



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

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

Agenda

Ordinary Council Meeting Tuesday 17 May 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

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.

Items for Consideration of Council:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	7
1	[CONMIN] Minutes of the Ordinary and Confidential Council Meeting held Tuesday 19 April 2011	7
	SCHEDULE OF OUTSTANDING RESOLUTIONS	9
2	[SOR] Schedule of Outstanding Resolutions	9
	MAYORAL MINUTE	15
3	[MM] Mayoral Minute for the Period 02 April to 02 May 2011	15
	ORDINARY ITEMS FOR CONSIDERATION	19
	REPORTS THROUGH THE GENERAL MANAGER	19
	REPORTS FROM THE GENERAL MANAGER	19
4	[GM-CM] Destination Tweed Quarterly Performance Report – January to March 2011	19
5	[GM-CM] Murwillumbah Community Centre Grant Funding	33
	REPORTS FROM THE DIRECTOR PLANNING AND REGULATION	35
6	[PR-CM] Development Application DA10/0480 for the Demolition of Existing Dwellings and Construction of a Function Centre at Lots 9 & 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah	37
7	[PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards	63
8	[PR-CM] Development Application DA11/0095 for The Unity Festival at Lot 167 DP 729468, Queensland Road, Murwillumbah	67
9	[PR-CM] Development Application DA11/0176 for a Gazebo and Pool Pump House at Lot 5 DP 1047760, No. 9 Winchelsea Way, Terranora	69
10	[PR-CM] Part V Application PTV10/0032 for Kirkwood Road Extension from Fraser Drive west of the Pacific Highway to Minjungbal Drive to the east including Highway on & off Ramps at Lot 697 DP47411, ROAD 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street	85
11	[PR-CM] State Emergency Services/Unlimited Arts - Development of Site	117
12	[PR-CM] Development Application DA10/0556 for a Surf Lifesaving Outpost and Vehicle Access at Lot 7064 DP 1113596, Surfside Crescent, Pottsville	121

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES		177
13	[CNR-CM] Quarterly Variation Report for Contract EC2009-068 - Banora Point Wastewater Treatment Plant 18ML Upgrade Construction: January 2011 to March 2011	177
14	[CNR-CM] Northern Rivers Catchment Management Authority Caring for our Coast Project Grant - Protection of sensitive Littoral Rainforest areas on the dunes at The Spit Pottsville	183
15	[CNR-CM] Community Cultural Development Advisory Committee	185
16	[CNR-CM] "The Buttery" - Uki-Mortgage Guarantee	191
17	[CNR-CM] Request for "In Kind" Support/Waive fee	219
REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS		227
18	[EO-CM] Tweed Valley Way, Burringbar - Application to Close and Purchase Part of Road Reserve	227
19	[EO-CM] Banner Lane, Murwillumbah - Application to Close and Purchase Part of Road Reserve	231
20	[EO-CM] EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour	235
21	[EO-CM] Lake Kimberley - Land Acquisition for Road Purposes	241
22	[EO-CM] Disposal of Surplus Land - Quarries at Duroby and Chillingham	245
23	[EO-CM] Park Naming - Bernadette Kelly Park	249
24	[EO-CM] Park Naming - Cudgen Recreation Reserve	251
25	[EO-CM] Wilsons Park Banora Point Tennis Court	255
26	[EO-CM] Protecting Landscape Values in Subdivisions	259
27	[EO-CM] Public Toilets	265
REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES		279
28	[TCS-CM] Legal Services Report as at 31 March 2011	279
29	[TCS-CM] In Kind and Real Donations - January to March 2011	285
30	[TCS-CM] Payment of Voluntary Goods and Services Tax (GST)	289
31	[TCS-CM] Monthly Investment Report for Period Ending 30 April 2011	293
32	[TCS-CM] Quarterly Budget Review - Period Ending 31 March 2011	295
33	[TCS-CM] Corporate Quarterly Report - 1 January to 31 March 2011 Incorporating the 7 Year Infrastructure and Services Plan	307
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS		309

34	[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2011	309
35	[SUB-LTC] Local Traffic Committee Meeting held Thursday 21 April 2011	315
36	[SUB-CCDAC] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 21 April 2011	337
37	[SUBCOM] Reports from Subcommittees and/or Working Groups - Not Requiring Council Decision	341
	ORDERS OF THE DAY	343
38	[NOR-Cr D Holdom, Cr W Polglase, Cr B Longland] Water Supply Demand Management Strategy Implementation Plan	343
39	[NOM-Cr D Holdom] Water Supply Demand Management Strategy Implementation Plan	343
40	[NOM-Cr K Milne] Public Notification for Development Applications	344
41	[NOM-Cr K Milne] Consultation - Council Property Land Sales	344
42	[NOM-Cr K Milne] Whole of Shire Cultural and Community Facilities Plan and Open Space Requirements - Review	344
43	[NOM-Cr D Holdom] Bogangar Cabarita Beach Development Control Plan	344
	QUESTIONS ON NOTICE	345
44	[QON - Cr D Holdom] Federal Climate Commission	345
45	[QoN - Cr K Milne] Science of Climate Change	345
46	[QoN - Cr K Milne] Non Essential Project - Council Budget	345
47	[QoN - Cr K Milne] Community Surveys	345
48	[QoN - Cr K Milne] Public Meetings	346
49	[QoN - Cr K Milne] Kingscliff Erosion - Costing	346
50	[QoN - Cr K Milne] Cobaki Lakes Development	346
51	[QoN - Cr K Milne] Byrrell Creek Dam - Preferred Option	346
	CONFIDENTIAL ITEMS FOR CONSIDERATION	347
	REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	347
	REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE	347
1	[PR-CM] Failure to Comply with Order - On-site Sewage Management System	347
	REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE	347

2	[EO-CM] Naming of a Council Public Bridge	347
3	[EO-CM] Public Transport Committee Community Representatives	347
4	[EO-CM] Kirkwood Road Project Progress Report	348

CONFIRMATION OF MINUTES

- 1 **[CONMIN] Minutes of the Ordinary and Confidential Council Meeting held Tuesday 19 April 2011**

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 April 2011 (ECM 31895006).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 19 April 2011 (ECM 31852212).
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SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

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: To be reported to a future Council Meeting.

16 February 2010

ORDERS OF THE DAY

57 [NOM-Cr K Milne] Tree Removal Approval

NOTICE OF MOTION:

114

Cr K Milne

Cr K Skinner

RESOLVED that a report be brought forward on an appropriate system that requires authorisation for tree removal on private lands such as implemented in other councils.

Current Status: A report will be submitted to a future Council meeting dependent on outcomes of discussions with the Department of Planning on draft LEP 2010. This item has been initially addressed through the officer's report and Council resolution at 15 February 2011 Council meeting for a new Tweed Tree Preservation Order 2011, and interim protection measure for koala habitat.

21 September 2010

ORDERS OF THE DAY

56 [NOM-Cr D Holdom] Workshop-Department of Environment, Climate Change and Water NSW 2010 Border Ranges Rainforest Biodiversity Management Plan - NSW and Queensland, Department of Environment, Climate Change and Water NSW, Sydney

**666
Cr D Holdom
Cr K Milne**

RESOLVED that the General Manager organises a workshop for Councillors on the Department of Environment, Climate Change and Water NSW 2010 Border Ranges Rainforest Biodiversity Management Plan - NSW and Queensland, Department of Environment, Climate Change and Water NSW, Sydney, similar to the public workshop held on 4 September 2010 at the Canvas and Kettle Restaurant, Murwillumbah.

Current Status: A workshop has been scheduled for Tuesday 7 June 2011.

19 October 2010

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy

**686
Cr K Milne
Cr B Longland**

RESOLVED that Council:

....

6. Develops a water friendly garden Policy.

Current Status: Policy to be developed.

16 November 2010

48 [NOM-Cr Milne] Public Transport Strategy

803

Cr K Milne
Cr B Longland

RESOLVED that Council brings forward a report on developing a long term Public Transport Strategy and how future transport corridors can be preserved in the Tweed.

Current Status: A workshop has been scheduled for Tuesday 31 May 2011.

51 [NOM-Cr Milne] Marine Litter Volunteer Groups

806

Cr K Milne
Cr K Skinner

RESOLVED that Council brings forward a report on:

1. How Council could assist/enhance or provide support for the establishment of permanent volunteer groups in the removal of rubbish and fishing line along the riverbanks and waterways.
2. Ways to establish a mechanism to fund the removal of this rubbish along the waterways.

Current Status: Report to be prepared.

18 January 2011

ORDERS OF THE DAY

24 FINAL Built Agenda

NOTICE OF MOTION:

Cr D Holdom
Cr B Longland

RESOLVED that:

1. The General Manager investigates and reports back to Council on *En Globo* procedures being adopted by Council within the context of monthly Council Meetings; and
-

2. A workshop be arranged for Councillors on *En Globo* procedures.

Current Status: Workshop to be scheduled.

26 [NOM-Cr Milne] Fast Food Capital

NOTICE OF MOTION:

34

**Cr K Milne
Cr K Skinner**

RESOLVED that Council holds a Workshop on fast food outlets.

Current Status: Workshop to be scheduled.

29 [NOM-Cr Milne] Green Spaces for Small Lots

NOTICE OF MOTION:

37

**Cr K Milne
Cr D Holdom**

RESOLVED that Council brings forward a report on the implications on developing a policy that small lot housing should only be approved only where they back onto green spaces.

Current Status: Report to be prepared.

15 February 2011

MAYORAL MINUTE

4 [MM] Mayoral Minute (Report) - Chinderah Service Centre

46

Cr K Skinner

RESOLVED that arrangements be made for Council to meet with senior NSW Roads and Traffic Authority staff to discuss operational aspects of the existing centre and to raise concerns regarding the potential for a further centre on the northern side of the Chinderah Interchange.

Current Status: Invitations have been forwarded to relevant Roads and Traffic Authority of NSW staff.

5 [MM] Mayoral Minute (Report) - Chinderah Land Use

47

Cr K Skinner

RESOLVED that a workshop be held with staff to review alternative land uses for parts of Chinderah.

Current Status: Inspection and workshop scheduled for 10 May 2011.

ORDER OF THE DAY

52 [NOM-Cr K Milne] Coal Seam Methane Gas Exploration in the Tweed Shire

99

Cr K Milne

Cr B Longland

RESOLVED that Council brings forward a preliminary report on the existing and proposed Petroleum Exploration Licences in the Tweed Shire including maps of these areas and any environmental implications including for Council's Water Supply.

Current Status: Report to be prepared.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

2 [CNR-CM] Tree Preservation Order 2011

REASON FOR CONFIDENTIALITY:

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

- (e) information that would, if disclosed, prejudice the maintenance of law

C 8

That:

....

5. Council holds a workshop on the Tree Preservation Orders to discuss options for implementation of a single Tree Preservation Order under the forthcoming LEP.

Current Status: Workshop scheduled for 10 May 2011.

MAYORAL MINUTE

3 [MM] Mayoral Minute for the Period 02 April to 02 May 2011

Councillors,

COMMITTEE MEETINGS

Attended by the Mayor

- NONE
-

INVITATIONS:

Attended by the Mayor

- 02 April 2011 - Early Childhood Conference, Welcome Speech from Mayor - Peppers at SALT, Kingscliff
- 06 April 2011 - Opening of the Caldera Farmers Market - The Dairy Pavilion, Queensland Road, Murwillumbah Showground
- 20 April 2011 - 4CRB Radio Talkback - 8 Stevenson Court, Burleigh Heads
- 25 April 2011 - Kingscliff Anzac Day Dawn Service - Kingscliff War Memorial
- 25 April 2011 - Kingscliff Anzac Day Main Service - Kingscliff Memorial (also attended by Cr Holdom)

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

- 13 April 2011 - "Earth" Presentation, Institute of Sustainable Development and Architecture Bond University - Canvas & Kettle Room, Murwillumbah Civic Centre - (Cr van Lieshout advised her attendance for the Mayor)
- 25 April 2011 - Cudgen Anzac Day Dawn service - Cudgen War Memorial (attended by Cr Holdom for the Mayor)
- 25 April 2011 - Burringbar Anzac Day Service - Burringbar Memorial (attended by Cr Youngblutt)

Inability to Attend by or on behalf of the Mayor

- 02 April 2011 - Tweed Netball Opening Ceremony & Opening of Stage 1 of Redevelopment - Tweed Shire Council Netball Complex, Arkinstall Park, Cunningham Street, Tweed Heads South
 - 07 April 2011 - Tidy Towns Regional Presentations - Kyogle Golf Club
-

- 11 April 2011 - RDA Roadmap Workshop - The Glades Golf Club, Robina
- 19 April 2011 - Murwillumbah Community Men's Shed Inc Meeting - Murwillumbah Services Club, Wollumbin Rd, Murwillumbah
- 25 April 2011 - Murwillumbah Anzac Day Dawn Service - Murwillumbah Cenotaph
- 25 April 2011 - Murwillumbah Anzac Day Main Service - Murwillumbah Cenotaph
- 25 April 2011 - Tweed Heads / Coolangatta Anzac Day Dawn Service - War Memorial, Chris Cunningham Park, Wharf Street, Tweed Heads
- 25 April 2011 - Tweed Heads / Coolangatta Anzac Day Citizens Service - War Memorial, Chris Cunningham Park, Wharf Street, Tweed Heads
- 25 April 2011 - Tyalgum Anzac Day Dawn Service - Memorial Park, Tyalgum
- 25 April 2011 - Uki Anzac Day Dawn Service - Uki War Memorial

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
6 April	Cr Skinner	Urban Planning / Roads - including road widths	All Councillors	None	To be Advised
6 April	Cr Milne	Community Title - Pros and Cons vs other arrangements	Cr Milne Cr Longland	Remaining Councillors	-

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- NONE

Information on Conferences to be held

- 25-27 May - [Stormwater Industry Association State Conference](#) - QT Gold Coast (formerly the Gold Coast International Hotel - *Attendance at this conference will enable you to keep abreast of the latest advances in stormwater management and contribute to your continual professional development.* Registration \$795pp for 2 day conference, plus \$145

Social Events, no accommodation required. Refer <http://gemsevents.com.au/siaq2011/>

- 26-28 May - 2011 Australian Local Government Women's Association (ALGWA) Conference, "Swift Strong Women Influencing Future Trends" - The Diamond Jubilee State Conference will be hosted by Blacktown City Council at the Novotel Rooty Hill, NSW. Earlybird Registration \$540 by 29 April, plus 2-3 nights accommodation. Refer to the website for further details swift2011@blacktown.nsw.gov.au
- 26 Jun-1 Jul - 34th International Association for Hydro-Environment Engineering and Research World Congress - Brisbane Convention and Exhibition Centre - *The Congress theme "Balance and Uncertainty: Water in a Changing World" focuses on the central roles of hydraulic engineering, hydrology and water resources in our changing world, and how these roles link to the broader issues. A balance is continually being sought between competing values in water engineering, including the environment, the economy, tourism, social and indigenous values, health aspects, aesthetics and the needs of current and future generations.* - Registration \$1790pp before 27 May for 5 day conference, plus 5 nights accommodation - Refer <http://www.iahr2011.org/index.php>
- 11-13 Aug - Australian Institute of Landscape Architects National Conference - Brisbane Convention Centre - *Transforming urban landscapes, turning brownfields into greenfields, sprawl v. consolidation, green infrastructure, reconnecting urban precincts, urban design for resiliency in the face of climate change; scales of transformation, from the metropolitan to the backyard* - Registration \$990pp for 2-3 day conference, plus site tours, plus 1-2 nights accommodation - Refer <http://www.aila.org.au/conference/2011/index.htm>
- 14-16 Sep - LGSA Water Management Conference 2011 - South Grafton Ex-Serviceman's Club, 2 Wharf Street, South Grafton, Clarence Valley - *Providing Local Government with a broad range of information on water management and issues associated with water supply and sewerage services provided by water utilities. The conference presents an opportunity for councillors, Local Government professionals, government representatives and the broader industry to tackle key water management issues* - Registration approx \$400pp, plus 2 nights accommodation
- 22-23 Sep - 4th International Urban Design Conference, Resilience in Urban Design - Surfers Paradise Marriott Resort and Spa - *Resilient Cities will need to endorse density and diversity in building types, and public spaces. They will be walkable communities that also support the innovative use of public transport. Place Making will see Resilient Cities protect their natural resources while managing the impacts of climate change. In many cases community living needs could be in walking distance.* - Registration \$890pp before 18th July for 2 day conference, no accommodation required - Refer <http://www.urbandesignaustralia.com.au/>

- 26-29 Sep - 14th International River Symposium, "The Value of Rivers" - Brisbane Convention & Exhibition Centre, Cnr Merivale and Glenelg Streets - *The Symposium will explore the multiple reasons that rivers are valuable ranging from economics through to cultural and spiritual values. There will be a prominent focus throughout the conference on natural disasters and their value to rivers and waterways, due to the recent events that are being felt across the globe and specifically in Queensland* - Earlybird Registration \$1045pp before 4 July, plus 3 nights accommodation, no flights required - Refer www.riversymposium.com/

 - 8- 11 Nov - 20th NSW Coastal Conference, 20/20 Vision for the Coast, hosted by Tweed Shire Council - Twin Towns Clubs and Resorts - *The conference program will focus around the lessons learnt from the past 20 years and how we can use that experience to shape our response to challenges in the coastal zone over the next 20 years.* - Registration \$700pp early bird rate for 3 days OR \$275 per day excluding social events, no accommodation or flights required - Refer www.coastalconference.com
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 12 April 2011 - Lease renewal - Southern Cross University - Courtyard Area Tweed Heads Civic Centre
 - 20 April 2011 - Plan and Section 88B Instrument - Sale of Land - Wollumbin Street Murwillumbah
 - 02 May 2011 - Extinguishment of Easement Lot 1 DP 1052197 Banora Point
 - 02 May 2011 - Land Acquisition Lots 1 and 2 DP 1085025 Chinderah
-

RECOMMENDATION:

That:-

- 1. The Mayoral Minute for the period 02 April to 02 May 2011 be received and noted.**
- 2. The attendance of Councillors at nominated Conferences be authorised.**

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 4 [GM-CM] Destination Tweed Quarterly Performance Report – January to March 2011**

ORIGIN:

General Manager

SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides the Destination Tweed's Quarterly Reports for the quarter 1 January to 31 March 2011. All financial information that is of a 'commercial in confidence' nature in this report has been provided in a confidential attachment.

This report recommends that Council endorses the quarterly report from Tweed Tourism to March 2011.

RECOMMENDATION:

That Council endorses:

- 1. the Destination Tweed Quarterly Report for the quarter January to March 2011.**
- 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:



Quarter Report to Council January to March 2011

1. A1 – INVESTIGATION, DEVELOPMENT & DELIVERY OF TOURISM PRODUCT

TOURISM PRODUCT DEVELOPMENT STRATEGY

Research consultant Peter Valerio was engaged on 7 March to undertake tourism product research and audit as part of the Four Year Strategic Marketing & Promotional Plan.

In the interests of consistency the next stage of the project to develop a strategy is to run in parallel with the Four Year Strategic Marketing & Promotional Plan. A formal project proposal has been requested from consultants, The AEC Group.

FOOD

Caldera Farmers Market

Destination Tweed (DT) provided support for the Caldera Farmers Market Working Committee to help rollout and launch the markets being held at the Murwillumbah Showgrounds each Wednesday. The launch was held on 6 April and DT ran an extensive PR campaign which resulted in major press covering a range of mediums including radio, TV and print from the Gold Coast to Lismore. DT also assisted with the coordination of the invitation to the launch and VIP list.

Taste the Tweed Food & Jazz Festival

Attended a working group committee meeting looking to develop a "Taste the Tweed" Food & Jazz Festival. The working group is seeking support from Rotary to assist in operational support for the festival.

Seafood Discovery Trail (SDT)

New short term goals have been established with Connecting Southern Gold Coast (CSGC) to move the SDT project forward. It was noted that considerable funds have been invested from both agencies and future opportunities still exist. A draft work plan was developed by DT and submitted to CSGC for approval and began in April. Further budget commitments from both agencies will need to be considered to expand the project into 2012.

ENVIRONMENT

National Landscapes Program – Australia's Green Cauldron

Australia's Green Cauldron Working Committee has been pursuing funding sources to proceed with the Experience Development Strategy (EDS) - a requirement of the National Landscapes Program. Funding from DSRD (now Industry & Investment) was granted to Tweed Tourism in Sept 2009 for an amount of \$30K. A condition of this grant was for the AGC Working Committee to match the grant funds on a dollar for dollar basis. Each of the Local Government Areas / Tourism Bodies represented on the Committee has guaranteed the additional funds (on an equal basis) to secure the grant.



Further funding was granted on 25 February 2011 to Gold Coast Tourism for the amount of \$30K from the Dept. of Employment, Economic Development and Innovation (DEEDI) Tourism Pre-Feasibility Grant Scheme.

As funding for the EDS has now been secured - the AGC Working Committee will now be progressing to the next stage of the project. A committee meeting has been set for April.

Caldera Institute

Caldera Institute for Sustainable Community Development has developed a Community Discussion Paper on the "Potential For Recreation/Tourism Tracks & Trails In The Upper Tweed Valley". The discussion paper ensures that the recreation and tourism potential of the region is developed in a way that delivers successful and sustainable outcomes for local communities, their economies, visitors and the environment. The discussion paper will be submitted as a background document for the Tourism Product Development Strategy.

ART & CULTURE

Caldera Art / Seafood Discovery Trail (SDT)

Attending a briefing with Caldera Art and discussed the opportunity of cross promoting Caldera Art through the Seafood Discovery Trail participants. A survey of SDT participants indicated interest from 9 businesses to participate in the project.

A site visit early February was arranged featuring four key seafood businesses to investigate cross promotional opportunities across the Tweed. The SDT / Caldera Art cross promotional project would include images and artwork promoting marine biodiversity and coastal landscape values providing visitors with a multi-layered tangible common link to experiences at SDT venues.

Further funding is required to continue with this project.

Caldera Art - Gallery Proposal for Murwillumbah World Rainforest Centre

Attending a briefing with Caldera Art and discussed the opportunity to establish a permanent themed Art Gallery at the Murwillumbah Visitor Information Centre. A Project Proposal including budget, updated floor plan, "Licence to Occupy" agreement, and Draft Exhibition Guideline Policy has been forwarded to Tweed Shire Council for approval.

The TSC Economic Development Manager has approved the proposal and has prepared a report for the April Council meeting.

To formalise the arrangement further - DT is looking to enter into a Memorandum of Understanding with Caldera Art to ensure mutual benefit to all project collaborations.

Caldera Art - Art Trail

A working group of regional stakeholders participated in a recent "Think-Tank" to provide assistance and direction on an Art Trail Product Development Project. The trail incorporates the Australia's Green Cauldron theme and experiences into a glossy hardcover point of sale product. The project is only at inception stage and requires additional funding to move to the next step.



SPORT AND RECREATION

Historical Walk & Cycling Trails

Attended a briefing with Julia Gill from North Coast Community Health (author of 30 Historical Walk and Cycling Trails) to discuss funding opportunities to develop the current brochures into a handbook.

To assist in the project development a partnership proposal was accepted by North Coast Institute of TAFE Kingscliff Campus to develop the series of walking trails into a marketing "Toolkit". The Toolkit would include the development of web and print versions of: An Historical Walks Fact Sheet; Map of all walks and locations; 30 A4 Brochures; and Guidebook.

An inception meeting with all stakeholders has been set for April to discuss the methodology and deliverables of the project.

A Memorandum of Understanding will be drafted between the North Coast Area Health Service – Kingscliff and Destination Tweed to set out the understandings of both parties for the duration of this project. Under this agreement DT will have full control of marketing and distribution of the marketing toolkit for web and print media. Additional funding will need to be sourced for the guidebook to process to the print production stage.

2. A2 – OPERATION OF TWEED HEADS & MURWILLUMBAH VISITOR INFORMATION CENTRES

MOVEMENT IN VISITOR NUMBERS

2010-2011

	2010/11	2009/10	Variance	2010/11	2009/10	Variance
	WHRC			Tweed Heads		
Sept Qtr	7680	6840	12.28%	9792	7007	39.75%
Dec Qtr	5748	6162	-6.72%	7362	8991	-18.12%
Mar Qtr	5211	6996	-25.51%	6765	7676	-11.87%
Jun Qtr		6514			7702	
Total		26,512			31,376	

- Murwillumbah had a decrease in visitor numbers this quarter in comparison to same quarter last year by 25.51% and a decrease of 9.34% compared to last quarter.
- Tweed Heads had a decrease in visitor numbers of 11.87% in comparison to the same quarter last year and a decrease of 8.11% compared to last quarter.
- Locals continue to frequent both centres although local visitors were down by 12.62% in Tweed compared to 3rd quarter last year. The most dominant visitors to both centres were those from NSW and Queensland during this quarter however both states were down by 10.16% and 8.26% respectively to last quarter. We feel that the recent floods that occurred in Queensland have had a substantial impact on our visitor numbers.
- US and Canada had the biggest increase of international visitors to the Tweed Centre up by 61.75% with the UK being the biggest increase in the Murwillumbah Centre up by 64.66%. Visitors from New Zealand showed a significant decrease of 41.39% in Tweed with European visitors down by 51.37% in Murwillumbah compared to last quarter.

COMMISSIONS EARNED

- Commission revenue for the third quarter of the 2010/2011 financial year totalled \$8,826 just slightly under the budgeted figure of \$9,500. However it is slightly higher than the same period last year of \$8,267. The lower result continues to be attributed to less demand by phone from the 1800



number and by email for accommodation, but there was a noticeable increase in tour bookings direct at the information centres.

- Commissions revenue represents 10% of total booking value made.
- 12.43% of bookings through the website were made online, an increase of 4.19% in comparison to the previous quarter.

RETAIL REVENUE

Jan-March 2011				9 Months YTD				
3rd Quarter	Last Year	Budget	Variance		YTD	Last Year	Budget	Variance
12,541	16,263	12,200	341	Retail Sales	47,009	52,209	49,611	-2602

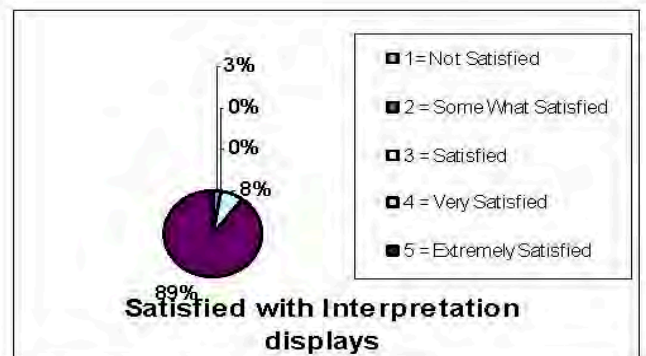
- Retail down 30% in Tweed Heads VIC compared to last year
- Murwillumbah retail was down 20% on last year's figures

QUALITY OF SERVICE AT VISITOR INFORMATION CENTRES

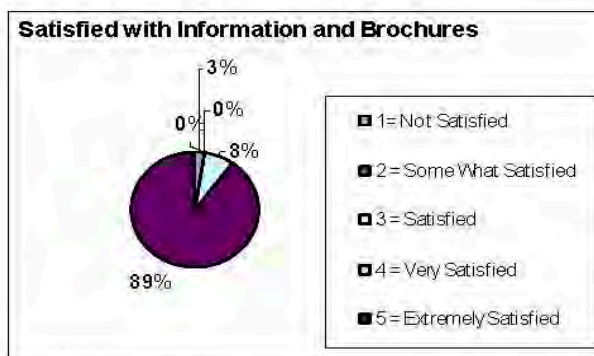
- Surveys for the last quarter, results show that 84% of visitors to the VIC's were extremely satisfied and 13% very satisfied with the quality of customer service received. Majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays.
- All of the feedback was very positive this month with comments such as stunning, awesome, great drives, excellent information and friendly.



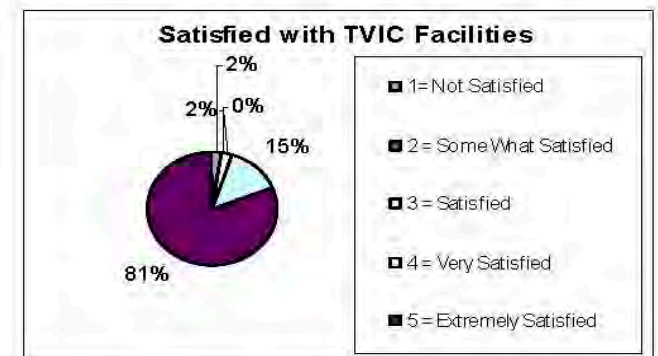
Were visitors satisfied with our customer service.



Were visitors satisfied with our displays



Were visitors satisfied with our range of information.

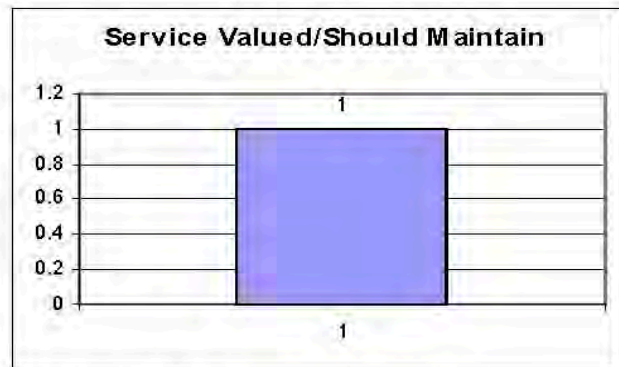


Were visitors satisfied with our facilities





Were visitors satisfied with the quality of retail products



Is our service valued and should it be maintained

3. A3 – PREPARATION AND DELIVERY OF TOURISM MARKETING AND PROMOTION STRATEGIES AND PLANS AND RELATED PUBLIC RELATIONS ACTIVITIES

MEMBERSHIP

Membership Numbers at 31/03/11

Friends of Tourism	1
Associate	72
Premium	95
Corporate	5
Corp Affiliates	17
Reciprocal	3
Total	193

BRANDING

Based on his extensive experience in the tourism industry, specifically in the Northern Rivers, Greg Meek of *DogWhistle Creative* was engaged to develop the new brand, logos, tag lines and corresponding collateral for Destination Tweed. This process involved the development of a 'family' of logos for Destination Tweed, Tweed Tourism and Tweed Business.

The official launch was held on Friday 4 March at Plantation House. The event was attended by approximately 40 members, guests and media. The new family of logos was officially unveiled and guests were given an overview of the new design concept and organisational structure as well as an overview of the vision, mission and purpose of Destination Tweed. Guests left with 'goodie' bags filled with product and organisational information as well as merchandise and various collateral.

MARKETING

Between 13 and 19 February, Destination Tweed ran a television commercial presented by Liz Cantor of the Great South East television show. The TVC ran for 30 seconds and aired on Brisbane TV. In conjunction with the TVC package Destination Tweed also receive adverts on Radio 4KQ promoting the Tweed as a summer holiday travel destination.

Print advertisements were placed in a number of publications to promote local tourism services in our region. These publications included the NSW Surf Life Saving Championships booklet, cooperative advertisement in the Malfunction Surf Festival program, an advertisement in the Battle on the Border



cycle competition program (for April), the Tweed Daily News NSW Surf Life Saving welcome guide and an advertisement in conjunction with the Kingscliff Triathlon.

E-Marketing

Members and stakeholders receive industry news updates via the monthly email newsletter the *Destination Tweed Network News*. This email publication provides information about upcoming events, news, information, marketing opportunities, public relations reports and a variety of useful information. A monthly event calendar is produced in conjunction with the Network news and is also distributed to stakeholders via email each month as a printable PDF document.

Social Networking

From the past three months Destination Tweed has engaged in a variety of social media platforms including Facebook, Twitter, YouTube and Flickr. Content has been uploaded to all of the social marketing sites, links to the Destination Tweed social media sites have been integrated in to all staff email signatures, the Tweed Tourism website Home Page and incorporated in the monthly What's On calendar. To date, we have seen some wonderful results with the Destination Tweed Facebook account which are measured by our growing network of *Friends* and the interaction of these *Friends* via posts to our *Wall*, comments and replies to the uploading of our photos, status updates & events, *Like* notifications, *Friend Requests* and *Friend Confirmations*.

Tweed Tourism/Destination Tweed Website Analytics

Site Usage	January	February	March	Total/Average
Number of visits	4738	4164	4773	13 675 (ttl)
Absolute Unique Visits	3687	3266	3638	10 591 (ttl)
Time spent per visit	2.47	2.58	3.11	2.72 (av)
Page views per visit	3.87	3.87	3.86	3.86 (av)
Bounce rate	47.68%	45.17%	47.89%	46.9% (av)
New visits	73.39%	73.25%	71.07%	72.57% (av)

NETWORK NIGHT

The first Destination Tweed Networking Night was held on Thursday 17 February at Greenhills on Tweed. The evening was attended by 22 Destination Tweed members, board members and staff. The evening was an opportunity for guests to meet the new Destination Team, get an overview of the new organisational structure and create new business opportunities and connections through networking. Post networking night we are seeking feedback and comment from our members on the frequency, cost and content of these networking events to recognise if changes need to be made in order to increase attendance and provide more relevant information and opportunities for our members.

PUBLIC RELATIONS

In light of the flood crisis impacting our key geographic markets in south-east Queensland and regional NSW, there has been a specific public relations focus on generating media coverage for the region and our members in the local market as a way of targeting residents and the Visiting Friends & Relatives (VFR) market.



We have also laid the foundation for future coverage in the south-east Queensland and national markets by liaising on storylines with Creek to Coast, hosting a family for a major freelance food and travel writer and targeting the family holiday market. A summary of our PR initiatives for the January-March quarter include:

- **International Media**

Liaising with and providing local operator contact details to a German TV crew who visited the area in February to film a segment on daylight saving for popular German science program, Galileo. Featured operators included Outrigger Twin Towns Resort, Gold Coast Airport, Tweed Shire Council and Café D'Bah.

- **National Media**

- Hosted journalist, Sheriden Rhodes, specifically for a story for Holidays with Kids magazine. She is promising to return to explore further angles
- Pitched Mt Warning to Australian Traveller Magazine for inclusion in their 100 Things To Do in Australia list
- Submitted a range of operator/activity profiles to Out and About with Kids' revamped website – all have been included on the new site – www.outandaboutwithkids.com.au
- Feature story on Mt Warning View Circuit published in Courier Mail on February 5 from a previous family
- MasterChef Magazine – Submitted family suggestions and organised an extensive family itinerary for leading food industry writer, Simon Thomsen highlighting the Tweed's food and farming industry and food tourism; feature to appear in June issue of magazine
- Marine / Boating Magazines – Provided detailed information and images for marine-focussed article in Bow-2-Stern magazine

- **Regional Media**

Detours Magazine – Provided information and images for travel feature on Tweed's historic pubs; feature was published in 15 APN newspapers throughout northern NSW and Queensland

- **Local Media**

Media releases, photo opportunities and information has been distributed to local media to achieve coverage for:

- Completion of the Tweed Cycleway
- Destination Tweed Race Day – Take 2
- Filming of German science program as a local media story
- US documentary being filmed in the region on artist Graeme Stevenson;
- Australia Day activities at Tyalgum;
- New businesses opening in Tyalgum.
- Valentine's Day fundraiser – front page story on the Tweed Sun
- Tweed Cycleway – photo & story in Border Mail and Tweed Sun
- Cujohn Art Studio (new member) – photo & story in the Tweed Sun
- Luffley Café Flood Fundraiser – covered by all media; event was a sell-out and they raised \$2,600
- Tyalgum Dance Spectacular – photo & story in Daily News and Tweed Sun
- Aquatic Blue Charters and deep sea dive operators – monitoring in progress
- House of Canelli – photo & story received widespread coverage in all Rural Press newspapers throughout Northern Rivers and south-east Queensland and even made it into the Sydney Morning Herald
- Tyalgum Festival of Classical Music – pre-season concert at Tweed River Regional Art Gallery



Took Tweed Sun journalist on the Magical Mystery Tour and introduced her to key operators in the Valley for a series of future stories with stories published so far on:

- Chillingham Bush Tucker
- Parrot Garden Cafe
- **Industry Marketing** initiatives carried out include:
 - Tweed copy provided for ATEC profile, Byron and Beyond brochure, Legendary Pacific Coast Touring Route, National Landscapes newsletter and Tristate 2011 Conference program
 - Assisted with organising itinerary for three famils to be conducted before and after the Australian Tourism Exchange in Sydney (ATE). These famils will showcase export-ready Tweed product to an estimated 45 Aussie Specialist travel agents from the UK, USA and Europe when they are conducted in early April
 - Review and revision of Tweed Visitor Guide – adoption of our recommendations will be up to the publisher
- **Member Liaison & Support** including one-on-one support, advice and media assistance has been provided to several members and stakeholder groups including:
 - Outrigger Twin Towns Resort – discussion of various operators who could be included in their famils;
 - Mavis Kitchen – support with their request for Council to resolve Mt Warning Rd flooding issues.

EDITORIAL VALUATION

The following table summarises the monetary value of media coverage achieved through the various PR initiatives carried out by on behalf of Tweed Tourism and Destination Tweed in the nine months from July 2010 to March 2011. 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/Destination Tweed for the period are as follows:

	Advertising Value	Editorial Value
PRINT MEDIA – DESTINATION FEATURES	\$ 876,327	\$2,628,993
TELEVISION MEDIA	\$ 10,800	\$ 32,400
RADIO MEDIA	\$ 6,500	\$ 19,500
LOCAL MEDIA – TWEED TOURISM FOCUS	\$ 78,400	\$ 235,200
TOTAL	\$ 972,027	\$2,916,093

These part-year totals track well against our Advertising and Editorial Values for the previous 12 months which totalled just over \$4 million for the full financial year. I would expect our total for this current year to come in at a similar rate or slightly less, considering that the 2009/2010 figures included some (but not all) of the media surrounding the World Rally. The figures for last year also included a ‘guesstimated’ valuation for several web / blog listings which I have excluded from the current year’s figures.

Note re Social Media & Blogging

In the past six months, we have hosted a couple of ‘bloggers’, as well as receiving mentions on various blogs from journalists who also write for traditional print media. Whilst I have listed the blog articles that I am aware of, there is no way of calculating a realistic advertising or editorial value. As such, I have not included them in the total above.



4. MARKETING & PROMOTION OF THE TWEED FOR BUSINESS INVESTMENT

TWEED BUSINESS INVESTMENT MARKETING & PROMOTIONAL STRATEGY & ACTION PLAN

Industry & Investment (I & I) have assisted with matched funding and development of the project plan. To maximize funding the project plan has included:

- B1 Tweed Business Investment Marketing and Promotion Strategy
- A3 Four Year Strategic Marketing & Promotional Plan
- A1 Industry Gap Analysis Research for Tourism Product Development Strategy

To engage with a range of stakeholders a Project Management Team was and includes:

1. Industry & Investment NSW – Trevor Wilson, Business Development Manager
2. Tweed Shire Council – Mark Tickle, Business & Economic Development Officer
3. Northern Rivers Business Enterprise Centre – Chris Thomson, Business Advisor
4. M'bah Business & District Chamber of Commerce – Toni Zuschke, President
5. Keep Australia Working, Richmond-Tweed & Clarence Valley Priority Area – Terry Watson, Local Employment Coordinator
6. Zeta's Coffee – Zeta Grealy, business owner
7. Destination Tweed – Phil Villiers, Chief Executive Officer
8. Destination Tweed - Tracy Armstrong, Product & Economic Development Coordinator

A project brief was developed and distributed to three consultants, and Expressions of Interest received by the 31 January. The Management Committee voted Brisbane consultancy team The AEC Group as the preferred supplier to proceed with the project. Research consultant Peter Valerio was engaged to provide the research component of the project. The first project milestone has been conducted with the Management Committee being the Inception Meeting and Report.

BUSINESS DEVELOPMENT

Home Based Business Network

Sourced local business identity Sarah Cobb to facilitate the March workshop titled "Five key Strategies to Grow Your Small Business". Sarah is the Director of "Caribblue" a local Business Consultancy Group who has also received funding from Enterprise Connect to deliver a range of business programs. Sara is a high profile presenter in the field and it is a great opportunity to work with her. DT assisted in the promotion of the event through network newsletters, "What's On" and a media release.

NORBEC – How to Prepare Your Business Plan

Content in the workshop included research your industry, market and competitors, identify business opportunities and threats, identify your basic business strategies, analyse your competitors, and prepare the Business & Action Plan. Attendance at the workshop was to understand the processes involved for client referral and what assistance is available at the grassroots level.

Cluster Muster - Industry & Investment Workshop

Attended a workshop presented by Industry & Investment on business cluster development. Content included strategies to create new collaborations and joint ventures that lead to new business, investment and markets.



Southern Cross University (SCU)

A Draft Memorandum of Understanding (MOU) has been completed by both organisations and has now been submitted to the SCU Board for approval. The MOU sets out the understanding between the parties to explore a range of research opportunities and innovative initiatives to cover topics relating to Festivals & Events, Tourism, Marketing, SMEs, Business Development and Strategy, Regional Development and Strategy, Community Engagement & Participation.

Tweed Fresh

A meeting was held with representatives from Caldera Institute and Murwillumbah Chamber of Commerce to discuss creating the Tweed Fresh Data Base. The project is more than a list but to start the process of building linkages between the different sectors which will ensure future capacity building in terms of economic development.

Murwillumbah Chamber of Commerce – Events

The Murwillumbah Event Managers are now formalising themselves to be a sub-committee of the Murwillumbah Chamber of Commerce. DT has been working with the group to provide assistance in the form of marketing and promotion of the group's events.

It was identified that the group required assistance in developing operational and marketing plans to grow their events. A Public Relations Workshop facilitated by DT Public Relations Consultant Karen Ransome has been scheduled for April. The workshop will provide insights in developing a practical and achievable public relations strategy, relevant to their specific event that they can roll out over an appropriate time frame.

Initial discussions to direct a marketing campaign titled a "Season of Festivals" has been seen as a future goal for the working group. DT is currently sourcing funding to develop this project further.

Arts & Culture

Recently attended an Arts Northern Rivers presentation on how to link the business and arts community together and use the resources available under the Australia Business Arts Foundation (AbaF). Further business development workshops are being proposed by Arts Northern Rivers with DT to assist in promotion to the local Tweed Arts & Cultural Community.

INVESTMENT ATTRACTION

Country & Regional Living Expo

Identified the Country & Regional Living Expo as a major investment attraction opportunity to attend and promote to the Sydney market on the 5, 6, and 7 August. A proposal has been put forward by the organisers to participate as a member of a Northern Rivers Consortium. However, a recent meeting for all LGA representatives was very disappointing – only Tweed attended. At this stage there is no interest from other LGA's to attend the Expo under a "Regional Banner".

Telecommunications

Attended by invitation from TSC Director of Technology and Corporate Services the Regional Digital Economy Workshop hosted by TSC. The workshop covered a regional update on the National Broadband Network with representatives from Cairns to Coffs Harbour.

TSC Director of Technology and Corporate Services invited DT to provide a submission to the Standing Committee on Infrastructure and Communications / House of Representatives - Inquiry into the role



and potential of the National Broadband Network. The submission is now hosted online at www.apb.gov.au.

Cross Borders Workshop

SCU initiated a workshop to address possible future collaborative working partnerships with Gold Coast City Council, Connecting Southern Gold Coast, Destination Tweed, TSC and other interested regional stakeholders. Support for a cross borders working group needs to be established from representatives from council, RDA's and Tourism/Business groups to drive any future partnerships.

Tweed Shire Council

A Memorandum of Understanding (MOU) has been completed and approved by both organisations. The MOU sets out the understanding between the parties on the usage and sharing of Australian Business Register (ABR) Data for the purposes on economic development. This data can be used for future surveys, marketing and promotion.

Membership

Initial discussions and research have been undertaken to address current membership benefits and cost restructure.

PUBLIC RELATIONS

- **Food Industry** operators showcased as part of a comprehensive Tweed famil for food industry writer, Simon Thomsen, in preparation for a feature on the region in the June issue of MasterChef Magazine
- **Food Industry** producer information provided to freelance food industry writer and social media blogger, Sheridan Rogers
- **Food Industry** producers and farmers showcased through media generated around the launch of the Caldera Farmers' Markets. Lead-in publicity generated by Destination Tweed in all local media resulted in an estimated 1500 customers turning up to the opening day on April 6. The opening day was also attended by a television news crew from NBN and reporters/photographers from Daily News and Tweed Sun. Images taken by DT's public relations consultant (at no cost to Destination Tweed) were also provided to Tweed Weekly and Murwillumbah Weekly.
- **Small Business** operators assisted by media release highlighting Destination Tweed's involvement in MyHome Business Network
- **Education Sector** – pitched story angle on international enrolments and impact of students on local economy

Business Marketing

- Working with new team members to establish internal protocols, strategies and communication/PR systems to manage on-going business public relations.
- Web site map for the business promotions side of the new website has been drawn up in conjunction with Tracy Armstrong.



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **Confidential Attachment** – Destination Tweed Quarterly Financial Report – January to March 2011 (ECM32479521)
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5 [GM-CM] Murwillumbah Community Centre Grant Funding

ORIGIN:

General Manager

SUMMARY OF REPORT:

In November 2010 Council was successful in obtaining funding of \$551,000 (exclusive of GST) for the Murwillumbah Community Centre under the Regional and Local Community Infrastructure Program (RLCIP) Round 3. Funding Agreements have been executed under delegation by the General Manager.

RLCIP have identified that the project must be completed by the end of December 2011 with a final acquittal report due February 2012.

Negotiations are ongoing with Justine Elliott's Office to determine how the additional \$1.5 million, which was committed several months ago, can be expedited.

This report recommends Council accept and expend the funds.

RECOMMENDATION:

That Council accepts the grant funds of \$551,000 (exclusive of GST) offered from the Regional and Local Community Centre Infrastructure Program and votes the expenditure on the Murwillumbah Community Centre as part of the 2011/12 budget.

REPORT:

In November 2010 Council was successful in obtaining funding of \$551,000 (exclusive of GST) for the Murwillumbah Community Centre under the Regional and Local Community Infrastructure Program (RLCIP) Round 3. Funding Agreements have been executed under delegation by the General Manager.

RLCIP have identified that the project must be completed by the end of December 2011 with a final acquittal report due February 2012.

Negotiations are ongoing with Justine Elliott's Office to determine how the additional \$1.5 million, which was committed several months ago, can be expedited.

This report recommends Council receive and expend the funds.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This report recommends Council receive grant funding under contract and expend the funds on redevelopment of the Murwillumbah Community Centre.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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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6 [PR-CM] Development Application DA10/0480 for the Demolition of Existing Dwellings and Construction of a Function Centre at Lots 9 & 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah

ORIGIN:

Development Assessment

FILE NO: DA10/0480 Pt2

SUMMARY OF REPORT:

Council at its meeting held on 19 April 2011 resolved to support this application in principle and requests that a report be prepared outlining conditions for consideration at the Council meeting to be held in May.

This report is in response to the latest Council's resolution. The report provides Council with two (2) main options to consider for determination:

- (i) to resolve to refuse the application in accordance with the officer's previous recommendations; or
- (ii) to resolve to approve this application subject to the conditions provided in this report.

RECOMMENDATION:

That Development Application DA10/0480 for the demolition of existing dwellings and construction of a refreshment and ancillary function centre at Lots 9 and 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah be refused for the following reasons:

- 1. The application has failed to satisfy Clause 8(1) of the Tweed LEP 2000 specifically Clause 8(1)(c). The development will have an adverse cumulative impact in the shire created by lack of car parking spaces.**
- 2. The application is not considered satisfactory with regard to parking and access. Adequate car parking has not been provided in accordance with Tweed Shire Council Development Control Plan Section A2 - Site Access and Parking Code.**

REPORT:

Applicant: Mr C Dudgeon
Owner: MR CI Dudgeon and Mrs RJ Dudgeon
Location: Lots 9 and 10 Section 4 DP 2974 Nos. 9-11 River Street and ROAD 5190 Stafford Street, South Murwillumbah
Zoning: 3(c) Commerce and Trade
Cost: \$960,000

BACKGROUND:

The original DA for a function centre was submitted to Council on 20 July 2010 with sections of the report also referring to partial and possible dual use of the building as a restaurant. The application submitted proposed a building of two storeys consisting of ground level parking and entry, and upper floor Function Areas/restaurant incorporating a commercial kitchen, bar, dining areas, office, associated facilities and storage.

The proposal was submitted to the December Council meeting with a recommendation for refusal. Council resolved at the meeting to defer the decision in order for the applicant to amend the plans to resolve the areas of concern.

The amended application was submitted to the April Council meeting with a recommendation for refusal. Council resolved to support this application in principle and requests that a report be prepared outlining conditions for consideration at the Council meeting to be held in May.

The building contains large timber decks orientated to the River at the rear and to the River Street frontage.

The building is to be constructed using a variety of building materials – including a rendered painted block work, decorative stonework, weatherboard and metal roofing.

The applicant provided additional information and amended plans on 21 December 2010 and 8 February 2011, for which this report relates to. It was also clarified within these submissions that the proposal involves a "refreshment room with an ancillary function room" use.

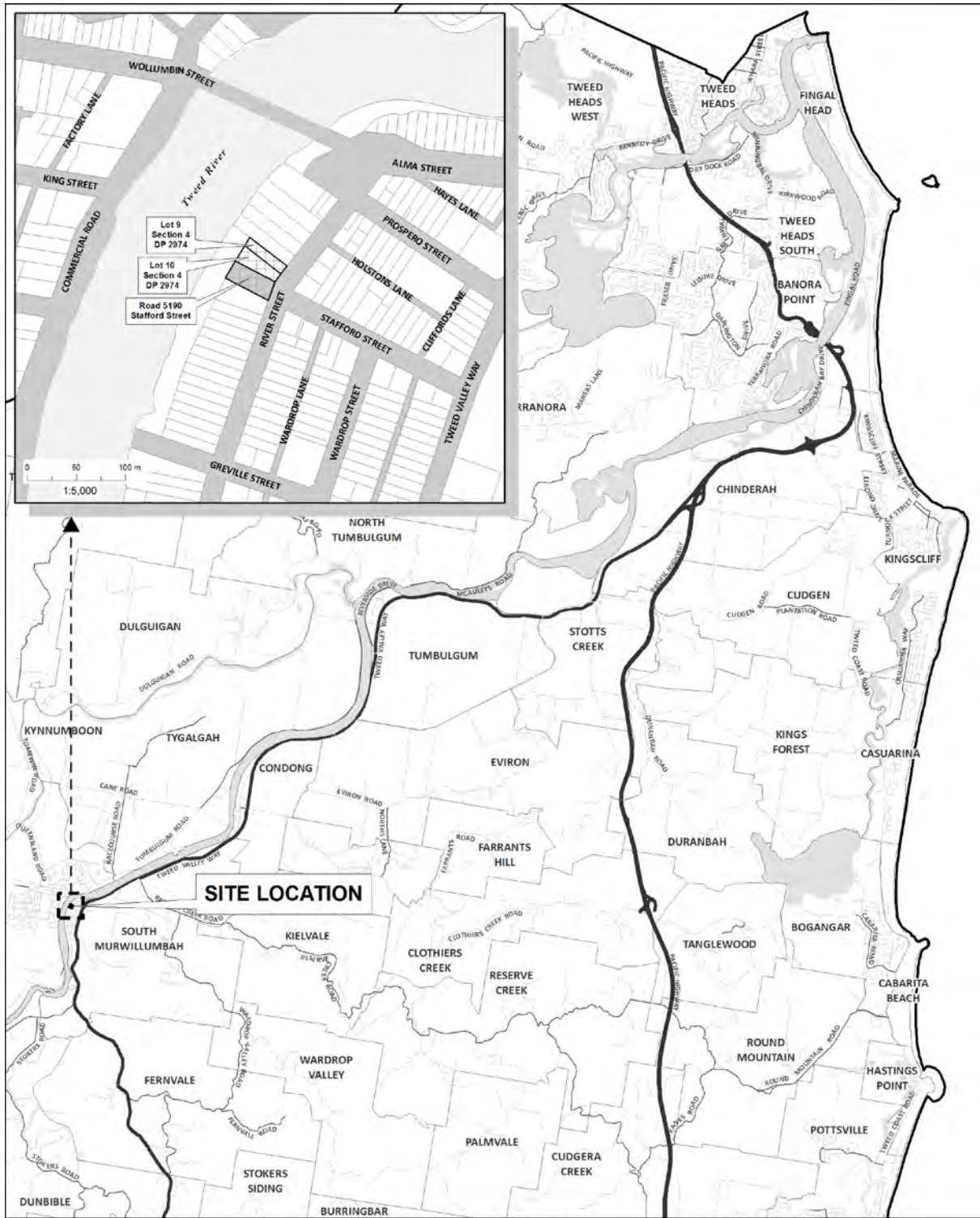
The applicant amended the function centre component of the development to cater for 79 seats and 5 staff. As such the development requires a total of 26.2 car parking spaces to cater for the Function Centre component of the proposed. With a 20% reduction for ESD reduction the total number required for the function centre component is 21 car parking spaces.

The applicant submits that there is 100.48m² of dining area and 5 staff for the refreshment room which would result in a requirement of 19.3. With a 20% ESD reduction, the total number required for the refreshment room component is 16 car parking spaces.

The applicant has proposed 21 on site car parking spaces.

Council at its meeting held on 19 April 2011 resolved to support this application in principle and requests that a report be prepared outlining conditions for consideration at the Council meeting to be held in May.

SITE DIAGRAM:



Locality Plan

Nos. 9-11 River Street, South Murwillumbah and Road 5190 Stafford Street, South Murwillumbah

<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "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.</p>	<p>Cadastre: 05 April, 2011 © Land and Property Management Authority (LPMA) & Tweed Shire Council. Boundaries shown should be considered approximate only.</p>	 1:100,000 @ A4 Portrait DO NOT SCALE COPY ONLY - NOT CERTIFIED Map Projection: Universal Transverse Mercator Horizontal Datum: Geodetic Datum of Australia 1994 (G-A), Map 610 of Australia, Zone 56	<p>Civic and Cultural Centre 3 Tumbulgum Road Murwillumbah NSW 2484 PO Box 915 Murwillumbah NSW 2484 T (02) 6670 2400 1300 292 872 F (02) 6670 2429 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:

Relevant statutory considerations were considered in the original report attached.

OPTIONS:

1. Determine the application as per the recommendation and having regard to the previous Council Officers reports, which was to refuse the application.
2. Council recommends that Development Application DA10/0480 for the demolition of existing dwellings and construction of a refreshment room/function centre at Lots 9 & 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah be approved, the following conditions should be imposed:

GENERAL

1. **The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos wd01 to wd10 prepared by Andrew Reynolds and dated 21/11/10, 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]

4. **Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.**

[GEN0190]

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

[GEN0265]

6. **The building is to be designed and constructed to withstand the likely flood flow rates and debris loads applicable to the site.**

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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:

147.5528 Trips @ \$1601 per Trips \$236,232

(\$1455 base rate + \$146 indexation)

S94 Plan No. 4

Sector10_4

[PCC0215/PSC0175]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP2: 1.5678 ET @ \$11020 per ET \$17,277.20

Sewer Murwillumbah: 3.7977 ET @ \$5295 per ET \$20,108.80

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

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

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

[PCC0265/PSC0165]

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

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

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

[PCC0275]

10. **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]

11. **All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.**

[PCC0465]

12. **Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A1 and Councils Development Design and Construction Specifications.**

Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

13. **All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.**

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

14. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

15. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

16. 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 7.0m AHD.

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

(b) 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.

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

[PCC0705]

17. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. Certification shall be provided by a suitably qualified individual demonstrating the system shall comply with AS1668.2 - Ventilation Requirements.

[PCC0735]

18. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

19. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

URBAN ROAD (delete if not required)

(a) Construction of an urban bitumen sealed road generally in accordance with the 'Site Plan' by Andrew Reynolds version 'O' for the Stafford Street frontage of the site, with the following provisos;

- **Carriageway width (kerb to kerb) to be 7.5m, unless a greater width is required for 'B99' vehicle turning paths.**
- **A kerb line shall be implemented for the northern side of the road.**
- **Vehicular footpath crossings shall be provided for off-road driveway access – no kerb and gutter is to be arced across the footpath area.**
- **Give way signage and linemarking shall be installed for the Stafford Street legs of the intersection.**

(b) All footpath crossings are to be splayed.

[PCC0875]

20. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

(a) Vehicular access: new driveway access from River street (note that this is required to be evenly splayed); also two (2) new driveways from Stafford Street – unless these are constructed in conjunction with the new Stafford Street roadworks.

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/furnishings**
- **Stormwater drainage**
- **Sediment and erosion control plans**
- **Location of all services/conduits**
- **Traffic control plan**

[PCC0895]

21. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

(a) copies of compliance certificates relied upon

(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- **earthworks**
- **roadworks/furnishings**
- **stormwater drainage**
- **water supply works**

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

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

[PCC0985]

22. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

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

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

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

[PCC1145]

24. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]
25. Prior to issue of construction certificate the applicant is to submit an 'Application for Plan Approval Fit-out Details', with appropriate fees, and to be granted Council approval for the fit-out of the premises.
- [PCCNS01]
26. Prior to issue of a construction certificate a report shall be submitted from a suitably qualified acoustic consultant detailing that mechanical plant selection and design has been undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011). The report shall include recommended noise mitigation measures to be carried out relating to mechanical plant.
- [PCCNS02]
27. The development shall provide a transverse drainage system for the continuity of stormwater flows from the open drain on adjoining land to the north, through the development site, to the Stafford Street stormwater drainage system, for all events up to and including the 100 year ARI storm event. Any piped system serving this purpose must be supplemented by an overland flow path that will operate in a manner that will minimise potential damages and nuisance in the event of a pipe failure. Implementation of such an overland flowpath will require localised lowering of the basement driveway to form a depression that gravitates from the northern boundary of the site, in the vicinity of the proposed inlet headwall, through to the Stafford Street frontage. The design of the pipe inlet must include a safety factor of 2 to account for blockage. The s68 Stormwater Application shall include a hydraulic assessment of the transverse drainage system, which demonstrates that the system will provide a "no worsening" post-development case for upstream land for events up to and including the 100 year ARI event. The hydraulic assessment shall include identification of the extent of all contributing catchments, as verified by on site survey. An easement benefitting Council shall be created over the transverse drainage system prior to occupation.

[PCCNS03]

28. The submitted Stormwater Management Plan is not considered to be entirely acceptable, and On-site Stormwater Detention (OSD) is to be implemented. The development shall provide for the mitigation for stormwater runoff generated by the development with the existing downstream stormwater infrastructure in place, in accordance with Development Design Specification D5 - Stormwater Drainage Design Clause D5.16 Stormwater Detention. Engineering details of an adequate OSD system shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of a construction certificate.

OSD devices including the discharge control pit (DCP) are to comply with standards in the last version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater generated from the site must initially be directed to the DCP.

Appropriate ventilation must be provided for any enclosed or covered OSD storage area.

This OSD system is required to be a completely separate stormwater system to the transverse drainage system imposed via the previous consent condition.

[PCCNS04]

29. The construction certificate application shall include certified engineering details of the proposed access platform adjacent to Council's levee. The platform shall be of light weight construction and must be readily removable from its structural supports and relocatable without the need for special equipment. No structural supports are permitted within three (3) metres horizontal distance of the surveyed top of the levee embankment. The platform must be designed to impose minimal bearing forces on the levee.
30. The developer must obtain all necessary separate State Government approvals for any works on Lot 8126 DP 755698 (State Crown Land).

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

31. 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]

32. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

(c) WorkCover Regulations 2000

[PCW0025]

- 33. 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]

- 34. 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]

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

[PCW0245]

- 36. 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]

- 37. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.**

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

- 38. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.**

[PCW0665]

- 39. Civil work in accordance with a development consent must not be commenced until:**
- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:**
 - (i) the consent authority, or**
 - (ii) an accredited certifier, and**
 - (b) the person having the benefit of the development consent:**
 - (i) has appointed a principal certifying authority,**
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:**

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

(iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,

(iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

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

[PCW0835]

41. 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]

42. 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]

43. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.

[PCW1135]

DURING CONSTRUCTION

44. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the *National Parks and Wildlife Act 1974*.

[DUR0025]

45. 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]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

47. 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]

48. 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]

49. 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]

- 50. 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]

- 51. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.**

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

- 52. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.**

[DUR0675]

- 53. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".**

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

- 55. 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]

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

[DUR0995]

- 57. 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]

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

[DUR1795]

59. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.**
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.**
- (c) That site fill areas have been compacted to the specified standard.**
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.**

[DUR1805]

60. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.**
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.**

[DUR1825]

61. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

62. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

[DUR1865]

63. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

- (a) Excavation
- (b) Formwork/reinforcement
- (c) Hydraulics
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

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

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

[DUR1895]

65. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

66. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

67. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

68. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

69. 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]

70. 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]

71. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

- 72. 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]

- 73. 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]

- 74. Construction of the facility shall be undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011).**

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 75. 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]

- 76. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.**

[POC0225]

- 77. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.**

The street number is to be on a white reflective background professionally painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

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

[POC0265]

78. 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]

79. 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]

80. The premises 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]

81. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

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

[POC1045]

83. Prior to issue of an occupation certificate, certification from an appropriately qualified acoustic consultant shall be submitted detailing that the construction of the facility has been undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011).

[POCNS01]

84. Prior to issue of an occupation certificate, certification from an appropriately qualified individual shall be submitted detailing that the construction of the mechanical exhaust ventilation if required, has been installed in accordance with AS16668.2.

[POCNS02]

USE

85. 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]

86. LAeq noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence.

LAeq noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

[USE0165]

- 87. 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]

- 88. As per the 'Planning For Entertainment Guidelines 2009) the following condition is REVIEWABLE.**

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

Monday – Thursday	9:30am – 9:30pm
Friday	9:30am – 11:00pm
Saturday	8:00am – 12:00am
Sunday	8:00am – 9:30pm

Functions are only permitted on Saturday nights.

[USE0185]

- 89. All deliveries to the premises are to occur only within the approved hours of operation unless otherwise approved by Councils General Manager or his delegate.**

[USE0195]

- 90. 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]

- 91. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.**

[USE0245]

92. 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]

93. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

94. 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]

95. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR).

[USE1085]

96. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011) unless varied by conditions of development consent.

[USENS01]

97. Live entertainment or amplified music is not permitted on the external western and eastern deck areas.

[USENS02]

98. The use of the eastern deck area is only permitted between the hours of 9:30am to 6:00pm.

99. The function centre component is to have a maximum seating capacity of 79 patrons.

100. The dining area for the refreshment room is restricted to the 100.48m² area as depicted on Plan No. wd09 - issue O prepared by Andrew Reynolds.

[USENS03]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

101. 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]

102. 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]

103. 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) Identify all allotments to be created as dual occupancies.
- (c) An easement in favour of Tweed Shire Council shall be created over the full length of the flood levee within the subject land. The easement width shall extend from the rear (north western) boundary to three (3) metres (measured horizontally) on the landward side of the surveyed top of the levee embankment.
- (d) Creation of an inter-allotment drainage easement over a pipeline and overland flowpath (beneath the building) that is to be constructed as part of this development.
- (e) Restriction on Title and companion Positive Covenant to be created regarding on-site Stormwater Detention perpetual maintenance requirements. Information in this regard can be obtained from the last version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook".

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

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

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

[PSC0835]

104. 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]

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

- (a) Compliance Certificate - Roads**
- (b) Compliance Certificate - Drainage**

Note:

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

[PSC0915]

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

[PSC0925]

107. The site is to be consolidated into a single allotment. Concurrently with this, a 3m x 3m splay corner is required to be dedicated to Council as public road.

[PSCNS01]

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with the determination by Council the applicant has a right to appeal to the NSW Land & Environment Court.

POLICY IMPLICATIONS:

Should the recommendation of this report be upheld, no direct policy implications will occur.

CONCLUSION:

As stated in previous Council reports, if the proposal is approved it will set an unreasonable precedent for interpretation of Clause 8(1) of the Tweed LEP 2000. Additionally any approval that does not provide adequate car parking spaces to cater for the proposal would compromise the integrity of Council's Development Control Plan Section A2.

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. Report to Council meeting of 19 April 2011 regarding DA10/0480 (ECM 32572495)
-

7 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

ORIGIN:

Director Planning and 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/refused.

RECOMMENDATION:

That Council notes the April 2011 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/refused where a variation in standards under SEPP1 has occurred.

DA No.	DA10/0707
Description of Development:	proposed mixed use motor showroom car repair station and commercial premises - staged development (JRPP)
Property Address:	Lot 16 Section 4 DP 2379; Lot 1 DP 1014402 No. 169-171 Wharf Street & Lot 20 Section 4 DP 2379 No. 58 Recreation Street, Tweed Heads
Date Granted:	21/4/2011
Development Standard to be Varied:	Clause 32B(4)(b) - overshadowing
Zoning:	3(b) General Business
Justification:	The eastern end of the proposed building (Stage 2) produces a shadow across the adjacent reserve at 3.00pm midwinter, which is non-compliant with Clause 32B(4) of the North Coast Regional Environmental Plan 1988 (NCREP). The applicant has provided a SEPP 1 Objection, which notes that the resultant impact on the amenity of the open space is considered minor and that strict compliance with the foreshore shadow development standard would unreasonably preclude the appropriate development of the site in accordance with the commercial development controls that apply to the site.
Extent:	The extent of overshadowing is noted as 8m deep into the reserve, for a length of 48.5m (which is approximately 48% of the width of the reserve at that point. Overall, the overshadowing is approx 11.5% of the reserve.
Authority:	Tweed Shire Council

DA No.	DA11/0109
Description of Development:	dwelling, front fence and swimming pool
Property Address:	Lot 344 DP 1087716 No. 5 Cylinders Drive, Kingscliff
Date Granted:	18/4/2011
Development Standard to be Varied:	Clause 16 of TLEP and Clause 32B of NCREP
Zoning:	2(f) Tourism

Justification:	<p>An objection has been lodged under SEPP 1 to vary the development standard provided by clause 32B (4) of the North Coast Environmental Plan 1988(NCREP 1988), which prohibits overshadowing of the coastal reserve at the times of 3pm mid winter and 6.30 pm midsummer to be unreasonable. The shadow diagrams submitted show that the building will overshadow the coastal reserve to the east at both of these times</p> <p>It is considered in this instance that the standard is unreasonable for the following reasons.</p> <p>Whilst the dwelling will overshadow the coastal reserve, the area of the coastal reserve that will be affected comprises a grassed area and coastal dune vegetation. The shadow will not impact on any areas used by the public for formal recreational activities.</p>
Extent:	<p>An objection has been lodged under SEPP 1 to vary the development standard provided by clause 32B (4) of the North Coast Environmental Plan 1988(NCREP 1988), which prohibits overshadowing of the coastal reserve at the times of 3pm mid winter and 6.30 pm midsummer to be unreasonable. The shadow diagrams submitted show that the building will overshadow the coastal reserve to the east at both of these times. The proposed development is a two storey dwelling and shadow cast by the dwelling will only overshadow the coastal dune and not the beach area. The beach is approximately 100m from the rear of the property.</p>
Authority:	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.



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8 [PR-CM] Development Application DA11/0095 for The Unity Festival at Lot 167 DP 729468, Queensland Road, Murwillumbah

ORIGIN:

Development Assessment

FILE NO: DA11/0095 Pt1

SUMMARY OF REPORT:

The applicant, The Unity Festival Inc., has requested a refund of Council's fees associated with the Development Application for the holding of *The Unity Festival* at the Murwillumbah Showgrounds over two (2) days over the next five (5) years (2011-2015 inclusive). The applicant is a 'not for profit' community organisation that was formed in 2009 to develop a multicultural festival to provide a public benefit to the community.

The total amount requested is \$262.00, with a breakdown of Council's fees as follows:

DA Fee	\$239.00
Environment Enforcement Levy	\$23.00
TOTAL	\$262.00

The Unity Festival Inc. was a recipient of a Council donation in 2010, with Council resolving to donate the fees associated with Development Application DA10/0395 to the organisation. That Application was for the holding of the Festival in 2010.

Council's donation policy states: *That an individual or an organisation shall not be eligible for any more than two donation grants in any consecutive three year period.*

RECOMMENDATION:

That Council's fees associated with Development Application DA11/0095 for *The Unity Festival* at Lot 167 DP 729468, Queensland Road, Murwillumbah be donated to The Unity Festival Incorporated as the donation policy permits no more than two (2) donations within any consecutive three (3) year period, with this the second donation to the organisation within that period.

REPORT:

Applicant: The Unity Festival Inc
Owner: Land and Property Management Authority
Location: Lot 167 DP 729468 Queensland Road, Murwillumbah
Zoning: 6(b) Recreation
Cost: \$23,000

BACKGROUND:

As per summary.

OPTIONS:

1. Council donates a total of \$262.00 to the applicant, being the fees associated with DA11/0095.
2. Council declines to donate Council's fees associated with DA11/0095.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The applicant's request for a refund of Council's fees associated with the Development Application is supported as the applicant is a 'not for profit' organisation with the subject development providing a public benefit to the community.

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] Development Application DA11/0176 for a Gazebo and Pool Pump House at Lot 5 DP 1047760, No. 9 Winchelsea Way, Terranora

ORIGIN:

Building and Environmental Health

FILE NO: DA11/0176 Pt1

SUMMARY OF REPORT:

A development application has been lodged to construct a detached outbuilding comprising a gazebo and pool pump house on the subject allotment.

The allotment fronts Terranora Road 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 for the outbuilding to observe a building alignment of 17.50m.

Given that the proposed SEPP1 variation is greater than 10%, this application has been referred to Council for determination in accordance with previous directions of the NSW Department of Planning.

The SEPP 1 objection is considered to be worthy of support.

RECOMMENDATION:

That:

- 1. State Environmental Planning Policy No. 1 objection to Clause 24 of Tweed Local Environment Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.**
- 2. Development Application DA11/0176 for a gazebo and pool pump house at Lot 5 DP 1047760, No. 9 Winchelsea Way, Terranora be approved subject to the following conditions:**

GENERAL

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

[GEN0015]

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

[GEN0115]

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

[GEN0135]

PRIOR TO COMMENCEMENT OF WORK

4. **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]

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. 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]

DURING CONSTRUCTION

9. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
- [DUR0005]
10. 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]
11. 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]
12. 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]
13. 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]
14. 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]
15. 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]
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. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

18. 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]

19. 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]

20. 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]

21. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. 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]

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

[POC1045]

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

[POC1055]

USE

- 25. 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]

- 26. The building is not to be used for any habitable commercial or industrial purpose.**

[USE0455]

REPORT:

Applicant: Mrs T Murdock
Owner: Mrs TE Murdock
Location: Lot 5 DP 1047760 No. 9 Winchelsea Way, Terranora
Zoning: 1(c) Rural Living
Cost: \$15,000

BACKGROUND:

A development application has been lodged with Council to construct a detached outbuilding comprising a gazebo and pool pump house 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, has an existing two storey dwelling house and an existing swimming pool and slopes downhill from Terranora Road.

The allotment has frontage to Terranora Road which under the provisions of the Tweed Local Environmental Plan 2000 is a designated road.

The allotment has a maximum depth of 86.895 metres and encompasses an area of 4010m².

The allotment is accessed from Winchelsea Way and there is no access from Terranora Road.

Under the provisions of part 5, clause 24 of the Tweed LEP 2000 the proposed outbuilding is required to observe a minimum building alignment to Terranora Road of thirty (30) metres.

The outbuilding is proposed to be set back 17.50 metres from Terranora Road.

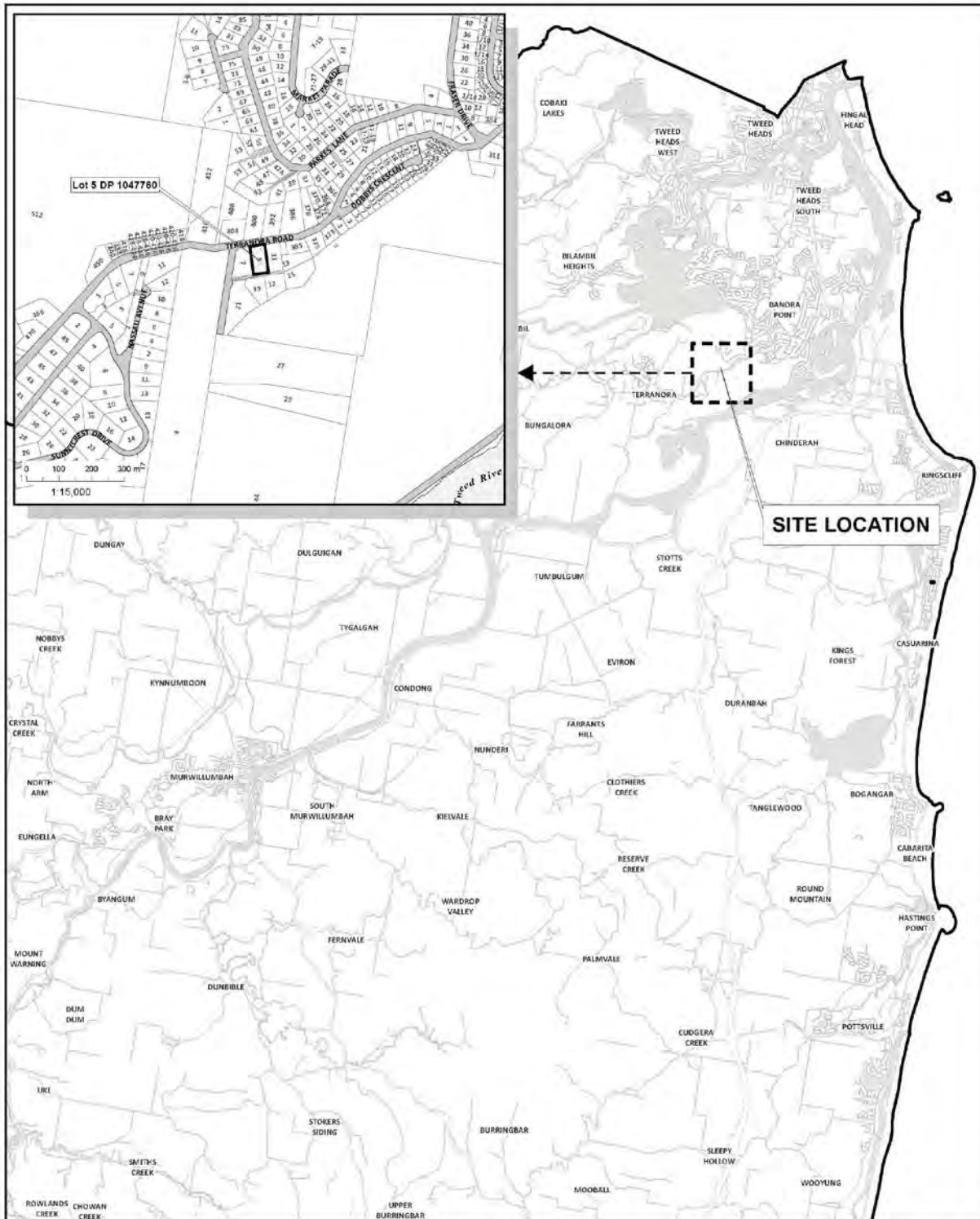
The existing swimming pool on the site currently encroaches into the thirty metre setback and the proposed outbuilding comprising a gazebo and pool pump house is to be used in conjunction with the existing swimming pool and is therefore proposed to be located within the vicinity of the existing swimming pool.

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 17.50 metres for the outbuilding to the Terranora Road frontage of the allotment.

The SEPP 1 objection is considered below in this report.

Council has historically granted SEPP 1 objections to the thirty metre building alignment for new residential dwelling houses and additions to existing residential dwelling houses along Terranora Road where it is considered that compliance with this building setback is unnecessary and/or unreasonable.

SITE DIAGRAM:



Locality Plan
 Lot 5 DP 1047760;
 No. 9 Winchelsea Way, Terranora

Disclaimer: While every care is taken to ensure the accuracy of this map, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including 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 audience and is to be used as an indicative and illustrative only. It should not be used for survey or construction purposes and prior to any excavation or other work, a site visit should be made by calling 1300. The information contained on this document remains valid for 30 days only from the date of supply.

Cadastre: 02 May, 2011
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 Boundaries, chains should be considered approximate only.

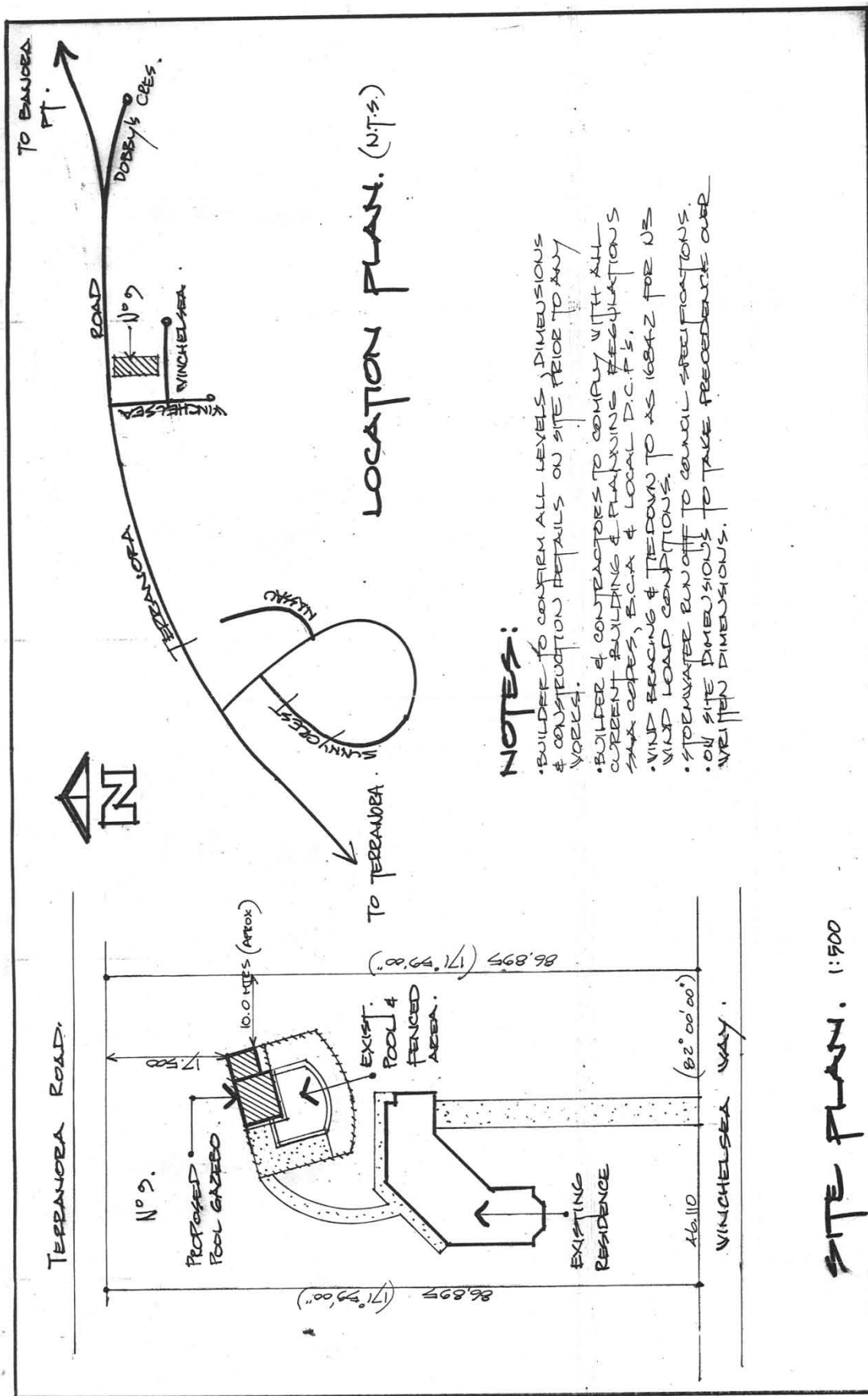
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Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geoid: Datum of Australia 1994
 GDA
 GDA
 Map of Australia, Zone 56

Civic and Cultural Centre
 3 Tumbulgum Road
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TWEED
 SHIRE COUNCIL

DEVELOPMENT PLANS:



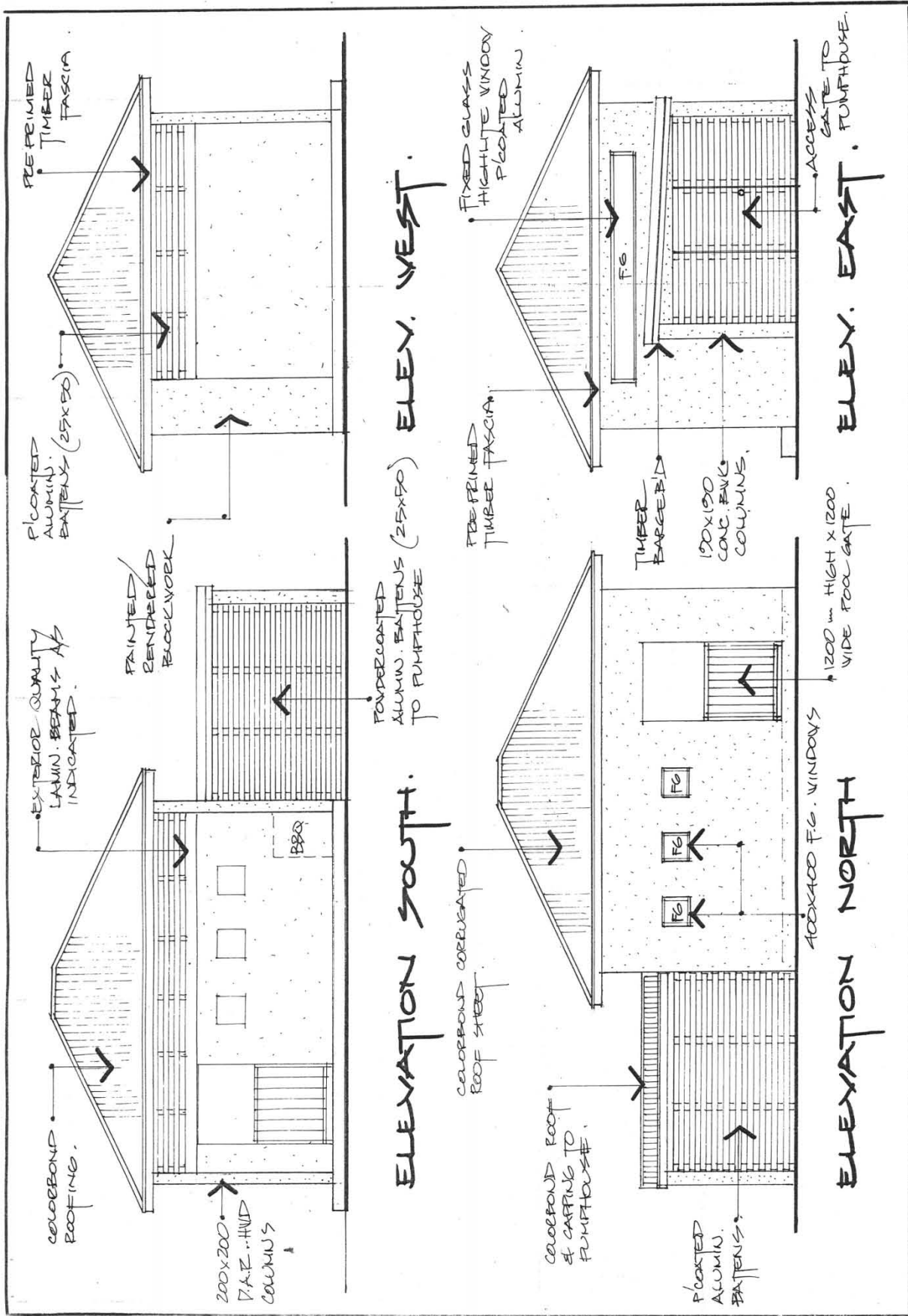
LOCATION PLAN. (N.T.S.)

NOTES:

- BUILDER TO CONFIRM ALL LEVELS, DIMENSIONS & CONSTRUCTION DETAILS ON SITE PRIOR TO ANY WORKS.
- BUILDER & CONTRACTORS TO COMPLY WITH ALL CURRENT BUILDING & PLANNING REGULATIONS, S.A. CODES, E.S.C.A & LOCAL D.C.F.'s.
- WIND BRACING & TIE-DOWN TO AS 1684.2 FOR N3 WIND LOAD CONDITIONS.
- STORMWATER RUN OFF TO COUNCIL SPECIFICATIONS.
- ALL SITE DIMENSIONS TO TAKE PRECEDENCE OVER WRITTEN DIMENSIONS.

SITE PLAN. 1:500

PROPOSED NEW POOL GAZEBO & PUMPHOUSE ADDITION TO EXIST. RESIDENCE NO 9 VINCHELSEA WAY, TERRANORA, N.S.W.	CLIENT: T & C MURDOCH.	BUILDING DESIGN PETER KNOTT (B.S.ARCH) 1 WOODHEADS SOUTH PH (075) 243911
	SCALE: 1:200 & 1:500 DATE: APRIL 11 JOB N°: V.D. 2/411	



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 satisfies the aims of the plan.

Clause 5 - Ecologically Sustainable Development

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 outbuilding will be single storey which is permissible in this area. The height & scale of the proposal is consistent with surrounding development.

Clause 17 - Social Impact Assessment

Approval of the proposal is considered to be unlikely to result in any negative social impact issues.

Clause 24 – Designated Roads.

Terranora Road is a designated road 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.

Clause 35 - Acid Sulfate Soils

Allotment is not affected by acid sulfate soils.

Other Specific Clauses

N/A

The SEPP 1 objection is supported and is discussed below.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

SEPP No. 1 - Development Standards

A SEPP 1 objection has been lodged against the requirement under clause 24 of the Tweed LEP 2000 for the dwelling house 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:

“This objection accompanies a development application for the addition of a gazebo and pool pump house ancillary to an existing dwelling at Lot 5 DP 1047760 – No. 9 Winchelsea Way, Terranora.

The objective of this Development Standard include:

- *To control development along designated roads.*

The proposed gazebo and pool pump house will be located a minimum of 17.5m 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 swimming pool is already within the 30m setback distance.*
- *The structures are located well below the level of Terranora Road.*
- *It is unlikely that the structures would significantly compromise traffic safety along Terranora Road.*
- *No additional vehicular accesses are proposed. The existing access arrangements from Winchelsea Way will be retained.*

For the above reasons, Council is requested to uphold the objection and grant consent to the development application as proposed.”

Access to the site from Winchelsea Way will be retained. There is no current or proposed access to the site from Terranora Road.

The floor level of the outbuilding will be substantially below 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 outbuilding.

Furthermore due to the nature of the site and the proposed outbuilding being located below the level of this section of Terranora Road it is considered that vegetative screening will not be necessary.

The outbuilding will be ancillary with the existing swimming pool that is already within the 30m setback.

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 – The existing vehicular access to the subject site off Winchelsea Way will be retained and therefore the capacity, efficiency and safety of Terranora Road will not be compromised.

- **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 residential dwelling house additions which will be consistent with the rural residential character of the area.

This subdivision was approved to permit the construction of single dwelling houses and ancillary structures and is therefore considered impractical to enforce a thirty metre building alignment to Terranora Road.

Furthermore as the site slopes away from the roadway it is considered that the proposal will 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 outbuilding will be set back 17.50 metres from Terranora Road.

Due to the slope of the allotment and the level of the allotment below Terranora Road the gazebo and pool pump house will be at a level considerably below Terranora Road which will lessen the impact of traffic noise on the proposed outbuilding. Furthermore as the proposed outbuilding is not habitable it is considered that noise nuisance from traffic on Terranora Road is not an issue.

Clause 23 – Control of access

- **To control access to designated roads.**

Response – no vehicular access is proposed off Terranora Road. The existing vehicular access from Winchelsea Way will be retained.

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 dwelling houses therefore the proposal is considered to be consistent with the objectives of the zoning of the area.

SEPP No 71 – Coastal Protection

The proposal is located within the boundary of the SEPP and based on the nature and scale of the development, the proposal is unlikely to have any adverse impacts in this coastal location. The proposed development is considered compatible with the intent for the development of the locality.

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

The draft Tweed Local Environmental Plan (LEP) 2010 was considered in the assessment of this application.

The proposal is not inconsistent with the aims & objectives of this instrument.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The proposed outbuilding comprising a gazebo and pool pump house complies with A1 – Residential and Tourist Development Code.

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

Clause 92(a) Government Coastal Policy

The proposal is located within the boundary and based on the nature and scale of the development, the proposal is unlikely to have any adverse impacts in this coastal location. The proposed development is considered compatible with the intent for the development of the locality.

Clause 92(b) Applications for demolition

No demolition is proposed.

Clause 93 Fire Safety Considerations

This clause is not applicable to the proposed development.

Clause 94 Buildings to be upgraded

This clause is not applicable to the proposed development.

(a) (v) **Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**

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**

Context and Setting

The allotment is located in a residential subdivision and 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

The existing vehicular access to the property from Winchelsea Way will be retained. There is no vehicular access from Terranora Road.

Flora and Fauna

The site does not contain any flora or fauna of any significance.

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

Surrounding Landuses/Development

The allotment is surrounded by similar residential allotments to the east, south and west.

Flora and Fauna

The site does not contain any flora or fauna of any significance.

Topography

The allotment slopes moderately downhill from north to south.

Site Orientation

The allotment has a northern orientation; the proposed outbuilding and the existing swimming pool have been located on the northern side of the allotment to take advantage of this solar access.

(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 a 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 Development Control Plan A1. The variations from the Tweed LEP 2000 have been considered and are 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 construct the outbuilding comprising a gazebo and pool pump house with a minimum building line of 17.50 metres to Terranora Road is reasonable for conditional approval.

The SEPP 1 objection to reduce the statutory building line 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.

- 10 [PR-CM] Part V Application PTV10/0032 for Kirkwood Road Extension from Fraser Drive west of the Pacific Highway to Minjungbal Drive to the east including Highway on & off Ramps at Lot 697 DP47411, ROAD 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street**

ORIGIN:

Development Assessment

SUMMARY OF REPORT:

This proposal is for the extension of Kirkwood Road from its junction with Falcon Way to the east of the Pacific Highway and from Fraser Drive to the west. The proposal includes the provision of access to and from the Pacific Highway via southbound on and off ramp and via a northbound off ramp.

Presently, Kirkwood Road is a two-lane road between Minjungbal Drive and Falcon Way, and continues as an unmade road reserve either side of the Pacific Highway to Fraser Drive.

The application has been assessed under Part 5 of the Environmental Planning & Assessment Act as determined by Division 17 (Roads and traffic) of the SEPP (Infrastructure) 2007. Tweed Shire Council is the determining authority under Section 110A of the Environmental Planning & Assessment Act 1979. Section 111 of the Act states that the determining authority shall examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

The proposed activity is not considered to impact upon the environment including critical habitat or threatened species, populations or ecological communities, or their habitats to an unacceptable level. Accordingly, an Environmental Impact Statement is not required.

RECOMMENDATION:

That Part V Application PTV10/0032 for Kirkwood Road extension from Fraser Drive west of the Pacific Highway to Minjungbal Drive to the east including highway on & off ramps at Lot 697 DP 47411, ROAD 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street; ROAD 944 Pacific Highway, Tweed Heads South be approved subject to the following conditions:

- 1. The development shall be completed in general accordance with the Review of Environmental Factors prepared by Tweed Shire Council Design Unit dated December 2010, and Project Modifications prepared by Tweed Shire Council Design Unit dated April 2011, except where varied by these conditions.**

[PTV0010]

2. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[PTV0030]

3. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[PTV0040]

4. 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.

[PTV0050]

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

A. Short Term Period – 4 weeks.

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

B. Long term period – the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[PTV0060]

6. Prior to works commencing on the North Bound Off Ramp in stage 2 of the project, a Detailed Site Contamination Investigation is required in areas identified in Section 6 of the Kirkwood Road Project Review of Environmental Factors December 2010, and if required a Remediation Action Plan, prepared by a qualified Environmental Consultant in accordance with the NSW Department of Environmental, Climate Change and Water's Contaminated Lands Guidelines shall be submitted to Council for review and approval. Construction works in this area shall not commence until this report has been reviewed and approved by the General Manager or his Delegate.

7. All works shall be carried out in accordance with any approved Remediation Action Plan or to the satisfaction of Council's General Manager or his delegate. Upon completion of remediation works, Council shall be provided with a Post Remediation Validation Report to the satisfaction of the General Manager or his delegate. Construction works shall not commence until this report has been reviewed and approved by the General Manager or his delegate.

8. **Prior to any works commencing, an Acid Sulfate Soil Management Plan for the site prepared by a qualified environmental consultant in accordance with the NSW ASSMAC Guidelines shall be submitted to Council for review and approval. Construction works shall not commence until this report has been reviewed and approved by the General Manager or his delegate.**
9. **All works shall be carried out in accordance with an approved Acid Sulfate Soil Investigation and Management Plan or to the satisfaction of Council's General Manager or his delegate.**
10. **The site shall not be dewatered, unless written approval to carry out dewatering operations is received from Council's General Manager or his delegate.**
11. **Prior to any works commencing, a Dust Monitoring Program prepared in accordance with the DECCW Guidelines is to be established to obtain baseline data to be used as a reference during the construction phase. A copy of this Program shall be provided to Council.**
12. **All works shall be carried out in accordance with the Dust Monitoring Program or to the satisfaction of Council's General Manager or delegate.**
13. **Prior to any works commencing, an Acoustic Report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard) prepared by a qualified acoustic consultant in accordance with the NSW RTA Environmental Noise Management Manual and current Office of Environment and Heritage (formerly NSW Department of Environment, Climate Change and Water) Guidelines shall be submitted to Council's General Manager or his delegate for review and approval. The report shall include traffic volumes that will trigger the installation of the barriers.**
14. **All works shall be carried out in accordance with the Mitigation Measures outlined in Section 6.6.8 of the Kirkwood Road Project – Falcon Way to Fraser Drive, Tweed Heads South – Review of Environmental Factors prepared by Tweed Shire Council dated December 2010, Acoustic Assessment – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated December 2010, Additional Mitigation Scenario – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated 14 December 2010, the Acoustic Report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard) and any addendums to these documents as approved by Council's General Manager or his delegate.**
15. **Immediately following the operation of each Stage of the Kirkwood Road Project, or in the case of the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard - the completion of recommendations of the acoustic report, Post Construction Noise Impact Compliance Assessment reports from a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate in respect to noise associated with the Kirkwood Road Project.**

The assessment reports shall consider the mitigation measures outlined in Section 6.6.8 of the Kirkwood Road Project – Falcon Way to Fraser Drive, Tweed Heads South – Review of Environmental Factors prepared by Tweed Shire Council dated December 2010, Acoustic Assessment – Kirkwood

Road Extension prepared by Air Noise Environment Pty Ltd dated December 2010, Additional Mitigation Scenario – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated 14 December 2010 (Ref: 2451replet01), the acoustic report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard), and any addendums to these documents as approved by Council's General Manager or his delegate, and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation of each Stage (or completion of recommendations of the acoustic report for the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard).

The applicant shall carry out any such recommendations as provided within the noise assessment reports to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment of each Stage (or completion of recommendations of the Acoustic Report for the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard), provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

- 16. All imported fill material shall be from an approved source. Prior to works commencing, details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Council for the approval of the General Manager or his delegate.**
- 17. 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.**
- 18. Prior to the commencement of works, a construction waste management plan is to be provided to Council. The waste management plan is to include:**
 - a. Demolition**
 - i) The volume and type of waste generated during demolition.**
 - ii) The methods of storage of material on site. A site plan should be included.**
 - iii) How recyclable materials will be separated, managed, and where the materials will be sent for recycling.**
 - iv) The location and methods of disposal of all residual waste.**
 - v) The licensed transporter of the waste.**
 - b. Construction**
 - i) The type of waste generated during construction.**
 - ii) The method and location of waste storage on site.**
 - iii) How any recyclable materials will be managed.**
 - iv) The location of the disposal facility for residual waste.**

During the demolition and construction phases it is the responsibility of the site manager to ensure that the above management measures are inspected and maintained on a daily basis.

19. The landscaping design plan for the site is to address the interaction between the development and the public park and footpaths in Lot 36 DP 1069519 and Lot 40 DP 1069551. In particular, the landscape design plan is to address the playground to be constructed on Lot 40 DP 1069551 with respect to the Playground Risk rating strategy.
20. A Habitat Restoration Plan must be prepared for the vegetation offset sites nominated as 1A (Kirkwood Road) and site 2A (Lot 1327//1005077) within six months of the date of this approval. Such plan must be prepared in accordance with Council's *draft Habitat Restoration Guidelines* and submitted to Council's Development Assessment Unit for approval. Such plan must describe how restoration works will be funded for a minimum 5 year period whilst restoration is undertaken and how the site will be managed thereafter.
21. Within six months of the date of this approval, the applicant must commence the process of re-categorisation of offset site 2A (Lot 1327//1005077) to *Natural Area / Bushland* and prepare a Plan of Management in accordance with the requirements of the Local Government Act (note that the Habitat Restoration Plan may include these requirements within the one plan).
22. A registered Spotter-catcher must be present on site during all works that involve the clearing of native vegetation so as to minimise impacts to native fauna.
23. A Compensatory Fauna Nest-Box Plan must be submitted to Council's Development Assessment Unit for approval within six months of the date of this approval. All reasonable opportunities to re-use hollows removed from trees on the site must be taken.
24. Any part of the activities with the potential to trigger a Fisheries Permit must be discussed with the Department of Industry and Investment (Fisheries) and such a permit applied for if directed by Fisheries.
25. Native vegetation must not be removed outside that area strictly required for works directly associated with the project as described in the Review of Environmental Factors and associated documents submitted with the application.
26. Works must comply with the recommendations Cultural Heritage Assessment for the Kirkwood Road Extension project by Converge dated 20/12/10.
27. A Construction Environmental Management Plan (CEMP) is to be prepared for the construction phase of the development. The Construction Environmental Management Plan is to be prepared in accordance with the Review of Environmental Factors and associated documentation submitted with this application and is to detail proposed environmental impact avoidance and mitigation measures and monitoring programs.

28. A suitably qualified Environmental Officer, that is be nominated and approved by Council's Development Assessment Unit, shall be engaged by the proponent for the duration of the construction works as detailed in the CEMP. Their role shall be to oversee the environmental compliance of the project until completion and to act as a liaison officer to consult with complainants in relation to the project impacts during construction works.
29. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be complied with during all phases of the project. Safe public access shall be provided at all times.
30. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
31. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.
32. A copy of approved plans, the CEMP and relevant specifications and documents incorporating conditions of approval shall be kept on site at all times and shall be readily available for perusal by any officer of Council or relevant State Government Authorities.
33. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
34. All imported fill material shall be from an approved source. Details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.
[PCC0465]
35. During filling operations,
 - No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - All fill and cut batters shall be contained wholly within the subject land.and upon completion,
 - all topsoil to be respread and the site to be grassed and landscaped including battered areas.
[DUR0755]
36. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
[DUR0815]
37. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles.

[DUR0995]

- 38. 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]

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

[DUR1015]

REPORT:

Applicant: Tweed Shire Council
Owner: Kirkwood Est Pty Ltd
Location: Lot 697 DP 47411, Road 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street, Road 944 Pacific Highway, Tweed Heads South
Zoning: 6(b) Recreation & 2(e) Residential Tourist
Cost: Nil

BACKGROUND:

The Kirkwood Road Project is to be constructed as a two lane road linking Kirkwood Road from Falcon Way to Fraser Drive, including access to and from the Pacific Highway. The alignment would connect with Fraser Drive via a roundabout at the intersection of Fraser Drive and Kirkwood Road. Included in the proposal is an overpass over the Pacific Highway.

This project has been identified within Tweed Shire Council's 1997 Tweed Road Development Strategy and the construction of the eastern section of the proposal is included in Tweed Shire Council's next five year works plan.

The elements of construction are summarised as follows;

- A two lane road extension from the intersection of Kirkwood Road and Falcon Way to the Pacific Highway
- An overpass across the Pacific Highway
- Three on/off ramps for the Pacific Highway (northbound off-ramp, southbound off ramp and southbound on-ramp)
- Asphalt concrete road surface
- 60 km/hr vehicle speed limit and
- Road-side acoustic barriers (Noise walls)
- Pedestrian and bicycle path
- A haul road is proposed to provide access between the eastern and western sides of the Pacific Highway prior to the development of the overpass

The project also includes the provision of landscaping to the road development.

Adjoining property access from the proposal will be limited to a left turn access into the Tweed Heads Crematorium and Memorial Gardens from Kirkwood Road. There will be no traffic access into Sunshine Avenue from Kirkwood Road.

It is proposed to undertake the above development in two stages with the development of Kirkwood Road from Falcon Way to the Pacific Highway and the provision of southbound on and off ramps comprising Stage 1A.

Stage 1B would consist of the development of Kirkwood Road from Fraser Drive to the Pacific Highway, the Pacific Highway overpass and the northbound off ramp from Pacific Highway to Kirkwood Road.

It is proposed to commence construction of Stage 1A in mid 2011 with a projected date of construction on Stage 1B between 2015- 2020.

The proposed development is expected to have an environmental impact through the removal of 6.9ha of vegetated land including 2.78ha of Endangered Ecological Communities. These EEC's consist of:

- 0.86ha of *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions*,
- 1.38ha of *Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion*. And;
- 0.17ha *Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions* and another 0.37ha of a highly modified form of this community.

Compensatory offsets have been outlined for the establishment of revegetation of a 5ha and a 2ha parcels, which in the opinion of Council's Ecologist could support Subtropical Coastal Floodplain Forest.

Details of each aspect of the proposed works are discussed in detail further below.

CLEARING AND GRUBBING

Clearing of the existing vegetation and the removal of remnant roots would be carried out in the initial stages of the development. Initially, these works would only be undertaken for the eastern section of the proposal, the southbound ramps, the western fill source area, and the haul road.

EARTHWORKS

It is anticipated that approximately 95,000m³ of fill is required for the project. It is proposed to source this from the approximate 154,000m³ of cut material located within the project site, mainly to the western side of the Pacific Highway.

Surplus material would be left in situ following completion of the eastern section of the alignment. Following completion of the overpass and western section, surplus fill would be stockpiled and stabilised within previously cleared areas for use on for future projects.

All material to be imported to the site is to be sourced from Council approved quarries in the locality.

PAVEMENT DESIGN

The proposed pavement type involves a profile made up of two unbound gravel layers with a primer seal and an asphalt wearing course. This has been determined based on site geotechnical results, anticipated vehicle movements, and future anticipated vehicle movement growth.

PAVEMENT ALIGNMENT

The Kirkwood Road alignment has been designed in order to reduce impacts on existing vegetation, in particular through the alignment of the highway overpass to completely avoid impacts to SEPP 14 wetlands, avoiding sensitive vegetation by the steepening of batters wherever possible, the location of footpaths/cycleways on cleared land, and the design of noise walls locations.

East of the Pacific Highway, the Kirkwood Road carriageway would be designed to RL 1.9 m to match the existing Kirkwood Road levels from Falcon Way to Minjungbal Drive. In a 1 in 100 year flood event, the proposed road level would be approximately 0.7 m below the predicted high water line.

To the west of the Pacific Highway, the section to Fraser Drive will have a minimum proposed carriageway height of RL 2.35 m. This would maintain a 300 mm level below the anticipated 1 in 100 year flood level of 2.65m. This is required to provide a flood evacuation route for the western area.

REVISED INTERSECTING STREET ALIGNMENT

The proposed development requires the amendment of some of the existing access ways and street alignment around the Kirkwood Road Project. These revisions are outlined below;

- Sunshine Avenue presently provides access to the Tweed Heads Crematorium, however the proposed development will terminate this access way, requiring an alternative arrangement. It is proposed to shorten Sunshine Avenue and provide a U-turn facility at the southern end where the Kirkwood Road project is to be developed.
- Access to the Tweed Heads Crematorium and Memorial Gardens is to be provided from Kirkwood Road in a 'Left In/ Left Out' manner in order to prevent the possibility of queuing onto the Pacific Highway from funeral corteges.

Fraser Drive Kirkwood Road intersection - Kirkwood Road and Fraser Drive intersection is proposed to be constructed as a single lane round about.

Falcon Way Kirkwood Road intersection – This intersection has been modified slightly in order to achieve adequate sightlines for traffic from Falcon Way and to provide adequate maneuverability for all vehicles around the roundabout.

PEDESTRIAN CYCLEWAY

Due to the proximity of the proposed development to surrounding schools, holiday parks, sporting fields and other recreation areas, this application includes the provision of a cycle way and pedestrian path alignment to the Kirkwood Road upgrade and Service Roads. This path consists of a 2.5m wide shared path which is separated from vehicular traffic by virtue of safety barrier or grassed verges.

SAFETY DEVICES

There are a number of safety devices proposed as part of this project in order to meet the safety requirements associated with the construction of a road. These include;

Guard rail- A guard rail is proposed at interchanges, on/ off ramps, and to the Pacific Highway overpass.

Wire rope- A wire rope will be utilised to the south bound on/ off ramp and to the western section of the Kirkwood Road extension.

Pedestrian crossing- It is proposed to provide pedestrian crossings to Kirkwood Road at the southbound off ramp and the northbound off ramp to facilitate access along the pedestrian cycleway at these points. The existing pedestrian crossing along Kirkwood Road at the Falcon Way junction is to be upgraded by way of widening the central median to allow more space for pedestrians and providing fencing to funnel pedestrians to this crossing point.

Concrete barriers- These are to be used to provide traffic separation from the Pacific Highway and the overpass.

Street lighting- Lighting is proposed to areas along the proposed Kirkwood Road alignment including the intersections with Pacific Highway, the Pacific Highway on/ off ramps and the intersection with Fraser Drive. Further lighting may be provided depending on the final design.

NOISE MITIGATION MEASURES

Noise barriers are to be provided to the proposed development as required by noise assessment. Nominal plans have been submitted for the location of these noise barriers, based on noise assessment undertaken to date. Additional noise assessments have been commissioned to further determine what level of noise mitigation measures are required.

HYDROLOGY

There are a number of stormwater infrastructure structures proposed as part of this development. These include three storm water transverse drainage systems along Kirkwood Road, to the east of the Pacific Highway

Longitudinal drainage is proposed along both eastern on and off ramps from the Pacific Highway to direct overland flow to the proposed treatment basins (see below).

Systems are also proposed at both interchanges to provide collection and transfer of collected run-off to proposed treatment basins.

A new underground piped culvert is to be constructed for the collection system on the eastern side of the highway. This includes an underground drainage pathway to the east flowing to an existing open drain which occurs along the southern boundary of Arkinstall Park. This drain discharges into Ukerebagh Passage.

WATER QUALITY MANAGEMENT

Four permanent stormwater detention ponds with high flow outlets are proposed as part of this development. These would retain surface water on the site until they reach capacity, with overflows released over a weir structure or through a high level release system into grassed swales.

Prior to the release of water from these ponds, turbidity levels would be monitored to ensure released waters comply with environmental guidelines. If turbidity levels do not comply with environmental standards flocculation methods would be utilised.

Furthermore, staged water quality management is to be undertaken through the implementation short term sediment and erosion control measures. These include temporary check dams, batter chutes, ground covers and water diversion channels.

KIRKWOOD ROAD HIGHWAY OVERPASS

A four span concrete structure is proposed for the highway overpass over Pacific Highway. A pedestrian path is proposed to the northern side of the overpass with antichuck screens to both sides of the overpass.

DEVELOPMENT PLANS:

STAGE - 1 (Parts 1.1 - 1.10) -- 2011 /2015
KIRKWOOD ROAD EXTENSION (Fraser Drive to Falcon Way)
EAST & WEST INTERCHANGES
PACIFIC HIGHWAY -- SOUTHBOUND TEMPORARY OFF - RAMP
-- SOUTHBOUND ON - RAMP
-- NORTHBOUND OFF - RAMP



INDEX

DESCRIPTION	DWG No.	ISSUE
COVER SHEET	ED 06004 - 01	
Subject 1 - 1.10 - GENERAL LAYOUT	ED 06004 - 02	
Kirkwood Road Extension Ch. 6 - Ch 260 - Plan	ED 06004 - 03	
Ch. 6 - Ch 260 - LongSection	ED 06004 - 04	
Ch 260 - Ch 820 - Plan & L/S	ED 06004 - 05	
Ch 820 - Ch 1605 - Plan & L/S	ED 06004 - 06	
X-Sections Ch 70 - Ch 480	ED 06004 - 07	
X-Sections Ch 260 - Ch 480	ED 06004 - 08	
X-Sections Ch 600	ED 06004 - 09	
X-Sections Ch 550	ED 06004 - 10	
X-Sections Ch 650	ED 06004 - 11	
X-Sections Ch 750 - Ch 820	ED 06004 - 12	
X-Sections Ch 860 - Ch 890	ED 06004 - 13	
X-Sections Ch 840 - Ch 1200	ED 06004 - 14	
X-Sections Ch 1220 - Ch 1600	ED 06004 - 15	
Cemetery Entrance - sections	ED 06004 - 16	
TEMPORARY OFF - RAMP (Plan & L-S)	ED 06004 - 18	
X-Sections Ch. 80 - Ch 80	ED 06004 - 19	
X-Sections Ch. 100 - Ch 120	ED 06004 - 20	
X-Sections Ch. 140 - Ch 200	ED 06004 - 21	
X-Sections Ch. 280	ED 06004 - 22	
X-S-Sections Ch. 320 - Ch 480	ED 06004 - 23	
PACIFIC HIGHWAY SOUTHBOUND On - Ramp (Plan & L-S)	ED 06004 - 24	
X-Sections Ch. 100 - Ch 800	ED 06004 - 25	
KIRKWOOD ROAD - HIGHWAY OVERPASS BRIDGE	ED 06004 - 26	
PACIFIC HIGHWAY NORTHBOUND Off - Ramp (Plan & L-S)	ED 06004 - 27	
SEDIMENT CONTROL PLAN	ED 06004 - 28	
PERMANENT DETENTION STORMWATER BASINS	ED 06004 - 29	
PROPOSED SITE COMPOUND AND CONSTRUCTION GATES	ED 06004 - 30	

GENERAL NOTES

- THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN WHICH IS TO ACCURATELY REFLECT THE INTENT OF THE DESIGN AND TO BE SUBJECT TO THE APPROVALS OF THE LOCAL GOVERNMENT.
- REFER ANY DISCREPANCY TO THE EXPERTS WITHOUT PROCEEDING WITH THE WORK.
- SAFETY IS THE TOP PRIORITY AND ALL WORK IS TO BE COMPLETED WITHIN THE WORK AREA AND TO BE SUBJECT TO THE APPROVALS OF THE LOCAL GOVERNMENT.
- ALL EXISTING UTILITIES TO BE LOCATED AND REPEATED & RELOCATED TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S REQUIREMENTS. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
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DESIGN: Phil Rawlings - TSC
DESIGN: John Cooze - LEGS
DATE: December 2010

APPROVALS
 ON BEHALF OF COUNCIL

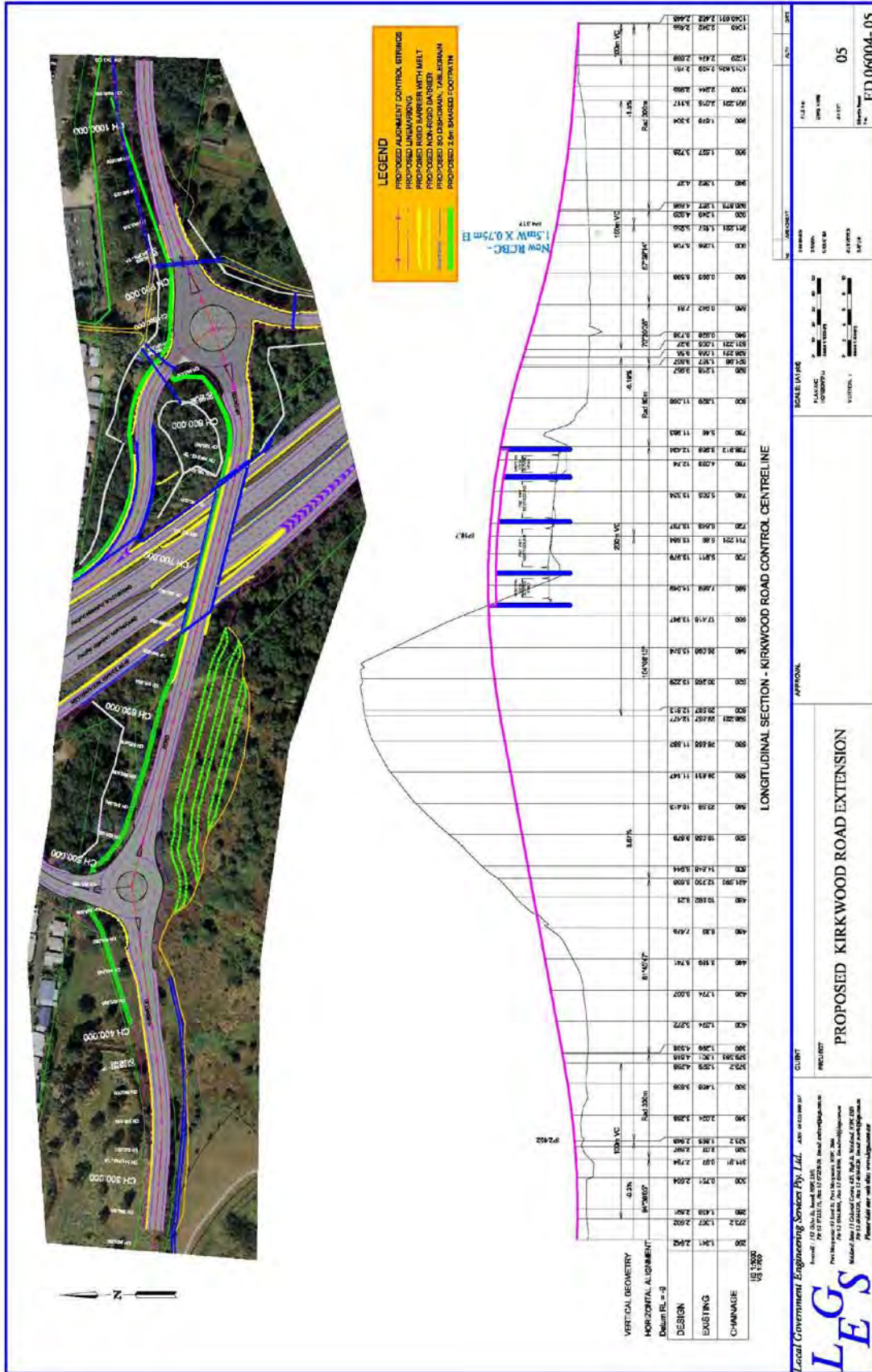
PROJECT MANAGER: _____ DATE: _____

PROJECT CLIENT: _____ DATE: _____

DESIGN MANAGER: _____ DATE: _____

SHEET 1
OF 30

BRIEF No
ED 06004 - 01





CONSIDERATIONS UNDER PART V OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

The proposed activity constitutes an assessment under Part 5 of the EP&A Act. Section 111 of the Act states that the determining authority must take into account a range of matters prescribed in Clause 228(2) of the Environmental Planning & Assessment Regulation 2000, in its decision to proceed with an 'activity' which does not require development consent. The matters raised under Clause 228(2) are addressed below.

Rating of Impact (for inclusion in Table below): 1 = Beneficial/Nil 2 = Minor 3 = Significant

Factors taken into consideration	Rating of Impact	Comments (if applicable)
a) Any environmental impact on a community	3	Although clearly designated as road reserve, the area subject to this application has been undeveloped for many years whilst development has occurred on adjacent land. Previously largely cleared in the 1970's, trees and vegetation communities have regenerated and the area is subject to little use at present. The imposition of a connector road will increase noise and reduce the present visual amenity, however, surrounding developments have generally been conditioned with the expectation that the road will be built in the future with such measures as noise protection conditioned.
b) Any transformation of a locality	2	Whilst the Kirkwood Road Project is considered to substantially transform the development area by virtue of the removal of vegetated land as outlined above, having regard to the wider locality the proposal is considered to have a minor overall impact on the transformation of an area which is largely highly developed. Arkinstall Park and local schools will continue to provide greener belts amongst the developed zones.
c) Any environmental impact on the ecosystems of the locality	2	The proposed development would result in impacts upon the ecosystems on the site through loss of habitat, however having regard to the proposed habitat compensation areas in the locality it is considered that the Kirkwood Road Project will result in greater areas of restored and protected habitat in the longer term. Strict erosion and sediment controls, and imposition of a construction environmental management plan will reduce any potential for off-site impacts arising from the development.

Factors taken into consideration	Rating of Impact	Comments (if applicable)
d) Any reduction of the aesthetic, recreational, scientific, or other environmental quality or value of a locality	2	<p>Negative impacts to the aesthetic, scientific and environmental qualities of the site are envisaged through the proposed works and associated activities.</p> <p>Recreational values of the site will be improved through cycleway construction which will improve pedestrian access in the immediate locality and improve connectivity from east to west in the area. Significant weed control works, road edge restoration and improved stormwater quality controls will mitigate impacts and provide for improvement in some regards.</p>
e) Any effect on the locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	1	<p>Two Cultural Heritage Assessments have been undertaken on the subject site, in 2005 and 2010. Boreholes undertaken in 2005 did not reveal the presence of any middens or other below-ground items of significance.</p> <p>The 2010 report identified cultural heritage items consisting of two scarred trees within the project area, one of which was identified with certainty and the other of which was of less certainty. The eastern section of road alignment has been designed to avoid the certain scar tree, but the second tree was unavoidable. A condition has been imposed to ensure the Cultural Heritage report recommendations are complied with, thus mitigating the impact on the cultural and historic value of these items. It is understood that other offset benefits such as employment on the project are under discussion.</p> <p>An assessment of European heritage did not reveal any special significance that could be attributed to the site.</p> <p>As such the proposal is unlikely to impact on any locality, place or building having aesthetic, anthropological, archaeological, architectural, or historic value.</p>

Factors taken into consideration	Rating of Impact	Comments (if applicable)
f) Any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974)	1	Impacts are expected to protected (i.e. non-threatened native) fauna due to the loss of habitat in the area. Few species are considered to rely on the site for the whole or any part of their life-cycle and most are mobile species which use the site more for forage than roosting or nesting. Nonetheless, amelioration is proposed in the form of habitat restoration which will benefit all relevant species, a nest-box program, and use of a spotter-catcher during site works to relocate any captured fauna to suitable bushland.
g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	1	Detailed considerations of the full suite of flora and fauna species on the site has been undertaken with the result that the proposal is unlikely to result in the extinction or endangering of any species.
h) Any long term effects on the environment	1	The loss of vegetation will not be replaced on site thus may be considered to cause long term impacts on the environment, however, the proposal will result in a greatly improved environmental outcome for a large contiguous native area which will is presently mown and will become bushland. On balance, overall impacts are considered to be negligible due to the compensatory off-set plan associated with the development on the site. Permanent measures to prevent erosion and improve water quality and road verges will result in long-term improvements.
i) Any degradation of the quality of the environment	2	<p>There is likely to be some minor short term impacts on the environment associated with the construction phase through increased noise and activity, potential loss of sediment from the work site, and decreases in localised air quality from dust and exhaust fumes. Construction mitigation measures are proposed to minimise these impacts and prevent the further degradation of the quality of the environment at the site and these aspects have been conditioned.</p> <p>Following completion of works and provision of environmental compensation measures, it is considered that the overall quality of environment in the locality will not be degraded by virtue of this development.</p>

Factors taken into consideration	Rating of Impact	Comments (if applicable)
j) Any risk to the safety of the environment	2	There are some minor risks to the safety of the environment associated with the construction phase. A range of risk management measures would be used, including adherence to TSC Safe Operating Procedures.
k) Any reduction in the range of beneficial uses of the environment	1	The proposed development is not considered to reduce the range of beneficial uses to the environment. Whilst the proposal does consist of the removal of vegetated areas currently on the site, it is considered that elements of the proposal such as the installation of stormwater quality control devices and pedestrian cycleway would result in a beneficial use of the environment The pedestrian cycleway proposed as an element of this proposal would increase pedestrian access in the locality and improve amenity and recreational values of the site.
l) Any pollution of the environment	1	Construction management measures (i.e. erosion and sediment control, dust management and waste management) would ensure the risk of pollution to the environment is minimised during construction. Following construction, the Kirkwood Road Project is not considered to result in any additional pollution within the environment.
m) Any environmental problems associated with the disposal of waste	1	Disposal of waste as a result of the activity is not expected to result in any environmental problems. There will be some excess spoil, general site rubbish and construction material created as a result of the activity. Where material can not be reused or recycled, waste material would be transported to a Council landfill site. No contaminating activities are known from the site.
n) Any increase demands on resources (natural or otherwise) that are, or are likely to become in short supply	1	The proposed development is to source fill from cut associated with the western section of the proposal where possible. Some additional material is to be imported to the site, however these are not considered to be in short supply and will be sourced locally.

Factors taken into consideration	Rating of Impact	Comments (if applicable)
o) Any cumulative environmental effect with other existing or likely future activities	1	The proposal is not likely to result in a significant negative cumulative environmental effect with other existing or likely future activities. Overall, the proposed development is considered to be acceptable having regard to the provision of compensatory habitats elsewhere in the locality.
p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	1	The proposal is not likely to impact negatively on coastal processes or hazards, having regard to its location, a minimum of 400m from the nearest coastal waters.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

Section 111(2) - A determining authority shall consider the effect of an activity on:

- a. *any conservation agreement entered into under the National Parks and Wildlife Act 1974 and applying to the whole or part of the land to which the activity relates;*
- b. *any plan of management adopted under that Act for the conservation area to which the agreement relates;*
- c. *any joint management agreement entered into under the Threatened Species Conservation Act 1995.*
- d. *any biobanking agreement entered into under Part 7A of the Threatened Species Conservation Act 1995 that applies to the whole or part of the land to which the activity relates.*

A conservation agreement or plan of management (*National Parks and Wildlife Act 1974*) does not apply to the land on which the activity would be undertaken. There is no joint management agreement pursuant to the *Threatened Species Conservation Act 1995*. Furthermore no biobanking agreement applies to the site.

Section 111(3) - A determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.

There is no designated wilderness area, pursuant to the Wilderness Act 1987, in the locality of the proposed Kirkwood Road Project.

Section 111(4) - A determining authority must consider the effect of an activity on:

- a. *critical habitat; and*

A review of NSW National Parks and Wildlife Service critical habitat declarations register did not identify any critical habitat and occurring within the locality of the proposed activity area.

- b. *in the case of threatened species, populations and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats; and*

Impacts are expected to protected (i.e. non-threatened native) fauna due to the significant loss of habitat in the area. Amelioration is proposed in the form of habitat restoration which will benefit all relevant species, a nest-box program, and use of a spotter-catcher during site works.

- c. *any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974.*

This matter has been considered in detail and discussed above. No significant impact is expected to arise with the protection and rehabilitation of offset sites.

GENERAL COMMENTS

The application was placed on public exhibition for a period of 30 days from Wednesday 19 January 2011 to Monday 21 February 2011, with a total of 13 submissions received.

An assessment of the submissions received is provided below:

Noise

A number of submissions were received raising issues with the impact of noise associated with both the construction phase of the development and by vehicular traffic upon opening of the road.

Following further consultation with various stakeholders in the area by members of Council's Design Unit, additional sound modelling has been commissioned at the cemetery/ crematorium and along the developed section of Kirkwood Road in order to validate the sound modelling previously undertaken for the proposal and to determine the adequacy of the proposed noise wall locations and whether any additional works are required in relation to this sensitive receiver.

Noise modelling undertaken has indicated that during the construction phase of the development, acceptable noise levels would not be exceeded in relation to the Tweed Heads South Public School.

A number of conditions have been provided by Councils Environmental Health Section in relation to noise impacts arising from the proposal, requiring that an additional acoustic report be undertaken on the site and that the applicant carry out any such recommendations as provided within the noise assessment reports to the satisfaction of the General Manager or delegate.

Pedestrian Safety

A number of submissions have been received in relation to pedestrian safety, in particular arising from the location of two schools in close proximity to the development and the pedestrian crossing to the east of the Falcon Way roundabout. Some of these submissions have proposed measures to increase

pedestrian safety including the provision of traffic lights at the pedestrian crossing, a 'Kiss and Ride' lay-by and a pedestrian overpass.

Council officers have undertaken a full review of the existing Falcon Way Kirkwood Road Intersection. This review resulted in the redesign of the pedestrian crossing to facilitate additional fencing to funnel pedestrians to the crossing point and the widening of the central storage refuge on Kirkwood Road to provide additional space for pedestrians crossing the road.

On the suggestion of traffic light installation, the intersection is required to meet a number of standards and final RTA approval prior to traffic lights being approved for installation. The indicated pedestrian counts and traffic counts received by Council do not meet the "Warrants" required for the installation of traffic lights.

It is advised that it is not possible to provide a pedestrian overpass due to the location of the road adjacent to existing property boundaries to the southern side of Kirkwood Road and the close proximity of a creek to the northern roadside boundary. This restriction of space also precludes the provision of a 'Kiss and Ride' lay-by.

Traffic Restrictions (speed zones/ restrictions to road use by certain vehicles)

Two submissions have been received relating to restricting traffic along the proposed Kirkwood Road Upgrade. One of these has proposed a 40km/ hour speed limit both east and west along Kirkwood Road either side of the Falcon Way intersection. The other has proposed to restrict heavy vehicles using Kirkwood Road to business hours only.

With respect to the proposed speed limit, Councils Design Unit have indicated that this will be investigated and if appropriate, this speed limit will be proposed as part of the final design.

In relation to restricting the use of the road, Council's present road hierarchy designates Kirkwood Road as an Urban Collector which means that the Kirkwood Road would be suitable for use for all vehicles except B-Doubles. B-Doubles can only operate on approved routes. Kirkwood Road is not an approved B-Double route

Vibration

A number of submissions have been received concerning negative impacts on dwellings (including uneven settlement and cracking) in the area arising from vibration both during the construction phase and from heavy vehicles using the road upon opening.

Councils Design Unit has indicated that the approved contractor will undertake Condition Surveys of all properties adjacent to heavy construction activities. This will provide the resident and the contractor with written and photographic evidence of the existing condition of the inspected property. In the event that there is a change in the existing condition of the inspected property the property owner will notify the Contractor and a joint inspection of the damage will be undertaken between the property owner and Contractor. Comparison of the property will be undertaken with the original report and a determination will be made to the claimants claim.

It is also noted by the Design Unit that all earth fill used in the construction of surrounding dwellings is required to be compacted to a suitable density to reduce any such issues in relation to long term settlement or cracking.

In addition to this a condition has been provided by Councils Development Engineering Section prohibiting the use of vibratory compaction equipment within 100 metres of any dwelling house, building or structure.

Drainage

Three submissions have been received in relation to drainage associated with the proposed development. One of these issued a preference for one of the two drainage options outlined in the Review of Environmental Factors, whilst the second requested that the drain located to the northern side of Kirkwood Road requires trees to be removed and generally tidied up. The third submission requests that the Kirkwood Road project address existing and future drainage problems in the "lower" area of the Crematorium/ Cemetery

Revised documentation received in relation to this proposal has indicated that the drainage option selected by Council is in accordance with that proposed in the submission.

With respect to the request to generally tidy up the drain to the northern side of Kirkwood Road, this has been forwarded to Council's Asset Engineer for inspection.

With respect to drainage at the Crematorium/ Cemetery Council have undertaken further review of the drainage design associated with the lower areas of the Crematorium and have identified that the area requires an additional culvert. This culvert will provide a conduit to drain water from low lying areas to the south of Kirkwood Road to the open drain to the north of Kirkwood Road.

Air Pollution

A number of submissions were received raising issues with the impact of exhaust fumes from passing vehicles on the surrounding area.

These submissions were forwarded to Council's Design Unit who have indicated that mitigation measures are to be undertaken to ensure air quality is not negatively impacted during construction of the proposal. A number of conditions have been provided by Councils Environmental Health and Engineering Sections in relation to mitigation of dust during construction.

A desktop assessment of operational phase air quality impacts was undertaken as part of the Review of Environmental Factors. Using data from an adjacent highway upgrade project with significantly higher traffic levels, it was inferred that emissions from vehicles would be below relevant DECCW air quality standards.

Flooding

Two submission were received raising concerns in relation to increased flooding arising from the proposal during heavy rainfall.

These submissions were forwarded to Council's Design Unit for comment. In response it was indicated that a full drainage study of the areas has been undertaken and all information obtained has indicated that modelling undertaken predicts that peak 1 in 100 year ARI storm flows generated after Kirkwood Road is constructed, will be reduced from current flowrates due to excess stormwater being detained on the southern side of Kirkwood Road. Therefore the construction of Kirkwood Road will not lead to increased runoff being directed to the existing stormwater system.

Removal of Vegetation

Council received two submissions objecting to the removal of vegetation associated with the proposal.

With respect to the removal of vegetation associated with the proposal, it is noted that Council has undertaken two ecological assessments within the project area. This information has guided the design of the road alignment to minimise impact to the natural habitat.

Where possible, corridors of trees will be retained particularly between Sunshine Avenue and the Falcon Way intersection.

Measures are proposed to ensure retained vegetation and habitats are not further impacted during construction. Retained vegetation will also be the subject of weed management to help improve the ecological condition of this vegetation in the future. In addition to this, compensatory ecological offset areas are proposed as part of this application to mitigate any negative impacts arising from the proposal.

Inconsistency in Flora and Fauna Assessment over Lot 33 DP 107329

One submission received has requested that a Site Survey undertaken on the above Lot relating to flora and fauna by the client is to prevail over the Flora and Fauna Assessment submitted as part of this REF in the event of an inconsistency to assist the assessment of a future Development Application lodged on the abovementioned Lot.

As indicated within the Flora and Fauna Assessment prepared by Lewis Ecological Surveys on behalf of Council, the area away from the likely direct and indirect impacts of the proposed development were only briefly viewed to provide a broader context of the area.

It is considered that in the event of a Development Application being received by Council for development on this site, the relevant Council officers would assess that application on its merits and ensure that all necessary ecological information be provided.

Request for signage to be erected on approach roads for the new site access to the Crematorium/ Cemetery

New signage is to be erected in accordance with relevant design standards for the Crematorium and Lawn Cemetery. A review of the proposed sign locations will be conducted in consultation with the Crematorium/ Cemetery prior to signage design being finalised.

Request for road to be split carriage way

One submission requested that the road be redesigned as a split carriage way with a central vegetated median to reduce the audible difference to the properties at Rosella Court.

Councils Design Unit have investigated the possibility of this proposal and it is considered that the impact on the existing vegetation by the separation of the road is significant. Thus this design change has been deemed inappropriate.

Safety at Falcon Way Junction

A number of submissions have been received concerning inadequate sight distances for traffic attempting to gain access from Falcon Way onto Kirkwood Road. In addition to this concerns have been raised with respect to the ability of traffic to safely negotiate the roundabout at the Falcon Way junction. One submission raised the proposal of traffic lights at Falcon Way to improve safety.

Following the receipt of these submissions Councils Design Unit have redesigned the roundabout at this location to facilitate the provision of requisite sight distances onto Kirkwood Road and to improve the manoeuvrability of traffic around the roundabout.

It is considered that the addition of traffic lights at this intersection would not be supported by NSW RTA based on predicted traffic flows.

Access to Crematorium/ Cemetery Site

A submission has been received requesting the provision of a right turn access to the Crematorium/ Cemetery site and to approve a new vehicular access to the eastern boundary of the site generally in the vicinity of the McKenzie Aged Care Facility.

Council officers have investigated the provision of a right turn entrance to the site through the widening of the road footprint. It is determined that such an arrangement would not be supported as such an intersection could lead to queueing onto the Pacific Highway from the proposal which raises safety concerns. In addition to this the widening of the road footprint would necessitate the clearing of environmentally sensitive vegetation. As such the proposal for a right turn access to the Cemetery/ Crematorium is not supported.

In relation to a new vehicular access to the site, It is advised by Councils Design Unit that the access proposal by Invocare is to formalise an existing unapproved access under Section 138 of the Roads Act and as such is not considered to form a part of this application.

Provision of double glazing, air-conditioning and higher walls at Rosella Close

One submission has requested the provision of double glazing, air-conditioning and higher walls to dwellings in Rosella Close in order to minimise impact from the road project.

Councils Design Unit has indicated that these properties were built with consent conditions that required the properties to be acoustically rated prior to the issuing of an Occupancy Certificate. Council records indicate that this was completed and signed off by a Private Certifier. This is considered to preclude a requirement for double glazing, air-conditioning or additional wall height.

Negative Visual Impact of the proposal

One submission has concerns that the design of the new road project makes no allowance for the visual impact that changed traffic movements and vegetation removal will introduce to the Crematorium site and business

Section 6.5 of the review of Environmental Factors outlines the residual impacts of the proposal on the visual amenity of Tweed Heads Crematorium and Memorial Gardens and proposes extensive buffer planting to mitigate these impacts. A full landscaping design for the project has been commissioned and will include buffer planting design associated with the Crematorium

Kirkwood Road Project not required

One submission received has indicated that the proposed Kirkwood Road Project is not necessary due to the Sexton Hill and Northern Interchange development.

Kirkwood Road as part of the agreed Lower Tweed and Pacific Highway master plan has been identified as a critical piece of infrastructure that is required between now and 2015. Council have received funding for the upgrade from the RTA to undertake the works with the next 20 months. The Kirkwood Road Project is considered necessary due to predicted continual population increase of the Tweed Shire, pending developments to the west of the Pacific Highway and existing pressures on Dry Dock Road and Minjungbal Drive.

Existing section of Kirkwood Road not suitable for increased traffic due to width.

One submission contends that the existing section of Kirkwood Road between falcon Way and Minjungbal Drive is not of sufficient width to cater for increased traffic flow or heavy vehicles.

The Design Unit of Tweed Shire Council has reviewed this submission and indicated that the design of the Kirkwood Road and Falcon Way intersection complies with current road design standards.

Acoustic Barrier at Palms Village Caravan Park

One submission has been received with respect to an acoustic barrier adjoining Palms Village Caravan Park. This specifically relates to the location of the barrier along the northbound service road and the extension of the barrier at the south east section of the caravan park.

The proposed design has been amended to reflect the changes requested along the northbound service road. Councils Design Unit have also indicated that it intends to extend the acoustic barrier along south east corner of Palms Village. This is considered to provide the best acoustic outcome for the residents of the Palms Village in accordance with acoustic modelling undertaken.

Haul Road

One submission was received on behalf of the Palms Village Caravan Park concerning the location of the haul road proposed as part of this application.

This submission was referred to Council's Design Unit who have acknowledged that the proposed realignment of the haul road within the road reserve is acceptable.

Relocation of On/ Off Ramps

One submission proposed the relocation of the On/ Off ramps from the Pacific Highway junction with Kirkwood Road to the Pacific Highway Junction with Greenway Drive.

The proposed amendment to the project was investigated by Council Officers, however it has been determined that it is not possible to provide On/ Off ramps to Greenway Drive as there would not be requisite space between junctions along Pacific Highway once the Banora Point Upgrade is completed.

Parking of construction equipment in close proximity to school

One submission received raised concerns with the parking of construction equipment in close proximity to the Tweed River High School.

Councils Design Unit have indicated that the successful contractor will have designated storage areas for construction equipment. These areas would be identified within a Council approved Construction Environmental Management Plan prior to works commencing. Risk preventative measures would be installed to reduce the potential for the public (including children) accessing equipment.

These preventative measures would include; fencing of compounds and machinery storage areas, removal of machinery from site when not being used over long periods, and storage areas with limited exposure to the public.

Impact from the proposal on surrounding street (Heffron Street)

One submission received raised concerns in relation to possible increases in traffic, the provision of on street bus parking, pedestrian safety and the adequacy of the speed zone along Heffron Street.

Councils Design Unit have reviewed the submission and indicated that it expects that traffic volumes to remain similar in Heffron St as a result of the project.

Kirkwood Road is not considered to generate traffic in the area and instead will share traffic from other roads. The ultimate East West link of Kirkwood road will reduce traffic flow along Dry Dock Road. This traffic, if wanting to head south along Minjungbal Drive, will possibly take the Kirkwood Road option instead of the Heffron Street route, thereby reducing the traffic to this street.

It is further considered that any proposal for off-road school bus facilities would need to be constructed on Dept. of Education land and Council would consider any applications on its merits.

Currently there is a 40km/hr school speed zone on Heffron Street, two pedestrian refuges, and phased traffic signals at the entrance of Heffron Street. and Minjungbal Drive. Any new proposed pedestrian facilities would need to conform to appropriate standards and RTA approvals and guidelines.

Sleep deprivation arising from the proposal

One submission has highlighted that the proposed development would result in sleep deprivation for elderly persons living in the locality causing them health issues.

Council recognise that the existing environment would change as part of the proposal and has implemented all reasonable and feasible measures to mitigate impacts to the environment and amenity during construction and operation of the proposal as necessary to comply with current legislation.

Lack of time to prepare submission

One submission has indicated that insufficient time was provided by Council to prepare a submission.

Council officers met with members of Invocare (who made this submission) on 09 February 2011 and advised that Invocare formally apply for an extension of time to the closing period due to the short notice. Council advised Invocare that this application would be given due consideration due to the late notice associated with notification of the formal submission period had commenced.

The proposed Kirkwood Road Project is considered to be in the public's interest. The development is considered not to adversely impact on the natural or built environments of the locality.

OPTIONS:

1. Approve the development application subject to conditions.
2. Refuse the application and provide reasons for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The proposed activity is not considered likely to significantly affect the environment including critical habitat or threatened species, populations or ecological communities, or their habitats.

The Kirkwood Road Project will improve the transport infrastructure of the area as highlighted in Council documentation and works plan. The proposed development is considered not to negate the public's interest.

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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11 [PR-CM] State Emergency Services/Unlimited Arts - Development of Site

ORIGIN:

Building and Environmental Health

SUMMARY OF REPORT:

The Land and Property Management Authority (LPMA) has responded to Council's request to progress the long term tenure of the State Emergency Services (SES) Tweed Heads Unit on Reserve 89237, Lot 682 DP 41192 Pioneer Parade, Banora Point detailing a process to investigate the matter.

This report presents these processes with a recommendation to proceed as detailed.

RECOMMENDATION:

That Council:

- 1. Seeks a short term licence over Reserve 89237 for the purpose of Site Investigation for a term of 12 months.**
- 2. Undertakes a diligent investigation to determine whether there are suitable sites on Council-owned land in the Shire that might be utilised for SES purposes.**
- 3. Pursues public consultation to show either:**
 - (i) That there is a surplus of open space in the Terranora locality and Reserve 89237 that is not required for public recreation; or**
 - (ii) That Reserve 89237 is required for public recreation but alternatives/offsets proposed by Council for the loss of public recreation space are acceptable to the community; or**
 - (iii) That no alternatives/offsets are sought by the community for the loss of land for public recreation and open space; or**
 - (iv) That the community will not accept alternatives/offsets offered by Council for the loss of open space and alternative sites for the SES facility will be pursued.**

REPORT:

On 15 June 2010 Council resolved to endorse the permanent location of the State Emergency Service Tweed Heads Unit on Lot 682 DP 41192 Pioneer Parade, Banora Point and request the Land and Property Management Authority (LPMA) to create an additional purpose of Reserve 89237 for emergency service facilities to ensure the long term tenure of the SES.

Following this resolution, correspondence was forwarded to the LPMA, they responded advising that the SES was a Council function, that the existing crown Reserve was designated Public Recreation and that the SES was not authorised to occupy the Reserve.

In response to this correspondence on 19 October 2010 Council resolved to write *to the Minister of Emergency Services Mr Steve Whan seeking urgent assistance to make representations on behalf of Council with the NSW Land and Property Management Authority to seek a review of its position on the continuing use of the operations of the State Emergency Service (SES) Tweeds Head Unit at Lot 682 DP41192, Crown Reserve 89237 Pioneer Parade, Banora Point.*

Consequently, following a meeting with the Land and Property Management Authority Council has now received a written response detailing the discussions and a process to address the matter as follows:

1. Tweed Shire Council seek a short term licence over Reserve 89237 for the purpose of Site Investigation for a term of 12 months; and
2. Council complete diligent investigations to determine whether there are suitable sites on Council-owned land in the Shire that might be utilised for SES purposes; and
3. Council will pursue public consultation to show either:
 - (i) That there is a surplus of open space in the locality and the site is not required for public recreation; or
 - (ii) That the site is required for public recreation but alternatives/offsets proposed by Council for the loss of public recreation space are acceptable to the community; or
 - (iii) That no alternatives/offsets are sought by the community for the loss of land for public recreation and open space; or
 - (iv) That the community will not accept alternatives/offsets offered by Council for the loss of open space and alternative sites for the SES facility will be pursued.

The LPMA has advised that once this process is complete Council can proceed to seek necessary planning consents and tenure from the Crown or to relocate the SES premises.

The SES have written to advise they are extremely eager to progress the matter, have highlighted the benefits of the current site and support Council's actions to date to ensure their long term tenure on the site.

It is therefore recommended that Council seek a short term licence and complete investigations and public consultation as required by the LPMA to progress the matter.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Report from Council meeting of 15 June 2010 (ECM 32581980)
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12 [PR-CM] Development Application DA10/0556 for a Surf Lifesaving Outpost and Vehicle Access at Lot 7064 DP 1113596, Surfside Crescent, Pottsville

ORIGIN:

Development Assessment

FILE NO: DA10/0556 Pt1

SUMMARY OF REPORT:

The application seeks approval for the construction of a surf life saving out post building and vehicle access from Surfside Crescent Pottsville. The proposed facility has a height of 3.8m, and a floor area of 109m², and will contain a storage area for life saving equipment, first aid room, internal toilet and shower, unisex toilet accessed externally. The proposed facility is located approximately 350 metres north of the river mouth of Mooball Creek and adjacent to the residential properties of 47, 49, 51 Elanora Avenue and 5, 7, 9 Surfside Crescent. The building is setback 5 metres from the property boundary of number 7 Surfside Crescent and 11.3 metres from the property boundary of 51 Elanora Avenue. Council received 13 submissions from the public on this development application, 12 objecting to the proposal. The Mayor Councillor Skinner requested that the application be determined by Council. It is considered that the application is suitable for approval subject to conditions.

RECOMMENDATION:

That Development Application DA10/0556 for a surf lifesaving outpost and vehicle access at Lot 7064 DP 1113596, Surfside Crescent Pottsville 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 RC10010, RC10010/03 and RC10010/04 prepared by Tweed Shire Council and dated 6/2010, 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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant Authority.**

[GEN0135]
- 4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.**

[GEN0265]

5. The facility shall be connected to reticulated town water and sewerage services.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP6:	0.3 ET @ \$11020 per ET	\$3306
Sewer Hastings Point:	0.45 ET @ \$5295 per ET	\$2382.80

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

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

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

[PCC0265/PSC0165]

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

[PCC0285]

8. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

9. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access. In this regard the proposed driveway is to be constructed in concrete for the footpath crossing of Surfside Crescent. Furthermore, the submitted plans showing a driveway longitudinal section with a 10% gradient (across the footpath area), must be amended to provide for a compliant 2.5% gradient across the footpath area of Surfside Crescent.

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/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

10. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

11. A construction certificate application for works that involve any of the following:

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

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

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

[PCC1145]

12. Erosion and Sediment Control shall be provided in accordance with the following:

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

[PCC1155]

13. 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]

14. Prior to the issue of a construction certificate and as a matter of courtesy, the applicant shall approach and obtain consent from the owner of Lot 40 DP 249208, for connection to the existing sewer main within the rear of that property.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

15. 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]

16. 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]

17. 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]

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

[PCW0245]

19. 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]

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

[PCW0985]

DURING CONSTRUCTION

21. 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]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

23. 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]

24. 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]

25. The site is considered potentially contaminated. 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]

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

[DUR0995]

27. 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]

28. 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]

29. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

30. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

31. 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]

32. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

33. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l.

[DUR2435]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 34. 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]

USE

- 35. 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]

- 36. 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]

- 37. 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]

- 38. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.**

[USE0255]

- 39. Following completion of a satisfactory post earth work surface radiation survey excavations or disturbances greater than 500mm below the ground surface are not permissible without the separate written approval of Council.**

[USENS01]

- 40. Following the completion of construction and prior to commencement of use a post earth work surface radiation validation survey shall be completed and reported to Council to the satisfaction of the General Manager or his delegate (covering as a minimum the construction area and associated beach access tracks). Surface radiation levels shall not exceed the relevant NSW Health Action level Criteria.**

[USENS02]

NSW RURAL FIRE SERVICE

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

1. **At the commencement of building works and in perpetuity the property to the east and south of the building to a distance of 15 meters, shall be maintained 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'.**

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

2. **Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.**

Access

The intent of measures for internal roads is to provide safe operational access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. **Property access roads shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.**

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

4. **Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.**
5. **New construction shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection". The northern and western elevations shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REPORT:

Applicant: Tweed Shire Council
Owner: Land and Property Management Authority
Location: Lot 7064 DP 1113596, Surfside Crescent, Pottsville
Zoning: 6(a) Open Space
Cost: \$10,000

BACKGROUND:

The subject site is identified as part of Lot 7064 on DP1113596, adjoining Lots 2, 3 and 4 on DP253861 to the west, Lots 40, 41 and 42 on DP249208 to the north and Cudgera Beach to the east. The site consists of cleared land associated with the existing surf life saving outpost building (shipping container) and the connecting pedestrian access track.

The site is zoned as *6(a) Open Space* under the *Tweed Local Environmental Plan 2000*. The surrounding land uses are predominantly *6(a) Open Space* and *7(f) Environmental Protection* along the coastal strip, with *2(a) Low Density Residential* and *2(b) Medium Density Residential* to the west and *6(b) Recreation* to the far west. The foredune adjoining the site was subject to sand mining between the 1950's to 1970's. The vegetation community currently present has regenerated/rehabilitated from this disturbance. The site occurs within the coastal zone and is designated a sensitive coastal location as defined by the *State Environmental Planning Policy No 71—Coastal Protection* (SEPP 71).

Existing beach access ways occur within and surrounding the site, to the north (emergency vehicle/licensed fisher access way) and to the east (pedestrian access way) of the proposed building footprint. The 'study area' is the subject site and any additional areas which are likely to be affected by the proposal, either directly or indirectly as per the definition provided in the *Threatened species assessment guidelines - the assessment of significance* (DECCW, 2007).

The surf life saving outpost is intended to provide secure storage for surf life saving equipment, a first aid room and public amenities during the surf life saving holiday patrol period of Cudgera Beach. The vehicle access track is necessary for the transportation of surf life saving equipment and personnel between the beach and the outpost building and the public road network (Surfside Crescent).

Works would involve the construction of the access track connection between Surfside Crescent (to the north) and the outpost site. This access track would provide access for construction plant during construction of the outpost building. The proposed works are summarised below.

- Vegetation clearing within access track and outpost footprint.
- Land forming for access track and building pad.
- Construction of outpost building.
- Installation of overhead power.
- Trenching and pipe works for sewer connection of outpost building to existing gravity fed sewer main at rear of adjoining lots (to the north).
- Trenching and pipe works within access track for connection to water main network on northern side of Surfside Crescent (across from junction between access track and Surfside Crescent).
- Landscaping, namely turf establishment.
- Construction of gate for access track at junction with Surfside Crescent.

AERIAL PHOTOGRAPH WITH DRAFT COASTAL HAZARD LINE



DRAFT Tweed Development Control Plan
Section B25 - Coastal Hazards
Coastal Hazard Lines

- 2050 Hazard line
- 2100 Hazard line
- Immediate Hazard line

SOURCE: Aerial imagery taken October 2009 by Fugro Spatial Pty Ltd

Aerial photography can be purchased online from Fugro Spatial Pty Ltd at: <http://www2.fugroworld.com/>

Aerial Photo - taken October 2009

Lot 7064 DP 1113596
Surfside Crescent, Pottsville

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

Cadastre: 05 May, 2011
© Land and Property Management Authority (LPMA) & Tweed Shire Council.
Boundaries shown should be considered approximate only.

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1:5,000 @ A4 Portrait
DID NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geostatic Datum of Australia 1984
Grid: Map Grid of Australia, Zone 56

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Author: J. Batchelor - Planning Reforms Unit

Date Printed: 05 May, 2011

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

The development is defined as an Emergency Facility, pursuant to the Tweed LEP 2000. The development is permissible with consent in the 6(a) Open Space zone.

Clause 4 - Aims of the Plan

The aim of the Tweed Local Environmental Plan 2000 (Tweed LEP 2000) is to *"manage 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 proposed surf life saving outpost is located on land zoned 6(a) Open Space pursuant to the Tweed LEP 2000, adjacent to the coastal foreshore. The subject proposal is relatively minor in nature and scale and does not contravene the vision for the Tweed Shire.

Clause 5 - Ecologically Sustainable Development

The scale of the proposed development does not contravene the four principles of ecological sustainable development. The proposed surf life saving outpost is located within the existing cleared area used to accommodate the existing surf life saving outpost (shipping container), the proposed access results in removal of regrowth vegetation however, the development overall results in;

- a) no 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 - Zone objectives

Clause 11 identifies the objectives of the LEP zones and describes the development that is allowed without consent, or only with consent, or that is prohibited within the zones. The proposed development is situated on land zoned 6(a) Open Space.

The primary objective of the 6(a) zone is to: *"identify existing public land, and land that is proposed to be acquired for public ownership, to satisfy the open space and recreational needs of local residents and visitors to the area of Tweed and to enable its development to encourage or assist their recreational use and enjoyment of the land"*.

The secondary objective of the 6(a) zone is *to allow other development that is compatible with the recreational use of the land.*

The proposed development is considered consistent with the objectives of the 6(a) zone because it allows for the continued existence of the open space resource associated with the Tweed Coast Reserve and is compatible with the recreational use of the land by providing amenities to beach users and providing facilities to support surf life saving patrols of Cudgera Beach during peak holiday periods. The proposal is permissible with consent in accordance with the Tweed LEP 2000.

Clause 15 - Essential Services

The objective of the clause is to *ensure that development does not occur without adequate measures to protect the environment and the community's health and to ensure that development occurs in a coordinated and efficient manner*. The plans indicate that the facility will be connected to both town water and sewer. The site and proposed development can be serviced by Council's reticulated water and sewer.

Clause 16 - Height of Building

The objective of the clause is to *ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land*. The site is restricted by a three storey height limit with the surrounding residential land restricted to a two storey height limit. The proposed building is single storey in height, with surrounding development mainly consisting of two storey dwellings. The single storey height and relatively small scale (in relation to the surrounding dwellings) of the proposed building is appropriate to its location.

Clause 17 - Social Impact Assessment

The objective of the clause is to *ensure proper consideration of development that may have a significant social or economic impact*. The proposed lifesaving out post is considered to provide a public benefit to the local community of Pottsville by providing improved surf life saving.

Clause 34 -

Clause 34 refers to flood liable land and aims to minimise future potential flood damage and the adverse effects of flooding on the community by ensuring that only appropriate, compatible development occurs on flood liable land. The subject site is mapped as being affected by flooding with a 100 year flood level of 2.4 m. The site of the outpost building is situated at ~5 m AHD, above the minimum design flood level of 2.4 m. Given the building location above the design flood level and the low human safety risk associated with the proposed use of the outpost building (e.g. for storage of surf life saving equipment and public amenities), the proposal is not considered inappropriate in this locality and is unlikely to have an impact on the potential for flood damage on the community.

Clause 35 - Acid Sulfate Soils

Clause 35 aims to manage the disturbance of Acid Sulfate Soils (ASS) on waterways and ecosystems and requires an assessment of the likely impacts of ASS as a result of any proposed works. The subject site is identified as being Class 4 ASS land, meaning that development consent is required for any works beyond 2 m below the natural ground surface or works by which the watertable is likely to be lowered beyond 2 m below the natural ground surface. The proposed development involves forming of a building pad with no excavation beyond 2 m below the natural ground surface proposed. Excavations would be limited to service trenches which do not require excavation beyond 2 m below natural ground surface. Due to the limited depths of excavation required, impacts from ASS are not considered to be relevant to the proposal.

Other Specific Clauses

Clause 36 – Coastal erosion

Clause 36 aims to protect land that may be subject to coastal erosion (but not within Zone 7 (f)) from inappropriate development. In determining whether to grant consent to development involving the erection of a building or the carrying out of work at or above the surface of the ground on land that in the consent authority's opinion may be subject to coastal erosion, the consent authority must consider the following.

- (i) *the likelihood of the proposed development adversely affecting the behaviour or being adversely affected by the behaviour of the sea, or of water in an arm of the sea or any other body of water*

Comment:

The proposed outpost building occurs outside the extent of the coastal hazard zone, as modelled by WBM Oceanics (2001). However, the proposed access track occurs within the projected 100 year maximum erosion limit. Accordingly, the infrastructure aligned within the access track (namely water and electricity supply) is susceptible to damage in a 100 year extreme erosion event. The water supply connection to Surfside Crescent will be fitted with an isolation valve to protect the existing supply network in the event of a 100 year max erosion event damaging the water supply infrastructure within the access track. The clearing of vegetation for the access way will make it more susceptible to dune structural damage in the event of an extreme erosion event. However, the potential damage associated with the proposed development, resulting from a 100 year extreme erosion event (eg. scouring of sand along access way), is not considered significant in the context of the likely damage such an event would cause to the foredune along the Tweed Coast. The area of clearing is small and necessary to allow for emergency vehicle access. Given the set back of the proposed development footprint from the foreshore (greater than 100 m), the proposal would not adversely affect the behaviour of the sea or associated waterbodies. Similarly, the natural behaviour of the sea is unlikely to affect the proposed infrastructure, except in an extreme event, in which damage is likely to be confined to the foredune, access track and potentially the water and electricity supply within the access track. The outpost building is not likely to be affected.

- (ii) *the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea, any arm of the sea or any other body of water*

Comment:

The position of the proposed development is set back from the foreshore on the landward side of the foredune. The development is unlikely to affect the functioning of the dynamic foreshore and foredune system.

- (iii) *the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality*

Comment:

The proposed outpost building and access way occur on the landward side of the foredune approximately 100m from the beach shore. Regrowth woodland occurs on the foredune between the proposed development and the coastline. The outpost building will be visually obscured by the foredune. The building has been designed to be unobtrusive and complement the surrounding environment.

There would be reductions in the visual amenity at the site during the construction phase as a result of construction activities. These disruptions would be unavoidable but temporary. The proposal would not result in long-term impacts on the scenic qualities of the coast.

- (iv) *the potential impacts of climate change including sea level rise*

Comment:

The proposed development will be subject to the same potential impacts from climate change as any coastal development. The NSW Department of Environment, Climate Change and Water (DECCW) *NSW Climate Change Action Plan – Summary of Climate Change Impacts for the North Coast Region* (2008) identifies the following likely impacts for this region:

- Sea level rise and the potential for increased storminess will exacerbate the risks of coastal erosion, as well as subsequent inundation of low-lying areas.
- Coastal erosion is likely to result in a recession of sandy parts of the coastline.
- Settlements adjacent to estuaries and the coast are likely to be at additional risk of flooding as sea levels rise. Private and commercial property and major infrastructure will be affected. The rise in sea levels is also likely to increase the risk of flooding in parts of the lower floodplain with associated impacts upon the community.
- Increases in short and intense rainfall events are likely to result in flooding from urban streams and drainage systems. This is likely to reduce the level of protection provided by existing management measures such as levees, with associated impacts upon the community. The proposed outpost building is sited on the western boundary of the Lot to maximise the buffer

from coastal erosive processes. The building pad is well above the flood design level providing a buffer to rising flood levels.

Clause 39(A) – Bushfire protection

Clause 39(A) Bushfire Protection aims to minimise bushfire risk to built assets and people, and to reduce bushfire threat to ecological assets and environmental assets. The proposal is situated on land mapped as being bushfire prone, predominantly within the buffer associated to the adjoining hazardous foredune vegetation. The application was referred to the NSW Rural Fire Service for comment. The NSW Rural Fire Service provided recommended conditions which have been added to the consent. In determining whether to grant consent to development in areas that are likely to be affected by bushfire, the consent authority must consider the following.

- (a) *whether the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Bushfire Control Office established by the Council for the area*

Comment:

The proposed development is expected to have a positive influence on bushfire management through the provision of an access track adjoining the eastern boundary of Lot 42 on DP 249208. This access track provides an extension to the existing APZ servicing the residential properties to the south. The access track provides for continuous passage for emergency service vehicles from the existing APZ in the south with the sealed road network (Surfside Crescent) in the north. This allows access for fire fighting personnel to fight wild fire and carry out fuel reduction activities and provides a fire break to neighbouring houses in the event of a fire within the foredune vegetation.

- (b) *whether a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development (including any threat created or increased by the access arrangements to and from the development)*

Comment:

The vehicle access track is expected to reduce the safety risk for fire fighting personnel through improving the APZ between the foredune vegetation and the residences to the west. Furthermore, it is expected to reduce the safety risk to neighbouring residents through providing a fire break between the hazardous foredune vegetation and their houses. The proposed building is not for residential purposes with day visitors only. The proposed development is not expected to affect the risk of bushfire to visitors using Cudgera Beach and the outpost amenities.

- (c) *whether the increased demand for emergency services during bushfire events that is created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bushfires*

Comment:

Considering, the small scale of the development and the existing demand for fire fighting services during bushfire events to protect residence at the hazardous vegetation interface, the proposal is not expected to significantly increase demand on emergency services.

(d) *the adequacy of measures proposed to avoid or mitigate the threat from bushfires including:*

(i) *the siting of the development*

Comment:

The outpost building is sited on relatively flat ground within an existing clearing. The shortest edge of the building faces the hazardous vegetation. The proposal includes two emergency evacuation options: to the south along the existing APZ which connects with Tweed Coast Road and to the north along the proposed access track which connects with Surfside Crescent. The siting of the outpost building is considered favourable from a bushfire hazard minimisation perspective.

(ii) *the design of structures and the materials used*

Comment:

The outpost building has been designed for security, durability and to minimise ignition potential. The building has no glazing and the storage area entrances are covered with metal garage doors which will be fitted with ember guards. The shape of the building is a rectangular block with minimal surface area and no re-entrant angles. These features are favourable from a bushfire hazard reduction perspective as the opportunity, for embers to settle on the building and cause the building to ignite, are limited. The lack of glass windows and the metal garage doors provide protection against embers entering the building.

(iii) *the importance of fuel-free and fuel-reduced areas, and*

Comment:

The outpost building is set within an existing clearing. Post construction, the building will continue to be surrounded by minimal vegetation (predominantly mowed grass). The quantity of fuel within the vicinity of the building is minimal.

(iv) *landscaping and fire control aids such as roads, reserves, access arrangements and on-site water supplies*

Comment:

The proposal includes a 5,000 L dedicated fire-fighting water tank. The tank will be made of metal, have a 65 mm Storz outlet and be located on the western side of the building away from the hazardous vegetation. No landscaping is proposed. Short-cut grass will be maintained in the vicinity of the outpost building.

- (e) *the environmental and visual impacts of the clearing of vegetation for bushfire hazard reduction*

Comment:

The proposal does not require additional vegetation clearing for the purpose of bushfire hazard reduction due to the strategic siting of the outpost building within an existing clearing and the proposed access track serving a dual purpose of APZ and access track. In addition, Clause 39A requires the consent authority to consider the provisions of *Planning for Bushfire Protection* (RFS in co-operation with DoP, 2006) and be satisfied that those provisions are complied with as much as possible. Standard conditions are recommended to ensure compliance with the provisions of *Planning for Bushfire Protection*.

State Environmental Planning Policies

North Coast Regional Environmental Plan

Clause 29A: *Natural areas and water catchment* states that:

- (1) *The council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones unless it is satisfied that:*
 - (a) *the wildlife habitat will not be significantly disturbed by the proposed development, and*
 - (b) *the scenery will not be adversely affected by the proposed development, and*
 - (c) *an erosion and sediment control plan will be implemented which will successfully contain on the site any erosion or sediment caused by the proposed development.*

- (2) *In this clause, "clearing of natural vegetation" means:*
 - (a) *the removal of the majority of the vegetation, ground cover, topsoil or flora (other than noxious weeds, or trees which are dead, dangerous, exotic or propagated for horticultural purposes) within an area in excess of 1 hectare, or*
 - (b) *the reduction of the canopy or the population of any one tree species in excess of 20 per cent within an area in excess of 1 hectare, but does not include such removal or reduction:*
 - (c) *within 3 metres of the boundary of land in different ownership or occupation for constructing or maintaining a fence, or*
 - (d) *within 0.5 metre of the common boundary of land in different ownership or occupation to allow a registered surveyor to survey the boundary.*

Comment:

The development footprint is positioned in an area which is predominantly cleared and highly modified. The requirement for clearing native vegetation is limited in extent to 0.05 ha or 541m² and occurs on the western boundary of the existing foredune vegetation. The development footprint is setback from the foreshore, with the existing foredune and associated vegetation proving a visual buffer from the single storey storage unit. Suitable conditions are recommended in relation to erosion and sediment control.

Clause 30 Objectives

Part 3, Division 2 – Coastal development is applicable to this proposal being within the coastal zone. The objectives and development control clauses are considered in relation to the proposed development below.

(a) to enhance the visual quality of the coastal environment

Comment:

The proposed development has been designed to minimise visual impact on the coastal environment, through unobtrusive structural design (one storey building with low pitched roof) and positioning on the landward side of the foredune. The subject site in its existing state is considerably disturbed being largely cleared and dominated by non-native vegetation. The development would not significantly diminish the visual amenity of the coastal environment.

(b) to provide for the appropriate recreational use of beaches

Comment:

The proposed development would support the recreational use of Cudgera Beach by improving surf life saving facilities and providing public amenities and improved access.

(c) to protect the water quality of the coastal environment

Comment:

The water quality of the coastal environment would be protected through suitable mitigation measures such as sediment control devices.

(d) to minimise risks to people and property resulting from coastal processes

Comment:

The proposed development would not result in an increased occurrence or intensity of coastal processes. The outpost would be used on a seasonal basis as an outpost by surf life savers and the amenities would be used on a transient basis by the public. The manner of use by the public would be consistent with the current use. Therefore, the proposal would not increase the risk of people and property being exposed to the inherent risks of natural coastal processes.

(e) to minimise changes to coastal processes resulting from development

Comment:

The development footprint is setback approximately 100m from the shore, with the existing foredune and associated vegetation proving a buffer to coastal erosive processes. The development footprint is positioned in an area which is predominantly cleared and highly modified. The proposed development is not expected to result in changes to coastal processes.

(f) to encourage retention of natural areas and regeneration of those natural areas which are already degraded

Comment:

The proposed development footprint has been strategically selected to minimise the extent of vegetation clearing required. Removal of exotic species in this area will assist with natural regeneration of the foredune. Any landscaping associated with the proposal would utilise local native species.

Clause 32B: Coastal Lands

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

- (b) *elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).*

Comment:

The proposal is considered not to negate the objectives of the following policies;

- (a) the NSW Coastal Policy 1997,
(b) the Coastline Management Manual, and
(c) the North Coast: Design Guidelines.

The proposed development is considered to not to create any significant adverse effects to the public access to the foreshore, however, the proposal creates overshadowing to waterfront open space before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time). As such an objection pursuant to SEPP 1 – *Development Standards*.

Clause 33: Coastal hazard areas

Before granting consent to development on land affected or likely to be affected by coastal processes Council is required to consider the following:

- (a) *take into account the Coastline Management Manual*

Comment:

The Tweed Coastline Management Plan (Umwelt, 2005) has been developed in accordance with the NSW Coastline Management Manual (1990). The proposed activity has been developed with consideration for the Tweed Coastline Management Plan objectives and management actions identified for the Pottsville – Wooyung Area.

- (b) *require as a condition of development consent that disturbed foreshore areas be rehabilitated*

Comment:

The most highly modified portions of the study area have been specifically selected for the proposed development. The applicant states that the foredune vegetation surrounding the subject site is currently subject to weed management activities undertaken by Pottsville Beach Coastcare group.

- (c) *require as a condition of development consent that access across foredune areas be confined to specified points*

Comment:

The proposed development incorporates existing access across the foredune formalising pedestrian and vehicle access routes.

Clause 81: Development adjacent to the ocean or a waterway

- (1) *The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:*
 - (a) *there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
 - (b) *buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
 - (c) *the development is consistent with the principles of any foreshore management plan applying to the area.*

- (2) *Nothing in subclause (1) affects privately owned rural land where the development is for the purpose of agriculture.*

Comment:

The proposed building is located approximately 100 metres from the ocean, with sufficient foreshore open space open to the public. The proposed development has been designed to minimise visual impact on the coastal environment, through unobtrusive structural design (one storey building with low pitched roof) and positioning on the landward side of the foredune. The subject site in its existing state is considerably disturbed being largely cleared and dominated by non-native vegetation. The development would not significantly diminish the visual amenity of the coastal environment or foreshore open space.

SEPP No. 1 – Development Standards

Clause 32B: *Development control - Coastal Lands*, of the North Coast Regional Environmental Plan 1988 states:

1. *This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.*

2. *In determining an application for consent to carry out development on such land, the council must take into account:*
 - (a) *the NSW Coastal Policy 1997,*
 - (b) *the Coastline Management Manual, and*
 - (c) *the North Coast: Design Guidelines.*

3. *The council must not consent to the carrying out of development which would impede public access to the foreshore.*

4. *The council must not consent to the carrying out of development:*
 - (a) *on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or*

- (b) *elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).*

In accordance with the new 5 part test outlined by Chief Justice Preston in recent decision *Wehbe v Pittwater Council* (2007) NSW LEC 827. He also rephrased the assessment process as follows:

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.*

The following reasons are provided as to why the standard is considered to be unreasonable and unnecessary in this particular case:

- The existing outpost (shipping container) already casts a shadow onto the waterfront open space at the designated time. The shipping container has an approximate dimensions of height of 2.90m x length 12.19m x width 2.44m (29.74m²) with the dimensions of the proposed outpost (roof area) being height 3.8m x length 16.2m x width 9.4m (152.28m²). The size of the proposed shadow is relatively minor due to the relatively small scale of the development and in relation to the size of the reserve (90, 511.79m²).
- The proposed building does not cast a shadow on the beach (which is 100m from the building) but on the cleared area adjacent to the existing dwellings and vegetated foreshore areas. The overshadowing created by the proposal will not impact upon the enjoyment of beach areas by the public.
- It is common for SLSC buildings to overshadow the foreshore given the necessity in their location. SLSC buildings are required to be within close proximity to the beach to provide fast response times.
- The adjoining residential buildings have the potential to casts similar sized shadows onto the foreshore given their heights are up to 2 storeys in height, greater than the proposal.
- Existing dune vegetation on the foreshore shadows the foreshore with the overshadowing caused by the proposal not reaching the foreshore.
- The SLSC is a community, non-profit organisation which provides a public benefit to the community.

Comment:

It is considered that the non compliance with the development standard is well accepted and overshadowing will not have any adverse impacts, therefore the SEPP 1 objection is supported.

2. *The consent authority must be of the opinion that “granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3”.*

The aims of the policy are as follows:-

“This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act”.

Comment:

The aims of the policy state that flexibility can be granted in circumstances where strict compliance with standards is unnecessary or unreasonable. In this circumstance, it is considered that the non compliance with the development standard is acceptable as the SLSC building is required to be within close proximity to the beach and the overshadowing will not have any significant adverse impacts, therefore the SEPP 1 objection is supported.

3. *The consent authority must be satisfied that a consideration of the matters in clause 8(a) “whether non-compliance with the development standard raises any matters of significance for State or regional environmental planning; and (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Comment:

The proposed non-compliance is of such a minor nature/scale that is not considered to raise matters for State and regional planning. The proposed variance relates to overshadowing of open space. As demonstrated the proposed application does result in overshadowing of beach, however the overshadowing is related an area 100m west of the beach area. Therefore it is not considered that the application raises any matters of significance for State or Regional environmental planning.

Preston expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

Comment:

The objective of the standard contained within Clause 32B(4)(b) is related to the protection of the recreational integrity of foreshore open space areas and the need to restrict adverse impacts upon same by the erection of buildings in close proximity. As the proposed development does not impact upon foreshore and has only a minimal impact on open space (being the cleared area adjacent to exiting residential dwellings and the vegetated foreshore area which has limited public access), it is considered that the objectives of Clause 32(B) are achieved.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Comment:

The objective of the standard is relevant to the development but the non compliance is considered acceptable as the proposed SLSC building is required to be within close proximity to the beach to be effective in surf life saving.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Comment:

It is concluded that compliance with the development standard is both unreasonable and unnecessary in this instance, as the Surf Life Saving Facility is required to be within close proximity to the beach. Furthermore, as the proposed development demonstrates consistency with the intent and objective of the development standard, the granting of a variance in this instance would not prejudice the future integrity of that standard nor impact upon the amenity of the locality.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Comment:

The development standards determined under The North Coast Regional and Environmental Plan have not been abandoned or destroyed by Council's actions. Due to the nature of the proposed SLSC, it is necessary in this instance to allow for a relaxation to this clause for development to occur. The overshadowing of open space areas in relation to the subject development application is considered minor and unavoidable, therefore compliance with the standard as under the NCREP is considered unnecessary and unreasonable and the SEPP 1 objection should be supported for this application.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Comment:

This consideration is not relevant because the standard is not dependent on the zone. Notwithstanding, the zoning of the area is appropriate for the proposed development and the surrounding locality has an urban character and residential land uses are well established.

As such it is considered that the non compliance with the development standard is well founded and the overshadowing will not have any adverse impacts, therefore the SEPP 1 objection is supported.

SEPP No. 14 - Coastal Wetlands

The subject site does not occur within a SEPP 14 coastal wetland or within 100m of a SEPP 14 coastal wetland. Accordingly, SEPP 14 does not apply.

SEPP No. 26 - Littoral Rainforest

The subject site does not host any littoral rainforest, nor is it within 100 m of littoral rainforest. The nearest mapped occurrence is located approximately 2 km to the north of the site at Hastings Point (TSC GIS Enlighten, 2010). Accordingly, SEPP 26 is not applicable to this Development Application.

State Environmental Planning Policy 44 (SEPP 44) – Koala Habitat Assessment

SEPP 44 aims to encourage the conservation and management of natural vegetation areas that provide core or potential habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Core koala habitat refers to an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of, and historical records, of a population. Potential koala habitat refers to areas of native vegetation where the trees of the types listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Vegetation on the site is predominantly cleared with the exception of regrowth Banksia dry sclerophyll woodland along the foredune (including the northern portion of the proposed vehicle access track). This vegetation community was noted to host a species of koala feed tree (Swamp Mahogany (*Eucalyptus robusta*)); however, the occurrence of this species was less than 15% of the number of trees in the tree strata, with only two individuals recorded within the subject site. These trees were living during the initial survey; however, subsequent surveys noted die back of these trees with no obvious cause of death. Given the limited occurrence of koala feed trees, SEPP 44 is not considered to apply and there is no requirement for a Koala plan of management.

SEPP No 71 – Coastal Protection

The site occurs within the coastal zone and is designated a sensitive coastal location as defined by SEPP 71. Clause 2 (1) sets out the aims of this Policy and clause 8 sets out the matters a consent authority must consider in determining an application on land to which this Policy applies. These two clauses are addressed below:

Clause 2 considerations

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast*

Comment:

The proposed surf life saving outpost is intended to support future recreational use of Cudgera Beach by providing facilities to assist in surf life saving patrols of the beach during the peak holiday periods. The building is to assist in surf life saving activities and improve the safety of the public using Cudgera Beach. The proposal will also provide public amenities.

The proposal is unlikely to result in a significant ecological impact or in a significant cultural impact. The proposal is not expected to result in any economic impacts on the study area.

- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore*

Comment:

The proposal does not involve the re-construction of any of the existing access ways to the foreshore. An additional emergency vehicle access track will be constructed as part of the proposal, connecting the outpost with the existing public road network (Surfside Crescent) to the sites north. Vehicular access along the proposed access track will only be permissible to emergency service vehicles and pedestrians. The pedestrian access ways which exists north and east of the proposed outpost will not be interfered with. It is noted that the informal pedestrian access, which currently exists from Elanora Ave via Lot 2 on DP253861, may be restricted at such time that this lot is developed. However, the proposed activity will not result in restricted pedestrian access and will formalise access from Surfside Crescent directly to the foreshore as well as past the outpost (via the proposed access track and existing pedestrian access way).

- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore.*

Comment:

The proposal includes the provision of a new vehicle access track. This access track would be permitted to be used by emergency vehicles only but will also be accessible by pedestrians. To minimise clearing and subsequent impact on the natural attributes of the coastal foreshore, the proposed access network in the study area utilises the existing vehicle and pedestrian access ways and formalises access on public land by providing a connection between existing access ways.

- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge*

Comment:

The proposed disturbance footprint occurs on land previously subject to sand mining. Accordingly, it is considered unlikely that any items of heritage

significance would still occur within the surface or sub-surface of the disturbance footprint and be subject to disturbance by the proposed earth works.

(e) to ensure that the visual amenity of the coast is protected

Comment:

During the construction phase there would be reductions in the visual amenity at the site associated with construction activities. This disruption would be unavoidable but temporary. The height of the proposed building is 3.8 metres, with the surrounding vegetation having a height greater than the proposed building. As such the neighbouring buildings/dwellings views of the beach and ocean will not be obstructed.

(f) to protect and preserve beach environments and beach amenity

Comment:

The proposal is intended to improve beach amenity through providing equipment storage space, first aid facilities and a public toilet. The beach environment is to be preserved through strategically locating the building footprint and access track landward of the dune system to minimise impact on the natural environment.

(g) to protect and preserve native coastal vegetation

Comment:

The proposal requires the clearing of approximately 541m² (0.05 ha) of regrowth Banksia dry sclerophyll woodland. The remaining area of the disturbance footprint occurs within cleared, heavily modified areas dominated by non-native species. The locations of the outpost building and access track have been strategically selected to minimise the extent of native vegetation clearing.

(h) to protect and preserve the marine environment of New South Wales

Comment:

The subject site occurs on the landward side of the foredune. The outpost building would occur over 100m from the beach shore. Given the distance from the outpost to the beach shore, pollutants are not expected to enter into the marine environment.

(i) to protect and preserve rock platforms

Comment:

There are no rock platforms present at the site.

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (ESD) (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991)

Comment:

The proposed development has been designed to take into consideration the four principles of ecologically sustainable development being, the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms. The proposal demonstrates Council's commitment to ESD through its low impact design.

- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area*

Comment:

Overall, the proposal is of a minor bulk and scale and is not considered inappropriate for the locality. The outpost building has been designed to fit in with the surrounding natural environment and be as inconspicuous as possible (one storey, low-pitched roof). The floor area has been designed to meet the necessary storage and amenity space requirements to function as a surf life saving outpost facility.

- (l) *to encourage a strategic approach to coastal management*

Comment:

The proposed development would not impact upon coastal management at the site. The access track proposed between the outpost and existing Surfside Crescent will assist in improving bushfire management of the foredune vegetation in the study area by acting as an asset protection zone (APZ) to Lot 42 on DP249208 and providing access to fire-fighting personnel during emergency fire fighting.

Clause 8 considerations

- (a) *the aims of this Policy set out in clause 2*

Comment:

The proposal is consistent with the aims of the Policy, due to the following:

- Existing public access to and along coastal foreshores is improved.
- Opportunities for public access to and along coastal foreshores remain available.
- The site is not identified as having Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge.
- Visual amenity of the coast is protected.
- The proposal does not adversely impact on beach environments and beach amenity.
- Native coastal vegetation is retained.

- The proposal does not adversely impact on marine environment of New South Wales, the site is greater than 100m from the closest MHWL.
 - The proposal does not adversely impact on rock platforms.
 - The type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area. Adjoining properties consist of similar developments in terms of type, scale, bulk and scale.
- (b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved*

Comment:

The proposal would retain the existing vehicle and pedestrian access ways and provide an additional connection between Surfside Crescent and the pedestrian access way to the east of the proposed outpost site. There is currently no wheelchair beach access provided at Cudgera Beach.

- (c) *opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

Comment:

The existing pedestrian access to Cudgera Beach is via the emergency vehicle access way which connects Surfside Crescent directly with the beach shore and the informal pedestrian access which connects Elanora Ave with the beach shore. These two access ways are approximately 90m apart. The proposal would retain the existing vehicle and pedestrian access ways and provide a connection between them. The proposed access track connection would be constructed for emergency vehicle access, in a similar manner to the existing vehicle access way to the north. Wheelchair accessible access is not proposed in this instance. Wheelchair beach access is available at Cudgen Headland, Kingscliff (approximately 15km to the north of the subject site) and Potts Point (approximately 340m south of the subject site – via Ambrose Brown Park). Beach wheelchairs are available for hire from Kingscliff Beach Holiday Park, Kingscliff and Pottsville South Holiday Park, Pottsville.

- (d) *the suitability of development given its type, location and design and its relationship with the surrounding area*

Comment:

Overall, the proposal is of minor bulk and scale and is not inappropriate for the locality. The location of the outpost building and access way has been strategically selected to minimise disturbance to the natural environment and adjoining landholders. The building would be located in an existing cleared area. The outpost building has been designed to be as unobtrusive as possible (one storey, low-pitched roof). The floor area has been designed to meet the necessary storage and amenity space requirements to function as a surf life saving outpost facility.

- (e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore*

Comment:

The proposed outpost building would be located in a cleared area setback from the existing foredune vegetation. Given the proposed building is one storey with a low pitched roof, the shadow cast by the building is not expected to be significant. The allotments to the west and north of the subject site (those with views towards the beach) are private properties. The view from the public property to the north and south of the subject site (a continuation of Lot 7064 on DP1113596) will not be obscured by the proposed building as the building is set back on the western boundary of the lot. Accordingly, the outpost building will not result in a significant loss of views from a public property to the coastal foreshore. The building will not result in visual obstruction of the adjoining resident's view of the foreshore.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

Comment:

The proposed outpost building and access track occur on the landward side of the foredune, more than 100 m from the beach shore. Regrowth woodland occurs on the foredune between the proposed development and the coastline. The outpost building will be visually obscured from the shore by the foredune. The building has been designed to be unobtrusive and blend into the surrounding environment. The proposal would not impact on the scenic qualities of the coast.

- (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*

Comment:

It is considered that the proposed development would not significantly affect threatened species, populations or ecological communities, or their habitats.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

Comment:

The proposed development is located more than 100 m from the ocean and is not expected to impact upon fish, marine vegetation, or their habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors*

Comment:

The subject site is not identified as a National Parks and Wildlife Service (NPWS) regional or sub-regional fauna corridor; however, the foredune vegetation to the north and south of the subject site is identified as a regional fauna corridor. Given the contiguous nature of the foredune vegetation along the coastline between Hastings Point in the north and the mouth of Mooball Creek in the south, the site is considered to be a part of this regional corridor. The proposed development is located to minimise the impact on the foredune vegetation by being set back on the western boundary of the lot in an area which is predominantly cleared of native vegetation. The proposed access track connection will require the removal of some vegetation (~6 m wide) along the western boundary of the lot. However, considering the access track is predominantly located within areas already cleared of native vegetation on the outer edge of the existing bushland, the effect of the narrowing of the corridor is not expected to be significant.

- (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards*

Comment:

The proposed outpost building occurs outside the extent of the coastal hazard zone, as modelled by WBM Oceanics (2001). The coastal hazard zone is the projected landward limit of the backbeach erosion escarpment for planning periods of immediate, 50 and 100 years and determines the cumulative hazard zones for these periods. The proposed access track encroaches into the boundary of the projected 100 year maximum erosion limit. The potential damage resulting from a 100 year extreme erosion event, in relation to the proposed development would be limited to infrastructure aligned within the access track, namely, water and electricity supply. The water supply connection to Surfside Crescent would be fitted with an isolation valve to protect the existing supply network in the event of a 100 year max erosion event damaging the water supply infrastructure. The clearing of vegetation for the access track will make it more susceptible to dune structural damage in the event of an extreme erosion event; however, this type of event is likely to cause widespread damage to the dune system (vegetated or otherwise). The area of native vegetation clearing is small and necessary to allow for emergency vehicle access.

- (k) *measures to reduce the potential for conflict between land-based and waterbased coastal activities*

Comment:

The manner in which the subject site is utilised is not likely to change as a result of the proposed development. The proposed development would not result in conflict between land-based and water-based coastal activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals*

Comment:

The proposed disturbance footprint occurs on land previously subject to sand mining. Accordingly, it is considered unlikely that any items of heritage significance would still occur within the surface or sub-surface of the disturbance footprint and be subject to disturbance by the proposed earth works.

(m) likely impacts of development on the water quality of coastal waterbodies

Comment:

The outpost would occur more than 100 m from the beach shore. Given the distance from the outpost to the beach shore, pollutants are not expected to enter into the marine environment in the event of an uncontrolled release.

(n) the conservation and preservation of items of heritage, archaeological or historic significance

Comment:

The proposed disturbance footprint occurs on land previously subject to sand mining. Accordingly, it is considered unlikely that any items of heritage significance would still occur within the surface or sub-surface of the disturbance footprint and be subject to disturbance by the proposed earth works.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities

Comment:

Not applicable as proposal is infill development.

(p) only in cases in which a development application in relation to proposed development is determined:

Comment:

Not applicable.

SEPP (Major Projects) 2005

The site and proposed development is not covered by the provisions of the policy.

SEPP (Infrastructure) 2007

The site and proposed development is not covered by the provisions of the policy.

SEPP (Exempt and Complying Development Codes) 2008

The site and proposed development is not covered by the provisions of the policy.

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

Draft Tweed Local Environmental Plan 2010

The site is covered by the *Draft Tweed Local Environmental Plan 2010*. The site is zoned *RE1 – Public Recreation*, with the maximum building height being 10 metres. The proposal is defined as a community facility which is permissible with consent, consistent with the objectives of the zone and has a built height of 3.8 metres.

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Community facility means a building or place:

- owned or controlled by a public authority or non-profit community organisation, and*
- used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

DRAFT Coastal Hazards - Tweed Development Control Plan Section B25

The aims of the plan are:

- *To provide guidelines for the development of the land having regard to minimising the risks (a function of likelihood and consequence) associated with development on land in proximity to the Tweed Coast.*
 - *To establish if the proposed development or activity is appropriate to be carried out, and the conditions of development consent that should be applied if it is to be carried out, having regard to the coastal hazard lines established in the Tweed Coastline Hazard Definition Study 2001 (as amended).*
 - *To minimise the risk to life and property associated with development and building on land that is in proximity to the Tweed Coast.*
 - *To maintain public access to public land on the Tweed Coast.*
-

The proposed outpost building occurs outside (west) the extent of the coastal hazard zone. The coastal hazard zone is the projected landward limit of the back beach erosion escarpment for planning periods of immediate, 50 and 100 years and determines the cumulative hazard zones for these periods. The proposed access track encroaches into the boundary of the projected 100 year maximum erosion limit. The potential damage resulting from a 100 year extreme erosion event, in relation to the proposed development would be limited to infrastructure aligned within the access track, namely, water and electricity supply. The water supply connection to Surfside Crescent would be fitted with an isolation valve to protect the existing supply network in the event of a 100 year max erosion event damaging the water supply infrastructure. The clearing of vegetation for the access track will make it more susceptible to dune structural damage in the event of an extreme erosion event; however, this type of event is likely to cause widespread damage to the dune system (vegetated or otherwise). The area of native vegetation clearing is small and necessary to allow for emergency vehicle access.

The proposal is considered not to negate the objectives of the policy.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

In accordance with Section A2.3.3, “development proposals are to be designed to optimise pedestrian and disabled persons access to and within the development”. The proposal provides for improved pedestrian access by connecting the existing vehicle/pedestrian access way from Surfside Crescent to Cudgera Beach with the informal pedestrian access way connecting Elanora Ave with Cudgera Beach. The latter traverses private property which is subject to future development and subsequently a loss of beach access. Section A2.3.3 also requires “provision for access by vehicles and vehicle parking is not to compromise the equity and amenity of pedestrian access.” The proposed access way is intended primarily for emergency vehicle passage. Given that emergency vehicle use is expected to be infrequent (seasonally used by surf life saving vehicles and occasionally used by Rural Fire Service for bushfire management/fire fighting), it is expected to be used most frequently by pedestrians. The level of demand on the access track by vehicles is not expected to compromise the safe usage by pedestrians and vice versa. No public parking, designated bicycle paths or disabled access are proposed for this development. It is expected that a significant proportion of the peak holiday beach users will be pedestrians from Pottsville North Holiday Park and surrounding holiday homes.

A3-Development of Flood Liable Land

The site of the outpost building is situated at ~5 m AHD, above the minimum design flood level of 2.4 m.

A11-Public Notification of Development Proposals

In accord with Table 1 of *Section A11 - Public Notification*, the proposed development was advertised for a period of 14 days between 8-22 September 2010. During the advertised period, Council received fourteen (14) submissions objecting to the proposal. The issues raised within the submissions are addressed later within this report under section (d) *Any submissions made in accordance with the Act or Regulations*.

A13-Socio-Economic Impact Assessment

A social economic impact assessment is not required as the proposal is not covered by the provisions of the policy, the development is not designated development is not a development that Council considered to create significant impacts. The proposal is considered to provide a public and social benefit to the community.

B21 – Pottsville Locality Based Development Code

The policy identifies that the subject site is located within Pottsville north. The purpose of this section is to provide Design Guidelines in the form of strategies and controls to guide the design, construction and management of the building environment of the site. The intention of the guidelines is to ensure a cohesive high quality residential development and to ensure the environmental significance of surrounding native vegetation views and topography of the site are preserved. The policy, in particular the section relating to Pottsville North, provides controls that relate to residential development and therefore not relevant for a Surf Life Saving Outpost.

The proposed development is consistent with the policy, by proposing minimal removal of vegetation with the building designed to suit the surrounding natural and built environments.

Section 94 and Section 64 Contributions

The proposed development is to be levied water and sewer contributions due to the proposed toilets and showers. However, the development will not be levied Tweed Road Development Contribution Plan as the proposal is ancillary to the existing patrolled beach and is used as a storage facility. No additional vehicle trips are generated as a result of the proposal.

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

Clause 92(a) Government Coastal Policy

The proposed site is located within the Government Coastal Policy, and has been assessed with the objectives of this policy in mind. The Government Coastal Policy contains aims to, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is considered that the proposal does not contradict the objectives of the Government Coastal Policy.

Clause 92(b) Applications for demolition

N/A

Clause 93 Fire Safety Considerations

N/A

Clause 94 Buildings to be upgraded

N/A

- (a) (v) **Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**

The Coastline management plan

Tweed Shire Coastline Management Plan (TSCMP) (Umwelt (Australia) Pty Limited, 2004) applies to the proposal, specifically Section 3.1.7, referring to the Pottsville – Wooyung area. The proposed development addresses some of the management issues and objectives for the area, including:

- Population pressure demands on the coastline facilities and access to the beach through provision of improved facilities for surf life saving patrols of Cudgera Beach.
- Uncontrolled off-road vehicle access through provision of formal vehicle access track with lockable gate.

The proposal is considered not to negate the objectives of the policy.

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

Context and Setting

The site occurs within the Tweed coastal zone, between developed residential (to the west) and Cudgera Beach foredune and foreshore (to the east). The foredune is covered with regrowth, predominantly native, vegetation. The foreshore is free of obstructions with the exception of rock revetment associated with Mooball Creek mouth located to the south. The residential area to the west is predominantly low density consisting of one and two storey development.

The neighbouring residences are in close proximity to the subject site; there are 19 houses, one undeveloped lot and two high-density residential estates within 100 m of the subject site. Eight of the neighbouring residences (and one future residence – currently undeveloped lot) are likely to have a direct view of the outpost building. However, due to the existing vegetation and topography (the dune and existing vegetation being higher than the proposed development) the proposed development will not restrict any existing ocean views from the surrounding existing residential development.

The proposed access track would occur adjacent to the eastern boundary of Lot 42 on DP249208 and, subsequently, would be in direct view of this residence. The subject site occurs on part of Lot 7064 on DP1113596 which is zoned for recreational use. This area is frequented by locals and visitors who pass through the foredune to access the foreshore of Cudgera Beach. Pottsville North Holiday Park, which occurs approximately 180 m to the west and Pottsville South holiday Park, which occurs approximately 600 m to the south, attracts a large number of visitors to Cudgera Beach during holiday periods. Cudgera Beach is used for a range of beach-related recreational activities, including, swimming, surfing, walking and jet skiing. 4WD access is not permitted on Cudgera Beach but is still allowed south of Mooball Creek on Black Rocks, Wooyong and Crabbes Creek beaches. Commercial fishers also use the beach for fishing. Permitted vehicle access to the beach occurs via the vehicle access way immediately north of the subject site.

Access, Transport and Traffic

Access to the site is proposed via a formalised vehicle access road from Surfside Crescent. The only vehicles permitted to use the proposed access road are emergency vehicles. As the site is currently occupied by a Surf Life Saving Outpost, the proposed development is considered not to generate additional traffic. Given that emergency vehicle use is expected to be infrequent (seasonally used by surf life saving vehicles and occasionally used by Rural Fire Service for bushfire management/fire fighting), it is expected to be used most frequently by pedestrians.

Flora and Fauna

The proposed development will not result in a significant reduction in flora and fauna. The proposal requires the clearing of approximately 541m² (0.05 ha) of regrowth Banksia dry sclerophyll woodland, with the site having an area of 90,511.79m². The remaining area of the disturbance footprint occurs within cleared, heavily modified areas dominated by non-native species. The locations of the outpost building and access track have been strategically selected to minimise the extent of native vegetation clearing.

View Sharing

The site is generally level from the existing residential allotments through to the dune area. The existing level of the land increase in height at the dune area as does the density and height of the existing vegetation. As such, the existing views afforded to the surrounding existing residential developments will not be impacted, as the height of the proposed Outpost is lower than the dune/existing vegetation.

The proposed development is considered not to create significant adverse impacts on the natural or built environments or social or economic impacts on the locality.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The subject site is identified as part of Lot 7064 on DP1113596, adjoining Residential Lots 2-4 on DP253861 to the west, Residential Lots 40-42 on DP249208 to the north and west and Cudgera Beach to the east. The subject site consists of cleared area associated with the current Surf Life Saving Outpost building and the connecting pedestrian access track.

The site is zoned as 6(a) *Open Space* under the Tweed LEP 2000. The surrounding land uses are predominantly 6(a) *Open Space* and 7(f) *Environmental Protection* along the coastal strip, with 2(a) *Low Density Residential* and 2(b) *Medium Density Residential* located to the west.

Flora and Fauna

The proposed development will not result in a significant reduction in flora and fauna. The proposal requires the clearing of approximately 541m² (0.05 ha) of regrowth Banksia dry sclerophyll woodland, with the site having an area of 90, 511.79m². The remaining area of the disturbance footprint occurs within cleared, heavily modified areas dominated by non-native species. The locations of the outpost building and access track have been strategically selected to minimise the extent of native vegetation clearing.

Topography

The site is generally level from the existing residential allotments through to the dune area. The existing level of the land increase in height at the dune area as does the density and height of the existing vegetation. As such, the existing views afforded to the surrounding existing residential developments will not be impacted, as the height of the proposed Outpost is lower than the dune/existing vegetation.

Bushfire

The site is identified as being prone to bushfire. Standard bushfire conditions are recommended requiring a construction level of BAL – 29.

Radiation

The surface radiation levels recorded on site were below Action Level Criterion specified by the NSW Department of Health for areas experiencing regular occupancy by the same individuals. As the radiation survey did not record radiation levels exceeding NSW Department of Health Action Level Criteria, no remedial action is considered necessary and the development and operation of Pottsville Surf Life Saving outpost is not expected to pose a health risk due to radiation levels.

The site is considered suitable for the proposed Surf Life Saving Outpost.

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

The proposed development was advertised for a period of 14 days between 8-22 September 2010. During the advertised period, Council received thirteen (13) submissions of which twelve (12) objected to the proposal. The submissions and their issues have been tabled below.

ISSUE	COMMENT
<p>AMENITY/VIEW LOSS</p> <ul style="list-style-type: none"> Overshadowing 	<p>To determine the impact of the building on adjoining neighbours coastal views, surveys were undertaken to identify the height of existing vegetation within the line of sight from the first storey verandas of the adjoining properties to the beach. In summary, the proposed building roof height (3.8 m) is lower than that of the existing vegetation on the foredune and does not obstruct the line of sight from first storey verandahs to the beach. It is acknowledged that ground floor views will be obstructed to some degree by the building; however, ground floor views are of the foredune vegetation and beach views from the ground floor are obstructed by the foredune topography and existing vegetation. The building height has been designed to enable safe passage of the Cabarita Beach Surf Life Saving Club Inc (CBSLSC) vehicles and equipment (rescue board trailers) into and out of the storage bays.</p> <p>In regards to concern that the outpost building will cause overshadowing of Lot 2 on DP253861 in early mornings during winter. The height of the building is lower than the existing vegetation, including the patch of predominantly exotic species south of 7 Surfside Cres, and so the shadow cast from the proposed building is unlikely to be significantly greater than that caused by the existing vegetation.</p> <p>In regard to the impact of the proposed power line and access track on the amenity of the surrounding residents. It is noted that the access track will be constructed with road base; however, it will be topped with turf. Given that the surface will be sealed with turf, dust from the track will not likely be an issue and the APZ will be visually similar to the existing APZ. The visual impact of the powerline is expected to be minimal, as it will be a single connection line, not the four-cable Low Voltage bare lines.</p>

ISSUE	COMMENT
<p>ACCESS</p> <ul style="list-style-type: none"> • Pedestrian access, • Traffic and parking 	<p>It was identified that the proposal does not provide for a formal pedestrian access way linking the Pottsville North Holiday Park with the outpost and foreshore access ways and that no disabled access is proposed.</p> <p>It is recognised that Pottsville North Holiday Park is a major source of pedestrians accessing Cudgera Beach via the development site and that a formal pedestrian access way linking these facilities is desirable, particularly as the town grows. However, it is noted that the proposed development is intended to service an existing use at the site, being seasonal beach patrols. The development will not create a new use at the site; rather it is intended to improve the facilities for existing patrols. Therefore, the development is not expected to significantly increase the number of pedestrians and cyclist accessing the area. Accordingly, the construction of a linking access way is considered beyond the scope of the subject development.</p> <p>Wheelchair beach access is not proposed in this instance. Wheelchair beach access is available at Cudgen Headland, Kingscliff (approximately 15 km to the north of the subject site) and Potts Point (Mooball Creek mouth) (approximately 340 m south of the subject site – via Ambrose Brown Park). Beach wheelchairs are available for hire from Kingscliff Beach Holiday Park, Kingscliff and Pottsville South Holiday Park, Pottsville. Given the close proximity of alternative beach access points for people with a disability, particularly Pottsville South Holiday Park to the south, additional disabled beach access at this location is not considered a priority. The proposed access way linking Surfside Crescent with the outpost building will be constructed with a compacted gravel base and grass surface, which may be accessible by some wheelchairs. The toilet provided within the outpost building is designed to accommodate people with a disability.</p> <p>It was noted in the submissions that the proposal doesn't provide for any additional parking. Informal parking exists along the eastern side of Surfside Crescent and within the road reserve throughout the adjoining residential streets. The proposed outpost is to service the existing patrols which occur seasonally at Cudgera Beach. The capacity for the proposed development, in isolation, to generate increased traffic to the site is limited given that it is predominantly a storage space for surf life saving equipment and a first-</p>

ISSUE	COMMENT
	<p>aid facility. It is expected that a significant proportion of the peak holiday beach users will be pedestrians from Pottsville North Holiday Park and surrounding holiday homes. Beach users accessing the site by motor vehicles are not expected to significantly increase in the short to medium term. However, additional parking facilities may be required in the future if the local and holiday population increases significantly. It is noted that future expansion of the outpost into a full Surf Life Saving Clubhouse is not proposed. Accordingly, the proposal has not been designed for intensification of use.</p>
CRIME	<p>A number of submissions raised the issue that the proposed development may result in an increase in criminal activity in the locality, namely graffiti and vandalism of the outpost building, theft from the parked vehicles of beach visitors and loitering around the public toilets at night.</p> <p>With regard to the risk of graffiti and vandalism, it is noted that this risk is inherent in any public space (as well as private property). The building is designed to be robust, for the purpose of minimising the risk of ignition in the event of a bushfire as well as minimising the susceptibility to vandalism. Graffiti may occur on the outpost building. In this event, the graffiti would be treated in the same manner as graffiti throughout the Shire, it would be removed as soon as budget allows. Current graffiti management practices prioritise removal of offensive words or images and encourage use of surfaces that are easily painted over. The outpost building will be a painted brick structure which would allow for graffiti to be painted over. The building is in close proximity to residents and so a degree of passive surveillance will be provide by surrounding neighbours. The NSW Police Force Tweed/Byron Local Area Command provided comment on the perceived crime implications of the proposal and recommends that the building is located near to, rather than removed from, local residents. The lack of an awning on the proposed building reduces its attractiveness to loiterers. Theft of valuables left in parked cars is not expected to increase as a result of the proposed development as the development is not expected to result in a significant increase in vehicles accessing the site. This matter would be dealt with by the local police as is currently the case. In regards to the concern about people loitering around the public toilet at night, it is noted that the toilet will be locked at all times and only accessible by key during patrols. A 24 hr alarm with internal motion detectors will be included in the building design.</p>

ISSUE	COMMENT
	A neutral colour which is inconspicuous in the landscape is proposed.
PUBLICLY ACCESSIBLE TOILET	Numerous submissions raised concern that the public toilet would attract 'undesirables'. It is emphasised that the toilet provided within the outpost building is a single cubicle which will be locked at all times. The public will have access to the toilet during patrols by accessing the key from the surf life savers on duty. The toilet will not be accessible outside of patrol times including night time and throughout the off-season months. Furthermore, the building does not provide an awning and so is not seen as particularly attractive to loiterers.
COASTAL PROCESSES /EROSION	<p>Concern was raised in one submission that the development occurs within the limits of the predicted 100 year erosion limit and, subsequently, there would be potential for damage to the infrastructure within this erosion zone. In addition, concern was raised that the development would have an adverse effect on coastal processes, during construction and post-construction as a result in an intensification of use. The proposed outpost building occurs outside the extent of the coastal hazard zone. The development also occurs outside the extent of the coastal hazard erosion zone according to the 2010 updated modelling which is based on the latest climate change predictions. Based on available data, it is considered unlikely that the outpost building would be impacted upon by coastal erosion within the 100 year planning period. It is acknowledged, that the proposed access track encroaches into the boundary of the projected 100 year coastal erosion hazard zone. The potential damage resulting from an extreme erosion event, in relation to the proposed development would be limited to infrastructure aligned within the access track, namely, water and electricity supply. The water supply connection to Surfside Crescent would be fitted with an isolation valve to protect the existing supply network in the event that the water supply infrastructure was damaged.</p> <p>The clearing of vegetation for the access track will make it more susceptible to dune structural damage in the event of an extreme erosion event; however, this type of event is likely to cause widespread damage to the dune system (vegetated or otherwise). The area of native vegetation clearing is small and necessary to allow for emergency vehicle access. Given that the proposed works are predominantly landward of the coastal erosion hazard zone, the site is unlikely to contribute directly to coastal processes, except in an extreme erosion event. Indirect impacts potential</p>

ISSUE	COMMENT
	<p>affecting coastal processes include vegetation clearing, which as previously stated is limited in extent and predominantly within areas previously cleared and hosting non-native garden plants. During construction, the exposed soil will increase the risk of wind erosion; however, standard construction measures to minimise this impact will be in place, including stabilising disturbed areas once works are complete, or progressively where practicable. Post-construction, the development is not expected to result in a significant intensification of use, given that it is predominantly a storage space for surf life saving equipment and a first aid facility. Rather, the proposed outpost is to better service the existing patrols which occur seasonally at Cudgera Beach. However, the formalisation of pedestrian and vehicle access ways to restrict the associated impacts to designated areas will minimise the impacts on the foredune system associated with any intensification in the use of the area.</p>
<p>ECOLOGY</p> <ul style="list-style-type: none"> • Vegetation clearing, • Koala habitat, • Threatened flora species, • Wildlife corridors, • Electrocution of bats on powerlines 	<p>The proposed development requires the clearing of approximately 541 m² (0.05 ha) of regrowth Banksia woodland along the vehicle access track alignment and vehicle turning circle (south of the building footprint). The extent of clearing of Post-mining Regeneration vegetation (regrowth Banksia woodland) proposed for the development is minor relative to the extent of this and related communities within the locality (nominated 5 km buffer around the site) (<1%). Furthermore, much of the surrounding regrowth Banksia woodland and associated communities are contiguous or semi-contiguous with the site, meaning the opportunity for genetic exchange persists. The remainder of the development footprint occurs within the exotic grassland community, a highly degraded community predominantly cleared of native vegetation which is prevalent within the locality (~117 ha within 5 km buffer of site). The majority of the trees and shrubs to be cleared from this community are non-native garden plants which have encroached into Crown Land from a neighbouring residence.</p> <p>It is noted that the clearing within the proposed access track was planned as part of the asset protection zone (APZ) works between the Tweed Coast Crown Reserve vegetation and the adjoining residences. An existing APZ is established between 1A and 51 Elanora Avenue. This section of the APZ was established upon instruction by the NSW Rural Fire Service (RFS). Prior to the lodgement of the subject development, TSC Natural Resource Management Unit had identified the need to upgrade the APZ to allow connectivity between</p>

ISSUE	COMMENT
	<p>the existing APZ and Surfside Crescent (in front of 9 Surfside Crescent). Accordingly, the clearing footprint associated with the proposed access track was subject to clearing for the purpose of improving the APZ, irrespective of the outpost development. The subject development has made use of the existing need for an APZ and created a dual purpose for the clearing – an APZ and vehicle access way for surf life saving personnel. The additional clearing required as a result of the outpost building is to accommodate the minimum APZ distance between the outpost and hazardous dune vegetation whilst maintaining some separation between the outpost building and the adjoining neighbours, as well as providing adequate space for vehicles turning into and out of the storage bays of the outpost.</p> <p>The vegetation subject to clearing has been surveyed and characterised. The vegetation community is not an Endangered Ecological Community (EEC) as listed under the <i>Threatened Species Conservation Act 1995</i> (TSC Act) or Threatened Ecological Communities (TEC) as listed under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). No threatened flora species listed under the TSC Act or EPBC Act were recorded within the clearing footprint.</p> <p>The field assessment established that the site was not ‘potential koala habitat’, as defined by SEPP 44. One species of koala feed tree (Swamp Mahogany - <i>Eucalyptus robusta</i>) was recorded in the clearing footprint; however, the occurrence of this species was less than 15% of the number of trees in the tree strata, with only two individuals recorded within the subject site. These trees were living during the initial survey; however, subsequent surveys noted die back of these trees with no obvious cause of death. Given the limited occurrence of koala feed trees, SEPP 44 is not considered to apply and there is no requirement for a Koala plan of management. Furthermore, the Australia Koala Foundation (AKF) Koala Habitat mapping does not identify the site as Primary or Secondary Koala habitat.</p> <p>The subject site is not identified as a National Parks and Wildlife Service (NPWS) regional or sub-regional fauna corridor; however, the foredune vegetation to the north and south of the subject site is identified as a regional fauna corridor. Given the contiguous nature of the foredune vegetation along the coastline between Hastings Point in the north and the mouth of Mooball</p>

ISSUE	COMMENT
	<p>Creek in the south, the site is considered to be a part of this regional corridor. South beyond the mouth of Mooball Creek, the foredune vegetation extends to Wooyung Nature Reserve in the far south-east of the Shire and beyond along the Byron coast. The areas of core habitat within the coastal foredune corridor include Cudgen Nature Reserve in the north and Wooyung Nature Reserve and Billinudgel Nature Reserve in the south. The coastal foredune corridor is connected with the hinterland bushland in the west via a matrix of bushland and agricultural land through Mooball. This corridor connects with Mooball National Park which, in turn, is connected with Mt Jerusalem National park via Burringbar Range and Nightcap National Park. These corridors are semi-contiguous with areas of urban development (mostly residential housing and road ways) and farmland interrupting the continuity of the bushland. The vegetation to be cleared is a narrow strip on the edge of the existing bushland. Accordingly, the proposed clearing will marginally narrow the existing strip of foredune bushland; however, it will not result in any further fragmentation or isolation of bushland associated with the fauna corridors identified in the area. The potential for gene flow between flora and fauna passage is maintained with adjoining foredune bushland.</p> <p>One submission raised concern that the proposed overhead powerline would pose a risk of electrocution to the flying-foxes and bats seen flying in the area at dusk. It is noted that the powerline proposed to be installed along the access track to service the outpost building will be a single service cable (like those that connect individual houses in the adjoining residential streets) and not four-cable Low Voltage bare lines, typically responsible for electrocution of flying-foxes.</p>
INTENSIFICATION OF USE	<p>It is recognised that any intensification in the use of the area may result in further degradation of the foredune, particularly if pedestrian and vehicle access is uncontrolled. However, as previously discussed the development is designed to meet the needs of an existing use (seasonal patrols) and in isolation has limited capacity to increase the number of visitors using the site, given that development is predominantly a storage space and first aid facility. Increasing numbers of visitors is likely to occur over time if the popularity of the village as a holiday destination increases and as the local population expands. Managing population growth of the area is beyond the scope of this development; however, aspects of the development are</p>

ISSUE	COMMENT
	<p>expected to better equip the site for increasing numbers of visitors, namely, the formalisation of pedestrian and vehicle access ways to restrict the associated impacts to specific areas. This will limited the damage to the foredune caused by trampling through native vegetation communities.</p> <p>Concern has been raised that the outpost building whilst seasonal and small in scale at present, may expand and eventually be used as a permanent patrol point and even full time surf life saving club house. Surf Life Saving NSW (SLSNSW) have provided a response stating that there is no intention for the outpost building to be developed into a full Surf Life Saving Club. In summary, SLSNSW does not support a full Surf Life Saving Club at this location as the demographics do not support it and it is not in the best interest of the viability of CBSLSC. Further, SLSNSW confirms that the proposed location is adjacent to the preferred patrol site: most rescues occur in this location as swimmers are commonly caught in rips and currents flowing out of the Mooball Creek mouth. Concern was also raised that the proposed access track would encourage vehicles into the APZ area and the area surrounding the outpost would become a 'carpark'. However, it is noted that access to the facility will be strictly controlled by a locked gate; with access only permitted to emergency vehicles or those associated with providing those emergency services. The beach going public will not have vehicle access to this area.</p>
<p>SITE SELECTION</p> <ul style="list-style-type: none"> • Land use conflict, • Patrol area, • Alternative site assessments 	<p>A number of submissions questioned the appropriateness of the site selected and a number suggested alternative sites including:</p> <ul style="list-style-type: none"> • The south-east corner of Surfside Crescent • Closer to the river mouth • Within Ambrose Brown Park • Opposite Pottsville Beach Primary School (north of Elfran Ave). <p>The site was selected based on consideration of all planning, ecological, safety and functional factors. The specific issues raised in the submissions are addressed below.</p> <p>The entire development is located within Lot 7064 on DP 1113596 which is zoned 6(a) – Open Space under the <i>Tweed Local Environment Plan 2000</i> (Tweed LEP). The assessment has determined the development is consistent with the objectives of the 6(a) zone because it allows for the continued existence of the open space resource associated with the Tweed Coast Crown Reserve which is being reserved for the purpose of</p>

ISSUE	COMMENT
	<p>public recreation or conservation. The development is compatible with the recreational use of the land by providing amenities to beach users and providing facilities to support surf life saving patrols of Cudgera Beach during peak holiday periods. It is recognised that the site, whilst within Open Space zoned land, adjoins residential land and consideration of the adjoining land use and potential land use conflict is necessary. The subject development has incorporated various measures to minimise land use conflict with the adjoining residential area, including, minimising visual amenity impact through building design and siting, formalising beach access and controlling use of public toilet. The need for future improvements in pedestrian connectivity, particularly between Pottsville North Holiday Park and the outpost/beach access is recognised but beyond the scope of this proposal.</p> <p>The siting of the outpost building is neighbouring several residential properties. The fact that Lot 2 on DP253861 was vacant during the design and planning for development was not a determining factor in the final site selection. The development was designed knowing that it would be subject to development in the future and thus formalised public beach access through the Tweed Coast Crown Reserve (rather than relying on the informal access currently via Lot 2 on DP253861).</p> <p>The existing patrol area on Cudgera Beach is the preferred location by SLSNSW for the following reasons:</p> <ul style="list-style-type: none"> • on-beach housing is concentrated on the Northern side of the creek • the beach access ways are concentrated in this area (higher patronage) • any river/creek mouth area presents a higher risk of channels/rip currents – a north side patrol base allows for roving patrols and emergency response to this area and also emergency response to the South side of the creek via rescue water craft (SLSNSW, 2010). <p>It is also the preferred location of CBSLSC, due to “its proximity to the danger area of the creek mouth of Pottsville”. When initially considering the development of a permanent outpost for Cudgera Beach patrols, a site selection assessment carried out in 2006 by representatives from SLSNSW, Far North Coast Surf Life Saving (FNCSLS) and CBSLSC assessed several site options. The surf life saving representatives recommended a site opposite Pottsville Beach Primary School (north of Elfran Ave) on the basis that the</p>

ISSUE	COMMENT
	<p>development would be consistent with zone objectives, there was greater space to provide better parking facilities and it was easily accessibility from Tweed Coast Road. This option was originally proposed as part of a Contributions Plan associated with development of Koala Beach Estate. This option included two potential access routes through the foredune:</p> <ul style="list-style-type: none"> • from the Cudgera Ave round-about, south parallel along Tweed Coast Road and then east along the Elfran Ave APZ and access track – this track does not extend all the way to the foreshore, stopping short by about 50 m on the dune crest. The steep slope from the dune crest to the foreshore was identified as problematic to pedestrian and vehicle access. • from Tweed Coast Road (approximately 40 m north of the Cudgera Ave round-about) east along an existing track which terminates on the dune crest. Similarly the dune slope from the crest to the foreshore was found to be steep. <p>Both of these options are constrained by the steep easterly dune face and would require considerably more vegetation clearing to complete the access tracks to the foreshore and provide an adequate APZ around the building which would be surrounded by bush fire prone land. The access track would need to traverse the steep slope of foredune and would potentially need to zig-zag down the face, thereby increasing the extent of vegetation clearing required and erosion potential. The ecological impacts of these options and the land form constraints made these options unsuitable.</p> <p>Similarly, the suggestion to place the outpost building at the south-east corner of Surfside Crescent was not considered suitable due to the back dune profile at this location which would require substantial earthworks to convert to a flat building pad. Furthermore, this site would require considerable more clearing of native vegetation than the proposed site as the development footprint would be entirely within the native regrowth Banksia woodland community, which would then require further clearing to provide an adequate APZ (a minimum distance of 20 m), which would inturn substantially narrow the linear patch of foredune vegetation at this location, potentially impacting on fauna corridor values.</p>

ISSUE	COMMENT
	<p>Several submissions suggested the site was unsuitable on the grounds that the beach patrol area could not be surveyed from the building location due to dune profile and existing vegetation. It is noted that there is no intention to conduct surf surveillance from the outpost building. Surveillance will be undertaken from the beach; the outpost will be used for first aid and storage.</p> <p>It was also suggested that the first-aid facilities were too far from the beach patrol area to be functional. However, CBSLSC have pointed out that the outpost location is a similar distance from the beach as the surf club building at Cabarita Beach is to the regular patrol area at Cabarita. Furthermore, it is more crucial for the first-aid room to be located within easy access of ambulance (closer to public roads) as initial first-aid is given on the beach and all patients are then transferred to a surf club/outpost first-aid room.</p> <p>Some submissions suggested that given the distance of the beach patrol area to the outpost building that the beach patrol area would be left unattended in the event that someone required first-aid treatment at the outpost building. CBSLSC have responded to this concern stating: "Surf club patrols manage the beach in line with Standing Operating Procedures to ensure that swimmers safety is paramount. In first aid cases most times 1-2 patrol members out of a team of 6-8 will transport first-aid cases to an available first-aid room, leaving people on the beach to maintain vigilance".</p> <p>A site was suggested on the north side of the Mooball Creek breakwall. A preliminary constraints assessment was undertaken on this site. In summary, the Mooball Creek site is considered more constrained than the proposed site, primarily due to coastal erosion hazard, flooding and topographic relief. It is considered less favourable from an ecological perspective as it would require more than five times the extent of native vegetation clearing. Also, the vegetation clearing required at the site would result in the removal of the foredune vegetation which currently provides a buffer between Mooball Creek estuary and the residences to the north-west. The removal of this vegetation buffer would potentially reduce dune stability in this area and make it more susceptible to erosion.</p> <p>Another site suggested was within Ambrose Brown Park with a preliminary site assessment also undertaken for this site. In summary, the proposed site is considered more favourable than the Ambrose Brown</p>

ISSUE	COMMENT
	<p>Park site as it is closer to the beach patrol area and requires less track improvement work. The Ambrose Brown Park site would require substantial cut and fill to construct a building pad and vehicle turning area on the sloping site and would result in a reduction in open space available to recreation park users. There would be traffic issues with surf life saving vehicles towing trailers blocking the entrance to Ambrose Brown Park when attempting to enter Tweed Coast Road. The topographic relief between the residences to the north and the site is likely to result in fewer objections in terms of interference with coastal views. However, some members of the public are likely to object to the building being with in the park in terms of detrimental impacts on the park amenity and loss of recreational space. It is closer to services connections such as water and power.</p> <p>From an environmental planning perspective, there are constraints and opportunities for all sites. If an alternative site was selected, the current DA would need to be withdrawn and a new DA would need to be lodged. Changing the site would delay the project as it would be potentially more expensive (due to the substantial amount of earthworks required) and require a second DA to be prepared and lodged. Given the above considerations, the proposed site is considered the most favourable.</p>

(e) Public interest

The proposed Surf Life Saving Outpost is considered not to create significant adverse impact on the natural or built environments and is suitable for the site. The development is considered to be in the public interest.

OPTIONS:

1. Approve the application subject to recommended conditions.
2. Refuse the application and provide reasons for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The proposed development complies with the relevant legislation and policies, with the site considered suitable for the proposal, with the development creating minimal impacts. The issues raised in the submissions have been given careful consideration. Numerous alternative sites have been considered with the original site proposed in the development application still considered the most appropriate. There would likely be objections to any location proposed for the SLS outpost, particularly from those most directly affected such as neighbouring residents. Ultimately, the development proposed is assisting with the provision of a community service (through improving facilities for surf life savers to operate beach patrols) and has attempted to keep the impacts on surrounding residents and the environment to a minimum.

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 COMMUNITY AND NATURAL RESOURCES

- 13 [CNR-CM] Quarterly Variation Report for Contract EC2009-068 - Banora Point Wastewater Treatment Plant 18ML Upgrade Construction: January 2011 to March 2011

ORIGIN:

Water

FILE NO: GC12/2-2008068

SUMMARY OF REPORT:

At the Council Meeting of 20 July 2010, a tender was accepted from Tenix Australia Pty Ltd for the construction of the 18ML Banora Point Wastewater Treatment Plant. The project will upgrade the wastewater treatment plant from 15ML/day to 18ML/day. The accepted lump sum tender price was \$28,074,144.20 inclusive of GST. This amount did not include payment of Rise and Fall which is payable under the Contract.

Contract works commenced in September 2010 and are predicted to be finished by March 2012.

The Council decision delegated authority to the General Manager to approve variations totalling up to 10% of the contract sum, (ie. \$2,807,414.42 inclusive of GST). The total value of approved variations to the end of March 2011 is **\$417,930.13** inclusive of GST. This takes the current contract sum to the end of March 2011 to **\$28,488,074.13** inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. Note this report covers the period from January 2011 to March 2011. The previous quarterly report showed the total value of variations approved to the end of December 2010 was **-\$73,912.14**. The variations that were the subject of that report are not included here.

In addition to the variations detailed in this report, there are variations that are currently being reviewed by Council's project management team. Details of these potential variations are provided in CONFIDENTIAL ATTACHMENT A.

RECOMMENDATION:

That the total value of variations to date of \$417,930.13 inclusive of GST, for Contract EC2009-068 Banora Point Wastewater Treatment Plant Upgrade, be received and noted: -

- a) Variation No.20 – Redesign of Road 2 to give a constant cross fall. **(-\$4,605.70 GST Incl.)**
- b) Variation No.21 – Costs of delay to work as a result of rework and adverse site conditions – 19 days @ \$8,000.00/day. **(\$152,000.00 GST Incl.)**
- c) Variation No.22 – December Quarter Rise and Fall. **(\$21,088.28 GST Incl.)**

- d) Variation No. 23 – Materials supplied for Balance Tank foundation – progress claim (\$164,024.19 GST Incl.)**
- e) Variation No. 24 – Day works costs for rework due to adverse site conditions. (\$96,434.36 GST Incl.)**
- f) Variation No. 25 – Materials supplied for Balance Tank foundation – final claim. (\$62,901.14 GST Incl.)**

REPORT:

At the Council Meeting of 20 July 2010, a tender was accepted from Tenix Australia Pty Ltd for the construction of the 18ML Banora Point Wastewater Treatment Plant. The project will upgrade the wastewater treatment plant from 15ML/day to 18ML/day. The accepted lump sum tender price was \$28,074,144.20 inclusive of GST. This amount did not include payment of Rise and Fall which is payable under the Contract.

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Rise and Fall is a cost adjustment which allows for fluctuations in labour and material costs during the construction period. Rise and Fall is payable under the contract and is administered as a variation to the lump sum tender price.

In addition to the variations detailed in this report, there are variations that are currently being reviewed by Council's project management team. These are provided in a Confidential Report at Appendix A.

The major variations covered by this report have been a consequence of either:

- Works related to the supply of materials to the balance tank
- Delays and aborted work due to adverse site conditions,
- Redesign to provide a better outcome.

Details of the variations approved during the period January to March 2011 are provided below for the information of Council, as follows:

Varia tion No.	Description	Amount (Incl GST)	Status
	Amount previously reported.	-\$73,912.14	
20	<p>Redesign of Road 2</p> <p>Following the close of tender, the design of Road 2 adjacent to the effluent lagoon was reviewed. From this review it was decided to revise the design to:</p> <ul style="list-style-type: none"> • reduce the amount of fill required to construct the pavement, thus deleting the requirement for a retaining wall. • provide cross fall away from the effluent lagoon so pollutants that may fall on the road do not contaminate the effluent lagoon. 	-\$4,605.70	Approved

Variation No.	Description	Amount (Incl GST)	Status
21	<p>Costs of delay to work as a result of rework and adverse site conditions</p> <p>This variation related to the extent of soft ground under the balance tank which was undefined prior to the commencement of construction of these works. This discovery is known as a "materially adverse site condition" under the contract and was unknown to both the principal (Council) and the contractor (Tenix) at the time of awarding the contract. Under the contract the principal pays the costs associated with the rectification of these works. Specifically this variation is for delays to the contractor caused by the ground conditions which amounted to 19 days. The rate specified in the contract for delays is \$8,000 per day.</p>	\$152,000.00	Approved
22	<p>December Quarter Rise and Fall</p> <p>The contract included quarterly Rise and Fall adjustments due to its duration. This variation is for the December rise and fall payment.</p>	\$21,088.28	Approved
23	<p>Materials supplied for Balance Tank foundation Part of the work under the contract was to excavate in-situ material and provide select fill under the balance tank. This foundation needed to be sufficient to carry the changing loads of a large balance tank that has varying levels of flow.</p> <p>After excavation work commenced, the designer's geotechnical engineer determined that material excavated from other parts of the site did not comply with the requirements for the fill under the balance tank. Thus the entire fill required had to be imported. The contract included a rate for the supply of material. This variation is a progress payment for the supply of material.</p>	\$164,024.19	Approved
24	<p>Day works costs for rework due to adverse site conditions</p> <p>This variation is related to Variation 21. It is for the cost of labour and plant for the rework required as a result of the adverse site conditions.</p> <p>Rework was required as a portion of the subgrade material had been placed under the balance tank prior to determining the presence of soft material.</p>	\$96,434.36	Approved
25	<p>Materials supplied for Balance Tank foundation - final claim</p> <p>This variation is related to Variation 23 and is the final claim for the supply of materials for the fill under the balance tank.</p>	\$62,901.14	Approved
	TOTAL	\$417,930.13	

The approved variations have been or will be incorporated into the works.

The original project budget contingency is \$2,807,414.42 (GST Incl.).

Thus the current project budget contingency is \$2,389,484.29 (GST Incl.).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The subject variations are within the contract budget and the total project budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - Notice of Potential Variations: FINAL Built Agenda 18ML Upgrade construction: January 2011 to March 2011 (ECM 32541338)
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14 [CNR-CM] Northern Rivers Catchment Management Authority Caring for our Coast Project Grant - Protection of sensitive Littoral Rainforest areas on the dunes at The Spit Pottsville

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

Council has been successful in its application for funding through the Northern Rivers Catchment Management Authority (NRCMA) Caring for our Coasts Project for the protection of sensitive Littoral Rainforest areas on dunes at The Spit, Pottsville.

RECOMMENDATION:

That:

- 1. Council accepts the \$30,073 (excl. GST) financial assistance from the Northern Rivers Catchment Management Authority for the implementation of the project "Protection of sensitive Littoral Rainforest areas on dunes at The Spit, Pottsville" and votes the expenditure.**
- 2. All documentation be completed under the Common Seal of Council.**

REPORT:

Council has been successful in its application for funding through the Northern Rivers Catchment Management Authority (NRCMA) Caring for our Coasts Project for the protection of sensitive Littoral Rainforest areas on dunes at The Spit, Pottsville.

The project area contains important coastal vegetation types including regenerating Littoral Rainforest and Coast Banksia forest. The project will protect and rehabilitate these important coastal vegetation communities through fencing, bush regeneration, rubbish removal and revegetation.

Bush regeneration contractors and the Pottsville Dune Care group will rehabilitate important coastal vegetation communities through control of environmental weeds allowing native species to replace weed species, and improve the condition of coastal vegetation and habitat for flora and fauna. A planting day will be held to encourage community involvement in coastal land management.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The total funding amount provided by NRCMA is \$30,073 (excl. GST). Council will provide in-kind contribution to the project.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

15 [CNR-CM] Community Cultural Development Advisory Committee

ORIGIN:

Community and Cultural Services

SUMMARY OF REPORT:

The Community Cultural Advisory Development Committee has met intermittently since January 2010. The Committee as a result became moribund and now requires reinvigoration. One of the difficulties was the size of the Committee. It is now time to alter the Terms of Reference to best reflect the current composition of the Committee.

RECOMMENDATION:

That Council adopts the amended Terms of Reference of the Community Cultural Development Advisory Committee.

REPORT:

The Community Cultural Advisory Development Committee has met intermittently since January 2010. As the position has not been filled the Committee lapsed. The Committee did not meet until December of 2010. The Committee as a result became moribund and now requires reinvigoration. The Terms of Reference refer to the Committee as being a Section 355 Committee. This is incorrect as the Committee acts in an advisory only capacity to Council. Another of the difficulties was the size of the Committee. The Committee originally comprised of 12 members, this has proved dysfunctional as the quorum being six was too large to secure enough members to meet. There has also been a loss of members through resignations. It is now time to alter the Terms of Reference to best reflect the current composition of the Committee.

The amended Terms of Reference are below.



Community Cultural Development Advisory Committee

Terms of Reference and Operational Guidelines

Terms of Reference

The primary objective of the committee is to provide advice to Council in order to encourage and facilitate the cultural development of the community

In furtherance of this objective the committee shall:

- a) Act as a consultative committee for Council's cultural development function
- b) Contribute to the development of a cooperative cultural vision for the Shire
- c) Demonstrate leadership to emphasize the economic and social value of cultural activity
- d) Provide a forum for ideas and discussions about project development
- e) Foster strategic partnerships for cultural development, and
- f) Contribute to the development of cultural policies and plans

Membership and Composition

Membership of the committee shall consist of a maximum of eight people including:

- Representatives from the community's cultural sector in all its diversity, including individuals from business, cultural tourism, employment and education sectors and 1 councillor

Council Staff - Manager Community and Cultural Services and Cultural Development Officer, who shall provide support and advise to the committee as required but will hold no voting rights.

The composition of the committee shall also aim to reflect the demographic, artistic, cultural and economic make-up of the community in order to address the terms of reference.

The Cultural Development Officer is appointed by Council to facilitate the cultural development of the Shire. The position shall work with the committee to assist it to carry out its advisory function and reports directly to the Manager Community and Cultural Services

Selection

Selection of committee members to be based on the following considerations:

- a) Experience and skills in one or more of the relevant sectors
- b) Ability to contribute advice and exercise analytical skills
- c) Level of commitment and ability to maintain this over the term of membership, and
- d) Ability to embrace a wide range of cultural perspectives eg. Aged and Disability, CALD, ATSI and Youth.

Terms of Membership

The life of the committee will be for the term of Council. Following Council elections committee membership shall be reviewed and new nominations called for all positions.

Existing members shall be eligible to re-nominate. Following receipt of nominations Council will appoint the new committee.



Community Cultural Development Advisory Committee

Terms of Reference and Operational Guidelines

Election of Chairperson and Officers

The committee shall elect from its members a Chairperson who shall be responsible for the proper conduct of committee meeting.

The committee may from time to time co-opt a minute secretary who is not necessarily a member of the committee.

The committee shall have the power to co-opt members of the public with special expertise to attend meeting. However such persons shall not be entitled to vote in respect of any issue before the committee.

If at the commencement of any meeting the Chairperson is absent, the members present may elect one of their number to occupy the chair for that meeting, who shall stand down if and when the Chairperson arrives.

The committee shall have the power to convene working groups consisting of committee members and co-opted members of the public with relevant expertise.

Meetings

Meeting of the committee shall be held monthly and at such time and place as the committee sees fit. The minutes of the meeting shall identify the month, date, time and place of the next meeting.

At least seven days notice shall be given to members of the time and place of a meeting, however the Chair shall have the right to call a special meeting at any time he/she deems fit. Decisions made at that meeting will have the full status of decisions made at any ordinary meeting, providing all conditions of an ordinary meeting, except mention of the date and time in the previous minutes are met.

A quorum at any meeting of the committee shall comprise 50% of members.

Minutes of the committee's deliberations shall be made available to Council at the earliest opportunity after any meeting of the committee

Termination of Membership

Membership of the committee will be terminated after a member's absence from three consecutive meetings without apologies. Members will be required to attend a minimum of 50% of ordinary meetings during each calendar year.

Alteration of Terms of Reference and Operating Guidelines

These may be altered or amended by the Committee at its ordinary meeting.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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16 [CNR-CM] "The Buttery" - Uki-Mortgage Guarantee

ORIGIN:

Community and Cultural Services

SUMMARY OF REPORT:

On 22 February 2011 the Uki Village & Districts Residents Association wrote to Council seeking a guarantee and indemnity over the Association's loan application to the Southern Cross Credit Union for the purpose of installing a 5 kWh photovoltaic system on the roof of the Uki Butter Factory, a building owned by the Association.

The cost of the project is \$26,000. The project will be funded through a loan, repayment of which will cost the Association \$3336 pa over 15 years. The infrastructure has a productive life of at least 25 years.

Under the NSW Solar Bonus Scheme, which runs until 31 December 2016, a gross feed-in tariff of \$0.60 per kWh will be paid for solar power fed back into the grid. Based on a conservative average gross feed of 20 kWh per day (the Butter Factory uses about 80 kWh per day), the project will therefore generate income of \$4380 pa over the next 5½ years (adding \$1044 pa to the Association's surplus).

In 2002, Council agreed to underwrite a loan of \$50,000 which was used for the purchase and refurbishment of the Uki Buttery. In 2006, the Council guaranteed a further \$12,000 for the major restoration of the roof and upper sections of the building. The guarantee was in addition to a grant of \$15,000 through Council's Rural Villages Development Plan.

Southern Cross Credit Union (SCCU) has requested that written authority be forwarded to them.

RECOMMENDATION:

That Council extends the loan guarantee for Uki Village and District Residents Association Inc through Southern Cross Credit Union from \$62,000 to \$88,000 to permit the installation of a five (5) kW solar system on "The Buttery" with all costs relating to the loan guarantee extension to be borne by the Association.

REPORT:

On 22 February 2011 the Uki Village & Districts Residents Association wrote to Council seeking a guarantee and indemnity over the Association's loan application to the Southern Cross Credit Union for the purpose of installing a 5 kWh photovoltaic system on the roof of the Uki Butter Factory, a building owned by the Association.

The cost of the project is \$26,000. The project will be funded through a loan, repayment of which will cost the Association \$3336 pa over 15 years. The infrastructure has a productive life of at least 25 years.

Under the NSW Solar Bonus Scheme, which runs until 31 December 2016, a gross feed-in tariff of \$0.60 per kWh will be paid for solar power fed back into the grid. Based on a conservative average gross feed of 20 kWh per day (the Butter Factory uses about 80 kWh per day), the project will therefore generate income of \$4380 pa over the next 5½ years (adding \$1044 pa to the Association's surplus).

In 2002, Council agreed to underwrite a loan of \$50,000 which was used for the purchase and refurbishment of the Uki Buttery. In 2006, the Council guaranteed a further \$12,000 for the major restoration of the roof and upper sections of the building. The guarantee was in addition to a grant of \$15,000 through Council's Rural Villages Development Plan.

Southern Cross Credit Union (SCCU) has requested that written authority be forwarded to them.

A due diligence check was made with Southern Cross Credit Union. The Credit Union has confirmed that all repayments for the previous loans were acquitted on time and in full. As such there is no reason not to support the request. A copy of the correspondence is reproduced below.



Uki Village & District Residents Association Incorporated
P.O Box 3141, UKI, N.S.W. 2484

2 May 2011

Attention: Jenni Funari
General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

**Guarantee and Indemnity from Tweed Shire Council
Re Loan from Southern Cross Credit Union
For Installation of Solar System at Uki Butter Factory**

On 22 February 2011 the Uki Village & Districts Residents Association wrote to Council seeking a guarantee and indemnity over the Association's loan application to the Southern Cross Credit Union for the purpose of installing a 5 kWh photovoltaic system on the roof of the Uki Butter Factory, a building owned by the Association.

Further information is now provided.

The cost of the project is \$26,000. The project will be funded through a loan, repayment of which will cost the Association \$3,336 pa over 15 years. The infrastructure has a productive life of at least 25 years.

Under the NSW Solar Bonus Scheme, which under the legislation will run until 31 December 2016, a gross feed-in tariff of \$0.60 per kWh will be paid for solar power fed back into the grid. Based on a conservative average gross feed of 20 kWh per day (the Butter Factory uses about 80 kWh per day), the project will therefore generate income of \$4,380 pa over the next 5½ years (adding \$1,044 pa to the Association's surplus).

What happens to the pricing structure after 2016 is unclear.

Notwithstanding, post-2016, the Association at least expects to be able to sell its green power for the electricity price of the day (which is predicted to rise rapidly). Therefore, even in today's prices of around \$0.20 per kWh, after 2016 the system would generate income to UKIRA of \$1,460 pa over the remaining life of the panels.

Each year, the Butter Factory, whose eight shops are always fully tenanted, generates a surplus for the Association of at least \$6,000. This surplus is available to UKIRA as discretionary expenditure, e.g. to fund improvements at the Butter Factory, or to assist other community groups in the Uki district, and it also protects the Association against any contingencies, for example interest rates rises.

Should it be necessary, this surplus, which would be swollen by the 'solar profit' generated during the first 5½ years, would be available to offset any shortfall in solar income. And, realistically, by 2016, rental income from the Butter Factory will be much higher than it is today, hence UKIRA will have an even greater surplus at its disposal.

An option for the Association post-2016, would be to switch to a 'net meter' which effectively provides a credit for electricity fed back into the grid. This would reduce the Association's electricity bill by about 25% (\$1,800 in today's prices alone), while at the same we would continue to fully recover from tenants for their costs of electricity usage. The annual electricity bill at the Butter Factory is about \$7,200, the vast majority of which is paid for by tenants.

In conclusion:

- Until 2016, income from the solar panels will far exceed the loan repayments.
- After 2016, the level of solar income is uncertain, but it will be linked in one form or another to the (rising) price of power on the day.
- If necessary, the Association's surplus would be used to meet any shortfall.

Hopefully the above information is helpful. Please call me on 6679 5855 should you require more.

Yours sincerely

Philip Carr
Treasurer

-----Original Message-----

From: Shane Delboux [<mailto:Shane.Delboux@sccu.com.au>]
Sent: Monday, 2 May 2011 3:26 PM
To: Gary Corbett
Subject: Uki Village & Districts Residents Association Incorporated

Good afternoon Gary,

As per our telephone conversation today, i would like to confirm that the above Association has conducted Banking Facilities with our organisation since 4 August 1997.

The conduct of the Association's Account and Loan Facilities has been exemplary. The Association has not missed or failed to meet any repayments to their Loans since commencement in May 2003.

Please do not hesitate to contact myself if you require any further information.

Regards

Shane D'Elboux
Team Leader Murwillumbah Branch
Southern Cross Credit Union Ltd
PH: 02 6672 2744
FAX: 02 6672 2332
EMAIL: Shane.Delboux@sccu.com.au

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sccu.com.au disclaimer:

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**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**FINANCIAL REPORT
FOR THE YEAR ENDED
31 JANUARY 2010**

**JENKINS, MAYBERRY & ASSOCIATES
PUBLIC ACCOUNTANTS
MURWILLUMBAH**

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

CONTENTS

Committee's Report	1
Income Statement	2
Balance Sheet	3
Notes to the Financial Statements	4
Statement by Members of the Committee	8
Auditors' Report	9
Certificate by Members of the Committee	11

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

COMMITTEE'S REPORT

Your committee members submit the financial report of the Uki Village & Districts Residents Association Inc. for the financial year ended 31 January 2010.

Committee Members

The names of committee members throughout the year and at the date of this report are:

Barry Longland - Committee Member to 01/12/2009
Sam Quint - President from 04/11/2008
Maggie Wilkins Russel - Secretary - Resigned 07/07/09
Philip Carr - Treasurer
Tanya Filak - Secretary - 01/09/09 to Oct 2009
Eddie Roberts
Justine Stratton - Committee Member from 07/07/09
Greg Malcolm - Committee Member from 01/12/09
Anita Morton - Committee Member from 01/12/09

Principal Activities

The principal activities of the association during the financial year were:

Community projects and running and maintaining the Buttery building.

Significant Changes

No significant change in the nature of these activities occurred during the year.

Operating Result

The loss after providing for income tax amounted to \$(7,014.96).

Signed in accordance with a resolution of the Members of the Committee.

Committee Member: Samuel Quint
Sam Quint - President from 04/11/2008

Committee Member: Philip Carr
Philip Carr - Treasurer

Dated this 8th day of July, 2010

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

INCOME STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010

	Note	2010 \$	2009 \$
INCOME			
Advertising & Map Sales		6,205.90	4,898.00
Grants Received		14,850.00	2,601.00
Other Fundraising		1,385.00	10,553.04
Rent Received		26,041.33	25,719.65
Sundry Income		115.00	-
		<u>48,597.23</u>	<u>43,771.69</u>
OTHER INCOME			
Donations Received		1,500.00	91.00
Interest Received		380.00	574.10
Subscriptions Received		75.00	65.00
		<u>1,955.00</u>	<u>730.10</u>
		<u>50,552.23</u>	<u>44,501.79</u>
EXPENDITURE			
Accountancy & Audit Fees		544.50	544.50
Advertising		-	303.70
Asset Replacements		4,853.45	-
Bank Charges		36.00	36.00
Buttery Power, Rates & Maintenance		4,931.86	4,390.86
Cleaning & Rubbish Disposal		444.38	689.56
Community Projects		2,578.16	889.55
Consulatancy Fees		7,000.00	-
Community Action Plan		-	1,200.00
Depreciation		693.00	313.00
Donations		14,756.64	1,366.00
Fundraising Expenditure		100.00	-
Insurance		7,872.91	6,911.24
Interest Paid		4,568.19	5,584.95
Legal Costs		-	280.50
Printing, Postage & Stationery		5,364.10	4,951.76
Refreshments for Meetings		340.00	133.20
Rural Village Project - Sweetnam Park		2,601.00	-
Seminars & Demonstrations		200.00	-
Subscriptions, Memberships & Registrations		198.00	385.00
Sundry Expenses		-	0.43
Telephone, Web & Meeting Expenses		485.00	-
		<u>57,567.19</u>	<u>27,980.25</u>
Profit (Loss) from ordinary activities before income tax		<u>(7,015)</u>	<u>16,522</u>

The accompanying notes form part of these financial statements.

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**BALANCE SHEET
AS AT 31 JANUARY 2010**

	Note	2010 \$	2009 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents		18,016.62	27,034.12
Trade and other receivables	2	1,757.90	1,202.79
Prepayments		4,820.85	4,731.73
TOTAL CURRENT ASSETS		<u>24,595.37</u>	<u>32,968.64</u>
NON-CURRENT ASSETS			
Property, plant and equipment	3	312,165.69	308,005.24
TOTAL NON-CURRENT ASSETS		<u>312,165.69</u>	<u>308,005.24</u>
TOTAL ASSETS		<u>336,761.06</u>	<u>340,973.88</u>
LIABILITIES			
CURRENT LIABILITIES			
Sundry Creditors		544.50	-
TOTAL CURRENT LIABILITIES		<u>544.50</u>	<u>-</u>
NON-CURRENT LIABILITIES			
Loan - Southern Cross Credit Union Ltd		53,359.27	55,955.08
TOTAL NON-CURRENT LIABILITIES		<u>53,359.27</u>	<u>55,955.08</u>
TOTAL LIABILITIES		<u>53,903.77</u>	<u>55,955.08</u>
NET ASSETS		<u>282,857.29</u>	<u>285,018.80</u>
MEMBERS' FUNDS			
Retained earnings	4	282,857.29	285,018.80
TOTAL MEMBERS' FUNDS		<u>282,857.29</u>	<u>285,018.80</u>

The accompanying notes form part of these financial statements.

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 JANUARY 2010

1 Statement of Significant Accounting Policies

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act New South Wales. The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Plant and equipment

Plant and equipment are measured on the cost basis.

The carrying amount of plant and equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the assets' employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

Depreciation

The depreciable amount of all fixed assets including building and capitalised lease assets is depreciated on a straight-line basis over the asset.

The assets' residual values and useful lives are reviewed and adjusted, if appropriate, at each balance date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the income statement. When revalued assets are sold, amounts included in the revaluation relating to that asset are transferred to retained earnings.

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 JANUARY 2010**

Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the entity becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the association commits itself to either purchase or sell the asset (ie trade date accounting adopted).

Financial instruments are initially measured at fair value plus transactions costs except where the instrument is classified 'at fair value through profit or loss' in which case transaction costs are expenses to profit or loss immediately.

Impairment of Assets

At each reporting date, the association reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value-in-use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

Where it is not possible to estimate the recoverable amount of an individual asset, the association estimates the recoverable amount of the cash-generating unit to which the asset belongs.

Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at-call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 JANUARY 2010**

Revenue and Other Income

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. Any consideration deferred is treated as the provision of finance and is discounted at a rate of interest that is generally accepted in the market for similar arrangements. The difference between the amount initially recognised and the amount ultimately received is interest revenue.

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Revenue recognition relating to the provision of services is determined with reference to the stage of completion of the transaction at reporting date and where outcome of the contract can be estimated reliably. Stage of completion is determined with reference to the services performed to date as a percentage of total anticipated services to be performed. Where the outcome cannot be estimated reliably, revenue is recognised only to the extent that related expenditure is recoverable.

Comparative Figures

Comparative figures have been adjusted to conform to changes in presentation for the current financial year where required by accounting standards or as a result of changes in accounting policy.

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 JANUARY 2010

	2010	2009
	\$	\$
2 Trade and Other Receivables		
Current		
Trade Debtors	<u>1,757.90</u>	<u>1,202.79</u>
<p>The association does not hold any financial assets whose terms have been renegotiated, but which would otherwise be past due or impaired.</p>		
3 Property, Plant and Equipment		
Total Property, Plant and Equipment	<u>312,165.69</u>	<u>308,005.24</u>
4 Retained Earnings		
Accumulated losses at the beginning of the financial year	(23,299.94)	(39,821.48)
(Net loss) Net profit attributable to the association	(7,014.96)	16,521.54
Vested Property - Uki Community Asset	<u>313,172.19</u>	<u>308,318.74</u>
Retained earnings at the end of the financial year	<u>282,857.29</u>	<u>285,018.80</u>

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

STATEMENT BY MEMBERS OF THE COMMITTEE

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 1 to 7:

1. Presents a true and fair view of the financial position of Uki Village & Districts Residents Association Inc. as at 31 January 2010 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Uki Village & Districts Residents Association Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President: Samuel Quint
Sam Quint

Treasurer: Philip Carr
Philip Carr

Dated this 6th day of July 2010

**INDEPENDENT AUDITOR'S REPORT
TO THE MEMBERS OF UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

Scope

The Special Purpose Financial Report and Committee's Responsibility

The financial report comprises the balance sheet, profit and loss statement, accompanying notes to the financial statements, and the statement by members of the committee for Uki Village & Districts Residents Association Inc. (the association), for the year ended 31 January 2010.

The committee of the association is responsible for the preparation and true and fair presentation of the financial report and have determined that the accounting policies used and described in Note 1 to the financial statements which form part of the financial report are consistent with the financial reporting requirements of the Associations Incorporations Act 1984 New South Wales and the Charitable Fundraising Act 1991 (NSW) and its Regulations and are appropriate to meet the needs of the members. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling the committee's financial reporting requirements under the Associations Incorporations Act New South Wales , the Charitable Fundraising Act 1991 (NSW) and its Regulations, and the Commonwealth of Australia (Department of Transport & Regional Services) Deed of Agreement. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

Audit Approach

We conducted an independent audit in order to express an opinion to the members of the association. Our audit was conducted in accordance with Australian Auditing Standards, in order to provide reasonable assurance as to whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgment, selective testing, the inherent limitations of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with the accounting policies as described in Note 1, so as to present a view which is consistent with our understanding of the company's financial position. These policies do not require the application of all Australian Accounting Standards and other mandatory professional reporting requirements in Australia. No opinion is expressed as to whether the accounting policies used, and described in Note 1, are appropriate for the needs of the members.

We formed our audit opinion on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report, and
- assessing the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by the committee.

While we considered the effectiveness of management's internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide assurance on internal controls.

**INDEPENDENT AUDITOR'S REPORT
TO THE MEMBERS OF UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Audit Opinion

In our opinion, the financial report of Uki Village & Districts Residents Association Inc. presents a true and fair view in accordance with the accounting policies described in Note 1 to the financial statements, the financial position of Uki Village & Districts Residents Association Inc. as at 31 January 2010 and the results of its operations for the year then ended.

Name of Firm: Jenkins Mayberry & Associates
Public Accountants

Name of Partner: _____
Damien Jenkins - Registered Company Auditor (00603)

Address: 20 King Street, Murwillumbah NSW 2484

Dated this 6 day of JULY 2010

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

CERTIFICATE BY MEMBERS OF THE COMMITTEE

I, Sam Quint (President) of and I, Philip Carr (Treasurer) of 35 Meadow Place, Uki NSW 2484 certify that:

- (a) We are members of the committee of Uki Village & Districts Residents Association Inc..
- (b) We attended the annual general meeting of the association held on .
- (c) We are authorised by the attached resolution of the committee to sign this certificate.
- (d) This annual statement was submitted to the members of the association at its annual general meeting.

Committee Member: Samuel Quint
Sam Quint (President)

Committee Member: Philip Carr
Philip Carr (Treasurer)

Dated this 6th day of July 2010

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010

	2010 \$	2009 \$
INCOME		
Advertising & Map Sales	6,205.90	4,898.00
Grants Received	14,850.00	2,601.00
Other Fundraising	1,385.00	10,553.04
Rent Received	26,041.33	25,719.65
Sundry Income	115.00	-
	<u>48,597.23</u>	<u>43,771.69</u>
OTHER INCOME		
Donations Received	1,500.00	91.00
Interest Received	380.00	574.10
Subscriptions Received	75.00	65.00
	<u>1,955.00</u>	<u>730.10</u>
	<u>50,552.23</u>	<u>44,501.79</u>
EXPENSES		
Accountancy & Audit Fees	544.50	544.50
Advertising	-	303.70
Asset Replacements	4,853.45	-
Bank Charges	36.00	36.00
Buttery Power, Rates & Maintenance	4,931.86	4,390.86
Cleaning & Rubbish Disposal	444.38	689.56
Community Projects	2,578.16	889.55
Consulancy Fees	7,000.00	-
Community Action Plan	-	1,200.00
Depreciation	693.00	313.00
Donations	14,756.64	1,366.00
Fundraising Expenditure	100.00	-
Insurance	7,872.91	6,911.24
Interest Paid	4,568.19	5,584.95
Legal Costs	-	280.50
Printing, Postage & Stationery	5,364.10	4,951.76
Refreshments for Meetings	340.00	133.20
Rural Village Project - Sweetnam Park	2,601.00	-
Seminars & Demonstrations	200.00	-
Subscriptions, Memberships & Registrations	198.00	385.00
Sundry Expenses	-	0.43
Telephone, Web & Meeting Expenses	485.00	-
	<u>57,567.19</u>	<u>27,980.25</u>
(Loss) Profit before income tax	<u>(7,014.96)</u>	<u>16,521.54</u>

The accompanying notes form part of these financial statements.

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010**

	2010	2009
	\$	\$
WORKING ACCOUNT		
OTHER INCOME		
Advertising & Map Sales	6,205.90	4,898.00
Grants Received	-	2,601.00
Other Fundraising - Raffles & Functions	-	9,750.04
Sundry Income	115.00	-
Donations Received	1,500.00	91.00
Interest Received	13.20	43.05
Subscriptions Received	75.00	65.00
	<u>7,909.10</u>	<u>17,448.09</u>
EXPENSES		
Accountancy & Audit Fees	544.50	544.50
Bank Charges	36.00	36.00
Community Projects	578.16	889.55
Community Action Plan	-	1,200.00
Donations	11,906.64	1,366.00
Fundraising Expenditure	100.00	-
Insurance	2,609.59	185.89
Legal Costs	-	280.50
Printing & Stationery	5,164.10	4,904.81
Refreshments for Meetings	-	133.20
Subscriptions, Memberships & Registrations	198.00	385.00
Sundry Expenses	-	0.43
Telephone, Web & Meeting Expenses	485.00	-
	<u>21,621.99</u>	<u>9,925.88</u>
NET PROFIT (LOSS)	<u>(13,712.89)</u>	<u>7,522.21</u>

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010

	2010	2009
	\$	\$
UKI BUTTER FACTORY		
OTHER INCOME		
Other Fundraising - Markets	1,385.00	803.00
Rent Received	26,041.33	25,719.65
Interest Received	366.80	531.05
	<u>27,793.13</u>	<u>27,053.70</u>
EXPENSES		
Advertising	-	303.70
Asset Replacements	4,853.45	-
Buttery Power, Rates & Maintenance	4,931.86	4,390.86
Cleaning & Rubbish Disposal	444.38	689.56
Depreciation	693.00	313.00
Insurance	5,263.32	6,725.35
Interest Paid - Buttery Purchase	4,568.19	5,584.95
Printing & Stationery	-	46.95
	<u>20,754.20</u>	<u>18,054.37</u>
NET PROFIT	7,038.93	8,999.33

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010**

	2010	2009
	\$	\$
<hr/>		
2005 RURAL VILLAGES DEVELOPMENT GRANT		
EXPENSES		
Rural Village Project - Sweetnam Park Playground Equipment	2,601.00	-
NET PROFIT (LOSS)	<u>(2,601.00)</u>	<u>-</u>

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010**

	2010 \$	2009 \$
2008 VOLUNTEER GRANTS PROGRAM		
OTHER INCOME		
Grants Received - 2008 Volunteer Grants Program	2,850.00	-
EXPENSES		
Donations	2,850.00	-
NET PROFIT	<u>-</u>	<u>-</u>

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010

	2010	2009
	\$	\$
UKI SUSTAINABILITY PROJECT		
OTHER INCOME		
Dept. State & Regional Development	10,000.00	-
EXPENSES		
Consulancy Fees	7,000.00	-
Printing, Postage & Stationery	200.00	-
Refreshments for Meetings	340.00	-
Seminars & Demonstartions	200.00	-
	<u>7,740.00</u>	<u>-</u>
NET PROFIT	<u>2,260.00</u>	<u>-</u>

**UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991**

**DEPARTMENTAL TRADING, PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010**

	2010 \$	2009 \$
2008 COUNTRY ARTS SUPPORT PROGRAM		
OTHER INCOME		
Grants Received - 2008 Country Arts Support Program	2,000.00	-
EXPENSES		
Community Projects	2,000.00	-
NET PROFIT	<u>-</u>	<u>-</u>

UKI VILLAGE & DISTRICTS RESIDENTS ASSOCIATION INC.
ABN 99 771 241 991

PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 31 JANUARY 2010

	2010 \$	2009 \$
INCOME		
Advertising & Map Sales	6,205.90	4,898.00
Grants Received	14,850.00	2,601.00
Other Fundraising	1,385.00	10,553.04
Rent Received	26,041.33	25,719.65
Sundry Income	115.00	-
	<u>48,597.23</u>	<u>43,771.69</u>
OTHER INCOME		
Donations Received	1,500.00	91.00
Interest Received	380.00	574.10
Subscriptions Received	75.00	65.00
	<u>1,955.00</u>	<u>730.10</u>
	<u>50,552.23</u>	<u>44,501.79</u>
EXPENSES		
Accountancy & Audit Fees	544.50	544.50
Advertising	-	303.70
Asset Replacements	4,853.45	-
Bank Charges	36.00	36.00
Buttery Power, Rates & Maintenance	4,931.86	4,390.86
Cleaning & Rubbish Disposal	444.38	689.56
Community Projects	2,578.16	889.55
Consultancy Fees	7,000.00	-
Community Action Plan	-	1,200.00
Depreciation	693.00	313.00
Donations	14,756.64	1,366.00
Fundraising Expenditure	100.00	-
Insurance	7,872.91	6,911.24
Interest Paid	4,568.19	5,584.95
Legal Costs	-	280.50
Printing, Postage & Stationery	5,364.10	4,951.76
Refreshments for Meetings	340.00	133.20
Rural Village Project - Sweetnam Park	2,601.00	-
Seminars & Demonstrations	200.00	-
Subscriptions, Memberships & Registrations	198.00	385.00
Sundry Expenses	-	0.43
Telephone, Web & Meeting Expenses	485.00	-
	<u>57,567.19</u>	<u>27,980.25</u>
(Loss) Profit before income tax	<u><u>(7,014.96)</u></u>	<u><u>16,521.54</u></u>

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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17 [CNR-CM] Request for "In Kind" Support/Waive fee

ORIGIN:

Community and 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:-

- 1. With reference to the request from Tweed Valley Banana Festival, provides the Murwillumbah Civic Centre:**
 - (a) For a reduced fee of \$789 of the full fee of \$1548 on 9 to 13 August 2011 for the Fashion Parade.**
 - (b) For a reduced fee of \$386 of the full fee of \$568 on 18 to 19 August 2011 for the Banana Festival Ball.**
 - (c) Declines the request to pay the fee for hire of the catwalk for the Fashion Parade.**

and that Council support is recognised with the following acknowledgement "this programme has been supported by Tweed Shire Council".

- 2. With reference to the request from Tweed Gold Coast Family History & Heritage Association Inc, provides the Tweed Heads Civic Centre for a reduced fee of \$1562 of the full fee of \$3124 on 12 to 14 August 2011 for the Antique Fair and that Council 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?
Tweed Valley Banana Festival	Request for waiver of fees for hire of Murwillumbah Civic Centre Auditorium on 9, 10, 11, 12, 13, 18 and 19 August 2011.	\$1175	That the hire fee of \$2116 be reduced to \$1175. That the request to pay the fee for the hire of the catwalk be declined.	Yes
Tweed Gold Coast Family History & Heritage Association Inc.	Request for waiver of fees for hire of Tweed Heads Civic Centre on 12, 13, 14 August 2011.	\$1562	That the hire fee of \$3124 be reduced to \$1562.	Yes

A copy of each of the requests is reproduced below.



TWEED VALLEY BANANA FESTIVAL

Po Box 603, Murwillumbah NSW 2484

Phone: (02) 6672 6186
Fax: (02) 6672 7766

Website: www.bananafestival.org
Email: info@bananafestival.org
ABN: 56 296 301 754
CORPORATION No: Y06901-28

LICENCE - LIQUOR

DONATIONS
CIVIC CENTRE - M/BAH - HIRE
FESTIVALS - TWEED VALLEY

TWEED SHIRE COUNCIL	
FILE No:	BANANA
DOC No:	
REC'D:	12 APR 2011
ASSIGNED TO:	CORBETT, G
WASH COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

March 31, 2011

Tweed Shire Council
Tumbulgum Road
Murwillumbah NSW 2484
The General Manager
Mr. Mike Raynor



Re: 2011 Tweed Valley Banana Festival



Dear Mike,

Preparations for this year's Tweed Valley Banana Festival are well under way.

We again seek councils support for the staging of this event.



Murwillumbah Civic Centre Auditorium

We again seek to use their Civic Centre on the following dates.

Fashion Parade

Rehearsals and catwalk set up – Tuesday 9th –Thursday 11th August
Fashion Parade Event – Friday 12th August
Cleanup and dismantle – Saturday 13th August



As in previous years the council has donated the use of the Auditorium and has also paid the hire fee for the catwalk as part as their contribution.



We also seek consent for liquor to be sold at this event and copies of the relevant function license will be made available to council.

Banana Festival Ball

Set up Thursday 18th August after 4pm
Ball Event –Friday 19th August. The event will finish no later than 12.00 Midnight and the venue will be cleaned at the completion of the event.



We also seek consent for liquor to be sold at this event and copies of the relevant function license will be made available to council.



These dates have been tentatively booked with David Martain.



Tweed River Spectacular

Budd Park – Alma Street

As per attached map.

Please see attached list for barricades needed for the staging of this event.

We will again be staging the Tweed River Spectacular on Sunday 14th August and we request permission to utilise Budd Park foreshore for spectators at this event.

We again will liaise with the information centre with regards to closure of part of the Budd Park car park to hold stall holders.

To enable us to apply to waterways for the closure of the River, to stage this event, we require a letter of consent from council for the use of Budd Park, to be attached to the application, and therefore we request this letter at your earliest convenience.

We will again be applying for additional garbage bins to be provided for this event. Please find Waste Management Plan for Special Events attached.

Street Parade

20th August

As per attached route.

Please see attached list for barricades needed for the staging of this event.

We request permission from the traffic authority for the closure of the route as shown in the diagram from the Murwillumbah Showground to Nullum Street Knox Park from 12 noon to 1.30pm. We will undertake the necessary advertising and erect signage at key points advertising street closure the week prior to the parade so the general public is aware of the changes to traffic conditions. We will be employing SES again for traffic control to enable single lane traffic flow in and out of town via the Murwillumbah Bridge during the parade. We will liaise with all emergency services, police ambulance and bus companies and make them aware of the changing traffic conditions.

Family Fun Day

20th August

Knox Park

We will again be staging the family fun day in Knox Park and be utilising the area as depicted in the attached map.

We again request consent to close the Knox Park Parking area from 6am to 4pm to enable pedestrian traffic and stalls to utilize this area,

Copies of public liability covers and approval to operate as food vendors will be required from all stall holders and ride operators.

We will be also applying for additional garbage bins for use on the day. Please find Waste Management Plan for Special Events attached.

We would be more than happy to discuss our proposals with any relevant council departments or provide any additional information you may need to assess our application.

Sincerely,



Chris Chrisostomos
Tweed Valley Banana Festival coordinator
02 66 72 6186 a/h 0438 322 698



QBE INSURANCE (AUSTRALIA) LIMITED
ABN 78 003 591 030
International Reclaim:
100 Edward Street
Brisbane QLD 4000
Postal Address & Enquiries
Care of:
Mr Alex Demitrowic
Axis Risk Services Australia Limited
GPO Box 63
Brisbane QLD 4001
Telephone: (07) 3223 7456
Facsimile: (07) 3223 7322

Broker:

Certificate of Currency

Policy number AO 0008958 PLB

Name of Insured Rotary Club of Murwillumbah Central

Type of Insurance Public and Products Liability

Cover QBE will pay in respect of Personal Injury or Property Damage first happening during the Period of Insurance and caused by an Occurrence within the Territorial Limits in connection with Your Business.

Limit of Liability Public \$50,000,000 any one Occurrence
Products \$50,000,000 any one Occurrence & in the aggregate for all injury or damage occurring during the period of insurance.

Period of Insurance From 4.00 pm on 30 June 2010 to 4.00 pm on 30 June 2011

This Certificate has been signed on behalf of QBE Insurance (Australia) Limited at:

Brisbane this 8th day of July 2010

Signed

Service Manager
QBE Intermediary Distribution

Murwillumbah Central

Tweed Gold Coast Family History & Heritage Association Inc

PO Box 6729 Tweed Heads South 2486

Attention Mr Gary Corbett

*Tweed Shire Council
PO Box 816
MURWILLUMBAH 2484*

Donations

TWEED SHIRE COUNCIL	
FILE No:	<i>CIVIC CENTRE - TH - H RE</i>
DOC. No:
RECD:	<i>- 3 MAY 2011</i>
ASSIGNED TO:	<i>CORBETT, G</i>
HARD COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

28 Apr 2011

Dear Mr Corbett,

On behalf of the Tweed Gold Coast Family History and Heritage Association Inc. Committee, I am asking for the Council's consideration in reducing the cost of hiring the Tweed Heads Civic Centre for this year's Antique Fair, to be held from Friday 12th August 2011 to Sunday 14th August 2011.

This will be our 13th year holding this fair, which brings in many antique dealers and interested people from all over Australia to our Shire.

We are a non-profit organisation and this is our only fund raising event for the year.

We also ask for the advertising signs, announcing the Fair, to be placed outside the Civic Centre for two weeks before the Fair and if we could place a number of small signs at strategic places within the shire from Friday 12th to Sunday 14th.

Yours faithfully



*Ducie Hood
President & Fair Organiser*

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

18 [EO-CM] Tweed Valley Way, Burringbar - Application to Close and Purchase Part of Road Reserve

ORIGIN:

Design

FILE NO: GR3/12/9

SUMMARY OF REPORT:

Council has received an application to close and purchase part of a road reserve adjacent to Lot A in DP 366531, Tweed Valley Way at Burringbar. The section of road proposed to be closed is an area of approximately 239m² and contains significant encroachments from Lot A including an in ground swimming pool and house decking.

The road closure would not impact in any way on any properties adjacent to Lot A, nor would it interfere with any public use. Tweed Valley Way is of variable width between 50-75m at this point and as such a closure of this size should not interfere with any future road widening requirements.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have a detrimental impact. There are no environmental impacts apparent at the site.

The majority of vegetation including trees present in the location appear to have been planted by the original owners of Lot A and would not be affected by the closure of the section of road reserve.

RECOMMENDATION:

That:

- 1. Council approves the closure of part of the road reserve adjacent to Lot A in DP 366531, Tweed Valley Way, Burringbar;**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. The title of the closed road be consolidated with the adjacent land;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received an application to close and purchase part of a road reserve adjacent to Lot A in DP 366531, Tweed Valley Way at Burringbar. The section of road proposed to be closed is an area of approximately 239m² and contains significant encroachments from Lot A including an in ground swimming pool and house decking.

The road closure would not impact in any way on any properties adjacent to Lot A, nor would it interfere with any public use. Tweed Valley Way is of variable width between 50-75m at this point and as such a closure of this size should not impact upon any future road widening requirements.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have a detrimental impact. There are no environmental impacts apparent at the site.

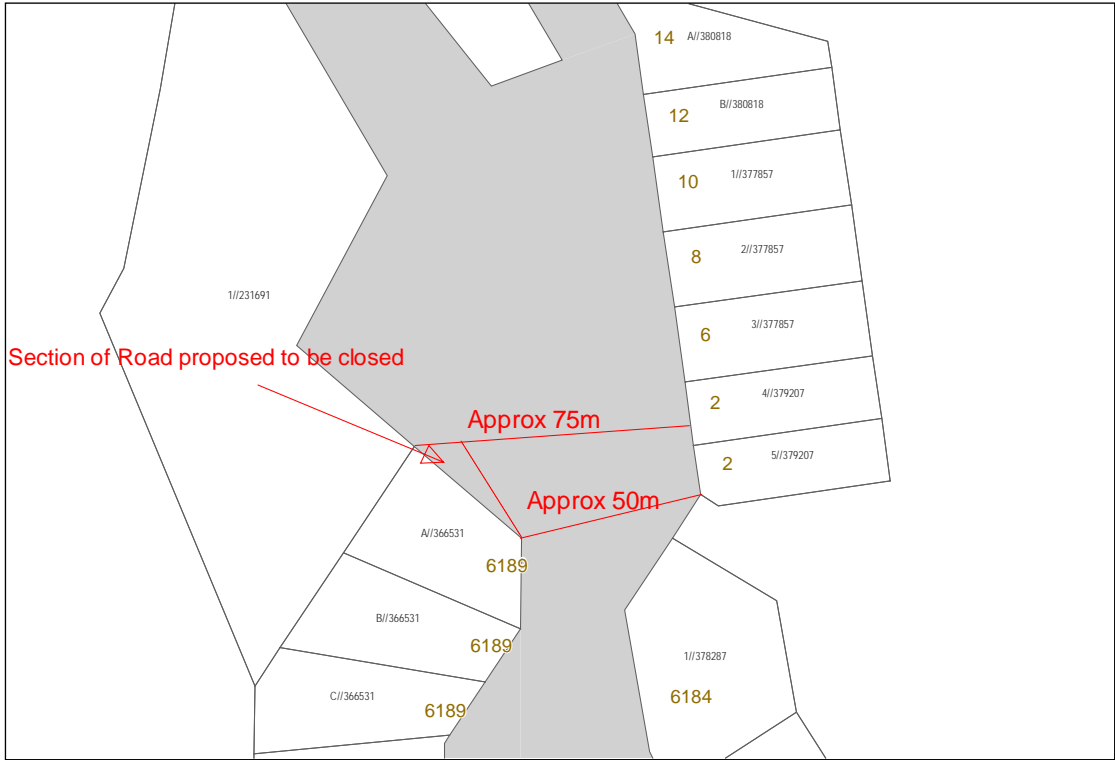
The majority of vegetation including trees present in the location appear to have been planted by the original owners of Lot A and would not be affected by the closure of the section of road reserve.

A copy of the full application including photos of the area is attached for further information. As this is a private application containing personal information the attachment is of a confidential nature.

Plan showing area proposed to be closed (approximately 239m²):



Plan showing approximate road width:



Aerial view showing encroachment of swimming pool into road reserve



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

19 [EO-CM] Banner Lane, Murwillumbah - Application to Close and Purchase Part of Road Reserve

ORIGIN:

Design

FILE NO: GR3/12/7

SUMMARY OF REPORT:

Council has received an application to close and purchase part of the Banner Lane road reserve adjacent to Lot A in DP 378525 in Murwillumbah to allow for a carport/garage subject to Council approval.

RECOMMENDATION:

That Council approves advertising the proposed closure of part of the road reserve adjacent to Lot A in DP 378525, Banner Lane Murwillumbah.

REPORT:

Council has received an application to close and purchase part of the Banner Lane road reserve adjacent to Lot A in DP 378525 in Murwillumbah to allow for a carport/garage subject to Council approval.

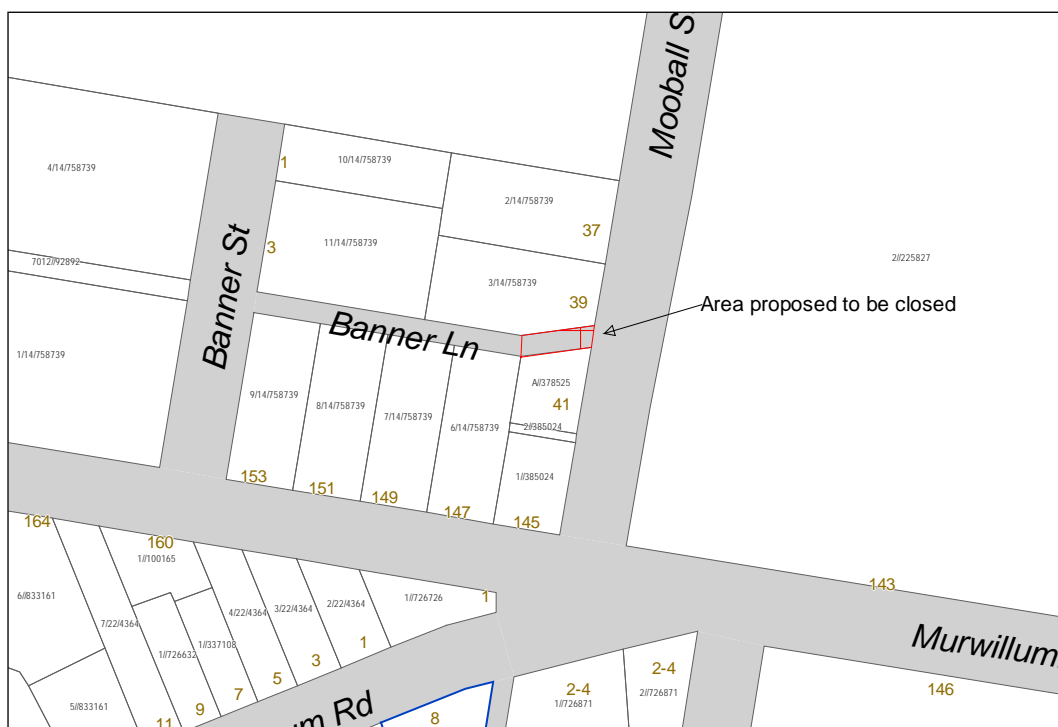
The applicant has to date experienced several incidents involving car theft and extensive damage over the period of October 2010 to March 2011. The applicant is seeking to close a small section of Banner Lane which is currently not in use by the public, to provide secure off street parking for their vehicles as well as a safe ingress/egress to the vehicles for their young children.

The road closure would not impact in any way on the properties either side of Lot A, nor would it interfere with any public use. Consent has been sought and provided by the neighbouring property to the closure.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have a detrimental impact. There are no environmental impacts apparent at the site. The applicant does not wish to remove any existing vegetation for the purpose of construction of the garage/carport structure.

A copy of the full application including photos of the area is attached for further information. As this is a private application containing personal information the attachment is of a confidential nature.

Plan showing area proposed to be closed (approximately 134m²):



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. **Confidential Attachment** (ECM 31510062).
-

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20 [EO-CM] EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour

ORIGIN:

Contracts

FILE NO: EC2010-216

SUMMARY OF REPORT:

At the Council meeting of 14 December 2010 it was resolved that "Tenders be called for design and construction of the Amenities Block at Jack Evans Boat Harbour".

This report outlines the subsequent tender process for tender EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour. Recommendations have been formulated based on the Selection Criteria which are contained in the Tender Evaluation Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report.

It is recommended that Council accepts the tender of Benjamin Construction and Development Pty Ltd for the design and construction of an amenities block at Jack Evans Boat Harbour.

Attachment A is **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 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 tender from Benjamin Construction and Development Pty Ltd be accepted to the value of \$464,809.00 exclusive of GST for tender EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour.**
- 2. The General Manager be given delegated authority to approve variations up to \$150,000 (inclusive of GST) above the initial tender price and those variations be reported to Council following completion of the works.**

- 3. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Background

Council tender EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour was advertised as an open tender following the resolution at the Council meeting of 14 December 2010. The concept design was subsequently completed by an architectural consultant and an application made for a Development Approval. This was issued on 15 April 2011.

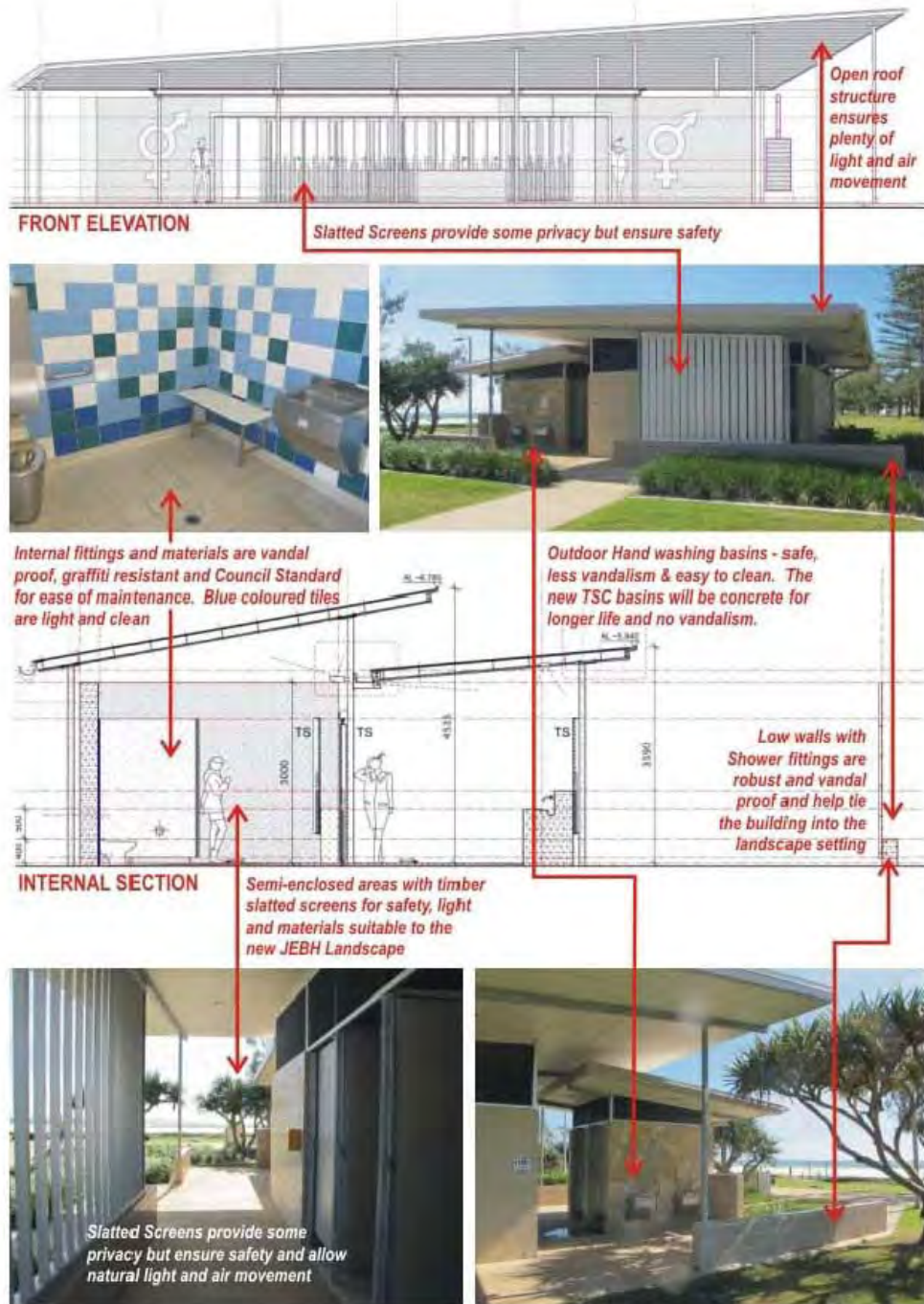
The amenities block will comprise of:

- Eight unisex water closets and associated appliances
- Two bathrooms for persons with a disability
- Two cleaner/storage rooms
- An external hand wash bay and a row of public showers
- Two rainwater tanks complete with pressure pump.

The concept requires the block to be of a high quality architectural design form and finish. In addition to occupying a complex wedge shape site with maximum function and public amenity the design and fittings prioritise low maintenance, minimise vandalism and graffiti and maximise public safety. All materials and fixtures have been selected to reflect the high design quality of the already popular new Jack Evans Boat Harbour landscape.

As noted above, the architectural consultant has only prepared a set of concept drawings. The tender includes further detailed design in addition to the construction of the amenities block.

The images below show toilet and shower facilities recently installed at Kirra beach by Gold Coast City Council. The facility and budget are comparable to that of the proposed Jack Evans Boat Harbour toilet block and reflect 'worlds best practice' in design, integration in the landscape setting and safety and general public amenity for high use parklands.



Tenders Received

A total of six tenders were received in the tender box at the closing time of 4.00pm (DST) on 23 March 2011.

The following tenders were received:

Benjamin Construction and Development Pty Ltd
 Bilas Knight Pty Ltd
 Hopedale Services
 Integrated Construction and Development Group
 Jamieson Developments Pty Ltd
 JVJ Constructions

Tender Evaluation

The Tender Evaluation was carried out by a Tender Evaluation Panel consisting of Senior Contracts Engineer, Building and Recreation Assets Coordinator and Project Coordinator Recreation Services. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, 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 non-price criteria. 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.

The following selection criteria and weightings were determined prior to the issuing of the tender:

Criterion	Weighting
Tender price	50%
Experience and level of performance on similar work	20%
Available resources	10%
Delivery methodology	20%
Total	100%

Based on the Tender Evaluation, it is recommended that the tender of Benjamin Construction and Development Pty Ltd, to value of \$464,809.00 (exclusive of GST), be accepted for EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour.

Details of Benjamin Construction and Development Pty Ltd relative competitiveness are shown in the Tender Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This tender process is in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005.

Funding is provided from Contributions Plan No 26.

POLICY IMPLICATIONS:

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure and Tendering Procedures.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. **Supplementary Confidential Attachment A** (ECM 32586226).
-

21 [EO-CM] Lake Kimberley - Land Acquisition for Road Purposes

ORIGIN:

Design

FILE NO: GS4/98/32

SUMMARY OF REPORT:

In 1998 Council negotiated the acquisition of an area of land for road widening, being part of Darlington Drive, Banora Point. The land was required for the construction of a cycleway and footpath adjacent to Lake Kimberley at Banora point. A plan dedicating the land as road was registered in May 1998.

The landowner's solicitor has now made a formal request for payment of the compensation, recently determined by a valuer and based on 1998 land values, to be \$10,900 together with interest accruing to date of payment, currently around \$6,500, and his legal costs.

There is no objection to the quantum of compensation made by the valuer

An investigation of Council records indicates that no payment of compensation was made at the time of the dedication of the land. It is recommended that Council pay the compensation payable, together with accrued interest and legal costs incurred by the landowner.

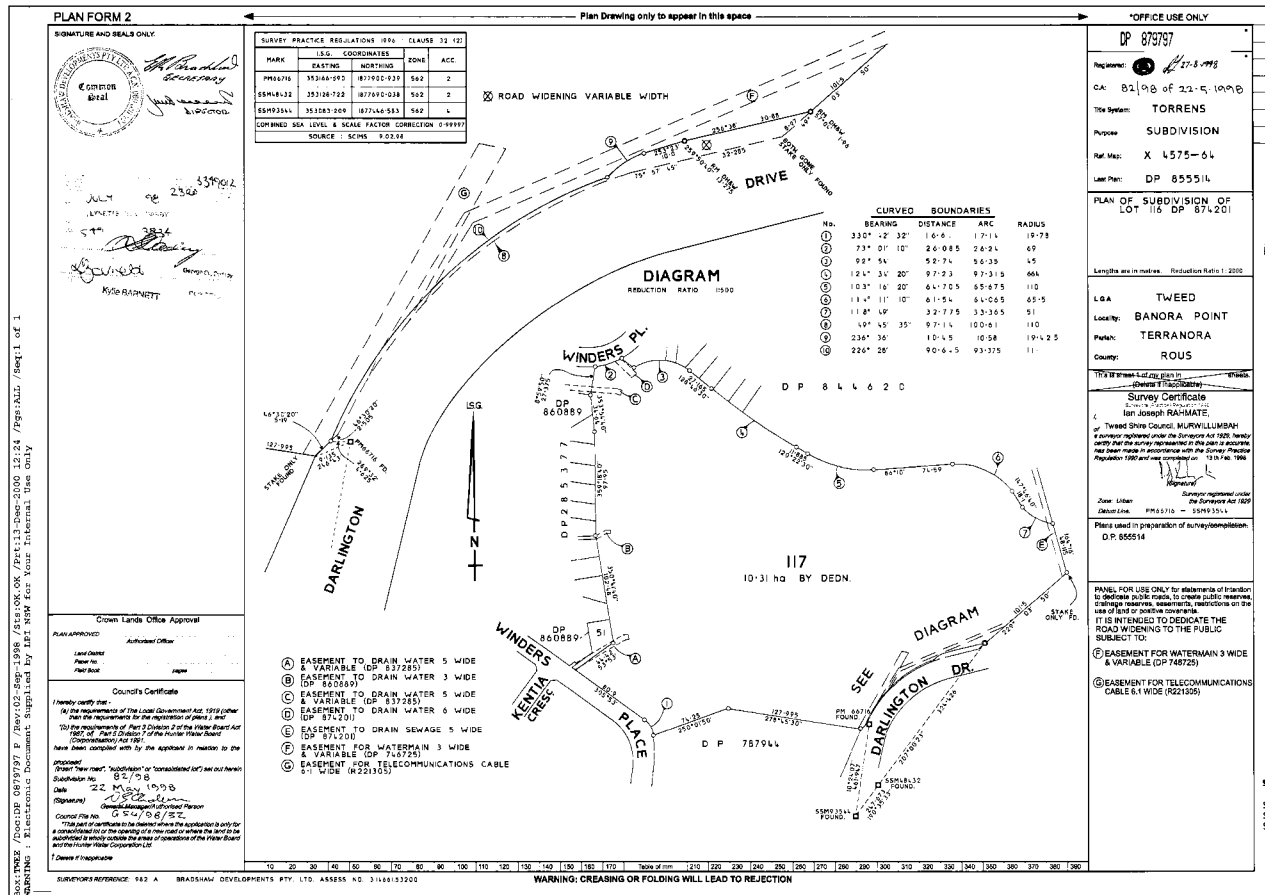
RECOMMENDATION:

That Council pays compensation in the sum of \$10,900, together with accrued interest and legal costs incurred by the landowner for the acquisition of land for road widening at Darlington Drive, Banora Point.

REPORT:

In 1998 Council negotiated the acquisition of an area of land for road widening, being part of Darlington Drive, Banora Point, near Lake Kimberley. Compensation was never paid at the time of the dedication of the land when DP 879797 was registered.

DP 879797 is shown below, the diagram within the plan highlights the road widening:



The landowner's solicitor has now made a formal request for payment of the compensation which has been determined, based on 1998 land values, to be \$10,900, together with interest accruing to date of payment, currently around \$6,500, and his legal costs.

An investigation of Council records reveals that correspondence, dated 10 June 1997, was received from the landowner's former solicitor detailing an arrangement whereby Council would undertake works consisting of the relocation of a water main as well as cover the legal and survey costs for the road widening.

Further, that a valuation would be undertaken to determine the compensation payable when the plan was registered.

Consent from the landowner to the acquisition for road widening was received by Council on 6 May 1998.

Shortly thereafter, the plan of road subdivision for road widening was registered on 22 May 1998, bearing the signature and common seal of the corporate landowner.

Our records show no further correspondence with regard to the valuation or payment of compensation following the registration of the plan. Council's financial records show that no payments were made to the landowner or his solicitor in the 1997/98 or 1998/1999 financial years.

It is understood the relocation of the water main was completed by Council to allow construction of the cycleway and footway.

It can be deduced that no compensation has been paid and it is recommended that Council pay the compensation, together with the accrued interest and legal costs immediately to avoid any further accrual of interest and to remedy the apparent oversight of this matter.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

That the funds be voted from the Land Sale Reserve which holds proceeds of the sale of road reserve which must be used for the purchase of land for road or road works pursuant to section 43(4) of the Roads Act, 1993.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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22 [EO-CM] Disposal of Surplus Land - Quarries at Duroby and Chillingham

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting held on 14 December 2010, Council considered a report on a proposal to dispose of 2 quarries. In summary, the report noted that there are currently only 3 working quarries out of a total of 8 owned and 1 leased quarries, and that the maintenance of the non-working quarries is placing a financial burden on the overall operation. Consequently it was proposed to dispose of 2 of the properties to provide capital for the future development, operation and restoration of the remaining and future quarries. Council resolved to advertise its intentions to dispose of Council's Duroby Quarry and Chillingham Quarry in accordance with Council's Policy on the Disposal of Council Land.

An advertisement was published in the Tweed Link on 18 January, 2011 inviting submissions for a 21 day period. The submission period expired on 8 February, 2011.

No written submissions were received, however, several telephone inquiries were made from prospective purchasers seeking further information.

As no objections to the sale of these two parcels were received, it is recommended that Council seek expressions of interest from estate agents within the Tweed local government area, as required by Council's policy.

Valuations of the land were obtained in September 2010 and the valuer in his comments recommends that the parcels be disposed of by public tender. He notes in each valuation that no services are connected to the parcel and this will require a substantial investment by a purchaser if either parcel is to be developed as a rural residential property. In his review of marketing conditions, he makes the following statement in each valuation:

"As noted under market conditions the market is currently subdued but stable..."

Under current market conditions we strongly recommend against a sale by Auction. In the present market sale by Auction would simply inform potential purchasers as to exactly how many other interested parties exist/do not exist and what price level such parties may be willing to go. This would not be in the vendor's best interest.

We therefore recommend sale by private treaty or by tender."

It is recommended that Council seek expressions of interest from local agents for the sale of these 2 parcels by public tender.

RECOMMENDATION:

That Council:

- 1. Approves the sale by public tender of the Duroby Quarry located at Duroby Creek and comprised in Lot 10 in DP 262383 and Chilcotts Quarry located at Chillingham and comprised in Lot 1 in DP 794307; and**
- 2. Appoints an estate agent within the Tweed local government area, to conduct the sale of these parcels; and**
- 3. Advertises the sale of these parcels by public tender; and**
- 4. Adopts the Probity Plan for the Sale of the Duroby Quarry and Chilcotts Quarry.**
- 5. Allocates the proceeds of the sales to provide capital for the future development, operation and restoration of the remaining and future quarries.**

REPORT:

At its meeting held on 14 December 2010, Council considered a report on a proposal to dispose of 2 quarries. In summary, the report noted that there are currently only 3 working quarries out of a total of 8 owned and 1 leased quarries, and that the maintenance of the non-working quarries is placing a financial burden on the overall operation. Consequently it was proposed to dispose of 2 of the properties to provide capital for the future development, operation and restoration of the remaining and future quarries. Council resolved to advertise its intentions to dispose of Council's Duroby Quarry and Chillingham Quarry in accordance with Council's Policy on the Disposal of Council Land.

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As no objections to the sale of these two parcels were received, it is recommended that Council seek expressions of interest from estate agents within the Tweed local government area, as required by Council's policy.

Valuations of the land were obtained in September 2010 and the valuer in his comments recommends that the parcels be disposed of by public tender. He notes in each valuation that no services are connected either parcel and any development of the parcels will require a substantial investment by a purchaser if either parcel is to be developed as a rural residential property. In his review of marketing conditions, he makes the following statement in each valuation:

"As noted under market conditions the market is currently subdued but stable..."

Under current market conditions we strongly recommend against a sale by Auction. In the present market sale by Auction would simply inform potential purchasers as to exactly how many other interested parties exist/do not exist and what price level such parties may be willing to go. This would not be in the vendor's best interest.

We therefore recommend sale by private treaty or by tender."

The valuations are confidential attachments to this report

Probity Considerations

As the market has not been tested, a public tender process allows a transparent process of disposal to be followed. The interest shown by prospective buyers indicate that there is some interest in the parcels, but these inquiries indicated an interest in continuing the existing use of the quarries.

Disposal by public tender ensures that the disposal is undertaken in a competitive market-based process. This process will allow for market testing, and provide for public consultation in the disposal, which reflects the probity principles of transparency and obtaining value for money.

A probity plan for the disposal of these parcels has been drafted and is attached as a further confidential attachment to this report.

The Probity Plan describes a clear and transparent process by which the parcels are to be disposed of by public tender and it is recommended that Council adopt the Plan to provide clear direction in the disposal of these parcels.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment:** Valuation of Chilcotts Quarry dated 17 September 2010 (ECM 22157499).
 2. **Confidential Attachment:** Valuation of Duroby Quarry dated 17 September 2010 (ECM 22157496).
 3. **Confidential Attachment:** Probity Plan for the Disposal of Duroby Quarry and Chilcotts Quarry (ECM 32626769).
-

23 [EO-CM] Park Naming - Bernadette Kelly Park

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Council invited comment regarding the proposed naming of the park adjacent to the railway crossing in Mooball "Bernadette Kelly Park" in accordance with Council's park naming guidelines.

At the close of comment, one submission was received expressing support for the proposal.

RECOMMENDATION:

That Council names the park adjacent to the railway crossing in Mooball "Bernadette Kelly Park" and erects signage.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [EO-CM] Park Naming - Cudgen Recreation Reserve

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Council has received a request from the Rotary Club of Tweed Coast to name an area in Cudgen known as the Cudgen Recreation Reserve the 'John Robb Recreational Reserve'. The request states that John Robb donated the land in 1909 and that for this he should be recognised.

An investigation into the land titles and deeds show that there is no evidence that John Robb donated the land in 1909, but it appears that the land was sold to the Colonial Sugar Refining Company by the Executor of John Robb's estate in 1912. The Colonial Sugar Refining Company transferred the land in Trust in 1935 with the title of the land referred to in the deeds as the 'Cudgen Recreation Reserve'.

RECOMMENDATION:

That Council confirms the name of the recreation land south of the Cudgen Primary School as shown in this report as 'Cudgen Recreation Reserve'.

REPORT:

Council has received a request from the Rotary Club of Tweed Coast to name an area in Cudgen known as the Cudgen Recreation Reserve the 'John Robb Recreational Reserve'. The request states that John Robb donated the land in 1909 and that for this he should be recognised.



**ROTARY CLUB
OF
TWEED COAST
INCORPORATED**
INC 9893270
District 9640 Club 82179
PO Box 132
Cabarita Beach NSW 2488



The General Manager
Tweed Shire Council
Box 814
Murwillumbah. NSW 2484
Dear Sir

13th January 2011 *MEMORIALS*
CUDGEN NATURE RESERVE
TWEED SHIRE COUNCIL
FILE No. *PARKS-NAMING*
DOC. No.:
RECD: 14 JAN 2011
ASSIGNED TO: *BRAWLEY, J*
HARD COPY IMAGE

Re: Naming of Cudgen Community Land

Tweed Coast Rotary has been involved with community consultation for an appropriate name for the land over the past 3 months. Whilst "The Rec" is favoured by some long term members of the Cudgen Community, the name we submit as most favourable is:-

JOHN ROBB RECREATIONAL RESERVE

Other names submitted for consideration were Cudgen Recreational Reserve, with provision for suggested names. If the term "The Rec" was used underneath the name we believe most residents will be accepting, as it's been the unofficial name over the years.

Historically John Robb donated this land in 1909, and we believe he should be given due recognition. The Club is also proposing building a small memorial recognising the Sugar industry and his contribution.

Yours faithfully

Jim King (Treasurer)

Steve Carratt (President)



Figure 1: area subject of this report.

The records held in Council for this portion of land only went back to 1935 when the land was transferred from the Colonial Sugar Refining Company to Stanley Gordon Hollands, Frederick George Dinsey and Meyric Harold Turnock as joint tenants and trustees to the area "known as the Cudgen Recreation Reserve".

A search was ordered on the title to facilitate investigation into the circumstances. All of Portion 7, which included the area known as the Cudgen Recreation Reserve, was owned by John Alexander Robb. Upon his death all of Portion 7 was transferred to the Colonial Sugar Refinery on 24 July 1912. As referred to above, the Colonial Sugar Refining Company Limited transferred a section of Portion 7 to Stanley Gordon Hollands, Frederick George Dinsey and Meyric Harold Turnock as joint tenants and trustees to the area known as the Cudgen Recreation Reserve "to permit and allow the same to be used for all and such classes of recreation as they may deem advisable".

In May 1965, the last surviving trustee Harold Turnock transferred the land to Walter Alwyn Peate and The Council of The Shire of Tweed as joint tenants. In Aug 2010 the land was transferred to Tweed Shire Council as sole owner following the death of Walter Peate.

From the documents reviewed, there is no evidence that John Robb donated the land in 1909, but it appears that the land was sold to the Colonial Sugar Refining Company by the Executor of John Robb's estate in 1912. The Colonial Sugar Refining Company transferred the land in Trust in 1935 with the title of the land referred to in the deeds as the 'Cudgen Recreation Reserve'.

The area has always been known as the Cudgen Recreation Reserve, or iterations of this name such as Cudgen rec Ground and the Rec. Based on the evidence contained in the deeds creating the Trusts for this land, and with consideration to the fact that there is already a street in Cudgen named in recognition of John Robb, it is recommended that Council confirm the name of this area as 'Cudgen Recreation Reserve'.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [EO-CM] Wilsons Park Banora Point Tennis Court

ORIGIN:

Design

SUMMARY OF REPORT:

The Banora Point Upgrade Alliance recently discussed with Council officers if the old dilapidated tennis court could be demolished and reconstructed as park land once the Pacific Highway Banora Point Upgrade is completed.

Comments on the proposal were sought through the Banora Point Progress & Residents Association which indicated that some local residents wish the court to remain and be upgraded.

The Banora Point Upgrade Alliance was then asked if they would be prepared to reinstate the tennis court as part of the Wilsons Park restoration and upgrade which is part of the Highway Upgrade Project. The Alliance response was that they would not be prepared to upgrade the tennis court due to budgetary constraints.

RECOMMENDATION:

That the Banora Point Upgrade Alliance be requested to demolish the Wilsons Park tennis court and reinstate it as parkland to match the approved park upgrade.

REPORT:

The Banora Point Upgrade Alliance recently discussed with Council officers if the old dilapidated tennis court could be demolished and reconstructed as park land once the Pacific Highway Banora Point Upgrade is completed.

Comments on the proposal were sought through the Banora Point Progress & Residents Association which indicated that some local residents wish the court to remain and be upgraded.

The Banora Point Upgrade Alliance was then asked if they would be prepared to reinstate the tennis court as part of the Wilsons Park restoration and upgrade which is part of the Highway Upgrade Project. The Roads and Traffic Authority of NSW Alliance response was that they would not be prepared to upgrade the tennis court due to budgetary constraints.

The issue is that once the Highway Upgrade Project is completed, a high quality passive recreation park will be provided by the Roads and Traffic Authority of NSW but with a dilapidated tennis court in the south eastern corner - see diagram below:



Current and future Recreation services budgets do not contain funding for the upgrade of the tennis court which would be considerable noting the surface is asphaltic concrete with significant cracking, weed infestation and fencing that would need replacement.

The residents' preference is appreciated but the reality is that Wilsons Park will be upgraded to a high standard with a dilapidated and virtually unusable tennis court in the corner which Council will likely need to demolish in the near future for safety reasons. Reinstatement of the tennis court is considered low priority and no funding is available or likely to be available in the near future.

A tennis court complex is provided at Club Banora which is only minutes away from Wilsons Park and at Arkinstall Park, Tweed Heads and Kingscliff.

It is considered the most appropriate action is to request the Roads and Traffic Authority Alliance to demolish the tennis court and reinstate it with parkland to match the Wilson Park upgrade being undertaken by the Alliance.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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26 [EO-CM] Protecting Landscape Values in Subdivisions

ORIGIN:

Director Engineering and Operations

SUMMARY OF REPORT:

At the Council meeting 19 April 2011 it was resolved:

"that Council provides a report on recommendations that could be included in the Council's Subdivision Manual to provide for planning provisions appropriate to further protection of the values of the National Iconic Landscape."

The current DCPA5 provisions require comprehensive identification of existing landscape values of a subdivision development site and specific assessment of impacts of the proposed development on the landscape characteristics of the site and having regard to the "Tweed Shire Scenic Landscape Evaluation 1995" prepared by Catherine Brouwer. The DCP further requires this assessment to illustrate the visual impacts viewed from both inside the development site and as viewed looking in from outside the development site.

Until there is a full overhaul of the scenic landscape policy framework as proposed in the report to Council held 15 February 2011, the existing provisions of DCPA5 provide satisfactory development standards and guidelines to address the landscape visual impacts of proposed subdivisions.

RECOMMENDATION:

That Council endorses the current provisions of Development Control Plan A5 - Subdivision Manual as the most appropriate development standards for addressing landscape visual character of subdivisions until there is a full overhaul of the scenic landscape policy framework as proposed in the report to Council held 15 February 2011.

REPORT:

1. Background

A report on National Iconic Landscape Strategy was presented to the Council meeting held 15 February 2011. This report made the following recommendations

"As a holistic approach to the revitalisation of scenic landscapes as a significant feature of the Tweed and an important component of Council's planning and assessment procedures:

- (a) Review of the 1995 Scenic Landscapes Evaluation:** *This should research innovations in methodology and opportunities to update the already extensive information provided, in a format consistent with current technology capabilities and Council's GIS requirements. This will involve liaison with the local working group and Destination Tweed amongst other local and regional partners. It is estimated that \$15-20,000 will be required to complete this task.*

The Tweed Scenic Landscape Evaluation of 1995 noted that the study did not undertake a comprehensive cultural heritage mapping and recording, such a review would be required. The findings of such a review would provide essential resource material for development of other actions, such as a Scenic Landscape DCP as discussed below, with an estimated cost of \$35-45,000;

- (b) Development of Scenic and Cultural Landscapes Policy:** *This should represent a clear enunciation of the community's expectations for the protection of the scenic amenity and character of the Tweed through a clear statement of intent in a Council policy for protection and enhancement of the Shire's scenic landscape. Consultation and engagement of the community in development of the policy will be integral for the development of a document which is relevant, well targeted, owned by the community, and efficiently applied by Council;*
- (c) Review of planning mechanisms:** *This would include the development of new strategies and regulations, and review of existing controls, for the integration of scenic landscape planning and assessment into Council's planning processes, including, but not limited to preparation of a scenic landscape development control plan, and integration into Council's broader planning framework, through which certainty about assessment and management of proposals likely to adversely impact the scenic landscapes of the Shire are properly identified, investigated and reported on.*
- (d) Preparation of planning, assessment and review guidelines:** *With the completion of the actions above would come the need for preparation of guidelines and information sheets on how the policy, DCP and other planning strategies are to be interpreted and applied to individual circumstances; such user-friendly information is essential for the understanding by the broader community and for effective of application by all users.*

- (e) **Consideration of regional and cross-border opportunities** to secure regional support and contributions for development of a regional approach consistent with the benefits proposed through the Australia's National Landscapes program and opportunities for funding from local and regional organisations, public and private."

On 15 February 2011, Council resolved that:

- "1. The report on National Iconic Landscape Strategy be received and noted;
2. Council considers whether to allocate funding to the update of the Tweed Scenic Landscape Evaluation 1995 and to prepare a scenic landscape protection strategy / development control plan and revision of the landscape provisions of DCP A5, as part of the upcoming review of the Planning Reforms Unit Work Program and related 2011/12 Operational Plan and Budget processes."

Funds for the above were not provided in the draft 2011/12 operational plan and budget that was adopted for public exhibition at the Council meeting 19 April 2011. At that meeting it was further resolved:

"That Council provides a report on recommendations that could be included in the Council's Subdivision Manual to provide for planning provisions appropriate to further protection of the values of the National Iconic Landscape."

2. Current Subdivision Manual Provisions

2.1 General Objectives Relating to Landscape Visual Character

Development Control Plan No.16 - Subdivision Manual (now DCP Section A5 - Subdivision Manual) was adopted by Council 11 June 2003. This DCP was drafted having regard to the "Tweed Shire Scenic Landscape Evaluation 1995" prepared by Catherine Brouwer.

Section A5.3 of the DCP provides guidance on planning and designing a subdivision and requires "Master Plans" to be approved for subdivisions of more than 25 lots. These "Master Plans" are required map scenic landscape features and to address relevant objectives and design criteria in Section A5.4 of the DCP.

Section A5.4 of the DCP provides "Urban Subdivision Design Guidelines and Development Standards". Objectives in Section A5.4.4 include:

- "(c) To conserve the environmental heritage of Tweed Shire and ensure that urban development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.
- d) To achieve urban forms that:
 - respond to the natural landform and drainage system in the layout of streets, open space and parks;
 - take advantage of topographical features of the site;
 - integrate with natural water and catchment systems and preserve/enhance natural watercourses and riparian vegetation;
 - avoid significant changes to the natural landform and large scale earthworks;
 - encourage building construction techniques that are responsive to the natural landform.
- e) To preserve the visual quality of the natural landform."

2.1 Specific Landscape Visual Character Requirements

The most specific requirements for assessment of subdivision landscape visual character in this section of the DCP are contained on pages A5-21 and 22 as follows:

"Landscape visual character

- *All master plans must be accompanied by a "Scenic Impact Assessment".*
- *The neighbourhood and subdivision design should protect the landscape character of the locality by contributing to the scenic amenity of the landscape and the distinct identity of the area.*
- *Neighbourhood and subdivision design must protect the visual landscape character of the locality.*
- *Proposed subdivisions of more than 50 lots or subdivisions that include more than 15,000m² of earthworks must include a "Scenic Impact Assessment Report" in the development application which shall:*
 - *Demonstrate that the proposal does not detract from and will contribute to the significant landscape characteristics of the site (see Tweed Shire Scenic Landscape Evaluation -1995, Catherine Brouwer);*
 - *Illustrate the nature and visibility of the proposal from both within the site and from significant viewpoints outside the site;*
 - *Detail the local urban or cultural context in regard to township and scenic-cultural identity."*

2.3 Other landscape visual character requirements in this section of the DCP

There are further sections of the DCP dealing with other planning issues that also have an impact on landscape visual character. These include:

"Coastal lands

Development of coastal lands needs to:

- *be consistent with the Coastal Policy 1997;*
- *maintain and enhance **visual amenity** of the coastal zone;*
- *be sited, designed and managed to avoid risks to environmental assets, people and property and impacts on coastal processes;*
- *avoid beaches and frontal dunes except for essential public purposes (such as surf clubs); beach management works that do not compromise the natural and cultural values of the area; rehabilitation of disturbed foreshore areas; and rationalisation of beach access ways;*
- *be consistent with the Coastal Design Guidelines for NSW."*

"Significant vegetation

Areas of significant vegetation are to be preserved.

- *Proposals for sites that contain significant vegetation must:*
- *Demonstrate that the development proposal does not detract from the ecological, **scenic landscape** or local identity values of the significant vegetation;*
 - *Include significant vegetation where possible into the open space/drainage network or within road reserves;*

- *Provide a street and lot layout; and/or lot sizes and shapes that will enable the proposed development to take place whilst also providing sufficient space (outside building platforms) on lots to enable significant individual trees or small stands of vegetation to be retained."*

"...Landforming

OBJECTIVE

*Natural topography is an important characteristic of an area. The extent of landform change to render a site suitable for subdivision should be kept to a minimum. Site regrading should be sensitive to existing landforms and topography (of both the subdivision site and neighbouring areas) so that **the natural setting may be preserved** to the greatest extent possible. The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.*

CRITERIA

- *Proposals to alter natural landform must:*
 - *not adversely impact other land, persons or public infrastructure.*
 - *preserve levels at site boundaries.*
 - ***preserve significant natural watercourses, riparian vegetation, environmental and topographical features.***
 - ***preserve the visual character*** of the landform as viewed from within and outside the land site.
 - *preserve cross boundary drainage conditions.*
 - *ensure runoff from upstream or upslope land is not adversely impeded.*
 - *ensure there are no adverse geotechnical consequences to the site or to other land.*
 - *ensure there are no adverse consequences to public infrastructure.*
 - *minimise earthworks.*
 - *comply with the provisions of Development Design Specification D6 - Site*

Regrading, and the acceptance criteria in Table A5-3 below.

-----"

3. Adequacy of Current DCP A5 - Subdivision Manual Provisions for "Protection of the values of the National Iconic Landscape"

The current DCP A5 - Subdivision Manual provisions require comprehensive identification of existing landscape values of subdivision development sites and specific assessment of impacts of proposed developments on landscape characteristics of the site and having regard to the "Tweed Shire Scenic Landscape Evaluation 1995" prepared by Catherine Brouwer.

The DCP further requires this assessment to illustrate the visual impacts viewed from both inside the development site and as viewed looking in from outside the development site.

Until there is a full overhaul of the scenic landscape policy framework as proposed in the report to Council held 15 February 2011, the existing provisions of DCPA5 provide satisfactory development standards and guidelines to address the landscape visual impacts of proposed subdivisions.

Regrettably, the provisions of DCPA5 do not apply to subdivisions submitted to the NSW Department of Planning under Part 3A of the Environmental Planning and Assessment Act 1979. A number of large subdivisions have been approved under these provisions. I understand in relation to the new NSW Government approved Development Codes for Cobaki and Kings Forest that there is a reference to consideration A5.4, but not the other visual impact clauses.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Assessment of existing DCP A5 Subdivision Manual provisions relating to protection of landscape visual character in subdivisions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

27 [EO-CM] Public Toilets

ORIGIN:

Director Engineering and Operations

SUMMARY OF REPORT:

This report was deferred from the Council meeting held 19 April 2011 and resolved as follows:

"That this item be deferred for a workshop of Public Toilets."

A workshop has subsequently been held and the report is now resubmitted.

An audit of Council's public toilets has been undertaken primarily to identify public toilets which could be recommended for closure, where new toilet blocks are warranted and what works are required to make all facilities compliant with current access and design requirements.

RECOMMENDATION:

That:

- 1. Council endorses the Toilet Blocks Works Program shown in the body of this report.**
- 2. The 2011/2012 program to include the following works:**
 - Demolition of McIlrath Park and Buckley Park toilet blocks**
 - Decommission of Queen Street Murwillumbah, Razorback lookout and Wommin Lake toilet blocks**
 - Construction of a new toilet block and landscaped area on the riverside park opposite the Murwillumbah Civic Centre under the figtree.**
- 3. The Queen Street, Murwillumbah toilet block is retained for use as a Council or community utility that keeps the identified cultural heritage values.**

REPORT:

Introduction

Council currently maintains 66 public toilet facilities as detailed in Table 1. This table only includes toilet facilities that are open for general public use. Council also maintains 28 toilets that service sports fields but that are not open when the fields are not in use.

The facilities vary in condition and compliance with access and building standards. An audit was undertaken to develop a program to identify toilet blocks that are redundant and recommended for removal, toilet blocks that need complete replacement and to develop a works program for upgrading the remaining toilet blocks.

Audit and Works Program

Table one details the proposed works required for each of the toilet blocks. In summary the proposed program recommends:

- Removal of 5 facilities without replacement being:
 - Queen Street, Murwillumbah
 - McIlrath Park, Murwillumbah
 - Buckley Park, Murwillumbah
 - Queens Park, Murwillumbah
 - Wommin Lake, Fingal
- Construction of 1 new facility in the Main Street of Murwillumbah
- Complete replacement of 8 toilet blocks being
 - Numinbah Hall, Chillingham
 - Faulks Park, Kingscliff
 - Knox Park (Nullum St), Murwillumbah
 - Knox Park (Brisbane St) Murwillumbah
 - Queens Park, Murwillumbah
 - Faux Park, South Tweed Heads
 - Ray Pascoe Park, Tweed Heads
 - Recreation Street, Tweed Heads
- Upgrades of 21 facilities

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Banora Point	Fraser Drive	Dave Burns and Ron Wilkinson Field Public Toilets Toilet facility that services the sportsfields and also utilised as a public toilet.	Pressure clean, painting touch up and repairs to doors add lockup security gates	Retain	4,500
Banora Point	Darlington Drive	Banora Green Toilets Little public use but services sportsfields	Pressure clean - has little use	Retain	500

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Burringbar	Broadway Avenue	Masterson Public Toilets Burringbar High use facility	Pressure clean, painting touch up and repairs to doors	Retain	5,000
Burringbar	Fourth Avenue	Tom O'Connor Toilets Burringbar Services sportsfields	Pressure clean, painting touch up and repairs to doors No disabled access	Retain	3,500
Cabarita	Pandanus Parade	Pandanus Parade Cabarita Beach Surf Club Public Toilets High use facility	Nil	Retain	0
Cabarita	Coast Road	Lions Park Public Toilets Cabarita Beach High use facility	Pressure clean and painting touch up install waterless urinals	Retain	3,500
Casuarina	Casuarina Way	Casuarina North Sports Fields Public Toilets Services sportsfields	Gates for lock up and fill in for security	Retain	4,000
Casuarina	Pirie Lane Casuarina Centra Park.	Casuarina Central - Pirie Lane Public Toilets High Use	Gates for lock up and fill in for security	Retain	4,000
Casuarina	Kamala Crescent	Kamala Crescent Public Toilets Services northern sector of Casuarina	Gates for lock up and fill in for security	Retain	4,000
Casuarina	Casuarina Way and Chatfield Crt	Casuarina Beach front Playground Public Toilets Services southern precinct of Casuarina	Gates for lock up and fill in for security	Retain	4,000
Casuarina	Barclay Drive	Casuarina Hockey Public Toilets Services sportsfields	Gates for lock up and fill in for security	Retain	4,000

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Chillingham	Numinbah Road	Numinbah Hall Public Toilet Services community hall and main village centre	Numerous items to addressed if this block is to be refurbished. It is serviced by a septic system that needs upgrading and there is no room on this site for a disposal system to meet new requirements There is no disabled toilet and there would need to be substantial building works to accommodate one The water for the is supplied from a neighbours bore under a good will arrangement and the hall only has a small tank supply	Replace	85,000
Chillingham	Numinbah Road	Chillingham Community Centre Public Toilet Services Community Centre	Nil - New toilet block	Retain	0
Chinderah	Chinderah Road	Turnock Park Public Toilets Chinderah High Use Facility	Pressure clean No disabled access	Retain	500
Chinderah	Chinderah Bay Drive	John Oxley Park Public Toilets Chinderah High Use facility	Pressure clean	Retain	500
Cudgen	Collier Street	Collier Street Public Toilets Cudgen School Services sports ground and only facility in Cudgen village	Pressure clean, painting touch up and repairs to doors top floors to allow better drainage No disabled access	Retain	6,000
Doon Doon	Kyogle Road	Clarrie Hall Dam Wall Public Toilets Services Clarrie Hall Dam visitors	Nil Funded by water unit	Retain	

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Doon Doon	Commisioners Creek Road	Crams Farm Public Toilets (Termites) Services Crams Farm visitors	Nil Funded by water unit	Retain	
Fingal	Fingal Road	Fingal Road Wommin Lakes Little use. New facility available at Old Boatharbour	DEMOLISH	Remove	10,000
Fingal	Fingal Road	New Fingal Boat Harbour Public Toilets High Use Facility	Pressure clean, painting touch up and repairs to doors	Retain	2,500
Fingal	Fingal Road	Fingal Old Boat Harbour Public Toilets High Use Facility	Replaced in park re-development 1/1/2011	Retain	0
Fingal	Marine Parade	Fingal Public Toilets attached to Caravan park kiosk and Surf Club High Use Facility	Pressure clean	Retain	500
Hastings Point	Coast Road	Hastings Point Public Toilet South of Creek and entrance to headland High Use Facility	Floor drainage and review in line with park redevelopment	Retain	40,000
Kingscliff	Marine Parade	Faulks Park Kingscliff Public Toilets Services southern section of Kingscliff township. Need to consider best location	Old block at end of life span to be replaced in line with redevelopment of Park	Replace	85,000
Kingscliff	Marine Parade	Public Toilets Surf Club Lions Park Marine Parade Kingscliff High Use Facility	Renovation required to extend life span	Retain	30,000

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Kingscliff	Vulcan Street	Jack Julius Park Vulcan Street High Use Facility servicing park users	Pressure clean, painting touch up and repairs to doors and fascia due to vandalism	Retain	1,500
Kingscliff	Marine Parade	Marine Parade Jack Bayliss Park South Kingscliff High Use Facility servicing BBQ facilities and markets	Renovation required to extend life span	Retain	40,000
Kingscliff	Sutherland Street	South Kingscliff Sutherland Point Public Toilet High Use Facility – only facility on southern banks of Cudgen Creek	Pressure clean, painting touch up and repairs to doors	Retain	1,500
Kingscliff	Marine Parade	Marine Parade Jack Bayliss Park North Kingscliff Public Toilets High Use Facility	Nil - Replaced 29/10/09	Retain	0
Kingscliff	Sutherland Street/Coast Road	Ed Parker Rotary Park Public Toilets High Use Facility	Nil	Retain	0
Mooball	Tweed Valley Way	Mooball Public Toilet opposite Moo Moo Cafe Low use- -only facility in Mooball	Nil	Retain	0
Murwillumbah	Commercial Road	McIlraith Public Toilets Old facility, repeated vandalism and social issues. Poor location for safety and surveillance.	DEMOLISH	Remove	10,000

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Murwillumbah	Corner Prospero St and Tweed Valley Way	Buckley Park Public Toilets Old facility with little use. Alternative facility in Budd Park	DEMOLISH	Remove	10,000
Murwillumbah	Queen Street	Queen Street Public Toilets	DECOMMISSION – Consider alternative uses	Decommission	
Murwillumbah	Nullum Street	Knox Park Public Toilets Nullum Street beside HACC under trees High Use Facility	Old block at end of life span, no disabled access	Replace	85,000
Murwillumbah	Brisbane Street	Knox Park Public Toilets Brisbane Street beside Rotunda - near Red Cross Building High Use Facility	High usage needs replacement to meet demand	Replace	85,000
Murwillumbah	Rous Street	Queens Park Soccer Field Public Toilets beside Soccer Clubhouse Little use. Alternate toilets available for soccer club	Old block at end of life span needs replacement or relocation no disabled access	Remove	10,000
Murwillumbah	Alma St	Budd Park Public Toilet near Tourist Info Centre High Use Facility	Redesign and upgrade for disabled access	Replace	85,000
Murwillumbah	Harwood Street	Willward Park Sports Services Willward Park Sportsfield	Aged block has little use as public toilet. Limited use. Used on sports days. No disabled access. Will review with regard to sports ground use	Retain	0
Murwillumbah	Tumbulgum Road	Nicholl Park Public Toilets Limited use	No disabled access but available within Coolamon Centre	Potential Removal	0

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Murwillumbah	Queensland Road	Murwillumbah Sale Yards Public Toilets opened as required Required for Sale yard Sale days	Used on sale days only. No disabled access but caters for limited usage.	Retain	0
Murwillumbah	Airfield Avenue	Murwillumbah Airfield Public Toilets High use toilet servicing industrial area	Service industrial estate and airfield. No disabled toilet	Retain	0
Murwillumbah	Riveroak Drive and Old Lismore Road	Public Toilet in Park New asset	Nil New asset 1/1/2011	Retain	0
Piggabeen	Piggabeen Road	Public Toilets beside Piggabeen Hall Services Public Hall	Nil	Retain	0
Pottsville	Coronation Avenue	Pottsville Memorial Oval Public Toilets Services tennis courts and sportsfields	Pressure clean, painting touch up and repairs to doors No disabled access	Retain	1,000
Pottsville	Centennial Drive	Pottsville Environment Centre Public Toilets attached to main building Services Environment Park	Nil	Retain	0
Pottsville	Coast Road	Ambrose Brown Public Toilet opposite Pottsville Memorial Oval High Use Facility	Nil - Renovated in line with redevelopment of Park 10/11/09	Retain	0
Salt	Point Break	Salt Boat Harbour Public Toilets Services BBQ area	Nil	Retain	0
Salt	Bells Bvd	Bells Bvd Salt Central Public Toilets beside Surf Club High Use Facility	Nil	Retain	0

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
South Tweed Heads	Minjungbal Drive	Faux Park Public Toilet Limited use – may be better located to service skate park	Old block at end of life span and consideration given to replacement or relocation to service skate park - no disabled access	Remove and consider relocation to skatepark	85,000
South Tweed Heads	Cunningham Street	Arkinstall Park Public Toilets/Netball Dressing Sheds and showers Services netball facility	Plan to replace as component of Arkinstall Park upgrade in 2011/2012	Retain	0
South Tweed Heads	Dry Dock Road	Dry Dock Road Public Toilet Services boat ramp and river front. No nearby facilities.	Renovated 30/6/09	Retain	0
Stokers Siding	Stokers Siding Road and Smiths Creek Road	Stokers Siding Public Toilet adjoining Railway building Only facility servicing Stokers Siding Village	Nil - New toilet block 2007	Retain	0
Stotts Island	Tweed Valley Way	Tweed Valley Way Bruce Chick Park Stotts Island (termites) Services visitor centre and park	Renovations needed due to Vandalism disabled ramp needs review	Retain	60,000
Tumbulgum	Government Road	Riverside Drive Tumbulgum Hall Public Toilets Services public hall	Toilet renovated 2006	Retain	0
Tweed Heads	Kennedy Drive	Ray Pascoe Park High Use Facility	High usage aged facility - needs replacement to meet demand and standards	Replace	85,000
Tweed Heads	Coral Street	Duranbah Beach VMR Public Toilets Services busy beach area	Pressure clean, painting touch up and repairs to doors	Retain	4,500

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Tweed Heads	Recreation Street	Recreation Street Public Toilet Services Recreation Ground including weekend markets	End of lifespan. Requires replacement to meet current access standards	Retain	120,000
Tweed Heads	Razorback Road	Razorback/Tom Beatson Lookout Public Toilets Low use – only services lookout and attracts anti social use. Form part of non-Council owned building. Consider decommission and explore alternative use	Pressure clean	Decommission	500
Tweed Heads	Kennedy Drive	Pioneer Park Public Toilet High Use Facility	Pressure clean, painting touch up and repairs to doors	Retain	15,000
Tweed Heads	River Terrace	River Terrace Southern Boat Harbour Public Toilets Only facility in Southern Boatharbour precinct	Install waterless urinal	Retain	2,000
Tweed Heads	Corner Bay Street and Wharf Street	Bay Street/Chris Cunningham Park Public Toilets adjacent to Centro Shopping Centre Services JEBH	Nil - Replaced 16/10/2009	Retain	0
Tyalgum	Main Street	Tyalgum Main Street Tennis Courts Limited use. Alternate facility close by in main Street (Norco Park)	Pressure clean and painting touch up No disabled access	Potential Removal	1,000

Suburb	Address	Description	Description of Work Required	Recommended Action	Estimated Cost of Work Required \$
Tyalgum	Coolman Street	Tyalgum Toilet Block Norco Park Services Tyalgum	Pressure clean and painting touch up No disabled access	Retain	2,000
Uki	Kyogle Road	Uki Sports Field Public Toilet Kyogle Road Limited use. Services sports ground when club not open	Pressure clean and painting touch up	Potential removal	1,000
Uki	Norco Street	Uki Toilet Block - Uki Hall Milsoms Lane Services town centre	Nil	Retain	0
TOTAL					997,500

Table 1: *Public Toilets Works Program*

Murwillumbah

Whilst the review considered toilet blocks across the shire, there is a specific program detailed for Murwillumbah due to recurring issues with the public toilets in the town centre. The proposal involves the remove of three facilities and replace with one new facility. The facilities included in this proposal are detailed below

Buckley Park: Located opposite the railway, this facility is rarely used and alternate toilets are available in Budd Park.

Mcllwraith Park Located behind the flood levee wall opposite the RSL Club, this facility has been the focus of anti-social behaviour for many years. Its location is particularly undesirable from a security perspective due to the lack of visibility and the design provides opportunities for concealment that make this facility particularly unsafe and threatening.

Queen Street The location, design and age of this building makes it impossible to meet BCA and access requirements. A heritage assessment undertaken on the building identified that the building has at minimum regional and potential state heritage significance and recommended that attempts be made preserve its heritage values. The report suggests that the best way of preserving the heritage values of the building, besides continued use as toilet block, is by exploring alternate uses such as for storage or some form of community use. A structural assessment has been completed which concluded that the building is structurally sound and will continue to function with some minor repairs and maintenance. Preliminary discussions have been held with staff form Council's Community and Cultural Services Unit on potential alternative uses for the building where it was identified that the building

has potential for use as a Council or Community utility. The site on which the toilet block is located is prominent within the Murwillumbah town centre and within a proposed heritage precinct which enforces the importance of retaining the building. The topography of the site, being a steep triangle of land formed by the convergence of Church Lane into Queen Street means that the removal of the toilet block would require significant works to reinstate the intersection and replace the building with something appropriate for such a prominent position within the town.

It is proposed to demolish both the McIlwraith Park and Buckley Park blocks and decommission the Queen Street block. It is proposed to compensate for the removal of these facilities by upgrading the facility in Budd Park (or alternatively including public toilets in stage 2 of the visitor centre and some point in time), and construct a new facility in the park area next to the Summerland Credit Union opposite the Civic Centre. This location has good visibility and enables appropriate complying access from the main street. The area is popular as a shaded seating area for locals and visitors to Murwillumbah and the proposed design seeks to preserve and build on this aspect whilst providing a safe, accessible facility.



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Faux Park - Minjungbal Drive: This facility is located on the river side of Minjungbal Drive (Opposite McDonalds). This is an old toilet block with low levels of use. If this facility is to be replaced, it may be relocated to better service the skate facility.

Main Street – Tyalgum: Located next to the tennis courts in Tyalgum, this facility receives low levels of use and there is an alternative located in Norco Park also in the main street.

Uki Sports fields: Located on the sportsfields next to the club building this facility only generally receives use when the sportsfields are in use and the club is not open. The facility has received less use since Sweetenham Park was upgraded as the focus of activities moved away from the river front park opposite the sportsfields.

Finances:

The average annual operating cost for each toilet block is \$10,000; however, the figure for individual facilities can vary significantly depending on the age and level of use of the facility. In addition to this, the annual cost of graffiti and vandalism repairs is in the order of \$80,000.

The 2010/2011 budget allocated \$637,556 to the operational budget and \$100,000 is allocated annually for capital works. However, the operational costs have been significantly greater than the allocation for a number of years and consequently, the capital works budget has been utilised to cover the shortfall in the maintenance budget. The reduction in the number of facilities by 3 will assist in reducing the annual operational costs. Additionally, the draft 2011/2012 budget increases the operational allocation to reflect the actual costs which will correct this anomaly and allow the capital works budget to be directed to implementing the works program.

The budget to implement the proposal for rationalisation of facilities in Murwillumbah detailed above is illustrated in table 2:

	Cost	Funded from 2011/2012 toilet block capital works budget	Funded from 2011/2012 park asset renewal budget
Demolition of McIlrath Park facility	10,000	(10,000)	
Demolition of Buckley Park facility	10,000	(10,000)	
Queen Street facility	Dependant upon final use		
Construction of new facility and landscaping	150,000	(80,000)	(70,000)
Total	\$170,000	(100,000)	(70,000)

Table 2: *Cost estimates to implement Murwillumbah Town Centre toilet block rationalisation program.*

It is proposed to implement the rationalisation program for the Murwillumbah toilet facilities in the 2011/2012 financial year. The remainder of the public toilets works program will be implemented progressively within annual budget allocations and other funding sources as available.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2011/2012 capital works program funded from Toilet Blocks Capital Works allocation and Park Asset Renewal program. Successive works funded from annual Toilet Blocks capital Works allocation.

Annual maintenance costs dependant upon increase in annual maintenance budget as identified in 2011/2012 draft budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. Queen Street Toilet Block Heritage Assessment (ECM 30715939).
 2. Queen Street Toilet Block Structural Assessment (ECM 30717006).
 3. Draft Landscape Plan for proposed new facility - Murwillumbah (ECM 30870412).
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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

28 [TCS-CM] Legal Services Report as at 31 March 2011

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The Legal Services Report as at 31 March 2011 monitors the status on legal instructions, for current or recently 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 where applicable.

The total amount paid for legal instructions for the period 1 January 2011 to 31 March 2011 was \$95,342.

The two main items of expense incurred during the period were:

High Court Appeal - 7 Year Special Rate Variation - Terry Sharples	\$34,313
Class 4 Appeal - DA09/0727 - Noble Lakeside	\$22,283

The main impact on the budget is the Appeal to the High Court by Terry Sharples with regard to the 7 Year Special Rate Variation. A budget adjustment is required in the March Quarterly Budget Review of \$60,000 for the Appeal Case, which has been incorporated in the Quarterly Budget Review Period Ending 31 March 2011 reported to this Council meeting.

In relation to the Land and Environment Court and Supreme Court applications, where Council was awarded costs against Mr Sharples, the cost assessor has completed his assessment and this will be filed with the Supreme Court next quarter.

The Legal Services Register included within the report also contains expenses incurred in relation to other matters and costs incurred in previous financial periods.

RECOMMENDATION:

That Council receives and notes the Legal Services Register as at 31 March 2011.

REPORT:

Expenditure incurred on legal instructions for the period 1 July 2010 to 31 March 2011 is as follows:

Category 1 Planning, Environmental & Local Government Law	Category 2 Commercial/Property Law	District/Local Court Stacks Only
\$226,832	\$138,473	\$8,968

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

Legal Service Provider	Category 1 Planning, Environmental, Local Government Law
HWL Ebsworth Lawyers	\$57,491
Lindsay Taylor Lawyers	\$9,506
Maddocks Lawyers	\$66,283
Marsdens Law Group	\$54,219
Sparke Helmore Lawyers	\$25,772
Stacks – The Law Firm	\$415
Wilshire Webb Staunton Beattie	\$13,146

Legal Service Provider	Category 2 Commercial/Property Law
HWL Ebsworth Lawyers	\$7,012
Lindsay Taylor Lawyers	\$95,557
Maddocks Lawyers	\$35,904
Marsdens Law Group	
Stacks – The Law Firm	
Wilshire Webb Staunton Beattie	

Legal Services Register as at 31 March 2011

Service Provider	Cat	Description of Matter	General Instructions	March Qtr Costs	Costs to Date	Comments
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	3,685	09/10 48,763 10/11 23,736 72,499	In Progress – Land & Environment directions hearing held on 4 December 2009. Case heard on 4 February 2010. Case dismissed, costs awarded, Appeal dismissed by Supreme Court. Payment of \$ 7,106.53 for security of costs received. Matter of recovering further costs in progress.
Marsdens	1	Class 4 Appeal – 7 year Special Rate Variation File Budget/Management Plan	Defend the matter in the Land and Environment Court	34,313	07/08 24,446 08/09 280,956 09/10 79,879 10/11 52,869 438,150	In Progress – Land & Environment judgement handed down 30 December 2008, applicants claim was unsuccessful, part costs claim awarded, Court of Appeal case heard on 5 February 2010. Applicant was unsuccessful, part costs awarded. Matter of costs to be determined. Application for Special Leave to be considered by High Court
Stacks		Statement of Claim - DA04/1028 - 207 Farrants Hill Road- building encroachment. File DA04/1028	Defend the matter in the District Court of NSW	1,241	07/08 7,594 08/09 34,534 09/10 2,242 10/11 8,968 53,338	In Progress –Case has been struck out in the District Court. Costs awarded to defendants, matter of costs now to be determined.
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	275	08/09 29,609 09/10 26,100 10/11 415 56,124	In Progress – second appeal in the Supreme Court heard 16 October 2009, Judge reserved his decision. Judge upheld the appeal, costs awarded to Council. Council instructions to pursue matter of costs and associated expenses. Matter of future progress of case under investigation
Wilshire Webb Staunton Beattie	1	Appeal against imposition of conditions upon development consent File DA06/0897.01	Represent Council in the Land and Environment Court	3,431	10/11 13,146	In Progress –S.34 conference scheduled for 14 February 2011. Further S.34 conference scheduled for 15 April.
HWL Ebsworth	2	Compulsory acquisition of land for road purposes – Kyogle Road – B.& L. Hill File Land Acquisitions	Represent Council in the Land and Environment Court		09/10 20,924 10/11 7,012 27,936	COMPLETED – Without prejudice offer made – Council accepted the offer. Matter now finalised.
HWL Ebsworth	1	Unauthorised development – Tomewin Road	Provide advice in respect to ascertaining options for legal proceedings		10/11 2,883	COMPLETED – Advice provided. Issues reported to Council.
HWL Ebsworth	1	Class 4 Appeal-DA09/0727 Noble Lakes Monarch Drive Kingscliff refused by Joint	Represent Council's interest in the Land and	22,283	10/11 30,872	COMPLETED – Matter listed for hearing on 1 and 2 March 2011.

Service Provider	Cat	Description of Matter	General Instructions	March Qtr Costs	Costs to Date	Comments
		Regional Planning Panel File DA09/0727	Environment Court			Proceedings were withdrawn by the applicant on the first day of the hearing.
Lindsay Taylor Lawyers	1	Alleged breaches of Tweed LEP relating to vegetation clearing in contravention of TPO File Pottsville Employment Land	Provide advice in respect of ascertaining options for legal proceedings		09/10 4,375 10/11 358 4,733	COMPLETED – Advice provided. Issues reported to Council.
Lindsay Taylor Lawyers	1	Unauthorised clearing and earthworks – Tomewin Road Tomewin	Provide advice in respect of ascertaining options for legal proceedings	1,023	09/10 5,559 10/11 4,017 9,576	COMPLETED – Advice provided
Lindsay Taylor	2	Industrial Relations	Provide advices in relation to industrial relations	12,807	09/10 30,672 10/11 95,557 126,229	COMPLETED – Advices provided.
Lindsay Taylor	1	Chinderah Fig Tree	Provide advice in respect to appropriate dealing with matter		10/11 5,131	COMPLETED – Advice provided
Maddocks	2	Tweed Valley Respite Service Inc.	Provide advice in relation to preparation of loan deed agreement documents		10/11 6,743	COMPLETED – Advices provided
Maddocks	2	Tweed Regional Aquatic Centre	Provide advice in relation to preparation of contract documents		09/10 9,889 10/11 1,663 11,552	COMPLETED – Advices provided
Maddocks	1	DA.10/0020 – Enterprise Avenue – use of premises for Brothel File DA10/0020	Defend the matter in the Land and Environment Court		09/10 6,570 10/11 66,283 72,853	COMPLETED – Judgement handed down 22 November 2010, amended application approved. Applicant to pay Council's costs of \$42,000 by instalments.
Maddocks	2	Industrial Relations	Provide advices in relation to industrial relations		10/11 5,977	COMPLETED – Advices provided
Maddocks	2	General Advice Matters	Provide advice in relation to various matters	16,284	10/11 21,521	COMPLETED – Advices provided
Marsdens	1	Second Avenue Strata Carparking	Provide advice in respect to ascertaining options for dealing with matter		10/11 1,350	COMPLETED – Advice provided 22 December 2010.
Sparke Helmore	1	BC10/0086 – Sanderson Place Dungay – Building Certificate application - deemed refusal-Class 1 appeal File DA08/1056	Defend the matter in the Land and Environment Court		09/10 999 10/11 22,312 23,311	COMPLETED – Case heard on 4 November 2010. Commissioner handed down his decision on 10 March 2011, dismissing part 1 of appeal, approving 2 nd part of appeal with conditions..
Sparke Helmore	1	924 Tomewin Road- Construction of dwelling File DA5510/1260	Provide advice on dwelling entitlement		10/11 3,460	COMPLETED – Advice provided

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Budget adjustment required in March Quarterly Budget Review of \$60,000 for Terry Sharples Appeal Case, which has been incorporated in the Quarterly Budget Review Period Ending 31 March 2011 reported to this Council meeting.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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29 [TCS-CM] In Kind and Real Donations - January to March 2011

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Details of in kind and real donations for the period January to March 2011 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$67,692.16 for the period January to March 2011.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period January to March 2011 are reproduced as follows:

Financial Assistance

Amount	Recipient	Donated Item	Date
\$3,000.00	Caldera Environment Centre	First Round Donations 10/11	11/01/2011
\$50.00	Murwillumbah RSL Sub Branch	Donation - Anzac Day	12/01/2011
\$2,250.00	Tweed Shire Senior Citizens Week Committee	Budget Allocation	19/01/2011
\$3,000.00	Beachside Church	Donation - Beachside Skate Competition	07/02/2011
\$24,660.00	Tweed District Rescue Squad Inc	Budget Allocation	07/02/2011
\$200.00	Nsw Aboriginal Safe Gambling Program	Donation	10/03/2011
\$450.00	NAIDOC Week School Initiatives	Donation	21/03/2011
\$1,000.00	Chillingham Community Association Inc	Second Round Donations 10/11	23/03/2011
\$1,000.00	Coolangatta Mt Warning Dragon Boat Club Inc	Second Round Donations 10/11	23/03/2011
\$6,000.00	Tyalgum Festival Committee Inc	Second Round Donations 10/11	23/03/2011
\$2,000.00	Ukitopia Arts Collective Inc	Second Round Donations 10/11	23/03/2011
\$1,000.00	Cabarita Beach Pottsville Beach Lions Club	Second Round Donations 10/11	23/03/2011
\$7,000.00	Tweed River Agricultural Society	Second Round Donations 10/11	23/03/2011
\$1,000.00	Gold Coast Malibu Club Inc	Second Round Donations 10/11	23/03/2011
\$2,169.00	Murwillumbah Festival of Performing Arts Neighbourhood Watch Area 14	Second Round Donations 10/11	23/03/2011
\$200.00	Murwillumbah	Second Round Donations 10/11	23/03/2011
\$2,000.00	Twin Towns Friends Association Inc	Second Round Donations 10/11	23/03/2011
\$1,256.00	Tweed Shire Women's Service Inc	Second Round Donations 10/11	23/03/2011
\$2,000.00	Northern Region SLSA Helicopter Rescue Service	Second Round Donations 10/11	23/03/2011
\$1,800.00	Tweed Palliative Support Inc	Second Round Donations 10/11	23/03/2011
\$400.00	Story Dog Inc	Second Round Donations 10/11	23/03/2011
\$62,435.00			

Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$30.00	Uki Sporting Horse Association	12 Shrubs and trees	29/03/2011
\$30.00			

Provision of Labour and/or Plant and Equipment

Amount	Recipient	Donated Item	Date
\$1,918.61	Life Education Van Relocation	Provision of Labour & Council Plant	Jan/Feb/March
\$1,050.95	Street Christmas Decorations	Provision of Labour & Council Plant	14/01/2011
\$2,969.56			

Tweed Link Advertising

Amount	Recipient	Donated Item	Date
\$64.80	Various Community Notices	Advertising	18/01/2011
\$126.90	Various Community Notices	Advertising	25/01/2011
\$45.90	Various Community Notices	Advertising	08/02/2011
\$72.90	Various Community Notices	Advertising	15/02/2011
\$135.00	Various Community Notices	Advertising	22/02/2011
\$99.90	Various Community Notices	Advertising	01/03/2011

\$70.20	Various Community Notices	Advertising	08/03/2011
\$64.80	Various Community Notices	Advertising	15/03/2011
\$86.40	Various Community Notices	Advertising	22/03/2011
\$226.80	Various Community Notices	Advertising	29/03/2011
\$993.60			

Room Hire

Amount	Recipient	Donated Item	Date
\$27.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	14/03/2011
\$460.00	Cooly Rocks On Flood Relief	Room Hire - Tweed Heads Civic Centre	30/01/2011
\$227.00	Twin Towns Friends	Room Hire - Tweed Heads Civic Centre	23/03/2011
\$18.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	07/02/2011
\$50.00	Blind & Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	21/02/2011
\$18.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	07/03/2011
\$18.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	14/03/2011
\$50.00	Blind & Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	21/03/2011
\$30.00	Twin Towns Friends	Room Hire - South Tweed HACC	09/02/2011
\$30.00	Twin Towns Friends	Room Hire - South Tweed HACC	09/03/2011
\$84.00	South Sea Islanders Meeting Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	05/02/2011
\$84.00	Auxiliary	Room Hire - Tweed Heads Meeting Room	07/02/2011
\$84.00	South Sea Islanders Meeting Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	05/03/2011
\$84.00	Auxiliary	Room Hire - Tweed Heads Meeting Room	07/03/2011
\$1,264.00			

\$67,692.16 Total Donations 3rd Quarter (January, February, March 2011)

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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30 [TCS-CM] Payment of Voluntary Goods and Services Tax (GST)

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Council is required to make a resolution for a Goods and Services Tax Certificate in relation to payment of Voluntary Goods and Services Tax from 1 May 2010 to 30 April 2011.

RECOMMENDATION:

That to assist compliance with Section 114 of the Commonwealth Constitution, Council certifies that:

- **Voluntary Goods and Services Tax (GST) has been paid by Tweed Shire Council for the period 1 May 2010 to 30 April 2011;**
- **Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed; and**
- **No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.**

REPORT:

The Department of Local Government Circular 01/45 requires councils to have an independent GST review undertaken and a GST Audit Review prepared by an Auditor and lodged with the Department each year.

The approach for the 2004/2005 financial year and for all future years is for councils to supply a certificate of confirmation to the Department in place of the Audit Review Report. It is no longer mandatory for councils to have their Auditors undertake a review of the GST systems. It is at Council's discretion as to whether an audit review is undertaken to support the sign off of the certificate of confirmation.

By 8 June each year the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies.

The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, local governing bodies are requested to provide the Department of Local Government with this advice before 1 June each year. The Department will then provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Tweed Shire Council's responsibilities extend to developing and maintaining internal controls, which should ensure compliance and reduce the risk of cash flow issues and under/over payment of GST.

The certificate includes the following certification:

COUNCIL OF TWEED SHIRE
GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 May 2010 to 30 April 2011

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- *Voluntary GST has been paid by Tweed Shire Council for the period 1 May 2010 to 30 April 2011.*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.*

Signed in accordance with a resolution of Council made on 17 May 2011

.....
Kevin Skinner
Mayor

.....
Barry Longland
Deputy Mayor

.....
Mike Rayner
GENERAL MANAGER

.....
Michael Chorlton
RESPONSIBLE ACCOUNTING OFFICER

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

31 [TCS-CM] Monthly Investment Report for Period Ending 30 April 2011

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least 5 working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be an addendum report provided to Council for consideration at its meeting on 17 May 2011.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

32 [TCS-CM] Quarterly Budget Review - Period Ending 31 March 2011

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2010/11 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 2011 in the General, Water and Sewer Funds.

RECOMMENDATION:

That:-

1. The Quarterly Budget Review Statement as at 31 March 2011 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 2011.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	69,526	0
Interest	0	0
Capital	1,780,766	0
Loan Repayments	0	0
Transfers to Reserves	0	60,000
	1,850,292	60,000
<u>Income</u>		
Rates, Charges and other Operating	0	205,223
Operating Grants & Conts	0	48,500
Capital Grants & Conts	0	220,000
Loan Funds	0	0
Recoupments	0	514,809
Transfers from Reserves	0	801,760
Asset Sales	0	0
	0	1,790,292
Net Surplus/(Deficit)		0

	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	7,225	0
Interest	0	0
Capital	0	1,619,000
Loan Repayments	0	0
Transfers to Reserves	0	68,776
	<u>7,225</u>	<u>1,687,776</u>
<u>Income</u>		
Rates, Charges and other		
Operating	0	387,449
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	1,045,500	0
Transfers from Reserves	1,022,500	0
	<u>2,068,000</u>	<u>387,449</u>
Net Surplus/(Deficit)		<u><u>0</u></u>
Sewer Fund		
<u>Expenses</u>		
Operating	30,000	0
Interest	0	0
Capital	0	11,974,181
Loan Repayments	0	0
Transfers to Reserves	7,712,378	0
	<u>7,742,378</u>	<u>11,974,181</u>
<u>Income</u>		
Rates, Charges and other		
Operating	0	1,012,378
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	145,136	0
Transfers from Reserves	5,099,045	0
Asset Sales	0	0
	<u>5,244,181</u>	<u>1,012,378</u>
Net Surplus/(Deficit)		<u><u>0</u></u>

REPORT:

Budget Review 31 March 2011 (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	
Contact Centre establishment	40,000	Relocation of Revenue & Recovery to Tweed Heads
Koala Plan of Management	30,000	Rollover request for unspent Vegetation Management Plan funds
Recovery of Threatened Species	120,000	Rollover request for unspent Vegetation Management Plan funds
Legal matters	60,000	Cost of defending Sharples appeal
Vegetation mapping	10,000	Rollover
Development Assessment legal costs	(70,000)	Under expended
Flood mitigation floor level survey	5,000	Over expended
Rates Extra Charges	(165,886)	Interest on overdue rates
Rates Legal Income	(34,549)	Charges to recover legal costs
Medical assessments	3,000	Pre-employment medical assessments
Gallery costs	12,435	Electricity, salaries
World Rally reserve 2012	(60,000)	No longer required
Cooly Rocks On	10,000	Council resolution
Pottsville Beach Neighbourhood Centre	40,000	Additional net costs
	0	

Full details:

In / Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. General Variations						
Ex	1	Ex-Capital	Contact Centre establishment	0	114,000	Establishment costs
In	1	In-TFR	Rollover - Works C/Fwd Res	0	(114,000)	Funding for above
Ex	1	Ex-Capital	Contact Centre establishment	0	40,000	Relocate Revenue Unit
Ex	2	Ex-Operating	Contact Centre Salaries	0	67,025	Transfer 3 staff from Financial Services
Ex	2	Ex-Operating	Finance Salaries	2,438,155	(67,025)	Transfer 3 staff to Contact Centre
Ex	3	Ex-Capital	Fingal boatharbour	151,815	321,947	Design & Construction
In	3	In-Recoup	Contribution Plan 5	0	(150,000)	Funding for above
Ex	3	Ex-Operating	Parks Asset Renewal	489,739	(171,947)	Funding for above
Ex	4	Ex-Capital	St Joseph's sports amenities	0	200,000	Construction of amenities
Ex	4	In-Recoup	Sportsgrounds capital works	677,452	(100,000)	Funding for above
In	4	In-Recoup	Contribution Plan 1	0	(100,000)	Funding for above
Ex	5	Ex-Capital	South Tweed Heads Hall	0	15,010	Purchase of tables and chairs
In	5	In-TFR	Transfer from HACC reserve	0	(15,010)	Funding for above
Ex	6	Ex-Operating	Koala Plan of Management	15,472	30,000	Late rollover request for unspent Vegetation Management Plan funds
Ex	6	Ex-Operating	Recovery of Threatened Species	40,000	120,000	Late rollover request for unspent Vegetation Management Plan funds
Ex	7	Ex-Operating	Legal matters	0	60,000	Cost of defending Sharples appeal
Ex	8	Ex-Operating	Vegetation mapping	0	10,000	Rollover from 09/10
Ex	8	Ex-Operating	Development Assessment Legals	308,000	(70,000)	Funding for above
Ex	9	Ex-Operating	Creative Industries Art Licensing Project	0	15,000	Project promoting regional art
In	9	In-OG&C	NSW Industry & Investment grant	0	(7,500)	Funding for above
Ex	9	Ex-Operating	Cultural Development Fund	47,604	(7,500)	Funding for above
Ex	10	Ex-Operating	Community based heritage	10,712	4,788	Additional project
In	10	In-Operating	Rezoning application fees	(2,869)	(4,788)	Funding for above
Ex	11	Ex-Operating	Goorimahbah "3 Brothers"	0	50,000	Public art
Ex	11	Ex-Operating	Cultural Development Officer (vacant)	84,100	(40,000)	Funding for above
Ex	11	Ex-Operating	Cultural Development Fund	40,104	(10,000)	Funding for above
Ex	12	Ex-Operating	Elected Members' equipment	5,000	2,000	Council chambers projectors \$5362
Ex	12	Ex-Operating	Office equipment	2,974	(2,000)	Funding for above
Ex	13	Ex-Operating	Human Resources software	0	9,500	OHS On Line Induction System
Ex	13	Ex-Operating	Workers Comp Premium	3,134,892	(9,500)	Funding for above
Ex	14	Ex-Operating	Flood mitigation floor level survey	225,000	15,000	Costs more than anticipated
In	14	In-OG&C	Government funding	(150,000)	(10,000)	Additional grant funding
In	15	In-Operating	Rates Interest Charges	(56,636)	(165,886)	Interest on overdue rates
In	16	In-Operating	Rates Legal Income	0	(34,549)	Charges to recover legal costs
Ex	17	Ex-Operating	Medical assessments	5,800	3,000	Pre-employment medical assessments
Ex	18	Ex-Operating	Gallery electricity costs	112,886	29,963	Increased costs due to climate control system.
Ex	18	Ex-Operating	Gallery salaries	412,089	22,472	Budget underestimated

Ex	18	Operating	Youth Support	46,405	(40,000)	Funding for above
Ex	19	Operating	Tweed Heads auditorium	4,423	16,000	Furniture
Ex	19	Operating	Other Council Property expenses	97,114	(16,000)	Funding for above
Ex	20	Operating	Riverside Drive Tumbulgum	0	31,000	40k high pedestrian zone
In	20	In-OG&C	RTA contribution	0	(31,000)	Funding for above
Ex	21	Ex-TTR	World Rally reserve 2012	60,000	(60,000)	No longer required
Ex	22	Ex-Capital	Road Land purchase	0	560,000	Rectify encroachment of road reserve on private land
In	22	In-TFR	Road land sale reserve		(399,266)	Funding for above
Ex	22	Operating	Roads - FAG grant	2,297,234	(160,734)	Funding for above
In	23	In-CG&C	Timber Bridges Program	(220,000)	(220,000)	RTA contribution Snake Ck bridge
Ex	23	Ex-Capital	Charltons Bridge	192,500	212,921	Adjust bridges program
Ex	23	Ex-Capital	Perch Creek Bridge		4,312	Adjust bridges program
Ex	23	Ex-Capital	O'Briens Bridge		2,767	Adjust bridges program
Ex	24	Ex-Capital	Tweed Valley Cemetery chapel	215,000	80,000	Further relocation expenses
Ex	24	Operating	Professional development - Engineering Division	68,954	(20,000)	Funding for above
Ex	24	Operating	Parks Asset Renewal	317,792	(60,000)	Funding for above
Ex	25	Ex-Capital	Jack Evans Boat Harbour - Amenities Block	300,000	164,809	Design / Construction
In	25	In-Recoup	JEBH - Amenities Block - CP 26	(300,000)	(164,809)	Funding for above
					(50,000)	
Water Fund						
Ex	26	Operating	Various Operating Expenses		7,225	Minor adjustments
Ex	26	Ex-Capital	Various Capital Works		(1,619,000)	Project deferrals
In	26	In-Operating	Interest on investments		(387,449)	Interest earned
Ex	26	Ex-TTR	Transfers to Asset Replacement Reserve		(68,776)	Funding adjustments
In	26	In-TFR	Transfers from Asset Replacement Reserve		1,022,500	Funding adjustments
In	26	In-Recoup	Transfers from Capital Contributions Reserve		1,045,500	Funding adjustments
Sewer Fund						
Ex	27	Operating	Various Operating Expenses		30,000	Minor adjustments
In	27	In-Operating	Interest on investments		(1,012,378)	Interest earned
Ex	27	Ex-Capital	Various Capital Works		(11,974,181)	Project delays
Ex	27	Ex-TTR	Transfers to Asset Replacement Reserve		7,712,378	Funding adjustments
In	27	In-TFR	Transfers from Asset Replacement Reserve		5,099,045	Funding adjustments
In	27	In-Recoup	Transfers from Capital Contributions Reserve		145,136	Funding adjustments
					<u>0</u>	
2. Variations Arising from Council Resolutions						
Ex	28	Operating	Upgrade Street Lights	0	248,484	Council resolution 15/2/2011
In	28	In-TFR	Fund above from Haulage Reserve		(248,484)	Council resolution 15/2/2011
Ex	29	Operating	Wharf st event concurrent with Cooly Rocks On	0	10,000	Council resolution 15/2/2011
Ex	30	Ex-Capital	Pottsville Beach Neighbourhood Centre		65,000	Council resolution 15/3/2011
In	30	In-TFR	Access Reserve		(20,000)	Council resolution 15/3/2011
In	30	In-TFR	Community Facilities Asset Management reserve		(5,000)	Partial funding of PBNC
					<u>50,000</u>	

Summary of Votes by Type

General Variations	(50,000)
Council Resolutions	50,000
Carried forward	0
	<hr/> 0 <hr/>

Summary of Votes - by Category

Expenses

Operating	106,751
Interest	0
Capital	(11,812,415)
Loan Repayments	0
Transfers to Reserves	7,583,602
	(4,122,062)

Income

Rates, Charges and other Operating	(1,605,050)
Operating Grants & Conts	(48,500)
Capital Grants & Conts	(220,000)
Loan Funds	0
Recoupments	675,827
Transfers from Reserves	5,319,785
Asset Sales	0
	4,122,062

Net	<hr/> 0 <hr/>
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Summary of Votes - by Division

Technology & Corporate Services	(204,460)
Planning & Regulation	(60,000)
Community & Natural Resources	202,435
Engineering & Operations	5,000
General Manager	57,025
	<hr/> 0 <hr/>

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	33,704	33,698	3,172	3,172	4,997	4,997	41,867
Borrowing Charges	5,728	5,728	4,902	4,902	2,037	1,478	12,108
Materials & Contracts	35,556	47,151	4,454	3,862	4,125	4,135	55,155
Depreciation	15,483	15,483	8,288	8,288	16,000	16,000	39,771
Other Operating Expenses	9,417	9,822	1,138	1,136	1,310	1,415	12,373
	99,888	111,882	21,954	21,360	28,469	28,025	161,274
Operating Revenue							
Rates & Annual Charges	52,491	52,486	3,260	3,260	17,657	17,657	73,403
User Charges & Fees	15,378	15,444	12,533	12,533	1,441	1,441	29,418
Interest	4,579	4,801	135	135	333	1,345	6,668
Other Revenues	1,295	1,309	195	195	19	19	1,523
Grants & Contributions for operating purposes	13,509	20,521	450	450	442	442	21,413
Grants & Contributions for capital purposes	11,067	15,505	2,189	2,189	1,052	1,052	18,746
	98,319	110,066	18,762	18,762	20,944	21,956	151,171
Surplus/(Deficit)	(1,569)	(1,816)	(3,192)	(2,598)	(7,525)	(6,069)	(10,103)

Funding Result Reconciliation

Add Back non-funded items:

Depreciation	15,483	15,483	8,288	8,288	16,000	16,000	39,771
Internal Transfers	6,870	6,870	(3,486)	(3,486)	(3,384)	(3,384)	0
	20,784	20,537	1,610	2,204	5,091	6,547	29,668
Transfers from Externally Restricted Cash	6,571	15,418	7,979	7,916	4,963	1,933	24,222
Transfers from Internally Restricted Cash	824	10,126	4,462	4,518	20,304	10,816	24,437
Proceeds from sale of assets	2,511	2,511				0	2,511
Loan Funds Utilised	3,847	12,754			20,429	30,000	42,754
Repayments from Deferred Debtors							
	34,537	61,346	14,051	14,638	50,787	49,296	123,592

	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	(21,403)	(48,386)	(9,510)	(8,812)	(41,511)	(15,133)	(70,712)
Repayment of principal on loans	(2,719)	(2,719)	(682)	(682)	(2,643)	(2,540)	(5,941)
Transfers to Externally Restricted Cash	(3,554)	(3,554)	(2,189)	(2,189)	(1,052)	(1,052)	(6,795)
Transfers to Internally Restricted Cash	(6,861)	(6,687)	(1,670)	(2,955)	(5,581)	(30,571)	(40,144)
Increase/(Decrease) in Available Working Capital	0	0	0	0	0	0	0
Available Working Capital Previous Financial Year	1,910	1,910	2,162	2,162	1,997	1,997	6,069
Available Working Capital as at 30 June 2011	1,910	1,910	2,162	2,162	1,997	1,997	6,069

Summary by Division

	<u>Original Budget</u>	<u>Revised Budget</u>
Surplus/(Deficit)		
Technology & Corporate Services	54,833,893	(55,485,755)
Planning & Regulation	(7,726,934)	7,606,033
Community & Natural Resources	(9,302,338)	10,023,351
Engineering & Operations	(37,809,188)	37,909,027
General Manager	4,567	(52,656)
	0	0

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:

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Nil.

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**33 [TCS-CM] Corporate Quarterly Report - 1 January to 31 March 2011
Incorporating the 7 Year Infrastructure and Services Plan**

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 January to 31 March 2011 is presented for consideration by Council.

The report details the progress for the third quarter of the reporting period to 31 March 2011 on activities identified being undertaken during 2010-2011 in the 2010-2013 Management Plan and has been produced utilising the new Performance Planning software that has been acquired to develop the reporting requirements associated with the Integrated Planning Framework.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure and Services Plan for the period 1 January to 31 March 2011.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Corporate Quarterly Report - Management Plan 2010-2013 - 1 January to 31 March 2011 (ECM 32589394).
 2. Corporate Quarterly Report - 7 Year Infrastructure and Services Plan - 1 January to 31 March 2011 (ECM 32589396).
-

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

34 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2011

Venue:

Canvas & Kettle Meeting Room

Time:

9.10am

Cr Milne opened the meeting by welcoming members and recognising the traditional owners of the land on which the meeting is being held.

Present:

Cr Katie Milne (Chair); Cr Dot Holdom; Ben Fitzgibbon (Department of Environment, Climate Change & Water); Robert Quirk (NSW Cane Growers' Association); Pat Dwyer (Department of Industry & Investment NSW); Claire Masters (Tweed Landcare Inc); Scott Petersen (Tweed River Charter Operators); Rhonda James (Restoration Industry); Kay Bolton (Fingal Head Community Representative); David Oxenham; Jane Lofthouse, Tom Alletson, (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Ian Hanson (NSW Land & Property Management Authority); Bob Loring (Department of Primary Industries - Fisheries); Martin Dobney (Action Sands Chinderah); Carl Cormack (NSW Maritime Authority); Peter Baker (Tweed Agriculture Representative); Kyle Slabb (Tweed Byron Local Aboriginal Land Council); Lance Tarvey (Department of Environment, Climate Change & Water); Max Boyd (Community Representative); Sebastien Garcia-Cuenca, Mark Kingston (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Claire Masters

Seconded: Robert Quirk

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 9 February 2011 be accepted as a true and accurate record of the proceedings of that meeting with the following amendment.

Claire requested funds for volunteer training be considered and will come back to next meeting with more information. She advised that Landcare would be very happy to support Land for Wildlife and would be keen to provide some resources.

Should read:

Claire requested funds for volunteer training and resources be considered and will come back to next meeting with more information Tweed Landcare is considering providing some funds for resources to support volunteer training. She also advised that Tweed Landcare supports the proposal for the Land for Wildlife.

Business Arising:

BA1. Regulation of Vehicles on Letitia Spit

Tom provided an update on the steps being taken by Council regarding this issue. He advised a meeting that had taken place between Council operational staff and Directors and the GM, and that Council is keen to work with the Land Council to address issues, with the first step being a meeting with Tweed Byron Local Aboriginal Land Council representatives on Tuesday 19 April.

There was a lengthy discussion on various options that may assist, including the following:

- Fencing of beach access ways and formalisation of car parking, east side Letitia Road
- Continued expansion of vehicle barriers on western side Letitia Road
- Obtain traffic counter from Engineering & Operations for Easter long weekend

BA2. Regulation of Vessels - Old Boat Harbour and Tweed Estuary Nature Reserve

Tom provided advice received from NSW Maritime and advised that as per the request from last meeting, stickers have been placed on signs with relevant phone number for complaints/concerns.

The local community is encouraged to report infringements relating to vessels using swimming areas to NSW Maritime, via the numbers listed on the sign.

Heather Nelson (SMEC) attended at 9.50am

Tom to seek comment from Carl and/or Bob regarding the level of use of Tonys Island and potential implications for disturbance of roosting shorebirds.

Production of a brochure advising the community, particularly boat users and fishermen, on protecting the Tweed Estuary was discussed. Tom to liaise with Council's Education Officer, and submit an application to the NSW Environmental Trust for an education project.

BA3. Training for Landcare Volunteers

Claire presented an action plan regarding training for volunteers under taking care works on public land.

A Care Group Procedure Manual will be distributed to 15 groups, with support provided for them to adhere to best practice techniques in bush regeneration and safety.

There was a discussion on the types of training required and how they are to be delivered. \$16,000 is required to fund training and equipment. Jane and Tom advised that funds would be provided for this initiative.

BA4. Catch and Release Fishing

Following up on an email forwarded to members, Pat Dwyer circulated a kit currently being provided in the Richmond and Clarence by 'fishcare' volunteers to people fishing both off the bank and on the water.

Kit includes information booklet and brochures, an example of safer hooks, a durable scale for legal fish size, together with other useful items.

There was discussion on whether the Tweed River Committee could instigate a similar kit in Tweed Shire and it was decided that Tom would liaise with Pat to further discuss the project.

As per discussion of a brochure in BA2, this initiative can be considered within an application for funding to Environment Trust.

BA5. Sediment and Erosion Control at Cobaki Lakes Estate

Cr Milne asked if any information had been received from Patrick Dwyer regarding the above, as per the minutes of the February meeting. Pat Dwyer will be asked to advise on this item.

BA6. Cobaki Lakes Development

Cr Milne asked if the Department of Planning development code for Cobaki Lakes complies with specifications in the Interim update of Council D7 guidelines for stormwater management. It was advised that individual stages of the development are being assessed at the moment, in accordance with objectives that will be included in the Interim D7 stormwater guidelines.

BA7. Gold Coast Airport

Cr Milne asked if letter had been sent to the airport asking if their targets are being met and was advised that time had not allowed for letter to be prepared as yet.

Action Item:

Tom to liaise with Gold Coast Airport and seek a report to the Tweed River Committee on GCAL compliance with their water quality monitoring objectives.

BA8. Tweed River Health Monitoring

Cr Milne raised the issue of ecosystem health monitoring in the Tweed River and whether or not another EHMP program, as per Cobaki and Terranora Broadwater, would be undertaken. Tom advised that a water quality review was about to commence in the Tweed, and that a decision on future monitoring should wait until the completion of this study.

There was discussion on where it was safe to go swimming in the Tweed River and how was the public to know. It was suggested a brochure be produced with suggested titles being "Living on the River" or "Using the Tweed River". See BA2 and BA4.

BA9. River Development Control Plan

Cr Milne queried progress on consideration of a DCP for the river. It was advised that this matter has not been progressed. An investigation of similar strategies employed by other councils in NSW could be undertaken.

Agenda Items:

A1. Wake Study

Heather Nelson from Snowy Mountains Engineering Corporation (SMEC), the consultants preparing the Boat Wake Impact Study and Review of the Tweed Estuary River Bank Management Plan, attended the meeting and presented their study methodology. Heather consulted with members regarding key issues for management of wake and river bank erosion.

Pat left the meeting at 10.50am

Cr Milne requested that the proposed Boyds Bay marina site be included in the study and it was agreed that this would be included. The impact of boat wake on Lillies Island seagrass beds was also queried, as was consideration of wake on other river users, particularly the dragon boat and rowing clubs.

Robert commented on the impact that increased river salinity has on the erodibility of river bank soils, and that this could be considered in light of climate change and impacts on catchment hydrology.

*David Oxenham attended the meeting at 11.15am
Heather left the meeting at 11.25am*

A2. Water Quality and Seagrass Monitoring Project Proposals

The proposal presented to Tweed River Committee at the last meeting did not include review of data from Cobaki and Terranora Broadwater. The scope of the study has been expanded to include these areas and the price has increased to \$31,000. An update was provided.

The Committee will be provided with the complete review of water quality in the whole estuary in due course.

A3. Recreational Boating Study - Condong Regional Boating Facility

A number of significant constraints has been identified that would deter Council from proceeding with the establishment of a Regional Boating Facility at Condong.

RECOMMENDATION TO COUNCIL:

Moved: Rhonda James

Seconded: Claire Masters

RESOLVED that Council be requested to:

1. Not proceed with the development of a Section 94 Plan for Recreational Boating Strategy implementation including a Condong Regional Boating Facility.
2. Remove that item from the 7 Year Infrastructure Plan.

Action Item:

A copy of the Boating Study be sent to Scott Petersen.

A4. Program Update

Tom provided an update on the projects running and scheduled to commence with funding through the River Committee budget. It was explained that due to a reduction in Council funding, that the 2011/2012 year budget would only cover staff wages, with a small amount (approx \$40, 000), to be allocated to education initiatives and ongoing riparian rehabilitation at Byrrill Creek.

The issue of the Tweed River Committee funding an officer to undertake compliance duties in relation to environmental matters was discussed, as per Cr Milne's request at the February meeting. David explained the complexity of compliance and the need to have a clear role, making the point that providing one year's funding is not sustainable.

David also noted that the Tweed River Committee role has been to advise Council regarding implementation of the river management program, is identifying projects to fund to improve habitat etc. He emphasised that the more the Committee tried to solve other ad hoc problems, the less time and resources were available for the implementation of the river management program.

RECOMMENDATION TO COUNCIL:

Moved: Rhonda James

Seconded: Scott Petersen

RESOLVED that Council be advised that the Tweed River Committee has strong concerns that there will be a reduction by \$100,000 in 2011/2012 and 2012/2013 budgets as the proposed budget will not fund continuing on ground works in 2012/2013.

Robert left the meeting at 12.35pm

A5. Project Updates

Time did not permit for an update on several Tweed River Committee projects, these being:

- Uki Community Nursery
- Western Drainage Scheme - options to address water quality
- Fish Friendly Farms project
- Vine weed mapping and control project
- Byrrill Creek riparian rehabilitation project

Tom will provide updates by email.

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 8 June 2011.

The meeting closed at 12.45pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

**A3. Recreational Boating Study - Condong Regional Boating Facility
Nil.**

**A4. Program Update
Nil.**

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A3. Recreational Boating Study - Condong Regional Boating Facility

- 1. That the recommendation of the Committee be received and noted.**
- 2. That Council notes that a separate report on the Condong Regional Boating Facility will be included as a separate future report to Council.**

A4. Program Update

That Council be advised that the Tweed River Committee has strong concerns that there will be a reduction by \$100,000 in 2011/2012 and 2012/2013 budgets as the proposed budget will not fund continuing on ground works in 2012/2013.

35 [SUB-LTC] Local Traffic Committee Meeting held Thursday 21 April 2011

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Cr Barry Longland, Ms Liz Smith, Roads and Traffic Authority, Snr Constable Justin Lavin, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Danny Rose (Acting Chair), Mr Ray Clark, Mr Paul Brouwer, Mr Rod Bates, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore.

The RTA representative requested that the meeting commence at 10.00am from the next meeting date. This was agreed to.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

[LTC] Confirmation of Previous LTC Minutes Meeting held 17 March 2011

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 17 March 2011 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions Meeting held 21 April 2011

1. [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.

..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

From Meeting held 25/11/10:

Council's Traffic Engineer advised that a consultant has been appointed to look at signalised intersection treatment options for the Kennedy Drive / Norman Street intersection.

COMMITTEE ADVICE:

That:-

1. Council officers further investigate the possibility of a right turn lane on Kennedy Drive into Norman Street.
2. That this item be listed on the Schedule of Outstanding Resolutions.

Current Status: That Item B7 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 17 March 2011 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

2. [LTC] Kennedy Drive, Tweed Heads - Tweed Street Audit

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 19660428; Traffic - Committee; Pedestrian Crossings; Traffic - Safety;
Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

From Meeting held 23 September 2010 (Item B5):

Request received for the provision of a safe crossing for people near Kennedy Plaza. It is reported that "*since the opening of the new bypass the traffic is horrific and pedestrians can wait up to 15 minutes*". It is also reported that "*motorists making illegal right hand turns into Kennedy Plaza also contribute to traffic congestion*".

Kennedy Drive near Kennedy Plaza carries over 20,000 vehicles per day, which is significant. A marked pedestrian crossing was located in this vicinity prior to the installation of the traffic signals at Ducat Street. This crossing was removed on request from the Roads and Traffic Authority of NSW as the signals provided a much safer crossing point for pedestrians. The signals are located approximately 200m west of the middle of the shopping centre. There is also a pedestrian underpass connecting residents on the southern side of Kennedy Drive to the shopping centre.

The pedestrian warrant for a marked or signalised pedestrian crossing would not be met at this location.

Council's crash database shows 6 reported crashes occurred in the vicinity of Kennedy Plaza between 2004 and 2009, none of which involved a pedestrian.

The Roads and Traffic Authority of NSW Representative advised that the Roads and Traffic Authority of NSW were investigating the Ducat Street/Kennedy Drive signals which will include the Kennedy Plaza area. It was suggested that this matter be listed as an Outstanding Resolution until the Roads and Traffic Authority of NSW have finalised their investigation. This investigation may include the possibility of the inclusion of a pedestrian refuge, which is the subject of concern.

COMMITTEE ADVICE:

That Kennedy Drive, Tweed Heads South be listed on the Outstanding Resolutions report.

Current Status: That Item B5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 17 March 2011 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 September 2010).

[LTC] Sathya Sai School, Nullum Street, Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 29113523 and 29114576; Traffic - Committee; Schools - Sathya Sai; Traffic - School Zones; Traffic - Safety; Traffic - Pedestrian Crossings; Nullum Street;

SUMMARY OF REPORT:

From meeting held 17 March 2011 (item B5):

Request received (ECM 29113523) in relation to:

"Parents and children are exiting the Sathia (sic) Sai school and walking between buses to get to their cars parked on the duck pond side of Nullum St. This is a very dangerous practice. There is a school crossing further to the south from the school but it is not being used probably because it is too far away."

It is suggested that this crossing could be moved north in Nullum Street so it is outside the school and the present bus zone be moved south and possibly lengthened to comfortably accommodate two buses.

Council officers will investigate this matter on site and report to the meeting.

Further request received (ECM 29114576):

"I am writing in regards to the unsafe conditions outside Sathya Sai Primary School and on the intersection of Nullum St. and Wollumbin St.

The Sathya Sai Primary School has increased its enrolments considerably since it's expansion, and consequently the facilities provided by the R.T.A. are insufficient to provide a safe environment for pedestrians. I am writing to request that the crossing that is currently unmarked on Nullum St. be marked, flagged and manned by a lolipop person.

I am also requesting that a marked pedestrian crossing be implemented on the corner of Nullum St. and Wollumbin St.. That area is incredibly unsafe and impossible to cross safely with a child."

Council's traffic database provides:

1. Vehicle count, Nullum Street (north of Prince Street) 1,289 vehicles per day.
2. Council's accident database shows no reported pedestrian accidents on Nullum Street between Prince Street and Wollumbin Street for the period 2003 to 2008.

For pedestrian crossing warrants to be met under relevant Roads and Traffic Authority of NSW guidelines, well over 300 pedestrians per hour crossing Nullum Street are required for the vehicle volumes on Nullum Street. Clearly these warrants would not be met.

For school crossings, the Roads and Traffic Authority of NSW are the determining authority for these facilities.

Council officers will provide pedestrian traffic counts (peak period) to the Committee for consideration.

There was much discussion about potential benefits regarding various possible infrastructure improvements at the frontage to Sathya Sai School including providing a footpath on the Knox Park side of Nullum Street. It was suggested that Council officers further consider pedestrian infrastructure improvement that could be undertaken in the area at the frontage of the school.

For the pedestrian crossing request at the Wollumbin Street/Nullum Street intersection, it was noted that the pedestrian warrants were not met for the installation of a marked pedestrian crossing. Immediately following the close of school at 2.55pm on Tuesday 15 March 2011 for a 25 minute period, only 2 adults and 1 child were observed crossing Nullum Street at the Wollumbin Street intersection.

Observations Sathya Sai School Nullum St, Murwillumbah

Afternoon visit

School ends 2:55pm

- No flags on school crossing.
- Angle parking no wheel stops vehicles intruding into grassed area obstructing pedestrians
- No buffer behind angle parks
- Most vehicles through site did not appear to observe 40km/h speed limit.
- Several parents did u-turns over double centre lines.

Buses

Arrive	Depart
2:56	2:58
3:06	3:07
3:09	3:10
3:09	3:10
3:15	3:16
3:15	3:16

Bus zone worked smoothly with no more than 2 buses on site at any one time.

Bus zone opposite school on Knox Park side was not used during observations.

Crossing road

2:50pm – 3:20pm

Adults	9
Unaccompanied children	4
Adult with children	16 adults/23 children

Very low usage of designated “crossing point”. Drivers were observed to be uncertain whether to stop and give way to pedestrians as no flags were in place.

Site inspection ended 3:20pm.

Morning Site visit

17/3/2011

- No flags in place.
- Parents generally escorted children across the road.
- 5 minute parking area adjacent to school used well
- No parent access to school observed in Nullum Lane.

COMMITTEE ADVICE:

That the Sathya Sai School, Nullum Street, Murwillumbah item be placed on the list of Outstanding Resolutions.

Current Status: That Item B5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 17 March 2011 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 17 March 2011).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Coronation Avenue and Berkley's Lane, Pottsville

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 30437996; Traffic - Committee; Parking - Zones; Coronation Avenue; Berkley's Lane; Disability/Accessibility matters; Car Parks - Other Places; LN8851

SUMMARY OF REPORT:

Request received for the provision of a disabled parking space outside St Mark's Anglican Church, Pottsville. The Parish Council Secretary has reported that there are no other disabled parking spaces near the church at present and they have some elderly parishioners who have advised that they find it quite difficult to walk very far.

RECOMMENDATION TO COMMITTEE:

That a disabled parking space be installed adjacent to the Anglican Church in Berkleys Lane, Pottsville subject to the pavement suitability.

RECOMMENDATION TO COUNCIL:

That a disabled parking space be installed adjacent to the Anglican Church in Berkleys Lane, Pottsville

FOR VOTE - Cr Barry Longland, Liz Smith, Snr Constable Justin Lavin, Geoff Provest
PRESENT. DID NOT VOTE - Col Brooks

A2 [LTC] Eucalyptus Drive and Covent Gardens Way, Banora Point

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 30095392; Traffic - Committee; Signs - Traffic Issues; Traffic - Parking Zones; Eucalyptus Drive; Covent Gardens Way

SUMMARY OF REPORT:

Request received in relation to a 'No Parking' sign at the corner of Eucalyptus Drive and Covent Gardens Way, Banora Point.

"The NO PARKING sign is too close to the corner. Turning right into Covent Gardens Way when about 4 cars are parked there, its impossible to see cars approaching. The P platers from the High School park there. I have had a few close calls."

A site assessment will be conducted by Council officers and reported to the Committee.

COMMITTEE ADVICE:

That the "No Stopping" sign on Covent Gardens Way be relocated approximately 6m further away from the intersection of Eucalyptus Drive such that allows adequate space for car parking east of the existing driveway.

RECOMMENDATION TO COUNCIL:

That the "No Stopping" sign on Covent Gardens Way, west of Eucalyptus Drive, be relocated approximately 6m further to the west.

FOR VOTE - Cr Barry Longland, Liz Smith, Snr Constable Justin Lavin, Geoff Provest
PRESENT. DID NOT VOTE - Col Brooks

A3 [LTC-LATE] St Josephs Primary School, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 31613069; Traffic - Committee; Traffic - Safety; Traffic - School Zones; Traffic - Parking; School - St Joseph's Primary; Frances Street; Enid Street; Pearl Street; Beryl Street

SUMMARY OF REPORT:

Request received to temporarily modify parking arrangements previously approved by Local Traffic Committee. Photographs of the area will be provided at the meeting.

It is requested that the existing "No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days" signage on the northern side of Frances Street between Enid Street and Pearl Street be modified to be in force only in the afternoon. This would enable parent queuing spaces in the afternoon before picking children up next to the school. There has been new driveway accesses constructed to the school and old driveways reinstated. This has resulted in an extra on road parking space being made available. It is requested that the "No Stopping" sign on Frances Street on the northern side near the intersection of Beryl Street be moved 8m further east towards Beryl Street.

It was observed on site that there is an excessively long "No Stopping" zone on Frances Street on the southern side near the intersection of Beryl Street. It is requested that the sign be moved 8m further east to be in line with the school zone sign.

RECOMMENDATION TO COMMITTEE:

That:

1. The "No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days" zone on the northern side of Frances Street between Enid Street and Pearl Street be modified to read "No Parking 2.30 - 4.00pm School Days".
2. The "No Stopping" sign on the northern side of Frances Street near the intersection of Beryl Street be moved 8m further east towards Beryl Street.
3. The "No Stopping" sign on the southern side of Frances Street near Beryl Street be moved a further 8m towards Beryl Street.

RECOMMENDATION TO COUNCIL:

That:

1. The "No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days" zone on the northern side of Frances Street between Enid Street and Pearl Street be modified to read "No Parking 2.30 - 4.00pm School Days".
2. The "No Stopping" sign on the northern side of Frances Street near the intersection of Beryl Street be moved 8m further east towards Beryl Street.

3. The "No Stopping" sign on the southern side of Frances Street near Beryl Street be moved a further 8m towards Beryl Street.

*FOR VOTE - Cr Barry Longland, Liz Smith, Snr Constable Justin Lavin, Geoff Provest
PRESENT. DID NOT VOTE - Col Brooks*

A4 [LTC] Queensland Road, Murwillumbah

FILE NO: ECM 30243012; Traffic - Committee; Speed Zones; Bridges - Kynnumboon; Showground; Queensland Road; Tomewin Road; Mooball Street

SUMMARY OF REPORT:

Request received in relation to speeds on Queensland Road at the Saleyards and Showground. At present the speed zone is 60 km/h to the edge of town.

"Both the sale yards and show grounds have a high volume of traffic turning into both areas and I believe that it should be lowered to a 50 zone furthermore the road to Kynnumboon Bridge is both narrow and dangerous with cane drains both sides of the road, maybe a 60 zone from the bridge."

Advice from the Manager Business and Economic Development is that the sale yards operate each fortnight with related vehicle activity over three days. Functions at the Showground are irregular in occurrence.

The 85th percentile speed just north of Mooball Street is 66km/h.

There have been 10 recorded crashes (2005 - 2009) on Queensland Road between Tomewin Road and Mooball Street. All but one of the crashes are single vehicle run off road types.

The 50km/h speed zone commences 180m north of Mooball Street and the 60km/h zone commences a further 160m north. Street lighting commences at the Mooball Street intersection.

The Committee considered that the 50km/h speed limit on Queensland Road should be extended 160m to the north, the 60km/h speed limit zone be removed and that "50km/h Ahead" signage be installed. The Committee did not support extension of the 60km/h zone to Kynnumboon Bridge however this can be reviewed once the other speed zone changes are implemented.

The Chair advised that this item be moved to Section A of the Minutes (Item A4).

RECOMMENDATION TO COUNCIL:

That:

1. The 50km/h speed limit zone on Queensland Road be extended 160m to the north, replacing the 60km/h zone currently in place.

2. '50km/h Ahead' signage be installed on Queensland Road.

*FOR VOTE - Cr Barry Longland, Col Brooks, Liz Smith, Snr Constable Justin Lavin
PRESENT. DID NOT VOTE - Geoff Provest*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Kyogle Road, Mt Burrell

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 30039533; 31510018; Traffic - Committee; Traffic - Safety; Traffic - Parking Zones; Traffic - School Zones; Bridges - Snake Creek; Speed Zones; Bus - Stops; Kyogle Road, Mt Burrell; Pty: 40818

SUMMARY OF REPORT:

Request received for a reduction in the speed limit on Kyogle Road, Mt Burrell to 60km/hr. It is reported that:

With the building of the new bridge over Snake Creek at Mt Burrell, traffic conditions have changed.

"Our drive has been moved because of the bridge and it has become dangerous to exit and enter. Traffic is already going faster down the hill, (even though it has not yet been sealed), because the corner has been taken out.

This also has an impact on the car park by the shops, where ten buses a day come and go. These are mainly school buses. The smaller ones can drive into the car park but the bigger buses, like the one that services Aeteomah Steiner School, have to pull up across the road for the children to alight.

One of the entrances/exits to the car park is now situated on a blind corner just after the bridge. With the road coming very close to the car park there is little room to pull out to see if anything is coming. It is especially difficult with the speed limit at 80kph.

Community concern is high and a speed limit of 60kph would help improve safety considerably. In addition, a speed hump similar to the one in Uki, would ensure that all vehicles, particularly trucks and motorbikes, adhere to the new speed limit."

A further request received for 60km/h speed limit signs and children crossing signs at Mt Burrell Convenience Centre as follows:

As the new Snake Creek Bridge and road upgrade nears completion and it has become apparent that the bridge has a camber that significantly enhances vehicle speed past the Mt Burrell Convenience Centre).

We acknowledge the "Reduce Speed" sign, heading north, reduced traffic incidents in this location, however, we notice that this is having reduced effect, and that speed past the shops is increasing. Coming down the hill from the south, drivers are unable to see the Mt Burrell Convenience Centre until they are on the bridge only about 60 metres from the entrance to the stores and are thus potentially endangering school children, other local community members and visitors.

We request that a speed limit sign of 60km and Children Crossing Signs be placed on either side of the Mount Burrell Convenience Centre."

A copy of the plans of the new road alignment will be presented to the Committee. The works included construction of a new bridge and improvement of the approach curve. The Roads and Traffic Authority of NSW reduced the speed limit on this section of road to 80km/h in 2010. The road is to be sealed on Wednesday 13 April and no speed data is available.

It was decided that speed surveys and traffic counts be undertaken once the linemarking has been completed and forwarded to the Roads and Traffic Authority of NSW for consideration of a speed review in this vicinity.

COMMITTEE ADVICE:

That:

1. A request to review the speed zone on Kyogle Road between Mt Burrell Road and Waratah Crescent be referred to the Roads and Traffic Authority of NSW.
2. Council investigates installation of additional bus/children crossing advisory signage on Kyogle Road in the vicinity of the Mt Burrell Convenience Centre.

B2 [LTC] Queensland Road, Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 30243012; Traffic - Committee; Speed Zones; Bridges - Kynnumboon; Showground; Queensland Road; Tomewin Road; Mooball Street

SUMMARY OF REPORT:

This item was moved to the A Section of the Minutes (Item A4) at the request of the Chair.

B3 [LTC] Philp Parade, Tweed Heads South

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 30136112; Traffic - Committee; Speed Zones; Safety; Pedestrian Safety; Philp Parade

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles on Philp Parade, Tweed Heads South as follows:

"Philp Parade continues off the end of Dry Dock Road at the intersection of Dry Dock Road and Fraser Drive. It is a relatively low traffic volume street, a smooth bitumen straight road approximately 800m long, with houses on the southern side and the river on the northern side of the street.

Despite the traffic not being high volume, the percentage of traffic that speeds along Philp Parade, a 50kmh zone, is very disturbing. Buses doing 60 to 70kmh are common. Vehicles doing 100kmh plus is not uncommon. We have made contact with Tweed Police who were unable to act due to the randomness of the speeding incidents.

The residents of our street are faced with dangerous speeding drivers on a daily basis. Whether they be cars, buses or motorcycles, there is little regard for the 50km/h speed limit or the safety of the people residing in and using the street."

Speed and volume surveys were conducted by Council at No. 14 Philp Parade from 24/3/11 to 31/3/11. Results of the survey were:

- 85th percentile speed was 53km/h
- Average daily traffic - 433 vehicles
- 4% of vehicles were travelling over 60km/h

COMMITTEE ADVICE:

That:

1. NSW Police be requested to allocate resources for targeted enforcement of speed limits on Philp Parade, Tweed Heads South.
 2. Council's advisory radar be placed on Philp Parade when available.
-

B4 [LTC] Murwillumbah Multilevel Carpark Coupon Parking

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 30923552; 30923566; Traffic - Committee; Parking - Zones; Car Parks - Murwillumbah

SUMMARY OF REPORT:

The Roads and Traffic Authority of NSW has approved the Murwillumbah Multilevel Carpark Coupon Parking Scheme. Local Traffic Committee endorsement is now sought.

Roads and Traffic Authority of NSW advice is as follows:

"The amended scheme is in accordance with RTA's mandatory Pay Parking guidelines and meets the legislative requirements. Therefore the Council's scheme is now approved. However, Council is advised to place it before the Local Traffic Committee for endorsement before implementation."

The coupon parking scheme covers 76 carpark spaces on the middle level of the three level carpark. Council preferred the coupon pay method as it represented the lowest capital outlay of all pay parking options considered. This is the only parking scheme operating in the Murwillumbah CBD area.

The coupon parking scheme was implemented on Monday 16 February 2009 on a trial basis and has been monitored since on a weekly basis. Surveys of the 76 coupon carspaces indicate an average usage of approximately 26% (20 vehicles). This trial basis scheme required formal approval from the RTA which has recently been obtained.

The scheme conforms with:

- the Authority's Pay Parking Guidelines;
- the Australian Standards AS 1742.1 "Parking Controls"; and
- RTA Regulatory Signs Manual

Relevant components of the scheme which comply with the mandatory requirements of the RTA's pay parking guidelines are:

- Coupons can be purchased from Council's reception area of Council's Civic Centre which is near to the car parking complex and the reception area of the Murwillumbah Regional Swimming Pool complex adjacent to the multilevel carpark. Coupons can be purchased pre-paid or within 5 minutes of a patron parking.
- Council Rangers will have the knowledge of all aspects of parking infringement, penalties and issue of penalty notices for non-compliance with the parking regulations.
- The scheme was provided appropriate publicity at least 28 days prior to commencement.
- Linear '9P' coupon parking signage as shown in the attachment will be erected to enforce the coupon parking spaces.
- Daily, monthly and yearly coupons will be issued with appropriate wording ('Daily Coupon', 'Monthly Coupon' and 'Yearly Coupon') in accordance with the attached sample pro formas;

- The parking area where the coupon scheme is located is open for public use all year round and is a "road related area". There are no restrictions to entry to this area; and
- Entry information signage and two large information signs at each end of the coupon carpark level have been installed advising of parking fee, terms and conditions of parking and the location of coupon purchasing outlets.

COMMITTEE ADVICE:

That the Murwillumbah Multilevel Carpark Coupon Parking Scheme be endorsed.

B5 [LTC] McPhail Avenue, Viking Street and Sutherland Street, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 30723502; 30921480; 30139377; 30723501; 30723500; 30484168; 30378974; 30378975; 30434446; 30378973; 30378976; 30196068; 30196067; 30240917; 31412452; Traffic - Committee; Bus Services - Routes; Traffic - Speed Zones; Traffic - Safety; Traffic - Local Area Traffic Management; Pedestrian Safety; McPhail Avenue; Viking Street; Sutherland Street; Salt Dev - SALT Village

SUMMARY OF REPORT:

Petition received in relation to the volume and speed of traffic on McPhail Avenue, Viking Street and Sutherland Streets, Kingscliff.

"There are three schools and a TAFE on the route in question or in the immediate vicinity. Children are present at all times going to and from school or just walking in their neighbourhood, and they are exposed to the hazards of excessive and speeding traffic.

Many residents on these streets are long time residents of Kingscliff and long time supporters of council. Their lifestyles and those of all of us are being eroded by poor traffic management by council, and by what seems to be preferential treatment for new developments.

In particular, our concerns are:

- *A couple of years ago, a council survey found that there were approximately 1500 vehicle movements per day on Viking Street. This survey was conducted because of complaints from residents.*
- *A few months ago, this had increased to 1900 vehicles per day - a 20% + increase.*
- *When South Salt and Seaside City are fully constructed it is conceivable that this figure may double.*
- *Council have no plans for traffic relief, speed control or traffic calming measures.*

- *Council claim that there have been no reported accidents on these streets in recent years. The fact is that there have been two substantial bus accidents, a head on collision at the intersection of Orient and Sutherland Streets, a five car pile-up on Sutherland Street just south of Viking Street and numerous minor collisions.*
- *Many buses use the Viking Street/McPhail Avenue route with no pick-up or set-down, and could very easily use Turnock Street - non-residential street!*
- *When Salt was being developed, we were assured that most traffic would use the Tweed Coast Way, with little increase in traffic through Kingscliff. This was obviously incorrect.*
- *Viking Street in particular is a narrow street without centre lines. If two cars park opposite each other, the road is reduced to a single lane. It is not suitable for heavy traffic.*
- *Several residents who have tried to park their cars on the street as a traffic calming measure (as per a council recommendation) have had their cars damaged by collisions and side-swipes. One resident had their car vandalised - some people do not like to be slowed down.*
- *The turns into Viking Street from Sutherland, and then from Viking into McPhail Avenue both involve a short steep climb. Buses need to use low gear at high revs, and hoons need to spin their wheels - both cause extreme noise levels.*
- *There are two beautiful parks at the bottom of the hill from Sutherland Street, but walking down there involves risking your life. There is no footpath, no scope for a footpath, and the volume and speed of traffic is increasing. Council recommends walking back up the hill (even though they put in a new footpath down to Sutherland Street) into Vulcan Street and following it around to get to the rear access to the park.*
- *..... Traffic calming measures that slow and restrict vehicle movements will encourage more residents of Salt, as well as visitors to use the alternate North Casuarina route to the Tweed Coast Way.*
- *A long term solutions needs to be sought for the benefit of all Kingscliff and Salt residents. A traffic route that protects the Kingscliff Hill lifestyle, but does not unfairly impact on Salt residents should have always been a top priority, before the Salt development was even given the go ahead. This would include the possibility of relocating the Cudgen Creek Bridge to a point further upstream to bypass the hill, and direct traffic via Turnock Street. When questioned on this, Council have always stated it will never happen, but give no reason why, other than economy. We remind all parties that is a legal requirement that Safety is given top priority when designing any new infrastructure. A bridge is a 50 to 100 year lifespan piece of infrastructure, so it is essential that the location is planned to meet the community needs for a substantial portion of that lifespan.*

We, as residents of Kingscliff, request council to consider and implement the following recommendations for traffic control in our neighbourhood:

1. *Immediately negotiate with Surfside Buslines to use the Viking Street/McPhail Avenue route only for essential services.....*

2. *Install traffic calming measures on all streets. This could include vegetated side intrusions at regular spacings on each side of the roads to form a chicane type of control. This may not be suitable for centre lined streets, but it is certainly viable for Viking Street. A reduction in traffic volume in Viking Street will carry over to the other streets. Any other traffic calming measures suitable for use should be considered, including warning signs reminding drivers that they are in a 50 KMO zone.*
3. *Investigate alternative routes (possibly one-way deviations) to share the traffic, and to make the route less attractive to through traffic.*
4. *Investigate alternative routes for traffic from Salt and Seaside City. This must be done as a priority for future development. The volume of traffic that could potentially enter Kingscliff across the Cudgen Creek Bridge in the future would destroy the lifestyle of residents on Kingscliff Hill. A reasonably simple and absolutely total solution is available, but council refuse to even consider it.*
5. *Council should not be limited to the above. If other measures are available to assist in traffic control, and to protect the safety and lifestyle of residents of Kingscliff Hill, council should act to implement them at the earliest opportunity."*

Commercial and school bus services and routes are determined by the operator under contract with the Ministry of Transport.

Currently there are road narrowing garden beds along the length of McPhail Avenue. On Sutherland Street there is a pedestrian refuge between Orient Street, Palmers Lane and 2 slow points with refuges between Hungerford Lane and Cudgen Creek Bridge.

Council's crash database (2005-2009) does not show crashes on Viking Street beyond minor crashes at the intersections of Sutherland Street and McPhail Avenue.

Recently, raised pavement markers and linemarking have been installed at Viking Street at the McPhail Avenue intersection to reduce the incidence of "corner cutting".

Historical data for traffic volumes are as follows:

Street	Year	Average Daily Traffic (ADT)
Viking Street	1996	1,767
	1998	672
	2008	1,488
	2010	1,900
Sutherland Street	1996	10,514
	2006	3,426
	2011	5,810
McPhail Avenue	1996	2,832
	2004	2,200
	2009	3,606

Recent speed surveys (30/3/11 - 6/4/11) on Viking Street show an 85th percentile speed of 55km/h.

There are weight limits on McPhail Avenue and Sutherland Street of 4.5 tonne.

With regard to Recommendation 1 the Committee recommends no action as there is only one commercial bus route operating at 1 hourly intervals on these streets and this route is determined by the commercial operator. It is also noted that school buses use these routes as necessary. The Committee considers these services are essential for the community.

With regard to Recommendation 2 Council officers will investigate installation of a pedestrian refuge on Viking Street. The Committee considered that repeater '50 km/h' zone signs are desirable.

With regard to Recommendation 3 the Committee considered this to be outside the scope of the Committee and is a planning matter of Council.

With regard to Recommendation 4 the Committee considered this to be outside the scope of the Committee and is a planning matter of Council.

With regard to Recommendation 5 Council will undertake further traffic/speed counts to determine if further measures are necessary.

COMMITTEE ADVICE:

That:

1. No action be taken regarding commercial bus routes on McPhail Avenue and Viking Street, Kingscliff.
2. Council officers investigate installation of a pedestrian refuge on Viking Street, Kingscliff.
3. Council installs repeater '50 km/h' zone signs on Viking Street and McPhail Avenue, Kingscliff.
4. Traffic/speed counts be updated on McPhail Avenue, Kingscliff.

B6 [LTC] SALT Fun Runs - August and September 2011

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 30821172; Traffic - Committee; Parks - Central Park - SALT; Community Events on Ccl Admin Land; Gunmatta Street; Barrel Street; Cylinders Drive; Banzi Street; Avoca Street; Elliston Street; Casuarina Way; Point Break Circuit; Forresters Court

SUMMARY OF REPORT:

Request received for community based Fun Runs at SALT to be approved for Sunday 7 August and Sunday 4 September 2011 between 8.00am and 11.00am.

"We have Expected Numbers 400 each race

<i>Communication with locals:</i>	<i>A letterbox drop will take place in the lead up informing residents of the events, and local business will also be informed personally.</i>
<i>Course Set Up:</i>	<i>Will be done very early prior to anyone using the cycle paths. All set up team members will have vest and flashing lights.</i>
<i>Course pack up:</i>	<i>No vehicles will drive along the cycle parks for pack up - this will all be done by hand by our marshals.</i>
<i>Land respect:</i>	<i>No vehicles will park on the grass and no pegs will be staked in the ground. All rubbish will be removed prior to leaving."</i>

This event has taken place in this precinct for several years without major impacts on traffic or community.

COMMITTEE ADVICE:

That the SALT Fun Runs for August and September 2011 be approved subject to Police approval and standard conditions.

B7 [LTC] 2011 Australian University Games

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 31259789; Traffic - Committee; Traffic - Control; Traffic - LATM; Bicycle Matters - General; Dulguigan Road

SUMMARY OF REPORT:

Request received in relation to the 2011 Australian University Games from 25 to 30 September 2011 and for the cycling event to be held on Dulguigan Road, Dulguigan on Monday 26 September 2011. 50 male and 15 female participants are anticipated as being registered for this race. Registrations for the race close on 19 August and more accurate numbers could be provided after that date.

An undertaking has been given that toilets, water and first aid will be provided for the event and that a traffic management company will be engaged to produce a Traffic Control Plan. The organisers have also advised that they will abide by the NSW Bike Race Guidelines, RTA guidelines and any Police supervision/control required.

Limited detail has been provided by the applicant in regard to start and finishing lines and if any other roads apart from Dulguigan Road would be affected.

COMMITTEE ADVICE:

That the proposed bicycle race associated with the 2011 Australian University Games be placed on the Schedule of Outstanding Resolutions until further information is received from the applicant.

B8 [LTC] Machinery Drive, Tweed Heads South

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 6024875; Traffic - Committee; Traffic - Safety; Ppty - 411; Machinery Drive

SUMMARY OF REPORT:

Request received that:

"The traffic lights in front of this complex is causing near accidents on a regular basis."

The stop/holding line for westbound vehicles on Machinery Drive is in close proximity to the access driveway for the development.

The request is for the stop/holding line to be relocated approximately 10m east to allow egress from the property.

It is suggested that this item be referred to the Roads and Traffic Authority of NSW for its assessment and direction.

The Committee discussed options for alternate vehicle access to the site but these were considered to be cost prohibitive and impractical. The stop/holding line at the traffic signals cannot be relocated due to signal plan specifications.

COMMITTEE ADVICE:

That no action be taken in relation to the relocation of the linemarking associated with the traffic signals at the intersection of Machinery Drive and Amber Road, Tweed Heads South.

B9 [LTC] 2011 Half-Smidly Challenge 8 to 12 June 2011

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 31119835; Charities; Traffic - Committee; Traffic - Safety; Bicycle Matters - General; Casuarina Way, Chinderah Bay Drive, Marine Parade; Minjungbal Drive, Pacific Highway, Tweed Heads South; Tweed Valley Way; Seaview Street, Sutherland Street, Terranora Terrace, Wharf Street, Wommin Bay Road, Wooyung Road, Fingal Road, Tweed Coast Road, Casuarina Way.

SUMMARY OF REPORT:

Request received for approval for a cycle tour from 8 to 12 June 2011 with a group of 30 cyclists as follows:

"...the ride will travel through its area of jurisdiction during the progress of the event. Partial or full road closures are not required.

We are currently working with the Roads and Traffic Authority and NSW Police Major Events for necessary approvals and an on-road permit.

- *Detailed Risk Management document*
- *Highly-skilled and experienced road crew*
- *On-road communication at all times between riders, road crew & Police (where required) via UHF radio*
- *Front & rear safety vehicles equipped with signage and flashing lights*
- *Written and verbal rider etiquette and safety briefings to participants pre-event*
- *Pre-event training rides to educate participants to style of riding required."*

Start Point Wednesday 8 June 2011 - Pacific Highway Slacks Creek 6.00am entering Wharf Street, Tweed Heads from Griffith Street, Coolangatta then on to Terranora Terrace, Minjungbal Drive, Pacific Highway, Fingal Road, Chinderah Bay Drive, Wommin Bay Road, Marine Parade, Kingscliff, Seaview Street, Sutherland Street, Casuarina Way, Tweed Coast Road, Wooyung Road, Tweed Valley Way finishing in Byron Bay.

The Police and the Roads and Traffic Authority of NSW representatives are already aware of the event and are assessing it.

COMMITTEE ADVICE:

That the 2011 Half Smidly Challenge scheduled for 8 to 12 June 2011 be approved subject to Police approval and standard conditions.

B10 [LTC] Bike Event Stokers Siding and Tyalgum Areas

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 31511090; 31511079; Traffic - Committee; Traffic - Safety; Bicycle Events - General

SUMMARY OF REPORT:

Request received for a Cycling Queensland event on Thursday 9 June 2011 at Tyalgum (individual Time trials) and on Saturday to Sunday 11 and 12 June 2011 at Stokers Siding (Championship and Selection races).

Advice is that there will be 100 participants per race and it was held last year in conjunction with The Battle of the Border bicycle races.

The applicants advise that the races will be conducted according to the Roads and Traffic Authority of NSW Guidelines for Bicycle Races in terms of rolling road closures and caravanning according to standard traffic control plans.

A limitation of this event would be availability of Police resources and Police approval.

Roads affected on the Thursday will be Coolman Street, Coodgie Street and Tyalgum Road.

Roads affected on the Saturday will be Stokers Road, Mistral Road, Tweed Valley Way and Tunnel Road.

Roads affected on the Sunday will be Stokers Road, Mistral Road, Tweed Valley Way, Kyogle Road, Smiths Creek Road and Bakers Road.

COMMITTEE ADVICE:

That the Bikers Event scheduled for Thursday 9 June 2011 at Tyalgum (individual Time trials) and on Saturday to Sunday 11 and 12 June 2011 at Stokers Siding (Championship and Selection races) is supported subject to Police approval and standard conditions, including community consultation.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 [LTC] Coronation Avenue and Berkleys Lane, Pottsville

Nil.

A2 [LTC] Eucalyptus Drive and Covent Gardens Way, Banora Point

Nil.

A3 [LTC] St Josephs Primary School, Tweed Heads

Nil.

A4 [LTC] Queensland Road, Murwillumbah

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] Coronation Avenue and Berkleys Lane, Pottsville

As per the Committee's recommendation being:

"That a disabled parking space be installed adjacent to the Anglican Church in Berkleys Lane, Pottsville."

A2 [LTC] Eucalyptus Drive and Covent Gardens Way, Banora Point

As per the Committee's recommendation being:

"That the "No Stopping" sign on Covent Gardens Way, west of Eucalyptus Drive, be relocated approximately 6m further to the west."

A3 [LTC] St Josephs Primary School, Tweed Heads

As per the Committee's recommendation being:

"That:

- 1. The "No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days" zone on the northern side of Frances Street between Enid Street and Pearl Street be modified to read "No Parking 2.30 - 4.00pm School Days".*
- 2. The "No Stopping" sign on the northern side of Frances Street near the intersection of Beryl Street be moved 8m further east towards Beryl Street.*
- 3. The "No Stopping" sign on the southern side of Frances Street near Beryl Street be moved a further 8m towards Beryl Street."*

A4 [LTC] Queensland Road, Murwillumbah

As per the Committee's recommendation being:

"That:

- 1. The 50km/h speed limit zone on Queensland Road be extended 160m to the north, replacing the 60km/h zone currently in place.*
 - 2. '50km/h Ahead' signage be installed on Queensland Road."*
-

36 [SUB-CCDAC] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 21 April 2011

Venue:

Coolamon Cultural Centre

Time:

3.30pm

Present:

Cr Katie Milne (Chair); Max Boyd; Ian Holston; Judith Sutton; Barbara Carroll; Dr Glenda Nalder; Joan Daniels; Gary Corbett (Tweed Shire Council), Jenni Clarke (Minutes) (Tweed Shire Council)

Apologies:

Cr Barry Longland; Ms Diane Wilder; Michael Lill; Phil Villiers; Tony Duke

Cr Milne opened the meeting with an acknowledgement to the Aboriginal Community past and present.

Minutes of Previous Meeting:

Moved: Barbara Carroll

Seconded: Max Boyd

RESOLVED that the Notes of the previous meeting held on Thursday 10 March 2011 be accepted as a true and accurate record of the proceedings of that meeting.

Referring to item 2 from the Notes of the last Committee Meeting, Max provided an overview of the Treasures of Tweed Mural. The Committee asked would the mural be eligible for the Guinness Book of Records due to its length and requested that Tweed Shire Council approach NORTEC to engage an unemployed person to complete the project.

Moved: Barbara Carroll

Seconded: Judith Sutton

RESOLVED that an official approach be made to NORTEC by Tweed Shire Council to confirm if they are prepared to complete the project by engaging an unemployed person to record progress of the mural with funding to be provided by Tweed Shire Council's mentoring program.

Business Arising:

1. Terms of Reference

Terms of Reference document tabled. Gary outlined the changes that were discussed at the last meeting.

Moved: Judith Sutton

Seconded: Joan Daniels

RESOLVED that the Terms of Reference be presented to the next Council meeting for adoption with the following amendment to page 2:

These may be altered or amended by the Committee subject to seven days notice in writing to every Committee member at its ordinary meeting.

2. Fees & Charges

Concerns were raised by the Committee on the proposed fee increases for hall hire for schools and music festivals. Gary to provide a report to the Committee after the proposed Fees and Charges document has been taken off public exhibition.

3. Service Agreement between Tweed Shire Council and Arts Northern Rivers

Deferred until next meeting.

The Committee requested that the Manager Community & Cultural Services distribute the staff report to members after the Arts Northern Rivers meetings and that the Minutes of the Arts Northern Rivers Committee meeting be distributed after adoption by Council.

The Committee requested clarification on who is required to be the representative on the Regional Arts Northern Rivers Committee and suggested that Tony Duke be requested to attend the Cultural Advisory Committee meetings quarterly.

4. Quorum

Resignation of Ms Diane Wilder.

Ian noted that he was disappointed that Diane Wilder has resigned.

Transfer of Committee Member Cr Longland to Cr Milne alternate Cr van Lieshout

Noted.

5. Auditoria Business Plan Report

Manager Community and Cultural Services held meetings with Phil Villiers of Destination Tweed who has proposed a third option for the Auditoria Business Plan. Gary advised that the structure of Option 3 remains the same as Option 2 with the addition of the Cultural Development Officer becoming a member of the Promotions and Marketing team. The Position Description of the Cultural Development Officer will remain as currently devised.

The Committee agreed that Option 3 be endorsed.

Manager Community and Cultural Services to arrange a Tweed Shire Council Development Officer to attend each Committee meeting. The Committee suggested that contact details of Development Officers be distributed to members. MCCS advised that Cultural Development Officer and Aboriginal Advisory Officer Positions are still to be filled.

6. Art Licensing and Business Plan *Colour in Your Life - Licensed Artists*

Gary tabled the Art Licensing and Business Plan *Colour in Your Life - Licensed Artists* and provided an overview of the document and its inception. In early 2010 Graeme Stevenson, approached TSC with a business concept, *Colour in Your Life*. Graeme was seeking support from key stakeholders in the Tweed LGA to establish this business. As a result a document was developed with the support of Department of Industry and Investment, NSW and key members of the art community.

Max advised that Graeme is proactive and has opened doors for other artists in the Tweed Shire and suggested that he be invited to the next meeting as a guest to provide an overview of what he has achieved.

The Committee suggested that a report on Creative Industries items be a regular agenda item and that when the workshops commence to include Graeme which would link him with artists as a mentor.

Agenda Items:

General Business:

1. Max discussed a Report that went to the Council meeting held on Tuesday 19 April 2011 regarding funding for the Murwillumbah Museum whereby it was resolved that \$2,600,000 million be allocated for a single story Museum extension and that Council will not be applying for funding from Regional Development Australia for development of the Museum. Max suggested that as part of the cultural scene the Committee should support the Historical Society for a two storey extension as resolved in MOU in 2004.

Concerns were raised by the Committee that this project has a lot of resources in cash and kind and that other projects supported by Council at the meeting have not the same resources and that no consultation was undertaken.

RECOMMENDATION TO COUNCIL:

Moved: Barbara Carroll

Seconded: Ian Holston

RESOLVED that the Community Cultural Development Advisory Committee commends the ongoing commitment of the Murwillumbah Historical Society to establish a museum of suitable capacity and request that Council in liaison with Historical Society provide a detailed analysis of space requirements.

Next Meeting:

The next meeting of the Committee will be held 26 May 2011 at 3.30pm.

The meeting closed at 5.40pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

GB1.Murwillumbah Museum

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

GB1.Murwillumbah Museum

That Council notes the current work plan to establish themes for the Tweed Regional Museum, notes the establishment in the short term of off-site storage and that Council will receive a further report recommending appropriate themes and management of the exhibition space.

37 [SUBCOM] Reports from Subcommittees and/or Working Groups - Not Requiring Council Decision

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2011 (ECM 32297450).
 2. Minutes of the Equal Access Committee Meeting held Wednesday 20 April 2011 (ECM 32525562).
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ORDERS OF THE DAY

38 [NOR-Cr D Holdom, Cr W Polglase, Cr B Longland] Water Supply Demand Management Strategy Implementation Plan

NOTICE OF RESCISSION:

Councillors D Holdom, W Polglase and B Longland move that Council resolution from the Meeting held on 15 March 2011 at Minute No 148 - Item 24 Water Supply Demand Management Strategy Implementation Plan, being

... that

1. *Council adopts the three year Implementation Plan for the Demand Management Strategy as outlined within the report.*
2. *Staff monitors the Implementation Plan and reports to Council on an annual basis.*
3. *Council continues to proactively lobby state government and developers for improvements to water conservation legislation and BASIX requirements.*
4. *Council continues to proactively investigate further water conservation options.*

be rescinded.

39 [NOM-Cr D Holdom] Water Supply Demand Management Strategy Implementation Plan

NOTICE OF MOTION:

Councillor D Holdom moves that:

1. Council adopts the three year Implementation Plan for the Demand Strategy as outlined within the report.
2. Staff monitors the Implementation Plan and reports to Council on an annual basis.
3. Council continues to advocate to the NSW State Government for improvements to water conservation legislation and BASIX/WELS requirements.
4. Council acknowledges the commitment of the Water Unit as they continue to investigate further water conservation options.
5. The General Manager investigates and reports back to Council on the BASIX Five Year Outcomes Summary Report (as attached) and/or any of the other reports on the BASIX web site, with particular regard to the report's relevance to the Tweed Shire.

<http://www.basix.nsw.gov.au/information/index.jsp>

40 [NOM-Cr K Milne] Public Notification for Development Applications

NOTICE OF RESCISSION:

Councillor K Milne moves that Council holds a forum to seek input from Residents' Associations on Council's Public Notification of development approvals.

41 [NOM-Cr K Milne] Consultation - Council Property Land Sales

NOTICE OF MOTION:

Councillor K Milne moves that Council consults extensively with local Residents' Associations in early discussions for any consideration of any Council property land sales.

42 [NOM-Cr K Milne] Whole of Shire Cultural and Community Facilities Plan and Open Space Requirements - Review

NOTICE OF MOTION:

Councillor K Milne moves that Council review its Whole of Shire Cultural and Community Facilities Plan and Open Space requirements in light of the greater recognition of these issues to Healthy Cities and mental health, and as a timely review for these 2002 and 2007 plans.

43 [NOM-Cr D Holdom] Bogangar Cabarita Beach Development Control Plan

NOTICE OF MOTION:

Councillor D Holdom moves that the General Manager investigates and reports back to council on a (desktop) review of the Bogangar Cabarita Beach Development Control Plan, highlighting any areas that may need improvement with either clarification of technical details and/or implementation of same, height controls, landscaping, building designs (bulk and scale) open space (casual or structured) waterways, dunal areas and any other matter relevant to the location.

QUESTIONS ON NOTICE

44 [QON - Cr D Holdom] Federal Climate Commission

QUESTION ON NOTICE:

Councillor D Holdom asked:

Can Council be updated on the role of the Federal Climate Commission, the Terms of Reference, members of the panel?

45 [QoN - Cr K Milne] Science of Climate Change

QUESTIONS ON NOTICE:

Councillor K Milne asked can Council provide a link in the Tweed Link to the Federal Government website tab '*Debunking the Myths*' to provide the Federal government's position on the science of Climate Change?

46 [QoN - Cr K Milne] Non Essential Project - Council Budget

QUESTION ON NOTICE:

Councillor K Milne asked can Council identify any non essential projects directly affecting Council's budget that Council could foresee could be deferred or eliminated?

47 [QoN - Cr K Milne] Community Surveys

QUESTION ON NOTICE:

Councillor K Milne asked how much would it cost to establish a system of regular community surveys into Council decision making through Survey Monkey for example?

48 [QoN - Cr K Milne] Public Meetings

QUESTION ON NOTICE:

Councillor K Milne asked what is Council's position on the value of holding public meetings, and can Council consider furthering this practice in light of the benefit to the community of the opportunity to share information between community groups that is facilitated during such processes?

49 [QoN - Cr K Milne] Kingscliff Erosion - Costing

QUESTION ON NOTICE:

Councillor K Milne asked how much is it expected to cost to protect Kingscliff against erosion and has this cost estimate been reconsidered in light of current sea level rises?

50 [QoN - Cr K Milne] Cobaki Lakes Development

QUESTION ON NOTICE:

Councillor K Milne asked have the conditions of consent for previous development approvals for the Cobaki Lakes development been enacted, and can these be outlined, especially in relation to habitat compensation areas?

51 [QoN - Cr K Milne] Byrrill Creek Dam - Preferred Option

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise if they have received a response from the State Government in relation to Council's preferred option for Byrrill Creek Dam?

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

1 [PR-CM] Failure to Comply with Order - On-site Sewage Management System

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)
-

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

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] Public Transport Committee Community Representatives

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)
-

4 [EO-CM] Kirkwood Road Project Progress Report

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