Small Horses	Crystal Creek Miniatures	180 words + pic (est 80 col cm)	\$26.74 /col cm colour	\$2,139	\$6,417
02-11-09	Daily News	Helping Injured Wildlife Recover		228 words + pic (est 100 col cm)	\$11.73 /col cm colour	\$1,173	\$3,519
12-10-09	Big Country Radio	Ad aired FOC		30 sec x 12	Est \$50 per ad	\$ 600	\$1,800
13-10-09	Daily News	Hot on the Trail of Local Seafood		374 words (est 113 col cm)	\$11.73 /col cm	\$1,330	\$3,990
15-10-09	Border Mail	Hot on the Trail of Local Seafood		374 words (est 113 col cm)	\$11.87 /col cm	\$1,340	\$4,020
29-10-09	Tweed Sun	Happy Trails for Seafood Fans		16cm x 6 col	\$17.20 /col cm	\$1,650	\$4,950
29-10-09	ABC 91-7FM	Interview with Jim Wilson		5 mins	\$175 / 30 sec ³	\$1,750	\$5,250
30-10-09	Gold Coast Bulletin	Hooked on Seafood	Seafood Discovery Trail launch	18cm x 6col	\$33.42 /col cm	\$3,610	\$10,830
30-10-09	Daily News	Stars Launch Seafood Trail		18.5cm x 7 col	\$11.73 /col cm	\$1,520	\$4,560
31-10-09	Hot Tomato	Interview with Phil Villiers		5 mins	\$350 / 30 sec	\$3,500	\$10,500
04-11-09	Gold Coast Bulletin	Get Hooked on Seafood		19cm x 5col	\$22.12 /col cm	\$2,100	\$6,300
05-11-09	Tweed Weekly	Seafood Discovery Starts Waves of Shared Promotion		23cm x 4 col	Est	\$ 700	\$2,100
27-11-09	Courier Mail CM2	Wacky Weekenders	Wollumbin Palms Retreat	3 cm x 2 col plus half page pic	\$7,914.06 plus \$56.53 x 6	\$8,254	\$24,762



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DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
12-09	Gold Coast Bulletin 'Cool' List	Snippet	Seafood Discovery Trail	Listing: 3cm x 2 col	\$33,91/col cm (w/end rates)	\$ 203	\$ 609
12-12-09	Sydney Morning Herald Traveller	A Toast to Real Pubs	Historic Pub Tour	Full page colour	\$30,677 per pg	\$30,677	\$92,031
12-09	OUTThere Magazine (Rex Inflight)	Best of the Best 2010	Mavis' Kitchen Kingscliff Seaside Guesthouse	16 cm x 1 col + 2 x 1/4pg pics	Est \$1,000	\$1,000	\$3,000
12-09	Salt Village Magazine	Out and About in the Tweed	General	1/2 page	\$900	\$ 900	\$2,700
Dec/Jan	National Marketplace News	Fruit World expansion is a hit	Tropical Fruit World	Est	\$300	\$ 300	\$ 900
Dec 09	Holidays for Kids	Head North	Murwillumbah, Tweed River Regional Art Gallery, Kingscliff, Wooyung, Mt Warning & other National Parks, Rainforest Way and Tropical Fruit World.	2 1/2 pages col	\$7,755 per dbl pg + \$2,607 per half pg	\$10,362	\$31,086
02-01-10	Gold Coast Bulletin Paradise Magazine	The Whole Picture	Escape Gallery & Graeme Stevenson	3-page col + cover	\$5,995 / full pg	\$23,980 (incl cover)	\$71,940
TOTAL						\$325,488	\$976,464

TELEVISION MEDIA

DATE	PROGRAM	TITLE	MEMBERS FEATURED	DURATION	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
01-07-09	Guide to the Good Life	Steve Snow cooking segment	Fingal Headland	1 min approx.	Brisbane Ch 7: \$400 per 30 sec spot	\$ 2,000	\$ 6,000
23-08-09	Great South East	History of Coolangatta	Historical Walking Tour	5 min approx.	Old Prime: \$600 per 30 sec spot	\$10,000	\$30,000



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DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
25-08-09	Channel 9 – Brisbane News	Killer Whale Sighting		2 min approx.	Brisbane Ch 9: \$400 per 30 sec spot (est)	\$4,000	\$12,000
25-08-09	Channel 9 – Gold Coast News	Killer Whale Sighting	Aquatic Blue Charters	2 min approx	Old NBN: \$600 per 30 sec spot(est)	\$4,000	\$12,000
25-08-09	Channel 7 News	Killer Whale Sighting		1 min approx	\$11,000 / 30 sec	\$22,000	\$66,000
26-08-09	Sunrise Program	Killer Whale Sighting		1 min approx	\$11,000 / 30 sec	\$22,000	\$66,000
26-08-09	Today Program	Killer Whale Sighting		1 min approx	\$11,000 / 30 sec	\$22,000	\$66,000
29-08-09	Creek to Coast	Hastings Point North Star	Hastings Point North Star	5 min approx.	As above	\$10,000	\$30,000
02-09-09	Prime News	World Rally Media Launch		2 min approx	\$600 / 30 sec	\$2,400	\$7,200
05-09-09	DAVE Channel UK	World Rally Coverage	Mt Warning, rainforests, Mt Warning Hotel	7 mins total	Est	\$100,000	\$300,000
07-11-09	WIN-TV Network	Postcards from Australia	Mavis' Kitchen & others?	10 mins approx	Based on NBN rate: \$600 / 30 sec	\$12,000	\$36,000
Oct 09	Fine Art Showcase (USA)	Graeme Stevenson segment		N/A	Est	\$100,000	\$300,000
02-12-09	Today Tonight	Holiday Parks	Tweed Coast Holiday Parks	1 min approx	\$11,000 / 30 sec	\$22,000	\$66,000
TOTAL						\$332,400	\$997,200

TWEED TOURISM – LOCAL MEDIA

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
04-07-09	Daily News	Rush is on for Rally Tickets	Repco Rally, Stella Group, Kingscliff Seaside Guesthouse	427 words (est 100 col cm)	\$11.73 /col cm	\$1,173	\$3,519
06-07-09	Gold Coast Bulletin	Rallying Cry for Bookings		487 words (est 115 col cm)	\$26.74 /col cm	\$3,075	\$9,225
07-07-09	Daily News	Resorts Fill up for Rally		Full pg front cover (266 col cm)	\$11.73 /col cm	\$3,120	\$9,360



CONSULTING

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
08-07-09	Daily News	Gold Rush Begins for Rally		457 words (est 110 col cm)	\$11.73 /col cm	\$1,290	\$3,870
11-08-09	Radio 4CRB	Latest Visitor Statistics		4 min approx.	Est	\$ 100	\$ 300
11-08-09	Radio ABC North Coast	Latest Visitor Statistics		4 min approx.	Est	\$ 200	\$ 600
11-08-09	Northern Star	Tourism Boom Despite Woes	Latest Visitor Statistics	323 words (est 150 col cm)	Est \$15 /col cm	\$2,250	\$6,750
11-08-09	Daily News	Tweed Beats Tourism Blues		585 words + pic (est 200 col cm)	\$11.73 /col cm	\$2,346	\$7,038
12-08-09	Gold Coast Bulletin	Tweed One of Nation's Best		378 words (est 113 col cm)	\$26.74 /col cm	\$3,022	\$9,066
02-09-09	Daily News	Global Media Teams Descend on the Tweed		309 words (est 105 col cm)	\$11.73 /col cm	\$1,232	\$3,696
03-09-09	Gold Coast Mail	The World is Watching	Rally Media Launch	531 words (est 160 col cm)	\$11.73 /col cm	\$1,877	\$5,631
17-10-09	Northern Star	Film Crew Scouts the Region		211 words (est 80 col cm)	Est \$15 /col cm	\$1,200	\$3,600
19-10-09	Daily News	Screening the Tweed	Movie famil	305 words (est 105 col cm)	\$11.73 /col cm	\$1,232	\$3,696
22-10-09	Tweed Shire Echo	Backburner		est		\$ 400	\$1,200
22-10-09	Tweed Weekly	No clipping		est		\$ 300	\$ 900
10-11-09	Tweed Weekly	Luffley Dinner Dance	Luffley Cafe	est		\$ 300	\$ 900
26-11-09	Tweed Sun	Murwillumbah to Sizzle to Latin Beat	Luffley Cafe	137 words + pic (est 70 col cm)	\$17.20 /col cm colour	\$1,204	\$3,612
23-12-09	Daily News	Racing at Tweed in New Year	Tweed Tourism Race Day	298 words + pic (est 100 col cm)	\$11.73 /col cm	\$1,173	\$3,519
30-12-09	Daily News	Entries Pile up for Race Day	Tweed Tourism Race Day	257 words (est 85 col cm)	\$11.73 /col cm	\$ 997	\$2,991
02-01-10	Gold Coast Bulletin	Mad Hatter Magic	Tweed Tourism Race Day	126 words (est 40 col cm)	\$26.74 /col cm	\$1,070	\$3,210
02-01-10	Gold Coast Bulletin	What's On listing	Tweed Tourism Race Day	121 words (est 30 col cm)	\$26.74 /col cm	\$ 802	\$2,406
31-12-09	Tweed Sun	Cracking Day Out	Tweed Tourism Race Day	168 words (est 50 col cm)	\$17.20 /col cm colour	\$ 860	\$2,580
31-12-09	Tweed Sun	A New Era of Training	Tweed Tourism Race Day	311 words (est 105 col cm)	\$17.20 /col cm colour	\$1,806	\$5,418
04-01-10	Daily News	Wet Weather didn't stop	Tweed Tourism Race Day	253 words + pic	\$11.73 /col cm	\$1,056	\$3,168



consulting

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
12-09	Courier Mail	race-goers Tweed Tourism Race Day		(est 90 col cm) Listing: 2 x 1 col cm	\$56.53/col cm	\$ 113	\$ 339
12-09	Hot Tomato	Interview with Phil V	Tweed Tourism Race Day	5 mins	\$350 / 30 sec	\$3,500	\$10,500
12-09	Gold-FM	Give-away tickets	Tweed Tourism Race Day	est		\$ 300	\$ 900
12-09	Daily News	Zeta's Coffee	Zeta's Coffee	est 100 col cm	\$11.73 /col cm	\$1,173	\$3,519
31-12-09	Tweed Sun	Plan your January on the Tweed	Various	162 words (est 50 col cm)	\$17.20 /col cm colour	\$ 860	\$2,580
TOTAL						\$38,031	\$114,093

INDUSTRY COMMUNIQUES

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
11-08-09	Tourism ROI Website	Tweed Turns the GFC Tables					N/A
Aug 09	Northern Rivers Newsletter	Steve Snow's new restaurants	Fins Restaurant, Piccolo, Bellini				N/A
Sept 09	TNSW's Sydney & NSW Uncovered	Tyalgum Bush Poetry Tours	Flutterbies				N/A
Sept 09	TNSW's Sydney & NSW Uncovered	Top Ten Kitchen Gardens	Mavis Kitchen				N/A
Sept 09	Northern Rivers Newsletter	Tyalgum Bush Poetry Tours	Flutterbies				N/A
Dec 09	TNSW's Sydney & NSW Uncovered	What's Hot for 2010	Seafood Discovery Trail				N/A



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WEBSITE LISTINGS

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
19-12-09	Far North Coaster www.farnorthcoaster.com.au	Tweed Tourism Activities & Attractions	Aquatic Blue Charters Tweed Snorkelling & Whale Watching Tweed Endeavour Cruises Catch-a-Crab Cruises Kirra Dive Cushy Fishing Charters Down Under Charters Reel Fishn Seamaster Charters Casuarina Rec Club Cabarita Beach Surf School Casuarina Surf School Marine Environment Centre Tropical Fruit World Currumbin Wildlife Sanctuary Crystal Creek Miniatures Numinbah Valley Adventure Trails Vision Walks Minjungbal Aboriginal Cultural Centre Rainforest Way Seafood Discovery Trail Historic Pub Crawl Village Day Drive Tweed Art Trail Australian Wild Escapes The Border Ranges Experience Coolangatta Tweed Heads Walking Tour	\$300 per review	\$8,100	\$24,300
30-11-09	ABC Big Diary	Diary Listing every day from 1/12/09 to 3/1/10	Tweed Tourism Race Day	Est	\$300	\$900
30-11-09	Hot Tomato Diary			Est	\$300	\$900
30-11-09	Gold FM/SEA-FM Community Noticeboard			Est	\$300	\$900
30-11-09	Gold Coast Bulletin			Est	\$300	\$900



consulting

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
30-11-09	APN Newspapers Community Noticeboard			Est	\$300	\$900
TOTAL					\$9,600	\$28,800

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

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 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 – October to December 2009 (ECM 12165867)
 2. **Confidential Attachment** – Tweed Tourism Quarterly Financial Report – October to December 2009 (ECM 12165868)
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7 [GM-CM] WRC Repco Rally Australia Report 2009

ORIGIN:

General Manager

SUMMARY OF REPORT:

Tweed Shire Council has been requested by the NSW State Government to provide a report as part of its review process of the WRC Repco Rally Australia 2009.

Recommendations regarding the operation of the event are included in this report.

RECOMMENDATION:

That Council endorses the WRC Repco Rally Australia Report 2009 to be submitted to the Repco Rally Review being undertaken by the Homebush Motor Authority.

REPORT:

Executive Summary

A whole of government approach was developed by the NSW Department of Premier and Cabinet (DPC), Community Engagement and Events Division (CEED) to co-ordinate issues arising within the planning and preparation process. Tweed Shire Council along with Kyogle Council and other State agencies participated in the Government Coordination Meetings prior to the event and Government Coordination Centre (GCC) during the event. This enabled Council to be involved and informed about the management of the Rally and the role of the various state government departments and agencies.

Tweed Shire Council's primary role was as the host area, along with Kyogle Shire Council. During the Rally there were several special stages in the Tweed featured on the first day of the Rally competition and the Super Special Stage was held from Thursday to Saturday evenings on a special track set up at Murwillumbah showgrounds and Main Street. In Kingscliff at the Cudgen Leagues Club sports grounds the Rally's main Service Park was set up where vehicles were worked on by the Rally crews during the day and housed overnight and Rally HQ and the Media Centre were set up at the Salt Resort in South Kingscliff.

The Council provided assistance to Rally organisers, police and other state agencies involved in the management of this major international event held for the first time in the Northern Rivers Region of NSW. Council performed in its usual role with events - providing access to Council administered land and roads, coordinating restoration of sporting grounds and road signs after the events, organising special event waste removal, supervising the safe operation of food services, under contract to the Rally constructed the Super Special Stage / Speed on Tweed track in Murwillumbah, advised on traffic management planning and any other aspect of event management in the area that was requested.

The Rally operated under special Motor Sports legislation passed by NSW Parliament in the months leading up. This superseded the development application processes and planning requirement of Councils. Council staff provided professional advice and assistance where requested. The experience of the first Rally will help in planning future events, the following recommendations are offered to improve the efficiency and effectiveness of the event.

Recommendations

The following is a brief summary of issues which Tweed Shire Council would like to see addressed prior to the next event. These issues are expanded on in the body of the report.

1. Issues relating to approvals and legislation:

- Confirmation of the dates, venues, special stages for the next event as early as possible.
- Inclusion of associated events in the legislation to simplify the approval process.
- Provision of a copy of the conditions of approval to Council as early as possible prior to the event to allow the compliance requirements to be planned.
- Clarify Council obligations to compliance matters both pre, during and post event.
- Improved and a more comprehensive advertising of road closures and their impact on local traffic.

- For future events all relevant parties (RTA, police, CAMS, FIA) sign off on the Super Special Stage track configuration well before the events to allow proper planning and resources to be arranged.

2. Issues relating to public safety:

- Provision of additional standby Council operational staff to deal with road safety and vandalism issues as they arise.
- Improved information regarding the details of Special Stage arrangements provided to Council to ensure adequate infrastructure preparedness.
- Official vehicles to be directed to the showground via Banner Street while track construction is in progress.
- Crowd direction and control be the primary responsibility of Rally Australia.
- Recommend further entertainment be provided after completion of the Super Special Stage within the track area at Murwillumbah, particularly on Saturday evening, to retain some of the crowd and reduce crowd push to immediately vacate the area.
- The RTA liaises with Council to provide local knowledge to ensure that the Variable Message Boards are placed in the most advantageous locations.
- The Super Special Stage start line area of Murwillumbah Street from Brisbane Street to Queensland Road is redesigned to better manage pedestrian access to the track, and that food vendors be banned from the immediate vicinity.
- In consultation with the Murwillumbah business community, Murwillumbah Street be closed from Queen Street to Brisbane Street, perhaps incorporating some entertainment in the town.
- Police presence on the liaison routes to detect and deter protestors from restricting the free flow of traffic.
- The provision of additional bins in Murwillumbah Street, particularly on Thursday evening, with removal of waste arranged each night.
- More marshals to assist in providing information to motorists at traffic control points and better training of marshals in their duties and responsibilities.
- Earlier increased police presence on liaison routes to detect and deter vandalism / malicious damage to public infrastructure by protestors and /or supporters of the rally.

3. Issues relating to event information and promotion:

- Better education of Rally marshals and volunteers as to the program of events, car parking, public toilets and site facilities so that they are able to answer enquiries from the public. Around the Murwillumbah Super Special Stage this task was left to Council track building staff and Speed on Tweed volunteers.
- Promotion of a range of activities in Murwillumbah to attract and retain spectators before and after the Super Special Stages. This would require the involvement of the Murwillumbah business community.
- Better engagement with the Murwillumbah business community to ensure coordination of their commercial activities with the Rally timetable.

- Improved publicity and signposting of all available car parking areas in Murwillumbah.
- Advanced notice of the timing and location of future Rally events to allow scheduling of local events (Tyalgum Festival of Classical Music, sporting club activities) so as to avoid clashes.
- Better communication and coordination with local events and sports clubs to minimise the adverse impacts of the Rally and maximise opportunities for mutual benefit.
- Improved pre event publicity and advertising to better inform the public including availability of accommodation, accurate maps and event timetables.
- Local ticket sales prior to and during the event

Details

Government Coordination

NSW Government Department of Premier and Cabinet Community Engagement and Events Division held meetings at Salt leading up to the Rally that brought together the Rally organisers and all the State agencies and the two Councils involved.

During the Rally the GCC, housed within the Police Operations Centre (POC), was set up in a conference room at Salt with staff from each of the state agencies and Councils involved. The GCC was the central location for facilitation of communication, coordination and decision-making between NSW Government, agencies, local government event organisers.

The role of the agency representatives in the GCC was to liaise with their own agencies and to log event progress and incidents. This facilitates event-time communication and provides a record of operations. This system had never been used before for a regional event but had been set up for major events in Sydney such as the World Youth Day, APEC Meeting and Olympic Games.

Council had staff in different areas on call and a roster of staff to cover the hours of operation of the GCC. The Police Operations Centre ran for 24 hours with change of shifts. Council logged a number of requests from police for assistance and had access to what was happening in different areas related to the running of the Rally.

Media and Communications

During the Rally international and Australian media was coordinated through Rally's Media Centre at Salt. The Government Control Centre that included police media and other state agencies aimed to provide all the media with accurate information. The international media are mainly interested in the racing aspects of the motor sports whereas national and local media interest ranges from general news, environment reporting and sports desk.

Coverage included national television broadcasts and widespread overseas syndication of daily race programs. Kingscliff and Murwillumbah were highlighted as central locations for the Rally, along with Kyogle. It can be assumed that many of the estimated 50 million television viewers would have been introduced to this area for the first time through this coverage.

Council worked in collaboration with Tweed Tourism and Tweed Economic Development Corporation on a special welcome event for the international and national media which went

well and was appreciated. While the timing of the welcome event was good, a venue closer to the media centre would be better next time.

Council has since the Rally put into place a new brand and will be seeking to develop opportunities for greater sponsorship recognition of Council's contribution in future years.

Event Management

Council received a range of calls from the public related to the event management of the Rally.

Complaint log overview:

- Calls generally increased in numbers to Council from 31 August 2009
- Most calls were in relation to road closures
- The nuisance relocation of road signage information caused some confusion and frustration to the community.
- At times the 1800 number was not being answered.
- Ticket information and purchasing was inadequate.
- Concern by some residents as to clean up of signage/barriers and road damage post event.

In addition to the Rally there were a number of other local festivals held on the Rally weekend. Speed on Tweed was held in conjunction with the Rally for the first time and this went well. Tyalgum Festival of Classical Music held on the same weekend had some issues and were down on numbers. Kyogle Fringe Festival organised by the Chamber of Commerce to take advantage of the Rally events went well overall.

The Rally also had some associated motor sport events the Classic Outback Trial and Australian Tarmac Challenge that were independently organised but became part of the festival of activities held on the weekend.

Murwillumbah and Kyogle Chambers of Commerce have been generally positive about the impact of the event bringing additional people to the area. Kingscliff village reported less than expected business; this may be due to its location midway between the Rally Service Park at Cudgen Leagues Club and Rally HQ at Salt.

Public Health

Council's Environmental Health Officers and Building Surveyors liaised with the Homebush Motor Racing Authority to conduct on-ground surveillance before and during the event.

Liquid and solid waste storage and collection arrangements need improving however the provision and management of the sanitary facilities were generally adequate. The set-up and supply of temporary potable water supply provisions were adequate however backflow prevention requirements need improvement.

Most Food Business operators were not notified to the NSW Food Authority as required by the approval. However all operators were inspected daily during the event. Some concern for inadequate processing / storage / display of potentially hazardous foods was identified however operators responded well to officer's direction. Incidents of opportunistic Food Business operators setting up ad hoc caused some concern for public health and safety.

Food Business operator locations and activities need to be approved prior to event. Clear scope of surveillance requirements for Councils required with Food Business operators provided with event approval documentation prior to the event.

Public Safety

Council's Environmental Health Officers and Building Surveyors liaised with the Homebush Motor Racing Authority to conduct on-ground surveillance before and during the event.

Building surveyors were not provided with any details of temporary structures to be erected making it difficult to determine what was the subject of engineering certification as required to be provided to the Homebush Motor Racing Authority as part of the approval.

Engineering certification should cover structural adequacy, expected wind loads and compliance with flammability index requirements under specification C1.10a of BCA.

The structural adequacy of temporary structures erected at the spectator points raised some concerns. As did the lack of marshalling at these points to direct the public to safely navigate the areas.

Issues were raised in relation to public safety (placement of electrical cords across footpaths, location of BBQs, food heating devices, etc.) as attendance numbers increased during the evening where opportunistic food stall operators began to set up in the main street of Murwillumbah. As details of the event approval were not known (Council officers were denied a copy of the approval when a request was made earlier), surveillance staff were unable to ascertain the status of these vendors.

Police reported that the crowds were generally well behaved at and around the event. Overspill of persons at some licensed premises into the main street of Murwillumbah was a cause for concern. Pubs in Murwillumbah were full until midnight on Friday and Saturday nights. No major incidents were reported.

Track Construction and Traffic Control

Tweed Shire Council acted as a contractor to Repco Rally Australia for the construction of the Murwillumbah Super Special Stage and Speed on Tweed track within the streets of Murwillumbah.

Council also acted as a contractor to the NSW Roads and Traffic Authority (RTA) for the installation of (some of) the traffic control measures associated with the Rally, and to Repco Rally Australia for the installation of the traffic control measures associated with Speed on Tweed.

Because of the concurrent running of the two events and their utilisation of essentially the same track within Murwillumbah, there was a significant amount of overlap and at times conflict between the requirements for track layouts and traffic control measures.

1. Track Construction

Track construction and associated road opening and closing had the following sequence –

1. Track infrastructure was progressively installed in the two weeks prior to the events
2. The track was initially constructed to Rally layout for the Thursday night SSS, including relevant road closures
3. After the Thursday night Super Special Stage was completed the track was partially dismantled and some of the roads reopened to traffic for public use on Friday

4. The roads were again closed and the Rally track reinstated on Friday afternoon for the Super Special Stage on Friday night
5. After the Friday night Super Special Stage was completed the track was reconfigured to Speed on Tweed layout, with the road closures adjusted accordingly
6. On Saturday afternoon the track and associated road closures were reconfigured to Rally layout for the Saturday evening Super Special Stage
7. After the Super Special Stage was completed the track was reconfigured to Speed on Tweed layout on Saturday night ready for Sunday
8. On Sunday evening after Speed on Tweed was concluded the track was partially dismantled and most roads reopened to the public
9. As track infrastructure was progressively removed in the days following the events the final road closures were removed.

Amendments to the road closures and barriers required by the RTA were ongoing and significant and created construction difficulties in that resources had not been planned for these activities. For example, the installation of barriers along the centre of Brisbane Street were required for each Super Special Stage and these needed to be placed and then removed and stored on the Thursday, Friday and Saturday nights. It is recommended that in future all relevant parties (RTA, police, CAMS, FIA) sign off on the track configuration well before the events to allow proper planning and resources to be arranged.

During the limited time available on the Thursday and Friday afternoons when Council staff were trying to close the roads and set the track to Rally configuration, there were Rally official vehicles, ambulances, etc attempting to gain access to the track via Brisbane Street and Byangum Road. This was a significant hindrance to the track construction process. For future events it is recommended that these vehicles be directed to the showground via Banner Street

2. Traffic Control Measures

The arrangements between the RTA and Council worked satisfactorily. The clearway closures in Murwillumbah were reported as successful with minimal vehicles having to be towed from sign posted sites.

At times the public in some locations around the track and in Murwillumbah needed additional management, and Council staff, RTA staff, Rally traffic control contractors and Rally volunteers were required to cooperate to provide this management. While all parties need to assist and cooperate in such eventualities, it is recommended that this task be the primary responsibility of the Rally organisation.

Crowd push was evident at the close of the Super Special Stage, particularly on the Saturday night. The cause of this was that there was only one exit from the site towards Murwillumbah CBD, and there was no incentive for spectators to linger on site after the completion of the Super Special Stage. It is recommended that further entertainment be provided after completion of the Super Special Stage within the track area, particularly on Saturday evening, to retain some of the crowd and reduce crowd push to immediately vacate the area.

It was noted that the Variable Message Boards giving advance notice and directions to the event were not located in the best location. It is recommended that the RTA liaise with Council to provide local knowledge to ensure that the Variable Message Boards are placed in the most advantageous locations.

There was a significant bottleneck to pedestrian access into the track along Murwillumbah Street from the Imperial Hotel through to Queensland Road. The access was restricted to the width of the footpath by the Super Special Stage start line. In addition, food vendors set up on the footpath at this location further restricting the available width. Many spectators stopped to view the start line activity and track action as it was a good view point, further exacerbating the situation. It is recommended that the area of Murwillumbah Street from Brisbane Street to Queensland Road be redesigned to better manage pedestrian access to the Super Special Stage, and that food vendors be banned from this location.

Pedestrian access through the main street of Murwillumbah was unmanaged during and after the Super Special Stages, which resulted in people generally wandering across the street. Rather than try to control this pedestrian movement it is recommended that, in consultation with the Murwillumbah business community, Murwillumbah Street be closed from Queen Street to Brisbane Street, perhaps incorporating some entertainment in the town.

Sporting Club Impacts

1. Kingscliff

Walter Peate Sports fields (Kingscliff) was the site for the 2009 Repco Rally's service park. This meant that sports clubs licensed to use these fields were unable to do so while the fields were occupied by the Rally from August 23 to September 13 and for the following four weeks while restoration work was in progress. During this period clubs were required to relocate games and training. Little Athletics delayed the start of their summer season and relocated a large carnival to Murwillumbah.

Some alterations were made to the Little Athletics shed by the Rally. A sink and hot water system were installed and temporary lighting. While some of these alterations may be considered improvements, none had Council approval. Soccer and Little Athletics were allowed to operate their canteen during the Rally. The Rally arranged for the use of the sports field lighting, with the Rally reimbursing the cost of power usage.

2. Murwillumbah

This year's Rally and Speed on Tweed events ran several weeks earlier than in previous years affecting training and playing schedules at the Murwillumbah Soccer Club. Reasonable access for the club to their fields was negotiated for the two weeks before the event; and the club were able to relocate games and training. The Club were able to operate their canteen during the events and the Rally arranged to use of the sports field lighting, reimbursing the cost of power usage. No significant impacts were noted on the Jim Devine or Queens Park fields.

Restoration

This section provides details of the damage to Council's roads and parks infrastructure resulting directly from the running of the events. Repco Rally Australia has reimbursed Council for the cost of all restoration works.

1. Sporting Fields

The athletics track which requires a high quality surface was impacted with vehicle and construction damage.

Repairs by Council to the surface included:

- Lay new turf - approximately 3,000m²
- Topsoil and laser level
- Heavy application of fertiliser and increased watering program
- Aerate and roll entire surface
- Close inspection for any metal or other foreign objects left behind.
- Repairs to infrastructure – irrigation boxes

2. Roads

The roads used as Special Stages for the Rally were Cudgera Creek Road, Round Mountain Road, Reserve Creek Road and Urliup Road. Following the Rally the stages were inspected and restoration agreed with the Rally organisation. The work involved the regrading of the gravel roads with the addition of gravel in some locations of high wear. All the regrading works were completed between 14 and 18 September 2009.

There was also a small amount of bitumen surface damage to Reserve Creek Road. There was no damage to the sealed roads in Murwillumbah used for the Super Special Stage. The bitumen repairs were completed by 24 September 2009.

Waste

Additional street litter bins were requested by Council in main Street Murwillumbah but this didn't occur on the first night resulting in bins overflowing on Thursday night. Council staff cleaned up the street early on Friday morning. Removal of waste was arranged for each night. The North East Waste Forum provided the Rally with a detailed Waste Wise Event Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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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] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

ORIGIN:

Director Planning & Regulation

SUMMARY OF REPORT:

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported.

RECOMMENDATION:

That Council notes the January 2010 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
DA09/0747	Dwelling and swimming pool	Lot 13 DP 1043036 Terranora Road, Terranora	21/1/2010	Clause 22 – Development near designated roads	1(c) Rural Living	SEPP 1 variation is required due to setback of dwelling from Terranora Road which is a designated road which requires a thirty metre setback. The proposed dwelling setback is 9.60m which is considered to be acceptable due to the size of the allotment, the number of precedents set in the local area and the absence of any impact on Terranora Road or the subject allotment by the reduced building alignment.	The extent of the variation exceeds 10% of the standard.	Tweed Shire Council

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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.

9 [PR-CM] Proposed Review of Tweed Council's Section 149 Certificate Processes – Removal of Current Additional Matters on Section 149(2) Certificates Created through Council Resolutions and Council Practice

ORIGIN:

Director Planning & Regulation

SUMMARY OF REPORT:

The extent of the required information to be provided by Councils on Section 149(2) Certificates is prescribed under Schedule 4 of the Environmental Planning and Assessment Regulation 2000.

Despite these statutory requirements, a practice emerged in former Tweed Councils to add certain matters (relating to height under Tweed LEP 2000, aircraft noise, future road corridor, future road widening, and farmland protection) on all Section 149(2) Certificates, by means of a series of Council Resolutions and general operational practice. From discussions with staff it appears that the main motivation of Councillors to require these notations was to ensure that the public were aware of critical redevelopment issues in the Tweed Shire area, and by including this information in Part 2 of the Certificate more people would become aware of these issues, than the conventional alternative of inclusion in the Part 5 certificates, which are generally not mandatory for conveyancing/property transaction processes.

A recent investigation of the validity of the current notation of aircraft noise affectation (relating to the activities of Gold Coast Airport) in this part of Tweed Council's Section 149(2) Certificates has identified major concerns for the entire range of notations created through Council resolution and Council practice.

Legal advice from the firm Sparke Helmore Lawyers gives the opinion that Council does not have the power to place this form of notations on Section 149(2) Certificates however there is reasonable legal scope for Council to re-locate these matters to the Section 149 (5) Certificates.

In light of this advice, it is recommended that Council supports the rescission of the previous resolutions and practices for the inclusion of certain matters (relating to height under Tweed LEP 2000, aircraft noise, future road corridor, future road widening, and farmland protection) on all Section 149(2) Certificates, and to re-locate these notations to the Part 5 Certificates.

RECOMMENDATION:

That: -

- 1. Council endorses the rescission of the following previous resolutions and change in practice relating to a requirement that certain matters be placed on all Section 149(2) Certificates, and to re-locate these notations to the Section 149 (5) Certificates:**

Tweed Council Practice

Height under Tweed Local Environmental Plan 2000

The land is restricted to a 3 Storey height limit under Tweed Local Environmental Plan 2000.

Tweed Council resolutions:

Aircraft Noise

The subject land is not affected by aircraft noise.

Tweed Council resolutions:

Council Meeting, 16 November, 1994, Minute Number C246:

“That Council include a notation on Section 149 Certificates for all properties located in areas affected by aircraft noise in excess of 20 ANEF 2010”.

Council Meeting, 1 March 1995, Minute Number 345:

“2. Council re-confirms that advice be included in Section 149 Certificates that land affected by the 20+ ANEF 2010 contour is so affected, and based upon legal advice received.”

Future Road Corridor

The subject land is not identified as being subject to future road corridor as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).

Future Road Widening

The subject land is not identified as being subject to future road widening as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).

Tweed Council resolution:

**Council Meeting, 22 April, 2008,
(Operations Committee Minute Number O85 and Council Minute No 42):**

“That a notation be included on Section 149 Certificates of properties as affected by the proposed road corridors under the TRCP have their 149 Certificates notated with the following:-

- 1. The subject land is identified as being subject to future road corridor as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979).*

Or

2. *The subject land is identified as being subject to future road widening as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."*

Farmland Protection

The land is identified as Committed Urban Uses and Rural Residential Zones (Farmland Protection Project) on the map referred to in Section 117(2) Direction No. 14 dated 30 September 2005."

Council Resolution:

Council Meeting, 27 March, 2007
(Planning Committee Minute Number P34 and Council Minute No 46):

"That a notation be included in on Section 149(2) Certificates indicating if lands is Farmland of State or Regional Significance as identified on the map referred to in Section 117(2) Direction No. 14 dated 30 September 2005."

2. **ATTACHMENT 1 is CONFIDENTIAL** in accordance with Section 10A(2)(e) and (g):
 - (e) *information that would, if disclosed, prejudice the maintenance of law*
 - (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

REPORT:

The Statutory Requirements of Section 149 Certificates

The extent of the required information to be provided by Councils on Section 149(2) Certificates is prescribed under Schedule 4 of the Environmental Planning and Assessment Regulation 2000.

Section 149(5) of the Environmental Planning and Assessment Act provides as follows:

“A council may, in a planning certificate, include advice on such other relevant matters affecting the land of which it may be aware.”

Most people conducting conveyancing/property transaction activity will generally only purchase the Section 149(2) Certificate. It is therefore generally viewed as having more critical information than the Part 5 Certificate.

Tweed Council’s Approach to Section 149 Certificates

Despite the above statutory requirements, a practice emerged among the Councillors of former Tweed Councils to add the following matters on all Section 149(2) Certificates, following a series of Council Resolutions and general operational practice:

“Additional Information under Section 149(2) as per Tweed Shire Council Resolutions

Height under Tweed Local Environmental Plan 2000

The land is restricted to a 3 Storey height limit under Tweed Local Environmental Plan 2000.

Aircraft Noise

The subject land is not affected by aircraft noise.

Future Road Corridor

The subject land is not identified as being subject to future road corridor as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).

Future Road Widening

The subject land is not identified as being subject to future road widening as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).

Farmland Protection

The land is identified as Committed Urban Uses and Rural Residential Zones (Farmland Protection Project) on the map referred to in Section 117(2) Direction No.

14 dated 30 September 2005.”

From discussions with staff it appears that the main motivation of Councillors to require these notations was to ensure that the public were aware of critical redevelopment issues in the Tweed Shire area, and by including this information in Part 2 of the Certificate more people would become aware of these issues, than the conventional alternative of inclusion in the Part 5 certificates, which are generally not mandatory for conveyancing/property transaction processes.

A recent investigation of the validity of the current notation of aircraft noise affectation (relating to the activities of Gold Coast Airport) in this part of Tweed Council's Section 149(2) Certificates has identified major concerns for the entire range of notations created through Council resolution.

Legal advice from the firm Sparke Helmore Lawyers (See Confidential Attachment) gives the opinion that Council does not have the power to place these form of notations on the Section 149(2) Certificate, however there is reasonable legal scope for Council to re-locate these matters to the Section 149 (5) Certificates.

In light of this advice, it is recommended that Council supports the rescission of the previous resolutions and practice for the inclusion of certain matters (relating to height under Tweed LEP 2000, aircraft noise, future road corridor, future road widening, and farmland protection) on all Section 149(2) Certificates, and to re-locate these notations to the Part 5 Certificates.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As highlighted in the Confidential Attachment, there are significant legal and risk management implications for Council if it does rectify its current Section 149 Certificate advice.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment:** Copy of advice provided by Sparke Helmore Lawyers dated 4 December 2009 in respect of noise information included on Tweed Council's Section 149(2) Certificates (ECM 11668318)
-

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10 [PR-CM] Beach Location Indicators and Access Signage

ORIGIN:

Building & Environmental Health

SUMMARY OF REPORT:

This report seeks Council's approval for the installation and maintenance of new beach location indicators and access signage to assist emergency service agencies in responding to emergencies. The officers' findings and recommendations are supported by a report prepared by the Tweed Local Emergency Management Committee adopted through the meeting of 10 November 2009.

The estimated initial costs of the supply and installation of these new indicators is \$9,200, with an estimated first year maintenance cost of \$1,840. It is proposed to utilise the account used to collect beach vehicle access permits to fund these works and maintenance.

RECOMMENDATION:

That Council:

- 1. Adopts the Emergency Beach Location Indicator Recommendation Report, to install and maintain beach location indicators on various beaches along the Tweed Coast, prepared by the Tweed Local Emergency Management Committee, and adopted through the meeting of 10 November 2009; and**
- 2. Supports the installation and maintenance of new Emergency Beach Access Signage at various locations as identified in this report to compliment the new beach location indicators.**

REPORT:

In 1996 the Tweed Lions Club supplied and installed 32 pyramid-style numbered beacons along the Tweed beaches. Council permitted the installation of the beacons however did not accept the role of maintaining them. Only a small number of the beacons remain.

Through the Tweed Local Emergency Management Committee (the Committee) emergency service agencies have now raised concerns, with Council, as to the decline in number and quality of the identifiers, as the beacons have greatly assisted in the quick identification of the location of emergency incidents and improving response timeframes.

Following discussions with Council officers to identify areas of responsibilities, the Committee was requested to review the current system and provide recommendations to assist Council. A report was discussed and adopted at the Committee's meeting of 10 November 2009 (Attachment 1)

The report recommends the installation of 46 new beacons at various locations along the Tweed Coast, placing them approximately 600m apart and numbered alpha-numerically, corresponding to beach name. The design of the signs is in accordance with relevant Australian Standards and the cost of supply and installation is approximately \$200 per sign, \$9200 in total. The first year annual maintenance is estimated at \$1840.

In addition Council officers have identified 15 emergency beach access points that will be signed and co-ordinates provided to the relevant emergency services agencies to compliment the identifier system. (Attachment 2)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

It is proposed to utilise the revenue funds raised by Council's Beach Vehicle Access Permit system to fund the new indicators and signage.

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 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. Emergency Beach Location Indicator Recommendation Report – (LEMC) adopted by the Tweed Local Emergency Management Committee at their meeting of 10 November 2009 (ECM 12118338)
 2. Emergency Beach Access Locations (ECM 12118338)
-

11 [PR-CM] Development Application DA09/0566 for a Two (2) Lot Subdivision at Lot 2 DP 701967, No. 611 Cudgen Road, Cudgen

ORIGIN:

Development Assessment

FILE NO: DA09/0566 Pt1

SUMMARY OF REPORT:

The proposed development involves a parcel of land with three (3) land zones: 1(b1) Agricultural Protection in the western portion, 1(b2) Agricultural Protection in the central portion, and 2(a) Low Density Residential in the eastern portion. The applicant is seeking approval to create one (1) additional residential allotment wholly within the area zoned 2(a).

The proposal incorporates a SEPP 1 Objection in relation to the 1(b2) portion of the site being less than the minimum lot size (40ha). The proposal is being reported to Council for determination as a result of the variation being greater than 10% of the development standard.

It is considered that the application is suitable for approval, subject to conditions.

RECOMMENDATION:

That Development Application DA09/0566 for a two (2) lot subdivision at Lot 2 DP 701967, No. 611 Cudgen Road, Cudgen be approved subject to the following conditions: -

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No. DWG 07135.1 prepared by Mark Buckman & Co Consulting Surveyors and dated 1 July 2009, 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

- **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]

5. 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]

6. 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]

7. 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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

8. 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]

9. 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.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Councils contributions sheet and 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:

Water DSP5:	1 ET @ \$10709 per ET	\$10709
Sewer Kingscliff:	1 ET @ \$5146 per ET	\$5146

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

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]

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

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

(a) Tweed Road Contribution Plan:

6.5 Trips @ \$861 per Trips **\$5597**

(\$782 base rate + \$79 indexation)

S94 Plan No. 4

Sector6_4

(b) West Kingscliff – Drainage:

0.09 HA @ \$42720 per HA **\$3844.80**

(\$2980.1 base rate + \$39739.9 indexation)

DCP Section B4

S94 Plan No. 7

- (c) **Shirewide Library Facilities:**
 - 1 ET @ \$792 per ET \$792
 - (\$792 base rate + \$0 indexation)
 - S94 Plan No. 11
- (d) **Bus Shelters:**
 - 1 ET @ \$60 per ET \$60
 - (\$60 base rate + \$0 indexation)
 - S94 Plan No. 12
- (e) **Eviron Cemetery:**
 - 1 ET @ \$120 per ET \$120
 - (\$101 base rate + \$19 indexation)
 - S94 Plan No. 13
- (f) **Community Facilities (Tweed Coast – North)**
 - 1 ET @ \$581 per ET \$581
 - (\$581 base rate + \$0 indexation)
 - S94 Plan No. 15
- (g) **Extensions to Council Administration Offices
& Technical Support Facilities**
 - 1 ET @ \$1759.9 per ET \$1759.90
 - (\$1759.9 base rate + \$0 indexation)
 - S94 Plan No. 18
- (h) **Cycleways:**
 - 1 ET @ \$447 per ET \$447
 - (\$447 base rate + \$0 indexation)
 - S94 Plan No. 22
- (i) **Regional Open Space (Casual)**
 - 1 ET @ \$1031 per ET \$1031
 - (\$1031 base rate + \$0 indexation)
 - S94 Plan No. 26
- (j) **Regional Open Space (Structured):**
 - 1 ET @ \$3619 per ET \$3619
 - (\$3619 base rate + \$0 indexation)
 - S94 Plan No. 26

[PSC0175]

11. **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.

[PSC0215]

12. 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]

13. 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]

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

[PSC0825]

15. 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) Construction of the future dwelling on Lot 1 is to incorporate appropriate noise attenuation measures to reduce potential traffic noise impact from Cudgen Road. Any future dwelling must also be designed to reduce potential land use conflict from adjoining agricultural uses (ie. orientation of living spaces etc).

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.

[PSC0835]

16. 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]

17. 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]

18. 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.

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]

19. 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 – Water Reticulation
- (b) Compliance Certificate - Sewerage Reticulation

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]

20. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

21. 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]

22. 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 proposed Lot 1 has been completed.

[PSC1165]

23. 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 proposed Lot 1.

[PSC1185]

24. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- Construction of a new driveway access for proposed Lot 1 in accordance with Council's "Driveway Access to Property – Part 1 – Design Specification".
- Construction of kerb and guttering and associated shoulder bitumen sealing along the full frontage of proposed Lot 1.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works
- Stormwater drainage

[PSCNS01]

REPORT:

Applicant: Mark Buckman & Company
Owner: Ms CA Prichard and Mr WF Julius
Location: Lot 2 DP 701967 No. 611 Cudgen Road, Cudgen
Zoning: 1(b1) Agricultural Protection; 1(b2) Agricultural Protection and 2(a) Low Density Residential
Cost: N/A

BACKGROUND:

Council is in receipt of a development application for a 2 lot subdivision.

The subject site is legally described as Lot 2 DP701967 and is located at 611 Cudgen Road, Cudgen. The parcel of land is irregular in shape and has an overall area of 17.37 hectares. The majority of the site has been and is currently used for small crops agriculture, being mainly sweet potatoes, potatoes and beans.

The site is partly zoned 1(b1) Agricultural Protection in the western portion, 1(b2) Agricultural Protection in the central portion and 2(a) Low Density Residential in the eastern portion. The proposal is to create one (1) additional residential allotment within the area zoned 2(a), upon which a future dwelling site has been nominated.

The proposed new allotment meets the minimum lot size requirements for the zone, and is unlikely to have any impact upon the potential for agricultural use of the remainder of the site.

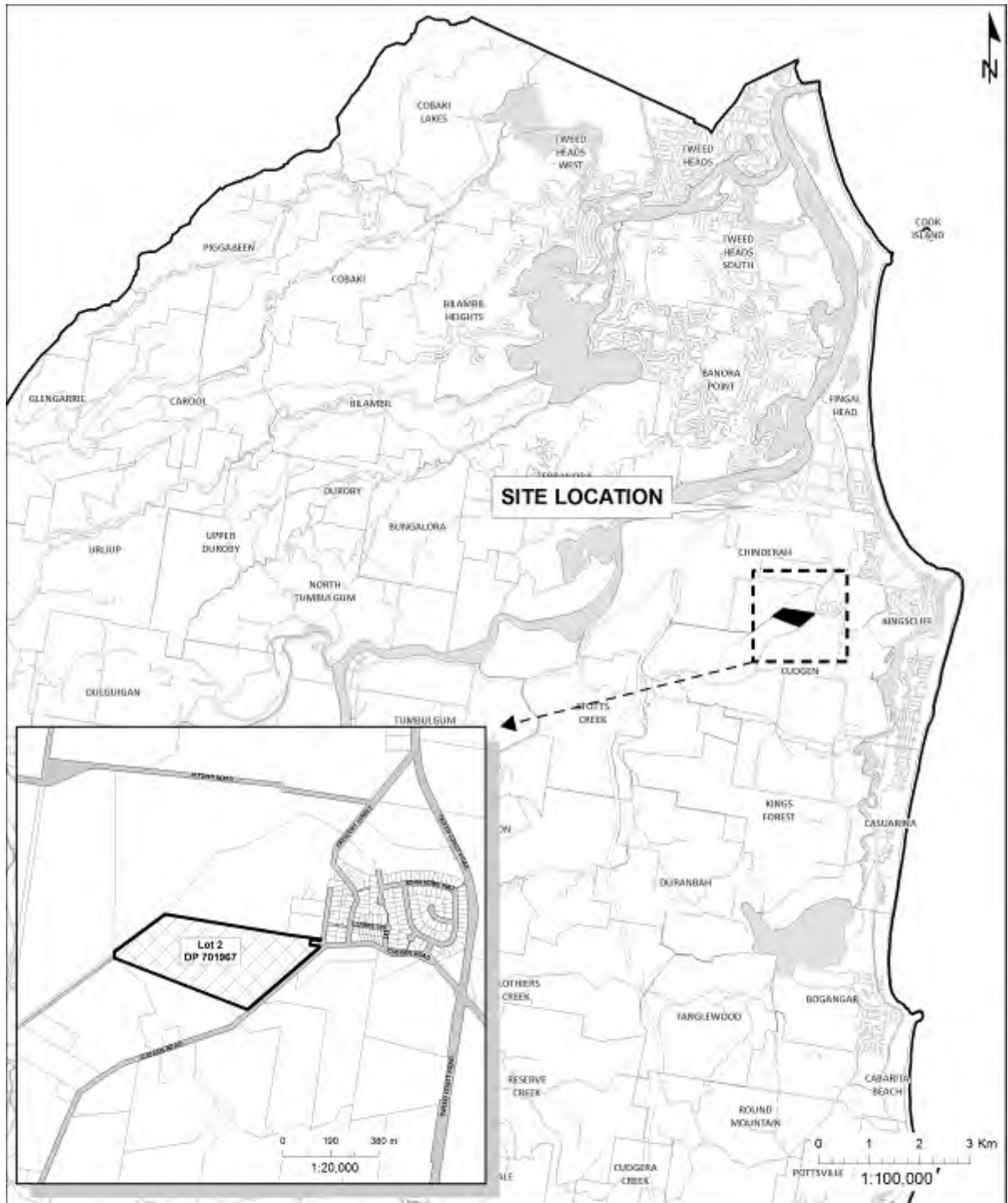
A SEPP 1 Objection has been lodged in relation to the 1(b2) portion of the site being less than the minimum lot size (40ha). As the proposal incorporates a variation greater than 10% of the development standard, the application is being reported to Council for determination. The Director-General's concurrence has been granted for the proposed development.

The applicant has noted that the majority of the parcel was divided between family in 1978, forming Lot 2 DP598073 (17.45ha). In 1984 Lot 1 DP701967 was subdivided from the property for family use, leaving Lot 2 (subject site) as the residue lot.

Improvements on the site include: a one and two storey residential dwelling, approved under Development Consent T4/2622 in June 1983; a rural workers dwelling, approved under Development Consent 86/605 in February 1987; and two farm / machinery sheds.

Council's records indicate that a previous development application for a four lot subdivision over the subject site was refused in February 1992 due to: insufficient information to allow Council to properly and fully consider the application; unsatisfactory subdivision layout; and unsatisfactory access arrangements.

SITE DIAGRAM:



LOCALITY PLAN
Lot 2 DP 701967
No.611 Cudgen Road, Cudgen

Filename: f:\(sr)\planning\med\A&P_B&W SitePlan.mxd

Author: J Batchelor - Planning Reforms Unit

Date Printed: 4 February, 2010

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no express warranties or statements expressed or implied, that any 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 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 only and is to be considered indicative and advisory only. It should not be used for survey or construction purposes and prior to any excavation or "dig before you dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Cadastre: 4 February, 2010
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Geographic System - MGA Zone 56
 Datum - GDA 84

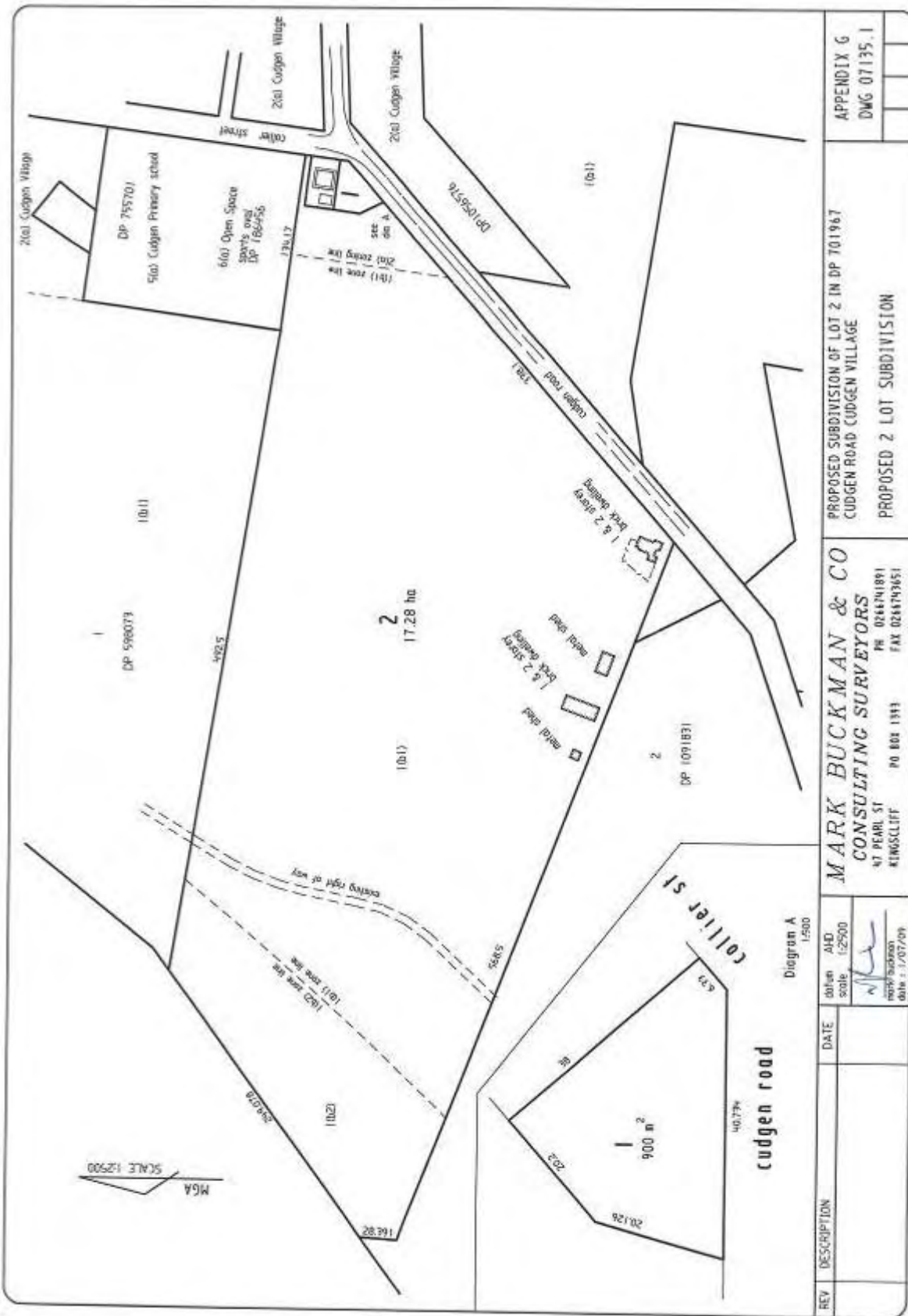
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 E: planning@tweed.nsw.gov.au



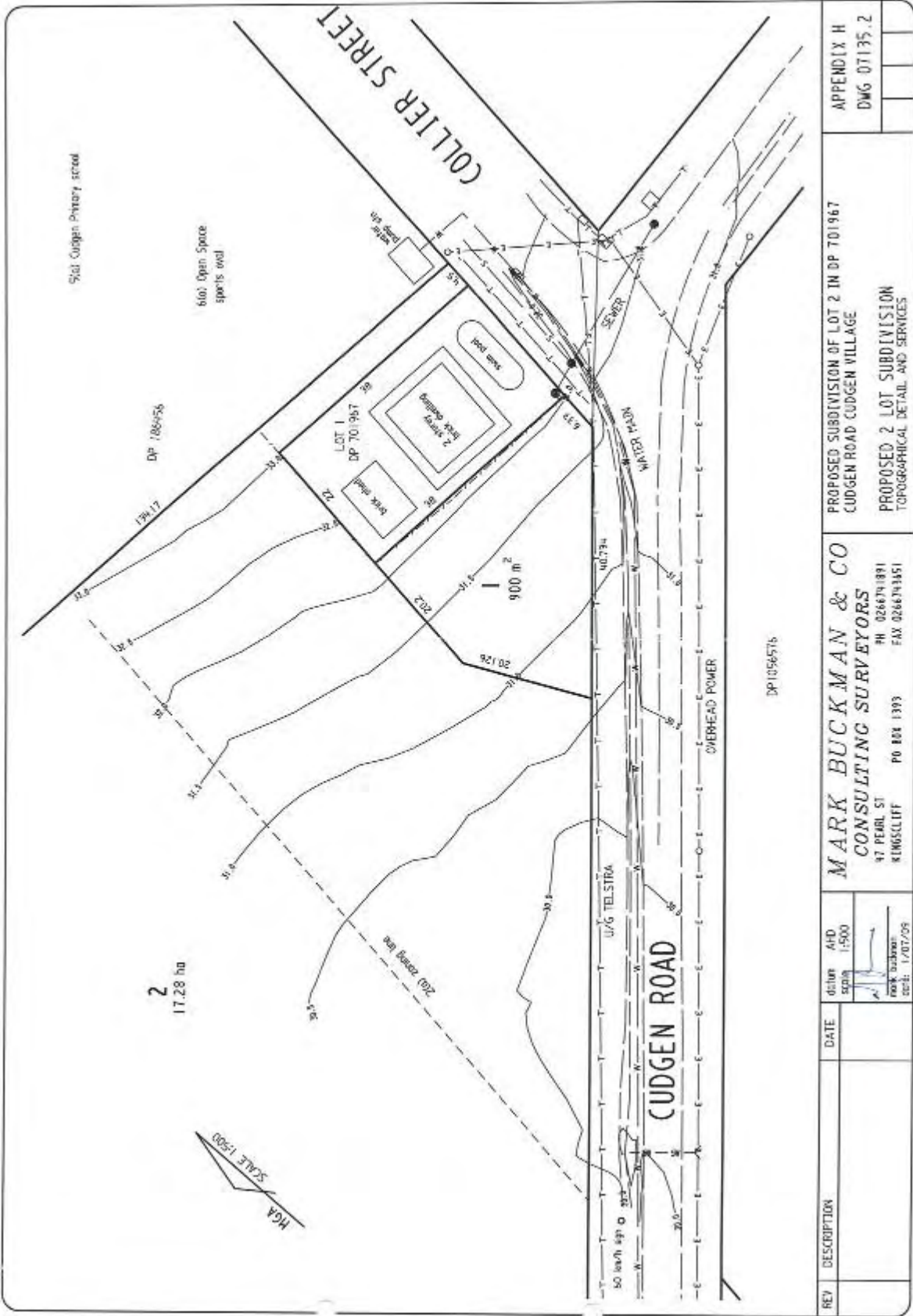
TWEED
 SHIRE COUNCIL

DEVELOPMENT PLANS:



REV	DESCRIPTION	DATE	BY	AND	SCALE	DATE
					1:2500	1/07/09

<p>MARK BUCKMAN & CO CONSULTING SURVEYORS 47 PEARL ST KINGSCLIFF NSW 1585 PH 0244741891 FAX 0244743451</p>		<p>PROPOSED SUBDIVISION OF LOT 2 IN DP 101967 CUDGEN ROAD CUDGEN VILLAGE PROPOSED 2 LOT SUBDIVISION</p>
<p>Diagram A 1:500</p>		<p>APPENDIX G DWG 07135.1</p>



APPENDIX H
DWG 07195.2

PROPOSED SUBDIVISION OF LOT 2 IN DP 701967
CUDGEN ROAD CUDGEN VILLAGE
PROPOSED 2 LOT SUBDIVISION
TOPOGRAPHICAL DETAIL AND SERVICES

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DATE: 17/07/08

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1			1:500	

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 proposed development is considered to meet the provisions of Clause 4. Appropriate conditions of consent have been applied in order to maintain an acceptable level of amenity for the area.

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*.

Appropriate conditions of consent have been applied, which will ensure that the proposed development will not significantly impact upon the surrounding residences or locality. As such, the proposed development is considered to meet the provisions of Clause 5 of the LEP.

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.*

As noted below, the proposed development is considered to meet the primary objective of the zones by way of incorporating the new allotment entirely within the residential zone, whilst taking into account environmental constraints (i.e. no fragmentation of the existing agricultural land). The proposal generally complies with Clause 8(a).

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

Given that the subject site incorporates an area of land zoned 2(a) for residential purposes, the proposed development is not considered to have an unacceptable cumulative impact on the locality or the community as a whole.

Clause 11 - Zone Objectives

Clause 11 of the LEP relates to zone objectives. The subject site consists of three (3) different zonings, as noted below:

The western and central portions of the site are zoned 1(b) Agricultural Protection under the provisions of the LEP. The objectives of this zone are:

Primary objective

- *to protect identified prime agricultural land from fragmentation and the economic pressure of competing land uses.*

Secondary objective

- *to allow other development that is compatible with agricultural activities.*

The proposed subdivision does not incorporate any changes to the component of the site zoned 1(b). As such, the agricultural use of the land is protected and the proposal is considered to meet the objectives of the zone. The Department of Planning has also noted that the proposal is consistent with the objectives of the zone.

The easternmost portion of the site is zoned 2(a) Low Density Residential under Tweed LEP 2000. The primary objective of this zone is to:

- *to provide for and maintain a low density residential environment with a predominantly.*

The proposed new allotment (located wholly within the 2(a) zone) meets the minimum lot size and is considered to be consistent with the zone objectives.

Clause 15 - Essential Services

Clause 15 of the TLEP requires the provision of essential services to be available to the proposed new allotment prior to any consent being granted. Council's reticulated potable water supply and piped effluent disposal infrastructure is available to the area. Council's Development Engineer has also noted that electricity and telecommunication services are currently provided to the area. Appropriate conditions of consent have been applied in this regard.

Clause 20 – Subdivision in Zones 1(a), 1(b), 7(a), 7(d) and 7(l)

Clause 20 of the TLEP relates to minimum lot size requirements in order to prevent the potential for fragmentation of rural land. Clause 20(2) requires the following minimum lot sizes:

- (2) *Consent may only be granted to the subdivision of land:*
 - (a) *within Zone 1 (a), 1 (b2), 7 (a), 7 (d) or 7 (l) if the area of each allotment created is at least 40 hectares, or*
 - (b) *within Zone 1 (b1) if the area of each allotment created is at least 10 hectares.*

As noted above, the subject site incorporates three (3) zones, two of which relate to Clause 20. The proposed Lot 1 is wholly zoned 2(a) Residential and as such, does not apply to this clause. Proposed Lot 2 is 17.28ha in total area, with a small portion of the allotment (to the west) zoned 1(b2). The remaining portion of proposed Lot 2 has been calculated as approximately 15.08ha, which meets the minimum lot size of 10ha for land zoned 1(b1).

The smaller portion of 1(b2) land (approximately 2.2ha) does not meet the minimum 40ha requirement. A SEPP 1 Objection has been submitted and the application was referred to the Department of Planning for the Director-General's concurrence. The Department's comments and the SEPP 1 Objection are detailed later in this report.

Clause 22: Development near designated roads

Clause 22 of the LEP refers to land that has frontage to a designated road or relies on a designated road for its sole means of vehicular access. Cudgen Road is a designated road; therefore, clause 22 applies to this application. The proposed new allotment (Lot 1) is located near the intersection of Cudgen Road and Collier Street and the applicant has submitted a Sight Distance Plan for proposed Lot 1. Council's Development Engineer has noted that adequate sight distance exists, in terms of traffic safety. The existing dwellings on proposed Lot 2 will maintain their existing access point, but will require upgrading to Council's standard requirements.

With regard to the capacity of Cudgen Road, Council's Development Engineer has noted that proposed Lot 1...*'will not generate any significant additional traffic to Cudgen Road and Cudgen area; however, the road network in the area has sufficient capacity to cater for any additional traffic'*. In terms of traffic noise impacting upon a future dwelling for Lot 1, noise attenuation measures can be addressed when the dwelling application is lodged. The proposed development is not considered to reduce the scenic quality of the locality. In light of the above, the proposal is considered to be consistent with the provisions of Clause 22.

Clause 35 - Acid Sulfate Soils

Clause 35 of the TLEP provides for the management of acid sulfate soils. Council's mapping system classifies the majority of the site as Class 5 soils. Council's Environmental Health Unit has noted that any works required for the proposed subdivision (in particular for proposed Lot 1) will not involve major disturbances of the soils.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 12: Impact on agricultural activities

This clause requires Council consider 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. The proposed subdivision is unlikely to have any impact upon the surrounding

agricultural land, given that the proposed new allotment is over land already zoned 2(a) Low Density Residential, directly adjacent to an existing dwelling.

It is also noted that in granting concurrence for the proposed subdivision, the Department of Planning was satisfied that the proposal is consistent with the objectives of the zone. As such, the application is considered to meet the provisions of Clause 12.

Clause 43: Residential development

This clause relates to residential development. The proposed subdivision is considered to be consistent with the provisions of clause 43 in that: the proposed density is a reasonable response to the existing land use character of the area and will not result in the creation of any adverse physical impacts upon the locality. Further, the road widths are satisfactory for the proposal and a detailed sedimentation and erosion control plan will be applied in relation to the construction.

SEPP No. 1 - Development Standards

The proposed development incorporates a SEPP 1 Objection which relates to the proposal not meeting the minimum 40 hectare allotment size requirement, pursuant to Clause 20(2) of the Tweed Local Environmental Plan 2000.

The parcel of land involved with the proposed subdivision incorporates three (3) zones: 2(a) Low Density Residential; 1(b1) Agricultural Protection; and 1(b2) Agricultural Protection. The Objection relates to the minimum lot size requirement for the 1(b2) component of the site only, as a result of that component having an area of approximately 2.2ha.

The applicant has submitted the following in support of the SEPP 1 objection:

'The subject application seeks a variation to Clause 20(2)(a) of the Tweed LEP 2000 for the subdivision of land zoned 1(b2) that is less than 40 hectares. The strict compliance with the development standard, in this particular case, is considered unreasonable and unnecessary for the following reasons:

- The area of land zoned 1(b2) is currently under the statutory standard;
- The proposed subdivision does not reduce the area of land zoned 1(b1) or 1(b2);
- The proposal does not create an additional dwelling entitlement on the portion of land zoned 1(b2);
- The proposed subdivision does not fragment rural land, rather the proposal seeks to separate the 2(a) urban zoned land from the rural 1(b1) and 1(b2) zoned land, consistent with the aims of the Tweed LEP 2000 and the primary objectives of the zones 2(a), 1(b1) and 1(b2);

- The subdivision will provide additional housing within the existing urban footprint, the proposed allotment is capable of being serviced by essential services and Council's infrastructure such as: water, sewer, stormwater, electricity and telecommunications;
- The proposed subdivision is consistent with the zoning intent of the site, and developed in a coordinated and sustainable manner;
- The proposal will not adversely impact on the continual operation of the agricultural land;
- The proposed subdivision will not adversely impact on the natural or built environments.

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.

The objectives of the Clause 20 are:

- *to prevent the potential for fragmentation of ownership of rural land that would:*
 - (i) *adversely affect the continuance or aggregation of sustainable agricultural units, or*
 - (ii) *generate pressure to allow isolated residential development, and provide public amenities and services, in an uncoordinated and unsustainable manner.*
- *to protect the ecological or scenic values of the land.*
- *to protect the area of Tweed's water supply quality.*

The proposed development is considered to be consistent with the objectives of Clause 20 in that it will not: result in the fragmentation of the existing agricultural land, as a result of the new allotment being located wholly within the 2(a) residential zone; the ecological or scenic values of the land are maintained; and the proposal will not impact upon Tweed's water supply quality.

The objection is considered to be well founded. As such, strict compliance with the minimum lot size for land zoned 1(b2) is considered unreasonable and unnecessary in this instance.

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 objectives of section 5(a)(i) and (ii) of the EP&A Act 1979 are:

- *To encourage – the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- *The promotion and coordination of the orderly and economic use and development of land.*

The proposal provides for a two (2) lot Torrens title subdivision in an established residential / agricultural area. Connection to utility services is available and the existing agricultural uses of the site will not be compromised by the proposed subdivision. The SEPP1 Objection is considered to warrant support in that flexibility in planning controls is achieved and approval of the development would not hinder the attainment of the above 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 Director-General's concurrence has been granted to vary the 40 hectare minimum lot size development standard, noting that the existing lot size of the land zoned 1(b2) is significantly less than the 40ha standard. As such, the proposed non-compliance with clause 20(2) 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 particular case, as only a minor portion of the site (12.67%) is zoned 1(b2) Agricultural Protection and the proposed subdivision will have no impact upon that particular zone or its current use. That is, the 2.2ha area of land zoned 1(b2) will remain unchanged, with the proposed new allotment being located at the opposing end of the site within the 2(a) Low Density Residential land.

The streetscape and amenity of the locality will remain relatively the same, noting that an existing dwelling is located directly adjacent to the proposed new allotment, adjacent to the existing Cudgen Village.

Chief Justice Preston notes that there is a public benefit in maintaining planning controls. However, the proposed non-compliance with clause 20(2) of 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.

Conclusion

Given that the three principles set by Chief Justice Preston have been met, strict compliance with the development standard under clause 20(2) is considered unreasonable and unnecessary in this instance. As such, the SEPP1 Objection warrants support.

SEPP (Rural Lands) 2008

The proposed development is considered to be consistent with the provisions of the Rural Lands SEPP in that the proposed new allotment is located wholly within the existing 2(a) Low Density Residential zone. That is, there is no fragmentation of the agricultural land and no dwelling entitlement will be created on the land zoned 1(b1) or 1(b2).

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

Draft Tweed Local Environmental Plan 2010

Under the Draft LEP 2010, the subject site has a similar zoning to the current LEP 2000 in that the 1(b1) and 1(b2) land is zoned RU1 – Primary Production; and the 2(a) land is zoned R2 – Low Density Residential. The proposed development is considered to be consistent with the objectives of both zones.

Clause 4.1 of the Draft LEP 2010 relates to minimum subdivision lot sizes and refers to the Lot Size Map. This map identifies the same minimum lot sizes as the current LEP. That is, the RU1 land currently zoned 1(b1) is identified as Lot Size code AB1, which requires 10ha; the RU1 land currently zoned 1(b2) is identified as Lot Size code AB2, which requires 40ha; and the R2 land currently zoned 2(a) is identified as Lot Size code G, which requires 450m².

Clause 4.6 of the Draft LEP 2010 relates to exceptions to development standards, to allow a degree of flexibility. The proposed subdivision is consistent with clause 4.6 in that: the applicant has lodged a written request that seeks to justify the contravention of the development standard (SEPP1 Objection); Council is satisfied that the written request adequately addresses all matters and that the proposal will be in the public interest; concurrence has been granted; and the subdivision will not result in 2 or more lots of less than the minimum area.

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

Tweed Development Control Plan

A3-Development of Flood Liable Land

This DCP aims to set detailed standards for land development in order to minimise the adverse effect of flooding on the community. Council's Development Engineer notes that...*'proposed Lot 1 is not flood liable; however, a small area to the west of Lot 2 is flood liable. As this area is to remain as agricultural land, this does not pose any hazards to the proposed subdivision'*.

A5-Subdivision Manual

This DCP contains Council's guidelines for the preparation of applications for subdivision and aims to facilitate Council's assessment and consideration of such applications. A number of factors are required to be assessed including environmental constraints, land forming, design specifications, storm water runoff, drainage, waterways and flooding, setbacks and buffers (where appropriate). Where applicable, these matters have been discussed below.

Physical Constraints – The proposal is largely only constrained by the shape of the subject site and location of the existing roadway (Cudgen Road).

Environmental Constraints – this section of the DCP relates to issues such as contamination etc, which are discussed in detail later in this report.

Landforming – The subject site is largely flat, with a gentle slope towards Cudgen Road. The applicant has submitted a General Works Layout Plan for a future house pad and driveway on Lot 1. Council's Development Engineer has noted that no significant earthworks will be required.

Stormwater Runoff, Drainage, Waterways & Flooding – The applicant has provided a Stormwater Catchment Plan and Erosion & Sediment Control Layout Plan for proposed Lot 1. Council's Development Engineer has undertaken an assessment in this regard with no objections, subject to conditions of consent.

Lot Layout – The proposal is consistent with the minimum allotment area of 450m² for dwellings within a 2(a) Low density Residential zoning, with the new allotment having an area of 900m². The DCP also requires a minimum building envelope of 10m x 15m for any future dwelling. The submitted engineering plans incorporate a house pad in the order of 15m x 15m, which complies.

Infrastructure – The applicant has submitted a Sewerage and Water Reticulation Plan for proposed Lot 1. Council's Development Engineer has assessed the proposed development against the relevant standards pertaining to road ways, reticulated water, reticulated sewer, electricity and telecommunications. Appropriate conditions of consent have been applied with regard to infrastructure requirements.

In light of the above assessment, the proposed residential allotment (Lot 1) is considered to meet the provisions of Section A5 of Council's Consolidated DCP.

A11-Public Notification of Development Proposals

The proposed development did not require public notification.

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

There are no matters prescribed by the Regulations applicable to the proposed subdivision.

(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

Contamination

The applicant's Statement of Environmental Effects incorporated a Contaminated Soils Statement, which concluded that...*'there was no immediate evidence that the site is contaminated'* and that the...*'proposed future use of Lot 1 as residential would appear suitable under normal development conditions applicable to the lot'*. Council's Environmental Health Unit did not support the contamination documentation and requested a Preliminary Contaminated Land Investigation prepared by a suitably qualified person, including soil sampling for proposed Lot 1.

The applicant submitted a Preliminary Contaminated Land Assessment (HMC Environmental Consulting Pty Ltd, dated November 2009), which included 8 soil samples across proposed Lot 1. The assessment concluded that the...*'subject site is unlikely to be significantly impacted by soil contamination from current and past uses'* and that the subject site is...*'suitable for the proposed subdivision for residential use'*.

Council's Environmental Health Unit undertook an assessment of the contamination report, providing the following conclusion:

'The report indicates that the site is suitable for the intended use. No objection is raised to the use of the UCL as the materials on site are considered largely to be homogenous due to historical tilling of soils on the relatively flat land parcel. The site is considered 'uncontaminated' in accordance with Part 1.2 of the Sampling Design Guidelines DECCW 1995. No objection is raised to the conclusion of the report.'

Farmland Protection

Council's mapping system indicates that the subject site has several classifications. The area of 1(b2) land at the rear of the site is classified as Regionally Significantly Farmland. As the proposed subdivision will make no change to this area, it is unlikely that there will be any impact to this type of farmland. The majority of the site (zoned 1(b1)) is classified as State Significant Farmland. Again, as the proposed subdivision will make no change to this area, it is unlikely that there will be any impact to this type of farmland. The area involving the proposed new allotment is classified as Committed Urban Uses.

In light of the above, the proposed development is not considered likely to have any impact upon the existing farmland on and around the subject site, and referral to the Department of Primary Industry was not considered necessary.

Land Use Conflict

Council's Environmental Health Unit has taken into consideration potential conflict between the residence on the proposed new allotment and the existing agricultural use of the remainder of the site, noting the following:

'The proposed subdivision will result in another small dwelling house allotment on the fringe of Cudgen Village immediately adjacent to active

agricultural activities. Potential exists for conflict between future occupants of the allotment and adjacent farm activities. Whilst similar exposure exists for many existing dwellings within Cudgen Village, creation of proposed lot 1 increases potential for conflict. Design of the future dwelling may incorporate layout and orientation to minimise conflict (e.g. orientation of bedrooms, living areas etc)'.

A condition to this effect is proposed.

(c) Suitability of the site for the development

The proposed development is considered to be suitable for the site, subject to appropriate conditions of consent.

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

Department of Planning

After reviewing the SEPP1 Objection to Clause 20(2) of the LEP, the Department provided the following comments:

'Following consideration of the application, concurrence has been granted to vary the 40 hectare development standard for the 1(b2) Agricultural Protection zone contained in clause 20(2) of Council's planning instrument to create proposed Lot 2 of about 17 hectares.

Concurrence was granted in this instance for the following reasons:

- (a) The proposal is consistent with the objectives of the zone;*
- (b) The existing lot size of the land zoned 1(b2) Agricultural Protection is significantly less than the 40ha standard;*
- (c) The subdivision will not create further dwelling entitlements on that portion of land zoned Rural 1(b2)'.*

(e) Public interest

The proposed development is generally considered to reflect the provisions of all applicable development control plans. Appropriate conditions of consent have been applied in an effort to limit any impact upon the surrounding residences and agricultural landowners.

OPTIONS:

1. Approve the application subject to the recommended conditions of consent.
2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be unsatisfied with Council's determination an appeal may be lodged with the NSW Land & Environment Court.

POLICY IMPLICATIONS:

The proposed development has been entirely assessed on its merits and for that reason the development does not generate a policy implication for Council.

CONCLUSION:

The proposed development is consistent with the applicable environmental planning instruments with an acceptable variation to Clause 20 of the Tweed LEP 2000. Having had regard for the proposed development and controls provided for the site it is considered that conditional consent is warranted.

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 or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

12 [PR-CM] Development Application 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 at its meeting on 17 November 2009 considered the application for a telecommunications facility (30 metre high monopole and associated infrastructure) at No. 19 Meadow Place, Uki. At this meeting, Council resolved:

“That the application be deferred for presentation at a future Council meeting following the conduct of a public meeting by Optus in the Uki community in order to properly gauge community opinion on this proposal and report the outcome of that meeting to Council.”

Further to Council’s resolution, Optus organised a meeting with the Uki residents on Monday 7 December 2009 held at the Uki Hotel.

Following this meeting, the application was again reported to Council on 15 December 2009 for determination. However, Council resolved:

“That this item be deferred pending effective community consultation by the applicant to determine a more suitable site for the telecommunications tower”.

The applicant was advised of this resolution by letter dated 23 December 2009. Optus responded to this letter on 11 January 2010, stating that they consider the search for alternative sites for a mobile base station in the Uki area to be exhausted, and as such requests that DA09/0385 be determined. A copy of this letter is attached.

The full Council report is now reproduced for Council’s determination.

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.**

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:

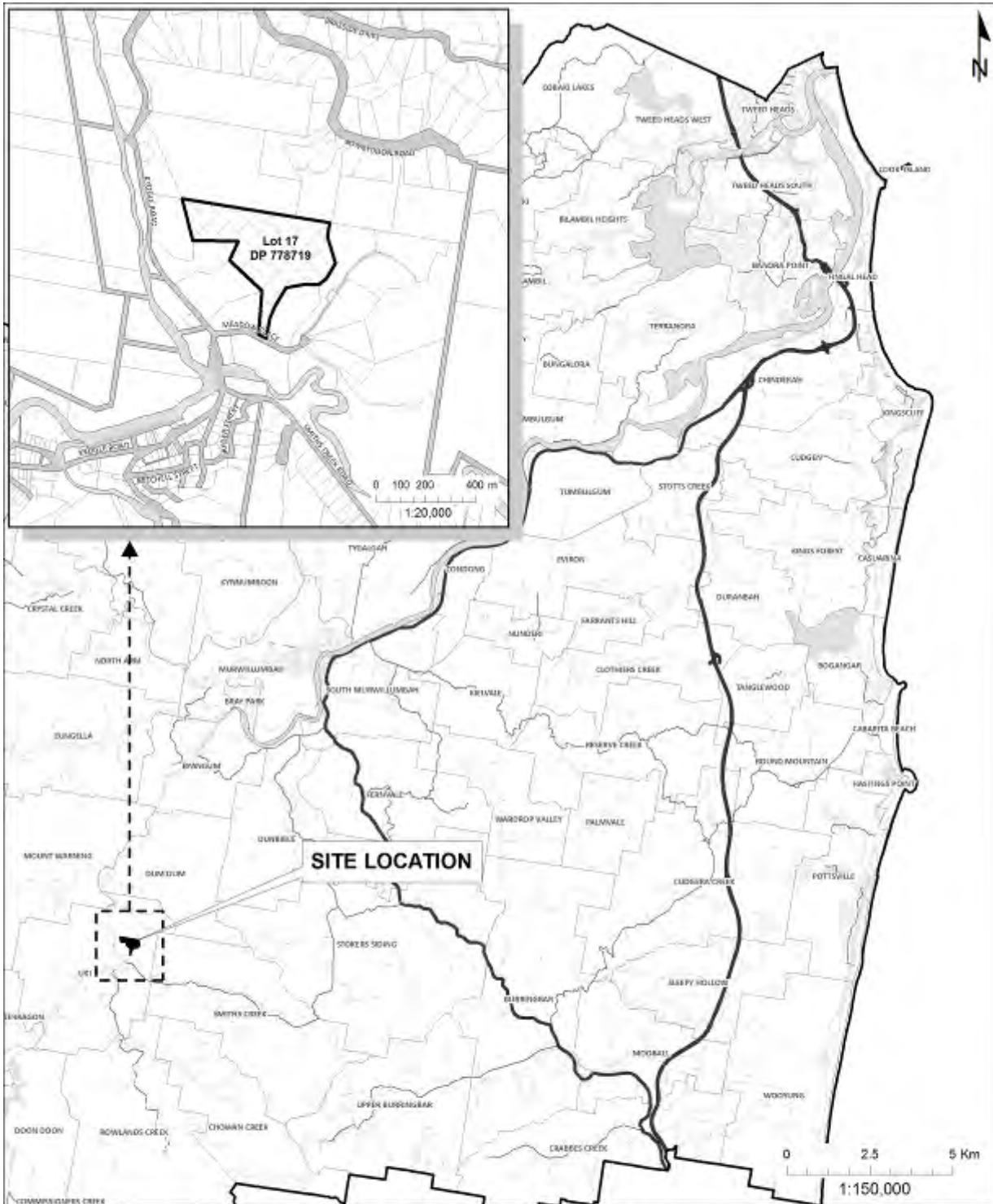
- The elevated position of the site;
- The visual screening the existing tree cover affords;
- The Rural 1(a) zoning as opposed to an environmental protection zoning which incorporates a majority of the high points in Uki;
- The site is readily accessible;
- The availability of power at close range;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

The application was advertised for a period of fourteen (14) days from Wednesday 22nd July 2009 to Wednesday 5th 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:\usr\planning\msd\A4P_B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 4 November, 2009

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Callrate 4 November 2009
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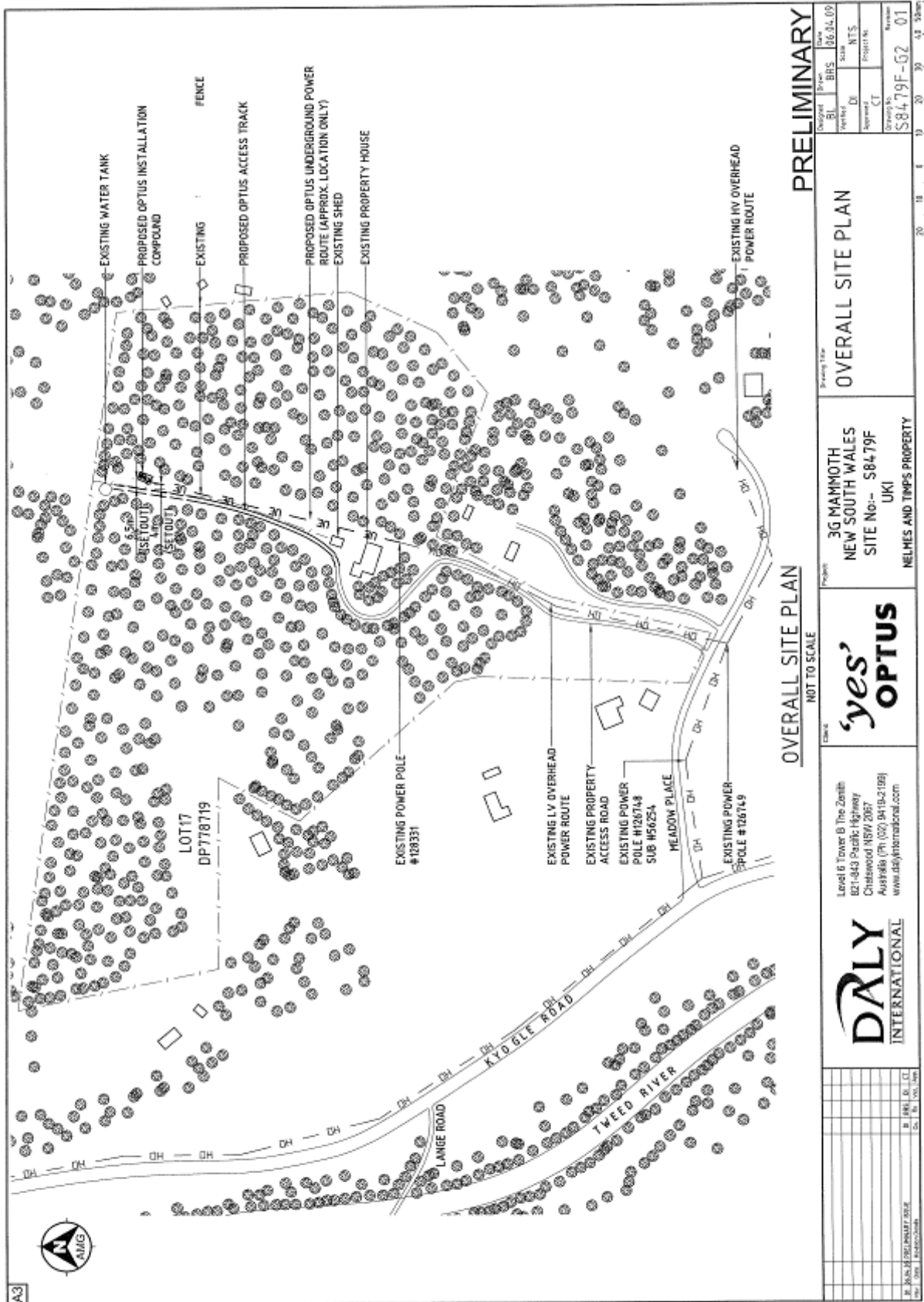
Coordinate System - MGA Zone 56
 Datum - GDA 84

DO NOT SCALE
 COPY ONLY - NOT CONTROLLED

Civic and Cultural Centre
 3 Tamburlage Road
 Manildra NSW 2484
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 Manildra NSW 2484
 T: (02) 6670 2400 | 1500 292 672
 F: (02) 6670 2403
 W: www.tweed.nsw.gov.au
 E: planningreforms@tweed.nsw.gov.au



DEVELOPMENT/ELEVATION PLANS:



OVERALL SITE PLAN

NOT TO SCALE

PRELIMINARY

Client	BRS	Date	06/04/09
Project No.	88479F	Scale	NTS
Approved	CT	Project No.	88479F-02_01
Drawn By	S8479F-02_01		

OVERALL SITE PLAN

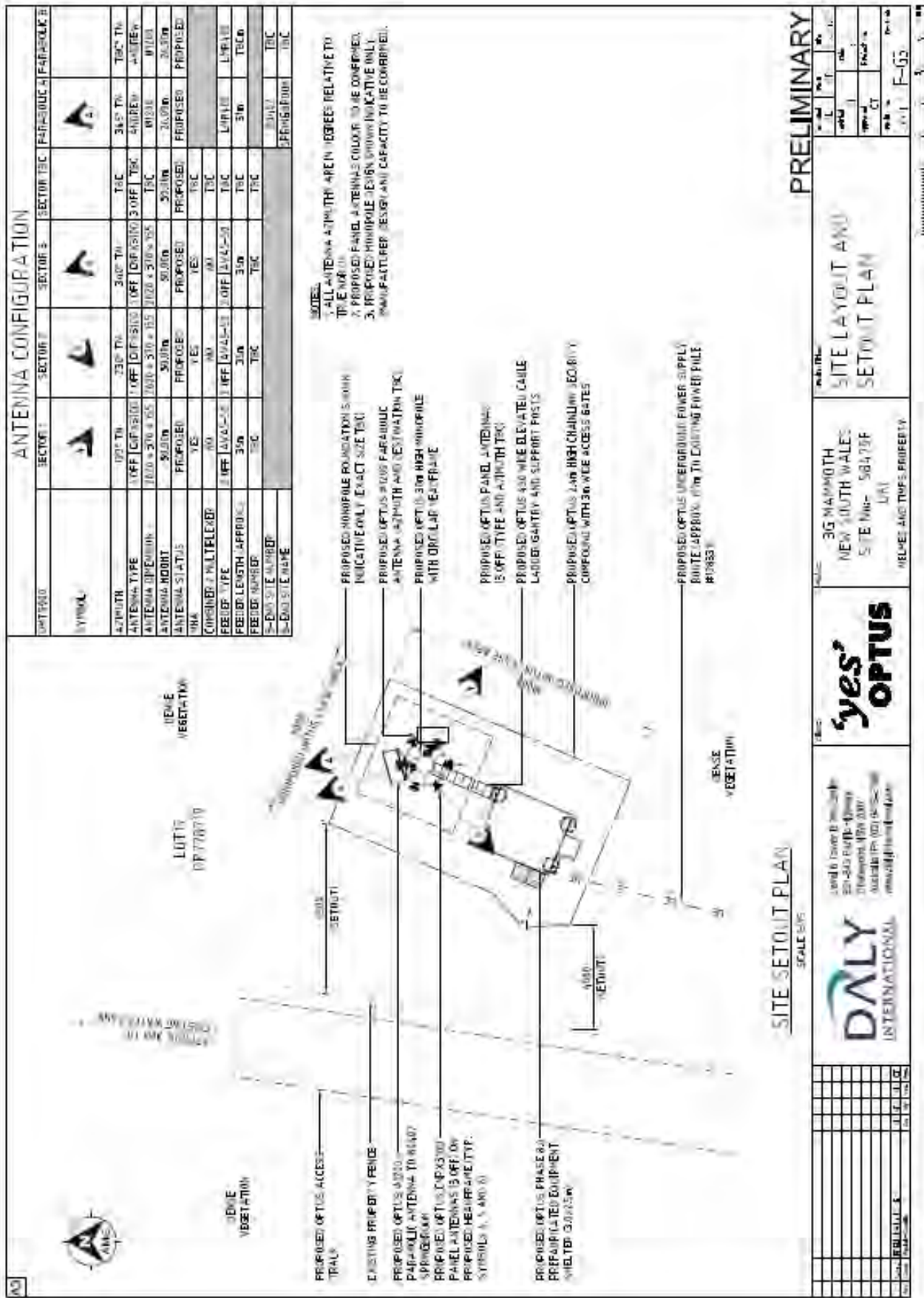
3G MAMMOTH
NEW SOUTH WALES
SITE No - 58479F
UKI
NELMES AND TEMPS PROPERTY

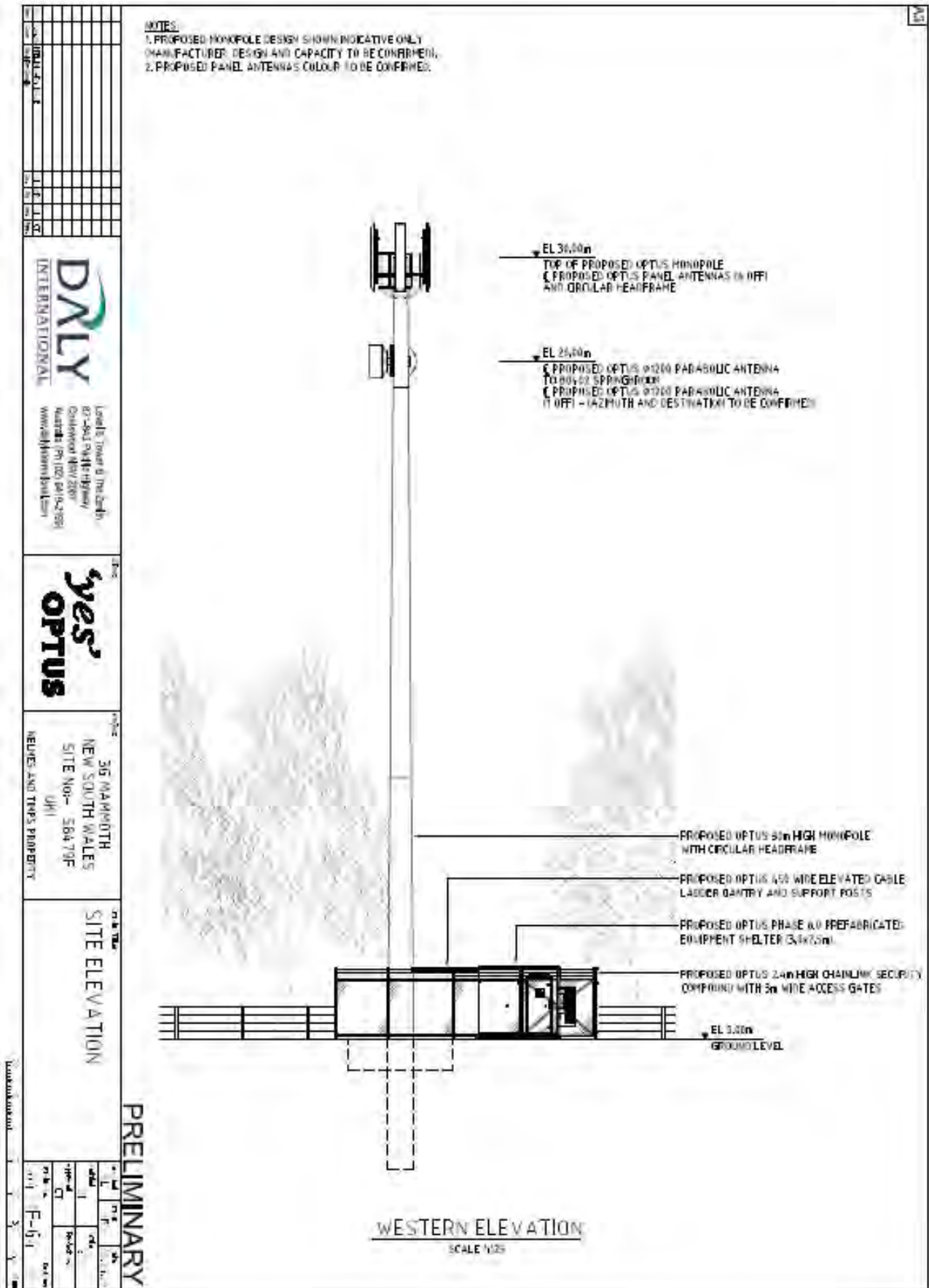
'yes' OPTUS

DAILY INTERNATIONAL

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Drawn	Checked	Reviewed	Approved





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 22nd July 2009 to Wednesday 5th 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

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.

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.

In choosing the proposed location for the monopole, the applicants also considered a number of alternative sites, **attached** to this report is a copy of the applicants assessment of Alternative Sites.

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 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)
 2. Report prepared by Optus detailing the outcomes and discussion of meeting held 7 December 2009 (ECM 12232987)
 3. Optus' letter of response dated 11 January 2010 (ECM 12231966)
-

13 [PR-CM] Development Application DA09/0504 for a Fruit and Vegetable Shop at Lot 1 DP 240847, Bilambil Road, Bilambil

ORIGIN:

Development Assessment

FILE NO: DA09/0504 Pt1

SUMMARY OF REPORT:

This development application is being reported to Council following a request from Councillor Milne.

The applicant seeks consent for a fruit and vegetable shop. The proposal originally involved the demolition and removal of an unlawful structure with the intention to reinstate it with a demountable shop on brick piers. The structure has been demolished at the time of writing as requested by Council.

It was considered in the public interest for operations to cease immediately in the existing structure given its unlawful use and that there were in particular potential health risks to the operators and general public as identified by Council's Environmental Health officers.

The application was not required to be notified or advertised.

It is considered that the application is suitable for approval, subject to compliance with the imposed conditions of consent.

RECOMMENDATION:

That: -

- A. Development Application DA09/0504 for a fruit and vegetable shop at Lot 1 DP 240847, Bilambil Road, Bilambil be approved subject to deferred commencement conditions:-**

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- A. The applicant shall provide to Council an on-site sewage management capability assessment report for the existing on-site sewage management system. The report shall incorporate the total potential and actual hydraulic wastewater loading to the existing OSMS and shall provide an assessment of the capability of the existing system (including the effluent disposal area) in accordance with the provisions of AS/NZS 1547/2000 and NSW Environment and Health Protection Guidelines "on-Site Sewage Management for Single Households" 1998 to adequately and sustainably manage the potential and actual wastewater load.

The report shall indicate if the system is able to meet the minimum requirements of the assessment standards or if the system will require upgrading.

- B. Operation of the fruit and vegetable shop is contingent upon written landowner's consent for the proprietor and staff to use WC facilities located in association with the General Store. Such written landowner's consent is to be provided to Council and approved by the General Manager or his delegate.

Should this not occur, the applicant is to demonstrate that a separate WC can be provided in association with the fruit and vegetable shop. This should be demonstrated in the on-site sewer management report.

SCHEDULE "B"

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and

Plan No 2 (Sheet 2 of 2), as amended in red, prepared by Chris J Cohen and dated 6 July 2009.

Plan No 1 (Sheet 1 of 2), as amended in red, prepared by Chris J Cohen and dated 30 September, 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. Disabled access is to be provided in accordance with the Building Code of Australia.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Section 94 Contributions

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

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

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, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:

2.2841 Trips @ \$1829 per Trips **\$4178**

(\$1662 base rate + \$167 indexation)

S94 Plan No. 4

Sector4_4

[PCC0215]

5. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

(a) Design flood level of RL 3.5m AHD.

(b) All building materials used below Council's design flood level must not be susceptible to water damage.

(c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

(d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

6. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain,

installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

7. Prior to the issue of a construction certificate, a car parking plan shall be submitted to the satisfaction of the General Manager or delegate that:

(a) provides one car parking space for use in association with the fruit and vegetable shop.

NB: The total number of car parking required on site is six (6) should the development consent for DA08/0897 be activated. This is indicated on the approved plan for that development application.

[PCCNS02]

8. An external colour schedule is to be submitted prior to issue of a Construction Certificate to the satisfaction of the General Manager or delegate.

[PCCNS03]

9. WC facilities shall be provided in accordance with Schedule A.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

10. 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]

11. 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]

- 12. 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]

- 13. 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]

- 14. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0995]

- 15. Any alteration to the existing on-site sewage management facilities must be approved to the satisfaction of the General Manager or his delegate.

[PCW1125]

DURING CONSTRUCTION

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

[DUR0005]

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. **Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:**

(a) **A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.**

(b) **The chute shall be located in a position approved by the Principal Certifying Authority.**

(c) **A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.**

[DUR0385]

21. **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]

22. **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]

23. **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]

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

[DUR0445]

25. A survey certificate from a Registered Surveyor is to be submitted to the Principal Certifying Authority at slab or footing stage, prior to pouring concrete, to confirm that the building has been sited in accordance with the approved development consent plans.
[DUR0475]
26. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
[DUR1505]
27. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
[DUR1545]
28. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.
[DUR1605]
29. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.
[DUR1625]
30. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. It is to be noted that an access ramp in accordance with AS 1428.1 will need to be constructed to enable persons to access the shop.
[DUR1685]
31. 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]
32. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR2245]
33. All stormwater from roofed and paved areas are to be connected directly into road drainage pits where available, kerb and gutter drainage canal or inter allotment drainage line where provided.
All drainage systems shall comply with AS 3500.
[DUR2305]
34. 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]

35. 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]

36. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

37. 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]

38. 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]

39. Prior to the issue of a construction certificate the applicant shall provide to Council an on-site sewage management capability assessment report for the existing on-site sewage management system. The report shall incorporate the total potential and actual hydraulic wastewater loading to the existing OSMS and shall provide an assessment of the capability of the existing system (including the effluent disposal area) in accordance with the provisions of AS/NZS 1547/2000 and NSW Environment and Health Protection Guidelines "on-Site Sewage Management for Single Households" 1998 to adequately and sustainably manage the potential and actual wastewater load. The report shall indicate if the system is able to meet the minimum requirements of the assessment standards or if the system will require upgrading.

[DURNS01]

40. A roof catchment water supply source shall be provided for use in the premises where a Council reticulated supply is unavailable and fitted

with a first flush device. Installation, water collection and tank maintenance of rainwater or foreign water brought in for drinking purposes or in conjunction with the conduct and operation of the business must comply with NSW Health requirements.

41. Should the on-site sewage management capability assessment report identify that the OSMS is to be upgraded the applicant shall, prior to the issue of a construction certificate, lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

42. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

43. 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]

44. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

45. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

46. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

47. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

48. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

49. Any agreement between the owner and applicant allowing use of the WC facilities located in association with the General Store shall be

included as an 88b instrument on the survey plan prior to the issue of a final occupation certificate.

[POCNS01]

USE

50. 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]

51. 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]

52. Hours of operation of the business are restricted to the following hours: -

- * 9.00am to 6.30pm - Mondays to Fridays
- * 9.00am to 4.00pm - Saturdays
- * 9.00am to 3.00pm Sundays
- * No operations are to be carried out on Public Holidays
- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

53. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

54. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

55. The premises shall be maintained in a clean and tidy manner.

[USE0965]

56. The maximum number of staff at any one time shall be one (1) unless otherwise approved by the General Manager or delegate.

[USENS01]

57. All produce waste shall be removed from the site daily in accordance with point 4.11 of the Statement of Environmental Effects unless otherwise approved by the General Manager or delegate.

[USENS02]

B. The owner of the site provides further evidence to demonstrate that the extension to the shop into the garage has been carried out lawfully.

REPORT:

Applicant: Riolo's Fresh Fruit & Vegetables
Owner: Mr DI Thompson and Mrs C Thompson
Location: Lot 1 DP 240847 Bilambil Road, Bilambil
Zoning: 2(d) Village
Cost: \$2,500

BACKGROUND:

The proposed development is located on a site that contains an existing General Store, Service Station, Post Office and Dwelling.

A summary of applications lodged over the subject site is as follows:

- B329/72: application for shop and dwelling approved 21/8/1972 – rebuilding of an existing use of shop (post office) and dwelling with use dating back prior to the 1960's. The description states 'a brick veneer residence, post office, service station and shop'. The application included the canopy over the service station driveway, signage on the south-eastern corner of the site and the two underground petrol tanks
- T4/1713: application for the erection of four (4) shops – this application was approved 7/4/1982 did not proceed
- B827/92: application for a carport
- DA08/0897: application for extensions to the existing Post Office and relocation of the existing carport – this application was approved 12/12/2008, however it is unclear as to whether the applicant will proceed. The application was intended to formalise car parking on the site
- There was no consent for the recently demolished fruit and vegetable shop.

In addition, there appears to be an unlawful extension to the 1972 approved shop to double the existing floor area (an increase of approximately 40m²) by changing the use of the double garage associated with the dwelling, thus removing parking options for the dwelling.

There have been ongoing issues in relation to the On-Site Sewage Management System (OSMS), installed with a small grease trap to operate in association with the existing 1972 shop and dwelling. A report dating back to 1987 details how a request to place an additional two-bedroom relocatable home on the subject site adjacent to the general store was refused due to the lack of effluent discharge capacity. In addition, successful legal proceedings were instigated by Council to the (then) landowner in 1987 in relation to discharge of effluent into the creek.

The same OSMS currently operates on the property and is classified as 'high risk'. Approval to operate is due for renewal on 28 July 2010. A system upgrade may be required should additional wastewater loading be generated from any future business or domestic activity.

An inspection of the premises by Council's Environmental Health Unit on 19 March 2009 revealed that it did not comply with the NSW Food Safety Standards, Food Act and Regulation and that it appeared to be an unlawful use of the site.

The applicant was advised in a letter dated 1 May 2009 to either seek to legalise the structure by lodging a development application or alternatively, remove the structure from the site. The current application was lodged 17 August 2009 in response to Council's compliance action.

The Subject Site

The subject land is described as Lot 1 DP 240847 Bilambil Road, Bilambil and has a total area of 2378m². The corner site is irregular in shape with frontage and existing vehicular access to Carool Road and Bilambil Road.

The land is generally cleared and flat within the vicinity of the general store structure and the existing fruit stall except for a mature tree within vicinity of the petrol pumps. However, the eastern half of the site is separated from existing development by a drainage path that undulates towards the eastern boundary. The small waterway is a tributary of Bilambil Creek that crosses underneath Bilambil Road through the eastern portion of the subject site flowing in a north easterly direction along a line of trees.

There is a mixture of residential and commercial uses on the site.

The land is not identified as bushfire prone but is subject to high and low velocity flows in the event of flooding.

Existing improvements include a single storey dwelling, general store, post office, service station, driveway canopy, carport, shipping container and up until recently, an unlawful fruit and vegetable shop. A phone box is located near the petrol pumps.

The site is located in an area generally characterised as a rural village with residential, recreational, community and commercial uses. Adjoining land to the south and south east is utilised for open space and recreational purposes with sporting fields and waterways. A school is located east of the subject site and other land to the west and north-west is zoned for village purposes. Land to the north is zoned Rural.

The Proposed Development

The applicant seeks consent for construction of a 19.034m² fruit and vegetable shop.

The applicant states in supporting documents that:

- The fruit and vegetable store has been in operation for more than 9 years
- There will be two employees – the owner and a junior casual
- Proposed trading hours are from 9am to 6:30pm Monday to Friday, 9am to 4pm Saturday and 9am to 3pm Sunday
- Signage consists of a business identification sign on the front elevation of the shop, internal chalkboards and one external chalkboard to be placed within vicinity of the shop on private land
- Food waste will be composted at the applicant's farm
- Salvaged materials from the recent demolition of the unlawful structure are proposed to be re-used on the applicant's farm.

The applicant recently demolished the unlawful 5m x 4m structure that consisted of steel mesh walls and a tin roof supported by nine (9) wooden poles. It was an open structure

containing two cool rooms, a refrigerator, food preparation area and assorted display shelving. Flooring consisted of large pavers.

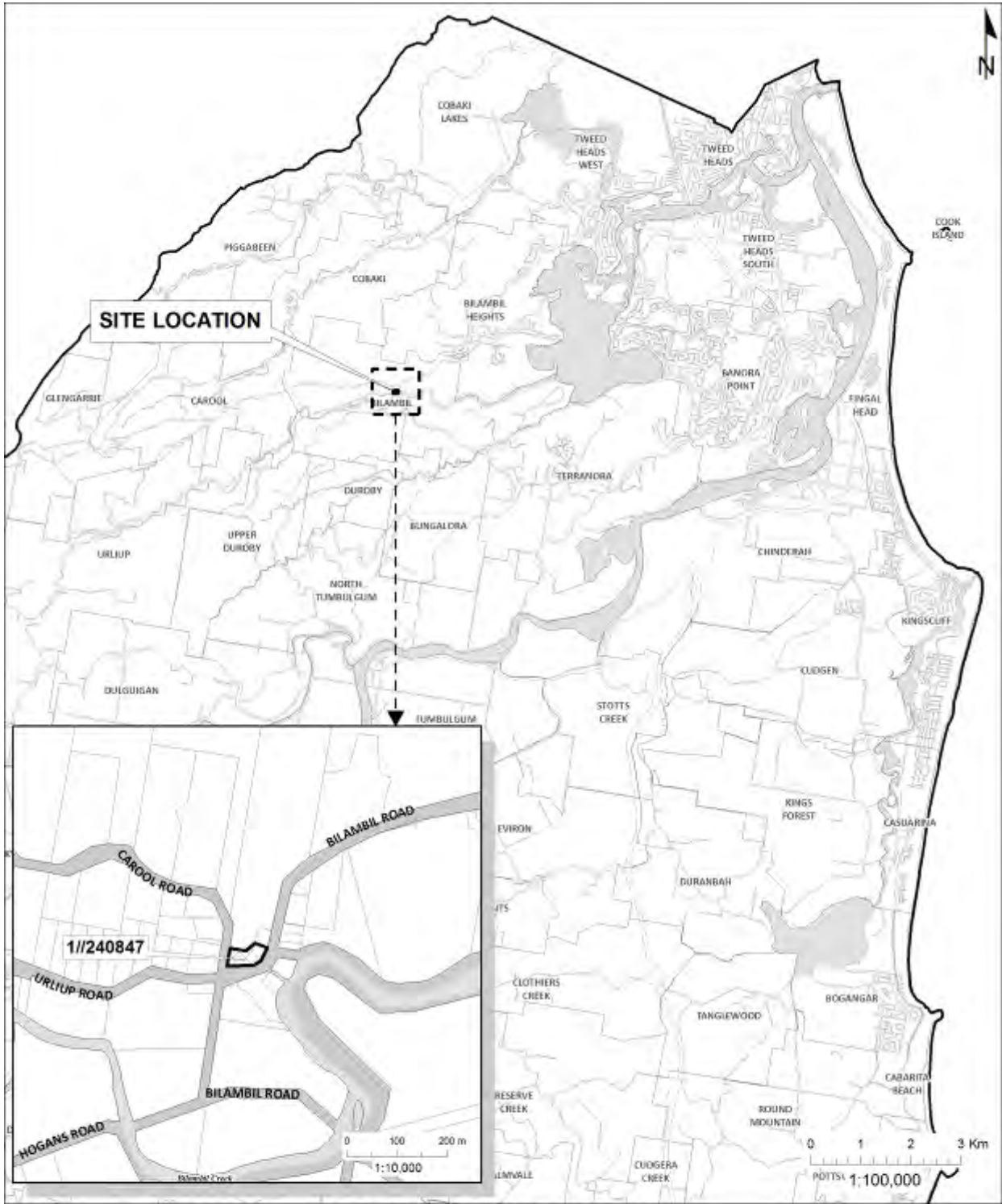
The applicant has previously stated to Council in correspondence that there is no lease arrangement with the landowner for use of the site. It is believed that the applicant has an arrangement with the landowner to use the WC facilities associated with the main store and dwelling. The approved 1972 plan indicates that there is only one WC located in the dwelling itself.

The site plan lodged as part of the application does not reflect reconfiguration of the site in accordance with approved DA08/0897 for extensions to the General Store / Post Office.

Summary

Having regard to the site's characteristics, the site history, intended use, village location, amenity issues and in particular, environmental health requirements, the proposed fruit and vegetable shop is, on balance, considered suitable for the location and therefore the proposed development is recommended for approval, subject to compliance with imposed conditions of consent.

SITE DIAGRAM:



LOCALITY PLAN

Lot 1 DP 240847
Bilambil Road, Bilambil

Filename: z:\j\env\planning\mxd\A40_B&W_SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 28 January, 2010

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Coordinate System - MGA Zone 56
Datum - GDA 94

Catchat: 28 January, 2010
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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 proposal accords with Clause 4 in that it encourages sustainable economic development of the area compatible with the area's environmental and residential amenity qualities.

Clause 5 - Ecologically Sustainable Development

The proposal complies with Clause 5 in that it poses no threat of environmental damage or degradation.

Clause 8 - Zone objectives

It also complies with the objectives outlined in Clause 8 – Consent Considerations as it is consistent with aims and objectives of the plan and zone. An unacceptable cumulative impact within the council area will not result as long as the following is achieved:

- required off-street parking
- adequate disposal of waste water into existing system
- formal access to existing WC facilities
- disabled access, and
- payment of Tweed Road Contribution Plan (TRCP) charges.

Clause 11 - Zone objectives

The proposal is defined as a shop and is permissible in the 2(d) Village zone.

The proposed development complies with Clause 11 - Zone Objectives in that it is an extension of existing commercial development in the 2(d) Village zone. The proposed shop provides the community with the option of purchasing local produce. This is a facility traditionally associated with a rural village and is of such a minimal design and scale that, if constructed according to approved plans and operated in accordance with imposed conditions of consent, will make a positive contribution to the character of the village of Bilambil.

Clause 15 - Essential Services

The subject site has access to a reticulated water system and electricity. There is no access to a reticulated sewer system.

The existing business is connected to the reticulated water supply. However, the proposed shop does not have consent to access the landowner's water connection. As such, a 250 litre rainwater tank (and hot water system) will supply

the shop with adequate potable water for the purpose of a hand basin / food preparation sink, as required by the Environmental Health Unit.

The existing General Store / Post Office / Service Station may rely on use of the WC located in the attached dwelling, as was historically approved in 1972 for staff. As detailed later in this report, the current septic system on site is operating at capacity and is not likely to cope with an additional WC. In addition, it is not clear that the current system will be able to cope with wastewater generated from the proposed shop use.

Accordingly, operation of the proposed shop is contingent upon the capability of an on-site sewage management system to manage the potential and actual wastewater load. Deferred commencement conditions have been recommended so that these issues are dealt with prior to operation of the development consent commencing.

Clause 16 - Height of Building

The subject site is controlled by a three-storey height limitation.

The proposed development comprises the addition of a single-storey demountable shop, and therefore complies with Clause 16.

Clause 17 - Social Impact Assessment

The proposal will provide a minor economic benefit to the community and as such a formal social impact assessment is not required.

Clause 35 - Acid Sulfate Soils

Class 5 Acid Sulfate Soils are located on the subject site. As the proposal does not require any excavation, ASS are not considered to be a constraint for consideration of the application.

Other Specific Clauses

Clause 22 – Development near designated roads

Clause 22 applies to land that has frontage to a designated road and Bilambil Road is a Council designated road. Pursuant to the Clause, Council must be satisfied that the following matters have been addressed prior to granting consent to any development on land to which the clause applies:

- (a) *the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- (b) *the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*

- (c) *the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*
- (e) *the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
- (f) *the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
- (g) *where practicable, access to the land is provided by a road other than the designated road.*

The nature of the development is not considered likely to constitute a traffic hazard or materially reduce the capacity or efficiency of Bilambil Road. The main access and egress points for the site for vehicles are from Carool Road and Bilambil Road via existing driveway access points. The nature of traffic movements into and out of the site is not likely to change with the addition of the fruit and vegetable shop.

The proposed use is not considered to be sensitive to traffic noise and the additional commercial use of the site is not likely to detract from the scenic values of the locality. It can therefore be concluded that the development as proposed satisfies the aims and points of consideration outlined in Clause 22.

Clause 34 - Flooding

The subject site is located on land identified as affected by flooding on Council's GIS Enlighten program with the adopted design flood level for the site being 3.5m AHD. The existing ground level is at approximately RL 3m AHD. The land is also subject to high and low velocity flows of flood waters. The proposed shop is located on brick piers 600mm above ground level which is considered satisfactory. Stock is located on shelves that can easily be removed during a flood event if necessary.

The proposal is for the addition of a fruit and vegetable shop to an existing commercial use on site and as such it is not considered to pose any greater risk of severity of flooding of other land in the vicinity or impact on emergency services. The proposal is compliant with the provisions of DCP Section A3 and subsequently compliant with Clause 34 of the LEP.

Clause 47 – Advertising Signs

Clause 47 relates to signage and aims to regulate the impact of signage throughout the Shire. The proposal involves the use of several blackboards to be chalked up according to the availability of produce.

The blackboards will be located inside the shop with one blackboard being located within close proximity of the shop. A moveable chalkboard no greater than 1.5m² is permissible if it is located on private property. The chalkboard must contain a sign written heading indicating the premises to which it refers.

It would also be acceptable for business identification signage to be located on the front elevation of the proposed shop, as indicated on the approved plan.

The signage is not in a rural zone nor is it listed as prohibited in subclause 4 of Clause 47. The signage is therefore considered compliant with Clause 47 of the LEP.

Clause 31 – Development adjoining waterbodies

The clause applies to land that adjoins the Mean High Water Mark (MHW) of a waterbody. An open drain, which is essentially a drainage channel from Bilambil Creek runs through the subject site immediately to the east of the proposed location of the fruit and vegetable shop. The objectives of this clause include:

- protection and enhancement of scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors
- provision of adequate public access to waterways, and
- minimisation of the impact on development from known biting midge and mosquito breeding areas.

Conditional consent is recommended for this application in consideration that the proposed shop is within close proximity to a waterway and more specifically, because the on-site sewage management system (OSMS) is 'high risk' and at capacity.

As such, operation of the proposed shop is contingent upon the applicant demonstrating that the OSMS can sustainably manage the potential and actual wastewater load. As discussed previously, deferred commencement conditions have been recommended to ensure that the capacity of the OSMS is investigated prior to the operation of a development consent.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

Clause 32B of the NCREP requires Council to consider the NSW Coastal Policy, the Coastline Management Manual and the North Coast: Design Guidelines. The proposed fruit and vegetable shop does not contradict the strategic aims and objectives of these policies, nor does its location allow potential for impacts on public access, beach and open space overshadowing. The proposal is therefore considered to be consistent with the requirements of Clause 32B.

Clause 47 - Principles for Commercial and Industrial Development

Location of a fruit and vegetable shop (commercial premises) in the centre of Bilambil Village is in accordance with the objectives of this clause in that it maintains the integrity of the main business area in Bilambil, zoned for such a purpose. It also strengthens the multi-functionality of the village centre by providing a variety of local shopping options with its location adjacent to a General Store, Post Office and Service Station.

Clause 81: Development adjacent to the ocean or a waterway

The relevant matters for consideration contained in Clause 81 are concerned with the provision of open space and public accessibility to the foreshore adjacent to the ocean or any substantial waterway. The proposal does not impact upon or alter in any way public access to Bilambil Creek.

The proposed works do not impact upon the waterway (subject to satisfying conditions of consent in relation to the operation of an on-site sewer management system) and thus are considered to comply with the relevant provisions of Clause 81 of the NCREP.

SEPP No. 22 - Shops and Commercial Premises

This SEPP comes into force when an application is proposed for a change of use to a lawful shop or commercial premises within a business zone and the consent authority considers it worthy of approval (minimal environmental impact / in keeping with objectives of zone) even though the change of use is prohibited under another environmental planning instrument.

In this case, SEPP 22 is not activated as the proposed fruit and vegetable shop is not a change of use and is not prohibited under another environmental planning instrument.

SEPP No. 64 – Advertising and Signage

There are no specific provisions for ‘chalkboards’ or ‘business identification signs’ within this SEPP. The SEPP deals with ‘Wall Advertisements’ and states that there should only be one per elevation of a building. However, the proposed signs do not fit within this definition.

An assessment against Schedule 1 of the SEPP indicates that the proposed signage is compatible with the village/commercial character of the area, it does not detract from the amenity of any special areas, it does not jeopardise any views or vistas, and is of an appropriate form and scale for the streetscape and the subject building. There are no illumination and no safety hazards as such.

Therefore, the proposal is considered to comply with the provisions of SEPP 64.

SEPP No 71 – Coastal Protection

The subject site is located on lands defined as a sensitive coastal location under SEPP 71 (within proximity of Bilambil Creek). However, the ancillary nature of the proposed shop on a site with an existing commercial use does not trigger a referral to the Department of Planning. The proposed shop is considered to comply with the provisions of SEPP 71.

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

The Shire wide Draft Local Environmental Plan is currently on exhibition. The Draft zone is RU5 – Village. The proposed land use is defined as *Neighbourhood Shops* and is permitted with consent.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

Provisions of this DCP are not compromised (in relation to the existing dwelling on site) by the proposed location and operation of the fruit and vegetable shop.

A2-Site Access and Parking Code

The original development application for a shop and dwelling (B329.72) does not make mention of required car spaces for the operation of the General Store, the Post Office, the Service Station and the dwelling. This may have been due to the fact that it was the replacement of an existing use on site.

The subsequent application for four shops (T4/1713) was not acted upon and the site remained as per the 1972 approval. The development consent for four shops requested the minimum of 6 off-street car parking spaces but did not take into account those required for the existing dwelling. In any case, this approval was not activated.

An approved application for extensions to the Post Office within the General Store (DA08/0897) considered formalisation of the existing car park. With a total area of 205.9m², including the extensions, calculations are as follows:

Table 1

Carparking Requirements	Calculations	Proposed Car Parking
General Store 3.5/100m ² 0.5/100m ² (4/100m ²)	Customer = 205.9 /100 x 3.5= 7.2065 Employee = 205.9 / 100 x 0.5 =1.0295 <u>TOTAL</u> = 8.236 [Area 5: Neighbourhood general stores – 40% concession] 8.236 x 0.6 = 4.9416 Therefore, 5 car spaces in total are required: 1 for staff; 4 for customers	11 spaces proposed. 3 spaces located within the front setback and 2 located where cars need to access the petrol pumps were not approved. Therefore, 6 car spaces were approved – 2 for staff and 4 for customers (located in front of the proposed fruit and vegetable shop).

Carparking Requirements	Calculations	Proposed Car Parking
Dwelling House (3 bedrooms)	1 space plus provision for driveway parking of another vehicle	Unclear – no further use of double garage due to unrecorded extension of general shop at some stage in the past into garage area.

The original assessment for DA08/0897 resulted in a requirement for 6 car spaces due to the non-inclusion of the requirement for employee parking in the 40% concession figure. A recalculation of these figures results in a total of 5 car spaces being required.

Should this latest development consent for extensions not be activated, existing on-site requirements for car parking are as follows:

Table 2

Carparking Requirements	Calculations	Proposed Car Parking
General Store 3.5/100m ² 0.5/100m ² (4/100m ²)	Customer = $94 / 100 \times 3.5 = 3.29$ Employee = $94 / 100 \times 0.5 = 0.47$ <u>TOTAL</u> = 3.76 [Area 5: Neighbourhood general stores – 40% concession] $3.76 \times 0.6 = 2.256$ Therefore, 3 car spaces in total are required: 1 for staff; 2 for customers	No formalised parking areas.
Dwelling House (3 bedrooms)	1 space plus provision for driveway parking of another vehicle	Unclear – no further use of double garage due to unrecorded extension of general shop at some stage in the past into garage area.

Car parking required for the proposed development (fruit and vegetable shop) is calculated as follows:

Table 3

Carparking Requirements	Calculations	Proposed Car Parking
Shop 4.4/100m ² 1/100m ² (5.4/100m ²) (associated with Neighbourhood general store)	Customer = 19.034 /100 x 4.4 = 0.8375 Employee = 19.034 / 100 x 1 = 0.1903 <u>TOTAL</u> = 1.0278 [Area 5: Neighbourhood general stores – 40% concession] 1.0278 x 0.6 = 0.6166 Therefore, 1 car space in total is required to cater for staff and customers	No formalised parking areas.
Dwelling House (3 bedrooms)	1 space plus provision for driveway parking of another vehicle	Unclear – no further use of double garage due to unrecorded extension of general shop at some stage in the past into garage area.

As such, there are two options:

1. Should the development consent for DA08/0897 be activated and extensions to the General Store / Post Office be constructed, it would be possible to incorporate the required car parking space for the fruit and vegetable shop, as there is an excess of one (1) car space on the approved plans, according to revised calculations in Table 1. A copy of this latest approved car parking configuration should appear on an amended site plan supplied by the applicant.
2. Should the development consent for DA08/0897 not be activated, the applicant will be required to submit a formal car parking plan indicating a total of four (4) car spaces to service the existing General Store / Post Office and the proposed fruit and vegetable shop according to calculations in Tables 2 and 3.

NB: Further investigation of the (potentially unlawful) extension of the General Store that changed the use of the double garage associated with the dwelling from the 1972 consent may be necessary. This change of use resulted in the loss of two (2) car parking spaces for the dwelling.

A3-Development of Flood Liable Land

The subject site is located on flood prone land with a design flood level of 3.5m AHD. As the proposed shop is ancillary to existing commercial premises and of a small scale, few of the provisions of this Development Control Plan (DCP) are relevant. The proposed shop will be located 600mm above ground level to

comply with environmental health requirements. Stock located on shelving will be able to be easily moved should there be a flood event.

As such the proposal does not impact upon measures already in place to cope with development on flood liable land. The proposal is therefore considered compliant with the provisions of DCP Section A3.

A4-Advertising Signs Code

This plan sets out the maximum signage requirements for business premises, including the different types and sizes of acceptable advertising signage. The proposed 'business identification signage' falls within the category of 'chalkboard' and 'top hamper sign', as defined by the DCP. The DCP states that a chalkboard may have an area not exceeding 1.5m². The top hamper sign is merely a business identification sign which may be of a size to fit between the window and roof of the building, as shown on the relevant plan.

The maximum number of signs per business is five (5) and the maximum area allowable for signage on this site is considerable considering frontages to both Carol Road and Bilambil Road. The proposed signage is modest and considered to be satisfactory.

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

The subject site is located on land to which the Government Coastal Policy applies. The policy contains a strategic approach aiming to protect, rehabilitate and improve the natural environment of areas covered by it. This proposal has been assessed with this in mind, and it is considered that the proposed fruit and vegetable shop does not contravene the objectives of the policy.

Clause 92(b) Applications for demolition

The proposal originally involved demolition of the existing unlawful fruit stall (shed). This was assessed and approved by Council's Building Services Unit as part of this application but conditions are no longer required in this regard as it has been removed due to compliance action.

Clause 93 Fire Safety Considerations

This clause does not apply to the proposed development.

Clause 94 Buildings to be upgraded

This clause does not apply to the proposed development.

(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 proposed fruit and vegetable shop is complimentary to the existing land uses of general store, post office and service station. It represents a mixed but complimentary use of the site with shared access and parking arrangements. In a broader sense, the proposed shop use is suitable within the village context and setting.

Water

The applicant does not have the landowner's consent to use the reticulated water supply. As such, the applicant has elected to use tank water (250 litre) and a hot water system for use in the operation and conduct of the business. Providing this supply is potable it is acceptable and a standard condition is proposed.

Waste

The applicant has advised that any food waste generated will be removed from the site and disposed of on private premises by way of composting.

The disposal of trade waste is discussed below under Effluent Disposal.

(c) Suitability of the site for the development

Surrounding Land Uses/Development

As discussed previously in this report, surrounding land uses encompass that of a small village – residential, recreational, educational, commercial, retail etc. The proposed shop is complimentary and consistent with these uses.

Availability of Utilities & Services

The proposed shop does not have access to reticulated water. This has been discussed above in this report.

The subject site does not have access to reticulated sewer. Constraints in relation to the lack of this connection are discussed below.

Statutory Requirements

The proposed shop is required to provide WC facilities and a disabled access ramp in accordance with the Building Code of Australia and the Anti-discrimination Act. These matters are normally dealt with at Construction Certificate stage. However, it is pertinent to raise these matters at planning assessment stage due to site constraints.

It is unclear as to whether the operator of the fruit and vegetable shop has an arrangement with the landowner to utilise the WC facilities associated with the existing shop and dwelling. Operation of the proposed shop is contingent upon such an arrangement being in place as the addition of an extra WC on site is problematic (see discussion below in relation to effluent disposal). As such, deferred commencement conditions have been recommended in this regard.

A disabled access ramp is not shown on the most recent plans for an elevated shop. The applicant will need to comply with the Anti-discrimination Act in this regard and a condition has been applied.

Effluent Disposal

The property is currently comprised of an occupied residential dwelling that operates as a General Store, Post Office and Fuel Service Station. The property is serviced by an on-site sewage management system (OSMS) comprising an aged ~1600L concrete septic tank with traditional effluent disposal absorption bed (exact size unknown but approximate size is believed to be 60-80m²). A small grease trap is also connected to the septic tank. The OSMS is considered to be undersized when assessed in accordance with AS/NZS 1547/2000 and NSW Environment and Health Protection Guidelines "on-Site Sewage Management for Single Households" 1998.

The existing OSMS was last inspected for approval to operate on 28th July 2008. The system was found to be operating in a satisfactory manner however the system was classified as high risk due to size of septic tank, size and location of the disposal area and general site constraints such as available suitable land and location to waterway. The approval is due for renewal 28th July 2010.

The owner has previously provided to Council a plan drawing (reference DA08/0897, additions to post office and relocation of carport) nominating a reserve area for effluent disposal should the existing OSMS fail or require upgrading or replacement. While it was acknowledged at the time of assessment of DA08/0897 that the proposal would not increase the potential hydraulic wastewater loading to the existing aged OSMS Council requested the applicant at the time to nominate a reserve disposal area to ensure adequate area was available for future system upgrades should additional wastewater loading be generated from future business or domestic activity.

The current proposal for a fruit and vegetable shop will incorporate a hand-washing basin and a food preparation sink fixtures and possibly a separate toilet should the need arise. This represents an additional wastewater hydraulic loading activity as described above. These fixtures will potentially provide additional hydraulic wastewater loading to the existing high risk OSMS.

Therefore, a deferred commencement condition has been proposed requesting the applicant, prior to operation of the development consent, to:

- provide an on-site sewage management capability assessment report for the existing system indicating if the system is able to meet the minimum requirements of the assessment standards or if the system will require upgrading, and should that system require upgrading.

In addition, a condition is proposed requesting the applicant, prior to issue of construction certificate, to:

- lodge a Section 68 application to install/operate an OSMS, pay the appropriate fee and be issued with an approval.

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

Development Control Plan A11 - Public Notification of Development Proposals did not require the proposal to be advertised or notified for public comment.

(e) Public interest

Subject to the proposed conditions of consent, the proposal generally complies with all the applicable provisions and is considered to be in accordance with public interest, with no significant impacts anticipated for surrounding residential uses and the local community in general.

OPTIONS:

1. Resolves to approve the development application in accordance with the recommendation for approval;
2. Resolves to approve the development application in accordance with the recommendation for approval with deferred commencement conditions;

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:

There are no policy implications in relation to this development.

CONTRIBUTIONS:

The proposal does not attract developer contributions for reticulated water and sewer connections. The applicant will not be connecting into the current reticulated water supply in order to operate the shop. In addition, reticulated sewer is not available to the site.

However, the proposal attracts contribution to the Tweed Road Contribution Plan at a discounted rate, given the cross-utilisation of shopping on the subject site. The applicant has indicated that payment of the Tweed Road Contribution Plan charges would render the project unviable.

CONCLUSION:

The proposed fruit and vegetable shop is consistent with the applicable environmental planning instruments, the Tweed Development Control Plan and policies subject to compliance with conditions of consent. The proposal will not result in adverse cumulative impacts. It is considered the site is suitable for the development.

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 or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

14 [PR-CM] Unauthorised Fence Lot 156 DP 628026 Creek Street, Hastings Point

ORIGIN:

Development Assessment

FILE NO: PF1431/190

SUMMARY OF REPORT:

Council has received complaints from an adjoining owner regarding a fence that has been constructed at Lot 156 DP 628026 Creek Street Hastings Point. The fence has been constructed within the site and not on the boundary. Part of the site is zoned 7(a) Environmental Protection (Wetlands and Rainforests). The fence is not exempt and requires approval if it can be demonstrated that the fence is ancillary to a lawful use of the site.

Attempts have been made by Council officers to seek a suitable response from the site owner to address the unauthorised fencing, in terms of either removing the fencing, or lodging a development application for its retention.

A response has now been received requesting eight weeks to lodge an application for the fence in the 7(a) zone. See attachment for a copy of the letter.

RECOMMENDATION:

That Council engages its solicitors to commence appropriate proceedings to have any unlawful internal fencing on Lot 156 DP 628026, Creek Street, Hastings Point removed if a development application is not submitted by 15 March 2010.

REPORT:

Council has received complaints from an adjoining land resident regarding an internal fence located on Lot 156. The owners of the subject lot were written to on 23 November 2009 regarding the matter with options to remove the fence or to lodge an application. The owners were given fourteen days to advise Council of their intentions. A response was received by Council on 27 November 2009 indicating the owners were taking advice from their consultants. Verbal advice on 12 December 2009 and 11 January 2009 from the consultant was received indicating a submission was being prepared for Council. The response to Council's letter was received on 18 January 2010.

It is understood that the purpose of the fence is to prevent trespassing across the site by adjoining residents to Cudgera Creek. A fence exists on the boundary between Lot 156 and the residential properties in Creek Street. It is likely that the boundary fence has existed for many years. Its construction doesn't prevent access through the fence and there are also openings such as gates located along the fence.

The internal fencing has been erected within the part of the site zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforests). Council's records indicate that a development application has not been lodged or approved for fencing on the subject site. Fencing in the 7(a) zone could only be considered permissible if it is ancillary to a lawful use carried out on the site.

The owner will need to demonstrate in the application why that the part of the fence located in the 2(e) zone doesn't need consent and that it is lawful.

Following determination of the development application consideration will be given to punitive action for unauthorised development.

The following provisions apply -

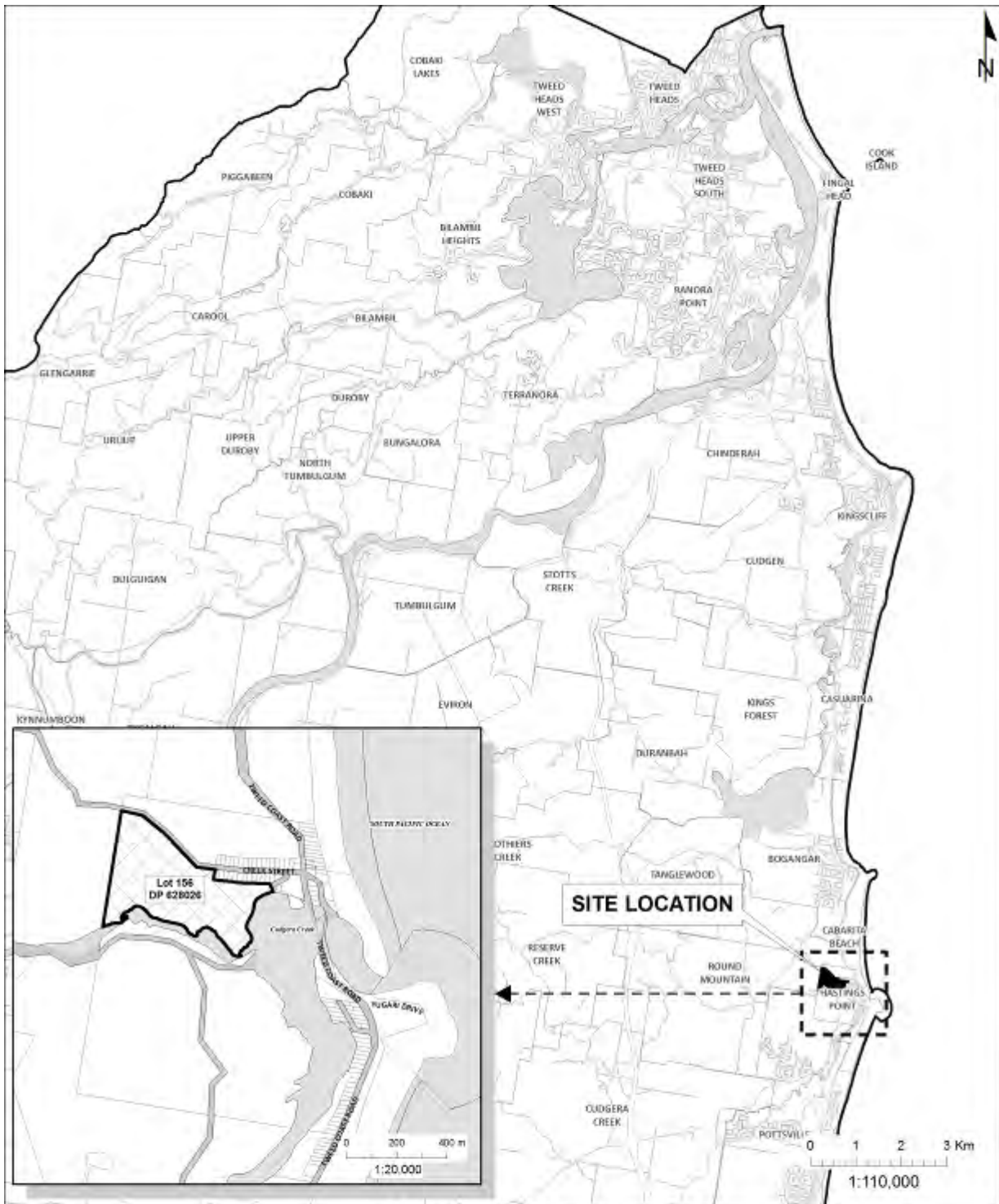
Tweed Development Control Plan Section A10 Exempt and Complying Development has a section setting out the circumstances that exempt fences from needing approval however section A10.2.2 (e) states that the exempt provisions do not apply to land zoned 7(a).

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 contains a section setting out the circumstances that exempt fences from needing approval however as the location of the fence falls within an environmentally sensitive area (section 1.19 (4) (f)) as defined by the SEPP the exempt provisions do not apply. Additionally the site is flood prone and the exempt provisions do not apply to fences located on a flood control lot (section 2.33 (c)).

Tweed Local Environmental Plan 2000 (TLEP) Zone 7(a) provisions states that everything that is not listed in Items 1, 2 or 3 is prohibited. Fences are not listed in items 1, 2 or 3. Accordingly as indicated above fencing could only be considered lawfully permissible if it could be demonstrated via a development application that the fencing was ancillary to a lawful use on the site.

The options available are to remove the fencing that is unlawful and or lodge a development application with Council seeking approval for fencing based on the advice above.

SITE DIAGRAM:



LOCALITY PLAN
 Lot 156 DP 628026
 Creek Street, Hastings Point

Filename: z:\usr\planning\msd\A4P_BBW_SitePlan.mxd

Author: J. Batchelor - Planning Reforms Unit

Date Printed: 28 January 2010

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Cadastral: 28 January, 2010
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Coordinate System - MGA Zone 56
 Datum - GDA 94

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TWEED
 SHIRE COUNCIL

PHOTOS:









OPTIONS

1. Undertake action in accordance with this report.
2. Request that a development application be lodged sooner.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council will incur legal expenses to regularise the fence however costs will be pursued if successful.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Letter from the applicant dated 12 January 2010 (ECM 11955252)
-

15 [PR-CM] Proposed Amendments to Tweed DCP Notification Requirements for DAs Affecting Caravan Parks and Manufactured Home Estates

ORIGIN:

Development Assessment

FILE NO: GT1/DCP/A11

SUMMARY OF REPORT:

At its meeting of 15 December 2009, in response to a Notice of Motion brought forward by Councillor Skinner, Council resolved the following-

“That a report be brought forward to Council from the Director Planning and Regulation which identifies appropriate amendments to Section A11 of Tweed Development Control Plan 2008 which will facilitate a more pro-active requirement for Council to advertise and directly notify the owners and residents of all Caravan Parks and Manufactured Home Estates and the like in the Tweed Shire of incoming development applications.”

In response to this resolution, Council officers have prepared this report to seek Council's endorsement to commence a process for the amendment of Section A11 of Tweed Development Control Plan (DCP) 2008, to require additional notification of residents of Caravan Parks and Manufactured Home Estates that are likely to be impacted by development applications

RECOMMENDATION:

That: -

- 1. Council endorses the public exhibition of an amendment to Clause A11.2.1 of Section A11 of Tweed Development Control Plan 2008 for a period of 28 days, in accordance with the Environmental Planning Assessment Act and Regulation, through the insertion of the following:**

Caravan Parks and Manufactured Home Estates

Permanent occupiers of caravan park and manufactured home estates sites are to be notified in the same way as landowners are notified as set out in clause A11.2.1 Who is to be Notified? (affected owners). In this regard notification letters are to be sent to the site manager who will be requested to distribute the letters to the site occupiers. The site manager will also be requested to display a notification letter on a noticeboard where available;

and

2. **A report be submitted back to Council following the public exhibition of the proposed DCP amendment.**

REPORT:

Council Resolution

At its meeting of 15 December 2009, in response to a Notice of Motion brought forward by Councillor Skinner, Council resolved the following -

“That a report be brought forward to Council from the Director Planning and Regulation which identifies appropriate amendments to Section A11 of Tweed Development Control Plan 2008 which will facilitate a more pro-active requirement for Council to advertise and directly notify the owners and residents of all Caravan Parks and Manufactured Home Estates and the like in the Tweed Shire of incoming development applications.”

Current Notification Procedures

The Tweed DCP Section A11 contains the following provisions regarding notification-

A11.2.1 Who is to be Notified? (affected owners)

For applications for development listed in Table 1. The Council will cause notice of an application to be sent to:-

- (a) all persons who, according to Council property rating records, own land immediately adjoining the application site;*
- (b) owners of any land that the Council or delegated staff consider may be detrimentally affected by the application having regard to the following criteria:*
 - (i) the views to, from, and across/over the land;*
 - (ii) overshadowing;*
 - (iii) privacy;*
 - (iv) noise;*
 - (v) the visual quality of the building in relation to the streetscape and neighbouring properties;*
 - (vi) the scale of the proposed buildings;*
 - (vii) the likely effect on the drainage of adjoining sites;*
 - (viii) the siting of the proposed building in relation to the application site boundaries;*
 - (ix) hours of use;*
 - (x) nature of use;*
 - (xi) light spillage or reflection;*
 - (xii) means of access to or provision of private parking on the application site;*
 - (xiii) any covenant or easement benefiting the adjoining or neighbouring land or the Council;*
 - (xiv) the height, materials and position of fences erected on the boundary;*
 - (xv) traffic generation;*
 - (xvi) particular circumstances of the application; and*
- (c) any community group or government agency which may be affected by or have a legitimate interest in the application.*

Currently only adjoining owners and other landowners who may be detrimentally affected in accordance with the above criteria are notified. Whilst Council does not have the names of caravan or MHE site occupiers on a data base, it does hold site maps and site numbers for residents of Caravan Parks and Manufactured Home Estates. These maps could be used to identify the sites that should be notified in accordance with (a) and (b) above.

The letters could be addressed to the site occupier and sent to the site manager to distribute to pigeon holes or equivalent. Additionally the notification letter can be sent to the site manager to post on a notice board where available.

Required amendments to DCP

Under part A11.2.6 *Which other persons are to be Notified?* of the DCP a section could be added regarding notification of occupiers or caravan park and manufactured home estate sites in accordance with the criteria contained in part A11.2.1 (a) and (b)

The section could read-

Caravan Parks and Manufactured Home Estates

Permanent occupiers of caravan park and manufactured home estates sites are to be notified in the same way as landowners are notified as set out in clause A11.2.1 Who is to be Notified? (affected owners). In this regard notification letters are to be sent to the site manager who will be requested to distribute the letters to the site occupiers. The site manager will also be requested to display a notification letter on a noticeboard where available.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Additional resources will be used to prepare notification letters.

POLICY IMPLICATIONS:

The proposal represents a change in policy but is warranted given the long term tenure of the occupants of permanent caravan parks and manufactured home estates. It is not desirable to extend the additional notification to other occupiers as it is not possible to identify addresses, deliver mail effectively and justify notifying a large proportion of short term occupants in rented accommodation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

16 [PR-CM] Works Undertaken Without Approval - Lot 25 DP 870463 No. 19 Waterlily Close, Nunderi

ORIGIN:

Development Assessment

FILE NO: DA08/0293 Pt2

SUMMARY OF REPORT:

Complaints from adjacent landowners were received by Council throughout November 2009 regarding works being undertaken at Lot 25 DP 870463, No.19 Waterlily Close, Nunderi. Council refused a six lot subdivision of the site on 22 October 2009. This reports details events and other relevant information regarding the site and the issues raised.

RECOMMENDATION:

That: -

- 1. No further action be undertaken (other than recommendations 2 and 3) in relation to the issues discussed in this report.**
- 2. The owners of Lot 25 DP 870463 be advised in writing not to undertake any further works without approvals or consents in place where required.**
- 3. A copy of this report be sent to the adjacent landowners.**
- 4. ATTACHMENTS 1 to 4 are CONFIDENTIAL in accordance with Section 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).**

REPORT:

Council refused DA08/0293 for a 6 lot subdivision at Waterlily Close at its meeting of 20 October 2009. Throughout November Council received complaints from adjacent residents regarding works being carried out at the subject site. Details regarding Council's response is provided below.

1. Council's Officer attended the site on 12 November 2009. The Council file note regarding this visit is provided at **attachment 1**.
2. A letter was sent on 13 November 2009 to the landowners requesting information regarding the work being undertaken. **This letter is provided at attachment 2**.
3. A letter was received from the landowner's solicitor on 18 November 2009 requesting particulars of the works. **This letter is provided at attachment 3**.
4. Council's Officer telephoned the landowners solicitor to arrange a meeting. Meeting arranged for 23 November 2009.
5. Telephone call from the landowner's solicitor on 23 November 2009 cancelling meeting and requesting that Council's Officer discuss works with Council's Maintenance Engineer.
6. Advice received from Council's Maintenance Engineer regarding maintenance of a Council drain and possible relocation of a headwall in the north-west part of the site.
7. A letter was received on 26 November 2009 from the landowner's solicitor providing their explanation of the works and inviting an inspection with Council's Maintenance Engineer. **This letter is provided at attachment 4**.
8. Site inspection arranged with Council's Maintenance Engineer however a misunderstanding regarding the inspection resulted in the landowners not being present initially. However the landowners were contacted and an inspection was carried out with them and Council's Officer on 3 December 2009.

The Works

Gumtree Close Drain

Council has an easement over the north-west part of the subject site (Lot 25) to drain water. Following representations by adjoining landowners regarding overland discharge Council arranged with the owners of the subject site to clean the overland flow path. Photographs 1, 2 and 3 show this work. This work has been carried out satisfactorily with no further issues.

Gumtree Close Driveway

A compacted gravel driveway has been constructed within Lot 25 in the north-west part of the site. The driveway is approximately 15 metres long and 2.5 metres wide. Photograph 4 shows the driveway.

Subsoil Drains

Subsoil pipes have been laid in the central northern part of the site. The pipes have been laid to relieve two relatively small sodden areas. The subsoils pipes drain to the main central open channel drain traversing the site. Photographs 5 and 6 show the area of work.

Surface Drains

A shallow v-drain and an open flat swale drain have been constructed in the north-east of the site to direct overland flow into the existing dam. Photographs 7 and 8 show these drains.

It has been raised that the shallow v-drain in photograph 7 is not within the boundary of lot 25. This issue can be resolved via survey and it is not considered a Council matter.

Purpose of Works

The Gumtree Close driveway and the drainage works in the north east of the site correlate with house sites that were nominated in the subdivision application for proposed lots 3 and 4. However it could also be argued that the works are to improve existing conditions on a rural smallholding. Providing an internal hard stand access and minor drainage works can be considered incidental to the rural use of the site. It should be noted that cattle are currently run on the subject site.

The landowners have indicated they will pursue further applications for subdivision. The works that have been undertaken are unlikely to help or hinder any future proposed development and subsequent assessment.

Other Issues

The landowners are permitted to maintain existing drains. The drains are not permitted to be widened, deepened or lengthened without development consent. The site inspection carried out on 3 December 2009 did not reveal any work on the existing drains that would require approval from Council.

Planning Provisions

There could be an argument put forward that the driveway has breached the exempt provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) which exempts driveways from approval under the following circumstances-

2.27 Specified development

*The construction or installation of a **driveway associated with access to an open hard stand space, a carport or garage** is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item in a heritage conservation area or a draft heritage conservation area or on land in a foreshore area.*

2.28 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) not be wider than the open hard stand space, carport or garage with which it is associated, and
- (e) be constructed in accordance with Australian Standard AS 2890.1—1993, *Parking facilities—Off-street car parking*, and
- (f) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
- (g) have the consent of the relevant road authority under the Roads Act 1993 for each opening of a public road required for the development.

The driveway is clearly not associated with access to an open hard stand space, a carport or garage.

The drainage works could fall under the exempt provisions of the SEPP for earthworks and retaining walls however the subject site is flood prone and some of the works are probably within 900mm of a boundary. The exempted earthworks provisions are as follows-

2.29 Specified development

Earthworks and the construction or installation of a retaining wall is development specified for this code if it is not carried out, constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or on a flood control lot.

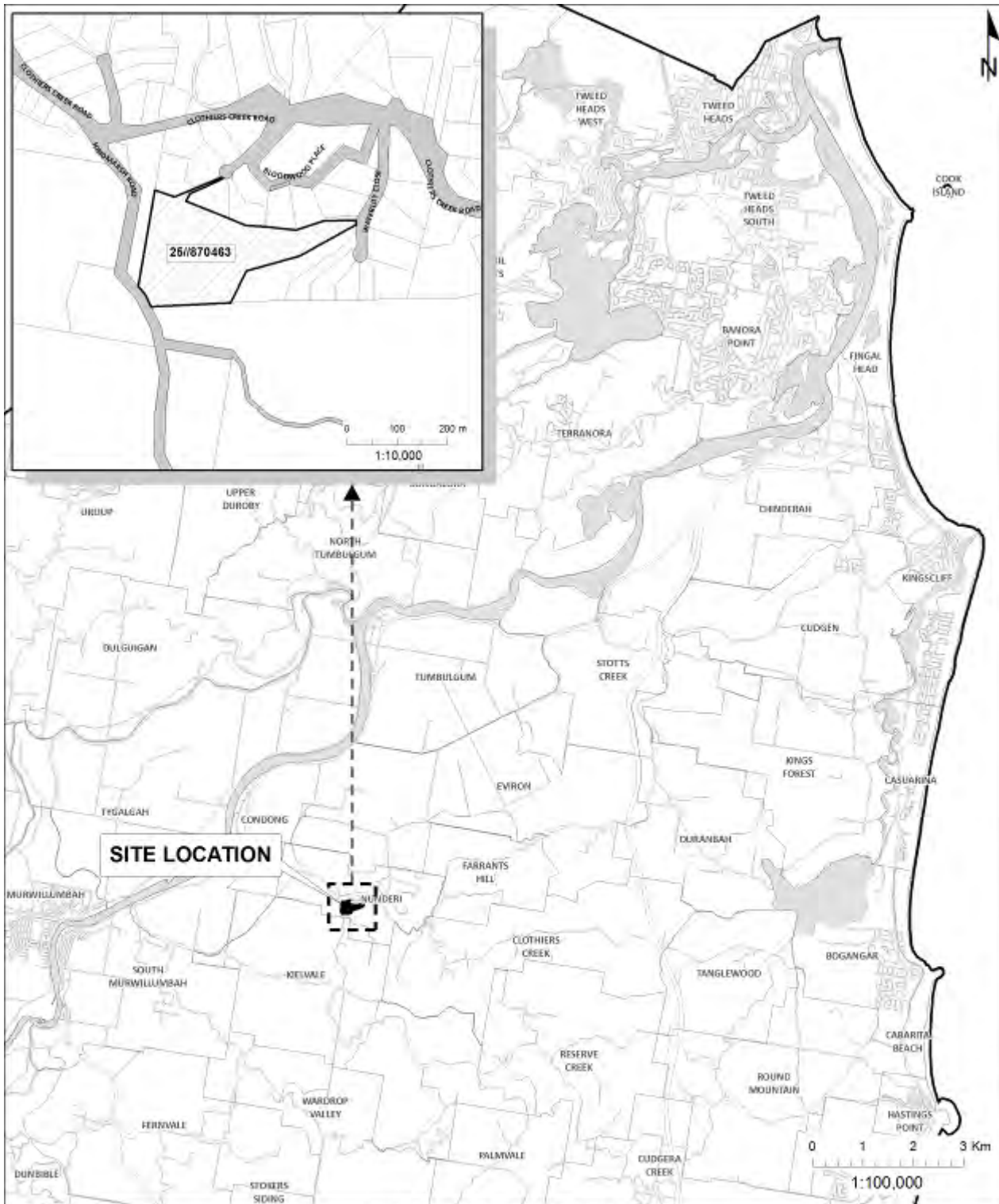
2.30 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be located at least 900mm from each lot boundary, and
- (c) if a retaining wall:
 - (i) be not higher than 600mm (including the height of any batters) above ground level (existing), and
 - (ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above ground level (existing) at each step, and
 - (iii) have adequate drainage lines behind it, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) not redirect the flow of surface water onto an adjoining property, and
- (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
- (g) be located at least 1m from any registered easement, sewer main or water main, and
- (h) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area, and
- (i) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (j) be located at least 50m from a waterbody (natural).

It is considered that the works are minor and pursuing punitive action in this instance is not warranted. The landowners have given a verbal undertaking not to undertake anymore works of this nature. It should be noted that the landowners are permitted to maintain the site and associated infrastructure.

SITE DIAGRAM:



LOCALITY PLAN
Lot 25 DP 870463
No.19 Waterlily Close, Nunderi

Filename: z:\vesr\planning\vwrd\A4P_B&W_SitePlan.mxd

Author: J.Batchelor / Planning Reforms Unit

Date Printed: 19 January, 2010

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Coordinate System - MGA Zone 56
 Datum - GDA 94

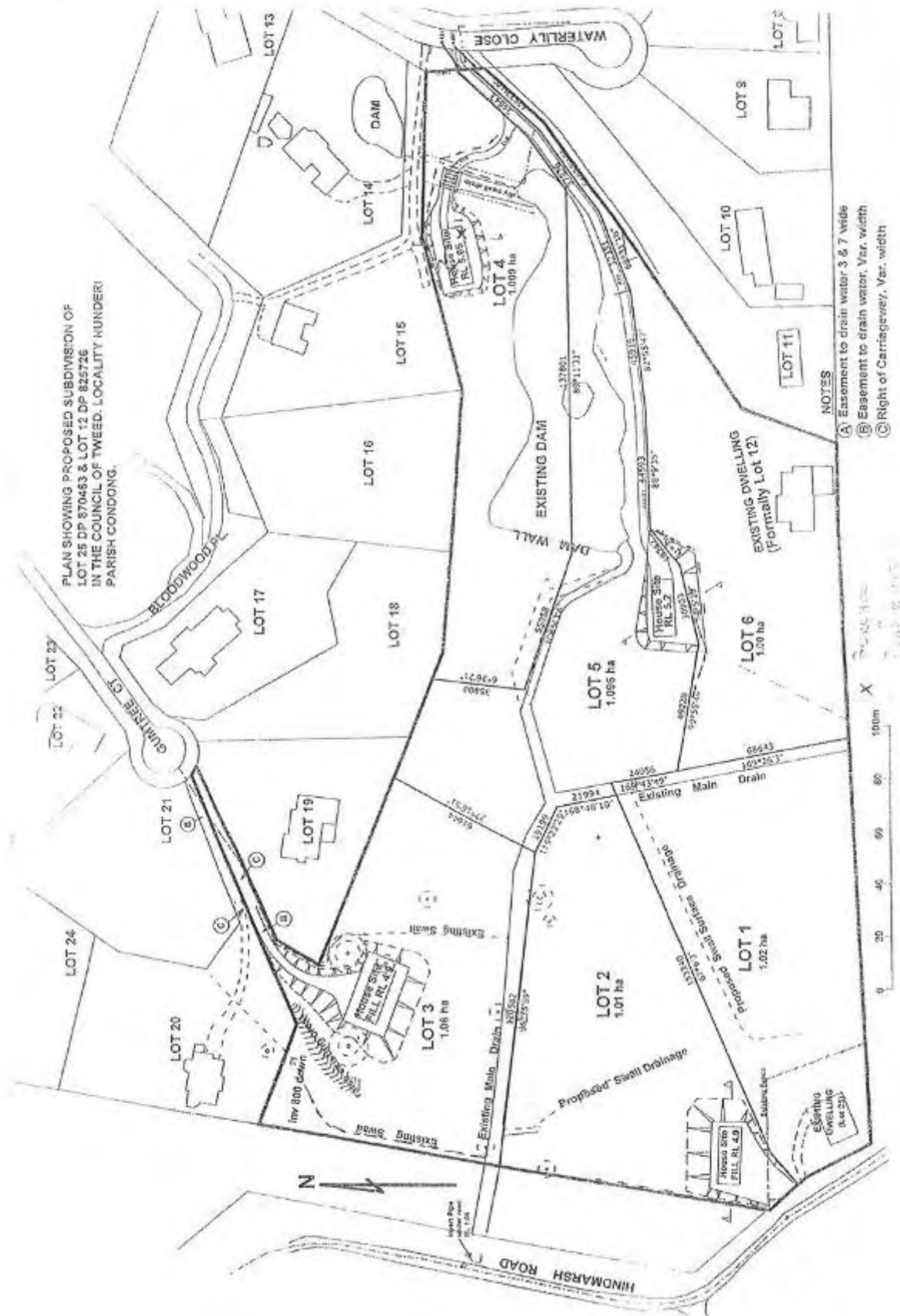
Cadastre: 19 January, 2010
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 E: planning.reforms@tweed.nsw.gov.au



DEVELOPMENT PLAN:





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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 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:** Council file note regarding a site visit on 12 November 2009 (ECM 11662878)
 2. **Confidential Attachment:** Letter sent to the landowner on 13 November 2009 requesting information regarding the work being undertaken (ECM 11662878)
 3. **Confidential Attachment:** Letter received from the landowner's solicitor on 18 November 2009 requesting particulars of the works (ECM 11662878)
 4. **Confidential Attachment:** Letter received on 26 November 2009 from the landowner's solicitor providing their explanation of the works and inviting an inspection with Council's Maintenance Engineer (ECM 11662878)
-

17 [PR-CM] Development Codes for Cobaki Lakes Concept Plan and Kings Forest Concept Plan– Residential Community Development - Council Submission to the Department of Planning

ORIGIN:

Development Assessment

FILE NO: GT1/51 Pt10 and GT1/52 Pt12

SUMMARY OF REPORT:

The Department of Planning is currently assessing Part 3A Major Project applications for Concept Plans for residential subdivision at Cobaki Lakes (MP06_0316) and Kings Forest (MP06_0318). Both Concept Plans include residential subdivision, town centre, neighbourhood centre, schools, lakes, environmental protection and open space areas. Each development will result in creating a maximum of 5,500 (Cobaki Lakes) and 4,500 (Kings Forest) new residential dwellings, comprising varied housing forms with an expected future population of approximately 10,000 (Kings Forest) and 12,000 (Cobaki lakes).

Both developments propose to introduce new, small lot housing into the Tweed Shire, as well as increase the amount of development which can be assessed as exempt and complying. This approach has led to the production of a Development Code (for both Kings Forest and Cobaki Lakes). The Development Codes have both been on public exhibition and Council has been invited to provide comment.

Council Officers have undertaken a review of each Development Code (referred to hereafter as the 'code/s') and compiled a detailed response to the Department of Planning (refer Draft letter attached). The purpose of this report is to provide a summary of comments, as well as to seek Council's endorsement of the attached draft comments to the Department of Planning. It is noted that both codes are virtually identical and as such, comments relate to both Kings Forest and Cobaki Lakes, unless otherwise stated.

As previously identified to Council, both the Cobaki Lakes and Kings Forest developments are an important component of Council's broader strategic plans to provide a significant proportion of new housing and employment opportunities over the next 10 to 20 years. The Council officers have been working closely with the applicant and the Department of Planning to achieve a high quality and sustainable form of development on both sites.

The codes include provisions for exempt and complying development, as well as development controls for all other development including subdivision. They have been designed to address a wide range of issues so they can generally be used as a 'stand alone document' for development in Cobaki and Kings Forest. That is, it is proposed that the codes over-ride many components of Council's Development Control Plan (DCP), many State Environmental Planning Policies (SEPPs) and certain aspects of Council's Local Environmental Plan (LEP). In doing so, they encompass variations to Council's standards which allow for small lot housing as well as other general modifications to standard development controls.

Council officers are supportive of the proposed increased capacity for exempt and complying development, in line with current State planning trends. Further, Council officers have no objection to the use of the codes as a tool to allow for smaller lot housing (if approved by the Minister) and development not contemplated by the DCP.

Notwithstanding, Council officers consider that all other existing standard development and engineering controls (particularly the DCP Section A1 - Residential and Tourist Code and Section A5 - Subdivision Manual) should not be overridden by the codes and should apply to future development in Kings Forest and Cobaki Lakes. Whilst it is accepted that the codes may specify limited variance to Council's controls where appropriately justified, there is concern with the proposed unnecessary and unjustified variances to existing standard controls.

As part of the recommendation, Council officers are also seeking Council's support to write to the Department of Planning, seeking an extension for Council comment on a Part 3A project application for the central lakes precinct of the Cobaki Lakes Concept Plan until 17 March, 2010.

RECOMMENDATION:

That: -

- 1. Council endorses the forwarding of a draft submission to the Department of Planning on the Development Codes for Cobaki Lakes and Kings Forest, as attached to this report.**
- 2. The General Manager writes to the Department of Planning and request an extension of time for lodgement of a submission on the current project application for the central lakes at Cobaki Lakes, until 17 March 2010**
- 3. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

REPORT:

Applicant: Leda Manorstead Pty Ltd
Owner: Leda Manorstead Pty Ltd
Cobaki Lakes Location: Lot 1 DP570076, Lot 2 DP566529, Lot 1 DP562222, Lot 1 DP570077, Lot 1 DP823679, Lot 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 & 305 DP755740 at Cobaki lakes Estate, Tweed Heads
Kings Forest Location: Lot 76, 272, 323 and 326 DP 755701; Lot 6 DP 875446; Lot 2 DP 819015; Lot 40 DP7482; Lot 38A & 38B DP 13727; Lot 1 DP 129737; Lot 1 DP 781633; Lot 7 DP 875447; Duranbah Road, Kings Forest; Lot 1 DP706497 Melaleuca Road, Kings Forest; Lot 37A DP 13727 Cudgen Road, Cudgen
Cobaki Lakes Zoning: 2(c) Urban Expansion, 2(e) Residential Tourist, 6(b) Recreation, 7(d) Environmental Protection (Scenic Escarpments) and 7(l) Environmental Protection (Habitat).
Kings Forest Zoning: 2(c) Urban Expansion, 5(a) Special Use, 7(a) Environmental Protection (Wetlands & Littoral Rainforest) and 7(l) Environmental Protection (Habitat)
Cost: N/A

BACKGROUND:

In February 2009, Council reviewed the Concept Plan and supporting Environmental Assessment of each area and provided detailed submissions to the Department of Planning.

In October 2009, Council reviewed the Preferred Project Report (PPR) for Kings Forest and provided a submission to the Department of Planning.

In January 2010, Council reviewed the PPR for Cobaki Lakes and provided another submission to the Department of Planning.

The Environmental Assessment accompanying each Concept Plan application made reference to the codes, as tools to provide detailed controls for small lot housing, as well as allow for exempt and complying development. The codes were only made available with the PPR, which was not publicly exhibited.

Council submissions to the Department of Planning argued that the codes should be publicly exhibited, to allow for community comment on the major changes including: modified housing types and residential controls; modified neighbourhood design controls and increased types of complying and exempt development.

The Kings Forest Development Code was on exhibition between 7 December 2009 to 1 February 2010.

The Cobaki Lakes Development Code is on exhibition between 13 January 2010 to 26 February 2010.

DEVELOPMENT CODES

Both codes include the following structure:

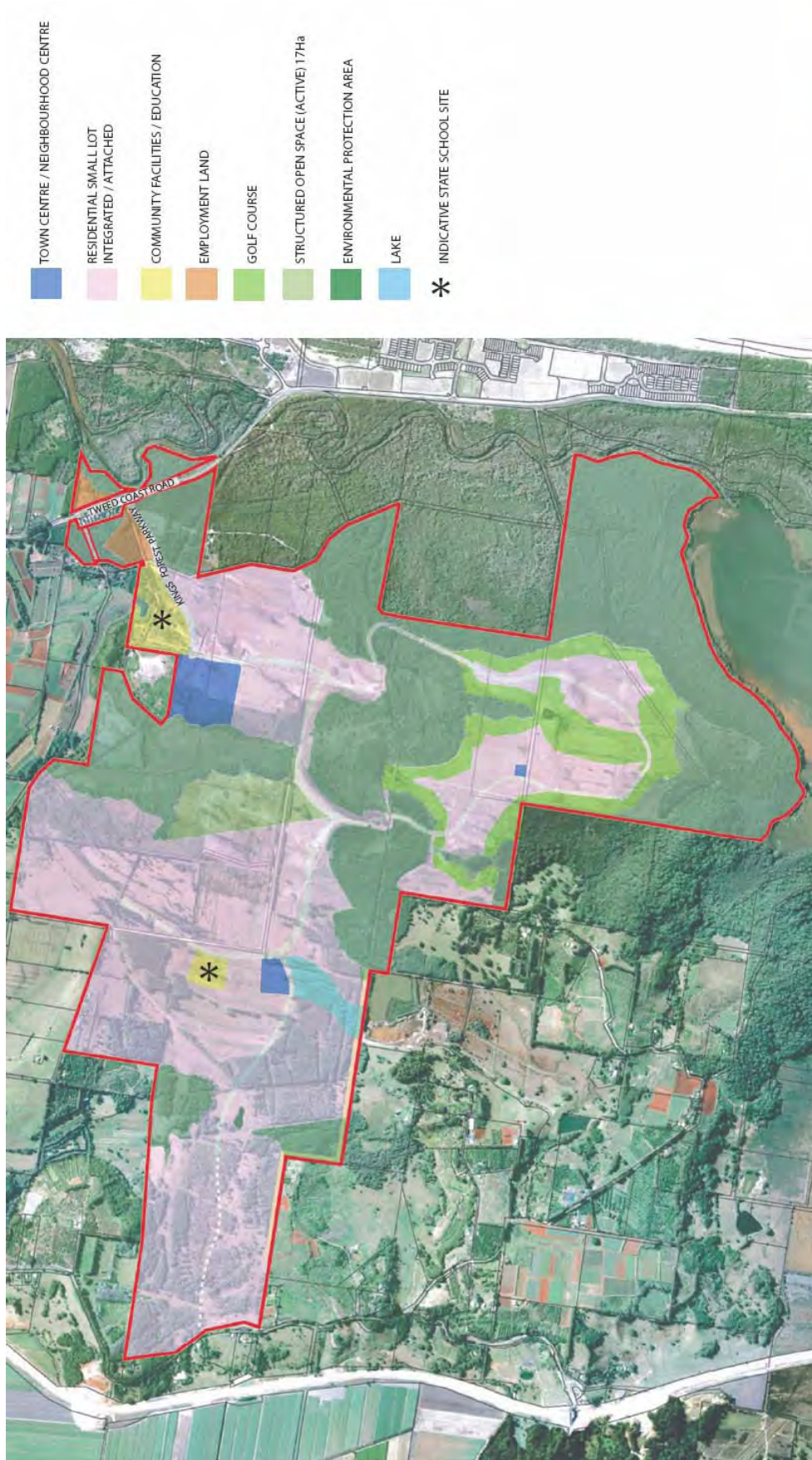
- Section 1 – Administrative provisions of the code
- Part A
Section 2 – Exempt and complying development controls
- Part B
Section 3 – Controls for Residential development (not exempt or complying)
Section 4 – Controls for the Town and Neighbourhood Centres
Section 5 – Subdivision Controls
- Glossary

The codes require that housing types are nominated on lots at the subdivision stage, and that various housing types (on nominated lots) are complying development, not requiring an approval from Council. This applies to soho, terraces, zero lot dwellings, traditional detached dwellings, plex and mews.

The codes also specify exempt development and associated provisions.

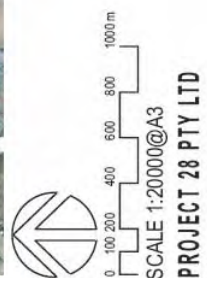
Planning and subdivision controls are provided for all other development in Part B. Whilst reference is made in part, to Council's DCP, the Codes are for the most part, designed to over-ride other planning and engineering controls and instruments.

KINGS FOREST CONCEPT PLAN



MPS
Architects
1 300 368000
OCTOBER 2009
MPS 2142 SK-102g
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CONCEPT PLAN KINGS FOREST



COBAKI LAKES CONCEPT PLAN

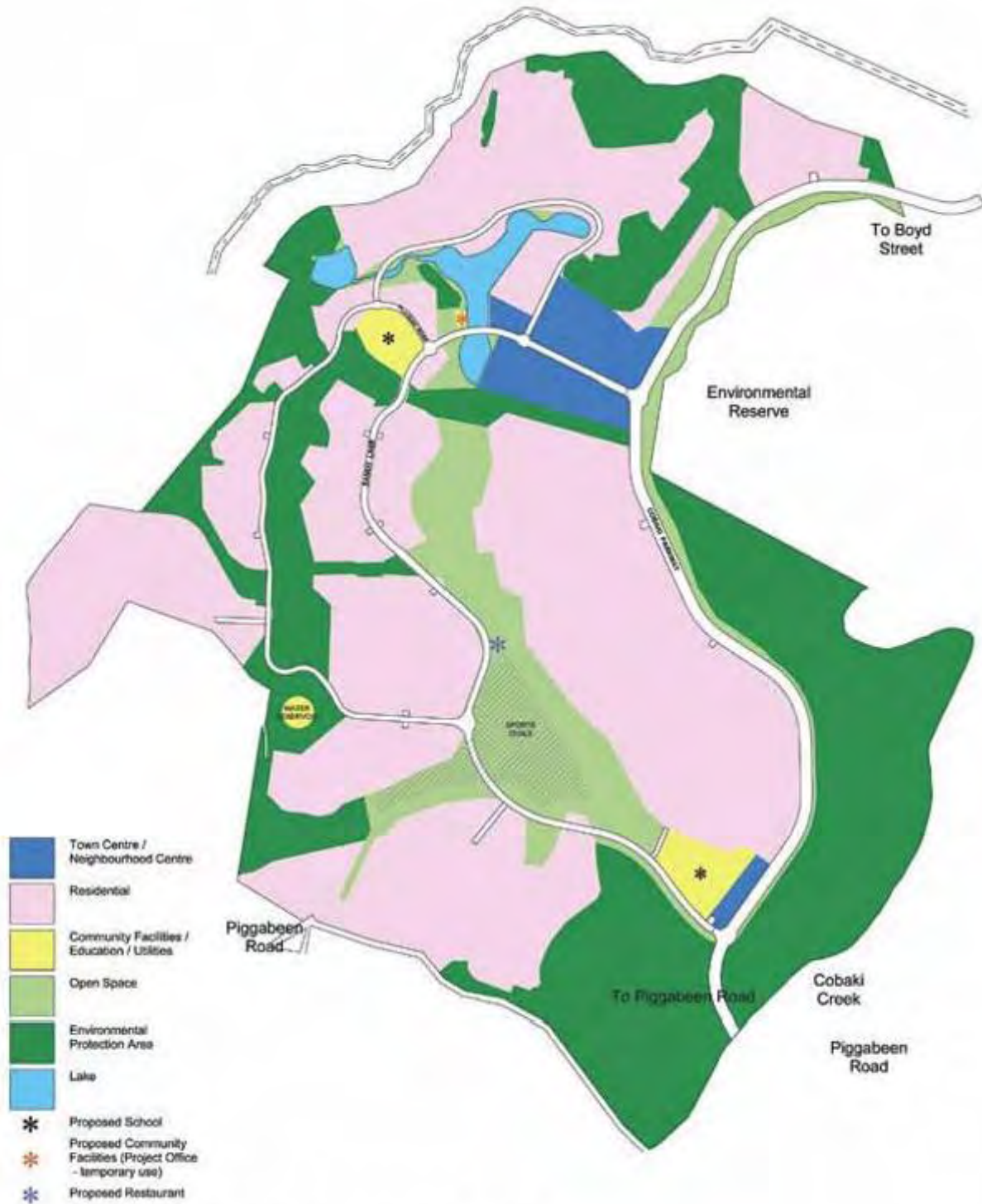


Figure 2 - Concept Plan (prepared by The Design Forum Pty Ltd)

COMMENTS ON THE DEVELOPMENT CODES

Planning - Summary

The main planning issues are summarised as follows:

- It is not considered appropriate that the codes propose to over-ride the SEPP (Exempt and Complying Development). To reduce duplication and minimise future inconsistencies, it is considered that Part A should be limited to exempt and complying provisions for housing types not contemplated in the SEPP Housing Code. That is, exempt and complying provisions in the codes should be limited to detached dwellings on lots less than 450m², mews, plex, zero-lot, terrace and soho development. Other modifications to the SEPP controls proposed in Part A are not supported (such as the ability to undertake earthworks within 6 metres of a waterbody).
- It is considered that Council's DCP should not be over-ridden by the codes. Part B of the Codes (which provide controls for all development that is not complying or exempt) contain significant variations to Council's subdivision and housing controls. It also omits important criteria and objectives for assessment which currently existing in the DCP (eg. Section A7 of the DCP dealing with Child Care Centres and criteria on provision of passive open space in Section A5).
- Further to above, the codes propose to replace Section A1 (Residential and Tourist Development) and Section A5 (Subdivision Manual) of the DCP. This is a major concern for Council officers as these sections of the DCP include best practice planning, engineering and urban design principles. It is considered that Part B should be limited to controls for housing types not contemplated by Section A1 of the DCP and to limited variations where appropriately justified.
- The codes need to ensure that out-of-sequence development does not occur.
- Code objectives and visions should promote employment opportunities within each community for their residents.
- The process for establishing complying development needs to be modified and clarified.
- The process for lodging development applications for both buildings and subdivisions needs to be clarified, particularly for subdivision as it includes additional components (Design Guidelines, Plan of Development, Development Lots and Nominated Lots). Far greater clarity is required to explain the interaction between the precinct plan, staging plan, Plan of Development, Development Lots, Nominated lots, Design Guidelines and Design Review Panels, in order to assist authorities and applicants.
- The codes need to clarify how other planning instruments will apply (ie. SEPP (Affordable Housing), SEPP (Remediation of Contaminated Lands), SEPP (Major Projects) SEPP 65 – Design Quality of Residential Flat Buildings etc).
- The Codes indicate that trading can occur between precincts. This is a concern as no density targets have been set for each precinct and no administration process involving tallying approvals or complying housing is proposed.
- Modifications to the Design Review Panel process are recommended, to ensure good quality outcomes and performance monitoring.
- It is recommended that a review clause is incorporated into the codes to allow for review of each document as required.
- Additional objectives are recommended for the residential and town/neighbourhood centre domains.

- The codes should ensure that subdivision design and layout result in a connected street network as required by best practice urban design and Section A5 (Subdivision Manual) of the DCP.
- It is recommended that nominated lots indicate the maximum yield in dwellings and bedrooms to allow payment of contributions at the subdivision stage.

Aboriginal Cultural Heritage

- Both the Cobaki and Kings Forest sites have pre-acknowledged and potential items and landscapes which could require further investigation of Aboriginal Cultural Heritage. It is considered that the Codes should contain appropriate controls which highlight the need for any preliminary investigations and subsequent detailed examination of these issues.

Buildings Services

- The NSW Housing Code was developed to provide one set of controls for housing across the state to simplify the process and provide consistency. The proposed code will complicate the system and undermine this intent.
- Plan of Development requirements relating to each site may be lost over time if they are only provided on the 88B instrument.

Infrastructure Engineer Summary

- The code refers to Council's Engineering Design and Landscape Specifications however these have limited statutory weight without the parent section of the DCP (A5 – Subdivision Manual). The codes should contain only site specific controls. Section A1 and A5 of the DCP should be the primary development controls for development of both Cobaki and Kings Forest. Similar to comments above in 'Planning', it is reasonable for the codes to provide additional controls for small lot subdivision design, infrastructure servicing, and subsequent residential / commercial development, however the codes need not control engineering aspects such as road design, stormwater management or open space, which are adequately covered by DCP Section A5 (Subdivision Manual).
- It is recommended that the exempt and complying part of the codes is deleted and the SEPP apply to avoid unnecessary duplication.
- Council's Subdivision Manual (DCP – A5) and referenced Specifications have been compiled and updated with development industry consultation and public exhibition over many years, and have been implemented over a wide range of conditions. As Council ultimately inherits the subdivision assets, it is imperative that these assets meet the standards necessary to ensure their effective and efficient operation and maintenance for their full life cycle, to avoid unduly burdening ratepayers. The codes should list those areas where departures for small lot subdivision, environmental sustainability, good town planning or other matters are justified and supported by Council (as the authority responsible for the ongoing ownership and maintenance of public infrastructure throughout Cobaki Lakes and Kings Forest) and the Department of Planning (as the consent authority for the Concept Plan).
- No variation to section A3 (Flood Liable Land) or Council's Flood Risk management Policy is supported, these documents should not be duplicated in the codes but should apply to all development in Kings Forest and Cobaki Lakes.

- Council requires a permeable street network with a high level of connectivity between neighbourhoods. At the same time, the road network should discourage through traffic from external catchments in local streets. The codes are ambiguous on this design aspect and could be interpreted to discourage network connectivity.
- The codes adopt excessive landforming standards for residential / mixed use land.
- Services should be provided in accordance with the verge allocations specified in Design Specification D1, except in special circumstances (such as small lot housing) that need to be nominated by the applicant.
- Fibre telecommunications services need to be provided to each allotment in a separate conduit / pit system, which may affect other service allocations.
- Public infrastructure (including stormwater infrastructure) located in private land must be within an easement.
- Longer cul-de-sac lengths proposed are not supported as the applicant has not provided a landforming concept.
- Implementation of Water Sensitive Urban Design is supported.
- There are concerns with the street network sections.
- On-going negotiations are occurring with the applicant to resolve the abovementioned concerns.

Development Engineering Summary

- As above, the codes do not incorporate Council's DCP A5 (Subdivision Manual) as the technical standard for subdivision and development of Kings Forest or Cobaki Lakes. Subdivision and road standards have been included in the codes with a large proportion of the proposed engineering standards at a much lower standard than Council's minimum standards. This applies to road widths, footpaths, cycleways and lot sizes.
- The codes have a number of contradictions which will create confusion and conflict between Council or the certifier and the developer. This will result in enforcement problems.
- Council's standards (in terms of road widths etc.) are preferred over AMCORD (which is quoted in the codes) as Council's standards are more up-to-date and provide for better functioning roads (wider) with less traffic issues, also allowing for footpaths and cycleways.
- The codes provide road cross sections which do not appear to provide for footpaths or cycleways. All residential streets should be provided with a footpath and appropriate cycleways.

Water and Sewer Summary

- The codes allow sewers on private land without easements. This is not acceptable and sewer mains need to be in public road reserve or in easements.
- Additional clauses are required to ensure that foundations for development and any structures are well clear of pipes.
- The proposed method for early payment of s64 charges is unacceptable as it does not cater for complying development that would increase the loading of the systems beyond one equivalent tenement (1ET).
- Concerns are raised with the proposed exempt and complying controls which will impact upon maintenance or structural integrity of sewer pipes, particularly if the codes allow services without easement.

- The codes should include the requirement for mandatory rainwater tanks to maximise rainwater reuse.
- There is concern with the proposal to subsequently subdivide mews to torrens title. Special provisions would be required to ensure that sewers are provided to each lot, or provisions put in place for adjoining properties to have pipes in the neighbouring properties. Likewise, provision would be required for water meters to be located on property not serviced by that meter and for the private pipes to traverse the adjoining property. Shared services are not considered acceptable unless a body corporate is responsible for common maintenance issues.

Environmental Health and Building Summary

- Recommendations are made to the exempt and complying controls (Part A), particularly that they make reference to other relevant Acts (the Food Act and the Local Government Act), Australian Standards and the SEPP (Remediation of Contaminated Lands).
- It is also recommended that various controls in Part A ensure residential amenity is protected.

Community Services Summary

- The codes should address affordable housing.
- The codes should allow for provision of service or facilities to meet the stated objectives for 'self-contained' neighbourhood.
- The code should provide for a connective grid subdivision pattern and provide objectives for transport other than car use. Direct cycle routes should be provided with pedestrian use a priority in the design, to promote more sustainable design and healthy, active living.
- The codes should nominate provision of community and social services.

SUBMISSIONS:

During the exhibition period Council received four submissions in regards to Kings Forest (including letters on behalf of the Cabarita Beach /Bogangar Residents Association and the Kingscliff Ratepayer and Progress Associations) and one submission in regards to Cobaki Lakes.

The issues raised in these submissions include:

- These developments are too dense;
- These developments are not environmentally friendly;
- These developments can not be supported by the current infrastructure (transport, hospitals, water, protection of waterways, sewerage, employment, and education);
- Kings Forest as proposed will not ensure the survival of wildlife;
- Kings Forest exhibition occurred over a busy Christmas period.

- The proposal at Kings Forest seeks to override the LEP which was undertaken with many years of consultation;
- There has been no consultation with the public in the preparation of the Kings Forest Code;
- Reduced allotment sizes at Kings Forest are not supported;
- Utilising Queensland road standards at Kings forest is not supported;
- There is insufficient information regarding sewerage and stormwater issues at Kings Forest;
- The proposed Kings Forest development will create strong social issues including lack of privacy between small blocks, lack of employment opportunities, lack of services, lack of sporting facilities, and insufficient access to beach parking given increased population;
- The proposed road widths at Kings Forest are too narrow;
- The proposed contribution cap of \$20,000 is insufficient for long term maintenance;
- The separate Development Code as applied for would not be in the best interest of the residents of Kings Forest nor the wider community.

These submissions will be forwarded to the Department of Planning on behalf of the submitters.

PROJECT APPLICATION – COBAKI LAKES

On the 12 January 2010, Council received a copy of a project application for Cobaki Lakes, lodged pursuant to Part 3A of the Act. The Minister for Planning is the approval authority for the project application.

The Cobaki Lakes project application seeks approval for:

- Subdivision of the central lake corridor and environmental protection parcels;
- Earthworks (cut and fill) including creation of a lake, wetlands and riparian drainage corridor;
- Landscaping of the central open space parkland areas;
- Revegetation and rehabilitation of environmental protection bushland areas, freshwater wetlands and the riparian corridor;
- Revegetation and rehabilitation of saltmarsh areas;
- Construction of access paths and bridges; and
- Construction of the lake edge landscape treatments including wetland edges, stonewalls, boardwalks, promenades, handrailing and road bridge.

Unlike the concept plan, project applications (where approved) allow for construction and development to occur.

The project application for the lakes is on exhibition from 13 January 2010 to 26 February 2010. This is the same timeframe that the Cobaki Lakes Development Code is on exhibition.

In accordance with the memo to Councillors from the Director of Planning and Regulation, dated 15 September 2009 (relating to resourcing issues associated with assessment of Part 3A matters), detailed assessment of the project application will only be undertaken in so far as it relates to impacts on Council's infrastructure and assets.

The project application includes large open space and environmental assessment areas proposed to be dedicated to Council. It also includes stormwater management systems which will impact on future Council infrastructure. A detailed assessment of these components is therefore required.

Given that the project application has been publicly exhibited at the same time as the Development Codes, Council officers requested an extension of the submission period until after the March Council meeting. The Department of Planning have refused the officer request for an extension and it is recommended that Council resolve to again, request an extension as resourcing limitations have not enabled a detailed assessment of the project application prior to the February Council meeting.

OPTIONS:

1. That Council endorses the key themes in the attached draft submission to the Department of Planning on the Concept Plan for Cobaki Lakes and Kings Forest.
2. That Council proposes an alternative draft submission to the Department of Planning on the Concept Plan for Cobaki Lakes.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Refer to confidential attachment.

POLICY IMPLICATIONS:

The codes have significant impact on future policy applicable to Kings Forest and Cobaki.

CONCLUSION:

Council has the opportunity to make a submission to the Department of Planning on the proposed Development Codes for Cobaki Lakes and Kings Forest.

Various internal experts have assessed the codes and provided comments. These are summarised above and collated into the attached draft submission.

The purpose of this report is to seek Council endorsement of the key themes provided in the attached draft submission.

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 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 submission to the Department of Planning on the Development Codes for Cobaki Lakes Concept Plan and Kings Forest Concept Plan – Residential Community Development (ECM 12389685)
 2. **Confidential Attachment:** legal advice and Council's response to that advice (ECM 12325111)
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18 [PR-CM] Development Application DA06/1035.05 for an Amendment to Development Consent DA06/1035 for a Self Storage Facility at Lot 2 DP 863736, No. 942 Cudgera Creek Road, Cudgera Creek

ORIGIN:

Development Assessment

FILE NO: DA06/1035 Pt1

SUMMARY OF REPORT:

Council is in receipt of an application to modify development consent DA06/1035, pursuant to section 96 of the *Environmental Planning and Assessment Act, 1979*. The application proposes the deletion of condition number 8, which is provided below:

8. *The storage sheds are to be dismantled and removed within two (2) years of the gazettal of any industrial zoned land within a five (5) kilometre radius of the subject site. At that time, this consent is to be surrendered in accordance with Sections 80A 1(b) and 6 of the Environmental Planning and Assessment Act 1979 (as amended).*

[GENNS02]

It is considered that the proposed deletion of condition number 8 would change the development from a temporary land use to a permanent land use contrary to the intent of the original Council approval which was based on a broader strategic evaluation of this region. It is therefore recommended that this Section 96 application be refused.

Councillor Milne requested the application be put forward before the Council.

RECOMMENDATION:

That Development Application DA06/1035.05 for an amendment to Development Consent DA06/1035 for a self storage facility at Lot 2 DP 863736, No. 942 Cudgera Creek Road, Cudgera Creek be refused due to the proposed development being inconsistent with:

- the Far North Coast Regional Strategy 2006,
- the Tweed Urban and Employment Land Release Strategy 2009,
- Council's resolution in 2006 to rezone the land identified under the Far North Coast Regional Strategy 2006; and
- the Draft Local Environmental Plan 2010

REPORT:

Applicant: Mr M Sauer and Mrs K Sauer
Owner: Mrs MC Everingham and Mr NJ Everingham
Location: Lot 2 DP 863736, No. 942 Cudgera Creek Road, Cudgera Creek
Zoning: 1(a) Rural
Cost: N/A

BACKGROUND:

Council received an application for storage units on the 8 September 2006.

The application was approved subject to conditions (most notably condition number 8) by Council's Planning Committee on the 2 October 2007.

The development is defined, in pursuance of the provisions of schedule 1, *Tweed Local Environmental Plan 2000*, as a *storage facility*. The proposed storage facility on the subject site zoned 1(a) Rural is a clause 8(2) matter under the Tweed LEP 2000.

The proposed facility involved the construction of four (4) single storey self storage buildings with a total GFA of 1768m².

The Council report of 2 October 2007 identified the following issues:

- *Compliance with provisions of Clause 8(2);*
- *Implications on Council's plans for future industrial estate in the vicinity;*
- *Compatibility of proposed use with the objectives of the 1(a) Rural zone;*
- *SEPP No.1 Objection in relation to Clause 24 of the Tweed LEP pertaining to setbacks from designated roads;*
- *Issues raised in two (2) letters of objection received during the public exhibition period; and*
- *Flooding considerations.*

The Council report of 2 October 2007 describes the site as, *within a rural location which is characterised by rural housing on various sized allotments and agricultural pursuits (primarily grazing).*

During the assessment of the development application (DA06/1035), advice from the then Planning Reforms Coordinator highlighted (Memorandum of Advice Planning Reform Coordinator 26 March 2007):

- the proposed self storage facility would generally be better accommodated within an industrial zoned land rather within a rural context and that its location is in close proximity to a proposed future industrial area,
- whether the proposal would establish a precedent presumably for applications of similar nature in other locations within the Tweed,
- the impact of the proposal on the future development of the industrial land, and
- the need to adequately demonstrate that demand existed.

The then Coordinator of Planning Reforms highlighted that there is demand for industrial/commercial and trade uses in the Pottsville locality and that the timing of a future industrial site would be approximately three years. In response, it was recommended that consideration be given to temporary approval of the development for three years or a condition be imposed to enable Council to re-assess the subject land use in light of the establishment of a future industrial estate in the vicinity.

The Far North Coast Regional Strategy (FNCRS) 2006, identified land on the eastern side of the Pacific Highway (approximately within 1km of the subject site), south of Cudgera Creek Road, fronting Pottsville Mooball Road and Kudgeree Avenue, adjacent to the Black Rocks Quarry, for employment (industrial) purposes but, does not include any proposal on the subject land. In 2006 Council resolved to rezone that land for industrial purposes and a rezoning application was submitted in September 2008. This application is likely to proceed to public exhibition during 2010.

In March 2009, Council adopted the Tweed Urban and Employment Land Release Strategy, which shows an expansion of the employment (industrial) land identified under the FNCRS (approximately within 600m of the subject site), but, still does not include any proposal on the subject land (see figure 1 below).

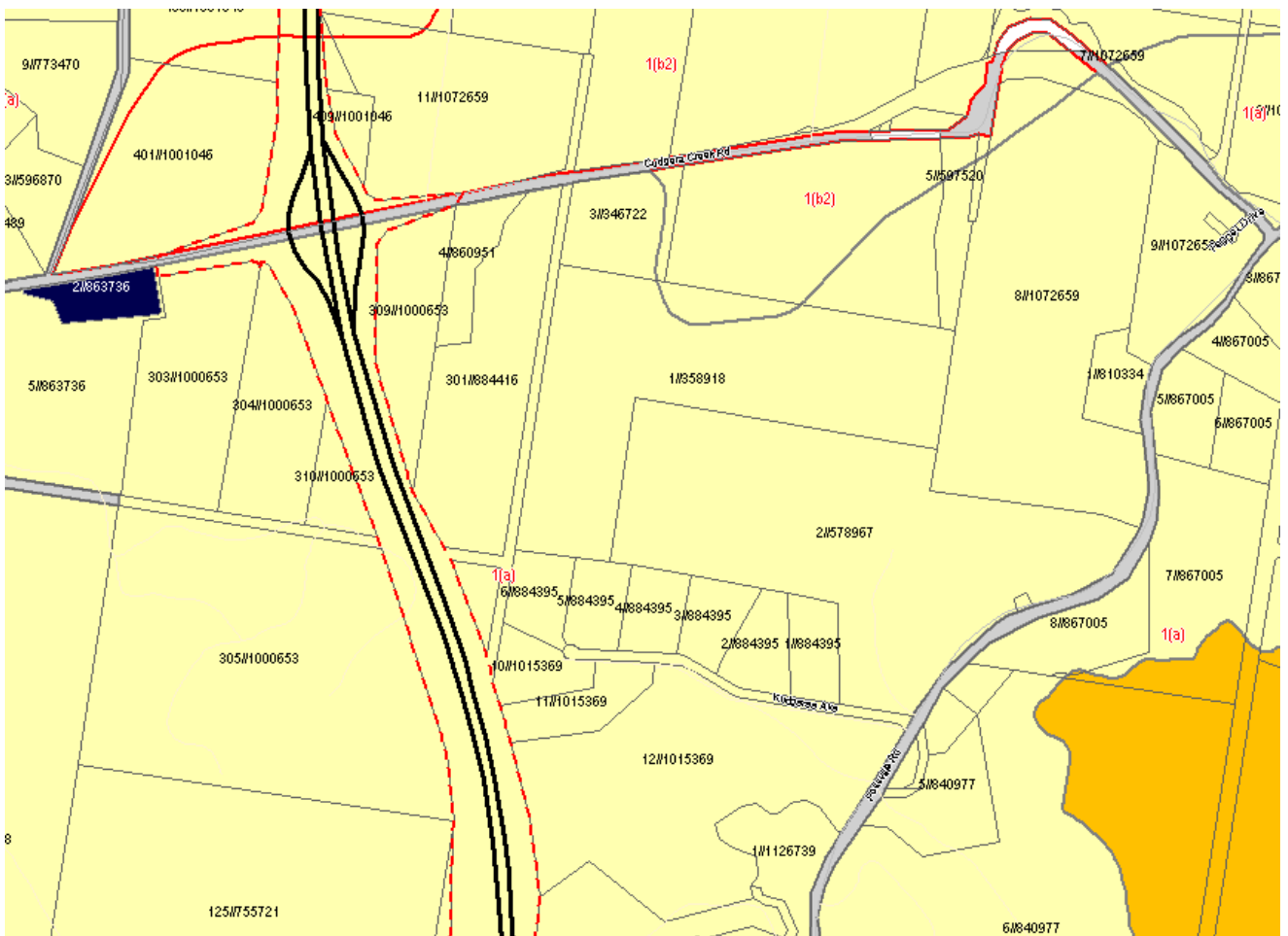


Figure 1 Subject site highlighted in Blue in relation to the nominated employment lands located on the eastern or right hand side of the Pacific Highway

The use of planning principles such as, the consolidation or containment of areas, is essential for the viability and proper functioning of commercial or industrial trade parks and for limiting impacts on surrounding areas. It is better planning practice to co-locate services

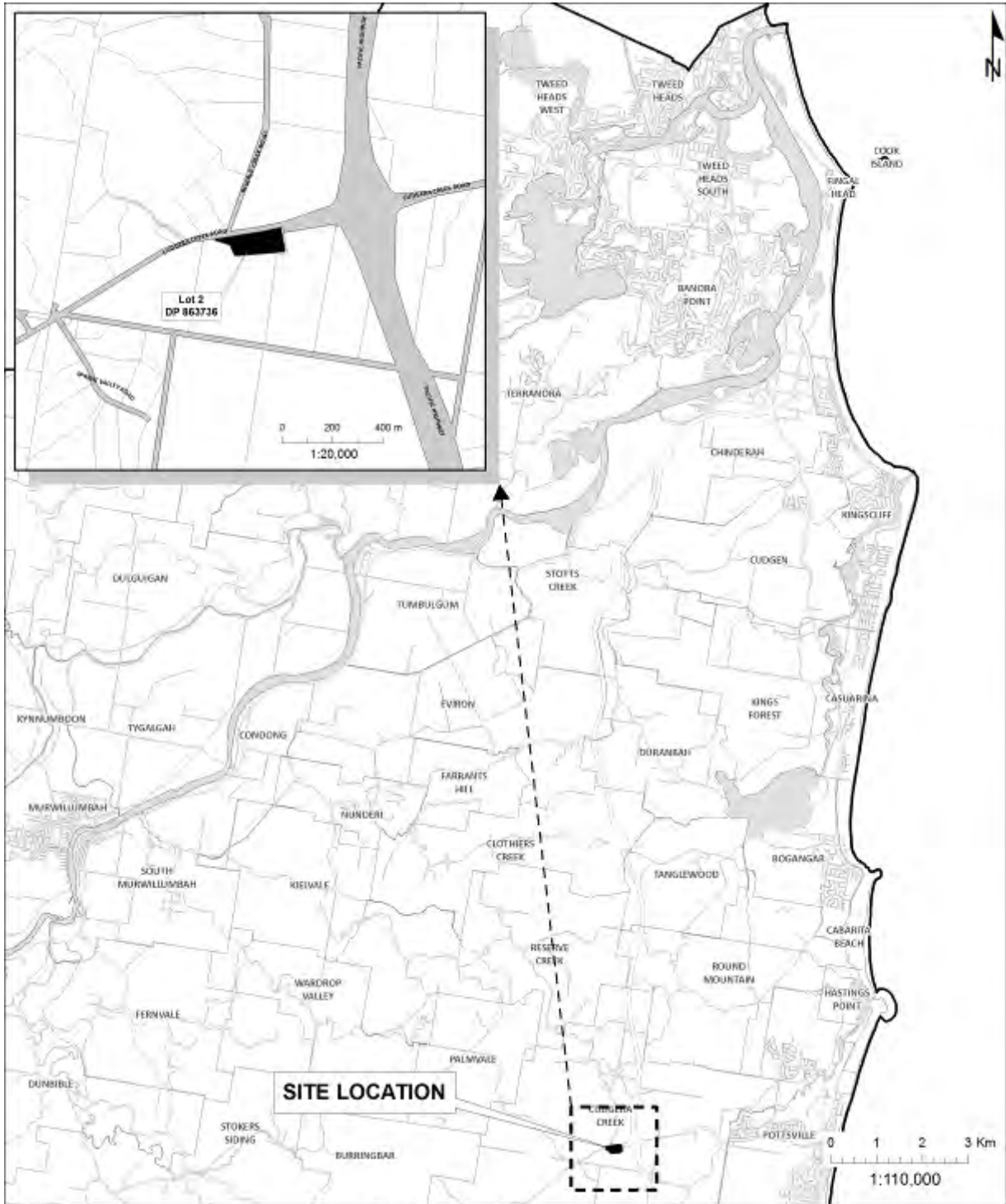
in a single location rather than to allow the dispersion of uses across a broader area, particularly where there is or may cause encroachment into non-urban areas. In review of Council's records it appears evident that advice from the Planning Reforms Unit that the competition that could arise between the existing and proposed future development could cause undesirable outcomes on one or both sites.

Council and the applicant appear to have accepted that the development should be provided in the locality in which it is proposed and that no other appropriate land was available at that time, with both parties accepting, that because of the 2006 resolution to rezone land (in very close proximity to this site), which was consistent with the FNCRS, there would be suitable land available for this purpose in the short to medium term; noting, the then Planning Reform Unit Coordinator's advice indicated a 3 year time period and that the applicant had accepted a condition limiting the duration of the consent.

In the Council report of 2 October 2007 the Planning Officer states that: *The applicant is aware of this arrangement and has indicated that they would be agreeable to such a condition and consider relocating the business to any newly created industrial land once it has been constructed. Limiting the consent in this way will ensure that the viability of any new industrial land is maintained and reduce the likelihood of a pseudo-industrial estate being created on the surrounding rural land.*

It is pertinent to note, that after review of Council's records, there appears to be no correspondence from the applicant that either accepts or objects to the implementation of such a condition with the effect of limiting the duration of the consent either before or after the approval of the development, nor is there any sign of an objection to condition 8 in relation to the lodgement of the construction certificate.

SITE DIAGRAM:



LOCALITY PLAN
 Lot 2 DP 863736
 No.942 Cudgera Creek Road, Cudgera Creek

<p>Filename: z:\env\planning\mso\A4P_B&W_SitePlan.mxd Author: J Batheleur - Planning Reforms Unit Date Printed: 4 February, 2010</p>	<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty 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 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 it is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any construction a "Total before you Dig" enquiry must be made by calling 1480. The information contained on this document remains valid for 30 days only from the date of supply.</p>	<p>Cadastral: 4 February, 2010 © Dept. of Lands & Tweed Shire Council</p>	<p>City and Cultural Centre 3 Turakina Road Murwillumbah NSW 2484 PO Box 616 Murwillumbah NSW 2484 T: (02) 6670 2400 / 1300 292 672 F: (02) 6670 2483 W: www.tweed.nsw.gov.au E: planning@tweed.nsw.gov.au</p>
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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 8 (2) Consent Considerations

Clause 8(2) states:

(2) *The consent authority may grant consent to development specified in Item 3 of the Table to clause 11 only if the applicant demonstrates to the satisfaction of the consent authority that:*

(a) *the development is necessary for any one of the following reasons:*

(i) *it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,*

(ii) *it meets an identified urgent community need,*

(iii) *it comprises a major employment generator, and*

(b) *there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and*

(c) *the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and*

(d) *the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.*

An assessment of the proposed development against the provisions of clause 8(2) identifies that the proposed storage units is not necessary for any one of the following reasons:

(i) *it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,*

In 2006 Council resolved to rezone the land identified in the *Far North Coast Regional Strategy*, in 2008 Council received an application for rezoning of the subject land, which is likely to proceed to public exhibition in 2010 and in 2009 Council adopted the *Tweed Urban and Employment Land Release Strategy*.

(ii) *it meets an identified urgent community need,*

In 2006 Council resolved to rezone the land identified in the *Far North Coast Regional Strategy*, in 2008 Council received an application for rezoning of the

subject land, which is likely to proceed to public exhibition in 2010 and in 2009 Council adopted the *Tweed Urban and Employment Land Release Strategy*. If the nominated employment land is rezoned, this land will satisfy the community need.

(iii) it comprises a major employment generator, and

The development employs staff at the existing storage units. Notwithstanding this, the proposal is not considered a major employment generator.

(b) there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and

In 2006 Council resolved to rezone the employment land identified in the *Far North Coast Regional Strategy*. In 2008 Council received an application for rezoning of the subject land, which is likely to proceed to public exhibition in 2010 and in 2009 Council adopted the *Tweed Urban and Employment Land Release Strategy* which correlates with the *Far North Coast Regional Strategy*. The nominated employment land, proposed rezoned land (if approved) will provide other appropriate sites within a reasonable proximity to the subject site.

(c) the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and

The proposed development is not consistent in scale with the rural character of the immediate area.

(d) the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.

The proposed development is inconsistent with clause 4(d) of the Tweed LEP; *(d) to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.* *Far North Coast Regional Strategy* and the *Tweed Urban and Employment Land Release Strategy* have identified more suitable land for industrial land uses within the Pottsville area. The proposed development allows for dispersion of uses across a broader area, particularly where there is or may cause encroachment into non-urban areas impacting on the existing rural character.

The proposed development does not satisfy clause 8(2) of the Tweed LEP 2000 and is therefore not supported.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 12: Impact on agricultural activities

The subject site is identified as being regionally significant farmland. The proposed application has not addressed this clause.

Far North Coast Regional Strategy (December 2006)

The Far North Coast Regional Strategy identified employment land within the Pottsville locality which does not include the subject site. The proposal is considered to be in-consistent with the policy and undermines the policies purpose of managing the region's expected high growth rate in a sustainable manner ensuring adequate land is available and appropriately located to sustainably accommodate the employment and environmental needs of the region's population over the next 25 years.

Tweed Urban and Employment Land Release Strategy 2009

The Far North Coast Regional Strategy (issued in December 2006) required Tweed Shire Council to prepare a Local Growth Management Strategy prior to rezoning further land for urban, commercial and industrial uses.

The Tweed Urban and Employment Land Release Strategy 2009, was adopted by Council on the 17 March 2009.

The Tweed Urban and Employment Land Release Strategy 2009, identifies the same employment land as the (FNCRS) called West Pottsville Area 7, with a net developable area of 86ha being the largest of all identified employment localities within the Tweed. The subject site is not located within nominated employment lands locality for Pottsville (Tweed Urban and Employment Land Release Strategy 2009).

The proposed development is considered to be inconsistent with the Tweed Urban and Employment Land Release Strategy 2009.

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

Draft Local Environmental Plan 2010 (On exhibition from 27 January 2010 - 31 March 2010)

The Draft Local Environmental Plan 2010 identifies the subject land as being zoned RU 2 – Rural Landscape, which prohibits the proposed land use. Approving the proposed development would knowingly create a prohibited land use in accordance with the Draft LEP 2010. The proposed development is considered to be inconsistent with the Draft Local Environmental Plan 2010.

Draft Pottsville Locality Based Development Code

The Far North Coast Regional Strategy (FNCRS) was adopted by the NSW State Government in December 2006. In March 2009, Tweed Shire Council adopted the Tweed Urban and Employment Land Release Strategy 2009 (Tweed UELRS) (see figure 2 below). The strategies are of significance for the Pottsville locality as 4 release areas within the Pottsville locality were identified, 3 being for urban purposes and 1 for employment. Of the 4 release areas identified, 2 are already identified within the FNCRS, being Dunloe Park and the Pottsville Employment Land, both of which are also identified in the Tweed UELRS.



Figure 2 Proposed Pottsville Employment Lands

The FNCRS identifies a short term area (dark grey), this is supported by a greater potential release area identified within the Tweed UELRS to be considered for longer term expansion (light grey).

The Draft Pottsville Locality Based Development Code states that; *'Employment lands in the West Pottsville area will require the submission of a Planning Proposal to substantiate rezoning and indicate development types for the subject land. Any Planning Proposal should be prepared in accordance with Department of Planning Requirements, and the content consistent with the provisions of the FNCRS and Tweed UELRS.'*

As identified in figure 1 above, the subject site is not identified with the potential release area for employment land. The policy also recommends that any application for employment lands requires a Planning Proposal.

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

A11-Public Notification of Development Proposals

The application was notified for a period of fourteen days from Monday 9 November 2009 to Monday 23 November 2009. One submission of support was received during the submission period a petition generated by the applicant was submitted with 36 signatures of support from neighbours. One submission of objection was received after the submission period the details of the objection are addressed in section (d) below.

(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

The proposed permanency of the storage units are likely to create an adverse impact on the rural character of the area, the natural environment, and the future

or potential impacts on either the future planning for the locality or any new urban/industrial land in the locality.

(c) Suitability of the site for the development

The proposed development is considered unsuitable for the subject site given the nearby industrial land proposed.

The proposed development creates dispersion of uses across a broader area, with further encroachment into non-urban areas. It is considered that the self storage facility would generally be better accommodated within an industrial zoned land rather within the rural context, also, that the sites location is within 600m to a proposed future industrial area.

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

ISSUE
Permanency of the development will change the rural area forever.
Inconsistent with clause 8(2) of the Tweed LEP 2000.
Fragmentation of rural land to accommodate small industrial business and the destruction of rural character and amenity.
Other industrial sites within the Pottsville area.
Increased traffic due to the proposal.
Loss of amenity.
Safety – traffic, vandalism, anti-social behaviour
The development should be advertised so the wider Pottsville community opinion is heard.

The issues raised are considered to contain merit and would be more appropriately addressed through a Planning Proposal or an amendment to the Local Environmental Plan.

(e) Public interest

Impacts arising from inconsistency with planning policies is not in the public's interest.

OPTIONS:

1. Approve the application subject to the deletion of condition number 8.
2. Refuse the application and provide reasons for refusal.
3. Refuse the deletion of condition number 8 but extend the operation of the development consent for 5 years from the date of the amended consent, during which, the applicant is to lodge and have gazetted a planning proposal (rezoning) of the subject site.
4. Refuse the deletion of condition number 8 but extend the operation of the development consent for 5 years from the date of the amended consent, during which, the applicant is to seek an amendment to the relevant schedule of the Tweed Local Environmental Plan to include the current land use permissible on the subject land.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right of appeal in the Land and Environment Court.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

In reference to the:

- Far North Coast Regional Strategy 2006,
- the Tweed Urban and Employment Land Release Strategy 2009,
- Council's resolution in 2006 to rezone the employment land identified under the FNCRS 2006,
- the rezoning application lodged in 2008 and
- the Draft Local Environmental Plan 2010 which prohibits the proposed land use,

The proposed development is considered unsuitable for the subject site.

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 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 [PR-CM] Development Application DA08/0909 for a Monopole (Telecommunications Facility) at Lot 956 DP 864092, Cudgera Avenue, Pottsville

ORIGIN:

Development Assessment

FILE NO: DA08/0909 Pt2

SUMMARY OF REPORT:

The subject application seeks consent for the construction of a telecommunications tower for Optus 3G coverage in the form of a monopole 30m in height and associated antennae, equipment shelter, bollards and chain-link security fence, adjacent to the existing temporary water reservoir within Lot 956 DP 864092. The site is accessed by a private road off Bottlebrush Drive at Koala Beach, Pottsville. The proposed site for the monopole tower currently contains a temporary water reservoir tank, security fencing and cleared gravelled surface.

The site has an area of 1823sq.m and is zoned 5(a) Water Supply, however, the area adjoins and is surrounded by a large parcel of land set aside for conservation of threatened fauna species and as compensation for loss of habitat elsewhere in Koala Beach, zoned 7(l) Environmental Protection (Habitat) (Figure 1). Koala Beach and the particular site chosen are considered to be unsuitable for the proposal due to environmental constraints.

Koala Beach was designed to support the preservation and management of native flora and fauna. The erection of a mobile phone tower in what is regarded as the nature reserve section of the estate is inconsistent with the underlying principle of this unique estate.

It is therefore recommended that the application be refused.

RECOMMENDATION:

That Development Application DA08/0909 for a monopole (telecommunications facility) at Lot 956 DP 864092, Cudgera Avenue, Pottsville be refused for the following reasons: -

- 1. The proposal does not meet the aims of the Tweed Local Environmental Plan 2000 (TLEP) to enhance ecological integrity, as required by clause 4.**
- 2. The proposal is inconsistent with clause 5 of the TLEP, which seeks to ensure ecologically sustainable development.**

3. **The proposal does not comply with clause 28 of the TLEP, relating to development on land adjacent to Zone 7(I) Environmental Protection Habitat.**
4. **The proposal is considered to be contrary to the aims and objectives of Council's DCP Section B10-Koala Beach.**
5. **The proposed development is not considered to meet the requirements of 79C of the Environment, Planning and Assessment Act as it is likely to result in unacceptable environmental impact and the site is considered unsuitable.**
6. **The proposed development is not considered to be in the public interest.**
7. **The proposed development is contrary to the Draft Tweed Local Environmental Plan 2010.**
8. **The proposal is inconsistent with the NSW Coastal Policy and does not meet clause 92 of the Environment and Planning Regulations.**

REPORT:

Applicant: Ms P Kovacs – Daly International
Owner: Tweed Shire Council
Location: Lot 956 DP 864092, Cudgera Avenue, Pottsville
Zoning: 7(l) Environmental Protection (Habitat)
Cost: \$200,000

BACKGROUND:

The subject application seeks consent for the construction of monopole (telecommunications facility) and associated infrastructure, to provide improved 3G capacity in the village. The Optus proposal comprises the following:

- One (1) 30m high monopole (maximum height including antennas is 30.50m);
- Three (3) Optus panel antennas (each 2.7m long) pole mounted on a circular headframe at Centre Line 29.5m;
- 1 x 1.2m parabolic antenna at Centre Line 27m;
- 1 x 0.6m parabolic antenna at Centre Line 27m;
- 1 x 1.2m parabolic antenna at Centre Line 26m will be positioned near the base of the monopole;
- Equipment Shelter; and
- High chain link security fencing around the proposed compound plus additional bollards around the monopole.

The complex will take up an area of approximately 8.4m x 7.9m (66.3m²).

THE SITE:

The subject site is legally described as Lot 956 DP 864092 located at Cudgera Avenue Pottsville. The site has an area of 1823sq.m and is zoned 5(a) Water Supply and is surrounded by land that is zoned 7(l) Environmental Protection (Habitat).

The proposed site for the monopole tower currently contains a temporary water reservoir tank, security fencing and cleared gravelled surface and gravelled access from Bottlebrush Crescent (the proposed structures are proposed adjacent to the existing water towers).

The site and surrounding land is mapped as containing Koala habitat (Secondary Habitat Class B) and threatened fauna and flora. The site is covered under the Koala Beach Management Plan.

Nine “critical habitat areas” have been identified within Koala Beach. In terms of the proposal, three such areas (Figure 2) occur in close proximity to the proposed development.

The particular site chosen for the proposal is roughly in the middle of three areas of habitat set aside for conservation of the threatened species Glossy Black Cockatoo (*Calyptorhynchus lathami*), Common Blossom Bat (*Syconycteris australis*) and Little Bent-wing Bat (*Miniopterus australis*) (see Figure 2), and as compensation for loss of habitat elsewhere on the site (Koala Beach Estate).

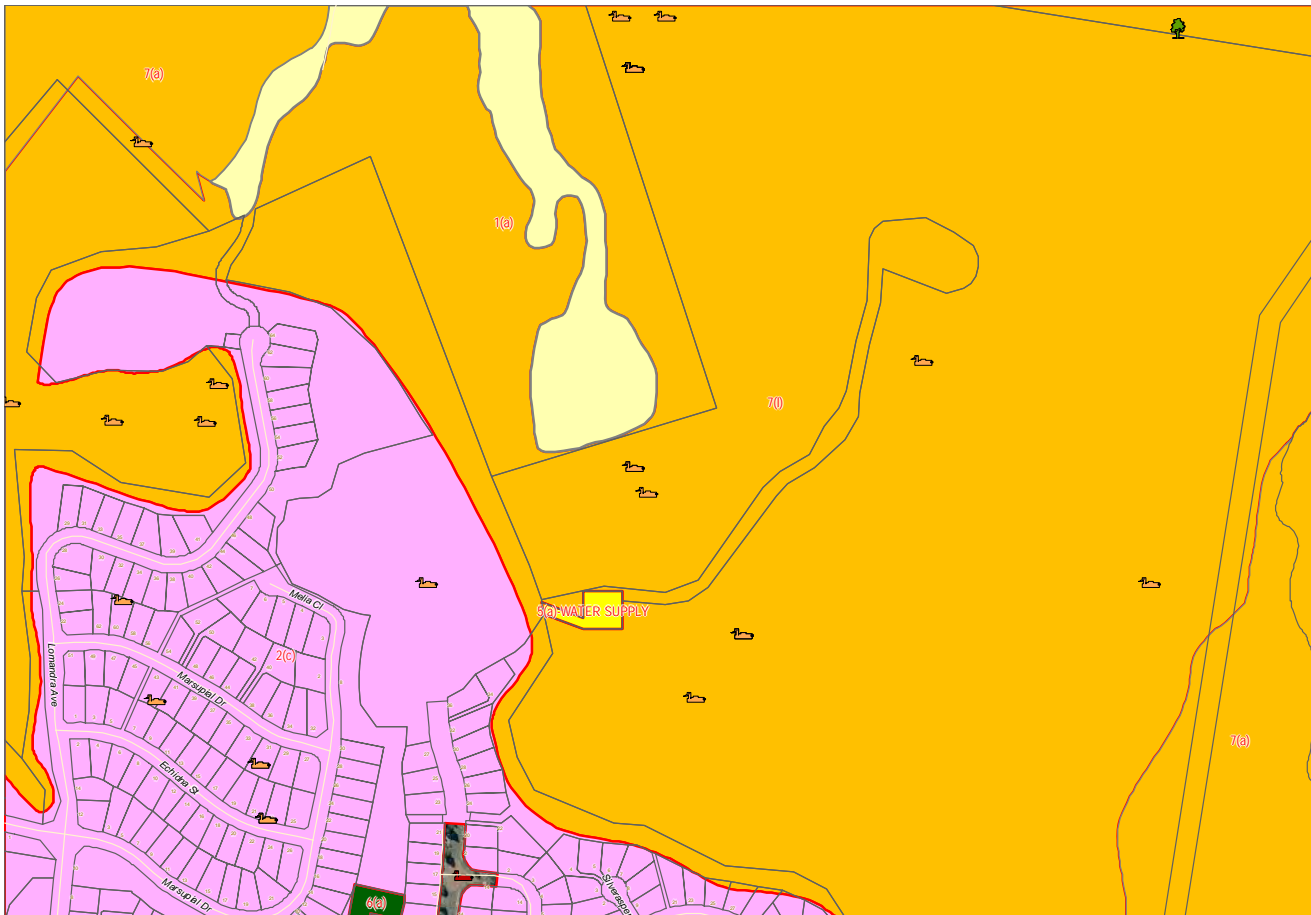


Figure 1: Site zoning in the vicinity of the subject lot, zoned 5(a) Water Supply and shown yellow, with surrounds 7(l) habitat shown amber. The approximate area set aside as reserve for Blossom Bat and Glossy Black Cockatoo habitat outlined in red can be seen to be primarily zoned 2(a) residential (pink). “Ducks” indicate NPWS Wildlife Atlas records of threatened species in the vicinity. Some rural 1(a) zoned land remains to the north, proposed to be rezoned to E2 Environmental conservation in draft LEP 2010.

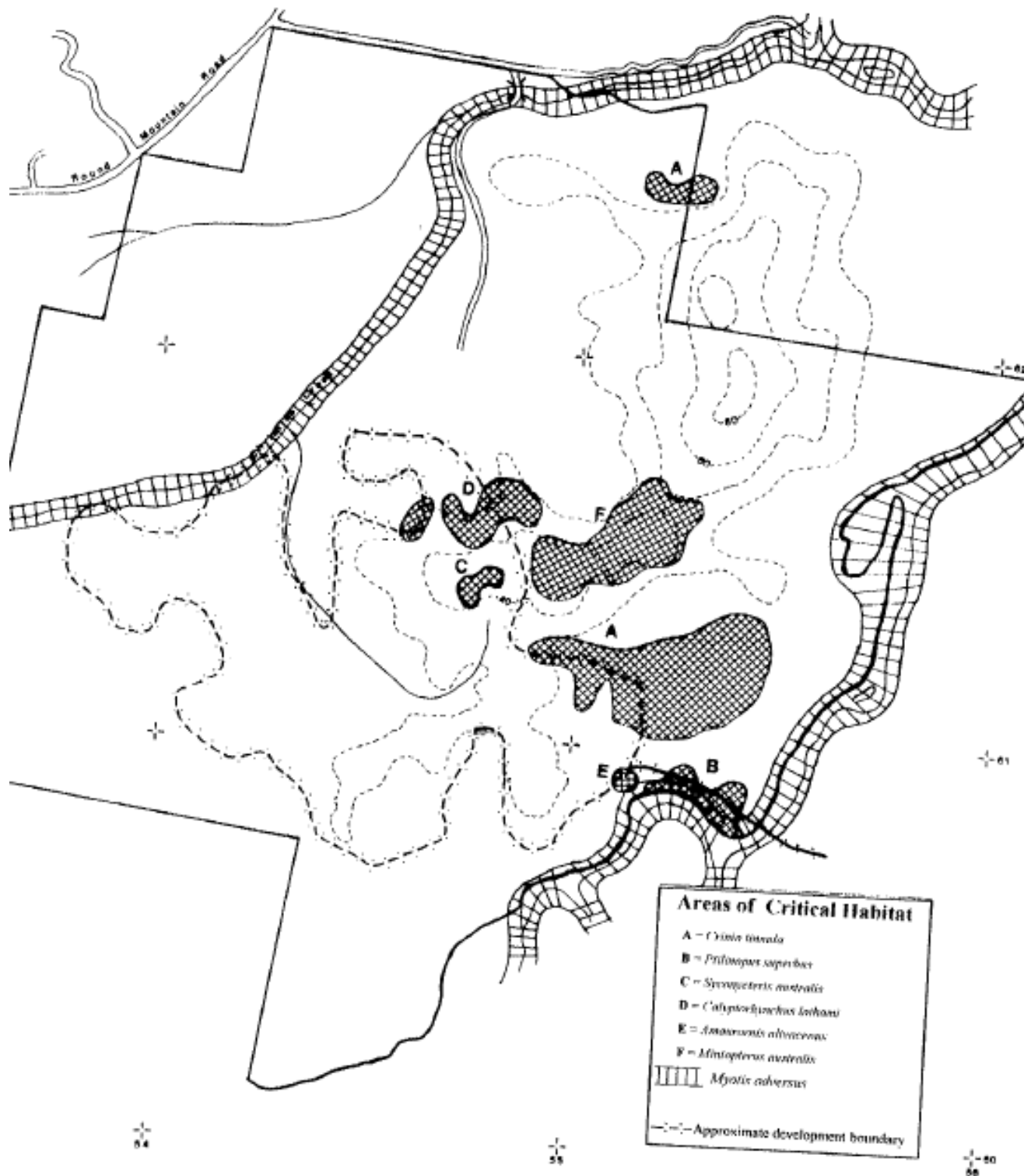
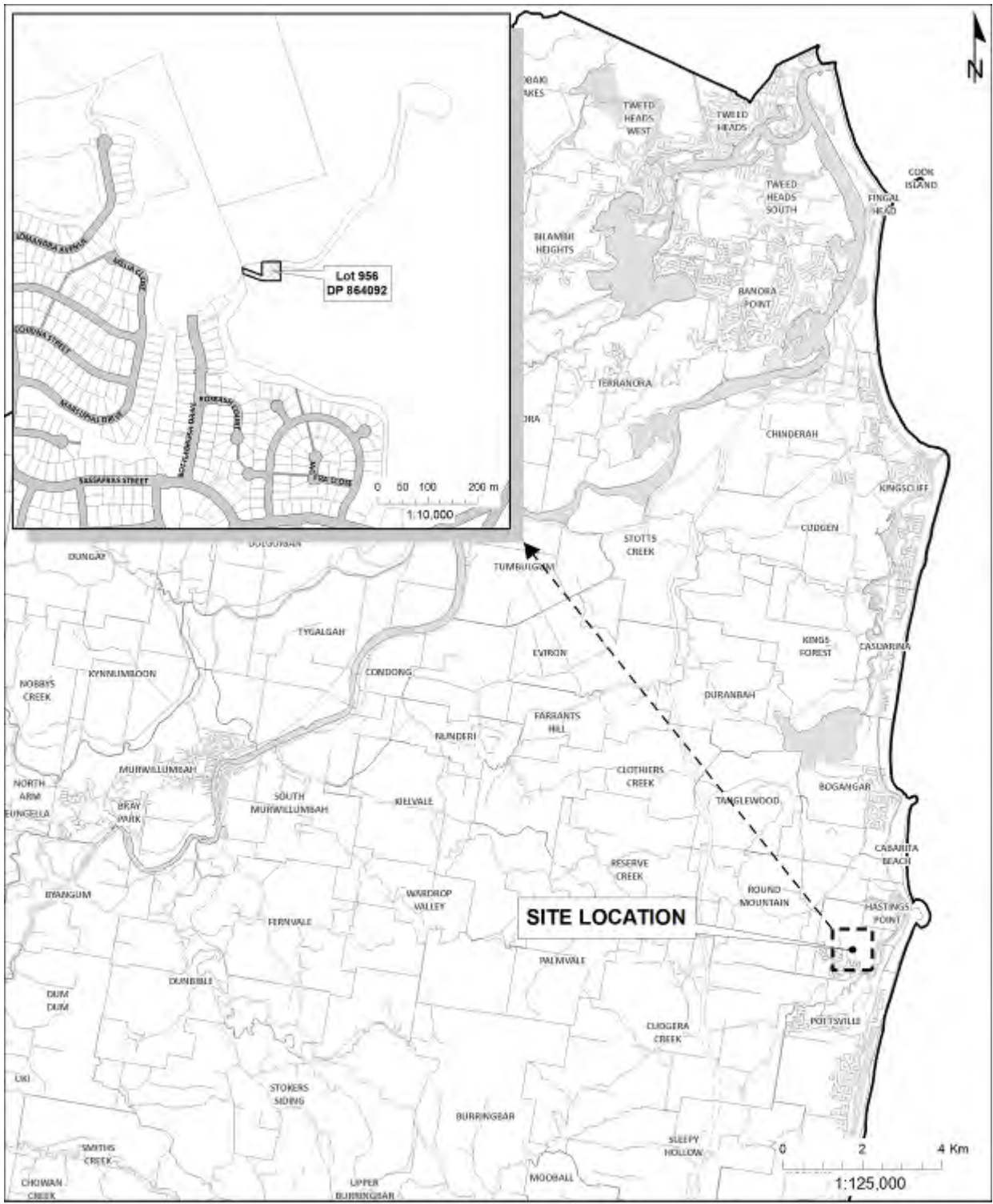


Figure 2: An extract from the original Fauna Impact Statement for the Koala Beach estate (then known as Searach (Australian Koala Foundation, 1995)). The monopole is proposed roughly in the centre of the area indicated by C (Blossom Bat habitat), D (Glossy Black Cockatoo habitat) and F (Little Bent-wing Bat habitat) on the map.

SITE DIAGRAM:



LOCALITY PLAN
 Lot 956 DP 864092
 Cudgera Avenue, Pottsville

<p>Filename: z:\asn\planning\mxd\AAP_B&W_SitePlan.mxd Author: J Batchelor - Planning Reforms Unit Date Printed: 1 December, 2009</p>	<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty 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 indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any construction a 'Dial before You Dig' enquiry must be made by calling 3100. The information contained on this document remains valid for 30 days only from the date of supply.</p>	<p> GDA Coordinate System - MGA Zone 56 Datum - GDA 94</p>	<p> Cadastral: 1 December, 2009 © Dept. of Lands & Tweed Shire Council</p>	<p> TWEED SHIRE COUNCIL Civic and Cultural Centre 3 Turf Riggin Road Murwillumbah NSW 2484 PO Box 616 Murwillumbah NSW 2484 T: (02) 9970 2400 1360 292 872 F: (02) 9970 2463 W: www.tweed.nsw.gov.au E: planningreforms@tweed.nsw.gov.au</p>
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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 proposed development has been assessed by Council's Ecologist. The proposed development is considered to create unacceptable adverse impact on the natural environment, contravening paragraph a) and d) of clause 4, which are provided below:

- “(a) 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” and*
- (d) to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.”*

Clause 5 - Ecologically Sustainable Development

As described in this report the proposed development is considered to create unacceptable adverse impact on the natural environment, contravening clause 5.

Clause 8 - Zone objectives

Zone 5 (a) Special Uses

Zone objectives

Primary objective

- *to identify land which is developed or is proposed to be developed, generally by public bodies, for community facilities and services, roads, railways, utilities and similar things.*

Secondary objective

- *to provide flexibility in the development of the land, particularly if it is not yet or is no longer required for the relevant special use.*

The proposed development is considered to comply with the objectives of the zone, as the development is could be defined as 'services' or 'utilities and similar things', providing greater network coverage for the locality.

Clause 15 - Essential Services

The proposed development does not require the provision of water, sewerage and drainage/stormwater.

Clause 16 - Height of Building

The site is identified on Council's Building Heights Map as being affected by a three (3) storey height limit. The proposed monopole structure has a total height of 30 metres (note: as per definition pursuant to Tweed LEP 2000, the monopole structure cannot be measured by storeys as there is no space between two floors).

Note: The subject application has submitted a SEPP 1 objection in regards to the LEP requirement for height. A SEPP 1 objection is not required in this instance as the structure is not classified as a "storey" and therefore a SEPP 1 is not applicable.

Clause 17 - Social Impact Assessment

Section A13 of Council DCP, identifies the types of developments that require a social impact assessment, the proposed telecommunication tower is not identified as an item requiring social impact assessment. However the proposal did receive numerous submissions from the community objecting to the proposal in particular the proposed location. The issues raised in the submissions are addressed later in this report.

Clause 35 - Acid Sulfate Soils

The subject site is mapped as containing Class 5 ASS. The proposed monopole tower is unlikely to lower the water table as the site and location of the facility is elevated. Council's Environmental Health Officers reviewed the application in relation to ASS and raised no objection. No further investigation is required in relation to ASS.

Other Specific Clauses

Clause 28 Development in Zone 7 (I) Environmental Protection habitat and on adjacent land

(1) Objective

- *to protect wildlife habitat from the adverse impacts of development.*
- (2) *Unless it is exempt development, a person must not clear vegetation from, drain, excavate or fill land within Zone 7 (I) except with development consent.*
- (3) *The consent authority must not grant consent to development on or adjacent to land within Zone 7 (I) unless it has taken into consideration:*
- (a) *the likely effects of the development on the flora and fauna found in the locality, and*
 - (b) *the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and*

- (c) *a plan of management showing how any adverse effects arising from the development are to be mitigated.*

The proposed development has been assessed by Council's Ecologist I (refer comments below). The proposed development is considered to create unacceptable adverse impact on the natural environment, contravening the clause.

Clause 39A Bushfire protection

The proposed development is not considered to create a significant adverse bushfire risk to warrant conditions or refusal.

The subject site is identified as being prone to bushfire. The application was referred to the NSW Rural Fire Service for comment, pursuant to s79BA Environmental Planning and Assessment Act 1979. The NSW Rural Fire Services raises no concerns or special considerations in relation to bushfire matters for the proposed development.

Clause 54 Tree preservation order

The subject site is affected by Tree Preservation Order 1990. The subject application states that the removal of a Eucalyptus sapling approximately 1m in height within the subject site is required.

The policy prohibits the 'ringbarking, topping, lopping, removing, poisoning, injury or wilful destruction of trees of thirty centimetres (30cm) or more girth (circumference) measured at forty-five centimetres (45cm) above ground, three meters (3m) or more in height or any other tree or trees as specified in the schedule to this order'. As the subject tree is not equal to or larger than the standards identified within the policy the subject tree is not protected. In addition, clause 2 sub-clause (c) states that, the 'Order does not apply to trees, within a building site or within eight meters (8m) of an existing or proposed building, or foundations, that has been approved by Council'.

The application also states that the applicant is willing to relocate the subject tree adjacent to the proposed facility a few metres away. This could be conditioned, if considered necessary.

The surrounding land is affected by Tree Preservation Order 2004. The subject application states that no vegetation is to be removed on surrounding land. This would need to be conditioned in any approval of the proposal.

State Environmental Planning Policies

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

The proposed development is not exempt or complying development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clauses 114, 115 and 116 identify that the proposed development requires development consent.

STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT)
2005

The proposed development does not require approval under Part 3A of the Act. Tweed Shire Council is the consent authority.

STATE ENVIRONMENTAL PLANNING POLICY NO 71--COASTAL
PROTECTION

The subject site is located within the coastal zone. The proposed development is not significant coastal development, the concurrence from the Minister or Director General is not required.

An assessment against clause 8 – *Matters for consideration*, identified that the proposed development negates sub-clause (g), by not conserving animals and their habitats, an extract of the sub-clause is provided below:

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

SEPP No. 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) *by encouraging the identification of areas of core koala habitat, and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

The subject site is identified within the area being affected by a Plan of Management (POM) relating to Koala habitat. The application proposes the removal a one metre high eucalyptus sapling, however this is not a mature tree that provides vegetation for koalas. The applicant has stated they are prepared to relocate the subject tree if required. This can be conditioned if considered appropriate.

NORTH COAST REGIONAL ENVIRONMENTAL PLAN

Clause 32B: Coastal Lands

The proposed development is considered not to negate the clause by: not impeding public access to the foreshore, not creating overshadowing of beaches or adjacent public open space before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

Clause 36C: Conservation areas of state & regional significance

The site is not identified as being a conservation area of state or regional significance in accordance with this clause.

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

The subject land is in zone E2 – Environmental Conservation in the Draft Tweed Local Environmental Plan 2010, currently on exhibition.

A proposed telecommunication facility is prohibited in this zone.

The site use is suggested to change in the future as the present water reservoir was always intended as a temporary use. Additional water reservoirs (as mentioned in the application), should they proceed, would be undertaken on the basis of restoring this temporary reservoir site to provide additional habitat. Restoration and rehabilitation would be precluded or severely hampered by this proposal.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

The proposed land use is not identified within the policy, therefore a strict development standard is not available to use. The applicant states that *the proposed facility is an unmanned facility that would require maintenance checks approximately 3-4 times per year or as required in the event of an electricity failure or other similar event. Routine maintenance would require one vehicle per visit and parking would be available close to the subject site for this purpose. Other maintenance would occur on an as-needed basis.*

It is apparent from the proposed plans that the site could accommodate adequate onsite parking either within the existing access track or within the existing property boundary.

A11-Public Notification of Development Proposals

The application was advertised for a period of fourteen (14) days from Wednesday 6 August 2008 to Wednesday 20 August 2008 (public holidays excluded).

Fifty-two submissions were received with regard to the application, with the majority citing concerns with human health and environmental value/health, thus there is strong opposition to this site for a mobile phone tower. The issues raised within the submissions are listed within the body of the report below.

B10-Koala Beach

Koala Beach locality is subject to, Tweed DCP Section B10 – Koala Beach which has the following primary aims and objectives:

- to “ensure that the natural features, environmental attributes and identified sensitive habitat areas on the land are not adversely affected by future development and ensure a habitat-friendly residential estate.”
- “to establish community understanding, empathy and support amongst prospective home-owners and residents and involvement in future management of sustainable habitats for Koalas and native wildlife.”
- to “protect all Koala habitats and identified habitats of other significant or endangered species on the site as indicated in the Fauna Impact Statement and Koala Management Plan.”

The proposal is inconsistent with the primary aims and objectives of Section B10 Koala Beach, as discussed further below.

Development has been carefully planned around avoidance of land regarded as habitat critical to the essential behaviour patterns of various threatened species. In excess of 300 hectares of land arising from the Koala Beach estate has been set aside for conservation purposes and forms important corridor connections with Cudgen Nature Reserve, together forming a large area of contiguous and largely protected habitat of very high conservation value. Residents forgo the privilege of cat and dog ownership in recognition of the biodiversity value of the estate and uniquely, all landowners pay an additional environmental levy equating to more than \$100 per property in order that restoration and monitoring may be undertaken on the site.

The funds raised by this levy are used by the Koala Beach Wildlife Habitat Management Committee to fund environmental works and monitoring on the estate. The Committee is responsible for overseeing the implementation of wildlife management, habitat protection and restoration on the Koala Beach estate. The activities and views of the Committee are reported to all residents in a newsletter delivered after each Committee meeting (every 2 months) and any resident may attend Committee meetings. Through this consultation and education process, residents have come to an understanding of the surrounding conservation lands as analogous (equivalent) to a Nature Reserve, set aside for conservation and protected from development.

The policy provides for direction for planning, development and management of Koala Beach. Section B10.2.4 *Koala Management Plan* identifies that tree species such as Tallowwood, Forest Red Gum, Swamp Mahogany and Small-fruited Grey Gum are generally Koala primary browse trees and home range trees. The application states the removal of an approximate 1 metre high eucalyptus tree, and welcome a condition to have the subject tree transplanted metres from its original position.

Section B10.3.6 *Landscape and Environmental Protection* objectives are: to ensure that the natural landscape values of the site are recognised in future development and to avoid undue adverse impact on areas of habitat or environmental significance within or adjacent to the site. The proposed development seeks construction approval for the erection of a telecommunications facility on land surrounded by identified as environmental protection.

The subject site is considered unsuitable for the proposed land use, given the surrounding environmental habitat.

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

Clause 92(a) Government Coastal Policy

Clause 92 What additional matters must a consent authority take into consideration in determining a development application?

Clause 92 of the Environmental Planning and Assessment Regulations 2000 requires that the following matters be considered by the consent authority in determining a development application;

- The Government Coastal Policy
- AS 2601

"AS 2601" means the document entitled Australian Standard *AS 2601—1991: The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

"Government Coastal Policy" means the publication entitled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*

The NSW Coastal Policy provides a strategic policy framework to guide decision making for future development of the NSW coast and to balance and co-ordinate management of the coast's unique physical, ecological, cultural and economic attributes. The Coastal Policy responds to the fundamental challenge of management in the coastal zone which is to provide for population growth and economic development without putting the natural, cultural, and heritage values of the coastal environment at risk.

The proposed development is in conflict with the management of ecological values within the NSW coast.

93 Fire safety considerations

N/A

94 Consent authority may require buildings to be upgraded

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

The proposed development is considered to create an unacceptable environmental impact. The Koala Beach Estate has been considered as a whole and development allowed on the basis of conservation and dedication of remaining land for the preservation of habitat.

Council's Ecologist reviewed the development application and all supporting documentation submitted by the applicant such as: Section 5A - *Significant effect on threatened species, populations or ecological communities, or their habitats assessment/7 Part Test* and peer reviewed scientific literature (which formed the bases of the 7 Part test). The following extract is from Council's Ecologist in relation to the uniqueness of Koala Beach and its high biodiversity values:

Ecological Site Value

1. Koala Beach generally

Koala Beach contains a mosaic of habitat types from heath and wetland to sclerophyll and rainforest vegetation as well as an important connection and wildlife corridor. The area is correspondingly high in species richness (high diversity of flora and fauna species) and contributes significantly to the high biodiversity values of northern NSW. Over three hundred species of native animals, including at least 40 threatened species, are known or otherwise likely to occur on the Koala Beach lands. Survey work by Phillips et al (1995) formed the basis of an understanding of the biodiversity values of the 'Searanch' (now Koala Beach) site, and was specifically used to inform a Fauna Impact Statement (FIS) relating to proposed development of the site at that time. The survey, undertaken over a six month time frame, reported high biodiversity values as evidenced by the presence of the following suite of threatened species:

*Wallum Sedge Frog (Litoria olongburensis)
Rose-crowned Fruit Dove (Ptilinopus regina)
Glossy Black Cockatoo (Calyptorhynchus lathami)
Bush Hen (Amauornis olivaceus)
Koala (Phascolartus cinereus)
Common Planigale (Planigale maculata)
Grey-headed Flying Fox (Pteropus poliocephalus)
Common Blossom Bat (Synconycteris australis)
Large footed Myotis (Myotis macropus)
Little Bent-wing Bat (Miniopterus australis)
Yellow-bellied Sheath-tail Bat (Saccolaimus flaviventris)*

Additional threatened fauna species recorded from the Koala Beach lands during subsequent monitoring events include:

*Powerful Owl (Ninox strenua) (recorded by Hannah & Lewis, 2007)
Osprey (Pandion haliaetus) (recorded flying overhead by Phillips, 2009)
Wompoo Fruit-dove (Ptilinopus magnificus) (Fitzgerald, 2007)
Bush Stone-curlew (Burhinus grallarius) (which has established a breeding population post development with reasonably regular sightings as well as recorded nesting and successful breeding in successive years in at least one residential yard) (author observation 2007 to 2009).*

Whilst the development footprint is reasonably small, disturbance impacts are likely to be high during construction and ongoing due to maintenance provisions. Co-location of other carriers once the tower is in place is likely to lead to ongoing disturbance on shy and cryptic species adversely affected by such impacts. EME

effects are still to be quantified but enough peer-reviewed scientific evidence exists to conclude that some impact at a population level is likely on species of small body weight that reside mainly at higher levels in tree canopies. Three such threatened species are known to reside within or repeatedly use habitat in the immediate area of the proposed development being the: Glossy Black Cockatoo (*Calyptorhynchus lathamii*), Common Blossom Bat (*Syconycteris australis*) and Little Bent-wing Bat (*Miniopteris australis*).

The Glossy Black Cockatoo is one of the rarest and most threatened of Australia's cockatoos according to the draft *Glossy Black Cockatoo Conservation Guidelines for South-eastern Queensland and Far North-eastern New South Wales* (2009),

(c) Suitability of the site for the development

The subject site is considered unsuitable for the proposed land use given the significance of the environmentally protected land surrounding the subject site and the potential irreversible adverse impact to threatened flora and fauna species surrounding the subject site.

The site is also considered to be unsuitable given its future zoning intent for Environmental Conservation.

Council's Ecologist provided the following statement in relation to the Glossy Black Cockatoos, Little Bentwing-bats and Blossom Bat:

Glossy Black Cockatoos

A specific Plan of Management for Glossy Black Cockatoos is in force for the Koala Beach estate and this plan relies on the reservation of this site as the most important within the Koala Beach lands. The site was considered of such importance that residential development did not proceed here despite residential zoning and a higher elevation affording significant views. No such replacement habitat is available for the Glossy Black Cockatoos to move into should disturbance impacts result in avoidance of this site.

Glossy Black-cockatoos require specific habitat elements not widely found yet all present at Koala Beach, have a small population size more vulnerable to stochastic events, have a naturally low fecundity producing only one young every one or two years and have shown vulnerability to disturbance during previous construction activity in the vicinity. The critical status of Glossy Blacks is indicated through the formation of the Glossy Black Conservancy consisting of relevant natural resource management staff members of Councils in SE Qld and Northern NSW, and the production of draft guidelines aimed at avoiding species extinction.

Placing the tower in one of the rare areas in the shire where the endangered Glossy Black Cockatoo is known to feed and return to in successive years and where all three required habitat elements required for successful survival and breeding are present in close proximity is not appropriate. Glossy Blacks are commonly observed feeding at the site and regular monitoring suggests that the local population is vulnerable to development impacts both within and outside of

the estate. Construction, maintenance and possible EME impacts will not enhance conditions for this species. The response of this otherwise shy species to disturbance within or adjacent to habitat otherwise considered critical to the species essential behavioural patterns is unknown.

Blossom Bats

The Common Blossom Bat (Synconycteris australis) is a small Flying-fox, weighing approximately 19 grams and having a body length of only 60mm. It is a nectar/pollen specialist. Blossom Bats favoured habitat on the Koala Beach site and elsewhere within Tweed Shire focuses on the use of Coast Banksia (Banksia integrifolia) which occurs as a band adjacent the proposed tower site. Unlike the larger Flying-foxes, Blossom Bats usually roost alone, either within rainforest or Swamp Sclerophyll forest and show fidelity to particular favoured forage sites. Construction, maintenance and possible EME impacts will not enhance conditions for this species in this important area.

Little Bent wing bat

Little Bentwing-bats are small chocolate brown insectivorous bats with a body length of about 45 mm that use echo-location to locate and catch prey whilst flying. The FIS stated "a high level of activity by the species was detected in a restricted area around a ridge immediately to the east of that area proposed as residential development and this area must otherwise be considered as critical to the essential behaviour patterns of the species". The area encompassing the habitat for this species is contained within the larger habitat lands zoned for environmental protection. Phillips et al (2009) found an inverse relationship within the literature between body size and EME susceptibility. Should insect prey avoid this area, it will become largely unavailable for this threatened micro-bat.

Conclusion

Disturbance impacts of an initial short-term but high level, coupled with additional such short-term impacts as other co-locate, in combination with ongoing disturbance for maintenance and repairs and air-conditioning units is not considered acceptable for a site that contains endangered and vulnerable species sensitive to disturbance and at threat from development in other parts of the coast, particularly when the area was specifically reserved from the residential development for which it is zoned.

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

Fifty-two submissions were received with regard to the application, with the majority citing concerns with human health and environmental value/health, thus there is strong opposition to this site for a mobile phone tower.

The following table lists the issues raised in the objections.

Development inappropriate to the community.
Health risk associated with the tower (This concern is raised in ten of the submissions received).
Existing restrictions on the Koala beach area i.e building requirements, fence height restrictions, tree protection and prohibition of keeping of domestic pets, are fairly strict therefore why is this a suitable location for the Optus monopole.
Eye sore (aesthetically offensive).
Environmentally damaging.
Construction work will mean that trades people will bring dogs into Koala beach during the construction period.
Out of character with environmental principles that underpin Koala Beach.
Proposed location is adjacent to Glossy Black Cockatoo and Queensland Blossom bat reserve. Impacts of EME on flora and fauna is uncertain. (This was raised in 8 submissions).
Impinge on natural beauty of the landscape.
Reduce property values.(This was raised in 4 submissions)
Time frame of notification not adequate.
Confusion of location of the proposed tower.
Unsafe and harmful electromagnetic field.
Proposed tower too close to residential dwelling houses. (This was raised in 4 submissions)
Visual impact (This was raised within 4 submissions)
Against Natural Justice.
Unique estate
Approval of the tower will lead to more unsuitable forms of development being approved. Setting a dangerous precedent.
Residents pay an environmental levy; the proposal is against the intent of the Koala Beach community and the Objectives of having such items as an environmental levy.
Proposed within a wildlife sanctuary.
Against covenants/ principle of the Estate (This was raised in 9 of the submissions).
Damage to flora and fauna caused by the construction
Cumulative degradation when combined with the necessary clearing for the new reservoir.
Tree clearing as outlined within the SEE is incorrect.

The site is not isolated as stated within the SEE.
Noise of air conditioner utilised during lifespan of project. Impact upon fauna. (This was raised in 3 submissions)
Increased risk of lightening strike and therefore increased fire hazard.
Prevent rehabilitation of the water reservoir site

Table 1.0 Issues raised in submissions

As discussed in the report, some of the issues raised in the submissions contain merit and are generally agreed with.

(e) Public interest

The proposed development is considered to negate the public's interest given the significance of the environmentally protected land surrounding the subject site and the potential irreversible adverse impact to endangered flora and fauna.

OPTIONS:

1. Refuse the application.
2. Approve the application in principle, providing appropriate reasons, and to bring forward a further report to the next Council meeting with recommended conditions of consent.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right to appeal in the Land and Environment Court.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The proposed telecommunication tower located within Koala Beach is considered to create an un-acceptable impact on threatened flora and fauna species surrounding the proposed development.

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 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.

20 [PR-CM] Development Application DA09/0814 for Dwelling Additions at Lot 1 DP 781535, No. 10 Dobbys Crescent, Terranora

ORIGIN:

Building & Environmental Health

FILE NO: DA09/0814 Pt1

SUMMARY OF REPORT:

An application has been lodged to carry out alterations and additions to an existing two storey dwelling on the subject allotment.

The additions comprise the extension of an existing rear deck, extension of the kitchen and new deck adjacent to kitchen, facing towards the site's Terranora Road frontage.

The allotment, whilst fronting Dobbys Crescent, also has frontage to Terranora Road (along its north western boundary) which is a designated road requiring a thirty metre building alignment under the provisions of part 5, clause 24 of the Tweed Local Environment Plan (LEP) 2000.

The Applicant has submitted an objection under the provisions of State Environmental Planning Policy (SEPP) 1 as the proposed extensions of the existing dwelling will only be set back 19.938m to Terranora Road, an approximate 33% variation to 30 metre designated road setback requirement.

Given that the proposed SEPP1 variation exceeds 10% of the standard this application has been referred to Council for determination in accordance with previous directions of the NSW Department of Planning. It is considered that the proposed SEPP 1 variation is worthy of support, given the current conditions of Terranora Road and its prevailing predominant small lot, residential development.

The proposal also generally complies with the requirements of Council's Tweed Development Control Plan – Section A1, and the areas of minor non-compliance are supported.

It is therefore considered that the subject proposal is suitable for approval, subject to conditions.

RECOMMENDATION:

That: -

- A. Council assumes the concurrence of the Director-General of the Department of Planning for the approval of the SEPP 1 objection to vary the thirty metre building setback requirement.**

- B. Development Application DA09/0814 for alterations and additions to the existing dwelling house at Lot 1 DP 781535, No. 10 Dobbys Crescent, Terranora 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 LSO155 sheet numbers 1A, 2B, 3A, 4A, 5A, 6A, 7A & 9A prepared by Luke Stephens Building Design and dated Nov. 09, 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 approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. The footings are to be designed by a practising Structural Engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

PRIOR TO COMMENCEMENT OF WORK

5. 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]

6. 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]

7. 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]

8. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational, where required, to the satisfaction of the Principal Certifying Authority.
9. 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

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

[DUR0005]

11. 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]

12. 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]

13. 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]

14. 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]

15. 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]

16. 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]

17. 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]

18. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

19. 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]

20. 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]

21. 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

22. Prior to the issue of an occupation certificate for the dwelling additions smoke alarms shall be installed in the existing dwelling in accordance with Part 3.7.2 of the Building Code of Australia. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to Principal Certifying Authority and Tweed Shire Council.

[POCNS01]

REPORT:

Applicant: Mr L Cooper and Mrs D Cooper
Owner: Mr LP Cooper and Mrs D Cooper
Location: Lot 1 DP 781535 NO. 10 Dobbys Crescent, Terranora
Zoning: 1(c) Rural Living
Cost: \$35,000

BACKGROUND:

A development application has been received to carry out alterations and additions to an existing two storey dwelling on the subject allotment.

The land is zoned 1(c) Rural Living under Tweed Local Environmental Plan 2000, is located on the southern side of Terranora Road, slopes moderately from Dobbys Crescent down to Terranora Road and contains an existing two storey brick dwelling with metal roof, in-ground swimming pool and a freestanding double carport in front of the dwelling within the six metre building alignment to Dobbys Crescent.

The extent of the works include:-

- Extension of existing rear deck at the back of the dwelling by up to 3.60m,
- Extension of the kitchen on to an existing deck and construction of a new small deck adjacent to the kitchen.
- Removal of existing doors to rear & sides of existing lounge room to incorporate this area as part of the extended roofed deck.

The allotment has a depth of between 45.795m and 49.115m and encompasses an area of 1134m².

Under the provisions of part 5, clause 24 of the Tweed LEP 2000 the proposed dwelling is required to observe a minimum building alignment of thirty (30) metres to the designated road, Terranora Road.

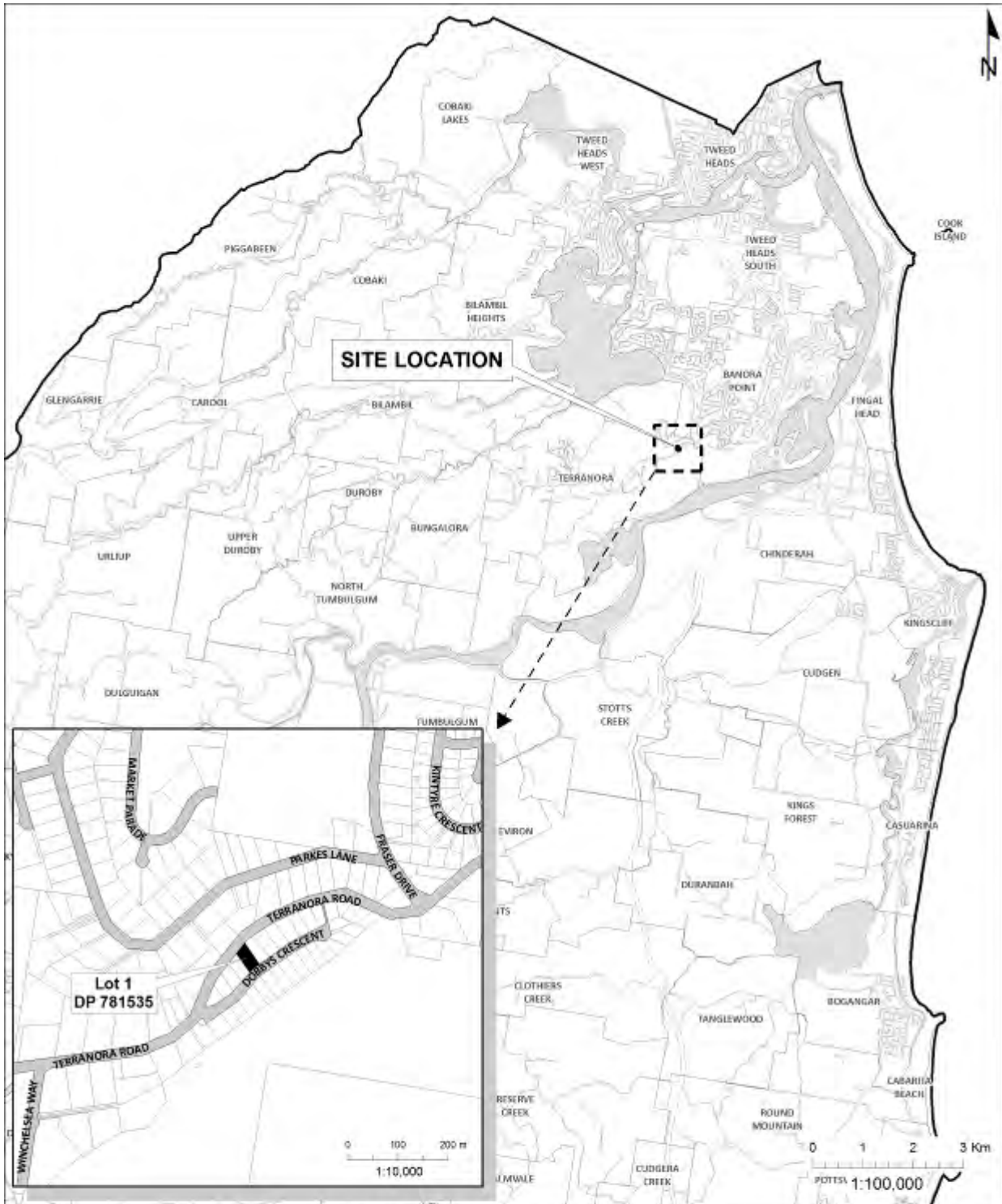
The new deck is proposed to be setback 19.938m from Terranora Road.

Due to the depth of the allotment, compliance with a thirty metre building alignment is not practical as it would result in an unusable building envelope being available.

The Applicant has lodged an objection to this requirement under the provisions of State Environmental Planning Policy No.1 (SEPP 1) to consider a reduced building alignment of 19.938m to the Terranora Road frontage of the site.

The SEPP 1 objection is considered below in this report.

SITE DIAGRAM:



LOCALITY PLAN
Lot 1 DP 781535
No.10 Dobbys Crescent, Terranora

Filename: z:\asn\planning\mxd\A49_18\W SitePlan.mxd

Author: J. Batchelor - Planning Beliefs Unit

Date Printed: 25 January, 2010

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 declines all responsibility and all liability (including without limitation, liability in negligence) for all responses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavation a "dig before you dig" enquiry must be made by calling 1300. The information contained on this document remains valid for 30 days only from the date of supply.



Coordinate System - MGA Zone 56
 Datum - GDA 84

Cadastre: 20 January, 2010
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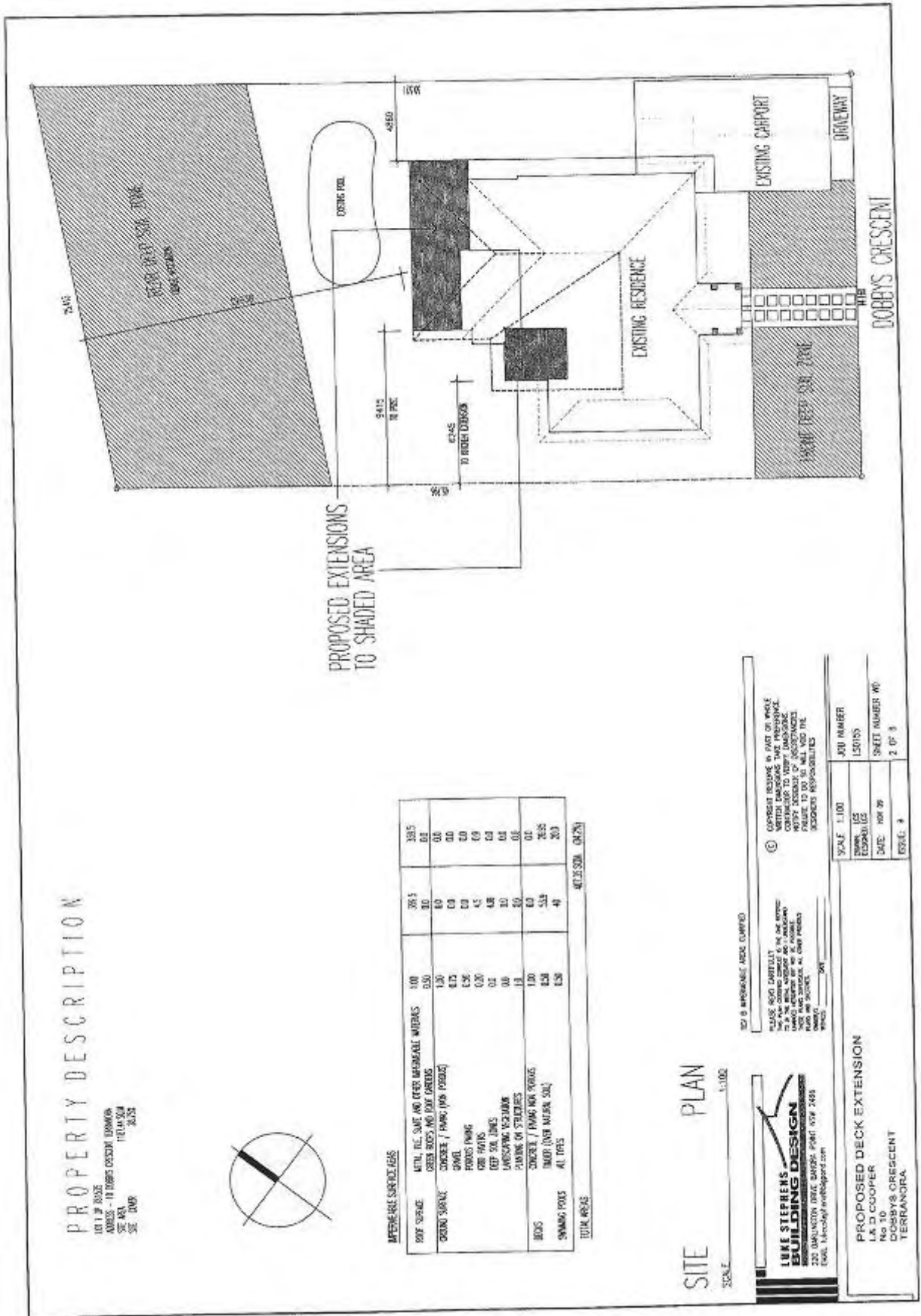
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DEVELOPMENT PLANS:





PROPERTY DESCRIPTION

LOT 11 OF 3032
ADDRESS - 10 DOBBEYS CRESCENT, SPRINGWOOD, QLD 4308
SECTION 381
SECTION 381/3



MATERIALS SCHEDULE

ITEM	QUANTITY	UNIT	DESCRIPTION	EST. PRICE	TOTAL EST. PRICE
ROOF VENT	1.00	EA	100mm x 100mm x 150mm	298.50	298.50
GROUND COVER	0.50	EA	0.50m x 0.50m	0.00	0.00
CONCRETE / FORM (100mm)	1.30	EA	1.30m x 0.50m	8.90	8.90
SOIL	4.75	EA	4.75m x 0.50m	0.00	0.00
POSSIBLE PAINT	0.58	EA	0.58m x 0.50m	4.50	4.50
RED SOIL	0.20	EA	0.20m x 0.50m	0.00	0.00
LANDSCAPE MATERIAL	0.00	EA	0.00m x 0.50m	4.80	4.80
PAVING OF STAIRS	1.00	EA	1.00m x 0.50m	0.00	0.00
PAVING OF DECK	1.30	EA	1.30m x 0.50m	0.00	0.00
REDS	4.28	EA	4.28m x 0.50m	5.18	5.18
SHADING POIS	4.00	EA	4.00m x 0.50m	0.00	0.00
TOTAL	10.58	EA		442.38	442.38

SITE PLAN

SCALE: 1:100

10% B BARRIAGE FREE CURTAIN

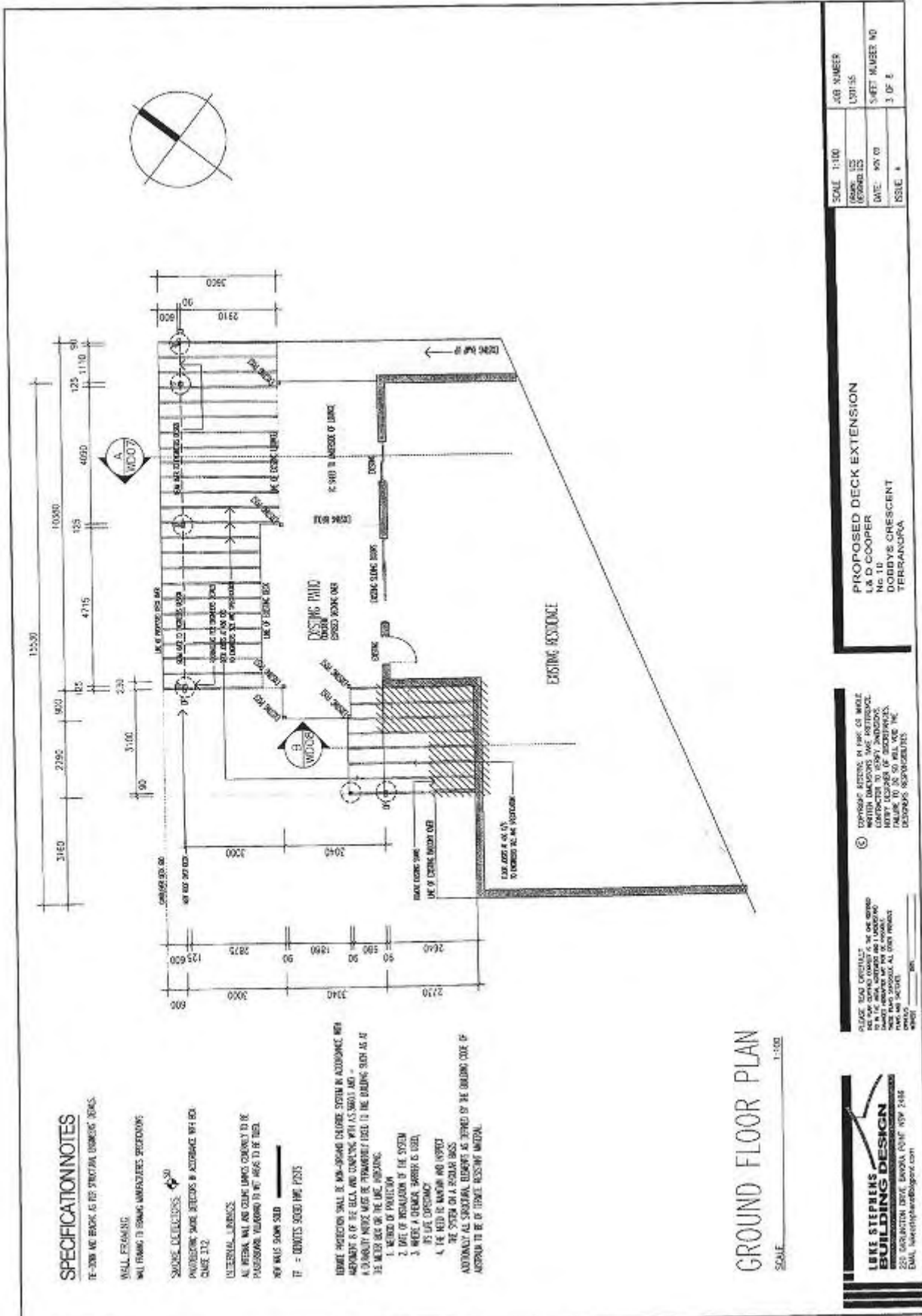
PLEASE NOTE: THIS PLAN IS A PRELIMINARY DESIGN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

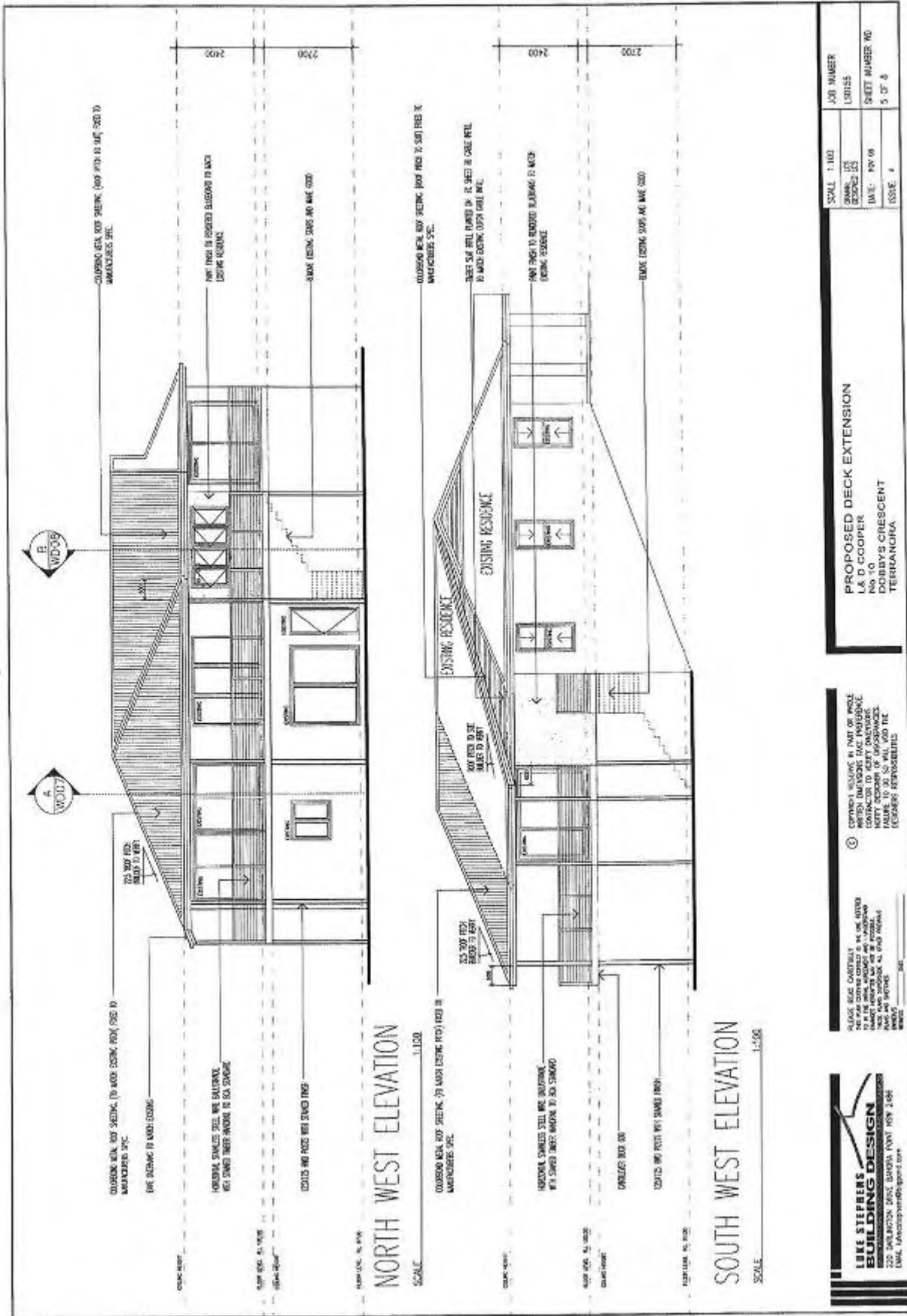
LUKE STEPHENS BUILDING DESIGN
222 WASHINGTON AVENUE, SPRINGWOOD, QLD 4308
Email: lste@lstebuildingdesign.com

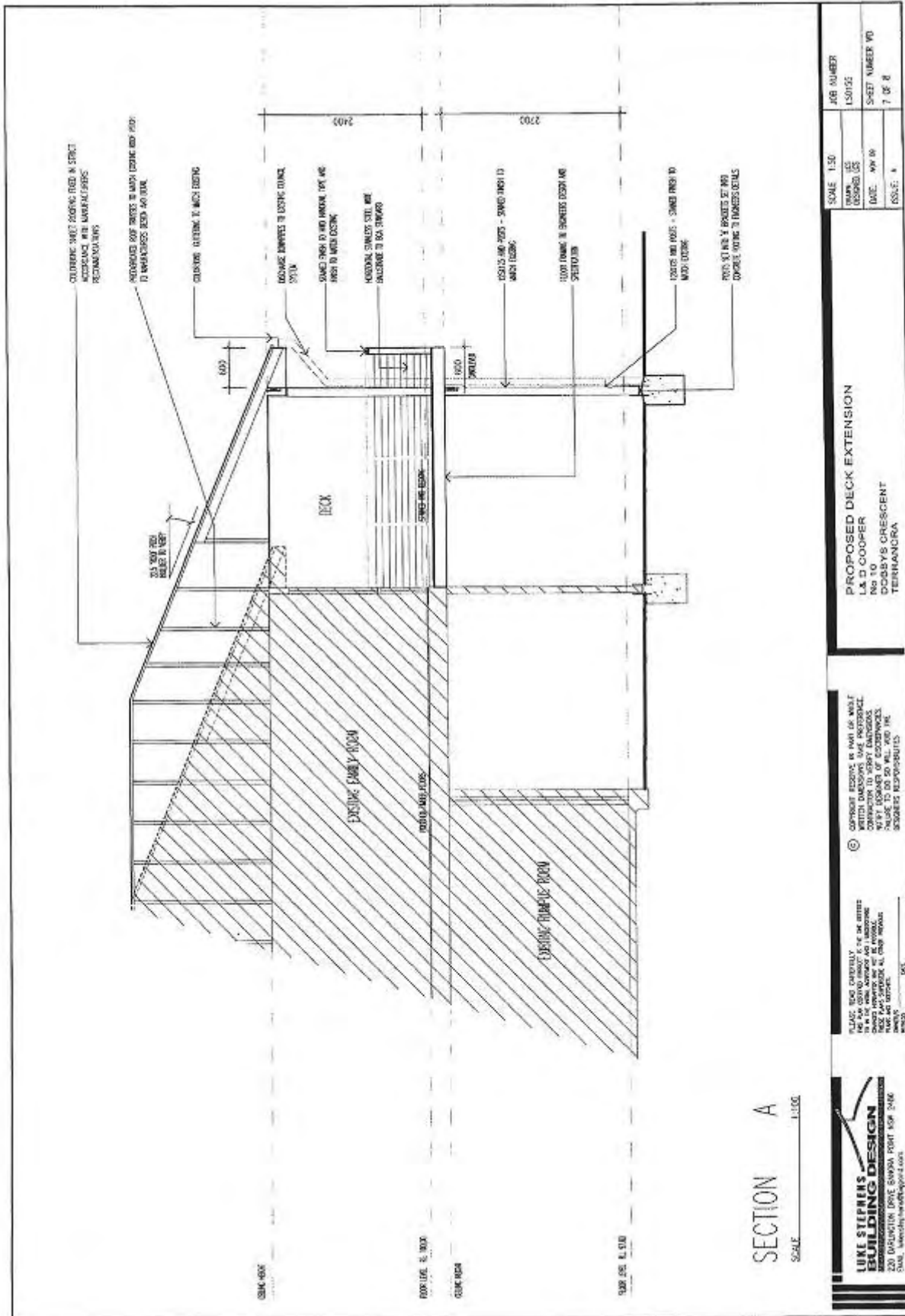
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DRAWN: LLS
DESIGNED: LLS
DATE: 10/02/09
SHEET NUMBER: 2 OF 3

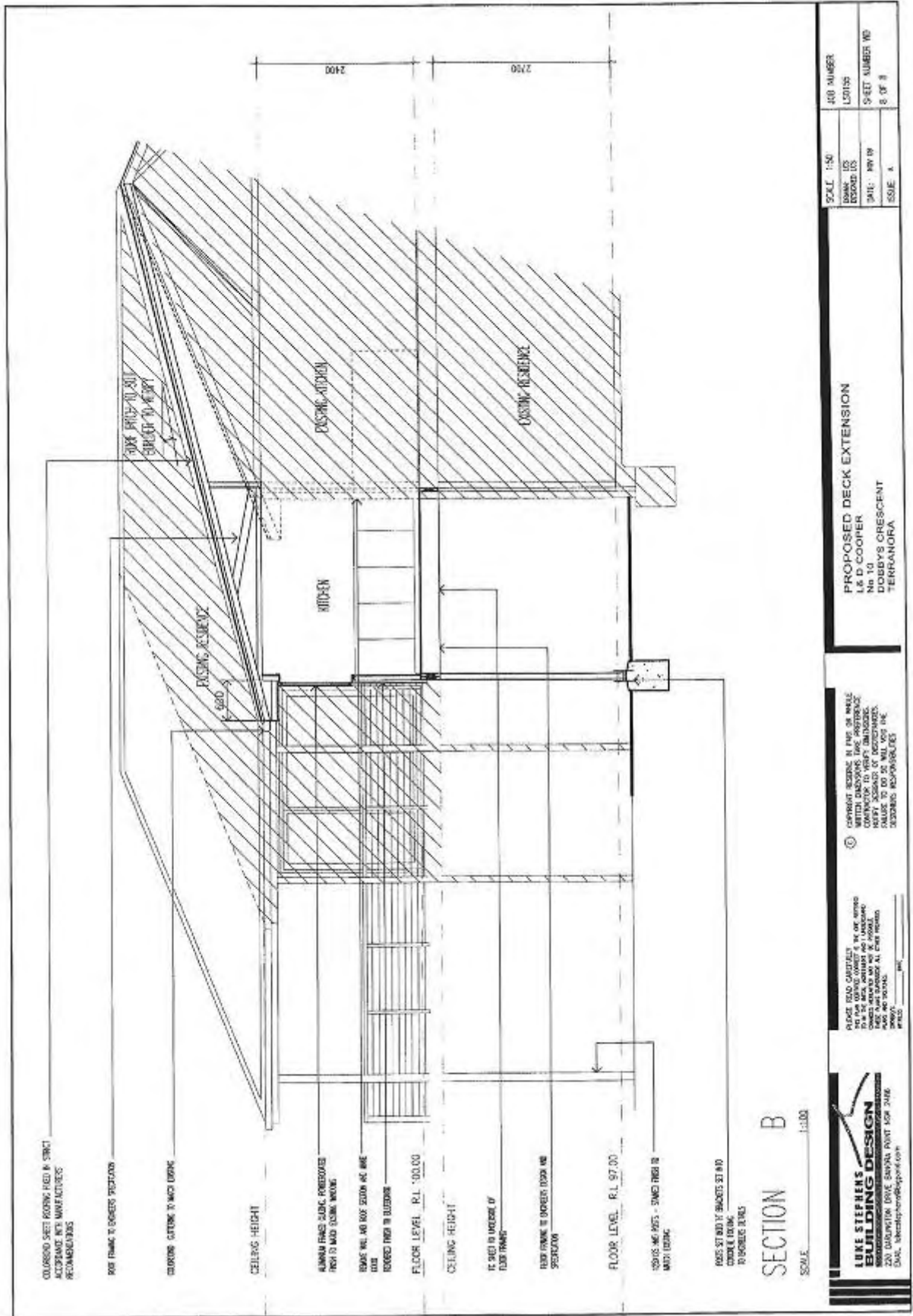
PROPOSED DECK EXTENSION
No 10 DOBBEYS CRESCENT
TERLANORA

JOB NUMBER: 13015
SHEET NUMBER: 2 OF 3









COLORADO SHEET ROOFING FIELD & SMC7
ACCORDING TO THE MANUFACTURER'S
RECOMMENDATIONS

POST FRAMING TO EXISTING STRUCTURE

CEILING CUTTING TO MATCH EXISTING

CEILING HEIGHT

ALUMINUM FRAMING GLAZED SCHEDULE 40
STEEL POSTS AND RISER BEAMS

TRIMMED WALL AND ROOF SCHEDULE 40
STEEL
TRIMMED TRIM TO EXISTING

FLOOR LEVEL R.L. 100.00

CEILING HEIGHT

IF USED IN UNIFORMITY OF
FLOOR FRAMING

ROOF FRAMING TO EXISTING STRUCTURE AND
SCHEDULE 40

FLOOR LEVEL R.L. 97.00

CEILING AND ROOF FRAMING TO
MATCH EXISTING

POSTS SET INDIVIDUALLY SHAPED SET INTO
CONCRETE FOOTING
TO EXISTING BEAMS

SECTION B
SCALE 1:100

LUKE STEPHENS BUILDING DESIGN
230 GARDEN STREET, SUITE 100, AUCKLAND
www.lukestephensbuildingdesign.com

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PROPOSED DECK EXTENSION
L & D COOPER
No. 10
DOBBOYS CRESCENT
TERRANORA

SCALE	1:50	JOB NUMBER	
DRAWN	US	DATE	12/10/09
REVISIONS		DATE	12/10/09
DATE	12/10/09	ISSUE	1
DATE	12/10/09	DATE	12/10/09
DATE	12/10/09	DATE	12/10/09

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

The proposal satisfies the aims of the plan.

Clause 5 - Ecologically Sustainable Development

The proposal satisfies the objectives of this plan.

Clause 8 - Zone objectives

The proposal is consistent with the primary objective of the zone.

Clause 15 - Essential Services

All required essential services are available and adequate.

Clause 16 - Height of Building

The height of the dwelling will be unchanged and the additions will observe the same height as the existing dwelling.

Clause 17 - Social Impact Assessment

It is considered to be unlikely that the approval of the proposal will result in any negative social impact issues.

Clause 24 – Designated Roads

Terranora Road is a designated road under Tweed LEP 2000 which requires a thirty metre building alignment. The proposal does not satisfy this requirement and a SEPP 1 objection has been lodged in this regard.

The SEPP 1 objection is supported and is discussed below.

Clause 35 - Acid Sulfate Soils

The subject site is not affected by acid sulphate soils.

Other Specific Clauses

N/A

State Environmental Planning Policies

A SEPP 1 objection has been lodged against the requirement under clause 24 of the Tweed LEP 2000 for the dwelling to observe a thirty (30) metre building alignment to Terranora Road, which is a designated road.

The Applicant has made the following submission in support of their request for a SEPP 1 variation:-

“The proposed dwelling additions will be located a minimum of 19.9m from the alignment of Terranora Road and therefore the development does not comply with the 30m setback requirement. It is submitted that the development standard requiring a 30m setback is unreasonable and unnecessary in the circumstances of this case for the following reasons:-

- *There are other structures located along Terranora Road that also encroach within the 30m setback from the designated road.*
- *The existing house and swimming pool are also within the 30m setback with the pool being set back approx. 14m.*
- *The kitchen extension will improve the functionality of the house.*
- *The deck will allow an observation area of the swimming pool.*
- *It is unlikely that the structure would significantly compromise traffic safety along Terranora Road*
- *No additional vehicular accesses are proposed. The existing access arrangements will be retained.*

For the above reasons, Council is requested to uphold the objection and grant consent to the development application as proposed.”

The continuing validity of the designated road classification and the related LEP building setback requirements for residential developments along Terranora Road are questionable.

The LEP's designated road provisions were introduced a number of years ago with the primary aim of reducing the environmental and safety impacts of properties adjoining major, high speed roads throughout the Tweed Shire.

As identified in a report to Council's Meeting of 18 August, 2009, prior to the opening of the Yelgun to Chinderah Motorway, Terranora Road was used as a bypass in the event of flooding of the (then) Pacific Highway (now Tweed Valley Way), and for that reason it was classified a Regional Road. With the opening of the Motorway, Terranora Road no longer fulfils this role and accordingly the State Government has recently advised Council that it has removed its Regional Road classification, and will now become a local road, under the sole maintenance and funding responsibility of Tweed Council.

The speed limits and general, steep, winding conditions of Terranora Road raise further doubts as to the validity of the designated road classification.

With the advent of increased, smaller lot, residential development in the properties fronting Terranora Road in recent years, Council has consistently acknowledged that the 30 metre front building setback along the greater part of

Terranora Road is unrealistic, and has therefore approved development applications at the more conventional Tweed DCP A1 front setbacks of 6 metres. As highlighted in a further section, the introduction of new controls under the Infrastructure SEPP and Draft Local Environmental Plan 2010 will necessitate a review of the designated road requirements.

Therefore, in terms of the subject proposal, the imposition of the 30m setback requirement to Terranora Road is considered to be unreasonable.

The depth of the allotment varies from 45.795m to 49.115m and therefore enforcing a thirty (30) metre setback to Terranora Road would result in the majority of the allotment being effectively sterilised from development.

Other dwellings in the general area with similar zoning, which have a boundary adjoining Terranora Road have previously been granted SEPP 1 objections for setbacks of less than thirty (30) metres.

The floor level of the deck will be substantially above Terranora Road and therefore it is considered that traffic using Terranora Road will not be impacted on by the proposed development in relation to sight lines or other distractions nor will traffic have an adverse impact on the additions.

The objectives of part 5 (Roads) clauses 22, 23, and 24 of the Tweed LEP and a response to each objective is as follows :-

Clause 22 – Development near designated roads

- **To protect and improve the capacity, efficiency and safety of designated roads.**

Response - there will be no vehicular access to the subject site off Terranora Road and therefore the capacity, efficiency and safety of this road will not be compromised.

Vehicular access to the site is from Dobbys Crescent.

- **To prevent development on designated roads that would detract from the scenic attractiveness of the area of the Tweed.**

Response - the proposed development will comprise additions to a residential dwelling, which have been designed to compliment the architectural style of the dwelling and will be consistent with the rural residential character of the area.

This subdivision was approved to permit the construction of single dwellings and due to the physical limitations of the allotments it is impractical to enforce a thirty metre building alignment to Terranora Road.

The proposal will therefore not have an adverse impact on the scenic attractiveness of the area.

- **To prevent or reduce the potential impact of traffic noise on development adjacent to designated roads.**

Response - the additions will be set back 19.938 metres from Terranora Road with an open roofed verandah being the closest part of the dwelling to the roadway.

Due to the slope of the allotment and the level of the allotment above Terranora Road the additions will be at a level considerably above Terranora Road which will lessen the impact of traffic noise on the proposed additions.

Clause 23 – Control of access

- **To control access to designated roads.**

Response – no vehicular access is proposed off Terranora Road.

Clause 24 – Set backs to designated roads

- **To control development along designated roads.**

Response - the allotment exists in an area which is zoned for rural residential use and in a subdivision which was specifically created for residential dwellings therefore the proposal is considered to be consistent with the objectives of the zoning of the area.

SEPP (North Coast Regional Environmental Plan) 1988

SEPP No 71 – Coastal Protection

The proposal will satisfy the objectives of this instrument.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX assessment of the proposed works has not been carried out as the nominated cost of works is below the mandatory threshold where such assessment is required.

SEPP – (Infrastructure) 2007

The SEPP provides no prescriptive controls on setbacks to classified roads, but clause 101 of the SEPP – Infrastructure requires the following consideration:

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Current traffic volumes using Terranora Road would not be sufficient for this road to be considered a 'busy road' under the above clause, and therefore is not relevant to this development.

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

The Draft Tweed Local Environmental Plan 2010 is currently on public exhibition and the proposal has been considered under this document in relation to development near designated roads.

In the drafting of Council's Draft LEP, the DOP advised that it would not allow the current LEP 2000 infrastructure mapping (classified and designated roads, potential future dams, future road corridors etc.) The draft LEP therefore does not contain any specific controls on designated roads.

To address this situation, Council's Planning Reform Unit is currently considering the preparation of an Infrastructure DCP to fill the void in assessment of these issues.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The proposal satisfies the controls in relation to this DCP.

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

Clause 92(a) Government Coastal Policy

The allotment is located within the boundaries of the policy and satisfies the intent of the policy.

Clause 92(b) Application for demolition

There is no demolition proposed as part of this development.

Clause 93 Fire Safety Considerations

This clause is not applicable to the proposed development.

Clause 94 Buildings to be upgraded

The proposal is for alterations and additions to an existing residential building. A condition of consent will be imposed requiring a smoke detection system to be installed in the dwelling in accordance with the provisions of part 3.7.2 of the Building Code of Australia.

(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 allotment is located in a rural residential subdivision which contains a variety of dwelling types.

The proposal is considered to be consistent with the existing and future character of the area.

Access, Transport and Traffic

Vehicular access to the allotment is existing and will not be affected by the proposal.

Flora and Fauna

The site does not contain any fauna or flora of any significance and the proposed development will not affect any existing landscaping.

(c) Suitability of the site for the development

Surrounding Land uses/Development

The allotment has existing dwellings on either side and is consistent with the local area.

Topography

The allotment slopes moderately downhill to the rear, no major earthworks or level changes area proposed as part of the development.

Site Orientation

The proposed building works have a northerly aspect which satisfies the objectives of DCP A1 in relation to the orientation of external living areas.

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

There have been no submissions made in relation to this application.

(e) Public interest

There is no adverse public interest issues anticipated should this application be approved.

OPTIONS:

1. Approve the application with conditions, or
2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Refusal of the application may expose Council to legal challenge in the Land & Environment Court.

POLICY IMPLICATIONS:

Approval of this application is considered to be unlikely to undermine the enforcement of Council's policies in this matter.

Each application is considered on its merits and the variation from the Tweed LEP 2000 has been considered and is regarded as being worthy of approval due to the particular circumstances of the site.

CONCLUSION:

Under the circumstances it is considered that the proposal to carry out alterations and additions to an existing dwelling within the thirty metre building alignment to Terranora Road is reasonable for conditional approval.

The SEPP 1 objection to reduce the statutory building alignment to Terranora Road has been considered and under the circumstances it is considered that the variation is justified and should be supported.

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 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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21 [PR-CM] Planning Reform Unit Work Program - Mixed Redevelopment Proposal - "Innovation at Wardrop"

ORIGIN:

Planning Reforms

FILE NO: GT1/LEP/2006 Pt10

SUMMARY OF REPORT:

This report seeks Council's consideration of a planning concept submitted by Darryl Anderson Consulting Pty Ltd (on behalf of property owners J. and L. Dickinson and D. and M. Anthony) for a 475 hectare multi-functional mixed-use development on land eastward of the Murwillumbah township, generally extending south of the existing Wardrop Valley industrial trade park (Tweed Central), bounded by Wardrop Valley Road and Tweed Valley Way.

The proponents' submission is very conceptual at this stage, and consequently this report is limited to providing a high level strategic response, without any examination of the indicative layout, arrangement of and proposed mix of land-uses, or the probabilities or likelihood of the concept in attracting professional, research, educational, entertainment, and export industries.

This report provides an overview of the current long-term strategic planning adopted for the Tweed through the Far North Coast Regional Strategy 2006 and the Tweed Urban and Employment Lands Strategy 2009, and how the residential and employment projections under these policies are being achieved.

In concluding, this report acknowledges that the planning concept as provided has many of the key elements that Council is seeking to achieve in new masterplanned estates and that there are location advantages with this site. However, the key strategic consideration relates to the timing of the proposal in the light of all the other significant development proposal's currently in progress and the level of their responsiveness to meeting the long-term employment and residential needs of the Tweed. This reports concludes that the planning proposal is premature, and in responding to the proponents request for Council's in principle support, it is recommended that Council does not support the proposal, rather the proponent would be better advised to resubmit their proposal on either the five or ten year review of the Tweed Urban and Employment Land Strategy.

The latter option above would provide Council with greater certainty in relation to the progress of the key current and identified masterplanned communities and employment areas, including; Kings Forest, Cobaki Lakes, Dunloe Park, Bilambil Heights, Area E, Mooball, Pottsville Employment Lands, Chinderah East employment land, Wardrop Valley east employment land, and Boyds Bay Garden site employment land, and will enable a more accurate evaluation of how these

developments are meeting the targets and projections set under the strategic policies referred to above.

RECOMMENDATION:

That Council resolves not to advance any further planning assessment of the planning concept submitted by Darryl Anderson Consulting Pty Ltd (on behalf of property owners J and L Dickinson and D and M Anthony) for a 475 hectare multi-functional mixed-use development on land eastward of the Murwillumbah township, generally extending south of the existing Wardrop Valley industrial trade park (Tweed Central), bounded by Wardrop Valley Road and Tweed Valley Way, and referred to as “Innovation at Wardrop”, as identified in this report, on the grounds that the timing of the proposal is not consistent with the long-term strategic planning for the Tweed and that any such proposal would be better considered at either the five or ten year review of the Tweed Urban and Employment Land Strategy 2009.

REPORT:

Following a presentation by Darryl Anderson Consulting Pty Ltd, on behalf of J and L Dickinson and D and M Anthony, on 13 October 2009, Council received a planning concept for a 475 hectare multi-functional mixed-use development on land eastward of the Murwillumbah township, generally extending south of the existing Wardrop Valley industrial trade park (Tweed Central), bounded by Wardrop Valley Road and Tweed Valley Way.

The proposal purports to achieve all of the desirable elements sought in new Greenfield masterplanned developments and does so through a discussion of the prevailing economic factors in the Tweed, including; the increasing median age of the Tweed population, a decreasing workforce participation rate relative to population increase, lack of diversity within the industry and commerce sector, lack of export related industries, combined with an extensive list of positive attributes that the proposal will yield, including:

- Employment opportunities critically needed for Murwillumbah.
- Increasing lifestyle benefits related to reduced travel times.
- Decreased car emissions (reduction in car dependence) by enabling healthy and active communities with opportunity to walk or cycle to work.
- Efficient use of land to minimise sprawl.
- Better utilise existing and planned infrastructure.
- Assist Tweed in achieving employment self containment.
- Provision of a significant proportion of the employment lands required to support economic diversification.
- A range of employment opportunities, specifically export driven jobs.
- Key precincts and facilities focused on research and development, education, recreation and entertainment.
- A range of job opportunities offered will assist in retaining the region's youth, and attract young families to the region.
- Influence a sustainable demographic change in Tweed.
- Catchment management approach to maintaining and improving water quality and the control and minimisation of air pollutant emissions.
- Energy and water efficient building design.

It is generally well accepted that the current demographic projections / profile of Tweed is not set to improve the Tweed's economic or job opportunities position and that diversification in commerce and industry needs to occur. Attracting new industry to the Tweed will require a change in the way new communities are planned and their locations. It will require multi-functional mixed-use developments like that in this planning proposal, in particular it will require a variety of affordable commercial and industry lots sizes accompanied with the range of facilities and uses found in most modern business parks. These typically comprise residential and retail shopping and entertainments facilities, which are vital both in attracting high end business, research and tertiary education, and the significant level of investment commitment required to achieve high quality urban places.

The planning proposal recognises the critical importance of providing highly desirable urban residential environments to support and attract the level of business opportunities proposed. It does not however identify with detail and certainty how this would be managed, but, it is generally well accepted and noted from developments of this kind that the residential, retail and other urban services is required up-front in order to provide the catalyst and attraction for business. In its early stages, which may be anywhere from 5-15 years or longer depending on future market and population trends, the development would be more like a

satellite residential community. It would be in direct competition with and could jeopardise the efficient and sustainable development of the emerging Greenfield masterplanned communities, such as, Kings Forest, Cobaki Lakes, Dunloe Park, Bilambil Heights, and Area E, as well as, potentially undermining and queue jumping the significant future 370 hectare Kielvale residential investigation area (Area 1 – TUELRs).

It is not foreseeable that the employment generating component would occur any earlier than suggested above, as was the case with the Nor West Business Park Estate (Baulkham Shire Council), referenced as a case study in planning proposal, and its impact on the Tweed economy and demographic profile, as presented in the proposal, is consequentially questionable.

This proposal does however present itself as potentially suitable for further investigation in the long-term, 20+ years, and would be best investigated and identified in Council's long-term strategic planning.

The use of the subject lands for urban purposes was raised as part of the community consultation for the Tweed Urban and Employment Lands Strategy, which concluded in the identification of a much smaller urban investigation footprint based on the constraint mapping analysis carried out at that time.

Tweed's significant growth pattern and potential is set to continue for the foreseeable future and the management of providing areas for a sustainable future are critical both in terms of meeting the projected employment and residential needs as it is ensuring that land is not under utilised resulting from its oversupply and comparative affordability with competing areas, such as, South East Queensland.

There is no single development that can turn the tide on Tweed's demographic and economic profile in isolation; it requires a coordinated approach to land management and use through properly considered long-term strategies.

Far North Coast Regional Strategy

The Far North Coast Regional Strategy sets the overarching strategic direction for development and growth within the region. It strategizes for settlement growth and increased living and employment opportunities, making a target for the population of the region to increase by 60,00 persons by 2031. For Tweed, this equates to 19,100 new dwellings. Whilst all encompassing, the relevant guiding principles are:

- *Contain areas for potential future development within the Town and Village Growth Boundaries;*
- *Encourage growth of non coastal towns and villages by identifying potential lands for new housing and industry to boost local economies without compromising environmental values or quality of life;*
- *Require that any development proposals for Greenfield sites west of the Coastal Area and outside the Town and Village Growth Boundary be subject to satisfying the sustainability criteria (contained within Appendix 1).*

Land identified within the FNCRS town and village growth boundary is reported to be sufficient to accommodate the regions urban housing and employment needs until 2031 and it is anticipated that these areas will accommodate a range of housing, tourism, industry, business, infrastructure, community facilities and urban and open spaces.

The strategy identifies no Proposed Future Urban Release Areas for the wider Murwillumbah area. As part of implementation, monitoring and review, the Department has collected Housing and Land statistics from local Council's on land availability. The data demonstrates that as at 07/08 financial year end, there was 70ha of zoned (undeveloped) industrial land in the Murwillumbah area. From 07-08 financial year end, a 5 year forecast estimated 32ha of residential zoned land availability, with an additional 92ha of zoned land becoming available in years 6-10 and beyond. This demonstrates an adequate supply of undeveloped zoned residential and employment land to accommodate growth in the wider Murwillumbah area.

The subject proposal is at conceptual stage, as such, a full assessment against the sustainability criteria included within Appendix 1 has not been undertaken. The proposal is accompanied by a brief assessment against these criteria. Extensive assessment against these criteria would be required to determine if the proposal had merit, however insufficient information is available. Sustainability criteria are:

1. Infrastructure Provision – utilities, transport, communication;
2. Access – road, public transport, access to networks and activity centres
3. Housing Diversity – housing choice, geographic market spread
4. Employment Lands- maintain and improve, meets subregional projections;
5. Avoidance of Risk – flooding, slope, erosion, bushfire, landuse conflict;
6. Natural Resources – efficient, suitable use of land, water demand, energy infrastructure;
7. Environmental Protection – biodiversity, air quality, heritage, waterway health;
8. Quality and Equity of Services – health, education, legal, cultural, community development government services.

Whilst in concept, the proposal may address many of these aspects in theory, there is an adequate supply of existing zoned land in the wider Murwillumbah area which should be brought forward or excluded in the first instance to ensure the most sustainable use of land. The provisions of the TUELRs demonstrates Tweed Council's Strategic framework for release of urban and employment land over the next 5 -15 years.

Tweed Urban and Employment Land Strategy 2009

The Tweed Economic Development Corporation, as referenced in the planning proposal, estimates that Tweed needs to create 25,000 jobs by 2031 while the Far North Coast Regional Strategy (FNCRS) forecasts a required 17,000 jobs over the same period.

Of note is that historically Tweed's economy has recorded a strong reliance in the primary (resource-based) sector, including agricultural commodities of sugar cane, dairy products, bananas and vegetable growing, however the agricultural sector in the region is in general decline. Tweed Economic Development Corporation (Tweed Rural Land Use Study 2002) identified that traditional agriculture in the Tweed was declining at a rate of 7.4% per annum.

Tweed is overrepresented in population-servicing industries, typically characterised by low value adding, low productivity and limited opportunities to move up the value chain and underrepresented in goods-producing industries and knowledge-based services industries, which are typically high value-adding activities, offer considerable scope for productivity increases and moving up the value-chain.

As knowledge-intensive industries continue to increase in importance in global trade, the key to securing long-term economic security is to attract and retain these industries. The provision of employment land based on the 'business park' mixed-use model is one mechanism for achieving this.

The Tweed Urban and Employment Land Strategy (TUELRS) 2009 was prepared in part on an economic analysis prepared by Council's consultant, AEC Group. Using the preferred employment based methodology, which considers the employment capacity and demographic trends of the Tweed, there is a projected demand for between 110 and 250 hectares of industrial land over a 25 year period to 2031. At the upper end of this range it equates to about 10 hectares of industrial land each year, which is significantly higher than historic take-up rates and is more reflective of the spatial requirements of specific economic development opportunities and initiatives.

The TUELRS projected employment land demand is comparatively higher than those of the Department of Planning under the Far North Coast Regional Strategy which estimates the need for an additional 156 hectares of industrial and 76 hectares of commercial land across the region (based on the historical take-up rate at the regional level), but, is significantly lower than the projections under the Northern Rivers Regional Industry & Economic Plan at 720ha and the Tweed Economic Development Corporation's (TEDC) estimates (based on typical employment lands to population ratios for South East Queensland) of 400ha (short-term) and 800ha (long-term), over the same period.

A further discussion of the land demand methodology, which is beyond the requirements of this report, is provided on page 68-80 of the TUELRS.

The purpose of the TUELRS was to ensure that a 25 year replenishing supply of both employment and residential land was catered for and to facilitate best practice masterplanned business/residential mixed communities in a coordinated way that is linked to the population demand projections over 25 years.

It was estimated at the time of preparing the TUELRS that about 231 hectares(ha) of zoned industrial land existed, of which about 138ha remained vacant. Allowing for a discount to account of physical infrastructure (roads and the like) this would amount to about 102ha (10 years supply) of developable land. The TUELRS identifies several investigation areas comprising of about 236ha (24 years supply), including west Pottsville which in-part is the subject of a current rezoning application, and the Boyds Bay Garden site which Council resolved in October 2009 to bring forward for rezoning purposes. In addition, a further short-term site at Wardrop Valley comprising of about 60ha (gross), west Pottsville comprising of about 144ha (gross), and Chinderah east comprising of about 44ha (gross), have also been identified comprising a combined area of about 290ha (gross) in the short-term (0-10 years), which may equate to about 10-14 years supply based on the land demand per employment methodology.

The planning proposal includes the provision of 106ha (presumed to be gross) of employment land. Of this, 60ha is identified as short-term potential under the TUELRS and 63ha as long-term, providing 123ha (gross) of employment land. The proposal comprises about the same when combining the employment, education and research and development precincts. There are similarities in the siting of this land in both the TUELRS and the proposal, this is due to the identified constraints for providing employment land which generally needs to be flat.

The additional lands identified in the proposal for residential, tourism, golf course, in particular, where investigated during the preparation of the TUELRs for urban purposes however, based on the constraint mapping analysis it was not considered preferential over other identified lands. Notwithstanding that the subject land is heavily constrained by its topography among other factors, the TUELRs utilised a ranking system for land selection. This means that although land is not identified in the Strategy it should not be precluded from long-term future investigation, particularly as one of the key limitations to preparing a release strategy is the Department of Planning's requirement to provide a nexus between future urban land supply and projected population demand, which in five or ten years time will need to be readjusted if a 25 year replenishing land supply is to be maintained.

The TUELRs is based on a sound methodology and is subject to review every five years. There are significant land developments in progress and several significant land investigation areas identified for the short-term. This proposal is not consistent with the TUELRs and has the potential to adversely impact on the sustainable growth of other areas in the Tweed. It would be better practice to pursue higher order technology business parks through the masterplanned process adopted under this strategy. This is particularly important because the kind of development proposed by Innovation at Wardrop and being sought through the TUELRs does not exist in the Tweed and is likely to present significant and varied challenges.

To ensure that the desired outcomes can be delivered through Council's planning processes there needs to be appropriate resources and time to effectively manage a project of this scale, and procedures to facilitate coordination of the proposal from the concept to ground between the proponent and the Council would need to be established. This cannot occur in an environment where the quantum of projects overstretches Council's resources or where previous approaches to designing large scale developments continues to be carried on in isolation of the Council and other relevant organisations and community groups.

The ability to improve Council's planning practices to respond to the challenges of providing world class sustainable urban communities that meet the economic, housing and social needs of the Tweed is available under the TUELRs, without the need to bring forward additional large scale developments, which might otherwise provide those services, of the already identified investigation lands, at some future time.

General Infrastructure Demand

The conceptual proposal was circulated to Council's specialist staff for comment. Comments from Council's Strategic and Assets Engineer, water and sewer are provided below.

Magnitude of the Development

From the documentation, it appears that the development will provide housing for 4830 persons and some 129 hectares of various employment lands. On the basis of an assumed development density of 15 ET/ha for employment lands and in the absence of any better information, 129 ha equates to 1935 ET. Whilst this may be on the high side, it is based on published guidelines. This equates to approximately 10500 equivalent persons which will have major implications for the development of the water supply and sewerage infrastructure.

Water Supply:

A development of this magnitude will require service storage of at least 5 ML and hence needs to provide a reservoir site and conveyancing mains to this reservoir. Depending upon the site, a water pump station may also be required. The reservoir should be located to provide adequate pressure to the highest dwellings without over-pressurising the lowest portions of the reticulation system. It may be that the reservoir site should allow space for a future duplication of the reservoir. It may be that detailed analysis may show a need for a higher level zone for which an elevated tank and associated pumps would be required.

A detailed water supply strategy study will be required and should be prepared in consultation with Council's Water Unit.

It should also be noted that this development would be dependent upon Council obtaining approvals for upgrades to Council's water supply including increase in the dam capacity or alternate supplies to ensure that the safe yield is not exceeded.

Sewerage:

The proposed development would exceed the capacity of the Murwillumbah Wastewater Treatment Plant. The current plant has a design population of 16000 ep. The average dry weather flow to the plant is currently equivalent to approximately 11000 ep. The waste stream from the new water treatment plant is expected to be equivalent of 1250 ep and there is currently development in progress in West Murwillumbah and Barnby Street area that will increase the loading by another 1000 – 1500 ep. The Urban Release Strategy has also identified additional areas to the west of Murwillumbah and urban infill that consume the balance of the available capacity.

It is noted that the Urban Release Strategy has also nominated a significant area to the east of Kielvale village as future urban land. At this stage, there has been no definitive planning for the sewerage of this area but it is likely that a new wastewater treatment plant will be required for that Urban Release area.

Accordingly, it is considered that if this proposal does proceed, the preferred option would be to consider the staged development of a wastewater treatment plant that would service both areas and could receive the discharge from some existing development (e.g. the recently developed Industry Central estate).

The proposal would require a new conveyancing system as well as the new treatment plant. Development of a new plant in proximity to the development would give a much greater opportunity to implement non-potable reuse of recycled water through a "third pipe reticulation system". This would also include the need for additional reservoirs and pump stations.

A sewerage strategy study developed in consultation with Tweed Shire Council for the servicing of this proposal will be required.

Flooding

The Wardrop Valley / Fernvale floodplain provides an important flood storage area. In 2005, Council's Floodplain Management Committee considered a proposal to rezone a large portion of flood prone land adjacent to the Wardrop Valley Industrial Estate to allow for

expansion of the Estate. The flood study accompanying that proposal demonstrated that cumulative encroachment of development and filling of the Wardrop Valley / Fernvale floodplain will result in increased flood levels in residential and industrial areas of South Murwillumbah, and increases the likelihood of the Murwillumbah town levee being overtopped. As such, the Committee recommended that "Council opposes any rezoning of the South Murwillumbah/Fernvale flood plain upstream of the airport involving a net decrease in the volume of flood storage". Council endorsed the Committee's recommendation at its meeting of 30 November 2005.

The proponents of the "Innovation Wardrop" proposal have recognised this restriction, and have nominated most of the flood prone land for low impact, generally flood compatible development, such as a golf course, sporting facilities and open space. Where filling of flood storage areas is required, the proponents have nominated a "flood credit area", which is an outcrop of high land that would be excavated to result in no net loss of flood storage. This is generally consistent with Council's adopted approach.

On the basis of this "high level" assessment, and subject to proper hydraulic assessment of the proposal for local and regional flooding, it is possible that a development of the land for a mixed-use business and residential development, as proposed, could be achievable.

Traffic

The existing road network (Fernvale Road and Wardrop Valley Road) may not be adequate to cater for the proposal in terms of alignments and carriageway widths, however, alignments and grades would need to comply with Council's relevant design standards.

It is not possible to determine any level of compliance or to pin-point specific areas of potential issue on the general terms of the proposal and further detail would be required, particularly in regard to the proposed major road network and the feasibility of constructing it. New major accesses are proposed from the west (opposite Colin Street, South Murwillumbah and 'somewhere' to the northeast along Reserve Creek Road, and notable constraints likely arising from the proposal may include:

- a. major access flood immunity and required filling
- b. alignment and grade complying with TSC's Development Design Specification D1
- c. parts of the proposed major accesses being Crown road reserve requiring agreement from the Department of Lands
- d. the major intersection proposed opposite Colin Street not being dedicated road reserve as it requires crossing of railway land and therefore requires railway authority concurrence
- e. no information being provided for the major access to the northeast and expected traffic volumes. (e.g. existing constructed Lundberg Drive may not be capable of sustaining the proposed traffic volumes and may require road widening).
- f. no information being provided for the treatment of proposed major road intersections with Tweed Valley Way and feasibility in constructing any required traffic control infrastructure.

In general terms the proposal may be achievable however, much greater level of detail on traffic analysis and traffic feasibility would be needed.

Conclusion

The proposal correctly identifies that there is a need for more jobs and greater employment opportunity in the Tweed. It correctly approaches the response to employment, social and climate change factors by bring together in a mosaic of key precincts a range of business, recreational and housing that can provide greater opportunity for lifestyle choices, improved business access to a localised employment pool, reductions in car dependence, and development opportunities that can capitalise on sustainable practices.

Despite the many benefits that this proposal may bring it is not sufficient in strategic terms to overcome or dispense with the fact that this can occur in the developments that are currently in progress and those that are identified in the long-term planning strategies for the region and Tweed in particular.

In general terms, noting that it is not possible to undertake a detailed suitability assessment of the proposal on the level of information provided, that a high level of generality it must be concluded that the proposal is premature, that is, it is a matter of timing. Based on strategic policy and current project proposals there is no demonstrated demand nexus for this proposal.

As referred to in this report there is already sufficient employment land identified under the TUELRs, and in recognition of the various changes that can occur in the economy, the population, within the region, resulting from climate change among others, there is recurring review period to allow for consideration of and amendment based on these factors. In addition to the 247 ha (net) of employment land under that strategy there are also several major developments in the pipe-line that, in isolation of smaller and infill development, could provide for upward of 35,000 people, and thus meeting the projected populations over the next 25 years (see Figure 1 below)

The proponent is seeking a commitment from the Council in respect of the proposal, however, it is considered inappropriate to attempt to 'lock-in' the Council on a decision about the future of the subject land where they clearly fall outside of the Council's adopted strategies.

The better practice is for the proponent to submit their proposal at an appropriate time, this would typically be the review of a major long-term strategic policy such as the TUELRs, which is scheduled every five years with the first review likely to occur in 2014.

Figure 1 – Estimated Population Growth

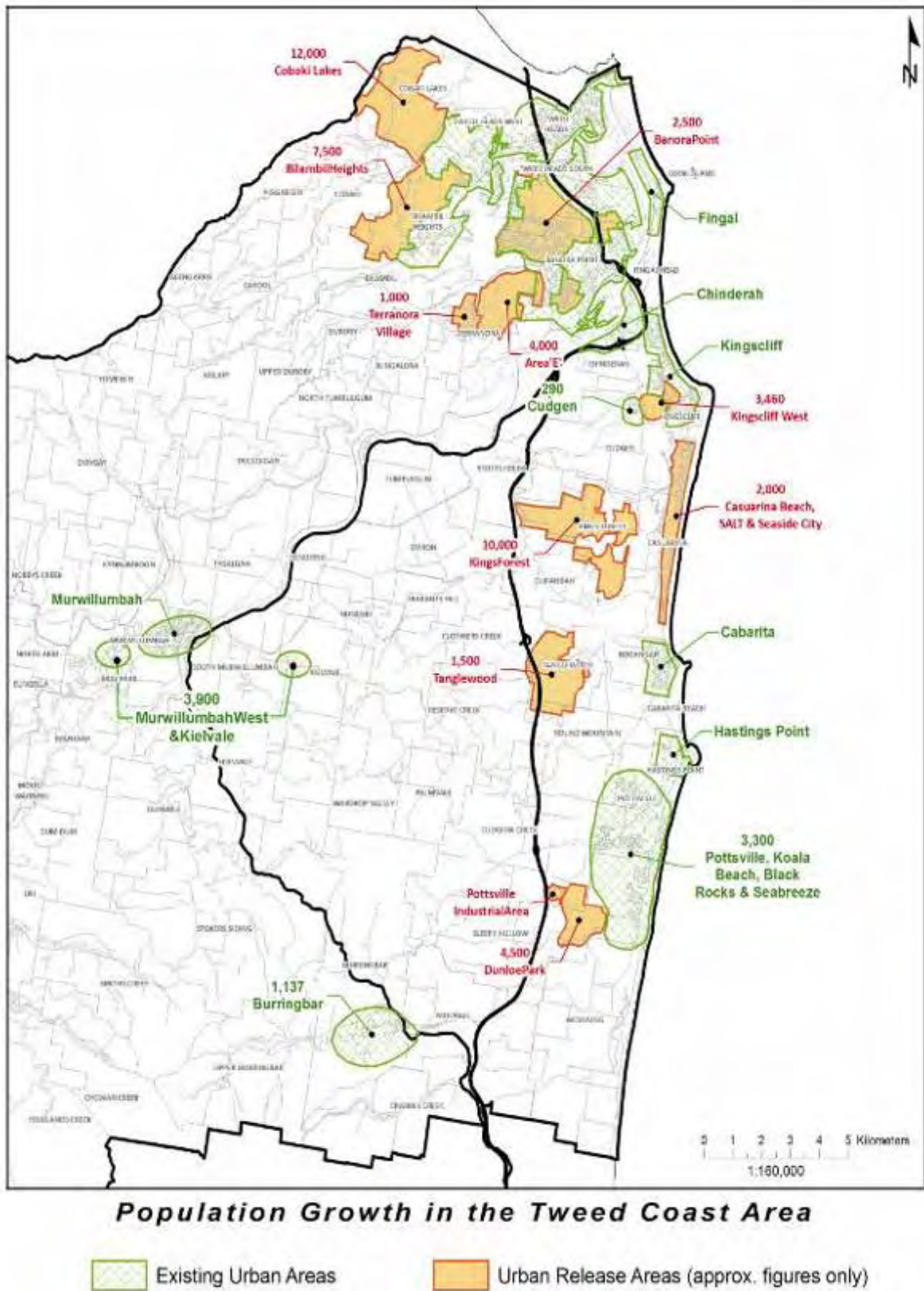
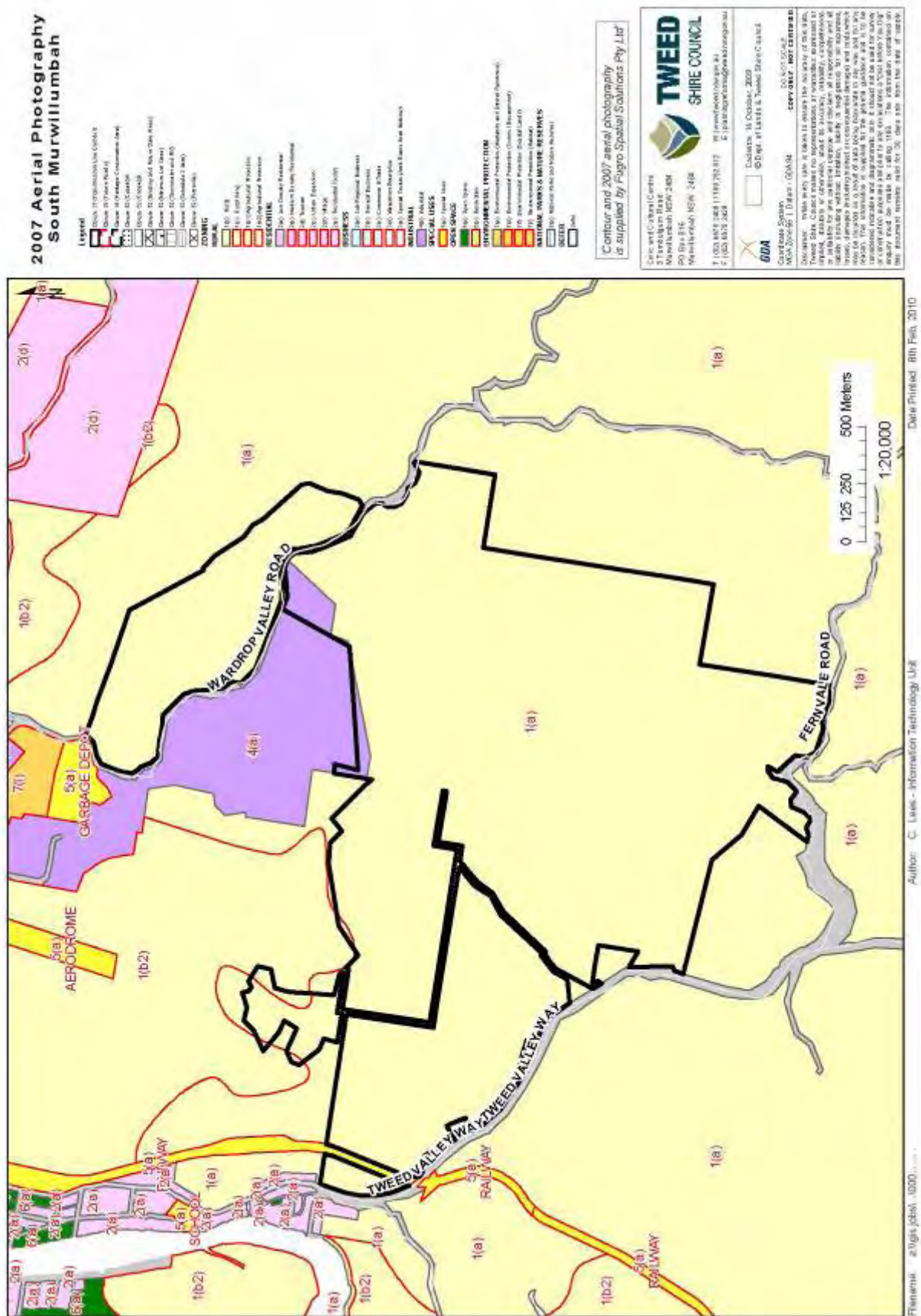


Figure 2 - 2007 Aerial Photography Wardrop Valley



Figure 3 - LEP 2000 Wardrop Valley



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should Council resolve to permit the further investigation of the land by the proponent with the view to a rezoning proposal or concept plan being submitted within the next 5 years it will have significant impacts on the resourcing of Planning Reforms Unit.

POLICY IMPLICATIONS:

Any proposal to further consider the proposal will impact on Council's long-term strategic planning for the Tweed.

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 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. A copy of the submission made by Darryl Anderson Consulting Pty Ltd (on behalf of property owners J. and L. Dickinson and D. and M. Anthony) for a 475 hectare multi-functional mixed-use development on land eastward of the Murwillumbah township, generally extending south of the existing Wardrop Valley industrial trade park (Tweed Central), bounded by Wardrop Valley Road and Tweed Valley Way (ECM 12388677)
-

22 [PR-CM] Planning Reform Unit Work Program - Strategic Planning Fees

ORIGIN:

Planning Reforms

FILE NO: GT1/LEP/2006 Pt10

SUMMARY OF REPORT:

At the Council Meeting of 17 November 2009 the Council endorsed 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. In accordance with this resolution, the proposed fee and process structure was publicly exhibited, and no submissions were received.

It is therefore recommended that Council gives final approval of this new structure.

RECOMMENDATION:

That Council adopts the following fees and charges schedule relating to requests to review strategic planning policies:

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 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 un-sold copies remaining

REPORT:

At the Council Meeting of 17 November 2009 the Council endorsed 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. In relation to the proposed fees the resolution states:

“RESOLVED 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

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 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 un-sold 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”

The draft Fees and Charges were publicly exhibited in accordance with the Act from the 2nd to 30 December 2009, during which no public submissions were received. As such the proposed schedule can now be incorporated in to Council Fees and Charges 2009/2010.

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:

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Nil.

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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

23 [CNR-CM] Murwillumbah Museum Extensions

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

At its meeting of 15 July 2008 Council resolved :

“that Council authorises the development of a concept design of a two storey structure for the additions to the Murwillumbah Museum and upon completion of the design, obtains a model suitable for the historical society to use in its fundraising activities.”

The concept design has been completed and the model prepared. The model clearly demonstrates the suitability of the design, its compatibility with surrounds and minimal impact on the heritage value of the existing building. The next stage of the project entails the preparation of the Development Application which will require the engagement of various sub consultants and some additional design development by the architect. There are sufficient funds in the current budget to proceed with this stage.

Major issues noted with the development proposal at this stage include the provision of parking and the impact on the heritage value of the existing building. It is envisaged that the approval process may take some considerable time and therefore until approval is provided any additional expenditure on the project should be delayed.

A current cost estimate for the project including all associated works and consultancies totals \$3.6 million. The funding shortfall to complete this project is estimated at \$2.6million. Notwithstanding this it is proposed that Council officers prepare the Development Application with the view that additional funding may become available through future grants or sale of assets. A revised estimate is being prepared to provide Council with a more accurate assessment of costs.

RECOMMENDATION:

That Council:-

1. **Proceeds with the preparation of the Development Application for the Murwillumbah Museum two storey extension.**
2. **Exhibits the plans for comment from the community.**
3. **Officers report back to Council on the outcomes of the exhibition prior to lodgement of the Development Application.**

REPORT:

At its meeting of 15 July 2008 Council resolved :

“that Council authorises the development of a concept design of a two storey structure for the additions to the Murwillumbah Museum and upon completion of the design, obtains a model suitable for the historical society to use in its fundraising activities.”

The concept design has been completed and the model prepared. The model clearly demonstrates the suitability of the design, its compatibility with surrounds and minimal impact on the heritage value of the existing building. The next stage of the project entails the preparation of the Development Application which will require the engagement of various sub consultants and some additional design development by the architect. There are sufficient funds in the current budget to proceed with this stage.

Major issues noted with the development proposal at this stage include the provision of parking and the impact on the heritage value of the existing building. It is envisaged that the approval process may take some considerable time and therefore until approval is provided any additional expenditure on the project should be delayed.

A current cost estimate for the project including all associated works and consultancies totals \$3.6 million. The funding shortfall to complete this project is estimated at \$2.6million. Notwithstanding this it is proposed that Council officers prepare the Development Application with the view that additional funding may become available through future grants or sale of assets. A revised estimate is being prepared to provide Council with a more accurate assessment of costs.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As per report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Concept Plans (ECM 12276810)
-

24 [CNR-CM] Councillor Subcommittee Representation

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

Council at its meeting of 20 October 2009 resolved to appoint two Councillors, Longland and Holdom, to the Tweed River Regional Museum Advisory Committee. The current constitution only provides for one Councillor to sit on this committee. It is therefore recommended that Council rescinds its previous motion and resolves to appoint a single Councillor to the committee with an alternate.

RECOMMENDATION:

That Council:-

- 1. Rescinds Item 54 Minute No. 363 of its meeting of 20 October 2009 appointing Councillors Barry Longland and Dot Holdom to the Tweed River Regional Museum Advisory Committee.**
- 2. Appoints Councillor Barry Longland to the Tweed River Regional Advisory Committee.**
- 3. Appoints Councillor Dot Holdom as the alternate.**

REPORT:

Council at its meeting of 20 October 2009 resolved to appoint two Councillors, Longland and Holdom, to the Tweed River Regional Museum Advisory Committee. The current constitution only provides for one Councillor to sit on this committee. It is therefore recommended that Council rescinds its previous motion and resolves to appoint a single Councillor to the committee with an alternate.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

25 [CNR-CM] Leasing of Council Premises - Home and Community Care Building (HACC), Tweed Heads South and Banora Point Community Centre

ORIGIN:

Design|Community and Cultural Services

FILE NO: PF2430/200 Pt7

SUMMARY OF REPORT:

Lease agreements with the current lessees of the HACC Building located on Minjungbal Drive at Tweed Heads South have expired but have continued on month to month holding over periods.

Lessees at the HACC Centre include Tweed Valley Respite Services and the Australian Red Cross Society NSW Division (Red Cross). Community Transport also used space at the Centre but have advised that they will be vacating.

Tweed Valley Respite Service Inc (TVRSI) intend to continue their services in Tweed Heads South although the majority of their services have now relocated to Dungay. TVRS have requested that they retain office space at the HACC Centre. TVRSI will reduce the area leased by them and move into offices 1 and 2 at the rear of the hall, and will retain the bus shelter building, referred to as "the Elephant House".

Red Cross currently have two rooms leased at the HACC centre. They will vacate one of these offices as they will now lease a room that is currently one of two vacant office spaces at the Banora Point Community Centre. They will use the office space in providing their Red Cross Emergency and youth services for the Tweed. They will retain one room at the HACC centre in order to maintain their other related services for the Tweed.

Tweed Ballina Byron Community Transport Inc, (a HACC funded transport service operating in the Tweed), have also relocated to another vacant office at the Banora Point Community Centre.

Community Options (COPS) will move part of their operations into the main office space area (150m²) vacated by TVRSI; Tweed Ballina Byron Community Transport Inc (TBCCI); and also the room vacated by Red Cross. As COPS are a unit operating under Community and Natural Resources Division it will not be necessary to enter into a lease with them.

All leases have been negotiated to commence from 1 January 2010 for a three year term, this provides an opportunity to assess the needs of Council and the services at the expiry of the term.

Lease rentals have been negotiated to maintain the current income from the premises Centre.

RECOMMENDATION:

That:-

- 1. Council approves entering into a lease with the Tweed Valley Respite Service Inc at the HACCC Building at Minjungbal Drive at Tweed Heads South for Offices 1 and 2 at the rear of the hall and the bus storage shed for a term of 3 years with annual CPI increases to be applied to the annual rental;**
- 2. Council approves entering into a lease with the Australian Red Cross Society NSW Division for Room 1 at the HACCC Building for a term of 3 years with annual CPI increases to be applied to the annual rental;**
- 3. Council approves entering into a lease with the Australian Red Cross Society NSW Division for Room 1 at the Banora Point Community Centre for a term of 3 years with annual CPI increases to be applied to the annual rental;**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report.

Lease rentals have been negotiated to maintain the current income from the premises Centre. The current rental is shown in the table below:

LESSEE		AREA	AMOUNT (p/a) incl GST
CURRENT	Expiry Date		
Tweed Valley Respite	31/10/2010	Main Office (150m ²) Vacated 31/12/09 Office 1 Office 2 Bus Shed – ‘Elephant House’ (45m ²)	31,466.33
Red Cross Emergency & Youth	31/5/2009	Office 2 + elec @ \$80/m	1,235.02
Community Transport	n/a	Some Tuesdays @ \$37/day per Fees & Charges	
Red Cross	14/8/2009	Office 1 + elec @ \$80/m	2,102.27
TOTAL			34,803.62
PROPOSED	Commencement Date		
Tweed Valley Respite	1/1/2010	Office 1 & 2 (Back of Hall) + elec @ \$80 p/m Bus shed - Elephant House (45m ²) (Fee of \$1,235.02 garage and storage per twelve months – ie. \$23.75 per week)	2,102.27 1,235.02
Red Cross	1/1/2010	Office 1 HACC Centre + elec @ \$80/m	2,102.27
Tweed COPS	1/1/2010	Main Office (150m ²) previously occupied by TVRS and Community Transport	29,364.06
TOTAL			34,803.62

Banora Point Community Centre			
Red Cross Emergency and Youth	1/1/2010	Banora Point Community Centre Room 1	1,235.02
Tweed Ballina Byron Community Transport	1/1/2010	Banora Point Community Centre Room 2	Per Fees and Charges

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

26 [CNR-CM] Proposed Easement for Electricity Purposes 20 metres wide within Council Land – Stotts Creek Recovery Centre – Lot 1 DP 590220

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a request to create an easement for electricity purposes 20 metres wide within Lot 1 DP 590220, which is the operational Resource Recovery Centre at Stotts Creek.

The easement is required to allow electricity to be connected to the adjacent property, Lot 2 in DP 590220. The corridor required for the electricity line will not obstruct operations at the Recovery Centre and after considering a valuation of compensation payable, has agreed to the location of the easement and the amount of compensation to be paid.

The Transfer documentation required to create the easement has been received and it is now necessary for Council to approve signing the Transfer documentation under the Common Seal of Council.

RECOMMENDATION:

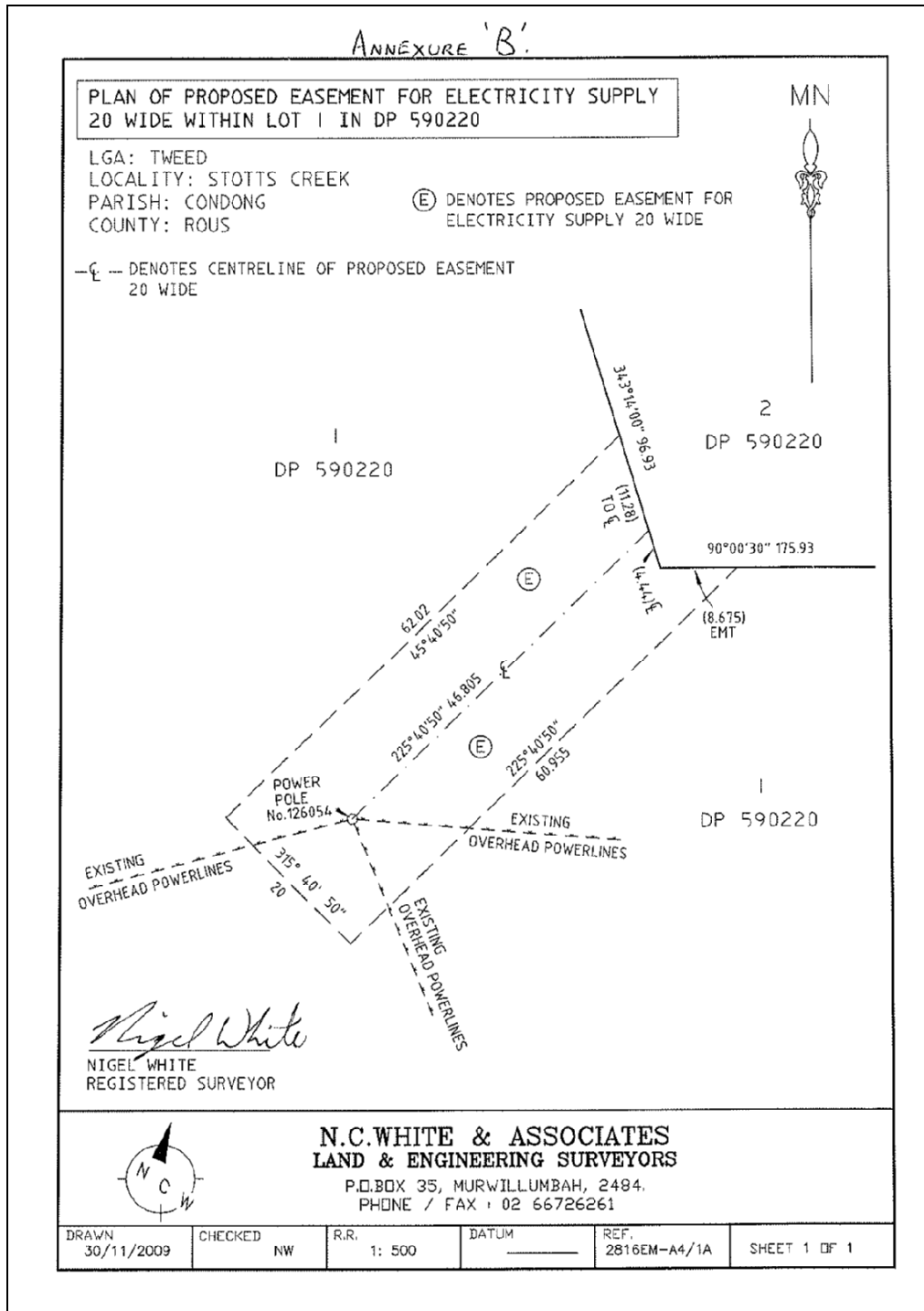
That:-

- 1. Council approves the creation of an easement for electricity purposes 20 metres wide within Lot 1 in DP 590220.**
- 2. All necessary documentation is executed under the Common Seal of Council.**

REPORT:

Council has received a request to create an easement for electricity purposes 20 metres wide within Lot 1 DP 590220, which is the operational Resource Recovery Centre at Stotts Creek.

The easement is required to allow electricity to be connected to the adjacent property, Lot 2 in DP 590220 from an existing connection on Council land. The plan below shows the location of the proposed easement:



The corridor required for the electricity line will not obstruct operations at the Recovery Centre and after considering a valuation of compensation payable, in the sum of \$6,000, has agreed to the amount of compensation to be paid and the location of the easement.

The Transfer documentation required to create the easement has been received and it is now necessary for Council to approve signing the Transfer documentation under the Common Seal of Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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27 [CNR-CM] Burringbar/Mooball Sewerage Scheme and Tyalgum Water Treatment Plant Funding Under New South Wales Country Towns Water Supply and Sewerage Program

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

Council has received preliminary advice from the Regional Office of the New South Wales Office of Water that grant funding for backlog projects under the Country Towns Water Supply and Sewerage Program will be delayed until at least the second half of 2012.

This delay impacts on two Council projects being the Burringbar/Mooball Sewerage Scheme and the Tyalgum Water Treatment Plant upgrade.

Grant funding was likely to be \$2.4m to \$2.8m for the Burringbar/Mooball Sewerage Scheme, having a current estimate of \$9m and \$0.22m for the Tyalgum Water Treatment Plant, having a current estimate of \$1.43m.

It is now proposed that Council proceed with funding these projects outright to prevent further delays. It is also proposed that Council still comply with all State Government grant funding application requirements to permit the opportunity for retrospective consideration by the State Government when funding becomes available.

RECOMMENDATION:

That Council:

- 1. Proceeds with both the Burringbar/Mooball Sewerage Scheme and the Tyalgum Water Treatment Plant without receiving upfront grant funding approval from the Country Towns Water Supply and Sewerage Program.**
- 2. Writes to the Minister to obtain a commitment to obtain future grant funds retrospectively.**
- 3. Meets all the grant funding approval requirements and applies for grant funding retrospectively for these projects.**

REPORT:

Council has received preliminary advice from the Regional Office of the New South Wales Office of Water that grant funding for backlog projects under the Country Towns Water Supply and Sewerage Program will be delayed until at least the second half of 2012.

This delay impacts on two Council projects being the Burringbar/Mooball Sewerage Scheme and the Tyalgum Water Treatment Plant upgrade.

In respect to the Burringbar Sewerage Scheme, the grant funding was likely to be in the order of \$2.4m to \$2.8m of the current estimate of \$9m for this project.

In respect to the Tyalgum Water Treatment Plant, the grant funding was likely to be in the order of \$250,000 of the current estimate of \$1.43m for this project.

Burringbar Sewerage Scheme

Council has collected contributions from residents for this scheme since 1 July 2003. Council resolved at its meeting of 2 August 2007:

"That Council:

Proceeds with Burringbar/Mooball Sewerage Scheme implementation based on the State Government's election promise to provide up to 50% funding under the Country Town Water Supply and Sewerage Scheme and the Department of Local Government's advice that the project can be amalgamated within Council's current sewerage schemes for funding."

The previous report Council on this project's funding is included under a separate cover.

Further delays due to grant funding not being available are not considered acceptable and it is also uncertain if funds will be available in 2012. Therefore it is proposed that Council now proceed with funding the scheme outright. It is also proposed that Council still comply with all State Government application requirements to obtain grant funding in the hope that when funding for the Country Towns Water Supply and Sewerage Program becomes available that a retrospective consideration will be given by the State Government. However it should be noted there is no guarantee such consideration would be provided.

Council will have to borrow the estimated \$9m via Council's Sewer Fund to proceed with this project. Additional loan funding will move Council's Sewer Fund debt service ratio towards a mid to high range.

Tyalgum Water Treatment Plant

This project has been identified for a number of years and Council at its meeting 1 June 2005 resolved:

"That Council:

Adopts the concept report including the preferred option of a new water treatment plant for the Village of Tyalgum."

Further delays are not considered acceptable to both the Tyalgum community and to Council from a water supply risk management perspective. Therefore it is also proposed that Council now proceed with funding the scheme outright. Again It is proposed that Council still comply with all State Government application requirements to obtain grant funding in the hope that when funding for the Country Towns Water Supply and Sewerage Program becomes available that a retrospective consideration will be given by the State Government. However again it should be noted there is no guarantee such consideration would be provided.

The additional \$220,000 will not significantly impact the Water Funds cashflow position noting however it also has a debt service ratio in the mid to high range.

The previous report Council on this project is included under a separate cover.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial impacts as per report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Report to Council [CNR-OC] Burringbar/Mooball Sewerage Scheme 21 August 2007 (ECM 1650161)
 2. Report to Council [EO] Tyalgum Water Supply Upgrade 1 June 2005 (ECM 1208313)
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28 [CNR-CM] Sewerage Strategy for Future Pottsville Area Development

ORIGIN:

Water

SUMMARY OF REPORT:

Council has received approaches from landholders and potential developers in relation to land identified in the Urban Land Release Strategy (ULRS)(Area 7) and the Employment Land Release Strategy (Area 7) regarding future development which is currently constrained by a lack of capacity to treat and dispose of wastewater. The ULRS also identified two smaller areas adjoining Seabreeze (Areas 5 & 6).

A number of these land holders presented to Council in a workshop forum on 27 October 2009 which staff provided a background presentation on Coastal Wastewater Treatment Plants and Catchment Capacity.

The existing catchment of the Hastings Point Wastewater Treatment Plant (WWTP) if fully developed to existing zonings and various approvals will fully consume the maximum 18000 EP capacity of the WWTP. Difficulties recently experienced with the dune effluent disposal system make it unlikely that it may be expanded without the development of an alternate effluent disposal system.

Following the Council Workshop, Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earthmoving and Pottsville Development Corporation have written to Council seeking assistance to carry out a "Strategic Demands and Site Selection Investigation with respect to the future Sewerage needs of Pottsville", and a commitment from Council to be a party to a Memorandum of Understanding (MOU) setting out terms and timing of the investigations in return for a commitment to funding these investigations

Council officers agree that an important step to the development of these areas is for such an investigation. It is considered reasonable to request that such investigations are funded from the landowners if it is placed ahead of various existing zoned development areas.

Options that should be considered will include but may not be limited to:

- (a) Upgrade of the Hastings Point WWTP and provision of a deep sea release
- (b) Construction of a new WWTP with a deep sea release
- (c) Construction of a new WWTP which maximises effluent re-use for the proposed development and with a new release location.

Council resources are currently fully committed to the development of strategies for existing zoned areas and upgrading of facilities for those areas. To proceed with such an investigation now would likely require an external project management resource acting on behalf of Council to manage the consultant studies required and interfaces with the landholder and developer proponents, the community and government agencies.

RECOMMENDATION:

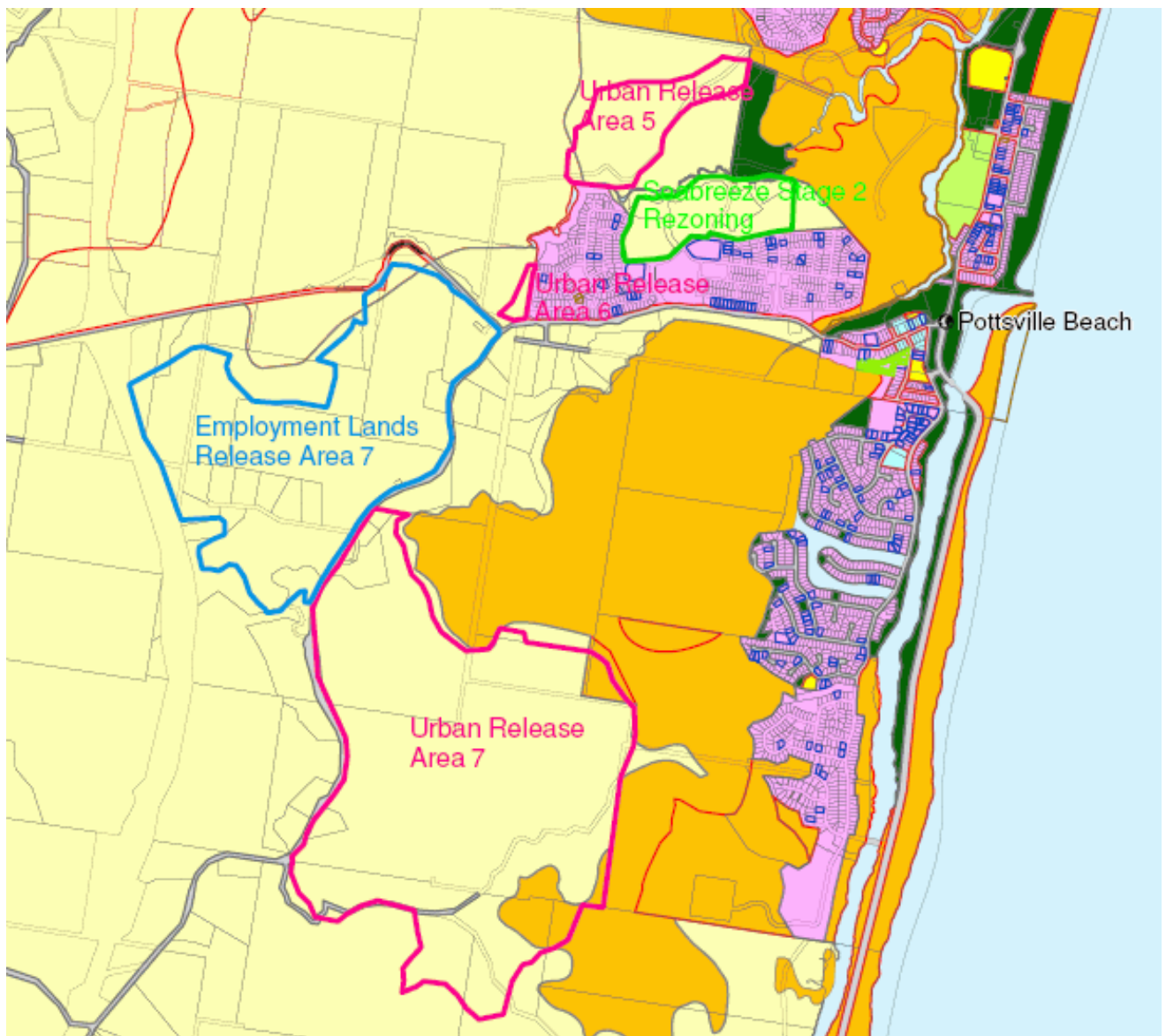
That Council continues with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.

REPORT:

Council has received approaches from various landholders in relation to the development of lands in the Pottsville Beach area identified in the Urban and Employment Lands Release Strategy adopted by Council in 2009.

The approaches relate to the Employment Lands Release Area 7 and parts of Urban Land Release Area 7 (known as Dunloe Park), in particular those areas held by Heritage Pacific, Ian and Rhonda Tagget, and Pottsville Development Corporation Pty Ltd. Heritage Pacific currently have a rezoning proposal with Council for employment lands included in the Department of Planning's Far North Coast Regional Strategy

There are two additional small urban release areas identified – Area 5 North Seabreeze and Area 6 West Seabreeze. In addition to this, there is a current rezoning proposal known as Seabreeze Stage 2 along the northern side of Seabreeze Boulevard. Area 7 is included within the Far North Coast Regional Strategy but Areas 5 and 6 are not. These areas are identified in the map below.



A number of these land holders presented to Council in a workshop forum on 27 October 2009 where staff provided a background presentation on Coastal Wastewater Treatment Plants and Catchment Capacity. A copy of this presentation is provided under a separate cover.

Council at its meeting 17 March 2009 resolved that

"Council:

1. *Receives and notes the amendments to the Draft Tweed Shire Urban and Employment Land Release Strategies resulting from exhibition review of public submissions;*
2. *Adopts the final Tweed Urban and Employment Land Release Strategy 2009, as amended and provided as an attachment to this report;*
3. *Adopts Land Release Option 11.3 of Tweed Urban Land Release Strategy as the major direction for land release within Tweed Shire as an interim approach, until the findings of Council's Flood Study and related Risk Management Strategy have been reviewed and determined by Council;*
4. *Endorses that a copy of the Strategy be forwarded to Regional Director - Department of Planning for inclusion in the review of the upcoming Far North Coast Regional Strategy"*

Option 11.3 of the strategy is reproduced below:

"11.3 Rely on Existing Zoned Areas and Increase the Density of Development in Key Urban Areas

This option would see Council maintain the existing residential zoned lands subject to a review of residential density in key urban areas such as Tweed Heads Town Centre, Murwillumbah and Kingscliff through a process of locality planning. This would likely involve increasing the height limits in these areas to accommodate the additional expected population. The advantages of this option would be that it could be used as a tool to revitalise these centres (especially Tweed Heads) and bring investment into these areas that can also contribute to public infrastructure. It would also increase the likelihood of these centres achieving higher order social and infrastructure services (eg health and education) commensurate with the larger population. Given the existing level of unit production in Tweed Shire is around 35% of new dwellings there is scope to increase this to the 40% target suggested by the State government in the Far North Coast Regional Strategy."

Therefore Council's position in relation to the urban release areas is for priority to be given to the existing zoned areas and to infill and densification of existing urban areas over areas to be rezoned.

Notwithstanding Council's position, the Urban Land Release Strategy identified Areas 5, 6 & 7 as being Short Term with commencement of rezoning within ten years.

The Employment Land Release Strategy Area 7 includes an area of land identified in the Far North Coast Regional Strategy but also includes land not yet incorporated into that Strategy.

Until recently, it had been expected that these areas could be serviced by sewerage by connection to the existing Hastings Point Wastewater Treatment Plant (WWTP) which would need to be upgraded progressively. However, since the last upgrade of the treatment plant from 8,000 equivalent person (ep) capacity to 16,000-18,000 ep (depending upon fine tuning of its operation), it has experienced considerable difficulty with its dune effluent disposal system. Whilst an interim solution to this issue has been achieved, it is doubtful whether it will be possible to obtain a license for discharge for a greater capacity than the existing license.

Results of a detailed loading assessment undertaken for Council by Consultants MWH confirmed the plant is currently operating with a load of approximately 10,000 ep and existing zonings and approvals exist that could result in a loading of approximately 18,250 ep including an allowance of about 430 ep in Seabreeze Stage 2 rezoning, and an allowance of approximately 2,200 ep for approved development at Tanglewood.

Consequently, no further additional zoning that would add load to Hastings Point WWTP should be countenanced by Council until a clear strategy for disposal of wastewater in the area has been adopted.

To this end, Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earth Moving and Pottsville Development Corporation are each seeking:

1. Council assistance in undertaking a Strategic Demands and Site Selection Investigation with respect to the future Sewerage needs of Pottsville
2. In return for a commitment to funding these investigations, a commitment by Council to be a party to a Memorandum of Understanding (MOU) setting out terms and timing of the investigations
3. To be a party to the brief prepared for any such investigations and scrutiny of any tenders for these investigations.

Council officers agree that an important next step toward the development of these areas is for such an investigation. It is considered reasonable to request that such investigations are funded from the landowners if it is placed ahead of various existing zoned development areas.

Council resources are currently fully committed to the development of strategies for existing zoned areas and upgrading of facilities for those areas. To proceed with such an investigation now would likely require an external project management resource acting on behalf of Council to manage the consultant studies required and interfaces with the landholder and developer proponents, the community and government agencies.

The scope of the investigations should be set by Council taking into consideration the desires of the proponents as well as the broader range of considerations. That is, it would proceed on a conventional basis as if Council was the initiator of the investigation, but because it is being brought forward (out of sequence), then it be funded by the proponents.

Broadly, the investigations would build on the recently completed study by MWH and would canvas a variety of potential solutions that could include amongst others:

- a. Upgrade of the Hastings Point WWTP and provision of a deep sea release
- b. Construction of a new WWTP with a deep sea release (not favoured)
- c. Construction of a new WWTP which maximises effluent re-use for the proposed development. (This would still require a release point for use during periods of high flow and or low reuse, usually associated with wet weather).

Discussion

It should be noted that Council has historically met with opposition to re-use projects and recently has been pursuing a re-use project of Hastings Point WWTP effluent and was again met with localised community opposition.

Full Re-use schemes still require an effluent disposal point due to various circumstances including extended wet weather and equipment breakdown, re-use of all effluent is very unlikely to be achieved in our climate.

The provision of a new WWTP servicing a Greenfield site gives the opportunity to manage water demand, and wastewater generation as well as providing reticulated effluent for non-potable usage, but does increase the infrastructure construction and maintenance costs which will result in a higher whole of life cost, affecting housing affordability and ongoing expense to ratepayers.

Community consultation involving the various stakeholders will be an important part of the development of the strategy for the future sewerage of the Pottsville area.

Any strategy is considered high risk due to the need to obtain an effluent release location. Therefore it is suggested that only a high level strategy be developed in the first instance (to minimise risk and cost) and then taking it to the community to obtain some substantial acceptance along with in principle acceptance of the relevant government agencies.

It is anticipated that re-use would need to be maximised in any such strategy before government agencies would provide serious consideration to a new effluent release location.

Options for consideration to determine this matter include:

1. Continue with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.
2. Notwithstanding Council's adopted Urban Release Strategy, Council proceeds with negotiations for the preparation of a Memorandum of Understanding (MOU) which would involve:
 - (a) Landholder/proponent funded sewerage and reuse strategy to facilitate the development of Urban Land Release Strategy Areas 5, 6 and 7, and Employment Land Release Area 7:

- (b) Memorandum of Understanding (MOU) covering terms of reference, risk allocation, timings and scope for the strategy stages and to obtain agreements for the proposal to fund the various stages of the strategy and;
- (c) Preparation of a Report to Council with MOU and funding agreements for Council approval before proceeding with engaging consultants for the preparation of the strategy.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If Council proceeds with Option 2 at this stage, it would only be authorising officers to negotiate a memorandum of understanding and fund agreements for Council to approve at a later date. There would be a financial commitment to undertake this process. Proceeding beyond this point would be contingent upon the landholders remaining willing to fund the strategy.

POLICY IMPLICATIONS:

Proceeding with this strategy is contrary to Council's adopted position on Urban Land Release Strategy.

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 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. Planit Consulting (on behalf of Heritage Pacific), Ian Tagget Earthmoving and Pottsville Development Corporation (ECM 8936495)
 2. Power Point - Hastings Point Sewerage Catchment Capacity Document Date 28-Oct-2009 (ECM 7954837)
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29 [CNR-CM] Contract No. EC2009-129 Banora Point Wastewater Treatment Plant – Augmentation of Sludge Dewatering Facilities

ORIGIN:

Water

SUMMARY OF REPORT:

This report outlines the tender for EC2009-129 Banora Point Wastewater Treatment Plant (WWTP): Augmentation of Sludge Dewatering Facilities and provides a recommendation on the preferred tenderer.

Recommendations have been formulated based on defined selection criteria as included within this report. The results of the tender assessment process are detailed in **CONFIDENTIAL ATTACHMENT A**. Based on price and non-price criteria it is recommended that Council accepts the conforming tender from Abergeldie Young Process Engineering for EC2009-129 Banora Point WWTP: Augmentation of Sludge Dewatering Facilities.

RECOMMENDATION:

That:

- 1. Council accepts the tender from Abergeldie Young Process Engineering for EC2009-129 Banora Pt WWTP: Augmentation of Sludge Dewatering Facilities for the lump sum of \$774,316 (exclusive of GST).**
- 2. The General Manager be given delegated authority to approve variations up to 20% above the total price.**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret**

REPORT:

Background

The Banora Point WWTP was constructed to its current design capacity of 62,500 EP in 1995. It is proposed to upgrade the existing plant to 75,000 EP capacity by the end of 2011.

The current sludge dewatering system consists of the following process elements:

- 1 No. Gravity Drainage Deck (WAS Thickener)
- 1 No. Belt Press
- Polymer Makeup and dosing system
- Pressurised system for belt cleaning spray system
- Belt conveyor system for dewatered sludge

In 2002, a 50 cubic metre sludge storage hopper was installed that allows periodic sludge removal by a Biosolids Contractor.

At present, there is no standby capacity for the dewatering system. If the current system were to fail, waste activated sludge (WAS) is required to be stored either within the bioreactors or discharged to temporary storage lagoons on site.

Currently operation of a single belt press requires operation of 10 hours per day for 5 days per week. A new Gravity Drainage Deck and Belt Filter Press(GDD/BFP) is required to work simultaneously with the existing GDD/BFP to ensure that future solids dewatering can be achieved within normal working hours on a 5 day per week operation.

The proposed contract allows for supply, installation and commissioning of a new Gravity Drainage Deck and Belt Press system, new polymer loading and dosing systems as well as improvements to the sludge conveying and discharge system.

Tenders

Open tenders were called in November 2009 for the Augmentation of Sludge Dewatering Facilities at the Banora Point Waste Water Treatment Plant (WWTP).

A total of five (5) tenders were received in the Tender Box by the closing date of 16 December 2009.

Conforming tenders were received as follows: -

Tenderer
Abergeldie Young Process Engineering
Aquatec- Maxcon
Epco Australia
Tema Engineers
Waterform Technologies

Tender Evaluation

Tenders were evaluated against the following criteria to determine the best value for money offer:

Criteria	Weighting
OHS and Risk Management	7.5%
Environmental & Quality Systems	7.5%
Contract Experience	10%
Key Site & Company Personnel	10%
Time Performance	5%
Past Performance of Nominated Equipment	20%
Price	40%

All tenders were assessed against these criteria.

The tender evaluation was conducted by Council's Tender Evaluation Panel, consisting of Water and Sewerage Capital Works Engineer, Contracts Engineer and an external consultant specialising in dewatering equipment from MWH Australia. A summary of the tender evaluation process is included in CONFIDENTIAL ATTACHMENT A.

Based on price and non-price considerations, it is recommended that Abergeldie Young Process Engineering be nominated for EC2009-129 Banora Pt WWTP: Augmentation of Sludge Dewatering Facilities.

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 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:** Supplementary Attachment A - Banora Point Waste Water Treatment Plant EC2009-129 Augmentation of Sludge Dewatering Facilities (ECM 12283230)

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30 [CNR-CM] Water Supply and Sewerage Performance Report

ORIGIN:

Water

SUMMARY OF REPORT:

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

These reports have again been consolidated into a single Water Supply and Sewerage Performance Monitoring Report 2007/2008 for Tweed Shire Council.

RECOMMENDATION:

That Council: -

- 1. Notes the Water Supply and Sewerage Performance Report for 2007/2008.**
- 2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.**

REPORT:

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

For the benefit of reporting to Council and the community these reports have again been consolidated in the Water Supply & Sewerage Performance Monitoring Report 2007/2008. A copy of the report has been provided as an attachment. This report recommends that copies of the report be made available at both Civic Centres. A full report of the 2007/2008 NSW Water Supply and Sewerage Performance Comparisons report is available through the Director Community and Natural Resources.

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

Tweed's Performance Comparison with NSW Non Major Utilities

CRITERIA	TWEED	AVERAGE
Average Residential Water Consumption (kL/property)	174	180
Total Non-Revenue Water (%)	15	14
Water - Economic Real Rate of Return (%)	1.3	1.0
Water Quality Complaints (per 1,000 properties)	1	9
Water Customer Interruption Frequency (per 1,000 properties)	34	44
Water Average Customer Outage Time (mins)/Connected Property	120	169
Water – Number of Breaks (per 100km main)	10	10
Water Operating Costs (\$/property)	287	309
Sewer Economic Real Rate of Return (%)	1	1.4
Sewage Overflows (per 100km main)	8	15
Sewer Operating Cost (\$/property)	372	366
Business Performance – Water - Debt to Equity	-5.0	-2.05
Business Performance – Sewer - Debt to Equity	-2.0	-2.62
Average Water Bill for Residential Customers (\$/property)	335	375
Average Sewer Bill for Residential customers (\$/property)	509	517

2008/2009 and 2009/2010 comparisons of the Water and Sewer Residential Charge, for a single dwelling, of local NSW Shire Councils have been included in the attachment to this report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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. Water Supply and Sewerage Performance Monitoring Report 2007/2008 (ECM 12106072).
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31 [CNR-CM] Proposed Biodiversity Grants**ORIGIN:****Director Community & Natural Resources****SUMMARY OF REPORT:**

On 27 January 2009, Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

To date 48 landholders have submitted applications for the Biodiversity Grant Program. Site visits have been made to 29 properties, 27 of which meet the Grant's criteria. Twenty four have been approved by Council, for which Agreements have been posted. To date, 12 of these have been signed and returned.

RECOMMENDATION:

That Council approves the expenditure under its Biodiversity Grant Program to assist the private landowners to undertake the projects listed in the table below.

Surname	Location	Total costs (\$)
Johnson & Joakim	Crabbes Creek	1,800.00
Singleton	Upper Burringbar	300.00
Reid	Eungella	3,330.00

REPORT:

Introduction

On 27 January 2009, Council approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire. This initiative represents an important component of Council's Biodiversity Program.

The Biodiversity Grant Program supports projects that contribute to the following ecological priorities within Tweed Shire:

1. Rehabilitation of degraded habitats
2. Restoration of previously cleared areas
3. Threatened species recovery
4. Management of threatening processes
5. Monitoring and research

Applications under the program can be made throughout the year and are assessed using the following criteria:

1. Ecological benefits (e.g. ecological status, multiple ecological priorities, contribution to State and regional biodiversity targets etc);
2. Value for money (including in kind contributions, external funding);
3. Technical capability and applicant track record;
4. Site security (preference will be given secure sites e.g. conservation covenants, Environmental Protection zones etc);
5. Ongoing maintenance requirements;
6. Spread of projects across ecological priorities and the Shire (including projects funded from other sources).

To date 48 landholders have submitted applications for the Biodiversity Grant Program. Site visits have been made to 29 properties, 27 of which meet the Grant's criteria. Twenty four have been approved by Council, for which Agreements have been posted. To date, 12 of these have been signed and returned. The purpose of this report is to seek Council's approval to fund the 3 private landowners visited since the January meeting under the Biodiversity Grant Program to assist them as per the table below.

The proposed grants involve the provision of services by professional bushland regenerators to assist landholders to more effectively manage environmental weeds protect native vegetation and improve wildlife habitat.

Surname	Location	Total costs (\$)	Detail
Johnson & Joakim	Crabbes Creek	1,800.00	Bush regeneration support. Strong landholder commitment to maintain works in mod-high biodiversity value flora and fauna area with connection to other high value area.
Singleton	Upper Burringbar	300.00	Strong landholder commitment to maintain works in high biodiversity value flora and fauna area with connection to other high value properties with landholder commitment.
Reid	Eungella	3,330.00	Strong landholder commitment to maintain works in high biodiversity value flora and fauna area with connection to other high value properties and National Park. Good Koala habitat.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding for this project is to be sourced from the existing Biodiversity Program budget.

POLICY IMPLICATIONS:

This program is consistent with the adopted Tweed Vegetation Management Strategy 2004 and the Council resolution of 27 January 2009 which established the Biodiversity Grant Program.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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32 [CNR-CM] Tweed River Estuary Management Program

ORIGIN:

Natural Resources Management

SUMMARY OF REPORT:

Due to changes in the application process and priorities for NSW Government Estuary Management Program funding, implementation of the whole Tweed River Committee program is no longer eligible for funding in its current form. This has particular impact on program and resourcing levels including current staff. The focus for funding is now on individual projects, particularly within certain priority areas such as climate change adaptation studies and ecosystem health monitoring programs. Tweed has just completed the first Ecosystem Health Monitoring Program in NSW.

To maximise the ability of the Tweed River Committee to value add to Council allocated budget through additional Commonwealth and State Government funding, levels of funding for the Tweed River Program need to be maintained and increased over time.

RECOMMENDATION:

That Council writes to the Minister for Environment and Climate Change & Water expressing disappointment at the reduced level of funding available for the Tweed River Estuary Management Program given the previous level of investment and high level of capacity developed in the Tweed Catchment.

REPORT:

The Tweed River Committee (TRC) is an advisory committee of Council, originally established in 1992 as an estuary management committee following the process outlined in the NSW Government's Estuary Management Manual. The committee was originally named the Tweed River Management Plan Advisory Committee (TRMPAC) and was the first estuary management committee formed in NSW following the development of the Lower Tweed River Estuary Management Plan (LTREMP).

The Estuary Management Plan was developed by the NSW Government following a detailed study into options for modification of the Tweed River mouth in response to the issue of sand build up on Letitia Spit behind the extended training walls and subsequent loss of sand supply to Southern Gold Coast beaches. Maintenance of a navigable entrance for commercial fishing boats was also a consideration. The Lower Tweed River Estuary Management Plan was completed in 1992 and consisted of the Management Plan and 12 supporting technical documents. The major objectives of the plan were the maintenance and enhancement of the values on the Tweed River estuary being: Ecology, Fisheries, Visual Amenity, Recreation, Navigation, Heritage and included the treatment and monitoring of Discharges, Implementation of management plan recommendations and Maintenance and Improvement of those values through an evolving program of actions.

The adoption of the LTREMP by Council came with a commitment by the then NSW Government to fund implementation of the plan through return of dredging royalties from sand extraction in the Tweed River. This agreement continued for several years with Council receiving full funding for the implementation program of varying amounts each year to a total of \$3m. This continued until 2003 when \$1.5M over three years was offered with increasing contribution from Council (2:1; 2:1; and 1:1).

The focus of the Committee changed in response to changes within the NSW Government and Council's own commitment to more holistic catchment management principles. The committee changed name to the Tweed River Committee to better reflect its role in catchment management over just estuary management. Apart from Council budget allocation, the other major funding source has been, until recently, the NSW Government Estuary Management Program.

Application was made to the 2009/10 Estuary Management Program for implementation of the Tweed River Management Plan and was unsuccessful. It would appear that greater competition from other areas has depleted the level of funds available to the Tweed. The Tweed River Committee is often used as an example of a highly functioning estuary management committee and has produced numerous results over the years.

Due to changes in the application process and priorities for NSW Government Estuary Management Program funding, implementation of the whole Tweed River Committee program is no longer eligible for funding in its current form. This has particular impact on program and resourcing levels including current staff. The focus for funding is now on individual projects, particularly within certain priority areas such as climate change adaptation studies and ecosystem health monitoring programs. Tweed has just completed the first Ecosystem Health Monitoring Program in NSW.

This "Report Card" was very well received within the community and has enabled Council to focus its catchment management activities to enhance the ecosystem health outcomes.

Unfortunately, the change in funding priorities has meant that implementing the myriad of Management Plans and studies that the Tweed has spent the last 15 years developing are not generally eligible for funding within the Department of Environment and Climate Change and Water Estuary Management Program.

To maximise the ability of the Tweed River Committee to value add to Council allocated budget through additional Commonwealth and State Government funding, levels of funding for the Tweed River Program need to be maintained and increased over time.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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33 [CNR-CM] Urban Sustainability Program “Improving Urban and Peri-Urban Bushland Sustainability in Tweed and Byron Shires” (Tweed Byron Bush Futures) Business Plan Approved

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

Following a successful (\$1.7m) funding bid to the NSW Environmental Trust by Tweed and Byron Shires the *Tweed Byron Bush Futures Project* was launched in February 2009. Since that time the Tweed Byron Bush Futures Project Steering Committee has undertaken the preparation of a Business Plan, the primary working document and driver of the Project over the next two years.

The Business Plan, completed on 30 September, was assessed and approved by the Environmental Trust in late December. Project works can now commence.

RECOMMENDATION:

That Council:-

- 1. Receives and notes the approval of the Tweed-Byron Bush Futures Business Plan by the NSW Environmental Trust.**
- 2. Officers conduct an information workshop for Councillors and Executive Management outlining the contents of the Business Plan.**

REPORT:

Following a successful (\$1.7m) funding bid to the NSW Environmental Trust by Tweed and Byron Shires the *Tweed Byron Bush Futures Project* was launched in February 2009. Since that time the Tweed Byron Bush Futures Project Steering Committee has undertaken the preparation of a Business Plan to drive the Project over the next two years.

The Business Plan aims to deliver extensive on-ground works to address threats to bushland integrity. It also aims to raise awareness of the ways that residents living adjacent to native bushland can manage their land in a sustainable way and reduce adverse impacts on the bushland and reinforce the role Council has in managing natural areas, particularly those that are directly under its control such as bushland reserves.

The Business Plan, completed on 30 September, and approved by the Environmental Trust in late December includes:-

- Project Overview describing the projects background, the identified needs for the project and proposed activities.
- Project Vision, Objectives, Outcomes and Outputs which link the project to wider sustainability objectives to be achieved over the life of the Plan and beyond.
- Project Structure including location and proposed activities, a schedule of key project milestones, objectives, responsibilities and completion dates; and Governance structures to support the decision making and project management process, ensure clear communications with partner and stakeholder groups, direct the operation of the Steering Committee and coordinate management of contractors and consultants.
- Stakeholder Engagement and Communication detailing stakeholder groups to be engaged through the course of the project and the strategies required to ensure their continued support and involvement; the communications strategy aims to raise awareness of the ways that residents living adjacent to native bushland can manage their land in a sustainable way and reduce adverse impacts on the bushland.
- Monitoring, Evaluation and Reporting, critical project management tools, will allow project outcomes to be confidently communicated; facilitate better management practices; ensure transparency and accountability and ultimately determine the success of the project.
- Resource Management, a detailed budget has been prepared to allocate grant monies; the project will also be supported by substantial contributions from project team members not paid from the grant, technical, engineering and administrative support, complementary on-ground works by key stakeholders and volunteer contributions to on-ground and educational outcomes; these contributions are expected to total approximately \$3.0M.
- Risk Management Plan, to ensure that the project progresses as smoothly as possible, risks were identified along with a structured assessment of their likely impact and proposed control measures; this risk register will be reviewed through the life of the project.

Following for information is a copy of the letter received from Environmental Trust:-



Our reference: 2008/USM0037
Contact: Kellie Walters
(02) 8837 6054

Mr John Turnbull
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

AGREEMENTS.
ENVIRO TRUSTS GRANTS

TWEED SHIRE COUNCIL
FILE No: <u>BIO DIVERSITY PROGRAM</u>
DOC, No:
RECD: - 4 JAN 2010
ASSIGNED TO: <u>TURNBULL J</u>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Urban Sustainability Program
"Improving Urban and Peri-Urban Bushland Sustainability in Tweed and Byron Shires"
Business Plan

Dear Mr Turnbull

Thank you for submitting your project business plan. I am pleased to inform you that your plan has been assessed and approved providing the following conditions are met within 60 days of the date of this letter:

1. The grantee will need to work with NSW Environmental Trust administration to resolve discrepancies between the approved budget and that included within the business plan.
2. The grantee should invite a representative of the Northern Rivers Catchment Management Authority (CMA) and the NSW Environmental Trust to sit on the project Steering Committee.
3. Greater detail on institutional change as a result of this project and engagement strategies is to be included in the business plan.

Project work can now commence. A revised schedule of reporting and payment dates will be forwarded early in 2010.

I appreciate the effort that you and your project team have made in completing this plan. Should you require any assistance during the implementation of your project, please feel free to contact Kellie Walters on the above number.

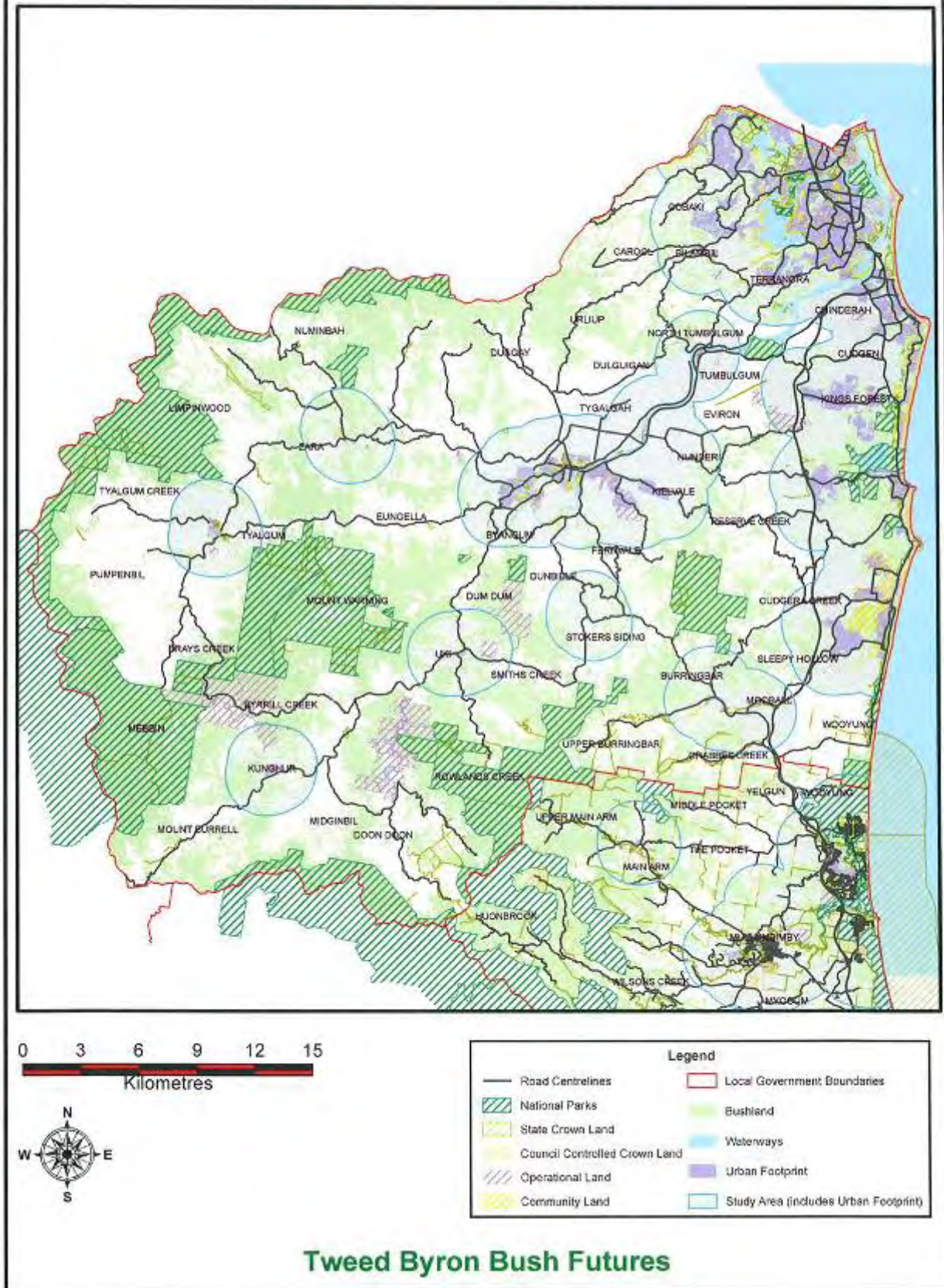
Yours sincerely

A handwritten signature in blue ink, appearing to read "Bernard Carlon".

24 DEC 2009

BERNARD CARLON
Divisional Director Sustainability Programs
Climate Change, Policy and Programs

Figure 1 - Tweed Study Area



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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34 [CNR-CM] Request for "In-Kind" Support/Waive Fee

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

That Council, with reference to the request from Australian Red Cross, Tweed Heads Branch, provides the Tweed Heads Civic Centre free of charge for a fashion parade fundraising event on 23 March 2010, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

REPORT:

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

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
Australian Red Cross, Tweed Heads Branch	Request fee be waived for hire of the Tweed Heads Civic Centre for a fashion parade fundraising event on 23 March 2010	\$180	That the fee of \$180 be waived.	Yes

A copy of the request is reproduced below.

COMMUNICATIONS - LOCAL GOVERNMENT - COMMUNICATIONS - COMMUNICATIONS - COMMUNICATIONS - COMMUNICATIONS - COMMUNICATIONS



The General Manager
Tweed Shire Council
PO BOX 816
Murwillumbah 2484

Dear Sir

RED CROSS CHARITY FUNDRAISING EVENT

We write to confirm a booking we have at the Civic Centre, Brett Street, Tweed Heads, on Tuesday 23rd March 2010.

This booking is for a Tweed Heads Red Cross fundraising event which will be in the form of entertainment and a fashion parade.

We would like to request that you consider waiving the fee for this booking or even a discount as this will be part of the Australian Red Cross major fundraising for the current year.

The money raised from this event will be used locally to support the services in the Tweed area such as 'Play Scheme' run in the Children's Ward of the Tweed Hospital, and 'Telecross', a service which provides the elderly and isolated with a telephone call each morning.

Owing to the Bush Fire Appeal that took place in February 2009, the Red Cross were unable to raise funds during the annual Red Cross Calling in March. The Australian Red Cross are therefore a down a staggering \$23 million.

We thank you for your consideration.

Yours faithfully

Linda Sinclair

Linda Sinclair (Mrs)
for Tweed Heads Branch
c/o 13/13 Parkland Place
Banora Point
NSW 2486

PO Box 6673

RED CROSS DONATIONS

TWEED SHIRE COUNCIL FILE No: <i>CANV COL - TH - HRE</i> DOC No: RECD: <i>12 JAN 2010</i> ASSIGNED TO: <i>CORBET, G</i> HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>
--

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

POLICY IMPLICATIONS:

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

Festivals Policy.

Donations Policy.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website 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.

35 [CNR-CM] Entomological Control Report for Period 1 November 2009 to 31 January 2010

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

The following report outlines insect/vermin management and associated research carried out 1 November 2009 to 31 January 2010.

RECOMMENDATION:

That Council receives and notes the Entomological Control report for the period 1 November 2009 to 31 January 2010.

REPORT:

Entomological Control Report for period November 2009 to January 2010

BITING MIDGE

Seasonal activity

Biting midge activity remained below the seasonal average over the report period 1 November 2009 to 31 January 2010. There were 6 enquiries related to biting midges over the report period.

MOSQUITOES

Seasonal abundance

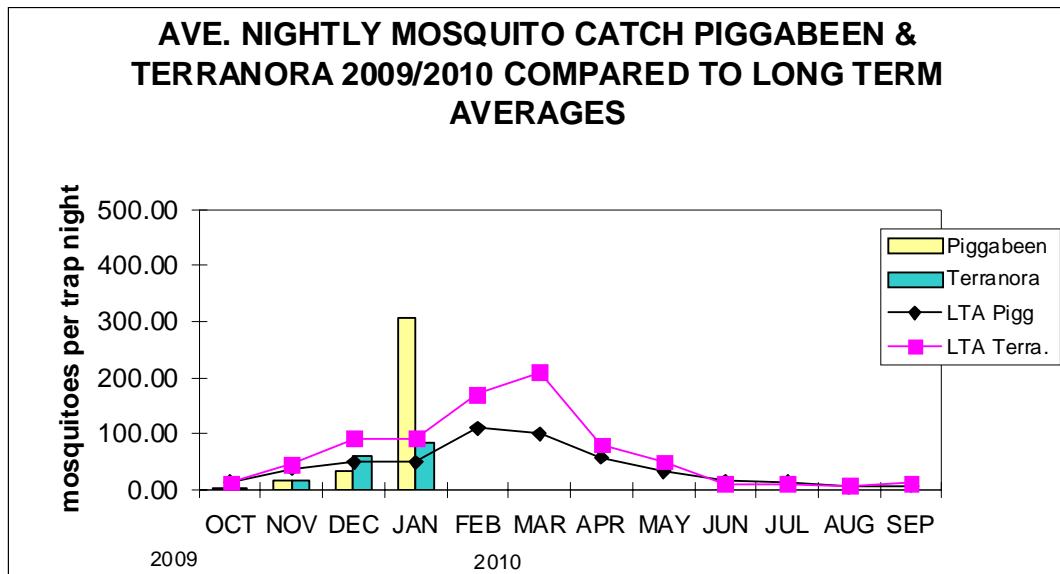
It has been a very difficult mosquito control period due to seasonal conditions that included 2 aborted aerial sprays due to persistent strong winds. Mosquitoes were a major problem around parts of Cobaki, Bilambil Heights and Terranora over the report period with 30 enquiries/complaints related to mosquito activity.

As reported to Council in October, the extremely dry winter/spring conditions allowed the drying out of wetlands and loss of natural mosquito larval predators. These preceding dry conditions led to increased mosquito productivity when the wetlands re-flooded after rain and summer spring tides. The very dry conditions also led to acute water acidity in several semi-tidal wetlands at Terranora and Cobaki when these areas re-flooded. Local mosquitoes are highly tolerant of acidic conditions; however, their natural predators avoid, or are killed by acidic water.

Mosquito trap monitoring indicated well above average mosquito numbers during the later part of the report period.

The most frequently caught mosquitoes in carbon dioxide baited mosquito traps were the brackish water breeding species *Culex sitiens*, the saltmarsh mosquito *Aedes vigilax* and *Verrallina funerea*.

The following graph outlines monthly average mosquito catches in carbon dioxide baited traps at long term trapping sites this season.



Control

An aerial treatment utilizing the bacterial mosquito larvicide Bti was applied to extensive mosquito breeding areas adjacent to Terranora and Bilambil Heights on 2 January. Treatment efficacy was good at the Bilambil site, however, despite excellent spraying conditions was poor at Terranora. It is possible that the very acidic conditions (pH 2.4) at Terranora interfered with the bacterial action on mosquito larvae. Technical information on Bti efficacy in very acidic water was sought from the chemical industry and other mosquito researchers; however, it appears efficacy data at such low pH is not available.

Two proposed aerial treatments were aborted due to persistent strong winds following large spring tide events in early December and late January.

Terranora Mangrove breeding mosquito research project

A research project funded by the Australian Mosquito and Arbovirus Research Committee being undertaken adjacent to Terranora Broadwater by Griffith University’s School of Environmental Science and Australian Rivers Institute in collaboration with Council’s Entomology Unit has received additional funding from the NSW Recreational Fishing Trust. This poorly flushed wetland is one of the Tweed’s most chronic and prolific mosquito breeding areas. The extended research will focus on potential habitat modifications to the wetland, such as increased tidal flushing that may decrease mosquito productivity by improving the site’s water quality and biodiversity. The fisheries research money will allow additional studies on aquatic life with the hope that the site can be made more amenable to fish and crustaceans. If successful, the techniques may be used as a model to improve aquatic diversity/productivity in similar areas on the east coast. Monitoring of mosquitoes and acidity levels at this site by Council’s Entomology Unit following recent spring tide events has highlighted the current extremely poor water conditions in the backwater mangroves and very high mosquito productivity. Mosquito larval densities in several hectares of the mangrove backwaters equated to over 30,000 larvae per square meter of water following the last spring tide event. Continuous information from automatic water data logging monitors recently deployed by Griffith University in this wetland will be very interesting to view following these spring tide events to further understand the site’s acidification and hydrology processes.

Arbovirus

Tweed Shire arbovirus notifications were not available from NSW Health at the time of reporting.

OTHER PESTS

Miscellaneous

There were 84 miscellaneous enquiries/service requests over the quarter. The most common enquiries related to ants, rats, and rabbits.

Rodents

Rodent baiting was carried out over the report period around coastal holiday parks, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls.

Pandanus plant hoppers

Continued monitoring of Pandanus trees for plant hopper related dieback has been carried out in coastal areas. The very dry conditions over the report period have continued to stress coastal Pandanus trees increasing their vulnerability to plant hopper attack. A new plant hopper infestation found in August on the coastal reserve at Cabarita Beach has been monitored for plant hopper activity and beneficial parasitic egg wasps. Several trees in this area were beginning to die in mid January due to heavy plant hopper infestations. Due to seasonal conditions being too dry to inject the vulnerable plant hopper infested Pandanus trees with systemic insecticide these trees were treated with a foliar spray. The beneficial egg parasitic wasps do not appear to be effective in curtailing new plant hopper populations below a damaging threshold during extended dry conditions. However, the tiny wasps are extending their populations into the new plant hopper infestations and will hopefully exert more effective biological control in these areas over the coming months.

Termites

Inspection of 253 in-ground termite bait stations was carried out around Council owned buildings. No active termites were found.

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 or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

36 [EO-CM] Access to Hogans Park

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Vehicular access and egress to Hogans Park, which is located off Tweed Valley Way 600m south of Leddays Creek Road, is considered to present potential road safety issues in terms of potential crash risk. Whilst the access is a sealed pavement there are no auxiliary acceleration or deceleration lanes to and from the accesses to Tweed Valley Way.

Bruce Chick Park is located less than one and a half kilometres to the north and has superior tourist facilities and safe access from Tweed Valley Way for vehicles both north and southbound.

It is considered that there is little benefit to the community in allowing vehicular access to Hogans Park.

RECOMMENDATION:

That vehicular access to Hogans Park off Tweed Valley Way be prohibited through the use of bollards and the site rehabilitated and amenities removed.

REPORT:

Council Officers and Roads and Traffic Authority Officers have identified that access and egress to a park off Tweed Valley Way is not desirable in terms of potential crash risk.

Hogans Park is located next to the Tweed River on Tweed Valley Way 800m south of Leddays Creek Road. A sealed access road is formed to the Park and Tweed Valley Way's speed limit is signposted at 100km/h in this area. There is limited sight distance, approximately 170m, of approaching traffic when exiting the park to the north. Sight distances of approaching traffic when exiting the park southbound is less than that recommended by Australian standards.

There is no advance warning signage for drivers entering the Park and no deceleration lane for northbound vehicles. Southbound access to the Park is a higher safety risk, with no passing lane for vehicles turning right into the Park. There are no auxiliary acceleration or deceleration lanes to and from the accesses to Tweed Valley Way.

There have been seven reported vehicular crashes in the vicinity in the last five years. None of the crashes have been directly linked to vehicles accessing the Park.

The attractant to the Park is picnic tables and a covered barbecue which are rarely used. Less than one and a half kilometres north of Hogans Park is the Bruce Chick rest area which has facilities and complies with sight access guidelines for traffic both northbound and southbound. It is felt that northbound motorists are not aware of the Bruce Chick rest area and are mistakenly using Hogans Park with lesser facilities.

The Roads and Traffic Authority has indicated that funds would be available to remove the sealed access to Tom Hogan Park and restore it to parkland.

It is considered that bollards should be installed as soon as practicable to prevent vehicular access to the Park and the existing amenities relocated to other sites at the discretion of the Manager of Recreation Services.

Photos of the area follow:



View from southern access of Hogans Park



View looking north from Hogans Park



Looking south from northern end of Hogans Park

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

37 [EO-CM] Easement to Drain Water Variable Width - within Lot 102 DP 802170 - 1-3 Young Street Hastings Point

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting held on 19 December 2006, Council received a report in relation to negotiations with a landowner for an easement to allow drainage works to alleviate localised flooding.

It was resolved inter alia at that meeting to pursue agreement with the landowner, but if no agreement was reached then to proceed with the compulsory acquisition of the easement.

Agreement has now been reached and the owner has agreed to accept payment of compensation, together with her reasonable legal costs for an easement to be created within the land at Hastings Point.

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

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

RECOMMENDATION:

That:-

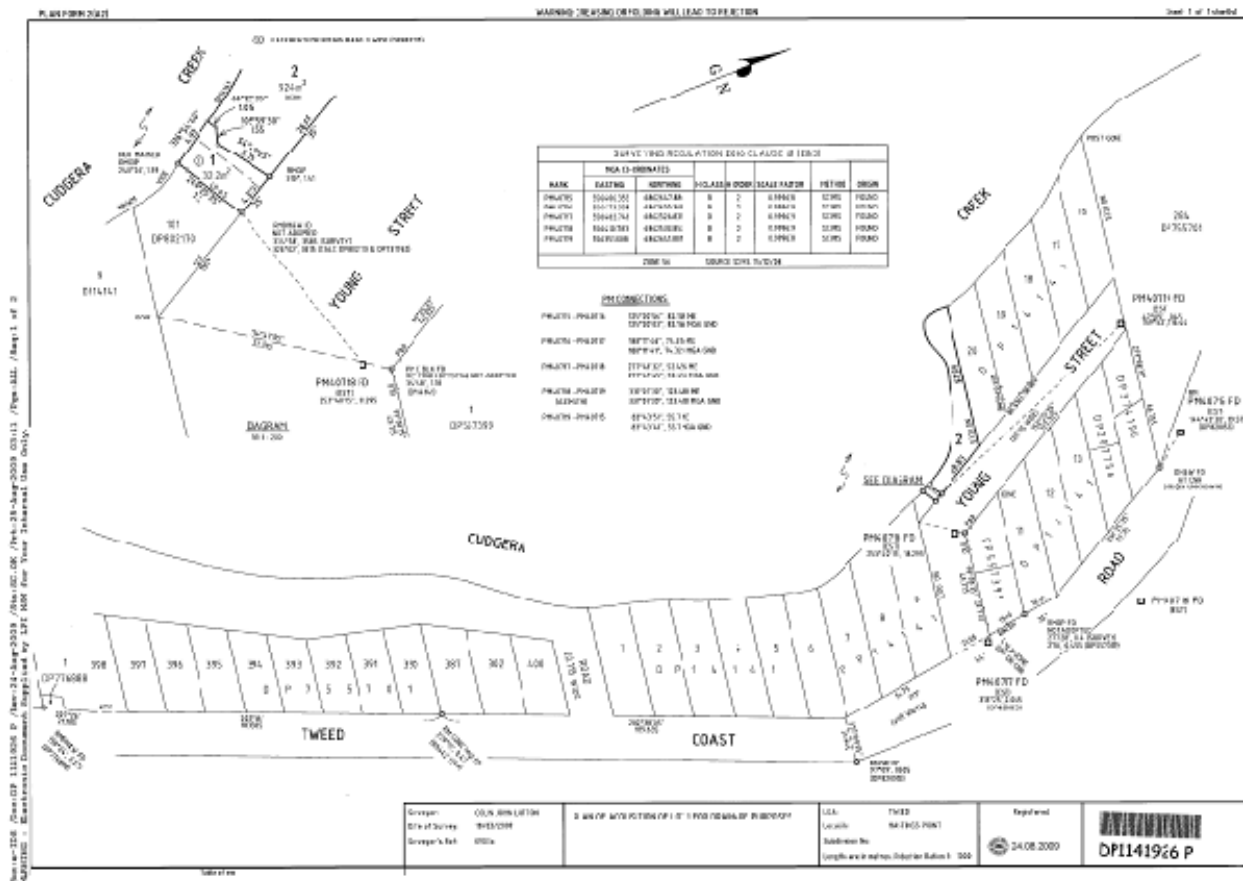
- 1. Council approves the creation of an Easement to Drain Water Variable Width within Lot 102 in DP 802170 for the benefit of Council; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**
- 3. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors)**

REPORT:

At its meeting held on 19 December 2006, Council received a report in relation to negotiations with a landowner for the creation of an easement to allow drainage works to occur within her land to alleviate localised flooding.

It was resolved inter alia at that meeting to pursue agreement with the landowner, but if no agreement was reached then to proceed with the compulsory acquisition of the easement.

Negotiations extended over a long period, see the confidential attachment to this report, and it appeared that no agreement would be reached, after several requests for a valuation were made. A plan of acquisition of land was registered over Lot 102 in August 2009, identifying the land required for the drainage works as Lot 1 in DP 1141926. The plan below shows Lot 1 as having an area of 32.2 m²:-



The proposed easement will be within the area shown as Lot 1.

A report to Council recommending proceeding with the acquisition without agreement was prepared in October 2009 and was withdrawn at the request of the landowner. At a recent meeting held with the landowner, who indicated that the sum of \$5,000 as compensation would be acceptable together with reasonable legal costs, which have been advised to be \$4,791.93 and have been reviewed and considered reasonable.

It is recommended that Council approve the quantum of compensation agreed upon, together with her reasonable legal costs, to enable the drainage works to proceed and to then create the easement following completion of the works, to ensure that all works are within the easement corridor.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The amount of \$9,791.93 will need to be funded through the current financial year's Stormwater Drainage Works Program and sufficient funds are available.

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 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:** Report to Council dated 19 December 2006 (ECM 1510563).
 2. Resolution dated 19 December 2006 (ECM 1514722).
-

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38 [EO-CM] Elrond Drive, Kingscliff

ORIGIN:

Director Engineering and Operations

SUMMARY OF REPORT:

This report details the closure and removal of a footpath constructed on Gales Holdings Pty Ltd land between Osprey Place and Elrond Drive, Kingscliff.

RECOMMENDATION:

That Council notes the closure and removal of the constructed footpath on Lot 11 DP 871753.

REPORT:

In the planning for the Noble Park area, pedestrian access was considered. Elrond Drive provides the vehicular access route and is a busy distributor road with no direct property access. It was considered desirable to separate pedestrian traffic from vehicular traffic. It was envisaged that pedestrian access to the Kingscliff commercial and social centre would be via pedestrian links created in future development of the adjacent land now owned by Gales Holdings Pty Ltd.

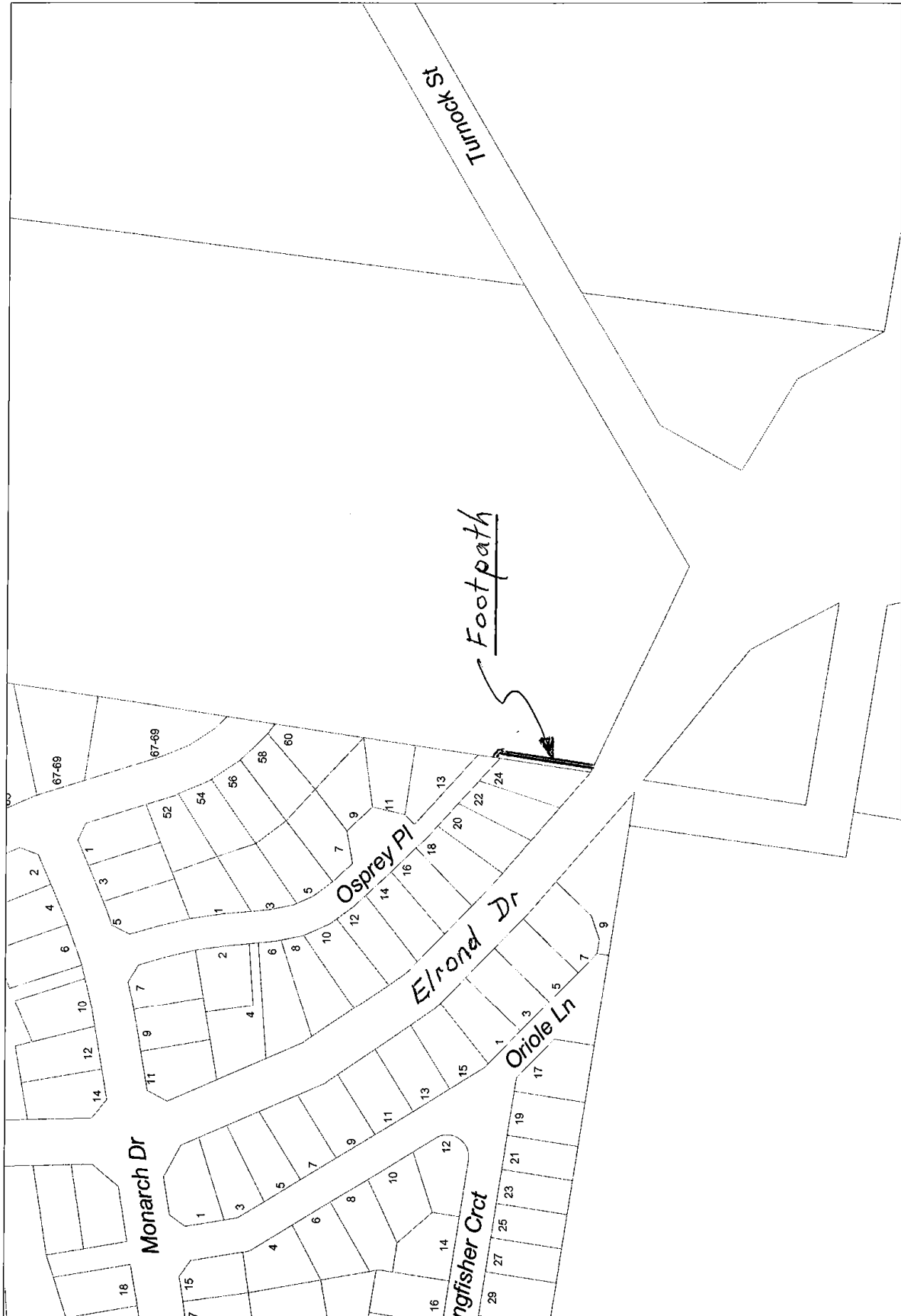
At some time in the past a footpath has been constructed connecting Osprey Place and Elrond Drive Kingscliff on this private property belonging to Gales Holdings Pty Ltd. No records of the construction of the footpath have been found, however, it is almost certain to have been carried out by Council.

In the last 2 years there has been an exchange of correspondence between Gales Holdings and their solicitors, and Council which is summarised below:-

- In August 2007 solicitors acting for Gales Holdings wrote to Council noting the presence of the footpath and advising that the public use of the footpath could continue provided that Council accepted liability for such use and indemnified Gales for any claims arising from its use.
- Council replied on 29 October 2007 agreeing to this proposal and enclosing a draft agreement to give effect to the arrangement.
- Gales Solicitors wrote to Council on 21 January 2007 and 7 May 2008 requesting Council construct an alternate footpath in Elrond Drive.
- Council responded on 23 June 2006 and 12 November 2008 reiterating that provision of a footpath in Elrond Drive is not considered feasible nor safe given the type of road construction profile adopted for Elrond Drive on the basis that pedestrian access would not be encouraged on this restricted access road, and that ultimate planning for the area envisages the cycleway/pathway network following the proposed roads through Gales' site linking Lorien Way to Turnock Street (as shown in the Gales Holdings Structure Plan dated November 2007). Council again requested Gales' continued support for the local community by allowing the subject footpath connection to remain with Council providing indemnity for public liability, and urging return of the Agreement documents previously forwarded to Woolf & Associates.
- No response has been received.

Gales' Solicitors have again written to Council on 13 August 2009 and 3 September 2009 (copies attached) advising that they now request Council to remove the footpath within 60 days. Gales have given permission to enter the land to demolish the footpath.

Under the circumstances Council has little option but to remove the footpath.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Removal of public infrastructure from private land due to requirements of landowner.

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 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. Letters dated 13 August 2009 and 3 September 2009 from Woolf & Associates (ECM 5246337).
-

39 [EO-CM] Renaming of Public Road, Condong Street, Kunghur

ORIGIN:

Design

FILE NO: GS5/1 Pt 5

SUMMARY OF REPORT:

Council at its meeting of 21 July 2009 resolved to publicise its intention to rename Condong Street, Kunghur, as "***Ted Brown Close***" and allowed one month for objections to the proposal.

No Objections were received.

It would therefore be recommended that the name "***Ted Brown Close***" be adopted for the renaming purposes of Condong Street, Kunghur.

RECOMMENDATION:

That:-

1. Council adopts the name of "Ted Brown Close" for renaming purposes of Condong Street Kunghur; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 2000 and the Roads Act, 1993.

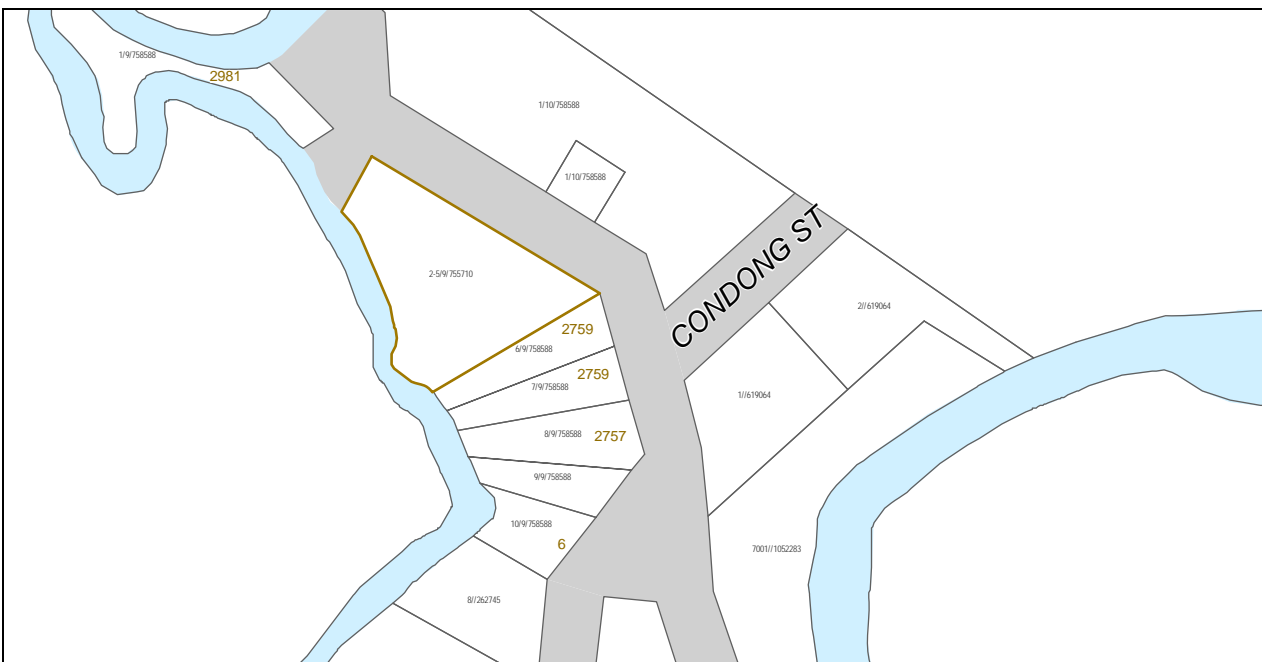
REPORT:

Council at its meeting of 21 July 2009 resolved to publicise its intention to rename Condong Street, Kunghur, as **“Ted Brown Close”** and allowed one month for objections to the proposal.

No Objections were received.

It would therefore be recommended that the name **“Ted Brown Close”** be adopted for the renaming purposes of Condong Street, Kunghur.

The location plan is shown below for ease of referral:-



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 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.

40 [EO-CM] EQ2009-130 (B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier

ORIGIN:

Contracts

FILE NO: EQ2009-130 (B)

SUMMARY OF REPORT:

Submissions have been received from previously nominated suppliers on what level of discount is to be applied for hardware, electrical and plumbing materials purchased by Council under a Preferred Supplier arrangement.

Attachment A is **CONFIDENTIAL** in accordance Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderers in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

RECOMMENDATION:

That:-

- 1. The formal Preferred Supplier Arrangements with discount levels and trade prices as submitted be entered into with all nominated suppliers. The Preferred Supplier Arrangement will apply for a twelve (12) month period from the date determined by Council and at Council's sole discretion two (2) further extensions of twelve (12) months each may be approved.**
- 2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Council at its meeting of 15 December 2010 received a report detailing a list of local suppliers who nominated as willing to enter into a supply arrangement on a Preferred Supplier basis for the supply of hardware, electrical and plumbing materials. The preferred supplier arrangement will be for a twelve (12) month period from the date of determination by Council with a possible further two (2) by twelve month extension options.

The list of local suppliers identified and endorsed by Council as Preferred Suppliers is as follows:-

Supplier	Material	Location
Bunnings Trade	Hardware	Murwillumbah & Tweed Heads
Budds Mitre 10	Hardware	Murwillumbah
JH Williams & Sons	Hardware	Murwillumbah
Brim's Builder's Hardware	Hardware	Tweed Heads
J Blackwoods & Sons P/L	Hardware	Southport
Southern Cross Fasteners	Hardware/ Fasteners	Tweed Heads
Tweed Bolt Supplies	Hardware/ Fasteners	South Tweed Heads
Aussie Fasteners	Hardware/ Fasteners	Murwillumbah
Ideal Electrical Suppliers	Electrical Materials	Tweed Heads South
Haymans Electrical	Electrical Materials	Tweed Heads South
Cetnaj	Electrical Materials	Tweed Heads
Lawrence & Hanson	Electrical Materials	Tweed Heads South
Reece	Plumbing Materials	Tweed Heads South
Fluid Conveyancing	Plumbing Materials	Tweed Heads South

In accordance with Council recommendation of 15 December 2009 the above suppliers were duly contacted and requested to nominate the level of discount that will be applied for all purchases of materials by Council over the period of the Preferred Supplier arrangement.

Submissions detailing discount provision that would apply closed on the 13 January 2010. These submissions are discussed in the Confidential Supplementary Information.

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 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:** Supplementary Information EQ2009-130 (B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier (ECM 12518054).
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41 [EO-CM] Development Contributions

ORIGIN:

Director Engineering & Operations

SUMMARY OF REPORT:

A letter has been received from the Minister for Planning, Tony Kelly MLC in relation to the application of development contributions of more than \$20,000 a lot. The Minister has advised that whilst the Minister's Direction explicitly applies to consents issued after the date of the Direction, there are a number of developers who have asked that the reductions also apply to outstanding conditions of consent. The Minister is encouraging councils to also apply any reductions to outstanding consent granted prior to the Minister's Direction.

Given Council's position of opposing the cap, costs associated with reviewing pre July 2009 consents and the voluntary nature of the Minister's request it is recommended that no action be taken regarding the Minister's request.

RECOMMENDATION:

That the Minister for Planning be advised that Council will not be applying any reductions regarding the application of development contributions of more than \$20,000 a lot to outstanding conditions of consent for consents issued prior to 17 July 2009.

REPORT:

A letter has been received from the Minister for Planning, Tony Kelly MLC in relation to the application of development contributions of more than \$20,000 a lot. A copy of this letter appears at the end of this report. The Minister has advised that whilst the direction explicitly applies to consents issued after the date of the Minister's Direction, there are a number of developers who have asked that the reductions also apply to outstanding conditions of consent. The Minister is encouraging councils to also apply any reductions to outstanding consent granted prior to the Minister's Direction.

Council made submissions to the Minister for Planning that the imposition of the \$20,000 contributions cap will not assist the government's objective of providing more affordable housing and is likely to inhibit urban growth in Tweed Shire if adequate infrastructure cannot be financed.

It would be administratively difficult and costly to exhaustively examine all pre 17 July 2009 development applications to determine if the contributions exceed the \$20,000 cap applied after this date.

Given Council's position of opposing the cap, costs associated with reviewing pre July 2009 consents and the voluntary nature of the Minister's request it is recommended that no action be taken regarding the Minister's request.



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

Mr Michael Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attention: Patrick Knight

Dear Mr Rayner

SEC 94 PLAN - S94
DEV CONTRIB FEES
EPA
SEC 94 PLAN NO 4 - MD RD CONTRIB PLAN
13 JAN 2010
09/04578
PLANNING & INFRASTRUCTURE COORDINATION / SEC 94 CTRIB
18 JAN 2010
K. KNIGHT, P

I refer to the directions from the previous Minister for Planning earlier in 2009 regarding the application of development contributions of more than \$20,000 a lot.

The objective of the review and subsequent direction was to ensure that Councils only recover the reasonable cost of servicing new development. While the direction explicitly applies to consents issued after the date of the direction, there are a number of developers who have asked that the reductions also apply to outstanding conditions of consent.

I encourage councils to also apply any reductions to outstanding consent granted prior to the direction. This will ensure that all contributions that are paid reflect reasonable costs and do not adversely impact on development costs at this time.

The NSW Government has taken the lead in this area. The lower State Infrastructure Contributions that came into effect in December 2008 are also being applied to relevant outstanding consents.

I have asked Andrew Jackson, Executive Director, Strategy and Infrastructure Planning in the Department of Planning to be available to answer your questions on this matter. Mr Jackson can be contact on 9228 6445.

Yours sincerely,

Tony Kelly MLC
Minister for Planning

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530

DataWorks Document Number:

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

42 [EO-CM] Tweed Valley Flood Study Update 2009

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

BMT WBM Pty Ltd has been commissioned by Council to prepare the Tweed Valley Floodplain Risk Management Study and Plan (TVFRMS). In accordance with the consultant brief, the first stage of the TVFRMS required the consultants to re-run the 2005 Tweed Valley Flood Study (TVFS05), to fully understand existing flood behaviour for the study area, by incorporating new ground level data, and improved modelling methodologies and technology.

The resulting Tweed Valley Flood Study Update 2009 (TVFS09) utilises two-dimensional modelling to update data for the full range of design floods for the study area (from upstream of Murwillumbah to the river mouth at Tweed Heads) up to the probable maximum flood (PMF).

A supplementary document has also been prepared by the consultants to consider potential climate change impacts on flood behaviour. This "Climate Change Discussion Paper" quantifies the increases in design flood levels for the 100 year ARI flood due to sea level rise and increased rainfall intensities.

Completion of the TVFS09 provides the best possible basis for the remainder of the TVFRMS to be undertaken. In addition, the data from the TVFS09 can be used to update Council's flooding DCP (Section A3 – Development of Flood Liable Land) and s149 Planning Certificates.

RECOMMENDATION:

That the Tweed Valley Flood Study Update 2009, including the "Climate Change Discussion Paper" be received by Council.

REPORT:

BMT WBM Pty Ltd have been commissioned by Council to prepare the Tweed Valley Floodplain Risk Management Study and Plan (TVFRMS). In accordance with the consultant brief, the first stage of the TVFRMS required the consultants to re-run the 2005 Tweed Valley Flood Study (TVFS05), to fully understand existing flood behaviour for the study area. This was necessary as in the intervening four years, Council obtained vastly improved ground level data from its airborne laser scanning (ALS) project, and hydrologic and hydraulic models from the TVFS05 could be updated due to advances in flood modelling methodologies and technology.

The resulting Tweed Valley Flood Study Update 2009 (TVFS09) maintains the same study area (from upstream of Murwillumbah at Byangum and Boat Harbour to the river mouth at Tweed Heads), and utilises two-dimensional modelling to update data for the Q5, Q20, Q100, and Q500 design floods. In addition, the TVFS09 provides new Q10 and Q50 design flood events, and provides a truer probable maximum flood (PMF) prediction by following a Bureau of Meteorology methodology based on improved hydrologic data, to replace the "extreme flood" examined in the TVFS05. This is covered in detail in the TFVS09 report.

A separate document, considered a supplement to the TVFS09, has also been prepared by BMT WBM Pty Ltd to consider potential climate change impacts on Tweed Valley flood behaviour. This Climate Change Discussion Paper quantifies the increases in design flood levels for the 100 year ARI flood due to sea level rise and increased rainfall intensities, in accordance with the NSW Floodplain Development Manual, and the 2007 DECC Floodplain Management Guideline "Practical Consideration of Climate Change". Two scenarios were run, "medium level impacts" consisting of 0.55m sea level rise and 20% increased rainfall intensity, and "high level impacts" consisting of 0.91m sea level rise and 30% increased rainfall intensity.

The following table, from BMT WBM, summarises the updated flooding data for a number of critical locations across the Tweed Valley:-

Table 1 - Peak Design Flood Levels at Selected Locations				
Location	Flood Level (mAHD)			
	Climate Change			
	100 year ARI	Med Impacts	High Impacts	PMF
Lower Tweed				
Rivermouth	2.60	2.85	3.21	2.60
Terranora Ck Junction	2.39	2.59	2.88	5.98
Letitia 2A Gauge	2.39	2.59	2.87	6.18
Tweed Heads West 3	2.36	2.56	2.85	6.27
Ukerebagh Channel	2.37	2.57	2.86	6.28
Dry Dock Gauge	2.30	2.53	2.82	6.28
Tweed Heads West 2	2.31	2.54	2.83	6.28
Tweed Heads West 1	2.28	2.52	2.81	6.28
Cobaki Gauge	2.29	2.53	2.82	6.28
Terranora Gauge	2.32	2.55	2.84	6.28
Mid Tweed				
Barneys Pt Bridge	2.92	3.53	3.83	8.10
Barneys Pt Gauge	2.92	3.53	3.83	8.10
Chinderah Gauge	3.01	3.64	3.95	8.25
D/S Stotts Island*	3.57	4.21	4.53	8.87
Tumbulgum	3.82	4.45	4.76	9.09
Rous				
Dulguigan	4.50	4.96	5.24	9.42
Kynnumboon	4.16	4.74	5.05	9.32
North Arm	6.05	6.41	6.57	9.50
Upper Tweed				
Condong	4.27	4.80	5.09	9.31
Murwillumbah Bridge	6.91	7.63	8.03	12.11
Hartigan St	7.14	7.89	8.30	12.49
Bray Park	8.78	9.61	10.01	14.02
Byangum	9.81	10.67	11.04	14.08

Completion of the TVFS09 provides the best possible basis for the remainder of the TVFRMS to be undertaken. In addition, the data from the TVFS09 can be used to update design flood levels in Development Control Plan Section A3 – Development of Flood Liable Land, and provide property advice via s149 planning certificates.

The draft TVFS09 was presented to Council's Floodplain Management Committee on November 2009. No requests for amendments have been requested by the Committee. Public consultation and exhibition of the TVFS09 is not considered necessary, as the study area and general approach is the same as the TVFS05, which was subject to thorough public consultation. The TVFS09 is simply an update of that work, and is not considered controversial in nature.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The TVFS09 was funded under the Natural Disaster Mitigation Program (NDMP), with a 1:1:1 cost share between the Commonwealth, State and Council. Completion of the TVFS09 is an important milestone for this grant funded project.

POLICY IMPLICATIONS:

Formal receipt of the TVFS09 by Council enables amendments to Development Control Plan Section A3 - Development of Flood liable Land, to update design flood levels, and mapping that identifies high flow areas of the floodplain. Such amendments to DCP A3 are proposed in a separate report in this business paper.

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 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 Valley Flood Study Update 2009 (ECM 12383168).
 2. Tweed Valley Flood Study Climate Change Discussion Paper (ECM 12328457).
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43 [EO-CM] DCP Section A3 - Development of Flood Liable Land Draft Version 1.3 Exhibition

ORIGIN:

Planning & Infrastructure

FILE NO: GT1/DCP/A3

SUMMARY OF REPORT:

As required by the Department of Planning (DoP), a draft amendment to the Tweed DCP - Section A3 Development of Flood Liable Land (draft Version 1.2) has been prepared to be consistent with additional local provisions for flood planning land and floodplain risk management in the draft Tweed LEP 2010 (draft LEP).

Draft Version 1.2 was placed on public exhibition with the draft LEP on 27 January 2010. To date, the exhibition of draft DCP A3 has not been formally endorsed by Council. As such, in order to remove ambiguity on legal requirements, it is recommended that Version 1.2 be withdrawn from public exhibition, and a new draft be formally endorsed by Council for exhibition.

As reported to the December 2009 meeting, a new Coastal Creeks Flood Study (CCFS) has been received by Council. The CCFS contains detailed flood maps of the 100 year ARI flood, the probable maximum flood (PMF), and high flow areas. Further amendments to DCP A3 are recommended to incorporate the Coastal Creeks Flood Study information into the DCP, so that new development applications can be assessed against the most up to date information.

Consultants have also prepared an update to the Tweed Valley Flood Study, which was completed in 2005. This update incorporates improved ground level data, a new hydrological model, and adopts the Bureau of Meteorology's methodology for predicting the PMF. The 2009 update is the subject of a separate report in this business paper, to be formally received by Council. Subject to that separate Council resolution, it is proposed to further amend DCP A3 to incorporate new data from the updated Tweed Flood Study.

The above flood studies included scenarios to investigate the potential impacts of climate change on flooding behaviour. Sea level rise and increased rainfall intensity have been added to the 100 year ARI flood, to predict revised design flood levels. It is proposed to introduce, via amendments to DCP A3, new controls for greenfield residential subdivision to increase minimum fill levels and habitable floor levels to the new climate change affected levels. As government policies and guidelines develop, further consideration of climate change for the management and development of flood liable land will be required, and this will be the subject of future Council reports.

Subject to the endorsement of Council, it is proposed to withdraw draft Version 1.2 of DCP A3 from public exhibition, and place draft Version 1.3 on public exhibition, for the remainder of the draft LEP exhibition period (to 31 March 2010), which exceeds the minimum statutory requirement of 28 days.

RECOMMENDATION:

That Council:-

- 1. Withdraws draft Version 1.2 of Tweed DCP Section A3 Development of Flood Liable Land from public exhibition.**
- 2. Places Version 1.3 of Tweed DCP Section A3 Development of Flood Liable Land on public exhibition until 31 March 2010.**

REPORT:

Draft LEP Flood Clauses

Council's draft Local Environment Plan 2010 ("draft LEP") was placed on public exhibition on 27 January 2010. Through preparation of the draft LEP, Council officers were required to negotiate additional local provisions with Department of Planning (DoP) to address floodplain management issues for Tweed Shire. This proved to be a long and arduous negotiation process, which resulted in the following flooding clauses being included in the draft LEP:-

"7.7 Flood planning land [local]

- (1) *The objectives of this clause are as follows:-*
 - (a) *to maintain the existing flood regime and flow conveyance capacity,*
 - (b) *to enable safe occupation of, and evacuation from, land to which this clause applies,*
 - (c) *to avoid significant adverse impacts on flood behaviour,*
 - (d) *to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*
 - (e) *to limit uses to those compatible with flow conveyance function and flood hazard.*
- (2) *This clause applies to land at or below the flood planning level, including land shown as flood planning area on the Flood Planning Map.*
- (3) *Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied in relation to all of the following matters:-*
 - (a) *all habitable floor levels of the development will be above the flood planning level,*
 - (b) *the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,*
 - (c) *the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,*
 - (d) *the development will not affect the safe occupation of, and evacuation from, the land,*
 - (e) *the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*
 - (f) *the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,*
 - (g) *if located in a floodway – the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in the floodway area.*

7.8 Floodplain risk management [local]

- (1) *The objectives of this clause is to enable the safe occupation of, and evacuation from, land to which this clause applies.*
- (2) *This clause applies to:-*
 - (a) *land above the flood planning level and up to the level of the probable maximum flood shown on the Flood Planning Map, and*
 - (b) *land surrounded by the flood planning area.*

- (3) *Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not affect the safe occupation of, and evacuation from, the land:-*
- (a) *caravan parks*
 - (b) *correctional facilities*
 - (c) *emergency services facilities*
 - (d) *group homes*
 - (e) *hospitals*
 - (f) *residential accommodation (except for dwelling houses, secondary dwellings or dual occupancies in Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R5 Large Lot Residential*
 - (g) *residential care facilities*
 - (h) *tourist and visitor accommodation."*

In a covering letter accompanying the Section 65 Certificate to allow exhibition of the draft LEP, DoP required amendments to the flooding DCP (Section A3 - Development of Flood Liable Land) to be consistent with the above clauses, and that the amended document be placed on public exhibition. DoP also requires Council to consult with the State Emergency Service (SES) during the exhibition period.

As such, draft Version 1.2 of Tweed Development Control Plan Section A3 - Development of Flood Liable Land was produced. The amendments in draft Version 1.2 were limited to changes required to be consistent with the new zoning and definitions in the draft LEP, and the additional local provisions above, in particular, Clause 7.8(3).

Clause 7.8(3) conflicts with Part 3 of the Tweed Valley Floodplain Risk Management Study and Section A3.2.5 of the current version of DCP A3, which requires consideration of emergency response provisions (evacuation capability and/or shelter in place arrangements) for all habitable development. These controls were opposed by DoP during negotiations on the flood clauses as they were considered contrary to a 2007 Planning Guideline and Section 117 Direction from the Minister, which stated that *"unless there are exceptional circumstances, councils should not impose flood related development controls on residential development on land above the residential FPL"*. Despite Council's previous applications requesting variations to the Direction by demonstration of "exceptional circumstances" (EC) since 2007, DoP is yet to determine the EC application. DoP has agreed for the purpose of the draft LEP exhibition to allow emergency response provisions to apply to certain large scale or sensitive type development, but exclude single dwellings, secondary dwellings and dual occupancies within urban zones from the application of these controls, as specified in Clause 7.8(3). The DoP have advised that the EC application still needs to be determined before the draft LEP can be made in its current form.

Draft Version 1.2 of DCP A3 was placed on exhibition with the draft LEP on 27 January 2010. Due to Council meeting and report scheduling, no report was able to be prepared prior to this exhibition, to gain Council's resolution to place the draft DCP on exhibition, as is statutorily required. As detailed later in this report, amendments additional to those required by the draft LEP are now proposed to the DCP (Draft Version 1.3). By withdrawing draft Version 1.2 from exhibition, and replacing it with the more comprehensive draft Version 1.3 as recommended, any ambiguity regarding the legality of the amended DCP A3 can be avoided, while still complying with the EP&A Regulations and the requirements of DoP.

Coastal Creeks Flood Study

As reported to the December 2010 Council meeting, the Coastal Creeks Flood Study (CCFS) has been completed. The CCFS contains detailed flood maps of the 100 year ARI flood, which is used as the basis of design for new development, the probable maximum flood (PMF), which is used as the basis for emergency response provision in new developments, and high flow areas, which are used for limiting the cumulative impacts of development on the floodplain. It is proposed to make further amendments to DCP A3 (draft Version 1.3) to incorporate the CCFS information into the DCP, so that new development applications can be assessed against the most up to date information. New flood maps are being created to form Appendix C of DCP A3. These maps will be tabled by the Director Engineering and Operations at the meeting. Once adopted, this flooding information will be incorporated into Section 149 planning certificates, and will be used as the basis for a floodplain risk management study for the coastal floodplains. The impacts of this new flooding information on floodplain development are discussed under "Policy Implications" below.

Tweed Valley Flood Study Update

The Tweed Valley Flood Study was completed in 2005, and as the first stage of the Tweed Valley Floodplain Risk Management Study consultancy, this flood study has been updated. This update incorporates improved ground level data, a new hydrological model, and adopts the Bureau of Meteorology's methodology for predicting the PMF. The 2009 update is the subject of a separate report in this business paper, to be formally received by Council. Subject to that separate Council resolution, it is proposed to further amend DCP A3 to incorporate new data from the updated Tweed Flood Study. New flood maps are being created to form Appendix C of DCP A3. These maps will be tabled by the Director Engineering and Operations at the meeting. The impacts of this new flooding information on floodplain development are discussed under "Policy Implications" below.

Climate Change

Both the Coastal Creeks Flood Study and the Tweed Valley Flood Study Update included scenarios to investigate the potential impacts of climate change on flooding behaviour, in accordance with State Government policies and floodplain risk management guidelines (e.g. NSW Floodplain Development Manual 2005, DECC "Practical Consideration of Climate Change" Guideline 2007).

In these studies, a "high level" impact scenario consisting of 0.91m sea level rise and 30% increased rainfall intensity was applied to the 100 year ARI design flood to determine climate change affected design flood levels. Modelling confirmed that climate change will increase the severity of flooding, to varying degrees, across the Tweed Shire floodplains.

It is proposed to introduce, via amendments to DCP A3, new controls for greenfield residential subdivision to increase minimum fill and habitable floor levels to the new climate change influenced levels. Climate change flood maps are being created to form Appendix D to be tabled by the Director Engineering and Operations at the meeting. Greenfield subdivisions have been addressed as a priority due to their large scale, relatively few constraints (compared to infill development which must address existing urban development on its boundaries), long life spans (compared to individual buildings), extent of public infrastructure (roads, water, sewerage, drainage, open space etc), and community

expectations. The impacts of these new climate change controls are discussed under "Policy Implications" below.

As government policies and guidelines develop, further consideration of climate change for all development types will be required, and this will be the subject of future Council report(s).

Housekeeping Amendments

In addition to the significant amendments proposed above, a number of other minor changes are proposed. These amendments do not change the intent of the document, but clarify or make corrections to the wording or presentation of the document, to address matters commonly encountered by Council officers in applying DCP A3.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Draft LEP Flood Clauses

The main implications of the amendments to DCP A3 associated with the draft LEP relate to the removal of emergency response provisions for a range of small scale urban habitable developments, contrary to a previously adopted Floodplain Risk Management Plan.

The current controls require refuge areas above PMF in habitable development if they do not have access to a suitable flood evacuation route. This policy was developed after concerns were raised by the SES through their Local Flood Plan process regarding the limited resources available to evacuate large numbers of existing residents from "low island development". In areas such as Banora Point, many local roads act as drainage flow paths, and are regularly cut in storm events. Single storey dwellings built to minimum levels (being the 100 year ARI flood plus 0.5m freeboard) cannot protect residents from inundation should larger floods approaching a PMF occur, meaning that those residents would require rescue by the SES. The current controls try and avoid a worsening of this situation.

However such measures are considered to be contrary to the 2007 Planning Guideline and Section 117 Direction from the Minister for Planning, and have therefore not been fully implemented in the draft LEP or the accompanying DCP A3 amendment.

Further discussion with both the SES and DoP is required on this issue during the exhibition period. Resolution is required before the draft LEP and the relevant clauses of the DCP A3 amendment can be formally adopted.

Coastal Creeks Flood Study

Prior to this flood study being completed, Council had limited flooding information for the coastal creek floodplains. Design flood levels for villages and rural areas were based on limited flood studies from the early 1980s and/or historic flood events. This information can now be replaced with detailed flood maps, such as the 100 year ARI design flood, so that every land parcel within the study area can be adequately assessed.

As in the 2005 Tweed Valley Flood Study, a 100 year ARI ocean boundary condition of RL 2.6m AHD has been adopted in the CCFS. Also as in the Tweed, the flood model shows some variation in predicted flood levels near the ocean boundary. This was addressed for the Lower Tweed by adopting a minimum DFL of RL 2.6m AHD. It is proposed to adopt the same minimum DFL for all areas of the Tweed. As shown in the summary table (attached), this increases DFLs in many of the Coastal Villages.

Currently many of the Coastal areas only require a 0.3m freeboard for minimum habitable floor levels. It is proposed to increase this freeboard to 0.5m to bring these areas in line with the Tweed Valley, and generally accepted best practice in NSW.

The result will be an increase in flood planning levels in many areas, which may add to filling requirements and impact on the design of ground storeys. There will also be interface issues with existing development, which will usually be at a lower level. The increases predicted at Burringbar and Mooball are expected to have the greatest impact with revised design flood levels 1.0 metre or more higher than the historic flood levels that have previously been relied on.

Tweed Valley Flood Study Update

This update has not resulted in significant changes to the 100 year ARI flood level in urban areas, and no changes in freeboard are proposed. As shown in the summary table (attached), the biggest implications relate to the new PMF levels, which are significantly higher than the "extreme flood levels" that were determined in the original 2005 study.

For the 2005 study, an "extreme event" was calculated as Council and the consultants did not have access to a complete hydrologic model, or the budget to produce one. This meant that only estimates of Probable Maximum Precipitation (PMP) could be made by applying scaling factors to the 100 year ARI hydrology. While this was an acceptable method, the more accurate methodology for predicting the PMF is to produce a complete hydrologic model that can calculate PMP based on data from the Bureau of Meteorology, and then use this rainfall and the resultant river flows in the hydraulic flood model. This was the approach adopted in the update.

An increased PMF would limit the ability to undertake habitable development in many areas under the current DCP rules, as the ability to provide refuge areas above PMF level will conflict with planning controls such as building heights. This will have less impact with the DoP approach in Version 1.3 of the DCP to excluding single dwellings, secondary dwellings and dual occupancy from emergency response consideration.

Climate Change

As discussed above, it is proposed to apply climate change DFLs to greenfield residential subdivision. As a subdivision and the associated infrastructure should have a design life approaching the year 2100, towards which climate change projections are generally geared, it is considered a necessary precaution to increase design flood levels to account for such changes.

By increasing the required fill and habitable floor levels for subdivisions, the developers will incur increased construction costs. This could be offset by the enhanced marketability of a development with additional flood immunity. Raising the minimum level of subdivision fill

also has advantages for the provision of public infrastructure, such as more effective stormwater drainage systems.

Three prominent examples of flood prone greenfield residential subdivisions are Cobaki Lakes, Kings Forest (both Leda) and West Kingscliff (Gales Holdings).

In the Cobaki Lakes example, the allowance for climate change would add 0.3m to the current design flood level, resulting in 0.3m additional filling depth to flood prone areas and a corresponding increase to the minimum habitable floor level. The developer is required to investigate and account for climate change as part of the current Part 3A approval process for the Cobaki Lakes Concept Plan and is likely to adopt the additional climate change fill requirement. Due to the scale of approved and proposed bulk earthworks across the Cobaki Lakes development site, this likely higher fill level is not considered particularly onerous.

A similar 0.3m climate change allowance would also be imposed on Kings Forest. As the majority of this development is located well above the 100 year flood level (the land is generally 5.0m AHD or above), the addition of 0.3m to the design flood level would have only minor impacts on fringe fill areas.

At West Kingscliff minimum fill levels for residential lots increase from 3.2 to 4.2m AHD. The approved filling application for Gales land adjacent to Turnock Street indicates fill levels ranging from 3.25 to 4.0m AHD. Application of the draft DCP would require an increase in fill levels below 4.2m.

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 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 Development Control Plan Section A3 - Development of Flood Liable Land, DRAFT Version 1.3 (ECM 12324004).
 2. Summary table - Revised flood planning levels (ECM 12324023).
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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

44 [TCS-CM] Draft Code of Meeting Practice Version 2.0

ORIGIN:

Governance

SUMMARY OF REPORT:

The Division of Local Government in August 2009 prepared an extensive Meetings Practice Note. These have been reviewed in relation to Council's existing Code of Meeting Practice version 1.9, with the result being a revised Code of Meeting Practice version 2.0 being prepared.

Council considered a report on the draft version of the Code at the 15 December 2009 meeting and resolved the following:

"that in accordance with Section 361 of the Local Government Act 1993, public notice be given of the revised Code of Meeting Practice version 2.0 inviting public submissions."

Draft Version 2.0 of the Code was placed on public exhibition as required until 2 February 2010 inviting public submissions and at the time of closing there have been no submissions received.

At the Council Meeting held on 19 January 2010 a resolution was made in relation to Councillor initiated workshops and this will need to be incorporated into the Code of Meeting Practice.

RECOMMENDATION:

That the Code of Meeting Practice Version 2.0 be adopted with the following amendment:

1. **In accordance with the Council resolution of 19 January 2010, the draft section 12.1 Request:**

"A workshop may be convened at a suitably agreed time in consultation with the General Manager, Mayor and/or Councillors."

be replaced by:

"12.1 Request"

Any future Councillor requested Workshop/Briefing sessions will only be programmed by resolution of Council (19 January 2010)."

2. **Section 1.4.1.1 Time of Availability**

"Copies are to be available to the public, including electronic copies on Council's website, as nearly as possible to the time they are available to Councillors."

be replaced by:

Section 1.4.1.1 Time of Availability

"Copies are to be available to the public as nearly as possible to the time they are available to Councillors, including electronic copies on Council's Web Site from 8.00pm on the Wednesday before the meeting."

REPORT:

The Division of Local Government in August 2009 prepared an extensive Meetings Practice Note. These have been reviewed in relation to Council's existing Code of Meeting Practice version 1.9, with the result being a revised Code of Meeting Practice version 2.0 being prepared.

In providing the Meetings Practice Note the Minister for Local Government is quoted as saying:

"Efficient meetings help councils make better decisions for their residents and ratepayers.

- *The guidelines set out appropriate standards of behaviour and processes to help ensure that councillors, council staff and the community can participate in meetings.*
- *It is important that all voices are heard, that there are clear rules governing council meetings and that gatherings are orderly and productive."*

Enhancements to the existing Code have been made that further reinforce the meeting practice methodology. The resolutions of Council from the November meeting regarding mobile phones and public gallery etiquette have also been added.

To enable better public access to the Council Business Paper, following discussions with the Councillors, it is proposed to amend *Section 1.4.1.1 Time of Availability* as follows:

"Copies are to be available to the public as nearly as possible to the time they are available to Councillors, including electronic copies on Council's Web Site from 8.00pm on the Wednesday before the meeting."

Part 5 has been reinforced with further clarification of motions being made that includes only the notice of motion will be included in the body of the business paper with any background/supporting documentation being included as an attachment to the business paper. Clarification on the speakers as well as the moving and seconding of motions has been made.

A new Part 11 – Questions on Notice has been added in accordance with the Practice Note with the major addition being that:

"Questions on notice are to be provided to the General Manager in writing before 11.00am on the Monday of the week preceding the Ordinary Meeting of Council so as to be listed on the questions on notice agenda. This timeframe is the same as Notices of Motion."

Questions provided in this way and responses to those questions will be considered as Council business. As responses to questions will be considered to be Council business responses could form the basis for further motions on the same topic at the meeting.

Part 12 – Workshops has been added to provide guidance and clarity to the conduct of workshop sessions including the status of workshop documents.

In considering the scheduling of requested workshops and in accordance with the Council resolution of 19 January 2010, the draft section:

12.1 Request

A workshop may be convened at a suitably agreed time in consultation with the General Manager, Mayor and/or Councillors.

will be replaced by:

12.1 Request

Any future Councillor requested Workshop/Briefing sessions will only be programmed by resolution of Council.

The Practice Note also highlights that there is no automatic right under the Act or Regulation for the public to participate in a Council meeting, either by written submission or oral presentation. This includes being able to ask questions or address Council meetings, or to comment on matters during meetings.

Part 13 – Community Access has been retained within the code and will be provided in accordance with decision of Council.

An enhanced definition of common terms has also been included.

Due to the significant changes, a copy of the previous version (1.9) is attached for reference.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

In accordance with Section 361 of the Local Government Act 1993, Council must before a Code of Meeting Practice is adopted give public notice of a draft code and provide adequate time for submissions to be made on the draft code.

The timeframe for this process is that the period of public exhibition must not be less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to council. The public exhibition timeline concluded on 2 February 2010 with no submissions received. Accordingly following this process the Code is submitted for Council determination

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 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 Code of Meeting Practice Version 2.0 (ECM 10101050).
 2. Code of Meeting Practice Version 1.9 (ECM 4053400).
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45 [TCS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.4

ORIGIN:

Governance

SUMMARY OF REPORT:

Review of Internet charges applicable within the Expenses Policy required following adoption of Policy in November 2009.

RECOMMENDATION:

That Section 2.1.3 Monetary limits for all expenses, of the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.4, be amended by increasing the maximum monthly reimbursable cost of Internet Charges from \$60 to \$90 per month.

REPORT:

Council at its meeting of 17 November 2009 adopted Version 1.4 of the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy. This Policy incorporates various monetary limits and since this time the amount allocated to Internet charges has been reviewed.

Within the current version the Internet charge is established at a maximum amount of \$60 per month. A review of the monthly Internet charges applicable to each councillor has been undertaken since November 2009 and the most applicable monthly plan from the Internet Provider based on the access and usage patterns is closer to \$90 per month.

A \$90 per month plan will provide a data usage cap five (5) times greater than a \$60 per month plan, and better enable Councillors to make full usage of the online services now available to them.

This increase is understandable as the councillors have access to the Web Portal where all available information is stored and they are encouraged to utilise this resource.

Therefore, Section 2.1.3 Monetary limits for all expenses requires an amendment to the maximum monthly limit for Internet charges from \$60 to \$90 per month.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Additional expenditure can be accommodated within the Councillors section of the 2009/2010 budget.

POLICY IMPLICATIONS:

Requires an update to the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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.

46 [TCS-CM] Quarterly Budget Review - 31 December 2009

ORIGIN:**Financial Services****SUMMARY OF REPORT:**

This is the second 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 June 2010 in the General, Water and Sewer Funds.

RECOMMENDATION:**That:-**

1. **The Quarterly Budget Review Statement as at 31 December 2009 be adopted.**
2. **The 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.**

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	501,475	0
Interest	0	0
Capital	2,155,099	0
Loan Repayments	0	0
Transfers to Reserves	283,676	0
	<u>2,940,250</u>	<u>0</u>
<u>Income</u>		
Rates, Charges and other		
Operating	0	10,129
Operating Grants & Conts	0	387,095
Capital Grants & Conts	0	851,800
Loan Funds	0	808,099
Recoupment's	0	132,607
Transfers from Reserves	0	466,844
Asset Sales	0	283,676
	<u>0</u>	<u>2,940,250</u>
Net Surplus/(Deficit)		<u>0</u>

	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	410,674	0
Interest	0	0
Capital	0	9,383,465
Loan Repayments	0	0
Transfers to Reserves	0	2,440,702
	410,674	11,824,167
<u>Income</u>		
Rates, Charges and other		
Operating	49,993	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	9,383,465	0
Recoupment's	1,980,035	0
Transfers from Reserves	0	0
	11,413,493	0
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Operating	886,283	0
Interest	0	0
Capital	35,000	0
Loan Repayments	0	0
Transfers to Reserves	14,296,988	0
	15,218,271	0
<u>Income</u>		
Rates, Charges and other		
Operating	61,822	0
Operating Grants & Conts	0	0
Capital Grants & Conts	100,000	0
Loan Funds	0	15,325,000
Recoupment's	0	0
Transfers from Reserves	0	55,093
Asset Sales	0	0
	161,822	15,380,093
Net Surplus/(Deficit)		0

REPORT:

Budget Review 31 December 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
General Fund	Net Effect	
S94 Admin Levy	22,848	Reduction of S94 Admin levy from 10% to 5%
Interest on Investments	(85,800)	Increased returns
Food Premises Administration Fee	97,000	Original budget overestimated income
Development Asses. Legal Expenses	(150,000)	Legal Expenses Reduced
South Tweed SK8 Park Maintenance	15,000	Estimate of Actual Costs
Civic Centre - Murwillumbah	150,000	Increased Actual Costs - Elect, Cleaning, Air Con & Compliance
Street Lighting	(50,000)	Contract Costs Reduced
Public Toilet Maintenance	40,000	Increased Actual Costs - Water & Sewer, Security & Vandalism
Builders Sanitary Cost	(16,671)	Contract with Solo Waste discontinued
Builders Sanitary Income	7,623	Contract with Solo Waste discontinued
Festivals In Kind Support	(30,000)	In Kind Support not required
	0	

Full details:

Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations					
General					
1	Ex-Capital	Bray Park Cutting Cycleway	299,720	265,299	Riveroak Drive to Ray Street
1	In-Recoup	S94 Plan 22 Cycleways	(157,847)	(85,299)	Funding for above
1	In-CG&C	Jobs Fund Grant	0	(180,000)	Funding for above
2	Ex-Capital	Snake Creek Bridge	440,000	(420,000)	Adjustment to bridges program
2	Ex-Capital	Brewer-Charles Bridge	320,000	(300,000)	Adjustment to bridges program
2	Ex-Capital	O'Brien's Bridge	445,000	433,000	Adjustment to bridges program
2	Ex-Capital	Giddys Bridge	0	60,000	Adjustment to bridges program
2	Ex-Capital	Perch Bridge	0	50,000	Adjustment to bridges program
2	In-Loan funds	Unexpended Loans (Open Space)	0	(268,099)	Adjustment to bridges program
2	Ex-Operating	Financial Assistance Grant Exp (Roads)	1,578,956	(259,901)	Adjustment to bridges program
2	In-CG&C	Timber Bridges Grants	(1,055,000)	265,000	Adjustment to bridges program
3	Ex-Operating	ATM Constraints Report	0	2,000	Development of planning software
3	In-Recoup	S94 Plans	0	(2,000)	Funding for above
4	Ex-Capital	Doon Doon Hall	0	41,800	Hall refurbishment
4	In-CG&C	DOCS Grant	0	(41,800)	Funding for above
5	In-Recoup	S94 Admin Levy	(248,100)	22,848	Reduction of S94 Admin levy from 10% to 5%
6	In-Operating	Interest on Investments	(1,027,739)	(85,800)	Increased returns
7	Ex-Capital	Murwillumbah Museum	0	200,000	Disabled ramp
7	In-TFR	Access Reserve	0	(200,000)	Funding for above
8	Ex-Capital	Pandanus Parade Streetscaping	0	78,000	Budget overrun
8	Ex-Capital	Cabarita Streetscaping (7 Year Plan)	0	(78,000)	Funding for above
8	Ex-Capital	Cabarita Streetscaping (7 Year Plan)	0	500,000	Missed in orig budget
8	In-Loan funds	New Loan	0	(500,000)	Funding for above
9	Ex-Operating	Mass Action Program - Tweed V Way / Riverside Dr	0	83,190	Traffic works
9	In-OG&C	RTA Funding	0	(83,190)	Funding for above
10	Ex-Operating	Waste & Sustainability Improvement	0	30,000	Public Place Recycling
10	Ex-Operating	Waste & Sustainability Improvement	0	119,516	Retro-fit of Existing Green Bin Lids
10	Ex-Operating	Waste & Sustainability Improvement	0	10,000	Sustainability Action Plan
10	In-OG&C	Waste & Sustainability Improvement (Grant)	0	(159,516)	Funding for above
11	In-Operating	Food Premises Administration Fee	(207,000)	97,000	Original budget overestimated income
12	Ex-Operating	Co-Ordinator Community Services	0	53,621	New Position
12	Ex-Operating	Co-Ordinator Aged Activities Program - BPCC	0	25,331	Continuation of program
12	In-Operating	Community Options Internal Admin Fee	0	(78,952)	Funding for above
13	Ex-Operating	Sth TH Levee Invest'n / Shire Flood Warning 2:1 State Gov	0	120,000	Flood Mitigation Project
13	In-OG&C	DECC State Floodplain Mang Program	0	(80,000)	Funding for above
13	In-Loan funds	Unexpended Loans	0	(40,000)	Funding for above
14	In-Sales	Sale of Land & Building	0	(283,676)	Mayal St
14	Ex-TTR	Trf to Reserve - 7 Year Plan Reserve	0	283,676	7 Year plan item to fund M'Bah Community Centre
14	Ex-Capital	MB Community Centre	0	160,000	Architect Fees
14	In-Recoup	Recoup from Plan 96	0	(68,156)	Funding for above
14	In-TFR	Trf from Reserves - Sale of Mayal Street	0	(91,844)	Funding for above
15	Ex-Operating	Library Priority Grant 09/10	70,000	5,007	Final Amount Received
15	In-OG&C	Library Priority Grant 09/10	(70,000)	(5,007)	Funding for above
16	Ex-Operating	Habitat Action Grant 09/10: 'Fish In, Mozzies Out'	0	59,382	New Grant from NSW Dep Primary Industries

Council Meeting held Tuesday 16 February 2010

Item	Category	Description	Current Vote	Change to Vote	Details / Comments
16	In-OG&C	Habitat Action Grant 09/10: 'Fish In, Mozzies Out'	0	(59,382)	Funding for above
17	Ex-Operating	Legal Expenses	500,000	(200,000)	Legal Expenses Reduced
17	In-Operating	S149 Urgent Certificate Income	(160,000)	(27,000)	S149 Urgent Certificate Income Increased
17	In-Operating	S149 Ordinary Certificate Income	(15,000)	(3,000)	S149 Ordinary Certificate Income Increased
17	In-Operating	Development Application Fees	(400,000)	25,000	Development Application Fees Reduced
17	In-Operating	Advertising Fees	(90,000)	10,000	DA Advertising Fees Reduced
17	In-Operating	S.96 Amended Applications	(53,561)	7,500	Amended Application Fees Reduced
17	In-Operating	Appl Construction Certificate	(90,000)	5,000	Construction Activity Reduced
17	In-Operating	Strata Subdivision Certificates	(15,000)	2,500	Strata Subdivision Fees Reduced
17	In-Operating	Environmental Enforcement Levy	(120,000)	30,000	EEL Income Reduced
18	Ex-Operating	South Tweed SK8 Park Maintenance	0	15,000	Estimate of Actual Costs
19	Ex-Operating	Civic Centre - Murwillumbah	467,108	100,000	Increased Actual Costs - Elect, Cleaning, Air Con & Compliance
19	Ex-Operating	Street Lighting - General	1,064,308	(50,000)	Cost savings with new contract
20	Ex-Operating	Public Toilet Maintenance	597,557	40,000	Increased Actual Costs - Water & Sewer, Security & Vandalism
21	Ex-Capital	COPS HACC Centre Renovations	0	175,000	Estimated Cost of Renovation
21	In-TFR	Trf from Reserve - HACC Centre Reserve	0	(83,000)	Funding for COPS HACC Centre
21	In-TFR	Trf from Reserve - COPS Reserve	0	(92,000)	Funding for COPS HACC Centre
22	Ex-Capital	Roads to Recovery	269,043	(269,043)	Reduce Carried Forward Balance
22	Ex-Capital	Quarry Rd	0	269,043	Increase Carried Forward Balance
22	Ex-Capital	Repair Program Kyogle Rd Palmers	0	840,000	Cont to Repair Program A3951
22	Ex-Capital	RTR Kyogle Rd Snake Ck Bridge Approaches	500,000	(400,000)	Reduce Expenditure
23	Ex-Operating	Builders Sanitary Cost	35,000	(16,671)	Contract with Solo Waste discontinued
23	In-Operating	Builders Sanitary Income	(29,000)	7,623	Contract with Solo Waste discontinued
24	Ex-Operating	Festivals In Kind Support	54,361	(30,000)	In Kind Support not required
				0	
Water Fund					
30	Ex-Operating	Various Operating Expenses		410,674	Overall Increase in Expenses
30	In-Operating	Annual Access Charges		10,364	Decrease in Income
30	In-Operating	Volumetric Charges		39,629	Decrease in Income
30	Ex-Capital	Various Capital Works		(9,383,465)	Decrease in Bray Park WTP Construction
30	In-Loan funds	Loan Funding		9,383,465	Funding for Above Reversed
30	Ex-TTR	Transfers to Capital Contributions Reserve		(2,440,702)	Increase in Capital Work
30	In-Recoup	Transfers from Capital Contributions Reserve		1,980,035	Funding Reserve
Sewer Fund					
31	Ex-Operating	Various Operating Expenses		886,283	Balancing Item
31	In-Operating	Annual Access Charges		61,822	Overall Increase in Expenses
31	Ex-Capital	Various Capital Works		35,000	Decrease in Income
31	Ex-TTR	Transfers to Asset Replacement Reserve		16,995,988	New TH Lab Building Works & Tumbulgum VIC Telemetry
31	In-TFR	Transfers from Asset Replacement Reserve		(55,093)	Increase in Transfer to ARR
31	In-CG&C	Capital Grants		100,000	Increase in Transfer from ARR
31	In-Loan funds	Loan Funding		(15,325,000)	Decrease in Funding
31	Ex-TTR	Transfers to Capital Contributions Reserve		(2,699,000)	Interest Free Loan
					Increase in Capital Work

Item	Category	Description	Current Vote	Change to Vote	Details / Comments
					Funding Reserve
31	In-Recoup	Transfers from Capital Contributions Reserve		<u>0</u>	
2. Variations Arising from Council Resolutions					
32	Ex-Capital	Playground Audit & Fencing		67,500	Council meeting 20/10/2009
32	Ex-Capital	Chinderah Rock Wall Revetment		180,000	Council meeting 20/10/2009
32	Ex-Capital	Uki-Murwillumbah Cycleway (Bray Park Cutting)		152,500	Council meeting 20/10/2009
32	Ex-Capital	Fingal Boat Harbour Upgrade		150,000	Council meeting 20/10/2009
32	In-CG&C	RLCIP Round 2		(550,000)	Council meeting 20/10/2009
33	Ex-Capital	Arkininstall Master Plan - Parking		341,400	Council meeting 17/11/2009
33	Ex-Capital	Arkininstall Master Plan - Netball		565,000	Council meeting 17/11/2009
33	Ex-Capital	Arkininstall Master Plan - TH Tennis		80,000	Council meeting 17/11/2009
33	Ex-Capital	Arkininstall Master Plan - New Tennis Facility		1,342,000	Council meeting 17/11/2009
33	Ex-Capital	Arkininstall Master Plan - Recreation Areas		160,000	Council meeting 17/11/2009
33	Ex-Capital	CP26		(2,488,400)	Council meeting 17/11/2009
34	Ex-Operating	NDMP 08-09 TV Floodplain RM Comp & Impl		100,000	Council meeting 21/4/09 (rollover)
34	Ex-Operating	NDMP 08-09 Sth Tweed Levee Study		60,000	Council meeting 21/4/09 (rollover)
34	Ex-Operating	NDMP 08-09 Flood Warning System		45,000	Council meeting 21/4/09 (rollover)
34	Ex-Operating	A5674 - NDMP 08-09 TS Coastal Creeks		140,000	Council meeting 21/4/09 (rollover)
34	In-CG&C	NDMP 08-09 Flood Grants		(345,000)	Council meeting 21/4/09 (rollover)
				<u>0</u>	
Summary of Revotes by Type					
2009/10 Variations				0	
Council Resolutions				0	
Carried forward				<u>0</u>	

Budget Summary

	General Fund		Water Fund		Sewer Fund		Total
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	
Income Statement							
Operating Expenses							
Employee Costs	33,256	33,310	2,688	2,688	4,275	4,275	40,273
Borrowing Charges	4,843	4,843	4,881	4,881	835	835	10,559
Materials & Contracts	29,187	32,136	3,038	3,038	8,425	9,559	44,733
Depreciation	14,003	14,003	8,288	8,288	14,258	14,258	36,549
Other Operating Expenses	6,622	6,422	871	871	1,201	1,201	8,494
	87,911	90,714	19,766	19,766	28,994	30,128	140,608
Operating Revenue							
Rates & Annual Charges	48,122	48,122	3,153	3,153	16,422	16,360	67,635
User Charges & Fees	11,238	11,252	11,954	11,954	1,719	1,719	24,925
Interest	2,439	2,525	131	131	131	131	2,787
Other Revenues	908	908	190	190	15	15	1,113
Grants & Contributions for operating purposes	14,585	15,803	437	437	645	645	16,885
Grants & Contributions for capital purposes	5,849	10,032	4,877	4,877	3,143	2,343	17,252
	83,141	88,642	20,742	20,742	22,075	21,213	130,597
Surplus/(Deficit)	(4,770)	(2,072)	976	976	(6,919)	(8,915)	(10,011)

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	18,512	5,917	5,917	4,104	2,108	26,537
Transfers from Externally Restricted Cash	3,151	5,383	7,276	7,276	7,316	5,059	17,718
Transfers from Internally Restricted Cash	410	913	4,775	4,775	9,607	7,272	12,960
Proceeds from sale of assets	1,811	2,095				0	2,095
Loan Funds Utilised	10,111	10,919	1,080	1,080	8,250	16,825	28,824
Repayments from Deferred Debtors							
	31,297	37,822	19,048	19,048	29,277	31,264	88,134

	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>	
<i>Funds were applied to:</i>							
Purchase and construction of assets	(20,265)	(26,466)	(14,171)	(14,171)	(20,842)	(9,686)	(50,323)
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)	(4,366)			(5,370)	(18,513)	(22,879)
Increase/(Decrease) in Available Working Capital	0	0	0	0	0	0	0
Available Working Capital Previous Financial Year	956	956	2,000	2,000	2,000	2,000	4,956
Available Working Capital as at 30 June 2010	956	956	2,000	2,000	2,000	2,000	4,956

Summary by Division

	<u>Original Budget</u>	<u>Revised Budget</u>
Surplus/(Deficit)		
Technology & Corporate Services	(49,621,384)	(49,519,851)
Planning & Regulation	7,086,230	6,928,451
Community & Natural Resources	8,869,497	8,856,284
Engineering & Operations	34,439,548	34,539,007
General Manager	(773,891)	(803,891)
	<u>0</u>	<u>0</u>

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:

Nil.

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**47 [TCS-CM] Corporate Quarterly Report - October to December 2009
Incorporating the 7 Year Infrastructure and Services Plan**

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 October to 31 December 2009 is presented for consideration by Council.

This report details the progress for the period on activities identified to be undertaken during 2009-2010 in the 2009-2012 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 October to 31 December 2009.

REPORT:

Tweed Shire Council Corporate Quarterly Report for Oct - Dec 2009



Cost Centre	Measure	Target	July - Sept	Oct - Dec	Total	Comments
Social Action Plan						
Communications & Marketing						
Festivals & Events						
	Festivals & events held in the Shire	25	11	10	21	
Community & Natural Resources						
Manager Community & Cultural Services						
C031	number					
	Regional Art Gallery workshops	15	5	3	8	
C008	number					
	Disability projects, funding submissions	n/a	0	0	0	
C012	number					
	Disability projects, partnerships initiated	4	7	8	15	
C012	number					
	Disability projects, number of participants	20	18	100	118	
C009	number	700,000	172,109	153,976	326,085	
	Libraries book borrowings					
C009	number	8	8	3	11	
	Libraries projects completed					
C010	number	1	0	0	0	
	Museum collection objects conserved					
C008	number	25	8	11	19	
	Regional Art Gallery exhibitions					
C012	number	20	7	7	14	
	Disability projects, events & activities					
C010	number	400	350	370	720	
	Museum members & volunteers					
C009	number	44,000	44,678	47,603	92,281	
	Libraries number of members					
C010	number	3120	650	460	1,110	
	Museum visitor attendance					
C010	number	30	0	0	0	
	Museum volunteers trained					
C010	number	5	11	7	18	
	Museum collection acquisitions & de-accessions catalogued					
C010	number	50	220	130	350	
	Museum photographic collection digitised					
C008	number	50,000	15,401	14,178	29,579	
	Regional Art Gallery visitors					
C012	number	600	221	170	391	
	ComPacks total cases managed for NSW Health					
C007	%	50%	25	50	75	
	Cultural Development, Stage 1 Auditoria project					
C007	number	10	37	25	62	
	Community Halls & Centres coordination					
C007	number	12	15	4	19	
	Community Halls & Centres upgrades					
C007	number	3	2	1	3	
	Community Halls & Centres projects developed					

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

08/02/2010

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Social Action Plan		Cost Centre	Measure	Target	July - Sept	Oct - Dec	Total	Comments
Community & Natural Resources								
Manager Community & Cultural Services								
	Community Halls & Centres funding submissions initiated	C007	number	n/a	0	2	2	
	Disability projects, volunteers involved	C012	number	10	0	40	40	
	HACC, total case management hours	C012	hours	5200hrs	1,402	1,632	3,034	
	Disability projects, meetings attended	C012	number	16	6	7	13	
	Seniors projects events & activities	C012	number	50	7	8	15	
	Seniors projects number of participants	C012	number	4000	1,240	458	1,698	
	Seniors projects media releases	C012	number	10	5	0	5	
	Seniors community groups & service providers serviced	C012	number	20	9	11	20	
	Aged industry organisations involved in planning	C012	number	600	7	7	14	
	Aged industry number of meetings	C012	number	10	15	10	25	
	HACC, expected intake excluding CompPacks	C012	number	450	78	90	168	
	Aboriginal History Book completed	C012	%	100%	0	0	0	
	Cultural Development, adoption of the 2009-10 Cultural Plan	C008	%	100%	50	20	70	
	Cultural Development, Tweed Creative Industries Strategy	C008	%	100%	25	25	50	
	Cultural Development, partnerships developed & initiated	C008	number	20	4	1	5	
	Cultural Development, Cultural Arts Project development	C008	number	7	6	3	9	
	Cultural Development, Cultural Arts Project participants	C008	number	50	25	100	125	
	Cultural Development, Cultural Arts Project attendances	C008	number	150	80	50	130	
	Cultural Development, Entrepreneurial & Audience Development Strategy	C008	%	50%	25	15	40	
	Social planning activities planned	C012	number	4	10	11	21	
	Social planning meetings held	C012	number	4	12	15	27	
	Social Plan completed	C012	%	100%	10	10	20	
	Aboriginal liaison hours coordinating initiatives or activities	C012	hours	560hrs	137	125	262	
	Cultural Development Research Study	C008	%	100%	90	10	100	
	NAIDOC week initiatives & activities planned	C012	number	9	5	1	6	
	Aboriginal Advisory Committee support	C012	hours	700hrs	156	150	306	
	Aboriginal liaison meetings facilitated	C012	number	12	3	6	9	

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	Oct - Dec	Total	Comments
Social Action Plan							
Community & Natural Resources							
Manager Community & Cultural Services							
Youth services network meetings/workshops	C012	number	11	2	2	4	
Museum projects delivered	C010	number	10	4	3	7	
Youth sector and AOD meetings	C012	number	8	3	5	8	
Youth sector and AOD projects/activities	C012	number	35	6	7	13	
Young people participating/attending projects or activities	C012	number	900	155	186	341	
Youth Committee meetings facilitated	C012	number	24	7	2	9	
Young people consulted in relation to Council activities	C012	number	100	96	22	118	
Young people using Council facilitated / provided transport	C012	number	500	250	215	465	
Youth development projects volunteers	C012	number	50	70	27	97	
Libraries number of library users	C009	number	310,000	91,902	82,058	173,960	
Aboriginal liaison workshops & exhibitions held	C012	number	3	2	2	4	
Youth services network meetings/workshops attendees	C012	number	165	38	47	85	
Engineering & Operations							
Manager Recreation Services							
Parks request for maintenance	C027	number	n/a	35	35	70	
Local recreation capital works completed on time and within budget	C027	%	100%	11	20	31	
Swimming pool attendance	C022	number	n/a	33,555	62,299	95,854	
Economic Action Plan							
Business & Economic Development							
Manager Business & Economic Development							
Quarterly payments to TEDC	A021	\$	\$438,788	109,697	109,697	219,394	Funding paid quarterly in advance as per contract.
Non-residential construction certificates	D001	number	n/a	4	2	6	
Quarterly payments to Tweed Tourism	A021	\$	\$476,644	119,161	119,161	238,322	Funding paid quarterly in advance as per contract.
Visitors to Murwillumbah Visitor Information Centre	A022	number	25,000	6,840	0	6,840	Current quarter visitor numbers are provided in a report due end of January.
Visitors to Tweed Information Centre	A022	number	22,000	7,007	0	7,007	Current quarter visitor numbers are provided in a report due end of January.

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	Oct - Dec	Total	Comments
Economic Action Plan							
Business & Economic Development							
Manager Business & Economic Development							
Audit of Cat1 National Competition Policy businesses (TCHP - Water & Sewer)							
	A022	number	2	0	0	0	
Environmental Action Plan: Natural Environment							
Community & Natural Resources							
Coordinator Natural Resource Management							
River Health Grants for catchment management							
	E021	number	20	3	4	7	
Launch of carpool initiative							
	C018	%	100%	50	25	75	Community launch in Feb 2010.
Kingscliff seawall construction							
	E020	%	100%	20	30	50	Grant received, designs under review.
Council Bushland audit							
	C016	%	100%	0	5	5	
Durambah Beach Management stage 1							
	E020	%	100%	20	30	50	Stormwater drainage works in February 2010
Area of Coastal vegetation under active management							
	C016	ha	300ha	100	50	150	
Estuary foreshore project							
	E021	number	2	0	2	2	
Sustainable Agriculture Strategy developed							
	E020	%	100%	2	3	5	
Water quality monitoring & reporting							
	C018	%	100%	25	25	50	
Energy & water consumption reports							
	C018	number	4	1	1	2	
Biodiversity projects							
	E016	number	6	6	0	6	Projects commenced.
Urban Sustainability Project delivered							
	C018	%	60%	20	30	50	
Trapping control program for Indian Myna birds							
	E016	trap days	16,000	4,000	4,000	8,000	
Drain improvement projects delivered							
	E013	number	3	1	7	8	Stage 1 completed.
Climate change adaptation report stage 1							
	C018	%	100%	100		100	
NRCMA projects delivered							
	C020	%	100%	25	25	50	EIS complete, now tied in with other foreshore project approvals.
	E020	%	100%	40	10	50	
Environmental Action Plan: Built Environment							
Community & Natural Resources							
Manager Water							
Annual average residential water consumption per connection							
	S003	kl/year	<200			169	2008/2009 year.
Annual reused effluent							
	S003	%	10%			8	2008/2009 year.
Waste Management Coordinator							

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	Oct - Dec	Total	Comments
Environmental Action Plan: Built Environment							
Community & Natural Resources							
Waste Management Coordinator							
Quarterly domestic waste recycled	G002	%	25%	35	37	37	
Quarterly amount of landfill gas captured and sent to power station	G002	m3	450,000m3	346,275	544,591	890,866	
Environmental education initiatives & events conducted	G002	number	100	29	37	66	Includes related promotions (incl. media), initiatives, and events.
Total quarterly tonnes of green waste reprocessed	G002	tonnes	>1500	2,550	1,398	3,948	
Kilograms of recycling per capita	G002	kg	<140kg	26	26	52	
Planning and Regulation							
Coordinator of Planning Reforms							
Strategic land use & locality plans adopted	D002	number	2	0	0	0	
Manager Building & Environmental Health							
Building Certificates approved	C019	number	n/a	27	40	67	
Number of on-site sewage management systems inspected	C025	number	100	134	156	290	
Number of Development Applications received in the period	C019	n/a	n/a	178	180	358	
On-site sewage management systems failures as a % of total systems inspected	C025	%	n/a	30	15	15	
Average processing time to issue a Complying Development approval	C019	days	<10days	7	6	7	
Construction Certificates Approved	C019	number	n/a	77	86	163	
Average processing time to issue a Construction Certificate	C019	days	<15days	9	15	13	
Complying Development Approvals	C019	number	n/a	27	26	53	
Inspections of food outlets	C025	number	550	100	220	320	
Average processing time for s68 approvals water/sewer Application (Building Unit)	C019	days	n/a	5	5	5	
Average processing time to determine a Development Application (Building Unit)	C019	days	<40days	29	28	29	
Development Applications determined by Building Unit	C019	number	n/a	195	184	379	
Manager Development Assessment							
Average processing time to process a DA	D001	days	60 days	67	74	71	
DA's approved	D001	number	n/a	89	77	166	
DA's approved as a % of total DA's processed	D001	%	n/a	90	85	85	

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	Oct - Dec	Total	Comments
Environmental Action Plan: Built Environment							
Planning and Regulation							
Manager Development Assessment							
	D001	number	n/a	81	92	173	
	D001	number	n/a	1,064	1,004	2,068	
Infrastructure Action Plan							
Community & Natural Resources							
Manager Water							
	S001	number	<10			0	2008/2009 year.
	S001	number	<10			8	2008/2009 year.
	S003	%	100%			84	2008/2009 year.
	S005	\$	\$492(07/08)			503	2008/2009 year.
	S001	number	<40			10	2008/2009 year.
	S005	number	0			3	2008/2009 year.
	W007	\$	\$312(07/08)			371	2008/2009 year.
	S002	number	<1			0	2008/2009 year.
	S003	ML	7500			8,958	2008/2009 year.
	W006	number	<25			7	2008/2009 year.
	W004	number	<10			5	2008/2009 year.
	W001	%	<5%			0	2008/2009 year.
	W004	%	<15%			12	2008/2009 year.
	W007	number	0			0	2008/2009 year.
	S001	%	95%<12hrs			100	2008/2009 year.
	W006	number	<50			8	2008/2009 year.
	W006	ML	9600			8,639	2008/2009 year.
	S001	%	95%<8hrs			100	2008/2009 year.
	W006	ML	10,250			9,564	2008/2009 year.
	E002	number	>30	9	15	24	
Planning & Infrastructure Engineer							
Maintained and repaired floodgates							
Engineering & Operations							
	E009	kms	50kms	41	12	53	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	Oct - Dec	Total	Comments
Infrastructure Action Plan							
Engineering & Operations							
Manager Works							
	E010	kms	350kms	14	67	81	
	E009	metres	350mtrs	25	98	123	
	E009	kms	20kms	19	6	25	
Planning & Infrastructure Engineer							
	E004	number	>10	1	2	3	
	E014	metres	1000	714	175	889	
	E014	metres	800	912	238	1,150	
	E010	number	9	0	6	6	
	E010	number	200	64	130	194	
Governance Action Plan							
Technology & Corporate Services							
Chief Information Officer							
	A004	number	n/a	42,800	43,300	86,100	
	A004	day	1day	1	1	1	
Coordinator Human Resources							
	A007	number	n/a	6	13	10	Duration rate is calculated on total of lost time injuries.
	A007	number	n/a	62	49	111	
	A007	number	n/a	17	19	36	
	A007	number	n/a	13	9	22	
	A007	number	n/a	664	664	664	
Manager Corporate Governance							
	A029	%	100%	15	40	55	
	A029	number	n/a	2	1	3	
	A029	number	n/a	12	15	27	
	A029	%	n/a	0	5	5	Implementation team appointed.
Manager Financial Services							
	A009	%	<18%			9	8.94, 2008/2009 year.
	A009	number	n/a			0	0.43:1, 2008/2009 year.
	A009	%	30%	10	15	25	Asset Management Plans nearing completion. Asset data in Ascetic.

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	Oct - Dec	Total	Comments
Governance Action Plan							
Technology & Corporate Services							
Manager Financial Services							
	A009	Annual Unrestricted Current Ratio	>1				2 2.4.1, 2008/2009 year.
Revenue & Customer Services Coordinator							
	A009	Average of all rates detailed in a residential rate notice	n/a	1,855	1,855	1,855	
	A009	Rates outstanding at start of each instalment	n/a	73	51	51	
	A009	Outstanding rates, charges and fees	n/a	62	43	43	
	A009	Pensioner rebate assistances for each quarter	n/a	500	450	950	
	A009	Annual movement in rates & annual charges from previous year	n/a			8	2008/2009 year.
	A009	Rate assessments paid in full at first quarter	n/a	24		24	
Human Resource Action Plan							
Technology & Corporate Services							
Coordinator Human Resources							
		Employees per 1000 population	n/a	8	8	8	Based on a population of 86,833 and 866 employees.
		Time taken to fill an advertised job vacancy	n/a	35	54	54	Shortlisting processes are becoming increasingly protracted due to a lack of panel coordination.
		Number of job vacancies readvertised	n/a	1	1	1	Readvertised externally having failed to obtain sufficient internal applicants.
		Actual staff trained against training plan	n/a	188	143	331	
		Terminations resulting from performance management	n/a	1	0	1	
		Successful outcomes of industrial issues	n/a	6	4	10	
		Industrial relations issues handled	n/a	6	4	10	
Equal Employment Opportunity Action Plan							
Technology & Corporate Services							
Coordinator Human Resources							
		EEO complaints substantiated	n/a	1	2	3	
		EEO complaints received	n/a	4	2	6	
		% of males employed to total equivalent full-time staff	n/a	73	74	74	
		% of females employed to total equivalent full-time staff	n/a	27	26	26	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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Tweed Shire Council 7 Year Infrastructure and Services Plan Progress Report for Oct - Dec 2009

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Business and Economic Development							
Economic Marketing & Promotion	Economic Development Support. Contribution to TEDC Projects.	R Adams	76673 Rev	\$ 76,673	\$ 38,337	Funding to TEDC to undertake economic development projects identified in the Economic Growth Management Strategy. Strategy adopted by Council.	Four payments to be made in quarterly instalments to TEDC.
Corporate Planning Unit	Corporate and Executive Support	R Adams	80691 Rev 24817 C/O	\$ 105,508	\$ 37,058	Employment costs for Economic, Corporate Planner and Consultancy Fees for Council 10-Year Business Plan.	Planner provides input and support to executive on projects with significant economic contribution. Business Plan finalised Dec 2008.
Economic Development Support	Council's Internal Economic Development Projects.	R Adams	64327 Rev 159822 C/O	\$ 224,149	\$ 21,839	Undertake various economic development projects as endorsed by the General Manager.	Council endorsed contribution to Murwillumbah CCTV. Remainder proposed to be applied; 100k 50/50 Tweed Tourism Marketing Special Grant, \$15k Tweed Heads VIC Maintenance, \$30k Wardrop Valley Land Slashing, Veg Slashing, Fencing, \$20k M'bah CCTV Review.
Visitors Information Centre	Operate Visitor Information Centre. Contribution to Tweed Tourism.	R Adams	25,000 Rev	\$ 25,000	\$ 12,000	Funding relates to Tweed Heads and Murwillumbah VIC.	Four payments to be made quarterly to Tweed Tourism.
Economic Marketing & Promotion - Tourism	Tourism industry support. Contribution to Tweed Tourism.	R Adams	120,000 Rev	\$ 120,000	\$ 60,000	Funding to Tweed Tourism to undertake tourism marketing and promotion of Tweed.	Four payments to be made in quarterly instalments. Tweed Tourism Marketing Plan has been approved.
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.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Business and Economic Development							
Internal Auditor		N Baldwin	Rev	\$ 93,118	\$ -	No action at this stage.	Staffing requirements to be reviewed.
Tourism & Promotion - Internal		R Adams	0 rev 14000 transfer to WHRC	\$ -	\$ -	Internal transfer account. Refer to WHRC redevelopment	N/A item to be removed.
WHRC Redevelopment	Redevelopment of the Murwillumbah Visitor Information Centre / World Heritage Rainforest Centre	R Adams	100000 loans 14000 Rev from A05391858	\$ 114,000	\$ -	None to date.	Concept design committee to be formed in January 2010 and concepts to be drafted by Architects.
Business and Economic Development Total				\$821,089.00	\$221,534.00		
Community and Natural Resources							
Cultural Arts Seed Funding	This project will 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 Australian Business Arts Foundation forum.	Projects to be identified.
Arts Traineeship and Mentorship	This project, will 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.	Projects to be identified.
Youth Activities Program	Part of a package of youth-oriented projects in the Quality of Life Program, this project will provide \$12,500 to fund youth activities as identified by the Youth Development Officer.	G Corbett	12,500 Rev 4996 C/O	\$ 17,496	\$ 7,298	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, Cabarita (CDSE Funded) and Tweed Heads to identify and run projects/activities.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
Youth Transport	Allied to the Youth Activities Program, this project will provide funding 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	\$ 10,090	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.
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	\$ 50,878	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	\$ 34,498	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	\$ -	\$ -	Concept drawings completed for Better Regions application for Federal Funding. Project Manager engaged. Application forthcoming.	Myal Street sale 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 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 will see works in the auditorium to replace carpet on walls, upgrade of stage.	G Corbett	150000 reserves	\$ 150,000	\$ 14,357	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.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
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	\$ 146,486	Work completed for Piggabeen Hall and Bray Park Community Centre. Limpitwood 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	\$ 20,888	Chinderah boat ramp car park completed.	Final costing to be put against this allocation. Major repairs required to 2 pontoons.
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 Grant / 228680 C/O	\$ 907,965	\$ 59,536	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.
Administration Officer	Staff costs.	G Corbett	Revenue	\$ 53,701	\$ 29,589	Administration Officer employed.	Ongoing.
Coastline Management Plan Implementation	Kingscliff Foreshore Protection Works	J Lofthouse	241655 C/O	\$ 241,655	\$ 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. Access Funds rolled over.
Tweed Coast Estuaries Management Plan.	Implementation of Coast Estuaries Management Plan.	J Lofthouse	138575 Revenue 138569 grant 60686 C/O	\$ 337,830	\$ 24,218	Revetment works on Cudgen Creek. Ongoing program of projects.	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.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
Youth Strategy Implementation		G Corbett	500000 grants	\$ 500,000	\$ -	Included in CP15 S94.	Consult with the community regarding utilisation of space in Cabantia/Bogangar.
Regional boating strategy implementation		J Lofthouse	s94	\$ 60,000	\$ -		
Bushland Maintenance Officer		J Lofthouse	68305 Rev 3432 C/O	\$ 71,737	\$ 4,048	Bushland Officer employed.	Ongoing.
Community and Natural Resources Total				\$3,062,173.00	\$461,481.00		
Engineering and Operations							
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 second 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	\$ 73,349	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/falling assets - Playground Equipment, BBQ & Shelters.	S Brawley	341,750 Rev 5284 C/O	\$ 347,034	\$ 178,166	Works program developed. Awaiting advice 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	\$ 1,200	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	\$ -	Master Plan adopted by Council and funding for initial stages voted from CP26.	Design and approvals for formalisation of perimeter purfing, consultation and design for upgrade of netball facilities; consultation and design for new tennis facilities.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
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.
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	\$ 287,831	Program continuing through year. Doon Doon Rd & Smiths Creek Rd box culvert replacements programmed in 1st quarter of 2010.	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	\$ 281,923	25kms 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	\$ 418,295	28km of spray sealed roads resurfaced. Program complete.	Nil.
Sealed road rehabilitation	Rehabilitation of sealed roads in accordance with condition assessment.	I Kite	688,900 Lns 81855 C/O	\$ 770,755	\$ 456,335	2758m ² pavement rehabilitated, 712m ² dugout patches & 1239m ² asphalt profile 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	\$ 48,379	123m of kerb and gutter replaced.	Program continuing through year.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
Footpaths rehabilitation	Rehabilitate footpaths in accordance with condition assessment.	I Kite	266,000 Lns 152991 C/O	\$ 418,991	\$ 176,900	1266m2 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. Sportsfield lights installed at Walter Peate Fields. Waiter Peate plans will change with consideration to proposed Depot Road fields.	Liaise with Kingscliff sportsfield stakeholders on design of facilities upgrades for when Kingscliff Soccer Club relocates to Depot Road.
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	\$ 865	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	\$ 1,041	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.
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. DA or Part IV to be prepared and lodged.
Botanical Gardens Visitors Centre		S Brawley	500000 C/O	\$ 500,000	\$ -	-	To be considered after construction of hydraulic works.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
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 Mooball Creeks in Tweed Shire plus Marshalls Creek in Byron Shire)	D Rose	37500 Rev 37500 C/O	\$ 75,000	\$ -	- Study Completed.	Implement in DCP.
Pottsville North drainage outlet - Eianora		I Kite	900000 C/O	\$ 900,000	\$ -	- Project design in progress. Scheduled for construction commencing in March 2010.	Finalise design.
West Kingscliff drain - Gales/Bowling club		I Kite	800000 Rev 750000 C/O	\$ 1,550,000	\$ 647	647 Project design in progress. Negotiations with other stakeholders ongoing. Scheduled for construction commencing in April 2010.	Finalise design and financial arrangements.
Recreation asset management		S Brawley	13947 C/O	\$ 13,947	\$ 13,947	13,947 First draft near completion.	Completion of first draft.
Tweed Heads Masterplan/Jack Evans Boatharbour		S Brawley	Loans	\$ 5,000,000	\$ 890,033	890,033 Civil works in Old Caravan Park near completion. Tendering process commenced.	Complete contractor workshops, receive tenders and appoint construction contractor.
Engineering and Operations Total				\$13,740,322.00	3,348,448.00		
Planning and Regulations							
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.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Planning and Regulations							
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	\$ 33,611	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 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.
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	\$ 25,866	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 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	\$ 52,165	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, compiling development, development applications, sewer applications etc.	R Cameron	87410 Rev 3882 C/O	\$ 91,292	\$ 56,307	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 abovementioned 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.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Planning and Regulations							
Administration Officer.	Staff Costs.	R Cameron	48387 Revenue 20068 C/O	\$ 68,455	\$ 25,811	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	\$ 49,215	Officer employed. Currently auditing On-site sewage management systems.	Continue to audit existing On-site sewage management systems.
Urban Design Planner		I Lonsdale		\$ 74,694	\$ 55,700	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.	Funding now obtained and Development application lodged.
Planning and Regulations Total				\$721,603.00	\$298,675.00		
Grand Total				\$18,345,187.00	\$4,330,138.00		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Reflected within the 2009-2010 budget and 2009-2012 Management Plan.

POLICY IMPLICATIONS:

In accordance with the Management Plan reporting requirements of the Local Government Act 1993.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

48 [TCS-CM] Legal Services Report as at 31 December 2009

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

The Legal Services report as at 31 December 2009 monitors the status on legal instructions, for current or 2009/2010 completed matters which have been issued to panel legal providers. The report includes payments to the various legal providers, but also payments for barristers and consultants and other direct expenses where applicable.

RECOMMENDATION:

That Council receives and notes the Legal Services Register as at 31 December 2009.

REPORT:

Expenditure incurred on legal instructions for the period 1 July 2009 to 31 December 2009 is as follows:

	Category 1 Planning, Environmental & Local Government Law	Category 2 Commercial/Property Law	Local & District Court Matters
Sept Quarter	\$75,890	\$1,852	\$0
Dec Quarter	\$86,115	\$15,983	\$703
TOTAL	\$162,005	\$17,835	\$703

A summary of payments to each of the Legal Service Providers including barristers and consultants and other direct expenses where applicable, for the period 1 July 2009 to 31 December 2009 is as follows:

Legal Service Provider	Category 1 Planning, Environmental, Local Government Law	Category 2 Commercial/Property Law
HWL Ebsworth	\$56,185	
Lindsay Taylor	\$0	
Maddocks	\$13,233	\$17,495
Marsdens	\$63,203	
Sparke Helmore	\$368	
Stacks Northern Rivers	\$29,016	\$340
Wilshire Webb Staunton Beattie	\$0	\$0

Legal Service Provider	Local & District Court Matters
Stacks Northern Rivers	\$703

LEGAL SERVICES REGISTER as at 31 December 2009

Legal Service Job Number	Service Provider	Category	Description of Matter	General Instructions	Costs to Date	Comments
A1010.2690	HWL Ebsworth	1	Class 1 Appeal, D.A.08/0755 Seaside City, 24 Lot Subdivision Casuarina Way Kingscliff File DA 08/0755	Defend the matter in the Land and Environment Court	09/10 7,839	In Progress – Land & Environment –On site meeting and S.34 Mediation held 21 October 2009. Without prejudice draft conditions being evaluated
A1310.2697	HWL Ebsworth	1	Class 4 Appeal – DA08/0966 Refusal to determine Development Application and other issues impacting upon on- site sewerage management system at 49 Upper Crystal Road Crystal Creek File DA08/0966	Defend the matter in the Land and Environment Court	09/10 5,697	In Progress – Land & Environment directions hearing held on 4 December 2009. Council's Notice of Motion to dismiss application listed for hearing on 4 February 2010. Other matters listed for hearing on 12 February 2010
A0029.2645	Marsdens	1	Class 4 Appeal – 7 year Special Rate Variation File DA08/0966	Defend the matter in the Land and Environment Court	07/08 24,446 08/09 280,956 09/10 26,614 332,016	In Progress – Land & Environment judgement handed down 30 December 2008, applicants claim was unsuccessful, part costs claim awarded, Court of Appeal case filed- hearing set down for 15 February 2010.

Legal Service Job Number	Service Provider	Category	Description of Matter	General Instructions	Costs to Date	Comments
A1010.2641	Marsdens	1	Class 4 Appeal – DA06/0413, Re-development of the existing Hastings Point Holiday Caravan Park Hastings Point for the purposes of an aged care facility File DA 06/0413	Act on Council's behalf in the Land and Environment Court, Court of Appeal & High Court	07/08 8,188 08/09 1,129 09/10 2,553 11,870	In Progress – Council has been participating as a submitting appearance only- Land & Environment Court. Judgement handed down- Court of Appeal challenge dismissed- Special Leave hearing to the High Court, listed for 12 February 2010. Further Court of Appeal challenge considered in chambers and were dismissed on 10 December 2009.
A1010.2688	Marsden's	1	D.A.05/0223.05 – 4 Wharf Street Tweed Heads – use of premises as a restaurant File DA05/0223	Provide advice in relation to the commencement by Council of Class 4 action in the Land & Environment Court	08/09 729 09/10 1,491 2,220	In Progress - Advice provided, outlining issues. Council Meeting 17 November 2009 resolved to commence Class 4 proceedings in order to regularise unauthorised Building Works.
A1310.2657	Stacks	1	Statement of Claim - DA04/1028- 207 Farrants Hill Road- building encroachment. File DA04/1028	Defend the matter in the District Court of NSW	07/08 7,594 08/09 34,534 09/10 3,441 45,569	In Progress – hearing still not held- .matter has been transferred from District Court to Land & Environment Court.

Legal Service Job Number	Service Provider	Category	Description of Matter	General Instructions	Costs to Date	Comments
A1010.2672	Stacks	1	Appeal to Supreme Court of Appeal –M.W. Allen (Lizzio Subdivision – Condong) File GS4/95/73	Represent Council in the Supreme Court and engage counsel where appropriate	08/09 29,609 09/10 25,575 55,184	In Progress – second appeal in the Supreme Court heard 16 October 2009, Judge reserved his decision. Judge upheld the appeal, costs awarded to Council. Offer sought to settle costs and reach agreement for the conduct of a new trial at minimum expense.
A1310.2698	Stacks	District/Local Court	Issue notices for non-compliance with Caravan Park conditions – Homestead Caravan Park and Tweed River Hacienda Caravan Park Files PF 4040/1650 & PF4040/1652	Act on Council's behalf	09/10 703	In Progress - notices of intention issued for caravan park breaches. The matter of delineation of individual sites is the only breach outstanding and it is being reviewed.
A1010.2649	HWL Ebsworth	1	Class 1 Appeal – deemed refusal – DA06/1054 – 2954 Kyogle Road Kunghur- Nightcap Village Staged Development File DA06/1054	Act on Council's behalf in the Land and Environment Court	07/08 27,666 08/09 129,051 09/10 12,454 169,171	Completed – Land & Environment Court, on-site meeting held, without prejudice meetings held, applicant provided further information, matter discontinued 16 July 2009. Development Application approved 29 June 2009.

Legal Service Job Number	Service Provider	Category	Description of Matter	General Instructions	Costs to Date	Comments
A1010.2684	HWL Ebsworth	1	Banora Point Caravan Park Refurbishment File PF4030/2620	Act on Council's behalf in relation to the management of approvals and enforcement actions.	08/09 10,625 09/10 28,957 39,582	COMPLETED – advice provided on proposed refurbishment. Amended consent issued 17 December 2009.
A1010.2699	HWL Ebsworth	1	Wooyung Development Site- D88/0640 and DA 09/0341 for construction of a dwelling at the site	Provide advice in relation to the issues impacting on the two D.A.'s	09/10 1,239	COMPLETED – Advice provided
A0029.2693	Maddocks	1	Code of Conduct issues	Provide advice in relation to issues impacting upon Council's Code of Conduct.	09/10 13,232	COMPLETED – Advices provided
A1010.2643	Marsdens	1	File Code of Conduct Class 4 Appeal – DA 07/0022, Construction of 7 units- 21 Tweed Coast Road Hastings Point Class 1 Appeal lodged by Plaintiff Consulting for amended application File DA 07/0022	Act on Council's behalf in the Land and Environment Court	07/08 2,707 08/09 16,329 09/10 29,015 48,051	Completed – Class 4 Appeal to Land & Environment Court, upheld Council decision. Subsequent application was refused by Council; Appeal was heard on 15-16 October 2009. Appeal was dismissed- Development Application refused.

Legal Service Job Number	Service Provider	Category	Description of Matter	General Instructions	Costs to Date	Comments
A1010.2694	Marsdens	1	DA 0006/2001 – Erection of Tourist Resort- Kirkwood Road Tweed Heads South File. DA1680/785	Provide advice in relation to the surrender of Development Consent	09/10 3,530	COMPLETED – Advice provided 2 September 2009.
A1010.2695	Sparke Helmore	1	DA09/006 – Deemed Refusal – 4 lot subdivision at 16-18 Ozone Street Chinderah. File DA09/006	Act on Council's behalf in the Land & Environment Court	09/10 368	COMPLETED – Legal action withdrawn November 2009 – Deferred Commencement was issued on 22 October 2009.
A0029.2691	Maddocks	2	Brand - Copyright/Trademark	Provide advice in relation to issues impacting upon the copyright and trademark of Council's new brand.	09/10 1,512	COMPLETED – Advice provided
A2542.2696	Maddocks	2	Waste Management Contracts	Prepare legal document to formalise contract matter	09/10 15,983	COMPLETED – Advice provided
A1010.2685	Stacks	2	Recovery of Land & Environment awarded costs – McAuleys Road land clearing	Provide advice in relation to the most practicable method to recover the costs	09/10 340	COMPLETED – advice provided no further action being taken

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

49 [TCS-CM] Complaint Analysis - 1 October to 31 December 2009

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Council's Complaints Handling Policy is a framework for the effective management of complaints.

A complaint is an expression of dissatisfaction, made in respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.

It is not a request for service, (customer work request), or information or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.

The Policy requires a complaint analysis report be reported to Council detailed by type and outcomes/actions on a quarterly basis.

It is advised that for the period 1 October 2009 to 31 December 2009, 15 items were received which comply with the definition of a complaint. A further three complaints were dealt with during this quarter which were outstanding from the September quarter.

Four complaints were under investigation and subsequently two complaints have since been resolved.

The complaints principally refer to the:

- failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response To Policy;
- respondents being dissatisfied with the actions of Council officers in handling their original request for service;
- respondents being dissatisfied those issues have not been dealt with by Council Officers.

RECOMMENDATION:

That Council receives and notes the Complaints Analysis for the period 1 October 2009 to 31 December 2009.

REPORT:

The type of complaint has been categorised in accordance with categories used by the Department of Local Government. This methodology will assist in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Complaint Type	Qty	Details of Complaint	Comments
Customer Service Service Standards	7	Council Officers not responding to requests for information within 14 days which is the customer service standard in Council's Correspondence response to Policy.	Discussion held with complainant, issue solved.
		Rating issues.	A response has been sent to the complainant addressing the rating legislation.
		Dissatisfaction with current arrangements of community access, would like old system reinstated.	Matter addressed by Council resolution involving change of Community Access session as well as the availability of the business paper.
		New logo and the cost to implement.	A response has been sent to the complainant.
		The performance of a Council Contractor.	Matter under investigation.
		The advice provided by a Council Officer.	Concerns have been discussed with the complainant; the issue resolved itself in January 2010.
		The service provided by a Council Officer.	Concerns have been discussed with the complainant, now aware of the procedures.
Development Assessment DA Approval	2	Approval of Round Mountain Music Festival, failure to notify local community, approval of DA and monitoring of noise pollution.	Responses have been sent to the complainants addressing the issues contained in their complaints.

<p>Enforcement and Regulatory Powers Noise/Dumping of Fill/ Dog</p>	<p>5</p>	<p>Noise matters still continuing, although they had previously been reported to Council.</p>	<p>The issues have been further discussed, all parties and responses have been sent to an appropriate party and to the complainant.</p>
		<p>Complainant has been lodging complaints since 2008 regarding a neighbour dumping fill along a creek bank.</p>	<p>Complainant has been advised of the circumstances of the issue.</p>
		<p>Complainant was concerned that Council Officers were not clearly investigating a dog complaint.</p>	<p>Complainant has been advised of the action required to address alleged problem.</p>
		<p>Complainant has contacted Council seeking guidance on a noise complaint, no Officer has contacted them.</p>	<p>Matter under investigation.</p>
<p>Engineering Services Roads</p>	<p>2</p>	<p>Complaint from a disabled person, claiming discrimination - no footpaths in street.</p>	<p>A response has been sent advising of the circumstances why the provision of footpaths in street has a low priority. A meeting was held with Complainant. Matter subsequently resolved.</p>
		<p>Complainant concerned at the loss of business due to construction of new roundabout.</p>	
<p>Natural Resource Management Coastal Crown Land</p>	<p>2</p>	<p>Complainant had a number of issues concerning the management of coastal crown land at Fingal Head, including a response received from Council.</p>	<p>Complainant has received a comprehensive response, addressing the issues contained in the complaint.</p>
		<p>Complainant advises that 10 Banksia trees have been cut down to ground level at the end of Pandanus Parade Cabarita.</p>	<p>A meeting has been held with Complainant. Matter being monitored.</p>

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

50 [TCS-CM] Monthly Investment Report for Period Ending 31 January 2010

ORIGIN:

Financial Services

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies.

Council had \$120,501,182 invested as at 31 January 2010 and the accrued net return on these funds was \$410,692 or 4.09% annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 January 2010 totalling \$120,501,182 be received and noted.

REPORT:

Report for Period Ending 31 January 2010

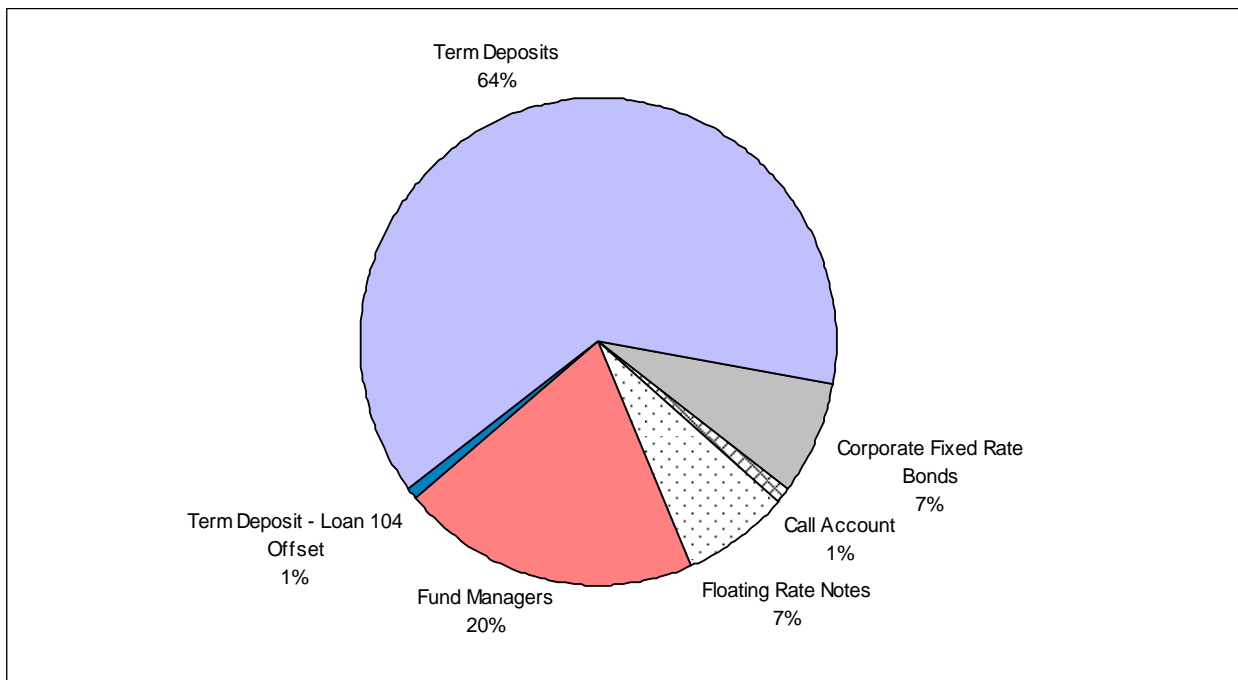
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

1. RESTRICTED FUNDS AS AT 1 JULY 2009

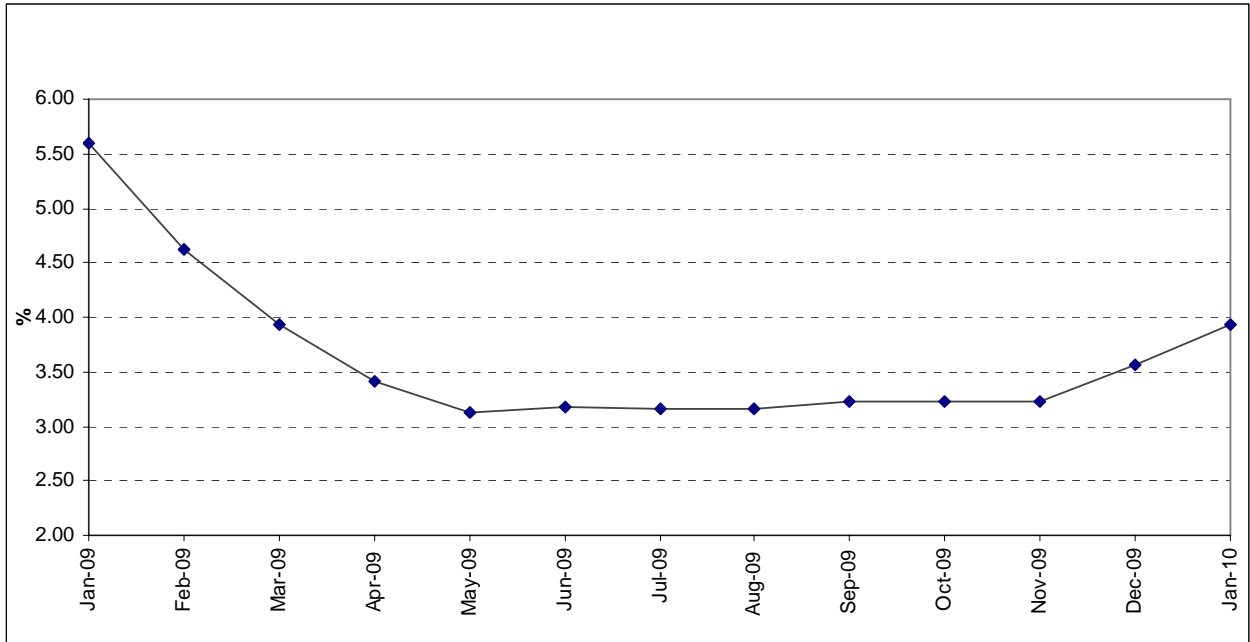
Description	(\$'000)			Total
	General Fund	Water Fund	Sewer Fund	
Externally Restricted	15,427	13,980	14,908	44,315
Crown Caravan Parks	10,145			10,145
Developer Contributions	29,762	19,327		49,089
Domestic Waste Management	8,035			8,035
Grants	3,794			3,794
Internally Restricted	13,816			13,816
Employee Leave Entitlements	1,685			1,685
Grants	2,535			2,535
Unexpended Loans	5,889			5,889
Total	91,088	33,307	14,908	139,303

Note: Restricted Funds Summary next update September 2010

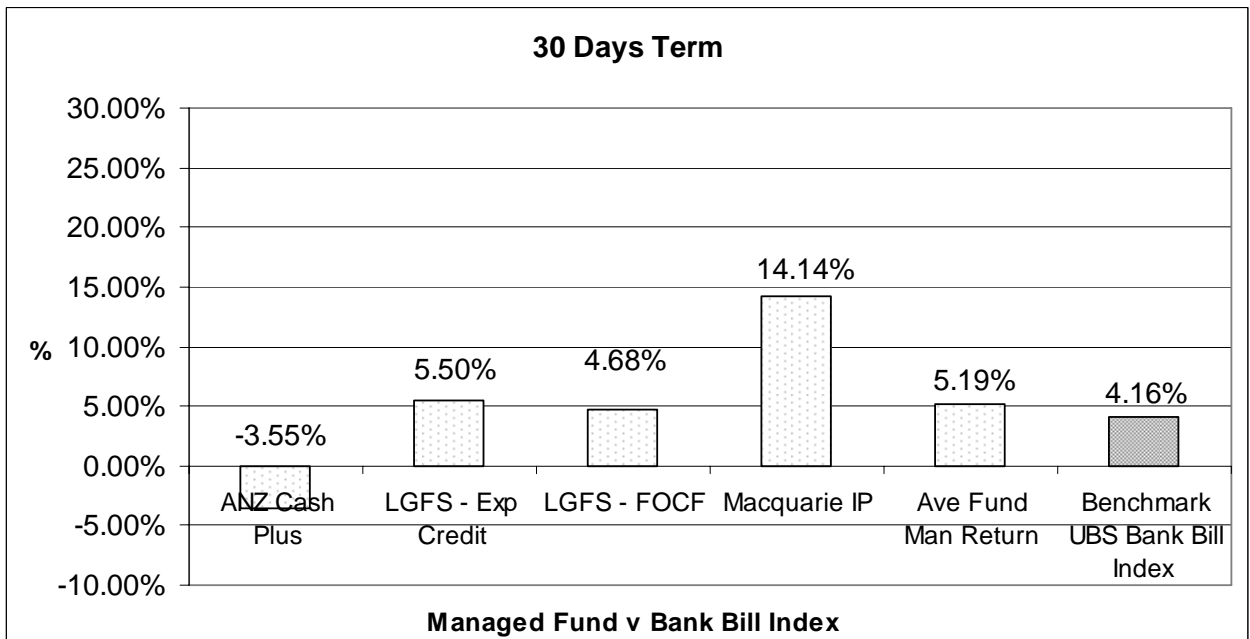
2. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



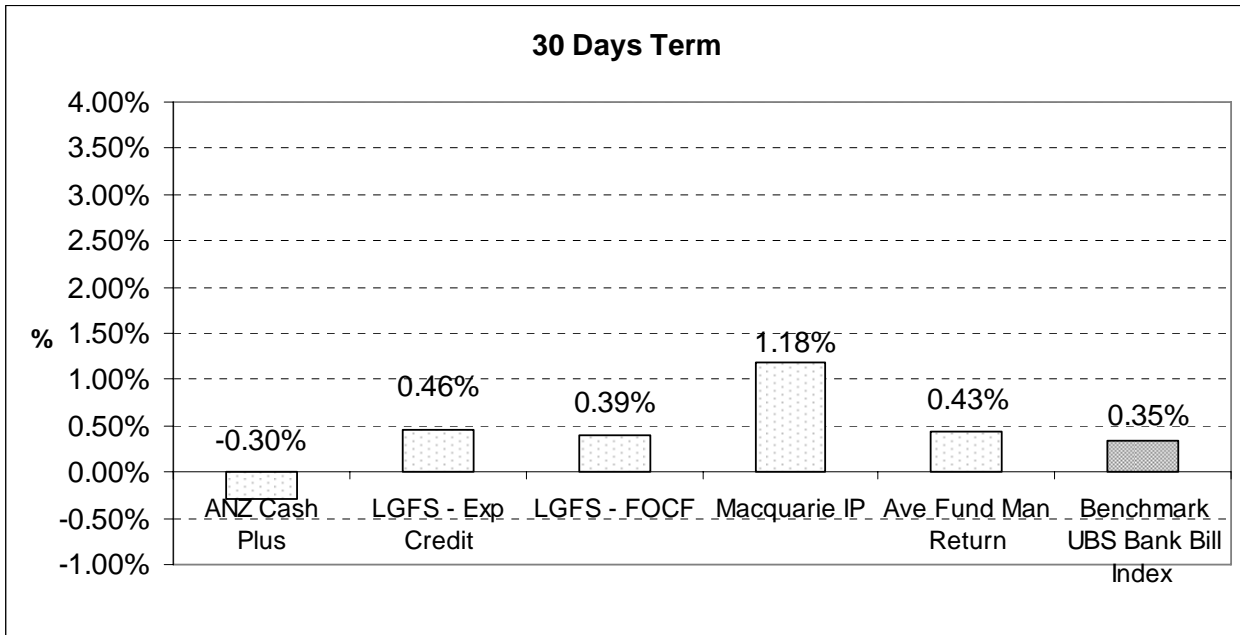
3. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



4. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (ANNUALISED)



5. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES AND CAPITAL VALUE CHANGES (NOT ANNUALISED)



6. FUND MANAGERS - DETAILED INFORMATION

Fund	Credit Rating	Percentage of Total Fund Managers Current Month	Fund Managers Balance end of Previous month	Fund Managers Balance end of Current month	Distribution for Month/Quarter	Coupon Paid
ANZ Cash Plus	AA	3.00%	\$902,081	\$731,237	\$0	Monthly
LGFS - Enhanced Cash	n/a	23.35%	\$5,671,949	\$5,697,795	\$0	Quarterly
LGFS - FOCF	AA-	26.67%	\$6,483,711	\$6,508,943	\$0	Quarterly
Macquarie IP	A	46.99%	\$11,338,508	\$11,466,553	\$0	Quarterly
Total		100%	\$24,396,248	\$24,404,528	\$0	

7. DIRECT SECURITIES

Investment Type	Final Maturity	Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Credit Rating
Bond	08/11/2011	ANZ	1,000,000.00	1,033,270.00	5.15	AA
Bond	22/04/2013	ANZ	1,000,000.00	1,095,580.00	8.65	AA
FRN	17/08/2010	ANZ	1,000,000.00	995,563.00	4.26	AA
Bond	02/12/2010	Bank of Queensland	1,500,000.00	1,514,280.00	5.55	BBB+
Bond	02/12/2010	Bank of Queensland	1,000,000.00	1,009,520.00	6.00	BBB+
FRN	20/07/2010	CBA	1,000,000.00	999,526.47	4.47	AA
FRN	21/01/2011	CBA	1,000,000.00	1,001,742.19	4.66	AA
FRN	17/04/2012	CBA	1,000,000.00	1,012,221.98	4.41	AA
FRN	23/11/2012	Deutsche Bank	1,000,000.00	868,074.00	4.92	A+
FRN	24/01/2011	Macquarie/HSBC	2,000,000.00	1,965,501.12	4.83	A
FRN	08/03/2012	Members Equity	2,000,000.00	1,912,300.00	5.14	BBB-
Bond	22/01/2018	CBA Zero Coupon Bond	2,000,000.00	2,200,000.00	7.28	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,060,100.00	4.90	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,060,100.00	5.15	AA
ABS = Asset Backed Security		Total	17,500,000.00	17,727,778.76	5.38	
Bond = Fixed Rate Bond						
CDO = Collateralised Debt Obligation						
FRN = Floating Rate Note						

8. TERM DEPOSITS - SORTED BY MATURITY AS AT 31 JANUARY 2010

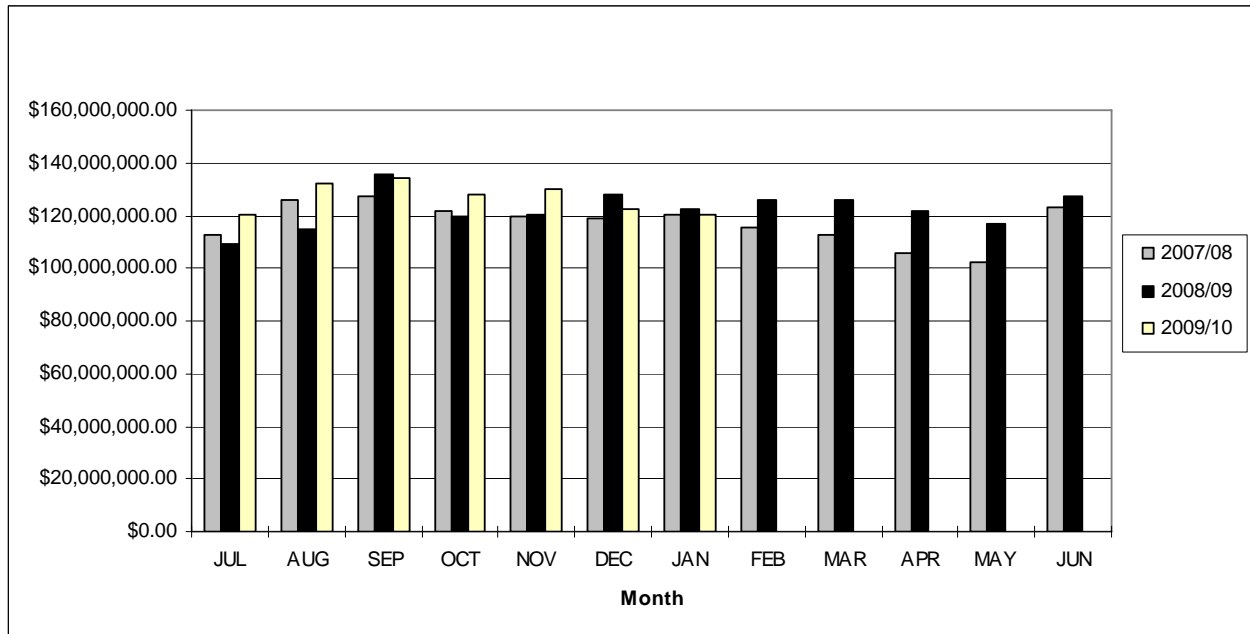
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
17-Feb-09	17-Feb-11	Adelaide Bendigo Bank	2,000,000.00	730	4.700	188,000.00
17-Nov-09	16-Mar-10	Adelaide/Bendigo Bank	2,000,000.00	119	5.400	35,210.96
27-May-09	27-May-10	ANZ	2,000,000.00	365	4.450	89,000.00
25-Nov-09	23-Feb-10	Aust Defence Credit Union	1,000,000.00	90	5.320	13,117.81
12-Jan-10	20-Jul-10	Bank of Queensland	2,000,000.00	189	6.400	66,279.45
21-Aug-09	24-Aug-10	Bank of Queensland	2,000,000.00	368	5.300	106,871.23
20-Oct-09	19-Oct-10	Bank of Queensland	1,000,000.00	364	6.050	60,334.25
20-Oct-09	19-Oct-10	Bankwest	1,000,000.00	364	6.000	59,835.62
28-Oct-09	28-Apr-10	CBA	868,875.00	182	4.505	19,517.79
17-Feb-09	16-Feb-11	Elders Rural Bank	1,000,000.00	729	4.620	92,273.42
18-Nov-09	18-Feb-10	IMB	1,000,000.00	92	5.200	13,106.85
02-Dec-09	02-Mar-10	IMB	1,000,000.00	90	5.400	13,315.07

Council Meeting held Tuesday 16 February 2010

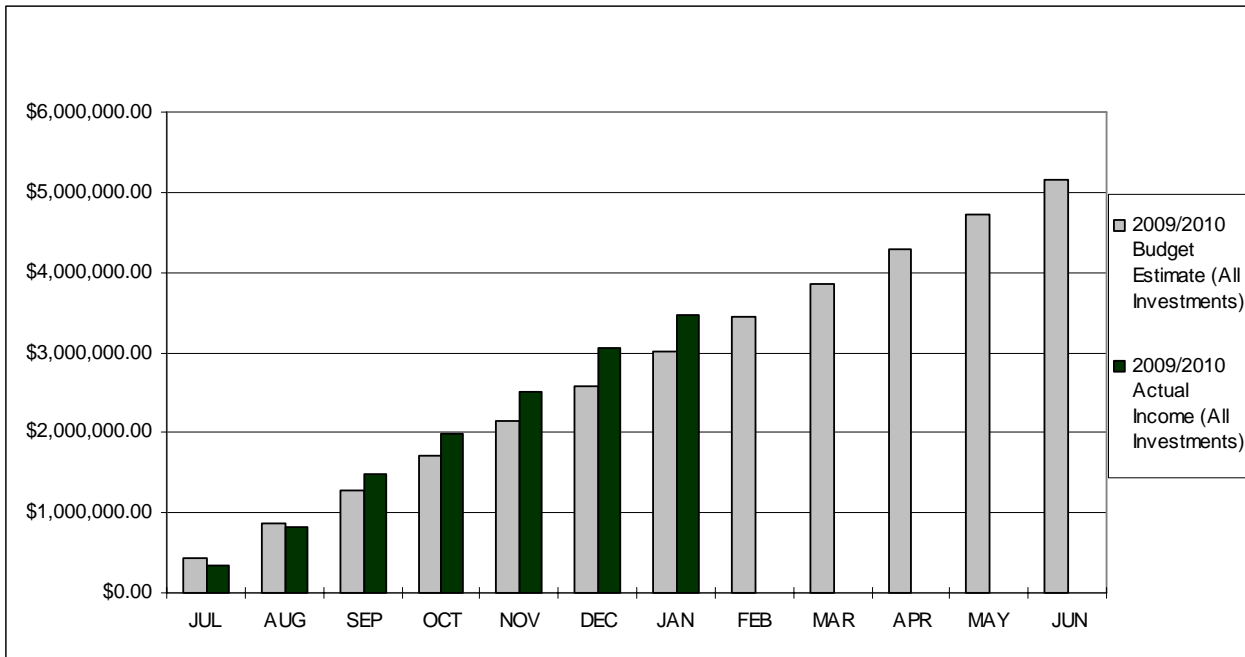
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
12-Nov-08	16-Nov-11	Investec Bank	1,000,000.00	1099	6.880	207,153.97
30-Nov-09	01-Mar-10	LGFS	5,000,000.00	730	5.030	503,000.00
21-Dec-09	22-Mar-10	LGFS	1,000,000.00	24	4.820	3,169.32
12-Jan-10	12-Apr-10	LGFS	2,000,000.00	90	4.890	24,115.07
10-Dec-09	14-Dec-10	NAB	1,000,000.00	369	6.650	67,228.77
25-Aug-09	23-Feb-10	National Australia Bank	3,000,000.00	182	5.440	81,376.44
01-Sep-09	03-Mar-10	National Australia Bank	4,000,000.00	183	4.930	98,870.14
10-Sep-09	09-Mar-10	National Australia Bank	2,000,000.00	180	4.910	48,427.40
01-Sep-09	01-Sep-10	National Australia Bank	4,000,000.00	365	5.530	221,200.00
13-Aug-09	09-Feb-10	Newcastle Permanent Building Society	1,000,000.00	180	4.910	24,213.70
25-Nov-09	25-Mar-10	Police Credit Union SA	1,000,000.00	118	5.400	17,457.53
11-Jan-10	13-Apr-10	S & L Cr Union	1,000,000.00	92	6.200	15,627.40
14-Jan-10	13-Apr-10	SGE Cr Union	1,000,000.00	89	6.100	14,873.97
11-Nov-09	03-Feb-10	Suncorp Metway	1,000,000.00	84	5.450	12,542.47
16-Sep-09	20-Jul-10	Suncorp Metway	2,000,000.00	307	5.200	85,479.45
16-Sep-09	20-Jul-10	Suncorp Metway	2,000,000.00	307	5.200	87,473.97
07-Oct-09	05-Oct-10	Suncorp Metway	1,000,000.00	363	6.010	59,770.68
05-Jan-10	21-Dec-10	Suncorp Metway	1,000,000.00	350	6.900	66,164.38
02-Apr-08	01-Apr-11	Suncorp Metway	3,000,000.00	1095	8.300	747,000.00
12-Nov-08	11-Nov-11	Suncorp Metway	4,000,000.00	1094	6.880	824,846.03
05-Jan-10	06-Apr-10	WA Police & Nurses Cr Un	1,000,000.00	91	6.000	14,958.90
11-Nov-09	16-Feb-10	Westpac Bank	1,000,000.00	97	5.230	13,898.90
10-Dec-09	14-Sep-10	Westpac Bank	1,000,000.00	278	6.750	51,410.96
03-Dec-09	14-Dec-10	Westpac Bank	1,000,000.00	376	7.050	72,624.66

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
16-Dec-09	21-Dec-10	Westpac Bank	1,000,000.00	370	7.000	70,958.90
10-Sep-09	09-Feb-10	Westpac Bank	2,000,000.00	152	4.860	40,477.81
11-Jan-10	13-Jul-10	Westpac Bank	2,000,000.00	183	6.600	66,180.82
19-Jan-10	21-Sep-10	Westpac Bank	2,000,000.00	245	6.630	89,005.48
05-Nov-09	05-Oct-10	Westpac Bank	2,000,000.00	334	6.260	114,566.58
01-Dec-09	07-Dec-10	Westpac Bank	2,000,000.00	370	6.800	137,863.01
21-Aug-09	17-Feb-10	Westpac Bank	4,000,000.00	180	4.800	94,684.93
			76,868,875.00			5.743

9. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED

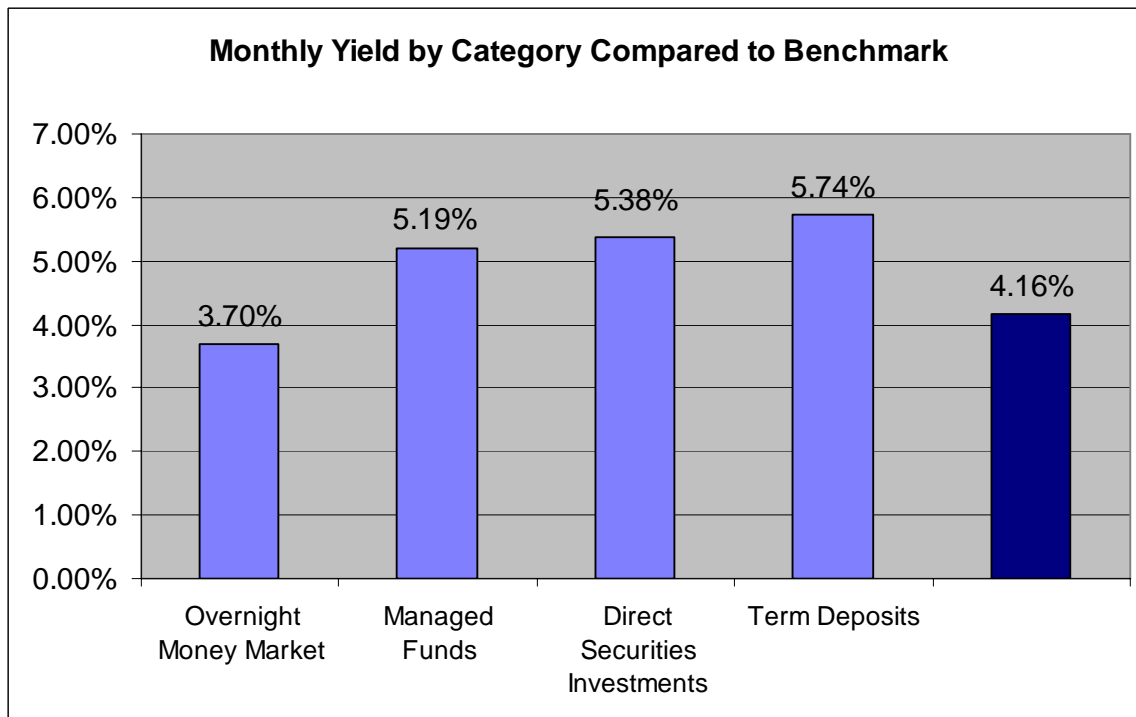


10. TOTAL PORTFOLIO INCOME YEAR TO DATE



11. PERFORMANCE BY CATEGORY

Category	Face Value	Market Value	Average Yield	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$1,500,000.00	\$1,500,000.00	3.70%	-0.46%
Managed Funds	\$24,404,527.85	\$24,404,527.85	5.19%	1.03%
Direct Securities Investments	\$19,500,000.00	\$17,727,778.76	5.38%	1.22%
Term Deposits	\$76,868,875.00	\$76,868,875.00	5.74%	1.58%
	\$122,273,402.85	\$120,501,181.61	4.16%	Benchmark 30 Day UBS Bank Bill Index



**12. SECTION 94 DEVELOPER CONTRIBUTIONS - MONTHLY BALANCES REPORT
PERIOD ENDING 31 DECEMBER 2009**

Contribution Plan	Plan Description	End of month balance	Contributions received this month
01	DCP3 Open Space	3,674,191	0
02	Western Drainage	454,595	0
03	DCP3 Community Facilities	33,037	0
04	Tweed Road Contribution Plan	11,291,784	139,953
05	Open Space	1,280,837	2,218
06	Contribution Street Trees	180,925	1,485
07	West Kingscliff	811,157	734
10	Cobaki Lakes	-161	0
11	Libraries	1,513,325	5,706
12	Bus Shelters	24,405	345
13	Cemeteries	3,421	904
14	Mebbin Springs	68,391	0
15	Community Facilities	1,232,644	6,108
16	Surf Lifesaving	398,584	943
18	Council Admin - Tech Support	1,628,437	15,945
19	Kings Beach	1,043,015	0
20	Seabreeze Estate	571	0
22	Shirewide Cycleways	452,535	4,447
23	Shirewide Carparking	1,727,265	197,748
25	Salt Development	772,797	0
26	Plan 26 Shirewide Open Space	3,835,097	34,330
27	Tweed Heads Masterplan & Streetscaping	76,271	0
28	Seaside City	-640	0
91	DCP14	81,846	0
92	Public Reserve Contributions	102,896	0
94	Terranora Village Footpath	-113,949	
95	Bilambil Heights	490,121	0
96	Community Facilities Shire Wide	68,156	0
Total		31,131,553	410,866

13. ECONOMIC COMMENTARY

Global Economy

The US unemployment rate surprisingly fell to a 5 month low of 9.7% in January as payrolls grew for the first time since 2007, hinting at a labour market recover. Across the Atlantic, there was speculation on Saturday morning that the EU may come up with a solution for the budget deficits in Greece, Spain and Portugal.

Domestic Economy

The Reserve Bank of Australia's (RBA's) decision to leave the cash rate unchanged on 2 February, against most expectations, sent yields in the local debt market sharply lower, while the Australian dollar shed more than a full US cent in the space of less than a minute.

As recently as October last year, when 90-day bank bill yields were around 3.9% pa, implied yields on the 90-day bank bill futures for December 2010 were trading as high as 5.95% pa (a spread of more than 200 basis points) in anticipation of an aggressive tightening of monetary policy, but the spread has dropped back to around 70 basis points as it has become apparent that the RBA is going to reverse the emergency easing of monetary policy much less rapidly than it implemented it.

That was always going to be the case, because while the outlook for the global economy had soured rapidly, justifying a no less rapid easing of monetary policy, it was never going to recover strongly from such a deep, albeit brief recession. Moreover, the RBA is treading even more gingerly than seemed to be likely a month or so ago because even a modest recovery in the global economy is vulnerable to the odd setback, be it doubts about whether equity prices may have gotten too far ahead of realistic expectations for earnings; problems in one of the euro's member states infecting other economies that adopt the single currency; or indigestion in bond markets as governments make big calls on them to finance the deficits racked up to circuit-break the risk of the global recession of 2008/ 2009 turning into the depression of 2010.

Lenders have generally raised rates a little more than the cash rate over recent months and most loan rates have risen by close to a percentage point. Since information about the early impact of those changes is still limited, the Board judged it appropriate to hold a steady setting of monetary policy for the time being.

The RBA has indicated that this month's pause is just that - almost certainly a pause rather than an end to the tightening cycle by stating that "Interest rates to most borrowers nonetheless remain lower than average. If economic conditions evolve broadly as expected, the Board considers it likely that monetary policy will, over time, need to be adjusted further in order to ensure that inflation remains consistent with the target over the medium term".

Tuesday's RBA short announcement included a one liner advising that "...Inflation is expected to be consistent with the target in 2010", but the so-called 'long and variable lags' in the operation of monetary policy mean that its implementation this year will in large part be driven by the RBA's expectations for inflation in 2011 and beyond, so Tuesday's statement's reference to inflation in 2010 only is not much of a guide as to whether the RBA still has its finger on the trigger, and if it does, whether or not the safety catch is activated.

Although real growth in the broader measure of household consumption - which accounts for around 55 per cent of economic output, as measured by gross domestic product (GDP) -

in the December quarter won't be known until the national accounts are published on the 3rd of March, the retail data captures around one third of household consumption, so will be a good barometer of the extent to which the removal of emergency monetary stimulus crimped the biggest component of the economy in its first quarter of operation.

The most recent pull-back in equity markets was not cited by the RBA as part of the reason for its decision to hold fire for at least a month, but it probably would have been at least in the back of the RBA's collective mind because the rapid erosion of household wealth, including especially when share prices were falling sharply, was a key reason for the aggressive easing of monetary policy in late 2008/early 2009, while the subsequent significant partial recovery in equity markets was one of the reasons cited as supporting both the November and December 2009 cash rate increases.

Equity markets in any case have tentatively found their footing, although they remain below recent 'peaks'. More generally, the temporary halt in global share prices' rebound highlights just how long, and most likely potholed, the road to a durable recovery in the global economy will be. But unless the latest jitters in share prices are something more than a pause in a generally upward trajectory, the RBA is not likely to leave monetary policy at such stimulatory settings too much longer...

The aggregate wealth of households either owning or paying off the family home is also recovering rapidly, as evidenced by further acceleration in established house prices in all state and territory capital cities except Canberra in the December quarter. Which in itself is a dilemma for the RBA as it seeks to strike the right balance between limiting the scope for the building of a speculative bubble in the established housing market without suffocating the emerging cyclical recovery in dwelling construction that is badly needed to lessen the risk of demand significantly outstripping supply, which would be the perfect recipe for a housing bubble.

Council's Investment Portfolio Performance

The ANZ Cash Plus Fund has been closed to new deposits and redemptions since November 2008 and is in the processing of being wound up. The current exit fee of approximately 2.5% of the amount redeemed is viewed as favourable compared with exit fees during the past year ranging between 5% and 12%. During January Council withdrew the maximum amount (\$168,000) possible from the ANZ Cash Plus Fund. Council has approximately \$734,000 remaining in the Fund. As funds are progressively withdrawn they will be diverted to higher yielding term deposits. For example the ANZ Cash Plus fund returned -3.55% during January compared with Westpac Bank 90 day term deposits returning 5.65% or 2.2% above the 90 day BBSW benchmark.

All investment categories out-performed the UBS 30 day bank bill benchmark this month. Most managed funds in the Portfolio performed well, returning on average 5.19% annualised for the month or 1.03% above benchmark, compared with bonds 5.38% and term deposits 5.74%.

Overall, the investment portfolio has returned 1.08% pa above the 30 day UBS bank bill index for the last 12 month period.

An indication of Portfolio performance is provided by totalling investment income for the month and disregarding changes in capital values. Council had \$120,501,182 invested as at 31 January, 2010 and the accrued net return on these funds was \$410,692 or 4.09% annualised for the month.

14. INVESTMENT SUMMARY AS AT 31 DECEMBER 2009

GENERAL FUND

COLLATERISED DEBT OBLIGATIONS	0.00	
COMMERCIAL PAPER	0.00	
CORPORATE FIXED RATE BONDS	8,972,850.00	
FLOATING RATE NOTES	\$8,754,928.76	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	3,985,743.29	
TERM DEPOSIT - LOAN 104 OFFSET	868,875.00	
TERM DEPOSITS	41,000,000.00	
CALL ACCOUNT	1,500,000.00	65,082,397.05

WATER FUND

TERM DEPOSITS	18,000,000.00	
FUND MANAGERS	17,688,116.71	35,688,116.71

SEWERAGE FUND

TERM DEPOSITS	17,000,000.00	
FUND MANAGERS	2,730,667.86	19,730,667.86
TOTAL INVESTMENTS		120,501,181.62

It should be noted that the General Funds investments of \$65 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer
(Responsible Accounting Officer)**

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website 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 SUB-COMMITTEES/WORKING GROUPS

- 51 **[SUBCOM] Minutes of Sub-Committees/Working Groups for Distribution Only**

UNDER SEPARATE COVER:

1. **[SUBCOM] Floodplain Management Committee Meeting held Friday 27 November 2009 (ECM 12110638)**
-

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ORDERS OF THE DAY

52 [NOR-Crs W Polglase, P Youngblutt and J van Lieshout] Positive Development

NOTICE OF RESCISSION:

Councillor W Polglase, P Youngblutt and J van Lieshout move that Council Resolution at Minute Number 378 of the Ordinary Meeting held 20 October 2009 being

"that Council:-

- 1. Invites Professor Dr Janis Birkeland to provide Council with a Positive Development workshop.*
- 2. Makes a request to the Australian Institute of Sustainability Initiatives (ANSI) for information on the processes required to be nominated as one of the bioregional project centres.*
- 3. Requests State and Federal Governments for assistance in implementing positive development initiatives especially in relation to current developments proposed.*
- 4. Based on information provided to Council on Positive Development initiatives, seeks to encourage their consideration for future development in the Tweed Shire.*
- 5. Seeks to incorporate, by cooperative partnership agreements, education, research and development facilities based on conservation and sustainability initiatives into current and future developments proposals."*

be rescinded.

53 [NOM-Cr D Holdom] Cultural Heritage Damage

NOTICE OF MOTION:

Councillor D Holdom moves:

That Council notifies Tweed Byron Aboriginal Land Council (TBALC) of any possible cultural heritage damage to Aboriginal Artefacts on any land within the Tweed Shire; whether that be private or public land, within 48 hours of confirming that Artefacts have been damaged by whatever means.

54 [NOM-Cr K Milne] Low Cost Housing

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on prioritising the protection of low cost housing in light of the Tweed's low cost housing crisis, and how such measures can be incorporated into the new Local Environment Plan (LEP) or other strategies.

55 [NOM-Cr K Milne] Sustainability Officer for Greenfield Sites

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the possibility of employing/ contracting a specialised sustainability officer/ consultant to assist in the planning and assessment of Greenfield sites as Council's sustainability officer is not resourced to deal with these issues and this is a serious gap with the massive new developments in the pipeline.

56 [NOM-Cr K Milne] State Emergency Services (SES) Facility

NOTICE OF MOTION:

Councillor K Milne moves that following the recent workshop from the SES a report be brought forward by Council outlining the following:

1. Consideration of the need for an improved SES Control Centre identified by the SES, to the standard of the new Lismore Control Centre (\$1.5 million), and options for providing funding in Council's upcoming and future budgets for such a facility.
 2. Options for enhancement of Emergency infrastructure funds due to the high risk flooding category of the Tweed as outlined by the SES.
-

3. Any other Emergency services infrastructure responsibilities under Council's jurisdiction.
 4. Consideration of advertising the evacuation centres and evacuation routes on the Council website.
-

57 [NOM-Cr K Milne] Tree Removal Approval

NOTICE OF MOTION:

Councillor K Milne moves that Council implement an appropriate system that requires authorisation for tree removal on private lands such as implemented in other Councils.

58 [NOM-Cr K Milne] Banora Point Caravan Park/River Resort - Breaches of the Environmental Planning and Assessment Act 1979

NOTICE OF MOTION:

Councillor K Milne moves that a report be bought forward outlining any breaches under the Environmental Planning and Assessment Act 1979 that have occurred at this site and consideration of imposing penalties for any breaches especially, but not limited, to any retrospective approvals that were granted.

59 [NOM-Cr K Milne] Community Consultation for Development codes for Kings Forest and Cobaki Lakes

NOTICE OF MOTION:

Councillor K Milne moves that Council requests the State Government carry out a more comprehensive community consultation and engagement program that is adequate and appropriate for the proposed Cobaki Lakes and Kings Forest Development Codes that are setting new standards for the Shire that are vastly different.

60 [NOM-Cr K Milne] Response to Questions Raised at Council Meeting held 19 January 2010

NOTICE OF MOTION:

Councillor K Milne moves that Council responds to the following questions raised at last months meeting that the general manager deemed to require lodgement as notices of motions

Q17 Existing Lots Approvals – Cobaki Lakes

1. *The number of residential lots that Cobaki Lakes Estate has previous approval for;*
2. *A breakdown of whether these lot approvals are concept plan or subdivision approvals;*
3. *The total of the area of land that has approval for residential lots compared to the proposal in the current application.*

Q19 Traffic Road Infrastructure

1. *When is Cobaki expected to be accessible to the south from Tweed. How will the traffic turn right off Kennedy Dr to Cobaki in peak times without backing up across the bridge;*
2. *When is a new Cobaki Bridge expected to be completed and will this impact on significant koala or environmental habitat or local park amenity;*
3. *Why would Council and not the developer be responsible for the approvals process for a new Cobaki Bridge if this is chiefly required to facilitate new development;*
4. *Is the new plan for Cobaki Bridge approved and is this approval to current standards;*
5. *When was works commenced for this bridge and why did it stop.*

Infrastructure Costs

6. *What are the total infrastructure costs for Cobaki Lakes for roads, water and sewerage that will have to be provided 'up front' by the Council;*
7. *Will the Council or the existing community be burdened with any costs of providing infrastructure for Cobaki Lakes, and if so what will this be, and what are the implications both financially and in relation to Councils work schedules;*
8. *How long will it take for Council to recoup costs from the Cobaki developer ie the total road, sewer, water and other fees, and will the interest on up front costs also be recouped;*
9. *What will happen if the infrastructure is provided upfront but the development does not proceed or only partly proceeds eg if the last lots are never built how will Council recoup these s94 fees that are distributed across the life of the development.*

Cumulative Impacts

10. *This concept application impact studies do not seem to include all of the associated infrastructure that is required such as the total roads impact, dam building or the recommended connection to Tugun desalinated water (for which it can be assumed desal water must increase costs the existing residents);*
11. *Why has the environmental / social assessment not included the cumulative impact of these issues that are directly related to this development which accounts for 50% of the Tweeds Greenfield population increase.*

Q13 Concreting of the Waterway at Ozone St, Chinderah

Asked can the General Manager please advise:-

1. *If the Ozone St development and roadworks, approved in the last October Council meeting:
 - i) *contains or drains into key fish habitat,*
 - ii) *the measures in place to prevent any negative effects due to the concreting of the 630 metres of the waterway especially acid sulphate.*
 - iii) *why habitat compensation measures were required only for the Endangered Ecological community of riparian vegetation and not the waterways, and*
 - iv) *why compensation measures are not required in the Chinderah area to benefit the wildlife and/or marine life affected in this locality by this development?**
 2. *If this site could have been/ could be rezoned to allow other activity such caravan parks, moveable dwellings, recreation or commercial enterprise etc to provide for a reduced environmental impact and why the impact to the residents of traffic, loss of amenity was not deemed to outweigh the benefits of this development?*
 3. *How the loss of this public land and riparian vegetation was deemed to of replaceable significance in light of the importance of riparian vegetation and the potential impact to key fish habitat?*
 4. *Table all the Council deliberations/memos in relation to this development including advice from the RTA, flooding, social and environmental impacts?*
 5. *The estimated cost to the developer of habitat compensation works and why the proposed area at Elsie St, Banora Point is not deemed to be part of RTA compensation works for the Sexton's Hill Upgrade?*
-

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO-CM] Acquisition of Land for Road Widening - Clothiers Creek Road, Bogangar

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
-

2 [EO-CM] Naming of a Council Public Bridge

REASON FOR CONFIDENTIALITY:

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

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

3 [EO-CM] Naming of a Council Public Road - Pottsville

REASON FOR CONFIDENTIALITY:

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

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

ORDERS OF THE DAY IN COMMITTEE

4 [NOM-Cr Holdom] Russell Way Park

NOTICE OF MOTION:

Reason for Confidentiality

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

(f) matters affecting the security of the council, councillors, council staff or council property

5 [NOM-Cr D Holdom] Ministerial Visits

NOTICE OF MOTION:

Reason for Confidentiality

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

(f) matters affecting the security of the council, councillors, council staff or council property

6 [NOM-Cr D Holdom] Aboriginal Advisory Committee/Aboriginal and Torres Strait Islander Matters

NOTICE OF MOTION:

Reason for Confidentiality

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

(f) matters affecting the security of the council, councillors, council staff or council property
