

Mayor: Cr B Longland (Mayor)

Councillors: M Armstrong (Deputy Mayor)

G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Agenda

Ordinary Council Meeting Thursday 20 June 2013

held at Murwillumbah Cultural and Civic Centre commencing at 4.45pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

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CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 May 2013

SUBMITTED BY: Corporate Governance



SUMMARY OF REPORT:

The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 May 2013 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16
 May 2013 be adopted as a true and accurate record of proceedings of that
 meeting.
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.3.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Civic Leadership

1.2 Improve decision making by engaging stakeholders and taking into account

community input

1.2.2 Decisions made relating to the allocation of priorities will be in the long-term

interests of the community

1.2.2.1 Priority decision making

1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

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. Attachment 1 Minutes of the Ordinary Council Meeting held Thursday

16 May 2013 (ECM 3053635).

2. Confidential Attachment 2 Minutes of the Confidential Council Meeting held

Thursday 16 May 2013 (ECM 3063542).

2 [CONMIN] Minutes of the Extraordinary Council Meeting held Friday 31 May 2013

SUBMITTED BY: Corporate Governance



SUMMARY OF REPORT:

The Minutes of the Extraordinary Council Meeting held Friday 31 May 2013 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held Friday 31 May 2013 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.3.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership

1.2 Improve decision making by engaging stakeholders and taking into account

community input

1.2.2 Decisions made relating to the allocation of priorities will be in the long-term

interests of the community

- 1.2.2.1 Priority decision making
- 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

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. Attach 1 Minutes of the Extraordinary Council Meeting held Friday 31 May 2013 (ECM 958889).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR] Schedule of Outstanding Resolutions



CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

No debate is to be allowed on Outstanding Resolutions. Any changes to or debate on Outstanding Resolutions should only be by way of a Notice of Motion or a report to Council.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2.1	Council will be underpinned by good governance and transparency in its
	decision making processes
1.2.2.1	Priority decision making
1.2.2.1.1	Council decisions will be in accordance with the Community Strategic
	Plan

26 June 2012

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

27 [CNR-CM] Management and Dedication of Environmental Lands at Kings Forest and Cobaki

364

Cr K Skinner Cr W Polglase

RESOLVED that this item be deferred for a Workshop to include the proponent, Council officers and Councillors.

Current Status:

A Workshop has been held and Council continues to negotiate with the proponent and the Department and a final report will be considered by Council in the forthcoming months.

Recent Part 3A approvals processes for both Kings Forest and Cobaki have determined a recommended approach to the management and dedication of environmental lands.

24 January 2013

ORDERS OF THE DAY

46 [NOM-Cr C Byrne] Operation of Library Services

NOTICE OF MOTION:

58

Cr C Byrne Cr W Polglase

RESOLVED that a report be generated to demonstrate the viability of Tweed Shire Council being able to provide library services in its own capacity to all residents, and ratepayers of Tweed Shire, and to explore other partners for the provision of such services.

Current Status: Report to be prepared.

21 March 2013

ORDERS OF THE DAY

11 [NOM-Cr M Armstrong] Promotion of Sustainable Design

NOTICE OF MOTION:

123

Cr M Armstrong
Cr K Milne

RESOLVED that Council:

- 1. Hosts a Community Summit, prior to 30 October 2013, to engage with the community to develop policies to promote sustainable design, sustainable retrofitting of existing homes and sustainable community planning in the Tweed Shire.
- 2. Prepares a report to be brought forward to the December 2013 Council meeting encapsulating the findings of the Community Summit with a view to introducing policies to promote sustainable development throughout the Tweed Shire.

Current Status: Community Summit to be organised following Workshop discussion with Councillors.

12 [NOM-Cr K Milne] Establishing a Council Mediation Process

NOTICE OF MOTION:

124

Cr K Milne Cr G Bagnall

RESOLVED that Council brings forward a report on establishing a formal mediation process within Council's organisation and the potential for appropriate training of staff.

Current Status: Report to be prepared.

14 [NOM-Cr P Youngblutt] Equal Access - Tweed Aquatic Centre

NOTICE OF MOTION:

126

Cr P Youngblutt Cr W Polglase

RESOLVED that Council officers, in consultation with the Equal Access Advisory Committee, investigate and report back to Council on the provision of a subsidy to improve accessibility for Tweed Shire residents with permanent or temporary disability to the Tweed Aquatic Centres.

Current Status: Report to be prepared.

CONFIDENTIAL ITEMS

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

4 [EO-CM] Bilambil Sports Club

REASON FOR CONFIDENTIALITY:

Privacy of the individual board members of the Bilambil Sports Club Ltd while the liquidation/bankruptcy process proceeds

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

C 12

Cr M Armstrong
Cr K Milne

RECOMMENDED that:

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e. Bring forward a further report outlining available options with respect to the outstanding amount of \$63,028 owed to Council at a future meeting.

Current Status: Report to be prepared.

18 April 2013

ORDERS OF THE DAY

8 [NOM-Cr G Bagnall] Tweed River

NOTICE OF MOTION:

192

Cr G Bagnall
Cr M Armstrong

RESOLVED that the Council engineers bring forth a report that identifies areas of the Tweed River bank opposite Tumbulgum and the riverbank in Murwillumbah, between Condong Creek and the Riverview Hotel, that require revetments or an appropriate remediation and the estimated cost thereof.

Current Status: Report to be prepared.

10 [NOM-Cr G Bagnall] Tweed Urban and Employment Lands Release Strategy 2009

NOTICE OF MOTION:

194

Cr G Bagnall
Cr M Armstrong

RESOLVED that, in light of new census data, Council bring forward a report on the applicability of the currently adopted Tweed Urban and Employment Lands Release Strategy (2009) to the future growth of the Shire.

Current Status: Report to be prepared for the July Council meeting.

12 [NOM-Cr K Milne] Unnamed Creek, Harrys Road, Numinbah

NOTICE OF MOTION:

196

Cr K Milne Cr G Bagnall

RESOLVED that Council brings forward a report on the state of the unnamed creek at Harrys Road, Numinbah and recommendations for remediation as soon as possible.

Current Status: Report to be prepared.

13 [NOM-Cr K Milne] Climate Change Priority

NOTICE OF MOTION:

197

Cr K Milne Cr G Bagnall

RESOLVED that Council prioritises climate change as an urgent and high priority in all relevant areas of Council policy and operations, and brings forward to a future Workshop, policy options to implement this approach.

Current Status: Workshop scheduled for 11 July 2013.

17 [NOM-Cr K Milne] Development Control Plan (DCP) A11- Public Notification of Development Proposals

NOTICE OF MOTION:

201

Cr K Milne Cr G Bagnall

RESOLVED that Council brings forward a report on DCP A11- Public Notification of Development Proposals in relation to enhancing opportunities for the community to be notified on these matters.

Current Status: Workshop scheduled for 4 July 2013.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

35 [CNR-CM] Draft Northern Rivers Regional Affordable Housing Strategy

207

Cr M Armstrong
Cr G Bagnall

RESOLVED that Council:

• • •

3. Council holds a Workshop with Councillors to discuss the implications prior to a further report being submitted to Council.

Current Status: Workshop scheduled for 11 July 2013

16 MAY 2013

ORDERS OF THE DAY

4 [NOM-Cr G Bagnall] Collection and Recycling of Household Batteries

1 Cr G Bagnall Cr K Milne

RESOLVED that Council Officers bring forward a report on the feasibility of establishing a business partnership model for the collection and recycling of household batteries within various commercial business districts.

Current Status: Report to be prepared.

6 [NOM-Cr G Bagnall] Assessment of Environmental Land

2 Cr G Bagnall Cr K Milne

RESOLVED that Council undertakes a preliminary environmental assessment of the environmental land to the immediate north of the decommissioned Murwillumbah landfill to firstly determine the potential noise and dust impacts from the proposed development on this site and secondly, its ecological value, giving consideration to all fauna and flora on the site and the site's value in terms of the broader terrestrial environment, such as a nursery for endangered bats and bird species.

Current Status: Brief been issued for environmental assessment.

7 [NOM-Cr G Bagnall] Sportsground Naming Policy

3 Cr G Bagnall Cr W Polglase

RESOLVED that the Naming of Council Public Parks Policy be reviewed with the view of naming sports fields after their geographic location. In order to help the public identify and locate sports fields easier, the geographical name or the currently used named be the preferred name.

Current Status: Report to be prepared.

Page 19

8 [NOM-Cr G Bagnall] Policy - Animal Management Procedures

4 Cr G Bagnall Cr K Milne

RESOLVED that a report be submitted to Council detailing Council's current Companion Animal Regulation functions, in order to determine the suitability of preparing a new Council Policy on animal management procedures, including a preferred process for handling barking dog complaints.

Current Status: Report to be prepared.

12 [NOM-Cr G Bagnall] Renewable Energy

5 Cr G Bagnall Cr K Milne

RESOLVED that:

- 1. Council adopts the aspirational goal of becoming self sufficient in renewable energy and that, as a first step in achieving this goal, that it become an additional topic to be considered in the Sustainable Design Community Summit formally endorsed in the Council meeting of 21 March 2013; and
- 2. A report is prepared for Council consideration.

Current Status: Community Summit to be scheduled and Council report to be prepared.

16 [NOM-Cr K Milne] Lot 490

6 Cr B Longland Cr W Polglase

RESOLVED that Council:

- 1. Arranges a workshop with Councillors on Lot 490 as soon as possible.
- 2. Arranges a public meeting to include representatives from Residents/Progress Associations across the Shire and the communities of Kingscliff, Casuarina, Cudgen and Chinderah with the purpose of discussing possible future uses for Lot 490 at Kingscliff. The meeting to be promoted through the Tweed Link and should include an invitation to the Department of Lands.
- 3. Prepares a report outlining the outcomes of both the workshop and public meeting regarding Lot 490.

Current Status: Workshop scheduled for 1 August 2013.

17 [NOM-Cr M Armstrong] Assistance Animals Including Guide Dogs and Hearing Dogs

7 Cr M Armstrong Cr K Milne

RESOLVED that Council:

- 1. As a matter of priority investigates the feasibility of providing off leash space for assistance animals including but not limited to guide dogs and hearing dogs within the upgrades to Arkinstall Park; and
- 2. Brings forth a report to outline ways in which greater provision can be made for off leash space for assistance animals including but not limited to guide dogs and hearing dogs both within existing infrastructure and within future large scale residential developments.

Current Status: Report to be prepared.

18 [NOM-Cr M Armstrong] Policy - Hire Fees

8 Cr M Armstrong Cr K Milne

RESOLVED that Council develops a policy to provide support to Resident, Progress and Ratepayer organisations by:

- 1. Upon application providing a reduction in hire fees for Council properties in the amount of 50% of the community rate;
- 2. The period of reduction continues for a period of 12 months; and
- 3. The maximum number of hires to which the discounted hire fee applies during any 12 months period be fourteen.

Current Status: Report to be prepared.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

54 [EO-CM] Local Preference Procurement Policy

9 Cr W Polglase Cr P Youngblutt

RESOLVED that:

- 1. Council adopt Option 3 of this report being:
 - (a) Draft Version 1.5 of the Procurement Policy be placed on public exhibition for a period of 28 days and seeking public submissions for 42 days.
 - (b) Council concurrently seek advice and reports from the Audit Committee and the External Auditor on the likely implications of the draft policy on Council's finances and operations.
 - (c) Council obtains economic modelling on the likely impact of the draft policy on the local economy.
 - (d) Before compiling a final report on the amended policy, a Councillor workshop be conducted to consider outcomes of (b) and (c) above and submissions from the public and industry stakeholders.
- 2. An internal cross divisional "Sustainable Procurement Working Group" be established to:
 - (a) Develop and utilise systems to track and record sustainable purchases for the organisation to benchmark, record, and quantify progress.
 - (b) Work with suppliers to discuss and implement specific sustainability opportunities.

Current Status: Draft Policy referred to Audit Committee and External Auditor for comment and is currently on Public Exhibition.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for the period from 2 May to 3 June 2013

SUBMITTED BY: Cr B Longland, Mayor



Councillors

COMMITTEE MEETINGS

Attended by the Mayor

Att	ended by the Ma	<u>ayor</u>
>	3 May 2013 -	NOROC Meeting of Northern Rivers Mayors and General Managers - Ballina Council Chambers, Cherry St, Ballina
>	8 May 2013 -	Tweed River Art Gallery (TRAG) Foundation Meeting - TRAG, Mistral Rd, Murwillumbah (also attended by Warren Polglase as Foundation president).
>	13 May 2013 -	Tweed Education and Industry Forum - Kingscliff TAFE, Cudgen Road, Kingscliff (Cr Byrne also attended).
>	15 May 2013 -	Destination Tweed Board meeting - Coolamon Cultural Centre, Tumbulgum Road, Murwillumbah.
>	16 May 2013 -	Community Safety Precinct Committee Meeting for Tweed/Byron Local Area Command - Pottsville Environment Centre, Centennial Drive, Pottsville Beach (Cr Byrne also attended).
>	16 May 2013 -	Tweed River Regional Museum Advisory Committee Meeting - Coolamon Cultural Centre, Tumbulgum Road, Murwillumbah.
>	17 May 2013 -	Margaret Olley Art Centre Steering Committee - Marks Family Library, Tweed River Art Gallery (also attended by Warren Polglase as TRAG Foundation president).
>	29 May 2013 -	Tweed Business Advisory Board Committee Meeting - Salt Bistro, Kingscliff.
>	30 May 2013 -	Floodplain Management Conference Dinner, invited guest - Twin Towns, Wharf Street, Tweed Heads.
>	3 Apr 2013 -	Murwillumbah Community Centre Management Committee - Murwillumbah Community Centre, Nullum Street, Murwillumbah (Cr

Polglase also attended).

- 4 Apr 2013 Local Traffic Committee Meeting Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah
- Arts Northern Rivers Board Meeting and AGM Arts Northern Rivers Offices, Old Tintenbar Chambers, 2/5 Bruxner Highway, Alstonville.

INVITATIONS:

Attended by the Mayor

- 2 May 2013 Opening of Local Government Customer Service Network Conference
 Mantra at Salt, Kingscliff.
- Opening of Rory Vaden's master class, Toastmasters District 69 Convention - Tweed Heads Civic Centre, Corner Brett & Wharf Streets, Tweed Heads.
- 6 May 2013 Murwillumbah Rotary Greenhills on Tweed, River Street, Murwillumbah.
- 8 May 2013 Official Opening of the Coolangatta Senior Citizens Centre by Karen Andrews MP, Federal Member for McPherson Coolangatta Senior Citizens Centre, 2 Gerrard Street, Coolangatta.
- 9 May 2013 Meet and greet, Shadow Parliamentary Secretary for Roads Maritime Museum, Kennedy Drive, Tweed Heads West.
- 11 May 2013 Australian Navy Cadets Annual Inspection and Ceremonial Parade -TS Vampire, Dry Dock Road, South Tweed Heads.
- 11 May 2013 The Naming of the Arthur Holmes OAM Memorial Garden Murwillumbah Civic Centre, 3 Tumbulgum Road, Murwillumbah
- 13 May 2013 Murwillumbah Rotary Greenhills on Tweed, River Street, Murwillumbah.
- 14 May 2013 Opening of Burringbar Mooball Sewerage Scheme Burringbar Mooball Wastewater Treatment Plant.
- Local Government Acts Taskforce Workshop for Stakeholders -Lennox Head Cultural and Community Centre, 1 Mackney Lane, Lennox Head.
- 17 May 2013 Mt St Patrick's College Annual Debutante Ball The Catholic Hall, 137-143 Murwillumbah Street. Murwillumbah.
- Name 18 May 2013 Southern Cross University Graduation Ceremony Tweed Heads Civic Centre, Brett Street, Tweed Heads.
- 21 May 2013 Kingscliff Chamber Business Breakfast Kingscliff Beach Bowls Club, Marine Parade, Kingscliff (Crs Polglase and Byrne also attended).

- 21 May 2013 Turning of the first sod Arkinstall Park with Minister Albanese and Justine Elliot - Netball Courts, Cunningham Street, Tweed Heads South.
- 22 May 2013 Opening of Woolworths Store 39-45 Tweed Coast Road, Cabarita Beach.
- 22 May 2013 Twin Towns Friends Association, Volunteers Certificate of Appreciation Ceremony Community Hall, Heffron St, South Tweed Heads.
- 23 May 2013 Announcement of the Affordable Housing Grant by Justine Elliot MP 100 Hills, Riveroak Drive, Murwillumbah.
- 23 May 2013 Accessible Arts Creating Connections Community Forum Banora Point Community Centre, Cnr Woodland and Leisure Drive, Banora Point (Cr Byrne also advised her attendance).
- 29 May 2013 Official Opening of National Floodplain Management Conference -Twin Towns Resort, Tweed Heads.
- > 31 May 2013 Closing of National Floodplain Management Conference Twin Towns Resort, Tweed Heads.
- 31 May 2013 Cooly Rocks On Official VIP Launch, Skate Rattle and Roll Swing City Marquee, beachside at Coolangatta.
- 1 June 2013 Cycle for Motor Neurone Disease Fundraiser Sugar Beat Cafe, Murwillumbah.
- Value 2013 World Environment Day Festival hosted by the Caldera Environment Centre Knox Park, Murwillumbah (Crs Bagnall and Byrne also advised their attendance).
- 2 June 2013 Official launch of two environmental initiatives, Land for Wildlife and Koala Connections - Knox Park, Murwillumbah.
- Southern Cross University (SCU) opening of Building B at the Gold Coast (GC) Campus SCU, GC Campus, Southern Cross Drive, Bilinga.

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

Z6 May 2013 - Tyalgum Classical Music Festival Friends' Concert - Tyalgum Hall, Coolman Street, Tyalgum (Cr Byrne advised her attendance).

Inability to Attend by or on behalf of the Mayor

- Northern Rivers Social Development Council and Regional Development Australia Community Forum - Brunswick Memorial Hall, Fingal Street, Brunswick Heads.
- Aboriginal Advisory Committee meeting Minjungbal Museum and Cultural Centre, Cnr Kirkwood Road and Parry Street, Tweed Heads South.

- 23 May 2013 Tweed Valley Banana Festival Official Sashing of entrants Wollumbin Room, Murwillumbah Service Club, Wollumbin St, Murwillumbah.
- 25 May 2013 Cudgen Headland SLSC Annual Presentation of Awards and Trophies
 Cudgen Headland SLSC, Marine Parade, Kingscliff
- 26 May 2013 Twin Towns and District Garden Club Inc Cudgen Public School, 11 Collier Street, Cudgen.
- 26 May 2013 Belly to Big School and Beyond free family fun day hosted by Community and Early Childhood Services - Knox Park, Murwillumbah.
- 30 May 2013 Twin Towns Friends Association, Big Cuppa for Cancer Community Hall, Tweed Heads South.

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Top	pic	Councillors For	Councillors Against	Proposed Workshop Date
05/05/13	Cr G Bagnall	Traffic Devices.	Calming	Bagnall Milne Armstrong	4 Remaining Councillors	Not being scheduled.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 17-19 May 2013 National Koala Conference Westport Conference Centre, Buller Street, Port Macquarie - Cr Milne attended.
- 24 May 2013 Financial Issues in Local Government training for Councillors Lismore Council Chambers, 43 Oliver Ave, Goonellabah - Crs Milne and Longland attended.
- 28-31 May 2013 National Floodplain Management Conference Twin Towns Clubs & Resorts, Tweed Heads, NSW - Cr Milne attended.
- 31 May 2013 North Coast Energy Forum Italo Club, Barrow Lane, North Lismore -Crs Milne and Bagnall attended.

Information on Conferences to be held

26-29 Sep 2013 16th International River Symposium, "Linking water, energy, food" -Brisbane Convention & Exhibition Centre, Corner Merivale and Glenelg Streets - *The Symposium will explore the intricately linked* pressures on rivers as our population grows and expands - Earlybird Registration \$1100pp until 22 July, plus 3 nights accommodation \$450, no flights required - Refer www.riversymposium.com

SIGNING OF DOCUMENTS BY THE MAYOR:

- 6 May 2013 Deposited Plan Land Acquisition Marshall Street and Kyogle Road, Uki.
- 7 May 2013 Deed of Transfer Easement Essential Energy Arkinstall Park.
- 13 May 2013 Acquisition of Land for Sewerage Infrastructure Tweed valley Way Murwillumbah Deposited Plan Administration Sheet.
- A 14 May 2013 Request document Acquisition of Land for Road Purposes Kyogle Road, Terragon.
- 23 May 2013 Extinguishment of Restriction as to User Document Lot 5 DP 830973 Kirkwood Road Tweed Heads.
- > 31 May 2013 Transfer Granting Easement Overall Drive Pottsville.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Financial Plan:

Appropriate expenditure is allowed for attendance by Councillors at nominated conferences, training sessions and workshops.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2	Improve decision making by engaging stakeholders and taking into account
	community input
1.2.2	Decisions made relating to the allocation of priorities will be in the long-term
	interests of the community
1.2.2.1	Priority decision making
1.2.2.1.1	Council decisions will be in accordance with the Community Strategic Plan

RECOMMENDATION:

That:-

- 1. The Mayoral Minute for the period from 2 May to 3 June 2013 be received and noted.
- 2. The attendance of Councillors at nominated Conferences be authorised.

UNDER SEPARATE COVER:

Nil.

ORDERS OF THE DAY



LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Civic Leadership

1.2.1 Council will be underpinned by good governance and transparency in its decision making processes

1.2.2.1 Priority decision making

1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

5 [NOR-Crs M Armstrong, G Bagnall and W Polglase] [TCS-CM] Mayor and Councillors Annual Remuneration 2013/2014

NOTICE OF RESCISSION:

Councillor M Armstrong, G Bagnall and W Polglase move that the proposed motion at Item 57, Minute No 332 of the meeting held 16 May 2013 being:

... that the annual fees payable for the Mayor and Councillors for the 2013/2014 financial period be:

Mayor \$38,160 Councillors \$17,490

In accordance with the maximum fees as determined by the Local Government Remuneration Tribunal.

which was lost

be rescinded.			

6 [NOM-Cr M Armstrong] Remuneration for Mayor and Councillors

NOTICE OF MOTION:

Councillor M Armstrong moves that the annual fees payable for the Mayor and Councillors for the 2013/14 financial period be:

Councillor:\$17,060 Mayor: \$37,230

in accordance with the range of fees as determined by the Local Government Remuneration Tribunal.

7 [NOM-Cr M Armstrong] Upgrade and Repair of Kennedy Drive, Tweed Heads West

NOTICE OF MOTION:

Councillor M Armstrong moves that Council prepares a report for the August meeting that:

- 1. outlines the maintenance, repair, and construction history of Kennedy Drive over the past four (4) years;
- 2. explains the current and historical financial capacity for ongoing repair, resurface, or reconstruction of Kennedy Drive;
- outlines potential State Government and Local Council sources of funding for the repair, resurface, or reconstruction of Kennedy Drive to an appropriate standard reflecting the current and future population of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen, and Cobaki;
- 4. includes a cost benefit analysis for the repair, resurface, or reconstruction of Kennedy Drive socially to the current and future population of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen, and Cobaki and economically for the greater Tweed shire; and
- 5. outlines of expected timeframes for the appropriate repair, resurface, or reconstruction of Kennedy Drive to an appropriate standard reflecting the current and future populating of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen and Cobaki.

8 [NOM-Cr M Armstrong] Provision of Community and Cultural Services

NOTICE OF MOTION:

Councillor M Armstrong moves that:

- 1. A report be prepared for the December 2013 meeting of Council investigating potential sites and/or locations that would be suitable for a:
 - (a) cultural precinct within Banora Point/Tweed Heads area to potentially include:
 - Professional theatre/performance facility for an audience of more than 350
 - Rehearsal/small performance spaces(s)
 - Museum
 - Exhibition space
 - Library
 - Multipurpose community meeting and activity spaces.

- (b) community centre within the Banora Point/Tweed Heads area to potentially include:
 - Multipurpose community meeting and activity spaces
 - Government offices/spaces
 - Services for the homeless, youth, and/or other designated groups.
- 2. The report should provide details on:
 - Feasibility of the cultural precinct and community centre
 - Feasibility and costs for the potential sites
 - Feasibility and costs of staged development of the various facilities based on priorities
 - Timeframe for acquisition (If necessary), planning, and construction
 - Timeframe for completion of the cultural precinct and community centre
 - Costs benefit analysis for the establishment of a cultural precinct and/or separate community centre
 - Feasibility of repurposing existing council sites and facilities
 - Feasibility of either co-locating the precinct and community centre or separate sites for each of the cultural precinct and community centre
 - Existing and potentially available sources of funding.

UNDER SEPARATE COVER:

Attachment 1	Background Information - Provision	of	Community	and
	Cultural Services (ECM 3083570).			
<u>-</u> -				

9 [NOM - Cr Armstrong] Future Use of Murwillumbah Railway Station Building

NOTICE OF MOTION:

Councillor M Armstrong moves that a report be prepared for the December 2013 meeting of Council regarding the future use for the Murwillumbah Railway Station building considering:

- 1. Retaining of the building and/or site as a public community asset;
- 2. Capacity of the building and/or site for community uses including, but not limited to, meeting space(s), exhibition space(s), performance space(s), and rehearsal space(s);
- 3. Feasibility of the building and/or site for use as a public community and/or cultural facility given the historical significance of the building; and
- Cost benefits analysis for the use of the building and/or site as a public community and/or cultural facility socially for the people of Murwillumbah and economically for the wider Tweed Community.

10 [NOM-Cr W Polglase] Standard Contract Variation Clause

NOTICE OF MOTION:

Councillor W Polglase moves that the standard contract variation clause relating to Tenders awarded by Council be amended as follows:

The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum and those variations be reported to Council following completion of the tender.

11 [NOM-Cr K Milne] Fingal Head Development Control Plan

NOTICE OF MOTION:

Councillor K Milne moves that Council commences a Development Control Plan for Fingal Head in the 2013/14 planning reforms agenda and begins discussion with the Fingal Head community to determine if there are opportunities for the community to assist Council in developing their plan.

12 [NOM-Cr K Milne] Divestment of Fossil Fuels

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on whether Council has any funds indirectly invested in fossil fuel industries, and what legislative or other changes would be required to enable redirection of Council funds from such industries to institutions investing in renewable energy.

Note: Please refer to the link below for further information http://www.huffingtonpost.com/jamie-henn/fossil-fuel-divestment b 3394142.html

13 [NOM-Cr K Milne] Commercial Wakeboarding Operations

NOTICE OF MOTION:

Councillor K Milne moves that Council commences a planning proposal to prohibit commercial wakeboarding operations and wakeboarding events in the Tweed Shire.

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14 [NOM-Cr K Milne] Urban Agriculture Policy

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on developing an Urban Agriculture DCP and any land use changes that may be required to facilitate this in stage 2 of the LEP.

Note: Please refer to the link below for further information http://civileats.com/2011/04/14/san-francisco-passes-most-progressive-urban-agriculture-policy-in-

u-s/

15 [NOM-Cr K Milne] NSW Local Government Association Conference

NOTICE OF MOTION:

Councillor K Milne moves that:

1. Review of the NSW Planning Act - Ecological Sustainable Development

The NSW Local Government Association advocates for the retention of the requirement for Ecological Sustainable Development in the new Planning Act, and for a stronger focus on incorporating this provision at the forefront of infrastructure and development decisions.

Review of the NSW Planning Act - Community Consultation

The NSW Local Government Association advocates for the retention of the current levels of community consultation on development applications in the new Planning Act.

16 [NOM-Cr K Milne] Local Environmental Plan Stage 2 Community Working Group

NOTICE OF MOTION:

Councillor K Milne moves that Council engages a Community working group for stage two of the Local Environmental Plan.

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17 [NOM-Cr K Milne] Fingal Head Local Environment Plan Two Storey Height Controls

NOTICE OF MOTION:

Councillor K Milne moves that:

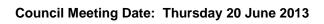
- 1. Council amends Section A1 of the Tweed Development Control Plan to include interim development controls in relation to the height and density limit applicable to all land in Fingal Head, restricting height to two (2) storeys only with such provision being reviewed no later than 12 months from the date of adoption.
- 2. The draft amendment be publicly exhibited in accordance with s.74E of the Environmental Planning Assessment Act 1979.

QUESTIONS ON NOTICE

18 [QoN-Cr K Milne] Art Gallery Local Content

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise what proportion of the Art Gallery exhibition program and space is dedicated to Tweed Shire artists compared to artists located outside the Shire, and whether there are any opportunities to provide more selling spaces for local artists?



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RECEIPT OF PETITIONS

19 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance



SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.3, Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.

Unless Council determines to consider it in conjunction with a report already listed on the agenda, no motion (other than a motion to receive the same) may be made on any petition until the next Ordinary Meeting after that at which it has been presented.

RECOMMENDATION:

That the following tabled Petition(s) be received and noted:

Council Meeting Date: Thursday 20 June 2013	
REPORT:	
As per Summary.	

OPTIONS:

That in accordance with Section 1.5.4 of the Code of Meeting Practice Version 2.3:

- 1. The tabled Petition(s) be considered in conjunction with an Item on the Agenda.
- 2. The tabled Petition(s) be received and noted.

CONCLUSION:

Any Petition tabled should be considered under Section 1.5.4 of the Code of Meeting Practice Version 2.3.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.3.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2	Improve decision making by engaging stakeholders and taking into account
	community input
1.2.2	Decisions made relating to the allocation of priorities will be in the long-term interests of the community
1.2.2.1	Priority decision making
1.2.2.1.1	Council decisions will be in accordance with the Community Strategic Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE ACTING GENERAL MANAGER

20 [GM-CM] Local Government Acts Taskforce - Response to April 2013 Discussion Paper

SUBMITTED BY: Acting General Manager

Valid



SUMMARY OF REPORT:

The Local Government Acts Taskforce, as part of its Stage 2 consultation process has released a Discussion Paper dated 4 April 2013. The Taskforce has invited submissions which close on 28 June 2013.

The purpose of the Discussion Paper is to outline the deliberations of the Taskforce on options and proposals for the principles of the new legislation. The Taskforce is proposing to develop a flexible, principles-based legislative framework where possible that avoids excessive prescription, is written in plain language, and in a logical form.

This report outlines Council's responses to the Discussion paper dated 4 April 2013.

RECOMMENDATION:

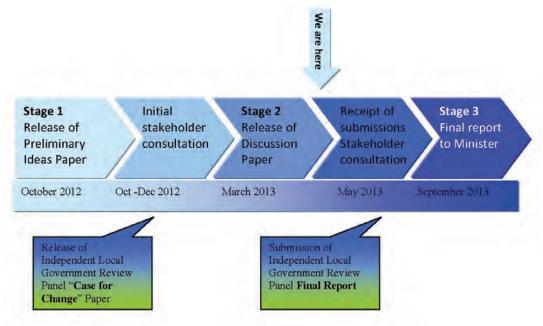
That the Council report and Attachment 2 be submitted to the Local Government Acts Taskforce in response to the Discussion Paper dated 4 April 2013.

REPORT:

The Local Government Acts Taskforce, as part of its Stage 2 consultation process has released a Discussion Paper dated 4 April 2013. The Taskforce has invited submissions which close on 28 June 2013.

The purpose of the Discussion Paper is to outline the deliberations of the Taskforce on options and proposals for the principles of the new legislation. The Taskforce is proposing to develop a flexible, principles-based legislative framework where possible that avoids excessive prescription, is written in plain language, and in a logical form.

The following diagram displays the timelines that the Local Government Acts Taskforce are utilising:



More details on the Taskforce can be found on webpage:

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg LGAT.asp?mi=10&ml=2&SecHd=HOME &AreaIndex=TASKFORCE

In conducting this review the Taskforce is required to consult widely. Part of this consultation included a workshop session conducted at Lennox Head on 14 May 2013, which was attended by the Mayor and five staff. Much of the proposals contained within this Discussion Paper have been framed on the feedback received from the Stage 1 consultation and it is worth noting that Council provided a submission to the Stage 1 Preliminary Ideas Paper in December 2012.

The Topics contained within this current Discussion Paper are:

Topic	Section		
Elections	3.3.1		
Meetings	3.3.2		
Appointment and Management of Staff	3.3.3		
Formation and involvement in Corporations	3.3.4		
and Other Entities			
Protection from Liability	3.3.5		
Code of Conduct	3.3.6		
Pecuniary Interest	3.3.7		
Delegations	3.3.8		
Financial Management	3.3.9		
Procurement	3.3.10		
Capital Expenditure Framework	3.3.11		
Public Private Partnerships	3.3.12		
Acquisition of Land	3.3.13		
Public Land	3.3.14		
Approvals, Orders and Enforcement	3.3.15		
Water Management	3.3.16		
Tribunals and Commissions	3.3.17		
Performance of Local Government	3.3.18		

A copy of Council's draft submission in response to the Local Government Acts Taskforce 4 April 2013 Discussion Paper is attached.

OPTIONS:

- 1. Provide this report as a submission to the Local Government Acts Taskforce 4 April 2013 Discussion Paper.
- 2. Amend the draft submission in response to the Local Government Acts Taskforce 4 April 2013 Discussion Paper.
- 3. No submission is made in response to the Local Government Acts Taskforce 4 April 2013 Discussion Paper.

CONCLUSION:

Council comments and this report are submitted to the Local Government Acts Taskforce in response to the Discussion Paper dated 4 April 2013.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Local Government Act

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Civic Leadership

1.2 Improve decision making by engaging stakeholders and taking into account

community input

1.2.1 Council will be underpinned by good governance and transparency in its

decision making process

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Local Government Acts Taskforce - A New Local Government

Act for NSW - Discussion Paper - 4 April 2013 (ECM 3079622)

Attachment 2. Council's draft submission in response to the Local

Government Acts Taskforce Discussion Paper - 4 April 2013

(ECM 3082276)

21 [GM-CM] Business Investment Policy

SUBMITTED BY: Acting General Manager



SUMMARY OF REPORT:

Council at its meeting on Thursday 16 May 2013 resolved that it:

"Places the Draft Business Investment Policy, Version 1.0 on public exhibition and seek public submissions for 14 days."

The Draft Business Investment Policy was placed on exhibition on 21 May 2013, with submissions closing 5 June 2013.

Submissions received from the public, comments internal to the organisation and further legal advice has resulted in changes to the draft policy which is marked-up in Attachment 1.

This Policy will result in Tweed Shire Council taking proactive measures in accordance with the adopted Community Strategic Plan, Strengthening the Economy theme with a longerterm view of increasing economic activity and hence local jobs creation.

RECOMMENDATION:

That Council, in accordance with Section 161 of the Local Government Act 1993, adopts the Business Investment Policy Version 1.0 with amendments.

REPORT:

Global economic downturn and instability stemming from the 2007-2008 global financial crisis has had far reaching implications. With the downturn in economic activity and weaker stock markets most sectors of the business economy have been affected in some way, particularly at a time when consumer spending has shown a steady decline in response to uncertainty in domestic as well as international trade markets.

The net effects are widespread and Tweed Shire is not immune from these global phenomena. As with many Australian States and Territories there has been a significant decline in both the housing construction industry and in general business investment which has impacted on both jobs retention and new employment opportunities.

Due to the ever changing nature of the Tweed economy this Policy should be considered as a measure to assist business in a time of economic downturn. This Policy should be reviewed on a regular basis with reference to the current needs of the business community for economic growth. For this reason flexibility and recurrence are important elements in this policy and as a result Council reserves the right to amend this Policy from time to time.

Additionally, Council has agreed to undertake the development of an Economic Development Strategy. This process is currently under way and the outcomes of this Strategy could possibly identify changes to the Policy which may offer better outcomes and practices for business incentives.

For these reasons this Policy should not only be reviewed by Council in light of the adopted Economic Development Strategy later this year, but also reviewed on a regular and ongoing basis to confirm its relevance and validity.

This policy is being proposed now as there is a need to encourage and generate employment creating investment, and thereby increase both the workforce participation rate and the lower than state average disposable and household incomes in the Tweed area.

Policy:

The Draft Business Investment Policy (attached) provides investment incentives for new, relocating, or expanding businesses within the Tweed Shire.

The Policy defines:

- Investment attraction and its relevance to Council's Community Strategic Plan and Delivery Program.
- The circumstances in which investment attraction activities will be provided.
- The scope for investment attraction activities and the range of incentives that can be considered.
- The consultation, assessment (including the risk/security for Council), approval, reporting and monitoring arrangements to apply, to ensure the Policy administration occurs in a transparent and accountable manner.

In summary, the Draft Business Investment Policy provides two forms of incentives:

1. Discretionary

Assistance from Council will comprise a non-cash incentive package which allows for payment by instalments of developer contributions for water supply and/or sewer services infrastructure, pursuant to section 64 of the *Local Government Act* 1993 (Infrastructure Charge).

2. Non-discretionary

- Concessions and staged payment offered in relation to the contributions required under section 94 of the *Environmental Planning and Assessment Act* 1979, Developer Contributions Plan 4 - (there are exemptions to this assistance within the policy document); and
- New development applications for building works, where there is a requirement for payment of Section 64 and Section 94 contributions, consent conditions for such payments will designate payment to be made prior to issue of Occupation Certificate as opposed to the earlier Construction Certificate stage.

The adoption of this Policy will result in Tweed Shire Council taking proactive measures in accordance with the adopted Community Strategic Plan, Strengthening the Economy theme with a longer-term view of increasing economic activity and hence local jobs creation.

OPTIONS:

- 1. Adopts the Draft Business Investment Policy, Version 1.0 with the amendments outlined in the attachment.
- 2. Adopts the Draft Business Investment Policy without amendment.
- 3. Not adopt the Draft Business Investment Policy.

CONCLUSION:

The Business Investment Policy seeks to encourage the development of a robust Tweed economy which is more resilient to fluctuations in the economic cycle, has a broader range of business activities and supports the growth and development of sustainable employment opportunities for Tweed Shire's population.

COUNCIL IMPLICATIONS:

a. Policy:

New policy for Council determination

b. Budget/Long Term Finance Plan:

Lost interest income due to deferral of Section 94 Developer charges and S64 Developer Services Charges.

c. Legal:

Legal advice has been received.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment

UNDER SEPARATE COVER:

- Attachment 1. Business Investment Policy, Version 1.0 (ECM 3082315).
- Attachment 2. Late Submission from Tweed Chamber of Commerce and Industry Incorporated (ECM 3084948).

[GM-CM] Applications for Financial Assistance 2012/2013 - Festivals and Events Policy

SUBMITTED BY: Communications and Marketing



SUMMARY OF REPORT:

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

Council's Events Strategy 2011-2016 provides a framework to assist the community and Council develop and support festivals and events in the Tweed. The Festival and Events Policy adopted in 2011 created one annual funding round with applications due on 1 May each year. Through the Tweed Link, Council invited applications for financial assistance from eligible organisations in accordance with its Festivals and Events Policy.

Applicants are able to apply for multi-year funding and the recommendation is to provide this. Funding in the subsequent year still requires annual reporting and updating of the business plan already received.

RECOMMENDATION:

That:

1. Council allocates Festival and Events funding for 2013/2014 under the Festivals and Events Policy as follows:

<u>Applicant</u>	<u>Amount</u>
(a) Tweed Heads Croquet Club Inc	
(Croquet Spring Festival)	\$1,000
(b) Twin Towns Services Club	
(NYE Fireworks 9pm)	\$4,000
(c) Cooly Rocks On	\$20,000
(d) Rotary Club of Murwillumbah Central Inc	
(Tweed Valley Banana Festival)	\$,7500
(e) Tweed Food Fest Inc	
(Tweed Foodie Fest)	\$5,000
(f) Chillingham Community Association Inc	
(Three Choirs Festival)	\$750

(g)	The Family Centre	.
	(Superhero Saturday)	\$1,500
(h)	Caba Creative	
	(Caba Creative Carnivale)	\$1,150
(i)	Crabbes Creek Community Film Society	
	(CrabbesFest)	\$1,000
(j)	St Joseph's Youth Services	
	(Tweed Mental Health Awareness - Family Fun Day)	\$3,000
(k)	Caldera Environment Centre	
` '	(World Environment Day Festival)	\$4,000
(I)	Tweed River Canine Club	
	(Canine Spectacular)	\$1,500
(m)	Coolangatta-Mt Warning Dragon Boat Club Inc	·
` ,	(Tweed River Festival Regatta)	\$1,500
(n)	Murwillumbah Festival of Performing Arts	
` '	(Murwillumbah Festival of Performing Arts)	\$7,500
(o)	Kids in Need Association	, ,
(-)	(Kids in Need Dragon Boat Festival 2013)	\$1,500
(p)	Murwillumbah Rowing Club	V 1,000
(P)	(Head of the Tweed 2014)	\$1,500
(q)	Cabaria Beach Pottsville Beach Lions Club Inc	Ψ1,000
(4)		¢1 500
TOT	(Lions Charity Greenback Tailor Fishing Competition)	\$1,500 \$63,000
TOT	AL.	\$63,900

2. Council has allocated multi-year funding in 2012/2013 for 2013/2014 and 2014/2015 under the Festivals and Events Policy as follows:

(a) Tweed River Agricultural Society (Murwillumbah Show)	\$7,500
(b) Island Style Promotions	
(Australian Longboard Surfing Festival)	\$5,000
(c) Tyalgum Festival Committee Inc	
(Tyalgum Festival of Classical Music and	
Community Spring Fair)	\$6,000
TOTAL per year:	\$18,500

3. Council allocates multi-year funding for 2014/2015 and 2015/2016 under the Festivals and Events Policy as follows:

(a)	Rotary Club of Murwillumbah Central Inc	
()	(Tweed Valley Banana Festival)	\$7,500
(b)	Tweed Food Fest Inc	
	(Tweed Foodie Fest)	\$5,000
(c)	Murwillumbah Festival of Performing Arts	\$7,500
(d)	Cabarita Beach Pottsville Beach Lions Club Inc	
	(Lions Charity Greenback Tailor Fishing Competition)	<u>\$1,500</u>
TOTAL	per year:	\$21,500

- 4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (a) personnel matters concerning particular individuals (other than councillors).

REPORT:

List of applicants:

Applicant	Amount	Festival	
	Requested		
Tweed Heads Croquet Club Inc	\$1,500	Croquet Spring Festival	
		30 August to 2 Sept 2013	
Twin Towns Services Club	\$25,000	NYE Fireworks	
		31 December 2013	
Cooly Rocks On	\$30,000	Cooly Rocks On	
		30 May to 9 June 2014	
Rotary Club of Murwillumbah	\$10,000	Tweed Valley Banana Festival	
Central Inc		31 August 2013	
Tweed Food Fest Inc	\$20,000	Tweed Foodie Fest	
		29 Nov to 1 Dec 2013	
Chillingham Community	\$750	Three Choirs Festival	
Association Inc		20 July 2013	
The Family Centre	\$3,500	Superhero Saturday	
		7 September 2013	
Caba Creative	\$1,500	Caba Creative Carnivale	
		28 September 2013	
Crabbes Creek Community Film	\$1,000	CrabbesFest 2013	
Society		13 September 2013	
St Joseph's Youth Services	\$10,000	Tweed Mental Health Awareness -	
		Family Fun Day and Youth Festival	
		4 October 2013	
Caldera Environment Centre	\$4,000	World Environment Day Festival	
		1 June 2014	
Tweed River Canine Club	\$1,500	Canine Spectacular	
		14 March to 16 March 2014	
Coolangatta-Mt Warning Dragon	\$2,000	Tweed River Festival Regatta	
Boat Club Inc		1 September 2013	
Murwillumbah Festival of	\$15,000	Murwillumbah Festival of Performing	
Performing Arts		Arts	
		11 July 2013	
Kids in Need Association	\$1,500	Kids in Need Dragon Boat Festival	
		2013	
		10 November 2013	
Murwillumbah Rowing Club	\$1,500	Head of the Tweed 2014	
		15 June 2014	
Cabarita Beach Pottsville Beach	\$5,000	Lions Charity Greenback Tailor	
Lions Club Inc		Fishing Competition	
		8 June 2014	

Total applied for \$133,750

OPTIONS:

As well as the annual allocation of financial assistance, there is an option to allocate multiyear funding for those four applicants who have requested it and provided adequate financial and event management plan for the three year period.

CONCLUSION:

Funding be allocated to festivals and events within the 2013/2014 budget of \$82,400; which includes an amount of \$18,500 in multi-year funding for 2013/2014 allocated in the previous year 2012/2013.

COUNCIL IMPLICATIONS:

a. Policy:

Festivals and Events Policy Version 1.0.

b. Budget/Long Term Financial Plan:

- 1. An amount of \$82,400 is available in the budget and recommended for distribution in 2013/2014;
- 2. A total amount of \$40,000 is recommended for multi-year funding for 2014/2015 and 2015/2016 which will come from the allocated budgets for those future years.

c. Legal:

Not Applicable.

d. Communication/Engagement:

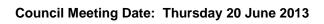
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.3	Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
2.1.3.9	Develop the Tweed as a community with great festivals and events
2.1.3.9.6	Administer funding assistance in accordance with Festivals Policy to support small to medium festivals and events
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.2	Attract major events to the Tweed
3.1.2.1	Provide assistance and support for potential sports tourism and major events
3.1.2.1.1	Provide assistance and support to Communications and Marketing
	Coordinator for potential sports tourism and major events

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Assessment - Festivals and Events Funding 2013/2014 (ECM 3079633)



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23 [GM-CM] Destination Tweed Quarterly Performance Report - January to March 2013

SUBMITTED BY: Business and Economic Development

Valid



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 Destination Tweed's quarterly reports for the quarter 1 January to 31 March 2013.

This report recommends that Council endorses the January to March 2013 quarterly report from Destination Tweed.

RECOMMENDATION:

That Council endorses Destination Tweed's Quarterly Report for the quarter January to March 2013.

REPORT:



Quarterly Report to Council March 2013

1. TOURISM MARKETING & PROMOTION

Marketing the region with a limited budget requires a balanced approach taking in the need to both penetrate target markets and influence their behaviour. Criticism has been levied over time at DT about not having a presence at the Gold Coast Airport or marketing on the Gold Coast. DT Tweed review target markets quarterly and define then in a tiered structure based on their ability to deliver a higher economic return to the region. This marketing budget is then factored into the equation and the activity determined that will deliver the best results.

For example outdoor billboards at Gold Coast Airport cost \$20-25k / month, this advertising space targets people leaving the airport. It is not sound to market the region to travellers who, outside of backpackers or a few independent travellers, have already purchased their holiday and know where they are going when they leave the airport. DT is investing \$6k for 12 months double page advertising in Gold Coast and Northern NSW hotel room compendiums where we can promote the region's experiences and products. These build destination awareness in an environment where they can read and absorb as opposed to a momentary glimpse of a billboard.

It is our preference to market in mediums and channels that provide the opportunity to reach our markets where we can influence them before they travel (i.e. not after they arrive at an airport). The marketing messages used are identified present as relevant to each market segment and aim to introduce the region as well as presenting product offers and experiences that stimulate overnight visitation. Packaging and developing experiences based on events and activities has the broadest appeal, in the case of the domestic markets below, it allows us to gain and increase repeat visitation.

Market Snap Shots:

The domestic market data below is sourced from Tourism Research Australia's National Visitor Survey (NVS).

Brisbane Overnight Visitation

Trip volume of 2.2m trips for the YE 2012 is up 1.6% compared to the YE 2012. This positive shift is the first since the YE March 2011 and, in conjunction with recent results, suggests a return towards higher volumes of pre 2011.

Sydney Overnight Visitation

Ex-Sydney Visitor volume of 3.6m trips for the YE June 2012 represents a fall of 4.8% compared to the YE June 2011. This is a very modest improvement compared to the previous result however it is too early to tell if this will continue.

Gold Coast Overnight Visitation

Ex-Gold Coast Visitor volume of almost 475,000 trips for the YE 2012 is 25% above YE 2011 however YE '11 was an unusually low year. The upward movement provides encouragement that the market is 'healthy'.

Northern Rivers Overnight Visitation

Estimated Visitor volume of around 320,000 is very close to the average over recent years. There has been little fluctuation in volume since 2008 and, in combination with the proximity of the market, is a source that we continue to massage.

Mid North Coast Overnight Visitation

The estimated +10% change in visitor volume compared to the same period last year represents another positive shift. Visitor volume for YE June 2012 of around 450,000 is very similar to the majority of results since YE Sept 2010. This is a stable source market that DT continue to market in.

The International market data below is sourced from Tourism Research Australia's International Visitor Survey (IVS). The data is a snap shot of Australia's top four international inbound markets. It is important to note that the data below is a representation of National statistics. The market segments below differ in importance and relevance to the Tweed region in terms of the product and experience our region offers.

New Zealand Visitation

NZ continues to be Australia's largest inbound market for visitor arrivals, fourth for total expenditure and third for visitor nights. Australia saw 1.2m NZ visitors in 2012 (up 2.4% on 2011). This international market spent a total of 15.7m nights (up 2%), 6.9m dispersed nights outside gateway cities (down 10%) and represented \$2.3bn total spend (up 5%).

Chinese Visitation

China is Australia's second largest inbound market for visitor arrivals and the largest market for total expenditure and visitor nights. 626,400 Chinese visitors arrived in 2012 (up 15.6% on 2011). This market spent a total of 27.8m nights (up 7%), 5.3m dispersed nights outside gateway cities (up 4%) and saw a total spend of \$4.2bn (up 13%).

United Kingdom Visitation

The UK is Australia's third largest inbound market for visitor arrivals and second largest for total expenditure and visitor nights. 593,600 UK visitors arrived in 2012 (down 2.4 on 2011). This market spent a total of 22.5m nights (up 7%), 8.7m dispersed nights outside gateway cities (up 3%) and represented a total spend of \$2.9bn (up 1%).

USA Visitation

The USA is Australia's fourth largest inbound market for visitor arrivals, the third largest market for total expenditure and fifth for visitor nights. 478,900 American visitors arrived in 2012 (up 5% on 2011). This market spent a total of 10.4m nights (up 4%), 4.2m dispersed nights outside gateway cities (no change on 2011) and represented a total spend of \$2.4bn (up 8%).

Identify Product / Experience / Infrastructure Gaps

DT continues to work with tourism operators to further develop and expand their business to meet the needs of the market.

Print Advertising

DT continues to undertake print advertising and marketing activities in conjunction with strategic marketing campaigns and cooperative opportunities. This type of marketing is about developing the region's destination profile and the experiences contained within to the various target markets outlined above:

- Holidays with Kids (magazine)
- Holidays for Couples (magazine)
- The Legendary Pacific Coast (touring guide)
- The Legendary Pacific Coast (trails & itineraries brochures)
- Byron Bay and Beyond (brochure)
- Australian Traveller (magazine)
- Backpacker Essentials (magazine)
- Make Tracks (magazine)
- Time to Roam (magazine)
- Great Destination Weddings (magazine)

Destination Tweed Quarterly Report to Council - March 2013

Develop and Produce Relevant Brochures

DT has collated much of the content for the Tweed Touring Guides which includes experiences such as food, art, history and scenic trails into a series of brochure.

Social Media

This continues to be an area that DT leverages off to market tourism products and destinational experiences. These platforms encourage social interaction and two-way communication with consumers via the sharing of digital media content. As with all digital mediums, constant changes are required to keep content relevant, fresh and interesting. Current social media channels being utilised by DT will be refreshed in the coming months and plans for greater integration with other digital marketing activities and channels are in the works. Social media channels are used to promote the region's community events, local markets, activities, networking opportunities, business chamber functions, local news and tourism products and experiences.

Tweed Tourism Website Analytics

Tweed Tourism website analytics for the January February, March quarter:

Site Usage	January	February	March	Total / Average
Number of visits	5049	3547	4486	13,082 total
Unique visits	3843	2521	3460	9,8254 total
Time spent per visit	3.23	3.08	2.56	2.95 average
Page views per visit	3.98	3.47	3.61	3,68
Bounce rate	43.14%	45.14%	44.67%	44.31% average
New visits	74.23%	67.75%	73.09%	71.69% average

Media Activities

Significant major metro and national television exposure was achieved for the Tweed region via:

- 3 minute segment on Channel 9's Getaway travel show;
- 2 page travel feature in the Sydney Sun-Herald and Melbourne Age (plus online at Brisbane Times);
- 1 page travel feature in APN regional newspapers, including Sunshine Coast Daily and Morning Bulletin (Rockhampton);
- Multi-page feature in Ocean Road Magazine highlighting Tweed food producers and food trails (coming up in their next issue).
- · Sydney Weekender segments aired in April;
- · Sydney Morning Herald famil in April

The following tables list the media coverage achieved through the various PR initiatives carried out on behalf of Destination Tweed from July 2012 – March 2013. 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. Appendix 1 lists activities and associated values.

	Advertising Value	Editorial Value
Print Media	\$ 206,271	\$ 618,814
Television	\$ 78,400	\$ 235,200
Radio	\$ 54,200	\$ 162,600
Local Media	\$ 319,631	\$ 958,893
TOTAL	\$658,502	\$1,975,507

2. BUSINESS ATTRACTION

Engage with Local Business

DT has attend local Business Chamber meetings and engaged in networking with local businesses. As well, DT now sits on a number of local committees and is actively engaging with the business community.

It was identified that there was a clear need for a more formalised approach of collective communication with Council from Tweed industry, DT facilitated the start-up of the Tweed Business Advisory Board (TBAB) and provided the secretariat services for TBAB. It was envisaged that TBAB would be a-political and broadly provide advice and insights to TSC on industry trends and hurdles. DT as secretariat has seen little actions being taken from the few meeting held to date. It is unclear if the concept of TBAB is working as envisaged.

With the development of the Economic Development Strategy it would be sensible to look at reforming the concept of TBAB with some of the members that make up the broader reference group (with inclusion by representatives of TSC councillors and staff). The function of this group would be to assist in providing feedback on the implementation of the EDS.

This concept has a number of merits;

- · It is not a formal board, but one that is invited with quarterly meetings
- · The members have been involved in the development of the EDS
- . Ensures that the EDS is a living document
- · Provides TSC with a conduit to industry for feedback on the implementation of the EDS
- This group is outside of a direct council controlled group, something clearly articulated by industry as being important

Assist Local Business Explore NBN Opportunities

DT has been involved with Council regarding the NBN and the opportunities that the roll out presents to local business.

Raise the Profile of Destination Tweed

DT continues to promote the region as a place of business, growth and opportunity through state government bodies, Destination NSW, RDA and other local organisations. This is a continual process with DT securing a place in the NSW trade and investment prospectus. This is the key marketing tool that State Government uses in promoting NSW to overseas and national investors.

Develop and Maintain Marketing Material & Develop Customised Marketing Packages

DT are currently working on stage two the business tourism website, this will see a collection of resources for business to access and utilise. DT does not propose to be a repository of this content, but link to current and relevant tools and information on credible third party sites.

From the EDS new industry segments will be identified, DT will update industry specific collateral accordingly and develop new content where necessary. This is important to ensure that content is relevant, the offer clear and the brands integrity is developed.

Produce Annual Update on Tweed Economy

Now that all census data has been completed DT are working with ID solutions to provide an update for the Tweed Shire. This data will be used in the upcoming EDS and will be made available to Council upon completion.

Meet with Media from Trade Publications

This is an ongoing process to facilitate the promotion of the region as a place to do business.

Identify and Engage with Potential Investors

DT has approached existing business within and outside of the region to set up and invest in expanding their operations to include the Tweed or to base their operations in the Tweed.

DT assists business in their application process for grant funding, and where appropriate will review grant funding applications. DT also assists in referring business to the NSW Government for relocation assistance packages and other business grants. However, since the closure of the NSW Trade & Investment office in Tweed Heads this partnership has slowed.

Provide Customised Information to Investors

DT continues to work with individuals and businesses interested in investing in the region or developing their existing business. Individuals are provided information based on their needs and requirements.

3. OPERATE VISITOR INFORMATION CENTRES

Visitor Information Centres (VICs) are important resources for the dissemination of local information to visitors and provides tools for encouraging visitors to spend longer amounts of time in the region. Both of these are well researched and documented facts, something that DT is very aware off in our business planning. DT, as previously informed, recognises the need for a VIC to be located in Kingscliff and had been working towards a solution that unfortunately did not eventuate.

The need for a VIC in Kingscliff has been expressed by many individuals, business owners and Chamber of Commerce, all of whom have looked towards DT as the provider of such services. DT currently run and operate two VICs under contract to TSC, the value of that contract reflect the costs to do just that function. In order to open a VIC in Kingscliff DT would need to either look towards TSC for further funding or open a VIC as commercially viable business in order to support and cover its own operating costs. The latter is the preferred option by DT as this would provide a more sustainable solution in the long run.

To that end, DT have been looking at the various options available to achieve this objective and are close to finalising a business plan to open a VIC in Kingscliff. DT are very conscious of ensuring that this is done in an economically sustainable manner in order to meet the longer term requirements of servicing a tourist town.

Staff Training

DT staff recently undertook a merchandising course run through TAFE. This course provided the opportunity for up-skilling of some team members and a refresher for others in current best practice in inventory management, ordering and merchandising displays. The course provided new insights in shop fit out; we are currently reviewing the internal and external layout for the VIC's. Changes to the internal elements will be made, technologies incorporated in to the way that information is disseminated, new brochure racks to display operator's brochures; all of which will provide a more contemporary approach to visitor servicing and provide both consistent and quality experiences.

This also includes the goods sold through the VIC, with a focus now on products that showcase our region or can only be purchased in the Tweed. The shops will also provide a place for local producers, artists, etc. to promote and sell their goods through. We believe that this is in keeping with the expectations of the region and promotes our strengths.

MOVEMENT IN VISITOR NUMBERS

2012-2013

	2012/13	2011/12	Variance	2012/13	2011/12	Variance
	WHRC			Tweed Heads		
Sept Qtr	6493	7238	-10.29%	10717	8721	22.89%
Dec Qtr	5765	5442	5.94%	8710	7507	16.03%
Mar Qtr	5844	5003	16.81%	7652	7142	7.14%
Total	18,102	17,683		24,079	23,370	

- Murwillumbah had an increase in visitor numbers this quarter in comparison to same quarter last year by 16.81% and an increase of 1.37% compared to last quarter.
- Tweed Heads had an increase in visitor numbers by 7.14% in comparison to the same quarter last year and a decrease of 12.15% compared to last quarter.

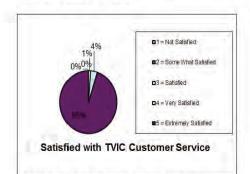
Visitor Number Comparisons for March Quarter 2013 over same period 2012

MURWILLUMBAH	Quarter 2013	Quarter 2012	TWEED	Quarter 2013	Quarte 2012
LOCAL	1248	849	LOCAL	763	818
INTERSTATE			INTERSTATE		
NSW	1316	1102	NSW	1587	1516
QLD	1715	1472	QLD	1034	1159
VIC	249	330	VIC	868	780
ACT	32	19	ACT	50	28
WA	91	93	WA	141	119
TAS	11	25	TAS	51	62
SA	66	74	SA	182	156
NT	23	23	NT	12	14
INTERNATIONAL		,	INTERNATIONA	L	
US/Canada	139	112	US/Canada	414	372
NZ	43	65	NZ	224	226
UK	215	189	UK	520	530
Europe	584	566	Europe	1391	1001
Africa	6	9	Africa	29	17
Japan/Asia	92	63	Japan/Asia	335	302
Other	12	12	Other	51	42
TOTALS	5844	5003	TOTALS	7652	7142

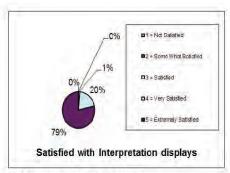
Note: It is important to note the visitor numbers listed are taken from only two areas of the Shire and register only those that come into the VIC. These figures should not be used to judge or compare effectiveness of marketing; they are a snap shot of a section of the market that travel to the region. Statistically sound data can be drawn from the NVS, IVS and room occupancy.

Quality of Service at Visitor Information Centres

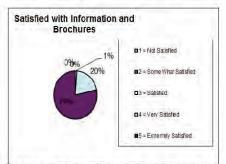
Surveys for the last quarter, results show that 95% of visitors to the VICs were extremely satisfied, 4% very satisfied and 1% satisfied with the quality of customer service received. The majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays.



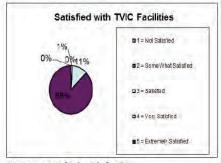
Visitors satisfied with customer service.



Visitors satisfied with displays.



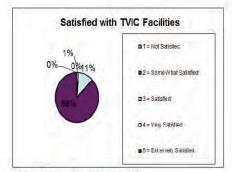
Visitors satisfied with the range of information.



Visitors satisfied with facilities.



Visitors satisfied with quality of retail products.



Main reason for visiting TVIC.

Prepare and Submit Monthly VIC Accreditation Reports

Reports sent to Aurora each month include walk in stats and number of phone calls & email enquiries.

Prepare and Submit Annual VIC Accreditation Reports

The renewal for the Murwillumbah accreditation was sent to Aurora in May 2012.

Deliver In-House Staff Training Via Weekly 5MOT Modules

Staff training modules were delivered to staff and volunteers in the last quarter.

Provide Online Booking Service & Promote Tourism Operator Services through the VIC's Achieved.

APPENDIX 1: DESTINATION TWEED PR PROGRAM

Editorial Valuation - July 2012 to March 2013

PRINT MEDIA - DESTINATION FEATURES

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT, VALUE	EDITORIAL VALUE *
18 Aug 12	Sunshine Coast Daily	On the Art & Music Trail	Caldera Art Gallery Tweed River Art Gallery	7 col x 25cm = 175 col cm	\$21,21 / col cm	\$3,712	\$11,136
18 Aug 12	The Morning Bulletin	On the Southern Trail	Studio 9 & Uki galleries Hearts Aflame Productions Tyalgum Festival Old Butcher Shop Gallery	Productions 7 col x 20cm = 140 col cm	\$18.45 / col cm	\$2,583	\$7,749
15 Sep 12	The Age - Melbourne		Twin Towns Services Club Jack Evans Boat Harbour		\$910.08 per module	\$21,842	\$65,526
16 Sep 12	Sun-Herald – Sydney	The Coast Really Rocks	Café D'Bar Babalou		\$1,225.34 per module	\$29,408	\$88,224
16 Sep 12	Brisbane Times		Watersports Guru Salt Village / Piccolo Gelato Kingscliff Coolangatta Whale Watch Outrigger Twin Towns Resort	4 x 6 modules = 24 modules	N/A		
23 Sep 12	Sunday Mail - Escape	Feasting on Local Harvest			\$35,486.23 pp	\$35,486	\$106,458
23 Sep 12	Sunday Telegraph — Escape	Feasting on Harvest in Kingscliff	Peppers & various food	7.col x 38cm =	\$197.14 /col cm	\$52,439	\$157,317
23 Sep 12	Herald Sun – Escape	Feasting on Harvest in Kingscliff	producers	266 col cm	\$137.40 /col cm	\$36,548	\$109,645
22 Sep 12	Adelaide Now	Feasting on Harvest in Kingscliff			\$59.07 / col cm	\$15,712	\$47,136
20 Jan 12	Bild-am Sonntag (Germany)	I'm a Reporter Get me out of here!	General Tweed attractions & TFW			1	N/A
13 Jan, 12	Sun Herald - Travel	Views on top	Kingscliff Beach Hotel	W. J. A. Z	54901.38	\$4,901	\$14,703
13 Jan, 12	The Age - Travel	Views an tap	Kingscliff Beach Hotel	4 modules	\$3,640.33	\$3,640	\$10,920
TOTAL	1			1		\$206,271	\$618,814

TELEVISION MEDIA

DATE	PROGRAM	TITLE	MEMBERS FEATURED	DURATION	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
29 Sep 12	Getaway	Silk Pavilions	Silk Pavillons	3 mins	Estimate based on Ch7 base rate for national broadcast \$12,000 per 30 sec spot	\$72,000	\$216,000
18 Oct, 12	NBN News	Turtle release launches	MACS Launch	3 mins	Est: \$400 per 30 sec spot	\$2,400	\$7,200
18 Oct, 12	Nine Gold Coast News	environmental action group	MACS Laurich	3 mins	Est: \$400 per 30 sec spot	\$2,400	\$7,200
13 Feb, 13	Nine Gold Coast News	DT urges locals to support		1 min	Est: \$400 per 30 sec spot	\$800	\$2,400
13 Feb, 13	NBN News	tourism operators	Destination Tweed	1 min	Est: \$400 per 30 sec spot	\$800	\$2,400
TOTAL	TOTAL						\$235,200

RADIO MEDIA

DATE	PROGRAM	TITLE	MEMBERS FEATURED	DURATION	UNIT COST (incl GST)	ADVERT. VALUE	EDITORIAL VALUE *
15 July, 12	Hot Tomato - Paul Burt	Karen Ransome interview	Various	2 mins	\$400 per 30 sec live read (est)	\$1,600	\$4,800
20 July, 12	ABC North Coast - Joanne Dodgson	Tim Draxl Interview	Tyalgum – Flutterbies	10 mins	\$400 per 30 sec live read (est)	\$8,000	\$24,000
16 July, 12	ABC North Coast - News	Bill Tatchell interview	Destination Tweed	3 mins	\$400 per 30 sec live read (est)	\$2,400	\$7,200
Aug,12	ABC Classic FM	David Pereira Interview	Tyalgum Festival	10 mins	\$400 per 30 sec live read (est)	\$8,000	\$24,000
13 Oct, 12	ABC Gold Coast	Simon Grigalius Interview	Tweed food – producers & trails	5 mins	5400 per 30 sec live read (est)	\$4,000	\$12,000
6 Nov, 12	ABC North Coast	Dancer interview	Tyalgum Dance Spectacular	5 mins	\$400 per 30 sec live read (est)	\$4,000	\$12,000
13 Nov, 12	2CH - Bob Rogers	Sheridan Rogers segment	Cheeses Loves You	5 mins	\$600 per 30 sec	\$6,000	\$18,000

TOTAL	OTAL						\$162,600
18 Feb, 13			tourism industry	5 mins	S400 per 30 sec (ive read (est)	\$4,000	\$12,000
16 Feb, 13	Hot Tomato - Outdoors	Bill Tatchell interview	DT urges locals to support	3 mins	S400 per 30 sec live read (est)	52,400	\$7,200
8 Dec, 12	ABC Coast FM	Andy Reimanis interview		5 mins	S400 per 30 sec live read (est)	\$4,000	\$12,000
5 Dec, 12	Rabbit Radio	Art Reporter	Green Cauldron Panorama	1 mins	\$100 per 30 sec live read (est)	5 200	\$ 600
1 Dec, 12	ABC Coast FM	Kerry Turner Interview	Tweed Foodle Fest	10 mins	S400 per 30 sec live read (est)	\$8,000	\$24,000
24 Nov. 12	Hot Tomato - Outdoors	Karen Ransome interview	Tweed Foodie Fest	2 mins	S400 per 30 sec live read (est)	\$1,600	\$4,800
			Tweed Foodle Fest		live read (est)		

DESTINATION TWEED & MEMBERS – LOCAL MEDIA

Due to the difficulty of sourcing clippings, I have averaged out the advertising and editorial values for each publication, based on previous coverage and current rates

DATE	PUBLICATION	TITLE	MEMBERS FEATURED	SIZE	UNIT COST (incl GST)	ADVERT, VALUE	EDITORIAL VALUE *
11 July, 12	Gold Coast Bulletin: BITE section	Gold Coast's Best Desserts — Flutterbie Cakes included in tap 10 and featured on front cover of lift-out	Flutterbies Cottage Café	Full page Inside listing	\$19.25 /col cm: Est. 38cm x 7 col for full page plus 6cm x 2 col for listing	\$5,351	\$16,053
30 July, 12	Daily News	Turtle rescued after bag swallow	Watersports Guru	Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
5 July, 12	Tweed Sun	Tyalgum woos cabaret star for one-off concert	Tyalgum – Flutterbies	Estimate based o	n 9 module average	\$1,387	\$4,161
5 July, 12	Tweed Valley Weekly	Tim Draxl at Tyalgum	1,918911	Estimate		\$350	\$1,050
14 July, 12	Gold Coast Bulletin	Longland touts Tweed's natural attractions		Estimate based on 28cm x 5 col avg		\$5,111	\$15,333
16 July, 12	Gold Coast Bulletin	Coast planning to welcome world's largest cruise liners	Destination Tweed	Estimate based o	Estimate based on 28cm x 5 col avg		\$15,333
20 July, 12	Daily News	Group seeks surf safety funds		Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
26 July, 12	Tweed Sun	Connect with public online		Estimate based o	n 9 module average	\$1,387	\$4,161
2 July, 12	Daily News	50 ideas to beat holiday boredom	General operators	Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
12 July, 12	Tweed Sun	Repertoire to cover a musical journey		Estimate based o	n 9 module average	\$1,387	\$4,161
26 July, 12	Tweed Coast Weekly	Journey through time at Tyalgum	Tyalgum Festival	Estimate based on 15cm x 3 col avg		\$600	\$1,800
1 Aug, 12	Daily News	Classical Star Headlines Festival		Estimate based on 28cm x 5 col avg		\$1,386	\$4,158
2 Aug, 12	Tweed Coast Weekly	Contest Winner Opens Festival		Estimate based o	n 15cm x 3 col avg	\$600	\$1,800
9 Aug, 12	Tweed Sun	Drama & Merriment as life imitates Mozart		Estimate based o	n 9 module average	\$1,387	\$4,161
13 Aug, 12	Limelight Magazine	Tyalgum Festival of Classical Music 2012		Estimate - half pa	ige	\$2,520	\$7,560
21 Aug, 12	Daily News	Festivals join forces to promote art		Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
23 Aug. 12	Daily News	Theatre Piece Stars in Festival		Estimate based o	ri 28cm x 5 col avg	\$1,386	\$4,158
23 Aug, 12	Tweed Sun	Festival keys in master planist		Estimate based o	n 9 module average	\$1,387	\$4,161
23 Aug. 12	Tweed Coast Weekly	Youth Lead the way at Tyalgum Festival		Estimate based o	n 15cm x 3 col avg	\$600	\$1,800
29 Aug, 12	Northern Rivers Echo	Volcanic Festival a Classical hit		Estimate based on 28cm x 5 col avg		\$1,834	\$5,502
30 Aug, 12	Tweed Coast Weekly	Listen back through time with Pastance		Estimate based o	n 15cm x 3 col avg	\$600	\$1,800
30 Aug, 12	Tweed Sun	Talented duo have strings attached		Estimate based on 9 module average		\$1,387	\$4,161
5 Sep, 12	Daily News	School fair to ring in spring	Tyalgum Festival	Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
6 Sep, 12	Tweed Sun	Fair springs to life with something for all the family			n 9 module average	\$1,387	\$4,161
6 Sep, 12	Tweed Valley Weekly	Uki bright spork to light up local music festival		Estimate		\$350	\$1,050
6 Sep, 12	Daily News	Kids put twist on Shakespeare		Estimate based on 28cm x 5 col avg		\$1,386	\$4,158
6 Sep. 12	Northern Rivers Echo	Canadian planist at Tyalgum		Estimate based o	n 28cm x 5 col avg	\$1,834	\$5,502
6 Sep. 12	Tweed Coast Weekly	Festival is a classic			n 15cm x 3 col avg	\$600	\$1,800
8 Sep, 12	Daily News	Avan Yu opens music festival		Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
10 Sep, 12	Daily News	Classic moment as festival draws 1000		Estimate based o	n 28cm x 5 col avg	\$1,386	\$4,158
13 Sap, 12	Tweed Valley Weekly	Festival just keeps getting better		Estimate		\$350	\$1,050
12 July, 12	Tweed Valley Weekly	New head appointed to Destination Tweed	Destination Tweed	Estimate		\$350	\$1,050

19 July, 12	Tweed Coast Weekly	July events in the Tweed Curtain drawn on M'Bah	M'Bah Festiva) of	Estimate based on 15cm x 3 collavg	5600	\$1,800
10 July, 12	Daily News	Curtain drawn on M'Bah Festival	M'Bah Festiva) of Performing Arts	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
1 Aug, 12	Tweed Valley Weekly	Initiative targets Tweed fresh food		Estimate	\$350	\$1,050
3 Aug. 12	Daily News	Fresh food from paddock to plate	Destination Tweed: Tweed	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
2 Aug. 12	Tweed Sun	Tweed gets fresh with locals	Fresh	Estimate based on 9 module average	\$1,387	\$4,161
9 Aug. 12	Tweed Valley Weekly	Fresh idea for the Tweed	1	Estimate	\$350	\$1,050
9 Aug, 12	Tweed Valley Weekly	The Social Scene		Estimate	\$350	\$1,050
2 Aug. 12	Tweed Coast Weekly	August events in the Tweed	Various events	Estimate based on 15cm x 3 col avg	\$600	\$1,800
9 Aug. 12	Tweed Sun	Survey results will help businesses plot their future	Destination Tweed:	Estimate based on 9 module average	\$1,387	\$4,161
16 Aug, 12	Tweed Valley Weekly	Survey seeks to measure health of local economy	Murwillumbah BRE	Estimate	\$350	\$1,050
10 Aug, 12	Daily News	Tweed Company Brews top cup of tea		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
15 Aug, 12	Daily News	Madura has good taste to a teo	Madura Tea award	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
16 Aug, 12	Tweed Coast Weekly	Tweed's top tea		Estimate based on 15c x 3 col avg	\$1,200	\$3,600
14 Aug. 12	Daily News	New flights open airport to	Destination Tweed	plus 100% loading for front page Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
14 Aug. 12	Daily News	TIC Volunteers go on tour	Destination Tweed: Vollle	Estimate based on Z8cm x 5 col avg	\$1,386	\$4,158
		Antique fait is a blast from	famils		\$350	\$1,050
16 Aug, 12	Tweed Valley Weekly	region's past Prepare to burlesque with	Antique Fair	Estimate		
16 Aug, 12	Tweed Coast Weekly	bubbles	Babalou	Estimate based on 15cm x 3 col avg	\$600	\$1,800
20 Aug. 12	Daily News	Arts café delights the senses	Art Co-op Café, Tyaigum	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
9 Aug. 12	Gold Coast Bulletin	New board to advise on Tweed business		Estimate based on 28cm x 5 col avg	\$5,111	\$15,333
9 Aug. 12	Tweed Sun	Shire gets down to business	Destination Tweed: TBAB	Estimate based on 9 module average	\$1,387	\$4,161
9 Aug. 12	Tweed Sun	New board to help steer shire through hard times		Estimate based on 9 module average	\$1,387	\$4,161
29 Aug. 12	Daily News	Tweed business unites under TBAB	1.4	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
30 Aug, 12	Tweed Coast Weekly	New united voice		Estimate based on 15cm x 3 col avg	\$600	\$1,800
30 Aug, 12	Tweed Coast Weekly	September Events in the Tweed	Various events	Estimate based on 15cm x 3 col avg	\$600	\$1,800
31 Aug, 12	Daily News	Mavis' Kitchen cooks up crafts	Mavis' Kitchen: Mavis' Store	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
6 Sep, 12	Tweed Sun	Tourism Concert over new scheme	Destination Tweed	Estimate based on 9 module average	\$1,387	\$4,161
6 Sep, 12	Tweed Valley Weekly	Mumz & Bubz are Abuzz	Babalou	Estimate	\$350	\$1,050
13 Sep, 12	Tweed Coast Weekly	Tourism Centre	Destination Tweed: Kingscliff VIC	Estimate based on 15c x 3 col avg plus 100% loading for front page	\$1,200	\$3,600
19 Sep, 12	Gold Coast Bulletin	New Board aims to help economy		Estimate based on 28cm x 5 col avg	\$5,111	\$15,333
20 Sep, 12	Daily News	Industry groups form business board		Estimate based on 28cm x 5 col avg	\$1,386	54,158
20 Sep, 12	Tweed Coast Weekly	New Tweed Business Board	TBAB Board announced	Estimate based on 15cm x 3 col avg	\$600	\$1,800
24 Sep, 12	Daily News	New Chairwoman for advisary board		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
27 Sep, 12	Tweed Valley Weekly	Taking care of business		Estimate	\$350	\$1,050
20 Sep, 12	Tweed Valley Weekly	The Nature of Art	(Estimate	\$350	\$1,050
27 Sep. 12	Daily News	Caldera Festival Getting Claser	Caldera Art Festival	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
1 Oct, 12	Daily News	Festival Celebrates green art	Directorative Country - Street	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
27 Sep. 12	Tweed Valley Weekly Gold Coast Bulletin	Market News Push for Green and Gald	Burringbar Cooking Classes Destination Tweed	Estimate Estimate based on 28cm x 5 col avg	\$350 \$5,111	\$1,050
7.5		Coasts		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
4 Oct, 12	Daily News	Dancers set to sizel at				4 4510
4 Oct, 12 11 Oct, 12	Daily News	spectacular			\$600	\$1.800
4 Oct, 12 11 Oct, 12 11 Oct, 12	Daily News Tweed Coast Weekly Byron Shire News	spectacular Burn the floor at Tyalgum Dancers set to sizle at		Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg	\$600 \$410	
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12	Tweed Coast Weekly Byron Shire News	spectacular Burn the floor at Tyalgum Dancers set to si≡le at Spectacular		Estimate based on 15cm x 3 col avg	\$410	\$1,230
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 18 Oct, 12	Tweed Coast Weekly	spectacular Burn the floor at Tyalgum Dancers set to sizle at	Tyalgum Dance Spectacular	Estimate based on 15cm x 3 col avg		\$1,230 \$1,050
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 18 Oct, 12 18 Oct, 12	Tweed Coast Weekly Byron Shire News Tweed Valley Weekly	spectacular Burn the floor at Tyalgum Dancers set to sizle at Spectacular Dancers to Shine	Tyalgum Dante Spectacular	Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg Estimate	\$410 \$350	\$1,230 \$1,050 \$1,320
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 18 Oct, 12 18 Oct, 12 25 Oct, 12 31 Oct, 12	Tweed Coast Weekly Byron Shire News Tweed Valley Weekly Tweed Border Mail	spectacular Burn the floor at Tyalgum Dancers set to sizzle at Spectacular Dancers to Shine Dance floor will be firing Dancers take their marks Champioris to dance up a	Tyalgum Dance Spectacular	Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg Estimate Estimate based on 15cm x 3 col avg	\$410 \$350 \$440	\$1,230 \$1,050 \$1,320 \$4,161
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 18 Oct, 12 18 Oct, 12 25 Oct, 12	Tweed Coast Weekly Byron Shire News Tweed Valley Weekly Tweed Border Mall Tweed Sun	spectacular Burn the floor at Tyalgum Dancers set to sizzle at Spectacular Dancers to Shine Dance floor will be firing Dancers to ke their marks Champions to dance up a storm Champs to take this stage in	Tyalgum Dante Spectacular	Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg Estimate Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg Estimate based on 9 module average	\$410 \$350 \$440 \$1,387	\$1,800 \$1,230 \$1,050 \$1,320 \$4,161 \$3,681 \$4,158
4 Oct, 12 11 Oct, 12 11 Oct, 12 11 Oct, 12 18 Oct, 12 18 Oct, 12 25 Oct, 12 31 Oct, 12	Tweed Coast Weekly Byron Shire News Tweed Valley Weekly Tweed Border Mail Tweed Sun Gold Coast Sun	spectacular Burn the floor at Tyalqum Dancers set to sizle at Spectacular Dancers to Shine Dance floor will be firing Dancers take their marks Champions to dance up a storm	Tyálgum Dante Spectacular	Estimate based on 15cm x 3 col avg Estimate based on 15cm x 3 col avg Estimate Estimate based on 15cm x 3 col avg Estimate based on 9 module average Estimate based on 9 module average	\$410 \$350 \$440 \$1,387 \$1,227	\$1,230 \$1,050 \$1,320 \$4,161 \$3,681

12 Oct, 12	Daily News	Destination Tweed seeking Board members	Destination Tweed	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
19 Oct, 12	Echonet Daily	Marine Conservation Group takes the plunge	100	Estimate	\$ 100	\$ 30
20 Oct, 12	Daily News	Recovered turtle gets special release	MACS Launch	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
25 Oct, 12	Tweed Sun	Young eco rangers hold key		Estimate based on 9 module average	\$1,387	\$4,16
25 Oct, 12	Tweed Sun	Rotarians duck out to raise		Estimate based on 9 module average	51,387	54,16
	Contract of the contract of th	funds		57.440 CD 0.00 CM		
25 Oct, 12 1 Nov, 12	Tweed Coast Weekly Tweed Valley Weekly	Duck Season Ducks Down the River	Rotary Duck Race	Estimate based on 15cm x 3 col avg Estimate	\$600 \$350	\$1,80
1 Nov. 12	Tweed Valley Weekly	Social pics	HOTALY DUCK HACE	Estimate	\$350	\$1,05
1 Nov. 12	Tweed Coast Weekly	Crowds flack to duck race		Estimate based on 15cm x 3 col avg	\$600	\$1,80
I Nov, 12	Tweed Coast Weekly	Social pics		Estimate based on 15cm x 3 col avg	\$600	\$1,80
29 Oct. 12	Daily News	Destination Tweed pounces on Qantas' return	Destination Tweed	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
18 Oct, 12	Tweed Valley Weekly	A Chocolate Workshop	Flutterbies	Estimate	\$350	\$1,0
1 Nov, 12	Tweed Sun	Enthusiasm growing for agricultural show		Estimate based on 9 module average	\$1,387	\$4,16
1 Nov. 12	Tweed Valley Weekly	Racing to the show		Estimate	\$350	\$1,05
1 Nov. 12	Tweed Valley Weekly	Local cup day a sure thing		Estimate	\$350	\$1,05
1 Nov. 12	Tweed Valley Weekly	Show honours year of the farmer		Estimate	\$350	\$1,05
3 Nov, 12	Gold Coast Bulletin	Show gives Tweed plenty to crow about	Murwillumbah Show	Estimate based on 28cm x 5 col avg	\$5,111	\$15,33
5 Nov. 12	Daily News	Having a whirl at Tyalgum		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
5 Nov. 12	Daily News	Murwillumbah Show goes back to its roots		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
5 Nov, 12	Gold Coast Bulletin	Fun for all at Murwillumbah Show		Estimate based on 28cm x 5 col avg	\$5,111	515,33
6 Nov. 12	Daily News	Swim Run event to raise funds for Cudgen	Kingscliff Swim Run	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
7 Nov. 12	Gold Coast Bulletin	False start a warm-up		Estimate based on 28cm x 5 col avg	\$5,111	\$15,3
I Nov. 12	Daily News	Netball carnival to score more tourists for Tweed		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
Nov. 12	Echonet Daily	Tweed wins right to host Qld carnival	DT/ Challenge Carnival	Estimate	\$ 100	\$ 30
3 Nov. 12	Tweed Valley Weekly	Netball coup for Tweed	ary croneings surminar	Estimate	5350	\$1,0
3 Nov. 12	Tweed Sun	Net profit: Challenge event to pay dividends		Estimate based on 9 module average	\$1,387	\$4,10
15 Nov, 12	Tweed Coast Weekly	Tweed hosts netball cup		Estimate based on 15cm x 3 col avg	\$600	\$1,80
1 Nov, 12	Tweed Coast Weekly	November Events in the Tweed	ĺ	Estimate based on 15cm x 3 col avg	\$600	\$1,80
8 Nov. 12	Daily News	Abstract Art Unearthed		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
3 Nov, 12	Tweed Sun	River to light up festival		Estimate based on 9 module average	\$1,387	\$4,16
3 Nov. 12	Tweed Sun	Crowds race in the Cup fun		Estimate based on 9 module average	\$1,387	\$4,16
S Nov. 12	Tweed Coast Weekly	Swim takes to the water	1	Estimate based on 15cm x 3 col avg	\$600	\$1,80
I Nov. 12	Tweed Coast Weekly	Superheroes fly Into Tweed		Estimate based on 15cm x 3 col avg	\$600	\$1,80
12 Nov, 12	Daily News	Burringbar says bonjour to French cooking class		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
13 Nov, 12	Daily News	Caldera artists encapsulate		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
14 Nov. 12	Daily News	the beauty of Murwillumbah Magic of theatre brings Don		Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
15 Nov, 12	Tweed Sun	Quixote to life Holidaying for a triathlon		Estimate based on 9 module average	\$1,387	\$4,16
15 Nov, 12	Tweed Coast Weekly	Into the dragori's lair	Various events:	Estimate based on 15cm x 3 col avg	\$600	\$1,80
15 Nov, 12	Tweed Coast Weekly	Kingscliff triathlon a week away	D'Bar art exhibition River Festival	Estimate based on 15cm x 3 col avg	\$600	\$1,80
16 Nov, 12	Daily News	Dragon boat race to raise \$30,000 for kids in need	Melbourne Cup Day Superheroes Saturday	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
16 Nov, 12	Daily News	Jennifer ensures archestra is	Kids in Need Dragonboat Kingscliff Triathlon	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
16 Nov, 12	Gold Coast Bulletin	always in good taste Multisport weekend offers	Caldera Art Awards Cooking Classes	Estimate based on 28cm x 5 col avg	\$5,111	\$15,33
17 Nov, 12	Tweed Sún	something for everyone Triathlon a hit with	- DoubleMask Drama NSO	Estimate based on 9 module average	\$1,387	\$4,16
22 Nov, 12	Daily News	businesses on the street Triathlon to run full cycle at	International Disability Week events	Estimate based on 28cm x 5 col avg	\$1,386	\$4,15
22 Nov, 12	Tweed Coast Weekly	River fest lights up the		Estimate based on 15cm x 3 col avg	\$600	\$1,80
	Tweed Coast Weekly	Tweed Paullina finds herself on the		Estimate based on 15cm x 3 col avg	-	
22 Nov, 12 22 Nov, 12	Tweed Coast Weekly Tweed Valley Weekly	road to Kingscliff Kingy lights up		Estimate based on 15cm x 3 col avg	\$600	\$1,80
26 Nov, 12	Daily News	Samuel Bettan overcomes		Estimate based on 28cm x 5 col avg	\$1,386	94,15
0.000		pain to win Kingy tri				
29 Nov, 12 29 Nov, 12	Tweed Sun Tweed Sun	Men of L'Mur'bah Laughs all part of script		Estimate based on 9 module average Estimate based on 9 module average	\$1,387 \$1,387	\$4,16
29 Nov, 12	Tweed Sun	International Day of People		Estimate based on 9 module average	\$1,387	\$4,1
29 Nov, 12	Tweed Valley Weekly	with Disability Tweed celebrates disability week		Estimate	\$350	\$1,0
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29 Nov, 12	Tweed Coast Weekly	Foodie Fest launches		Estimate based on 15cm x 3 col avg	\$600	\$1,800
15 Nov. 12	Tweed Valley Weekly	Caba is tops		Estimate	\$350 \$600	\$1,050
14 Nov. 12	Gold Coast Bulletin	What's On	Tweed Foodle Fest	Estimate based on 15cm x 5 col avg	\$5,111	\$15,333
4 Dec, 12	Daily News	M'Bah goes gourmet		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
4 Dec, 12	Daily News	Foodie Friday Fest judged a		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
4 Dec, 12	Echonet Daily	The Taste of success		Estimate	\$ 100	\$ 300
		December Events in the				
29 Nov, 12	Tweed Coast Weekly	Tweed		Estimate based on 15cm x 3 col avg	\$600	\$1,800
22 Nov, 12	Tweed Coast Weekly	Celebrity fundraiser returns to Salt	4ASD Kids Weekend	Estimate based on 15cm x 3 col avg	\$600	\$1,800
6 Dec, 12	Daily News	Celebrities flock to Kingscliff for fundraiser		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
18 Dec, 12	Daily News	Megan Gale paps into the Tweed for charity event		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
30 Nov, 12	Daily News	Awesome artwork is a labour of love		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
30 Nov, 12	Echonet Daily	Green Cauldron panarama finally finished		Estimate	\$ 100	\$ 300
5 Dec, 12	Northern Rivers Echo	Mural draws hundreds as a major tourist attraction	Green Cauldron Panorama	Estimate based on 28cm x 5 col avg	\$1,834	\$5,502
6 Dec, 12	Daily News	Mural draws hundreds as a major tourist attraction		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
6 Dec, 12	Tweed Valley Weekly	Enjoying the view	1	Estimate	\$350	\$1,050
6 Dec, 12	Tweed Valley Weekly	Panorama artists complete year-long labout of love		Estimate	\$350	\$1,050
6 Dec, 12	Tweed Sun	Good weather prayer for Kingscliff carols		Estimaté based on 9 module average	\$1,387	54,161
6 Dec, 12	Tweed Coast Weekly	Deck the halls		Estimate based on 15cm x 3 col avg	\$600	\$1,800
6 Dec, 12	Tweed Coast Weekly	Annual Christmas Carols start this week		Estimate based on 15cm x 3 col avg	\$600	\$1,800
28 Dec, 12	Daily News	Tweed Coast has come alive this Christmas halidays	Christmas Carols	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
13 Dec, 12	Tweed Valley Weekly	Carolling at Salt		Estimate	\$350	\$1,050
13 Dec, 12	Tweed Coast Weekly	Local businesses rescue Salt carols		Estimate based on 15cm x 3 col avg	\$600	\$1,800
13 Dec, 12	Tweed Sun	Santa's joining the festival in the park		Estimate based on 9 module average	\$1,387	\$4,161
13 Dec, 12	Tweed Sun	Dauble Act paves way for Chinese Murwillumbah cinema to	General tourism issues	Estimate based on 9 module average	\$1,387	\$4,161
5 Dec, 12	Daily News	host opera		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
28 Dec, 12	Daily News	Discover the spirit way of painting at art gallery.	Café D'Bar exhibition	Estimate based on Z8cm x 5 col avg	\$1,386	\$4,158
30 Dec, 12	Daily News	JAG program getting kids out into the water	Watersports Guru summer program	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
3 Jan, 13	Tweed Sun	Austren's back to lead you		Estimate based on 9 module average	\$1,387	\$4,161
3 Jan, 13	Gold Coast Sun - Central	astray, Liana	Salt Bar	Estimate based on 9 module average	\$1,761	\$5,283
10 Jan, 13 8 Jan, 13	Gold Coast Bulletin Daily News	Get Your slice of Australiana Rooms scarce as Tweed overflows with halidaymakers	Elexate (TV	Estimate based on 28cm x 5 col avg Estimate based on 28cm x 5 col avg	\$5,111	\$15,333
9 Jan, 13	Daily News	Tourism board throws support behind Big Day Out	Destination Tweed – General tourism issues	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
10 Jan, 13	Tweed Sun	Tweed Tweed's happy campers		Estimate based on 9 module average	\$1,387	\$4,161
11 Jan, 13	Daily News	Beer and soft drink can collectors bubble into Tweed	Events - various	Estimate based on 28cm x 5 collavg	\$1,386	\$4,158
10 Jan, 13	Tweed Coast Weekly	New panorama of Green Cauldron proves to be an attraction	Green Cauldron Panorama	Estimate based on 15cm x 3 col avg	\$600	\$1,800
15 Jan, 13	Daily News	What's on in Tweed this Australia Day		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
17 Jan, 13	Tweed Coast Weekly	A Tangled Would	45.00	Estimate based on 15cm x 3 col avg	\$600	\$1,800
24 Jan, 13	Tweed Sun	Fun brewing at Canfest Australia Day set to shine on	Events - various	Estimate based on 9 module average	\$1,387	\$4,161
24 Jan, 13	Tweed Coast Weekly	the Tweed		Estimate based on 15cm x 3 col avg	\$600	\$1,800
		Tweed set to get patriotic	4	Estimate based on 9 module average	\$1,387	\$4,161

25 Jan, 13 Da 26 Jan, 13 Da 27 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 28 Feb, 13 Tv 1 Mar, 13 Da 4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Tv 1 Mar, 13 Da 11 Mar, 13 Da 12 Mar, 13 Da 14 Mar, 13 Tv	Daily News Daily News Daily News Daily News Daily News Weed Coast Weekly Weed Sun Weed Coast Weekly Weed Valley Weekly Weed Valley Weekly	Tyalgum is an the menu for Australia Day high tea Bush poet thinks Australia is the best place in the world Soggy & boggy turns to rasy and cosy at Tyalgum Local hoarder to feature on Australian Pickers TV Show Synergies formed between Council and DT Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast Hollywood comes to the	General interest	Estimate based on 28cm x 5 col avg Estimate based on 28cm x 5 col avg Estimate based on 28cm x 5 col avg	\$1,386 \$1,386 \$1,386	\$4,158 \$4,158
26 Jan, 13 Da 26 Jan, 13 Da 26 Jan, 13 Da 6 Feb, 13 Tv 21 Feb, 13 Tv 28 Feb, 13 Tv 28 Feb, 13 Tv 29 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 9 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Tv 14 Mar, 13 Tv	Daily News Daily News Daily News Weed Coast Weekly Weed Sun Weed Coast Weekly Weed Valley Weekly	Bush poet thinks Australia is the best place in the world Soggy & boggy turns to rasy and cosy at Tyalgum Local hoarder to feature on Australian Pickers TV Show Synergies formed between Council and DT Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast	General interest	Estimate based on 28cm x 5 col avg	10.00	\$4,158
26 Jan, 13 Da 6 Feb, 13 Da 7 Feb, 13 Tv 21 Feb, 13 Tv 28 Feb, 13 Tv 1 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 14 Mar, 13 Tv 15 Tv 16 Tv 17 Tv 17 Tv 18 Tv	Daily News Daily News Weed Coast Weekly Weed Sun Weed Coast Weekly Weed Valley Weekly	Soggy & boggy turns to rasy and cosy at Tyalgum Local hoarder to feature on Australian Pickers TV Show Synergles formed between Council and DT Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast	General interest		\$1.286	
6 Feb, 13 Day 21 Feb, 13 Tv 221 Feb, 13 Tv 221 Feb, 13 Tv 221 Feb, 13 Tv 221 Feb, 13 Tv 228 Feb, 13 Tv 28 Feb, 13 Day 29 Feb,	Daily News Weed Coast Weekly Weed Sun Weed Coast Weekly Weed Valley Weekly	Local hoarder to feature on Australian Pickers TV Show Synergies formed between Council and DT Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast	General interest	Carrier hand an order of the contract	72,500	\$4,158
7 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 22 Feb, 13 Tv 23 Feb, 13 Tv 24 Feb, 13 Tv 28 Feb, 13 Tv 1 Mar, 13 De 5 Mar, 13 De 5 Mar, 13 De 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 De 11 Mar, 13 De 11 Mar, 13 De 14 Mar, 13 Tv	weed Coast Weekly weed Sun weed Coast Weekly weed Valley Weekly	Synergies formed between Council and DT Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
21 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 21 Feb, 13 Tv 22 Feb, 13 Tv 28 Feb, 13 Tv 1 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 12 Mar, 13 Tv 14 Mar, 13 Tv	weed Sun weed Coast Weekly weed Valley Weekly	Preparing to Sustain Tweed Tourism Counts on Locals State Titles for Tweed Coast	1	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
21 Feb, 13 Tu 21 Feb, 13 Tu 21 Feb, 13 Tu 22 Feb, 13 Tu 28 Feb, 13 Tu 1 Mar, 13 Du 4 Mar, 13 Du 5 Mar, 13 Du 5 Mar, 13 Tu 7 Mar, 13 Tu 7 Mar, 13 Tu 11 Mar, 13 Du 11 Mar, 13 Du 14 Mar, 13 Tu	weed Coast Weekly weed Valley Weekly	State Titles for Tweed Coast	1	Estimate based on 15cm x 3 col avg	\$600	\$1,800
21 Feb, 13 Ty 21 Feb, 13 Ty 22 Feb, 13 Ty 28 Feb, 13 Ty 1 Mar, 13 Da 4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Ty 7 Mar, 13 Ty 9 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 14 Mar, 13 Ty	weed Valley Weekly			Estimate based on 9 module average	\$1,387	\$4,161
21 Feb, 13 Ty 28 Feb, 13 Ty 1 Mar, 13 Da 4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Ty 7 Mar, 13 Ty 7 Mar, 13 Ty 9 Mar, 13 Da 11 Mar, 13 Da 14 Mar, 13 Ty		Honywood Larnes to the	Destination Tweed -	Estimate based on 15cm x 3 col avg	\$600	\$1,800
28 Feb, 13 Ty 1 Mar, 13 Da 4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Ty 7 Mar, 13 Ty 9 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 14 Mar, 13 Ty	weed Valley Weekly	Mountain	General tourism issues	Estimate	\$350	\$1,050
1 Mar, 13 Da 4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Da 11 Mar, 13 Da 11 Mar, 13 Da 14 Mar, 13 Tv		Production to boost local economy		Estimate	\$350	\$1,050
4 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	weed Valley Weekly	Wollumbin Track closed for months		Estimate	\$350	\$1,050
5 Mar, 13 Da 5 Mar, 13 Da 5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Senior Citizens Week will be jam-packed		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
5 Mar, 13 Da 5 Mar, 13 Tv 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Kingscliff Triathlan is on the grow		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
5 Mar, 13 Da 7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Beautiful handcrafts on sale in historic hall		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Triathlon Olympic distance attracts athletes		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
7 Mar, 13 Tv 7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Cats given a second chance	Events - various	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
7 Mar, 13 Tv 9 Mar, 13 Da 11 Mar, 13 Da 10 Mar, 13 Tv 14 Mar, 13 Tv	weed Valley Weekly	through adoption day Little Shop of Fun		Estimate	\$350	\$1,050
11 Mar. 13 Da 10 Mar. 13 Da 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv	weed Sun	Hundreds expected for Kingscliff Triathlon	1	Estimate based on 9 module average	\$1,387	\$4,161
11 Mar. 13 Da 10 Mar. 13 Da 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv	Daily News	Relay for Life team eat chocolate to prepare for		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
10 Mar. 13 Da 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar, 13 Tv	75 NY 115 NO	event Olympic medallist braves		ESTITUTE DATES OF ESTIMATE OF STA	6.0.0	5 1/250
14 Mar, 13 Tv 14 Mar, 13 Tv 14 Mar, 13 Tv 14 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	the rain at Kingscliff Tri	Proper travers	Estimate based on 28cm x 5 col avg	\$1,386	54,158
14 Mar. 13 Tv 14 Mar. 13 Tv 14 Mar, 13 Tv 14 Mar, 13 Tv	Daily News	Hundreds roll in to compete in Triathlon	Events - various	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
14 Mar, 13 Tv 14 Mar, 13 Tv 14 Mar, 13 Tv	weed Coast Weekly	Seniors' Week launches Orackpot under wraps for		Estimate based on 15cm x 3 col avg	\$600	\$1,800
14 Mar, 13 Tv 14 Mar, 13 Tv	weed Coast Weekly	Seniors		Estimate based on 15cm x 3 col avg	\$600	\$1,800
14 Mar, 13 Tv	weed Coast Weekly	Lining up for the Relay Tweed an Sour prepare for	-	Estimate based on 15cm x 3 col avg	\$600	\$1,800
	weed Coast Weekly	Relay		Estimate based on 15cm x 3 col avg	\$600	\$1,800
Larger J. Ly	weed Coast Weekly	Pottsville Band enters the Battle		Estimate based on 15cm x 3 col avg	\$600	\$1,800
14 Mar, 13 Ty	weed Coast Weekly	Seniors Week Program – 4 pages Aliens land in Murwillumbah		Estimate based on 15cm x 3 col avg	\$600	\$1,800
14 Mar, 13 Ty	weed Coast Weekly	Dazzling Classics		Estimate based on 15cm x 3 col avg	\$600	\$1,800
14 Mar, 13 Tv	weed Sun	Harrowing tale reveals women's wartime strength		Estimate based on 9 module average	\$1,387	\$4,161
14 Mar, 13 Ty	weed Sun	Get out of the garage and hit the workshop		Estimate based on 9 module average	\$1,387	\$4,161
14 Mar, 13 Tv	weed Sun	Classical concert to enchant		Estimate based on 9 module average	\$1,387	\$4,161
14 Mar, 13 Tv	weed Sun	Longboarders converge on Kingscliff for Open		Estimate based on 9 module average	\$1,387	\$4,161
13 Mar. 13 Go	Sold Coast Sun – Central	Harrowing tale reveals		Estimate based on 9 module average	\$1,761	\$5,283
	Sold Coast Sun – Central	women's wartime strength Classical concert to enchant		Estimate based on 9 module average	\$1,761	\$5,283
	Daily News	you Heels kicked up to launch		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
	Daily News	Seniors Week Longboard surfing opens with sunny skies but small		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
	weed Coast Weekly	swell Ready for the Relay		Estimate based on 15cm x 3 col avg	\$600	\$1,800
	weed Coast Weekly	Surf's up for Longboarders]	Estimate based on 15cm x 3 col avg	\$600	\$1,800
week a facility in	weed Coast Weekly	Sell-out Sairee for Muma Buzz		Estimate based on 15cm x 3 col avg	\$600	\$1,800
21 Mar, 13 Tv	weed Sun	Entire street plays role in quirky tale of horror		Estimate based on 9 module average	\$1,387	\$4,161
21 Mar, 13 Tv	weed Valley Weekly	Longboards at Kingy		Estimate	\$350	\$1,050
The second second	Daily News	Exhibition remembers those who served in war		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
28 Mar, 13 Tv	weed Valley Weekly	Big winners at Longboard Open	Events - various	Estimate	\$350	\$1,050
27 Mar, 13 Da	Daily News	Secret Bridesmaids Business promises strong		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158

TOTAL					\$319,631	\$958,893
4 Apr, 13	Tweed Sun	Theatre finds a new stage		Estimate based on 9 module average	\$1,387	\$4,161
3 Apr, 13	Border Mail	performed by Bell Shakespeare		Estimate based on 28cm x 5 col avg	\$1,246	\$3,738
29 Mar, 13	Daily News	Romeo & Juliet to be	Tyalgum - Bell Shakespeare	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
25 Mar, 13	Gold Coast Bulletin	Shakespeare hits Tyalgum	1: 1-2: 01	Estimate based on 10cm x 3 col avg	\$665	\$1,995
21 Mar, 13	Tweed Coast Weekly	Shakespeare rings a bell in Tyalgum		Estimate based on 15cm x 3 col avg	\$600	\$1,800
6 Apr, 13	Daily News			Two-page feature: Estimate based on 2 x 28cm x 5 col avg	\$2,772	\$8,316
3 Apr, 13	Border Mail	Well on Track		Estimate based on 28cm x 5 col avg	\$1,246	\$3,738
1 Apr, 13	Daily News	Caldera Wellness Festival is	Crange Special Control	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
28 Mar, 13	Tweed Sun	Time to find some inner peace	Heart of the Caldera Wellness Festival	Estimate based on 9 module average	\$1,387	\$4,161
28 Mar, 13	Tweed Coast Weekly	New Health Festival for the Tweed		Estimate based on 1Scm x 3 col avg	\$600	\$1,800
21 Mar, 13	Tweed Valley Weekly	Friends of Hall bring community together		Estimate	\$350	\$1,050
21 Mar, 13	Tweed Sun	Tweed on touring route map	Workshop	Estimate based on 9 module average	\$1,387	\$4,161
21 Mar, 13	Daily News	Showcasing all the Tweed has to offer tourists	Destination Tweed - NCDN	Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
4 Apr. 13	Tweed Sun	Funny business on cue	1	Estimate based on 9 module average	\$1,387	\$4,161
4 Apr, 13	Tweed Sun	Play lifts veil of secrecy		Estimate based on 9 module average	\$1,387	\$4,161
4 Apr. 13	Daily News	Mumz & Bubz Soiree Proves o Big Hit		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
4 Apr. 13	Tweed Coast Weekly	Mt Warning Wedding Expo on this weekend		Estimate based on 15cm x 3 col avg	\$600	\$1,800
4 Apr, 13	Tweed Coast Weekly	Battle heats up]	Estimate based on 15cm x 3 col avg	\$600	\$1,800
3 Apr, 13	Gold Coast Sun – Central	Secret and funny business on stage		Estimate based on 9 module average	\$1,761	\$5,283
28 Mar, 13	Daily News	Cyclists prepare to battle for the border		Estimate based on 28cm x 5 col avg	\$1,386	\$4,158
28 Mar, 13	Tweed Valley Weekly	Uki Cabaret Call]	Estimate	\$350	\$1,050
28 Mar, 13	Tweed Coast Weekly	Let the Battle Begin	1	Estimate based on 15cm x 3 col avg	\$600	\$1,800
28 Mar, 13	Tweed Coast Weekly	Shhl Secrets are about to be revealed		Estimate based on 15cm x 3 col avg	\$600	\$1,800
28 Mar, 13	Tweed Coast Weekly	Coastal Tones at D'Bar	1	Estimate based on 15cm x 3 col avg	\$600	\$1,800
28 Mar, 13	Tweed Coast Weekly	Events in the Tweed		Estimate based on 15cm x 3 col avg	\$600	\$1,800

WEBSITE COVERAGE

DATE	WEBSITE	STORY	LINK			
Aug 12	Essential Kids Coasting on Tweed Time		www.essentialkids.com.au/family-life/family-travel/coasting-on-tweed-time-20120806-23pgi.htm			
Nov 12	Cynthia Dammerer blog					
Nov 12	Sheridan Rogers blog	Tweed Foodie Fest Cheeses Loves You	www.sheridanrogers.com,au			

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

OPTIONS:

This report to Council presents the quarterly report from Destination Tweed which is required as part of their contract. The successful submission of this report in an appropriate format will endorse payment of their quarterly contract instalment for the next quarter in line with their contract.

- 1. **Endorse this Quarterly Report** By endorsing Destination Tweed's Quarterly Report Council acknowledge and endorse the progress Destination Tweed have made to achieving the milestones outlined in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy; or
- 2. **Postpone Endorsement of this Quarterly Report** If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

CONCLUSION:

It is recommended that Council endorses this quarterly report from Destination Tweed.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable. This report fulfils Destination Tweed's reporting requirement under its current funding agreement.

b. Budget/Long Term Financial Plan:

This report is submitted by Destination Tweed along with their quarterly invoice for payment under the current funding agreement.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.4	Market the Tweed as a destination for business and tourism
3.1.4.2	Facilitate the development of the Strategic Plan and Operational Plan for
	tourism promotion and economic development
3.1.4.3	Operate Visitor Information Centres at Murwillumbah and Tweed Heads
3.1.4.4	Establish a website to promote the Tweed as a destination and to attract visitors
3.1.4.6	Facilitate economic promotion and tourism development within the Tweed
3.1.4.7	Increase visitors to the Tweed

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [GM-CM] Expanding the Tweed Link

SUBMITTED BY: Communications and Customer Services



SUMMARY OF REPORT:

Council resolved at the April 2013 meeting that, "in light of the recognition the Tweed Link has received over the years, Council brings forward a report on the costs of expanding the Tweed Link to six pages and how items on the Council agenda and reports of Council meetings could be included."

The Tweed Link has been informing the Tweed community for 17 years and recently celebrated its 800th issue, with the first issue sent to the Tweed community on Tuesday 12 November 1996.

The Tweed Link is currently a regular four (4) page newspaper, with the ability to go to six (6) and eight (8) pages on demand and within budget. The Tweed Link is printed by a local business, on 100 per cent recycled stock using soy based inks.

The Tweed Link operates like a business and like any other newspaper relies on advertising income to supplement the publication. Decisions on going to a six (6) page Tweed Link are entirely operational and budget driven to ensure the Tweed Link does not run at a loss. The Editor also has a requirement to achieve a balance between editorial and advertising and ensuring editorial is based on newsworthy principles.

To move the Tweed Link to a permanent six (6) page newspaper without guarantee of advertising income would require an additional annual budget commitment of \$87,661 for printing alone and would also require additional staff resourcing.

It is also very clear in the Tweed Link Policy that "Editorial must be factual, unbiased, timely, relevant to residents of the Tweed Shire, wide ranging, free of political influence, unhindered by group or individual pressure, observant of confidentiality as determined by Council, fair, honest and frank and available to all members of the Tweed community free of charge." Making the Tweed Link a regular 6 page edition will not result in greater coverage of certain topics.

Council business papers are already a regular source of Tweed Link stories and Council's Communication Officer - Media attends these meetings and covers editorial based on newsworthy principles. Articles such as 'Meeting in a Minute' summarise what occurs at a Council meeting with newsworthy topics expanded upon where more detail is required.

The Tweed Link in its current form meets the organisation and community needs as a traditional communication channel and has the flexibility to grow in size, as and when required and within budget.

It is recommended that the Tweed Link remains a standard four page issue, with the ability to be a six or eight page issue based on operational need, demand, budget and balancing editorial and advertising requirements at the discretion of the Editor.

It is recognised that Council can improve its communication efforts with the community and Council could consider, budget permitting, on focusing additional resources on providing sustainable, non-traditional, new and improved low cost communication channels including online (website), applications, social and digital media and e-newsletters to complement and support the already strong and established traditional communication channels.

RECOMMENDATION:

That:

- 1. The Tweed Link remains a standard four page issue, with the ability to be a six (6) or eight (8) page issue based on operational need, demand, budget and balancing editorial and advertising requirements at the discretion of the Editor.
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

The Tweed Link has been informing the Tweed community for 17 years and recently celebrated its 800th issue, with the first issue sent to the Tweed community on Tuesday 12 November 1996.

Tweed Link Snapshot

Population/Area: 85,000+ people and businesses – 1303km²

Circulation: 40,000 per week – delivered Tuesday/Wednesday

Published: Weekly, 49 weeks of the year Readership: 78% weekly – 62,400 residents

Format: 4-6pages, A4 100% recycled stock and soy based inks. Printed in

black and white and available in full-colour online.

Distribution: Delivered by Australia Post to every household and PO Box in the

Tweed. Electronic subscriptions are also available.

Cost: FREE to residents and e-subscriptions. Hard copy subscriptions \$15

for 6 months, \$30 per year.

Summary of Tweed Link 4 - 6 pages over last 5 years

	2012	2011	2010	2009	2008
4 pages	38	41	42	34	29
6 pages	11	7	6	14	20
8 pages	0	1	1	1	0
TOTAL ISSUES	49	49	49	49	49

Tweed Link Policy

Council unanimously adopted the Tweed Link Policy on 16 June 2009, setting clear guidelines on editorial content and the types of advertising that would be accepted.

Making the Tweed Link a 6 page edition will not result in greater coverage of certain topics, there is still a requirement to balance editorial and advertising ratios. It is also very clear in the Tweed Link Policy that editorial must be linked to Council business and based on newsworthy principles, not on pre-determined topics or promotions by third parties.

Editorial must be factual, unbiased, timely, relevant to residents of the Tweed Shire, wide ranging, free of political influence, unhindered by group or individual pressure, observant of confidentiality as determined by Council, fair, honest and frank and available to all members of the Tweed community free of charge.

OPTIONS:

- a) The Tweed Link remains a standard four page issue, with the ability to be a six or eight page issue based on demand, budget and balancing editorial and advertising requirements at the discretion of the Editor.
- b) The Tweed Link becomes a six page weekly edition and an additional budget of approximately \$88,000 and staff resources to assist in preparing additional editorial is allocated in the 2013/14 budget.

CONCLUSION:

It is recommended that if additional resources were to be applied to enhance Council's communications, rather than broadening the Tweed Link, Council could consider focusing on providing sustainable, non-traditional, new and improved low cost communication channels including online (website), applications, social and digital media and e-newsletters to support the already strong and established traditional communication channels.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Link Version 1.0.

b. Budget/Long Term Financial Plan:

Budget allocation for printing of the Tweed Link would need to be increased on an annual and recurring basis by almost \$88,000 under the existing tender. Additional staffing resources would need to be considered to support the increased editorial requirements to fill six pages, whilst keeping each edition commercially viable.

c. Legal:

Local Government Act, 1993: Section 707

Local Government (General) Regulation 2005 Clause 77

Environmental Planning and Assessment Regulation 2000

Tweed Local Environment Plan and Development Control Plans define "Advertising" as the placement of public notice in a newspaper or publication circulating at least once a week in the locality.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1.2.5 - Effective Communication between Council and Community Groups.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Budget and Impact of Tweed Link becoming 6 pages (ECM 3060778)

25 [GM-CM] AC2013-059 Printing of Tweed Link

SUBMITTED BY: Communication and Customer Services

Vali



SUMMARY OF REPORT:

The Tweed Link is one of Council's primary forms of communication with the community. For over 15 years it has been produced by Tweed Shire Council and printed by an external provider.

Tenders for the printing of the Tweed Link (two year period with a two year renewable option at Council's discretion) were called and closed on 10 April 2013 with tenders being received from:

- 1. Summit Press
- 2. Style Print
- 3. Virid

A Tender Evaluation Panel was convened and evaluations took place on 22 and 23 May 2013.

RECOMMENDATION:

That:

- 1. In relation to AC2013-059 Printing of Tweed Link, Council award the Tweed Link print tender to Summit Press for a:
 - a. four page edition price of \$3,000;
 - b. six page edition price of \$4,730; and
 - c. eight page edition price of \$6,367.35.

for an initial period of two years, with a two year option.

- 2. ATTACHMENT 1 is 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.

Council Meeting Date: Thursday 20 June 2013

REPORT:

Background

The Tweed Link is Council's weekly newspaper. Council is fully responsible for managing content, advertising, printing and distribution of the Tweed Link. Its current format is black and white, A4 in size folded to DL (which is a requirement under the contract with Australia Post) and it is printed on 100 per cent recycled stock using soy based inks.

It is recognised as a newspaper, with a registered International Standard Serial Number (ISSN) 1327-8630, to meet a range of Council legislative requirements for statutory advertising as well as providing a medium to receive factual and unbiased information about the business of Council including however not limited to: development applications, items on exhibition, positions vacant, commencement of works projects and other Council services, programs and events.

The Tweed Link is a free newspaper with 40,100 copies printed and distributed weekly (via registered post by Australia Post), 49 weeks of the year and ranges from a four to six page edition depending on editorial and advertising requirements.

Tender for printing

Tenders for the printing of the Tweed Link (two year period with a two year renewable option at Council's discretion) were called and closed on 10 April 2013 with tenders being received from:

- 1. Summit Press
- 2. Style Print
- 3. Virid

A Tender Evaluation Panel of Council officers comprising of Communications Officer - Publications; Customer Contact Centre Team Leader and Engineering Assistant Supervisor evaluated the tenders on 22 and 23 May 2013 using the following selection criteria:

- Price and competitiveness in regards to itemised costs against Tender Schedule A.
- Commitment to use of environmentally friendly resources and practices.
- Provision of proposed stock samples.
- Experience and demonstrated examples of quality of large scale print jobs similar to the Tweed Link.
- Commitment to, ability and capacity to perform the work within the strict and definitive deadlines.
- Extent to which sub contractors may be used.

OPTIONS:

- 1. Awards the tender as recommended by the Tender Evaluation Panel.
- 2. Declines all tenders in accordance with Clause 178(1)(b) of the Local Government (General) Regulations 2005.

CONCLUSION:

In terms of proven ability to handle large print jobs such as the Tweed Link, ability to meet tight deadlines and price, it is recommended Summit Press should be awarded the Tweed Link print tender AC2013-059.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No impact - already budgeted for in Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

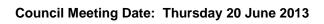
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2	Improve decision making by engaging stakeholders and taking into account community input
1.2.5	Effective communication between Council and Community groups
1.2.5.6	Use communication channels and develop new tools for engaging with the broad Tweed community
1.2.5.6.1	Produce editions of Council's newspaper the Tweed Link

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tweed Link Evaluation Tender (ECM 3080205)



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REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C 79C Evaluation

- (1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
 - (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

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 in 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.

Note: See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.

- (2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:
 - (a) is not entitled to take those standards into further consideration in determining the development application, and
 - (b) must not refuse the application on the ground that the development does not comply with those standards, and
 - (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
 - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note: The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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

SUBMITTED BY: Director



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 that for May 2013 there are no variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

Council Meeting Date: Thursday 20 June 2013

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, no Development Applications have been supported/refused where a variation in standards under SEPP1 has occurred.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

No-Legal advice has not been received. Attachment of Legal Advice-Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

UNDER SEPARATE COVER/FURTHER INFORMATION:

Ν			

27 [PR-CM] Section 82 Appeal - Palm Lake Resort, Banora Point

SUBMITTED BY: Building and Environmental Health



SUMMARY OF REPORT:

An appeal under Section 82 of the Local Government Act, 1993 has been received from the Palm Lake Resort, Tweed River. The appeal seeks a modification to the existing Section 68 Approval to Operate the caravan park and has been made against the provisions of Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 which requires that:

"A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park."

Sound reasons have been provided which demonstrate the requirements of Clause 135 to be 'unreasonable or unnecessary' in this case. Council is requested to support the requested objection. The objection can then be forwarded to the Department of Planning for the concurrence of the Director-General.

RECOMMENDATION:

That:

- 1. Council supports the Section 82 appeal against Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and allows erection of relocatable homes on site within the caravan park, and
- 2. The appeal be forwarded to the Department of Planning and Infrastructure for concurrence of the Director-General, in accordance with Section 82(3) of the Local Government Act 1993.

Council Meeting Date: Thursday 20 June 2013

REPORT:

Legislation

An appeal under Section 82 of the Local Government Act, 1993 has been received from the Palm Lake Resort, Tweed River. The Resort operator seeks to erect relocatable homes on site within the caravan park. Section 82 states:

- "82 Objections to application of regulations and local policies
 - (1) An applicant for an approval may lodge with the council an objection:
 - (a) that the regulations or a local policy adopted under Part 3 by the council relating to the activity for which approval is sought do not make appropriate provision with respect to that activity, or
 - (b) that compliance with any provision of those regulations or such a policy is unreasonable or unnecessary in the particular circumstances of the case.
 - (2) The applicant must specify the grounds of the objection.
 - (3) If the objection relates to the regulations and the council is satisfied that the objection is well founded, it may, with the concurrence of the Director-General, in determining the application, direct that:
 - (a) such provisions of any regulation relating to that activity as are specified in the direction:
 - (i) are not to apply, or
 - (ii) are to apply with such modifications as are specified in the direction, in respect of the carrying out of that activity, or
 - (b) such requirements as are specified in the direction are to apply to the carrying out of that activity, or give directions under both paragraphs (a) and (b).
 - (3A) If the objection relates to a local policy adopted under Part 3 by the council and the council is satisfied that the objection is well founded, it may, in determining the application, direct that:
 - (a) such provisions of any local policy relating to that activity as are specified in the direction:
 - (i) are not to apply, or
 - (ii) are to apply with such modifications as are specified in the direction, in respect of the carrying out of that activity, or
 - (b) such requirements as are specified in the direction are to apply to the carrying out of that activity, or give directions under both paragraphs(a) and (b) and the council must give the reasons for its direction or directions.
 - (3B) An objection is well founded for the purposes of subsection (3A) only if the council is satisfied that no person or the public interest will be adversely affected by the variation and that any variation is consistent with the principles of ecologically sustainable development.

(4) Any direction given by the council under subsection (3) or (3A), if the council's approval to the application concerned is granted, has effect according to its tenor and, in the case of a direction referred to in subsection (3) (a) (ii) or (b) or subsection (3A) (a) (ii) or (b), is a condition of that approval.

The appeal seeks a modification to the existing Section 68 Approval to Operate the caravan park and has been made against the provisions of Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 which requires that:

"A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park."

Clause 124(1)(b) of the Regulation further states that a caravan park must not be used for: 'the manufacture, construction or reconstruction of moveable dwellings.'

Amenity

These legislative restrictions are believed to be imposed to protect the amenity of existing residents in an established caravan park or manufactured home estate, where construction activities are likely to unreasonably impact amenity. The Palm Lake Resort development is a caravan park which is being completely re-developed, where the installation of 141 new relocatable homes will be permissible upon completion of the final stage. The submission states:

"If this objection to Clause 135 was accepted and Palmlake Works were allowed to build on-site, the ability for the relocatable homes to be transported in the future will not be lost. All homes will still be required to be certified as relocatable homes and the structural engineer will certify that homes are designed to be suitable for transportation."

In regards to the amenity impact for the future residents that reside in the approved caravan park during the construction phase it is considered that these residents would be made aware of the construction works taking place across the site. As in any new residential estate, residents would buy a home knowing that construction on nearby sites is to be expected.

It is noted that the Caravan Park is intended to be developed across several stages, starting from the most northern end. Therefore residents in a certain location of the park would only be immediately affected by construction for a short time frame and not the entire 2 year construction phase.

The timber frames etc for these homes are prefabricated off site, saving build time, noise etc on site.

It is in our best interest to keep the residents of Tweed Shire and Palm Lake Resort happy and comfortable and our construction methods are reflected with this intent."

A condition could also be applied to the amended approval requiring the submission of a construction management plan for the site to minimise disturbances.

The subject site is well buffered by a combination of the Motorway, Tweed River, distance and vegetation from dwellings outside the park and no unreasonable impact on these dwellings is considered likely.

Council Meeting Date: Thursday 20 June 2013

Stated Grounds of Objection

The submission is provided in full as an attachment to this report. However, the submission nominates the following as the formal 'grounds of objection':

- 1. Project Scale The transport process is highly logistical and time, money and labour intensive involving the transportation of over 300 modules over 1 to 2 years. It involves transport permits, cranes and pilots, traffic inconveniences and costs approximately \$20,000 per home.
- 2. Motorway Road Conditions The travel path along the Banora Point Pacific Motorway (M1) is difficult, requires RTA permits and involves manoeuvring around roundabouts and underpasses. On site erection of structures will remove traffic delays and safety issues.
- 3. Structural Integrity The structural integrity of each home is at risk when transporting the major sections.
- Precedent at Other Sites The submission indicates that on site erection of homes has previously been approved at other developments at Port Stephens, Liverpool, Clarence Valley and Hastings Shire.

Existing Section 68 Approval

If the request for relocatable homes to be erected on site is to proceed several conditions of the existing Section 68 Approval to Operate dated 19 September 2012 (as amended) will require modification. The Building and Environment Unit will modify the existing approval if the concurrence of the Director-General is received.

OPTIONS:

- 1. Approve the Section 82 objection and allow the relocatable homes to be erected progressively within the caravan park; or
- 2. Refuse the objection and require the relocatable homes to be constructed off site and transported to the caravan park.

Council officers recommend Option 1.

CONCLUSION:

Sound reasons have been provided which demonstrate the requirements of Clause 135 to be 'unreasonable or unnecessary' in this case. Indirectly the Section 82 Appeal would also apply to the provisions of Clause 124 (1) (b). Council is requested to support the objection and thus permit the on-site erection of relocatable homes. The objection can then be forwarded to the Department of Planning and Infrastructure for the concurrence of the Director-General.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable

Council Meeting Date: Thursday 20 June 2013

c. Legal:

Not Applicable.

d. Communication/Engagement:

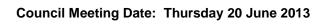
Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council's decisions.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed 4.1.3 Manage and regulate the natural and built environments
- 4.1.3.7 Regulate the operation of caravan parks

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Submission from Palm Lake Works dated 22 April 2013 (ECM 3058759)



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[PR-CM] Council Submission on "A New Planning System for NSW" White Paper and Two Exposure Bills

SUBMITTED BY: Director



SUMMARY OF REPORT:

On 16 April 2013, the NSW Government released the White Paper on planning reform in NSW, 'A New Planning System for NSW', and two Exposure Bills, the Planning Bill 2013 and the Planning Administration Bill 2013.

The White Paper proposes five main areas of reform:

- 1) Changes to planning and delivery culture;
- 2) Community participation;
- 3) Strategic planning;
- 4) Development assessment; and
- 5) Infrastructure.

Other refinements to building regulation and certification and NSW Land and Environment Court processes are proposed.

An inter-disciplinary team of Council officers have reviewed the White Paper and the draft legislation and made comment through this report as the basis of a Council submission to the NSW Department of Planning and Infrastructure. Feedback has also been received through four public meetings and Councillor briefings and workshops.

The emerging reforms are considered to be an important step in producing a more contemporary and best practice planning system for NSW. The State Government is to be commended for the extensive consultation and research of inter-state and international planning systems conducted in the lead up to the release of both the Green and White Papers.

The White Paper contains a number of positive reforms, including an increased emphasis on up-front, evidence-based, well-consulted strategic planning at State, regional and local levels; expansion of more streamlined assessment processes (exempt and complying and code assessable) for less impacting developments; requirements for stronger linkages between land use and infrastructure planning; stronger regulation of building compliance; and more efficient Land and Environment Court processes for smaller development disputes.

However, there are a number of concerns that have been identified through the officers' review of the exhibited material, the most significant being: a lack of detail in terms of the resourcing, sequencing, decision making and administration of the proposed strategic planning processes and the related regional planning boards; a lack of confidence in the

continuation and expansion of the existing, the one-size-fits-all Codes SEPP; the lack of clarity regarding what the State Government is seeking in terms of a new planning and delivery culture; the lack of clarity and unrealistic timeframes for the proposed cross-over of Code Assessable to Merit based development assessments; the unrealistic timeframes for the proposed three year delivery of new infrastructure relating to new developments and contribution charges.

In terms of Councillor and community feedback, there appears to be major concerns for the loss of opportunity for public comment on certain developments; the timeframe and disconnect between the proposed new strategic planning processes and new developments occurring; uncertainty about the transition of existing, community supported Development Control Plans into the "Guidelines" of the new Local Plan format; the loss of representation on the planning and development at a regional and sub-regional level; and the potential loss of local Councillor decision making on new developments.

RECOMMENDATION:

That Council endorses this report and that it forms the basis for a submission to the NSW Department of Planning and Infrastructure on the White Paper on planning reform in NSW, 'A New Planning System for NSW', and the two Exposure Bills, the Planning Bill 2013 and the Planning Administration Bill 2013.

REPORT:

ANALYSIS OF WHITE PAPER/DRAFT EXPOSURE BILLS - ISSUES AND RECOMMENDATIONS FOR A COUNCIL SUBMISSION

An inter-disciplinary team of Council officers have reviewed the White Paper and the draft legislation and made comment with this report as the basis of a Council submission to the NSW Department of Planning and Infrastructure. Feedback has also been received through four public meetings (please refer to a summary of issues from the meetings in Attachment 1 of this report) and Councillor briefings and workshops.

The analysis and review of the exhibited documents has been provided under the main reform headings of the White Paper.

DELIVERY CULTURE (CHAPTER 3 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

- The establishment of a culture change action group to design and oversee the implementation of a range of culture change actions across the industry, in conjunction with the implementation of the new planning system;
- A series of training sessions for practitioners and stakeholders in all areas of the new planning system, including details of how the system will work and ways to improve our culture;
- The restructure and other associated changes to the Department of Planning and Infrastructure to emphasise strategic planning and community participation the appointment of a senior executive to enhance relationships between the Department of Planning and Infrastructure and planners within other sectors and to share with local government methods and ideas to effectively improve planning culture;
- Monitoring and reporting on the actions for culture change and lessons learnt on an annual basis, to provide a report card on the health of the culture of the NSW planning system; and
- The preparation of a Performance Monitoring Guideline that will provide the methodology and performance indicators for monitoring the planning system.

Issues for Consideration

In terms of the initial address of the planning culture issue through the Green Paper, concerns were raised from planning professionals in the local government sector that there was a lack of balance in the presentation of the full range of influences that impact upon the functioning of the NSW Planning System, given that there are such wide range of other stakeholders and interests. It was evident in the initial consultation feedback that led to the Green Paper that somestakeholders believed that local and state government planners and other related professions had become typically risk adverse and re-active, rather than being a facilitator of development and economic activity.

From the perspective of the local government sector, whilst there is strong support for an updated set of professional standards to be introduced as part of the NSW Planning System, it is considered that the Government have yet to consult with the full range of participants in the System on what the new planning culture should entail.

It is considered that in any closer examination of a new planning culture, there also needs be a corresponding recognition of ethical standards, for which local government has received mixed messages from the State Government in recent years. Over the last two to three decades, the NSW Planning system and the role of state and local government and the interaction of public servants and elected officials with the development sector has been the subject of intense scrutiny and regular investigations by the NSW Independent Commission Against Corruption (ICAC). These investigations have generally resulted in recommendations for very specific and systematic changes to the administrative and probity aspects of planning and development practices for state and local government. These recommendations have had a strong risk management and risk adverse focus, which have been reinforced by various ICAC publications and training.

It is therefore currently difficult to reconcile ICAC's consistently strong risk management and risk adverse recommendations with the emerging "can do" cultural change proposed through the Green and White Papers, which suggests that public sector officials should be more facilitative of development proponents, with little reference to dealings with other stakeholders in planning and development processes.

It is considered reasonable that local councils and state government agencies should be striving towards continuous improvement in their customer service and professional standards in implementing the planning system. Like any good business or organisation, this should be a priority.

However, in terms of decision making and the dealings with stakeholders, the multi-layered objectives and controls of the current NSW Planning Act, and corresponding probity checks, make it inappropriate and a major risk for Councils to deliberately favour one participant in the planning system over another, whether they be a large developer, a small time applicant, an objecting neighbour, or a community interest group.

There is a legal imperative for Council to reconcile and be accountable to a balanced assessment under the Act. This is reinforced through quite stringent Council Codes of Conduct.

There is also a common misconception that council staff have a pre-determined decision making culture, either anti or pro development. This simply is not the case. Council staff are trained to make a balanced assessment against the relevant legislative requirements.

A more facilative, "can do" planning culture is possible, but there needs to be clearly defined legislative direction provided from the State Government that is consistently implemented among all stakeholders in planning and development assessment processes, not just Council officers.

It can't be left open to discretion.

There needs to be a greater transparency for the public to understand how the planning system operates, and how decisions are made.

Recommended Submission

That the State Government provide a clearer expectation of what they are seeking to achieve through a change in planning and delivery in the NSW Planning system, and provide local government planners with a clearer basis of legislative and policy support to protect their ethical and professional standards.

COMMUNITY PARTICIPATION (CHAPTER 4 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

Chapter 4 of the White Paper proposes changes in community participation through:

- The preparation of a Community
 Participation Charter that will form part
 of the new planning legislation. All
 planning authorities will be required to
 act consistently with this when
 undertaking strategic planning and
 development assessment;
- A high level of community participation will be required, in particular for the development of Regional Growth Plans and Subregional Plans, to help set where growth and infrastructure will occur; and
- ePlanning will reshape the planning system by transforming paper based development application and assessment processes and traditional methods of consultation into an online environment. Consultation will build on traditional methods for engagement and include 3D interactive models and development guides to enable the community to have their say.







As stated in the draft Planning Bill 2013 - for the purposes of the Community Participation Charter and the proposed Act, community participation in strategic planning, planning decisions and other planning matters is defined as the process of engaging the community (including industry, businesses, residents, interest groups and organisations) in those planning matters.

The key legislation requirements for community participation are:

- A Community Participation Charter that will impose a duty on planning authorities to act consistently with the principles of the Charter when undertaking strategic planning and development assessment; and
- Planning authorities to prepare a Community Participation Plan, which
 establishes a planning culture and practical methods of engagement and
 partnership setting out how and when planning authorities will provide the
 community with opportunities to participate in the preparation of policies and
 strategic plans and development decisions.

Issues for Consideration

Community Participation Plan

Councils who already have an existing Community Engagement Strategy under Section 402 (4) of the Local Government Act 1993 are not required to prepare a separate Community Participation Plan.

Note: The draft Planning Administration Bill 2013 states Section 402 (4) of the current Local Government Act will be amended to replace the term 'community engagement strategy' with 'community participation plan'.

Council has an adopted Community Engagement Strategy, which is based on industry best practice from the Industry Association for Public Participation (IAP2) stages of engagement and social justice principles. It was originally adopted in 2009, and revised and adopted in 2012.

Council's existing Community Engagement Strategy clearly identifies *Tweed audiences* and stakeholders, methods and tools of engagement to be used, and categorises projects for engagement, including existing planning functions. It identifies the use of social media and provides a mix of traditional and web technologies, providing the best spread of engagement to involve communities, particularly at a strategic level. Council as a whole needs to embrace these tools and invest in its communication and engagement to proactively expand into online and social media.

The White Paper mentions the use of specific social media channels such as YouTube. Council feels these should not be specified by the State, and that Council's may elect to host videos on their own website or alternative video sharing site than YouTube. It also specifically mentions the use 3D modelling technologies which are a capacity issue the organisation will need to address.

Council and its planning functions currently use various forms of social media, including online community forums and surveys. Recent examples of this are the Rural Land Strategy and e-Housing Code.

Another area the community participation charter aims to address is the use of information technology to deliver planning services. Tweed is also a leader in this area having already established e-planning tools for the eHousing Code and a sophisticated DA tracker on its website and Smartphone application.

Within the White Paper hierarchy of documents, the categories where the Tweed community should have significant input are **Subregional Delivery Plans**, with neighbouring Councils and their communities and **Local Plans**, visions for our local areas and the responsibility of Tweed Shire Council.



Page 51 of the White Paper specifies the stage of engagement for the development of Subregional Delivery Plans as 'collaboration'. The proposed changes from the White Paper could be categorised as:

Shire-wide/High Impact - Regional Growth Plans, Subregional Delivery Plans and Local Plans

Locality Based / High Impact - Local Plans

Locality Based/Low Impact - Development Application - merit assessment

The draft Planning Bill 2013 legislation leaves Council's no option but to incorporate its planning activities into a broader Community Participation Plan:

Section 2.2 Planning authorities and functions to which the Charter applies

- (2) The Community Participation Charter applies to the exercise of the following planning functions:
 - (a) functions under section 2.4 (Community participation plans),
 - (b) strategic planning functions under Part 3,
 - (c) development consent functions under Part 4,
 - (d) environmental impact assessment functions under Division 5.1 of Part5 if an environmental or species impact statement is required,
 - (e) State infrastructure approval functions under Division 5.2 of Part 5,
 - (f) infrastructure plan functions under Part 7.

Section 2.4 Community Participation Plan

- (3) A community participation plan:
 - (a) is to incorporate the mandatory community participation requirements under section 2.6, and
 - (b) is to set out how and when the planning authority will provide other forms of discretionary community participation when exercising planning functions.

Section 2.6 Mandatory community participation requirements states

Part 1 of Schedule 2 sets out the mandatory requirements for community participation by planning authorities with respect to the exercise of planning functions to which the Community Participation Charter applies.

For example, some of these requirements exist in Tweed Development Control Plan A11 - which would be encompassed into the new requirements within the Community Participation Plan. There will be a further need to strengthen the existing corporate Community Participation Plan to be far more comprehensive and widely used across the organisation.

Conclusion

With the White Paper and draft Planning Bill 2013, Tweed is in a position to significantly strengthen the minimum engagement standards, and support planning staff in the shift from legislative compliance to engagement.

Suggested Areas of improvement for Tweed:

- An enhanced Customer Focused website for planning functions incorporating existing e-planning initiatives;
- Use of Social Media tools as engagement tools;
- Culture change to increase use of and awareness and use of a Community Participation Plan in day to day planning functions rather than legislation only;
- Develop and build capacity for in-house skills in 3D modelling, communications and community engagement; and
- Training and awareness of IAP2 principles.

Fundamentally the issue for many councils, including Tweed, is one of capacity not capability. Changing a culture from legislative compliance to engagement and the provision of enhanced community engagement support including social media and 3D modelling will need to be addressed.

As a result, from a Policy point of view, Tweed is in a position to have a Community Participation Plan that meets the needs of the White Paper and associated legislation within a suitable timeframe.

Note: It is noted that the relevant planning authority, in their Community Participation Charters are to set a commitment to review timeframes of the strategic planning, which Council feels is vital to gain community trust and provide an expectation and timeframes for the strategic review.

Participation at Strategic Level v Development Assessment Stage

Possibly one of the most controversial parts of the White Paper is the removal of notifications, submissions and engagement for Code Assessable developments, and relying more on the up-front Strategic Planning stage for more significant community participation, and to resolve major planning issues.

The theory behind this approach is sound in terms of its intent to make development assessment more efficient. However, citizens in NSW have traditionally had input to the application processes for the majority of developments, enshrining a right to be informed and participate in those planning decisions which affect them at the time they are being made. The discussion that the White Paper has generated is the degree of confidence that the community has ensuring that they will have more effective input at the earlier planning stages.

There are big challenges to get a community involved at a strategic level when they may not have to deal with the consequences right here and now. For the community to digest the complexity of the layers of planning and provide informed input will take significant effort and resources and a commitment to adhere to the Community Participation Charter.

The White Paper aims for a 'get it right at the start' approach focusing on the Strategic Planning, and that within 5 years of the new legislation beginning, 80% of all development approvals to be complying or code assessment, compared to the current 20%. Fundamentally making it easier for households, families and developers with comply or code Development Applications to be processed in a shorter timeframe.

Track	Strategic alignment	Impacts	Assessment against	Assessment by
Exempt	Full	Minor	Local Plan	Self
Complying	Full	Low	Local Plan	Certifier (council or private)
Code	Full	Managed by the plan	Local Plan	Council
Merit	Partial to full	Medium to significant	Local Plan + impacts + strategies + community views + public interest	Council
Prohibited	None	High	Not applicable	Not applicable

There is no argument that engaging on strategic plans can be hard to get community buy-in at the time a Council needs it, however it is not impossible and has been done before at Tweed Shire Council, very successfully.

A changing in planning and organisation culture to one of engagement, not just compliance, will return great benefits. However, this comes with a greater need to support and resource planning staff to deliver the strategic outcomes and balance community expectations.

Until the regulations and draft Community Participation Charters from the Department are available a direct comparison between current and proposed legislation is minimal.

DA - Current Situation

DAU Development Applications - Subdivisions, multi-dwelling housing, commercial and industrial development

BEH Development Applications - Dwelling Houses, Pools, Outbuildings (Class 1 and Class 10 buildings under BCA)

	Notify Adjoining Neighbours	Advertise in local newspaper	Number of times to be displayed in a	Exhibition Period
	Neighbours	пемэрары	newspaper	
DA - Designated Development	Yes	Yes	2	28 days as per EP&A Act and Regs
DA - Nominated Integrated Development	Yes	Yes	1	30 days as per EP&A Act and Regs
DA - Integrated Development	Maybe depending on type	Maybe depending on type	1	14 days as per Tweed DCP A11
DA - General	If required by Tweed DCP A11	If required by Tweed DCP A11	1	14 days as per Tweed DCP A11
DA - Section 96 Modifications (1)	No	No	NA	No as per Tweed DCP A11
DA - Section 96 Modifications (1a)	No	No	NA	No as per Tweed DCP A11
DA - Section 96 Modification (2)	Yes	Maybe if required by Tweed DCP A11	1	14 days
Complying Development Certificates	No	No	NA	NA
Part V Applications (infrastructure)				

DA - White Paper - need more information from Regulations

	Notify Adjoining Neighbours	Advertise in local newspaper	Number of times to be displayed in	Exhibition Period
			a newspaper	
State Significant	No			28 days as per Schedule
Development				2 of Planning Bill 2013
				Exposure Draft
Environmental Impact	No			28 days as per Schedule
Statement Development				2 of Planning Bill 2013
				Exposure Draft
Merit Assessment				14 days as per Schedule
				2 of Planning Bill 2013
				Exposure Draft
Code Assessment				As per Participation Plan
				but not less than 14 days
				as per Schedule 2 of
				Planning Bill 2013
				Exposure Draft
Development Consents				28 days as per Schedule
made in reliance on a				2 of Planning Bill 2013
Strategic Compatibility				Exposure Draft
Certificate	NI-	NI.	NIA	NIA
Complying Development	No	No	NA	NA
Modifications of				As per Community
Development Consents				Participation Plan
that were subject to merit				
assessment				

Modified Developments		As per Community
that were subject to code		Participation Plan
assessment where		
modified development		
does not meet the		
standard		
Infrastructure and		
Environmental Impact		
Assessment		

Strategic - Current Situation

	Notify Adjoining Neighbours	Advertise in local newspaper	Number of times to be displayed in a newspaper	Exhibition Period
Local Environmental Plan (LEP)	No	Yes	1	28 days as required by the Act
Strategies	No	Yes	1	28 days as required by the Act
Development Control Plans (Locality Plans) DCP	No	Yes	1	28 days as required by the Act
Planning Proposals (rezoning)	Maybe	Yes	1	28 days as required by the Act

Strategic - White Paper Proposed Legislation

	Notify Adjoining Neighbours	Advertise in local newspaper	Number of times to be displayed in a newspaper	Exhibition Period
Strategic Plans	No			28 days as per Schedule 2 of Planning Bill 2013 Exposure Draft
Infrastructure Plans	No			28 days as per Schedule 2 of Planning Bill 2013 Exposure Draft
Community Participation Plans	No			28 days as per Schedule 2 of Planning Bill 2013 Exposure Draft
Planning Proposals				28 days as per Schedule 2 of Planning Bill 2013 Exposure Draft

Recommended Submission

That the State Government provide greater detail on how they anticipate that the new requirements on up-front strategic planning will be adequately resourced by both councils and State agencies.

STRATEGIC PLANNING (CHAPTER 5 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

A New Strategic Framework

The White Paper proposes a major shift toward evidence planning, which is to be underpinned by community and stakeholder engagement during plan preparation. The purpose is to improve what is termed 'upfront planning', which is seen as a "key tool for better facilitating the delivery of housing and jobs in the right locations".

The underlying premise is that government agencies and key stakeholders will be brought together in a collaborative way when preparing regional and subregional plans so that commitments on important and often critical elements concerning physical infrastructure, service delivery and the distributive allocation and responsibility for funding or providing it, is linked to the land-use planning aspect.

Decisions about the location, character and types of land-uses are then said to be rationalised and agreed with local communities as part of the up-front community participation engagement.

Community participation and the community participation charter are discussed in the previous section of this report.

The concept entails a two pronged approach. Providing certainty to the development industry about location, cost and servicing on the one hand so that investment is made more secure and providing communities with a say on the look and feel of how those identified areas will grow so that localised disputes about development are minimised. This is said to occur because of the greater certainty about the kind and form of development known or agreed to by those communities.

Broadening the use of complying and code assessable developments is then said to be more readily achievable, without the need for further public comment on those developments that meet the prescribed standards; a streamlined approvals process.

Collectively, these strategies focus more so on strategic planning for achieving efficiencies in the delivery and standards of new development, than has been the reliance in the past on development control and assessment, by strengthening the decision making relationship to agreed community outcomes in the strategic plans.

New strategic planning will demonstrate "a clear line of sight" through a successive layering of plans from the State down to the local level, through which each plan will give effect to the policies, principles and agreed outcomes of the higher order plan. This is essential for achieving the overriding principles focused on strategic planning outcomes. The Planning Bill 2013 sets out the ten strategic planning principles:

3.3 The strategic planning principles

The strategic planning principles that are to guide the preparation of strategic plans are as follows:

- Principle 1: Strategic plans should promote the State's economy and productivity through facilitating housing, retail, commercial and industrial development and other forms of economic activity, having regard to environmental and social considerations.
- **Principle 2:** Strategic plans are to be integrated with the provision of infrastructure.
- **Principle 3:** Strategic plans are to guide all decisions made by planning authorities and allow for streamlined development assessment.
- **Principle 4:** Strategic planning is to provide opportunities for early community participation.
- **Principle 5:** Planning authorities and State agencies are to co-operate constructively in the preparation and implementation of strategic plans.
- **Principle 6:** Strategic plans should reflect agreed planning outcomes in setting the planning vision for an area.

Principle 7: Strategic plans are to be standardised, easy to use and available

online.

Principle 8: There should be monitoring and reporting of strategic planning

outcomes.

Principle 9: Strategic plans are to be based on evidence, set realistically

deliverable targets and take account of economic, environmental and

social considerations.

Principle 10: Local plans should facilitate development that is consistent with agreed

strategic planning outcomes and should not contain overly complex or onerous controls that may adversely impact on the financial viability of

proposed development.

The key changes proposed for strategic planning are summarised in the table below:

 a shift to upfront evidence based strategic planning, with a focus on achieving sustainable development outcomes

- infrastructure that is integrated with land use so that the community has confidence that areas of growth and change will be supported by transport, infrastructure and services
- a partnership between the state, the community, local councils, agencies and the private sector to develop a shared vision for regions, subregions and local government areas
- whole of government requirements in strategic plans to improve planning outcomes and reduce the number of development applications that require multi agency concurrence, referral or approval

- a shift in focus to subregional planning jointly prepared by councils and the state, where there will be direct rezoning and supporting development guides for major precincts of state or regional significance
- an innovative new approach to Local Plans focussed on outcomes not development controls in isolation
- clearly structured and transparent plans, with all development controls and zones accessible to the community and business in Local Plans
- strong performance monitoring and reporting to ensure that plans deliver on agreed objectives
- the transition of the relevant aspects of existing strategic plans and planning instruments to the new planning system.

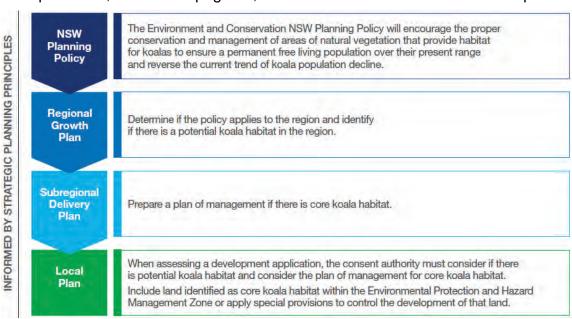
A Hierarchy of Strategic Plans

The hierarchy and relationship of plans is illustrated in diagram below:



The vertical hierarchy discussed above can be seen flowing down from the State Plan through regional and into a local plan. Each of these Plans is discussed in more detail below.

For now it is important to recognise both that there is a logical structure for the implementation of the state's broad economic and sustainable policies but also that there is opportunity within this framework to pick-up or incorporate other critical policies. As the example below, taken from page 71, illustrates in relation to Koala habitat protection:



A further example of housing supply and affordability is provided on p70 of the White Paper and these are relevant to the discussion on the NSW Planning Policies.

NSW Planning Policies

These policies will be prepared by the Department of Planning and Infrastructure, overseen by a new Chief Executive Officer's Group, and made by the Minister for Planning and Infrastructure following endorsement for them by the whole of government.

Their preparation is to occur in consultation with state agencies, local councils and underpinned by evidence and research. The Planning Bill 2013 mandates that draft strategic plans must be publicly exhibited for a minimum of 28 days. The Community Participation Charter and Community Participation Plan (CPP) under Part 2 of the Planning Bill applies to the preparation of NSW planning policies. The CPP will detail the level and method of engaging the community and stakeholders in their preparation.

The legislation is designed to recognise NSW Planning Policies, which are said to be new 'transformative' documents. These policies will be prepared for a small number of core planning issues of significance to the State. They will focus on addressing fundamental drivers of change such as population growth, demographic trends and structural shifts in the economy and will:

- Articulate the government's planning policy framework relating to land-use and development
- Provide succinct descriptions of the objectives, policy direction and delivery obligations for when preparing Regional and Subregional policies
- Where relevant incorporate applicable and relevant existing strategic policies, such as s 117 Directions and SEPPs.

The structure of these policies will maintain a similarity with other policy documents with their legibility arising through a common structure, plain English and clearly stated policy objective, targets and deliverables.

An example of the potential planning policies is identified as including:

- Housing supply and affordability, and housing choice
- Employment and economic growth
- Environment and conservation
- Retail development and tourism
- Agricultural and rural resources

Officers' comment:

On a broader view this seems to be a good initiative.

It is well documented that policy and legislative control has been widely criticised as ineffective or absent on many State-wide issues including; affordable housing and housing supply, identification and protection of rural farming, the right to farm, recognition of farm productive lands as a National natural resource asset, protection ecological biodiversity and natural areas for promoting and sustaining the health of productive farm land, as well as other important State and regional issues.

One of the causes of ineffective land-use management has been the absence of legislative recognition of key policy instruments. In effect, the Planning Bill 2013 is a recalibration of the approach to land-use management generally. With all good management there must be a strong platform for decision making. That platform has for many years tilted toward a command and control strategy comprising the direct regulation of land-use through legislation aimed at prescribing what is and what is not permitted.

A fundamental criticism of that strategy is the adversary based nature of disputes that typically arise and which often divide neighbours and communities alike. Without the checks and balances strategic planning can bring through participant engagement at all levels, command and control strategies when too heavily relied on or left unchecked for too long can harbor a disconnect between communities, government and business. Community attitude, expectation and tolerance changes overtime, as does that of government policy and the needs of business but not always with a common objective or mutual outcome.

The new Planning Bill seeks to tilt the platform back toward to a reconciliatory or negotiated point where government, business and communities can collaboratively engage in planning the future and shape of the State.

Recognising the critical role strategic planning can have in setting out the goals and targets to be achieved by the State and how that can be delivered with certainty, efficiency and on agreed terms with local communities is a legislated format adopted by the new Planning Bill. This isn't to suggest that what is being proposed will ultimately return what many may consider is a true sense of balance between, for example, conservation and development, but it may be seen as shift or realignment in the power imbalance that has occurred between the developer/government and local residents as a result of what the current command and control legislation has fostered. Nor should it veil the level of power still vesting in the Minister administering the planning legislation to take possession of key projects and bypass certain decision making functions, as they are arguably broader than the circumstances would likely demand of them.

Significant work is required at all levels of government and community to bring about meaningful change and an environment of certainty. Whilst this is not likely to happen quickly the reforms proposed do at least provide the catalyst and stage for partnerships, collaboration and ultimately that change.

This marks a new era in the approach to land-use management, advantaging local communities with greater say on how their region and community may grow. It should not however be at the expense of the invaluable body of public consultation that currently occurs at the development assessment level on major projects and those with clear and evident impact upon their neighbours and communities.

Whilst increase community participation is a welcomed addition it must be borne in mind at all times that communities change, sometimes whole communities, and removing the ability for public consultation altogether at later stages of planning and development will likely only serve to undermine any confidence regained upfront.

Change cannot be achieved through the continual modification of the current planning system and as such the new Planning Bill 2013 proposes positive benefits for strategic planning of the Far North Coast Region.

Regional Growth Plans

The purpose of these plans is to provide the broader regional strategic planning direction that will inform and guide the development of subregional delivery plans and local plans. The will not zone land or regulate development. Through broad community and stakeholder participation and evidence based analysis they will identify solutions and outline competing interests for community consideration.

There will be collaboration on alternatives and selecting preferred solutions for growth and change.

Prepared and endorsed by the NSW Government through the Department of Planning and Infrastructure, with assistance from the Chief Executive Officer's Group, the new plan will be similar to the current Far North Coast Regional Strategy with some welcomed additions. These would likely include a clearer indication of the physical infrastructure required to service many of the new areas, clearer housing targets and benchmarks for achieving more sustainable urban environments, environmental targets for water and air, as well as clearer objectives for environmental management and conservation.

Importantly, the new plan will establish a monitor and report program and culture for benchmarking and assessing the deliverables of the plan. This performance audit will occur quarterly and be made publicly available. Accountability for the State government's performance in not only setting targets but demonstrating the commitment, through sound policy and funding, and ability to deliver on sustainable development, a cleaner environment and stronger economy is overdue. These new measures should bring the State into closer conformity with the performance benchmarking and reporting that has for many years held local government accountable for their land-use management decisions.

In keeping with the principles of strategic planning these plans will have a strong evidence base and will take account of the regions defining characteristics, current housing and employment trends and long term population growth scenarios. It will be outward looking beyond its borders for linkages and opportunities over other regions and the State.

To ensure that the principles are attained and that a new regional growth plan is consistent with the objects of the Act, all new plans will need to be certified by the Director-General of the Department of Planning and Infrastructure that they comply.

The content of regional growth plans is prescribed by the new Act:

3.5 Preparation and content of regional growth plans

- (1) The Director-General may prepare a draft regional growth plan for any region in the State.
- (2) A draft regional growth plan is to identify the following:
 - (a) The basis for strategic planning in the region,
 - (b) Existing and proposed transport and other infrastructure for the region (including any priority infrastructure),
 - (c) Regionally significant areas,
 - (d) Targets for achieving the planning outcomes for the region (including housing, employment and environmental targets),
 - (e) Actions required to be undertaken by planning authorities to achieve those targets,
 - (f) The basis on which planning authorities are to monitor and report on performance against those targets,
 - (g) The kind of development on any particular land in the region for which biodiversity offset contributions are proposed (unless identified in subregional delivery plans),
 - (h) Any other matters the Director-General considers relevant to planning for the region.
- (3) If there is no subregional delivery plan for any part of the region, the draft regional growth plan may identify for that part of the region matters that may be identified in a subregional delivery plan (until there is a subregional delivery plan).

Officers' comment:

The current regional strategy, the Far North Coast Regional Strategy, has served the north coast region well. Since 2006 it has proved valuable in guiding local decisions on many aspects of environmental management and planning for new and expanding communities. It also curtailed the proliferation of new Greenfield land release along the eastern coast that were expanding rapidly into a conurbation of dormitory suburbs, expensive to service, lacking critical community infrastructure, economically and socially dislocated from major centres.

Amongst the many benefits the Strategy delivered arguably its greatest weakness was its omission in dealing with land-use planning in an integrated and holistic way. It proceeded to look at planning in isolation of the infrastructure needs for new and existing urban areas, in particular roads and public transport, and essentially ignored the role State Government has in not only planning for infrastructure but delivering it also.

Environmental protection, social and economic and other important issues that are intertwined with land-use planning lacked any true sense of priority, commitment or mechanisms that were capable of elevating those issues so that they could compete on level pegging with decisions concerning 'planning'. Consequently, new areas were being identified and zoned without the broader consideration or commitment to actually facilitate the change sought.

This was all occurring at a time when the State government was reducing local councils' ability to raise revenue through s 94 levies on the one hand and the cost of providing those services was increasing on the other. There was no sense of urgency at a State level about whom or how those services would be provided in the longer term. The short-term objective was to keep building construction going but as evidenced in many areas, including Tweed, the omission to deal with the broader infrastructure and to a lesser extent the environmental issues left many projects no farther advanced than a change in zoning.

The new Planning Bill 2013 recognising the critical importance not only of community engagement but of the need for a holistic evidenced based approach to planning more likely has the potential to meet the objectives of delivering housing, employment, education and recreation in areas where it is both needed and capable of being delivered.

The redefinition of and expansion on the current regional strategy in the form of a new Regional Growth Plan marks a turning point for regional and catchment based land-use planning on the north coast. This is a welcome change.

Subregional Delivery Plans

These plans will translate the aims and objectives of NSW Planning Policies and visions of the relevant Regional Growth Plans. A clear distinction between those former plans and the subregional delivery plans is the ability of these to zone land directly and to set detailed development parameters for the areas identified, whether that is a new suburb, locality, region or a mixed composite. Zoning and mandatory development parameters established under a subregional plan will be set-out in the Local Plan and cannot be overridden by councils.

Described as the new transformative delivery tool for affecting land-use change, they are prepared by new Subregional Planning Boards collaborating with local councils, state agencies and subregional communities.

The Subregional Planning Board composition is discussed in more detail on page 83 of the White Paper document. In summary, they are a new planning body created under the legislation with the function of preparing the subregional delivery plans, assisting councils preparing Local Plans, and it is likely that they will partner the Department of Planning and Infrastructure in preparing Growth Infrastructure Plans.

The Planning Boards will comprise a representative from each council in the subregion (a subregion may constitute more than one council area or part of a council area) up to four state representatives and an independent Chair, each with a term of four years.

The plans are intended to be a visual document and written in plain English. They will, by way of example, graphically represent the key areas within the subregion targeted by the Plan and depict the extent of the new areas, their service function and the key infrastructure.

In addition they will use the broad housing supply targets established in the Regional Growth Plans and through detailed analysis of the subregion will filter out precisely how and where those targets can be delivered. This will guide decisions about the type of development required (houses, multi-dwelling, residential flat building etc) and ultimately the density, height and zoning.

The content of subregional delivery plans is prescribed by the new Act:

3.6 Preparation and content of subregional delivery plans

- (1) A subregional planning board may prepare a draft subregional delivery plan for the subregion for which it has been established.
- (2) A draft subregional delivery plan is to identify the following:
 - (a) Existing and proposed transport and other infrastructure for the subregion (including any priority infrastructure),
 - (b) Significant areas in the subregion,
 - (c) How the housing, employment and environmental targets in the relevant regional growth plan are to be achieved in the subregion,
 - (d) Proposed growth areas in the subregion and the proposed planning controls that should apply in those growth areas or the strategic planning process that should be undertaken by planning authorities to establish those planning controls,
 - (e) Proposed exempt or complying development or development proposed for code assessment in the subregion,
 - (f) The kind of development on any particular land in the subregion for which biodiversity offset contributions are proposed,
 - (g) Any other matters the subregional planning board considers relevant to planning for the subregion.
- (3) If there is no regional growth plan for any part of the subregion, the draft subregional delivery plan may identify for that part of the subregion matters that may be identified in a regional growth plan (until there is a regional growth plan).

Officers' comment:

Critical for councils and communities alike will be open and two-way engagement in the preparation of these plans. They undeniably provide the policy document with the greatest potential for transformative change, which is how they are intended to function. Ensuring that communities truly do have a say and that councils can properly advocate and champion on their behalf it is essential that the community engagement strategy of the Regional Planning Board does provide due access to the process.

The subregional delivery plans have the genetics to make new development happen, to rejuvenate and transform existing areas, and to elevate the sustainability of urban development throughout the State. They also possess the greatest threat to existing communities, to fragile and scenic natural and urban environments.

How the unique characteristics of existing towns and villages can and will be preserved or enhanced through these Plans is unclear. What is, is that without a genuine discourse with local communities and councils and a right of those communities to shape the future of their subregions the subregional delivery plans will be seen as no more than a new breed of planning instrument designed to dis-empower local councils' and their communities.

The continual shift toward increasing exempt, complying and code assessable development and the corresponding reduction in public participation during these latter stages makes it all the more imperative that new strategic planning is underpinned by robust community engagement.

Local Plans

Local Plans are the legal mechanism for the delivery 'on-ground' of NSW Planning Policies, Regional Growth Plans and Subregional Delivery Plans.

Local Plans will be prepared by local councils, possibly assisted by the Subregional Planning Board and made by the Minister for Planning and Infrastructure. The plans require early and effective community participation. It is envisaged that the four year review period of the Local Plan will dovetail and operate in conjunction with the consultation occurring with Council's Community Strategic Plan.

Notably the new Act deals with the general purpose provisions of the local plan and its 'planning control provisions' separately. This is a procedural necessity for enabling the standardisation of planning controls across the State in such a way that they can be systematically: amended, added or removed, by the Minister (or their delegate) without the need for individual planning proposals and without affecting the general context provisions of those local plans.

For example planning control provisions would include standardised:

- Zones
- Prescribed land-uses and prohibitions within certain zones
- Definitions
- Mandatory provisions for subdivision, exempt & complying development, acquisition and the like.
- May also include provisions for additional development standards and contributions

The content of local plans is prescribed by the new Act:

3.11 Composition of local plans

A local plan established under this Division comprises the following:

Part 1 - Strategic context:

An explanation of how NSW planning policies, regional growth plans and subregional delivery plans are given effect to in the area concerned (having regard to any applicable community strategic plan under section 402 of the *Local Government Act* 1993).

Part 2 - Planning controls:

Containing spatial and other provisions for the area concerned relating to land use zoning, the categories of development and other matters for which planning control provisions may be made under this or any other Act.

Part 3 - Development guides:

Containing guides with respect to development in the area concerned to give effect to the aims of planning control provisions and the objectives of land use zones, and to facilitate permissible development.

Part 4 - Contributions:

Containing provisions relating to the amount of local and regional infrastructure contributions, or biodiversity offset contributions, payable in respect of particular kinds of development in the area concerned.

The 'transformative' elements of the new format are aimed at positing all statutory controls in a single policy, which make for easier use and access on-line. Establishing a nexus to the higher order regional and subregional plans will also ensure that agreed targets and goals established through those processes with the participation of communities and business will flow through to the local plan, which is the tool for implementing them.

Combined with performance measures and the need for certifying their compatibility local plans should provide greater certainty and clarity about their strategic objective.

The machinery of how the new Plans will look and feel remains unclear. Guidelines and practice notes are yet to be published and many of the finer statutory provisions will occur through regulations which are also unavailable.

Early indications are that there will be a reduction in the number of zones, with zones of likeness compressed or grouped into a single overarching zone. The precept, described as one based on "today's economy", is that there are fewer activities "that are genuinely incompatible" and a central assumption of a performance based system is one that recognises that land-use impact is a result of intensity not of the land-uses themselves.

An example of how the new zone groupings may occur appears on page 103 of the White Paper. The final list of new zones is said to be subject to further consultation before being incorporated into the new legislation.

Local Plans will contain 'Suburban Character Areas'. These will apply to urban areas where there is a proven urban character, amenity or pattern. Precisely how areas of significance and variety will be adequately protected and maintained remains very unclear. In addition, the development guides in Part 3 of the local plan lack sufficient clarity about how they will operate effectively to provide the same level of protection as currently exists with the use of development control plans and locality place based plans.

One objective is for the new development guides to incorporate 3D block modelling, which has been around for quite some time.

The initiative to introduce 3Dimensional 'building envelopes' as a more detailed form of 'development guide' under the restructured local plan format has the potential to improve the certainty and quality of urban environments. Given the availability of improved planning and building design modelling tools and the ability to test different design solutions to a given site or context, the progression of planning instruments into the 3D realm is therefore a logical one.

Utilising 3D building envelope controls may provide more certainty to neighbours and communities, particularly regarding the general bulk and scale that they might expect to see on a given block.

The modelling tools can to a certain extent also test some rudimentary building form considerations relating to building envelope, height and townscaping. This enables the testing of various heights across different sites, and to a lesser extent building scale, form, massing, amenity impacts including overshadowing, overlooking and privacy.

The benefits are said to also include:

- Guiding three dimensional form of an area;
- Informing decisions about appropriate density;
- Testing design parameters; and
- Visually communicating potential mass, scale and distribution of new developments.

Whilst this new initiative has a number of clear benefits, in part liberation of the two dimensional planning controls into a more visually instructive 3D format, and the opportunity for more site specific building form design, it does not provide a one-stop solution.

There are several other considerations that need to be taken into account if one of goals of the new legislation truly is to move toward sustainable development. Appreciating local character and heritage, climatic considerations, site configuration and building to site design all require interrogation on a site by site basis. Without those additional considerations compatibility of new development with surrounding built form and climatic context cannot be assured.

It needs to be acknowledged also that a building envelope is not a building, but a 3 dimensional space in which a building may be built. As such, the more detailed design aspects including building siting, form, composition and articulation, which arguably have more relevance in the consideration of a 'good contextual fit', are outside the realm of a building envelope. It is these elements which more directly define streetscape and therefore locality character. It is the ability of a design to consider context, streetscape, climate and public expectation which adds value to a development rather than the ability to 'fit' within an envelope.

The White Paper defers these matters to 'design excellence' guidelines and review panels and insufficient information is provided to assess whether this will be an effective outcome or a detrimental result.

In the context of increasing types of development which are code assessable, it is important that contextual and design considerations be embedded within the vision and objectives for an area. This will ensure a strong relation between built form, climate and place. The issue that then arises lies with the uncertainty about the operation and effectiveness of the Suburban Character Areas within the local plan.

Officers' comment:

Local environmental plans are far from a perfect tool for regulating, encouraging and protecting land and places in modern times. Improving how they relate strategically to the needs of growing communities, environmental pressures and changing economy through a clear nexus that links its purpose and goals to the context within its borders is an inevitable demand and a change destined to occur. And whilst few would doubt the need for change in the Statute itself it is arguable that the changes proposed in the local plans have gone too far too quickly.

While communities struggle to comprehend the new changes and additions to the State/regional strategic policy hierarchy and the latest round of amendments to LEPs brought about by their standardisation, they are arguably presented with the greatest challenge in the last two decades of planning; the loss of development control plans and placed based planning strategies and the compression of land-use zones.

It is equally true that few would argue that the planning pendulum has swung too far and too often in favour of command and control based regulation strategies for managing land use through development control rather through strategic direction. In what at first appears to be a swing back toward strategic planning and upfront community engagement it is possible that what is potentially gained upfront will only be wiped away as the ability to truly govern the protection, form and character of urban environments is eroded by the loss of qualitative based planning controls.

The White Paper states that "strategic plans should promote the state's economy and productivity through facilitating the delivery of housing, retail, commercial and industrial development and other forms of economic activity, by way of sustainable development". It is agreed that planning plays an important role in promoting the State's economy however it is essential that this objective is not prioritised over the needs of local communities and the desire to protect unique landscapes and heritage.

Simplifying zones to a few broad land-use groups would undoubtedly remove many of the unnecessary barriers to development observed throughout the operation of the Tweed LEP 2000. However, without detailed place based development codes with statutory force and in the face of continuing rights to merit appeals and the permissibility of applicant's to seek non-conforming development there should be little preference for that model.

Open zones with minimal regulation in a framework that purports performance based outcomes but that will remain heavily dependent on the legal system and Courts for adjudication does not bare the hallmarks of a functioning system, but one that invites subversion of the aspirations and agreements in the Strategic Planning Policies.

Open zones arguably require higher levels of compliance and attainment and there should be no need for recourse to the Courts, except in exceptional circumstances. The very fact this remains serves a clear indication confidence in the system, despite the early and upfront community engagement, is absent. This is likely fuelled by the lack of any substantial and instructive information about how the design control elements of the new local plans will actually work.

Having reviewed the proposed new system under the Planning Bill 2013 it is clear that there are many positive elements to it. The fact remains that the biggest change for local communities is not however with the broader strategic policies but with the local plan. Many changes are proposed and many remain unclear as to how they will operate. In a new legislative scheme that squarely focuses upon economic activity both councils and the community should remain vigilant about how the local plans, and in particular the zonings, progress in the near future.

Additional External Commentary

In addition to the officers' review of the "Strategic Planning" elements of the White Paper, one of Council's legal providers, Lindsay Taylor Lawyers (Megan Hawley, 4 June 2013), has recently published the following commentary on their review of these elements on their web site:

"The 'clear line of sight'

The Planning Bill requires each type of strategic plan to **give effect to** the policies and principles in the strategic plans higher in the hierarchy.

This is more than a requirement for consistency between the different strategic plans. The words give effect to suggest that the provisions of each strategic plan must not only not offend the provisions of the higher level plans, but must also contain provisions to implement the principles and policies in the higher level plan.

There is nothing in the Planning Bill to the effect that a strategic plan will have no effect to the extent it does not 'give effect to' the higher level plans. However, all strategic plans are made by the Minister, so presumably a plan which does not give effect to higher level plans would not be made.

Also, the strategic context provisions in the local plan must explain how the plan gives effect to higher level plans, and the consistency of a development with that strategic context will be a relevant matter for consideration in the development assessment process.

The intention is that once the Planning Bill becomes law, Schedule 12 and the associated regulations will provide that existing local environmental plans will continue in force as part of the local plan for the relevant area. Clearly, whilst existing plans remain in force, it is unlikely that they will 'give effect to' any new, higher level strategic plans which might be made.

Even if it is accepted that the new strategic planning system will ultimately result in 'a clear line of sight between each successive layer of planning' as the White Paper suggests, that can surely only be achieved after many years once all local plans are reviewed and brought into line with higher level strategic plans, once made.

To prepare all higher level strategic plans for the state involves a significant commitment of time and resources. The process of updating local plans to give effect to those higher level plans would also be lengthy. It is noted that the process of standardising local environmental plans under the existing Environmental Planning & Assessment Act 1979 (**EPA Act**) commenced in 2006, and is still not complete. The achievement of consistency in the hierarchy of plans is therefore likely to be some way off.

Transitional Issues

In the interim, there will be some issues for consent authorities in determining development applications. For example, it is difficult to see how consideration can be given to a developments consistency with the 'strategic context' provisions of the local plan, before the local plan is reviewed in light of higher level plans. The transitional provisions may shed some light on this issue.

The Planning Bill does provide for strategic compatibility certificates which address some transitional issues.

A site compatibility certificate can be issued by the Director-General to make development which is prohibited under a local plan permissible if the local plan has not yet been amended to give effect to a regional growth plan or subregional delivery plan, and the development is consistent with that higher level plan.

Such certificates could represent a significant opportunity for developers whose proposals comply with regional or subregional plans to obtain a consent before detailed controls are introduced in respect of such development in the local plan. The certificate operates in some ways as an in principle approval, as development consent cannot be refused on grounds and conditions cannot be imposed which relate to matters dealt with in the certificate.

Development guides

The requirement for strategic plans to give effect to higher level plans is mirrored in the requirement that the development control provisions of a local plan are to 'give effect' to the planning control provisions and facilitate permissible development.

The Planning Bill also provides that to the extent that development guide provisions are inconsistent or incompatible with the planning control provisions of the local plan, they will have no effect. This is consistent with the modifications made to the EPA Act earlier this year in respect of development control plans.

It is not clear whether existing development control plans will be saved under the proposed transitional arrangements, so that they will become part of the 'development guide' provisions of the local plans. Many existing development control plans are unlikely to conform to the requirements for development guides in the Planning Bill.

The status of the development guide provisions of a local plan, once the Planning Bill is enacted, is also unclear.

Whilst the White Paper states that all provisions of a local plan are to be considered in a merit assessment of a development application, s4.19 of the Planning Bill only requires consideration of the development guide provisions of the local plan to the extent that they contain 'development assessment codes'.

'Development assessment codes' are codes for development set out in the development guide provisions of a local plan. Such codes are to describe performance outcomes for development and identify acceptable solutions for achieving those outcomes. It is not clear from the Planning Bill that all development guide provisions must take the form of development assessment codes, although that would seem to be the intention from the White Paper. Any development guide provisions which are not 'development assessment codes' are not relevant to a merit assessment of a development application.

If there are savings provisions in respect of existing DCPs, many may have little effect in the development assessment process if they do not already take the form of a development assessment code."

Recommended Submission

That the State Government provide clarification on the transition of existing community supported Development Control Plans into the "Guidelines" of the new Local Plan format.

Environmental Issues

Council's NRM Unit has provided the following input to the White Paper review:

Ecologically Sustainable Development

The White Paper and draft Planning Bill remove all references to Ecologically Sustainable Development (ESD) which includes the following:

- The precautionary principle;
- Inter-generational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation, pricing and incentive mechanisms, including the polluter pays principle.

From an environmental point of view this is concerning as ESD has long been established in Australian and international law. Instead, the new Planning Bill includes an objective to promote economic growth and environmental and social well-being through sustainable development (draft Bill Part 1, 1.3). While the meaning of this is not entirely clear it is noted that the White Paper refers to the "integration" of economic, social and environmental factors and consideration of "present and future needs" but does not mention the precautionary principle, the conservation of biological diversity and ecological integrity as fundamental considerations or the need for improved valuation, pricing and incentive mechanisms including the polluter pays principle.

Evidence Based Planning

Whist the use of the best available evidence to support strategic planning is supported, it is equally important to deal effectively with uncertainty (lack of evidence) within any new strategic planning framework. Under the principles of ESD this issue is captured by the precautionary principle which states:

- "..that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
- (i) Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- (ii) An assessment of the risk-weighted consequences of various options.

The move away from the principles of ESD brings into question the way in which evidence is weighted and whether or not the presumption in favour of environmental protection will be maintained under the new planning system.

Strategic Planning Principles

The White Paper's strategic planning principles do not deal with improving or maintaining environmental outcomes, assessing cumulative impacts or preparing for climate change or urban sustainability. A number of the principles appear to prioritise economic growth considerations at the expense of social and environmental outcomes. There are also issues relating to wording which are likely to dilute the consideration of environmental and social issues for example, Strategic Planning Principle 9 states that: Strategic plans are to be based on evidence, set realistically deliverable targets and take account of social, economic and environmental considerations regard to environmental and social considerations. Rather than simply having regard for environmental and social issues, it is suggested that it would be clearer if outcomes-based environmental and social objectives were adopted (for example, maintain and improve water quality and catchment health to identify and protect environmentally sensitive areas).

NSW Planning Policies

The commitment to translate existing environmental protections (SEPPs, s117 directions, Regional Strategies etc) into NSW Planning Policies is supported however as many of the provisions of the existing protections are to be moved to lower level plans it will be important to ensure that Council ensures that such provisions are not diluted in the process these plans.

Regional Plans

Regional plans are not explicitly required to incorporate aims and targets of environmental policies, including native vegetation targets, biodiversity strategies, greenhouse gas and other pollution limits. Effective strategic planning needs to integrate state Natural Resource Commission targets; regional Catchment Action Plans; and councils' biodiversity and NRM strategies.

Environmental Protection Zones

The White Paper proposes to reduce the number of zones available for land use planning, including removing important environmental protection zones. Under the White Paper proposal (p95) it is proposed to absorb the existing environmental zones as follows:

- Environment Protection and Hazard Management (incorporating E1 National Parks and Nature Reserves, E2 Environmental Conservation and W1 Natural Waterways)
- Rural (incorporating RU2 Rural Landscape, RU6 Transition and E3 Environmental Management)
- Residential (incorporating R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, RU5 Village and E4 Environmental Living

Identifying and managing environmental values through land use planning is vital for the proper conservation and management of biodiversity and natural resources. Identifying highly constrained land up-front and explicitly excluding inappropriate land uses in such areas provides greater certainty to applicants and the community. Under the model proposed in the White Paper it would appear that it will be very difficult for Council to effectively integrate environmental protection and rural land management despite numbers of Threatened species, Endangered Ecological Communities and World Heritage National Parks. As the final list of zones and uses have not been finalised it is important that Council takes all opportunities to ensure that current environmental protection measures are included in the new planning system.

Strategic Compatibility Certificates

Strategic compatibility certificates will allow developers to apply to the Director General for a certificate which will authorise a particular development despite any prohibition for the carrying out of the development under the planning control provisions of the local plan (Division 4.7, Planning Bill). Although this proposal is intended to be an interim measure it has the potential to be used to override existing environmental planning instruments particularly during the preparation of subregional and local land use plans.

Environmental Assessment Consultants

The White Paper and legislation do not mandate accreditation of environmental assessment consultants at this stage, though the proposal has strong community support. Part 10 of the Planning Bill 2013 appears to severely curtail the public's ability to challenge legal errors of decision makers in the Land and Environment Court – in fundamental areas such as community participation, strategic plans and state significant development approvals.

Appeal Rights

Although third party appeal rights and an open standing provision are included in the Planning Bill (see sections 9.8 and 10.9 respectively), section 10.12 of the Planning Bill substantially limits these rights by seeking to exclude third party legal proceedings with respect to (a) the making or amending of local plans and strategic plans; (b) approval of State significant development and State significant infrastructure; and (c) implementation of the Public Participation Charter. Further, the Planning Bill continues to restrict appeal rights against decisions that have been made after a public hearing by the Planning Assessment Commission (section 9.6(3), Planning Bill). Such a restriction seeks to override judicial oversight of planning decisions, and reduces the transparency and accountability of decisions of the Planning Assessment Commission.

Recommended Submission

That Ecologically Sustainable Development should be an overarching object of the new Planning Act;

That the strategic planning principles in the draft Planning Bill (cl. 3.3) should establish clear outcomes-based objectives for achieving environmental and social outcomes:

That provision should be made to ensure that regional plans recognise and are consistent with other State or locally adopted NRM strategies;

That Council takes all opportunities to ensure that current environmental protection measures are included in the new planning system; and

That Council takes all opportunities to ensure that the community is properly consulted in relation to strategic planning and development control and that the scope of current appeal rights and judicial oversight is carried over into the new planning system.

Further Information

EDO 2013. NSW Government Planning Review – White Paper. EDO NSW Preliminary Briefing Note and Key Issues Summary May 2013-06-04.

NCC 2013 NSW Planning System Review - White Paper and Submission Guide. Nature Conservation Council of NSW and Total Environment Centre.

DEVELOPMENT ASSESSMENT (CHAPTER 6 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

- Eighty per cent of all developments will be complying or code assessment within the next five years, with reduced timeframes and documentation requirements;
- An expanded range of residential, commercial, retail and industrial developments will be complying or code assessment;
- Low cost appeal rights will mean greater access to existing appeal rights for applicants which will mean fairer assessments and reduced costs;
- Promoting independent expert decision making with the use of the Planning Assessment Commission, Regional Planning Panels and Independent Hearing and Assessment Panels: and
- New merit assessment processes where applications that are consistent with performance outcomes will be subject to less delay and uncertainty, with greater confidence for investment.

Issues for Consideration

Types of development eg. code assessable, 80% complying & code assessable, performance based development guidelines

The proposed development assessment system is based around five assessment categories or tracks:

- Exempt
- Complying Development
- Code Assessable
- Merit
- Prohibited

Code assessable development is the only new category. Code assessable development is development that has a predetermined set of performance objectives with acceptable solutions to meet the performance objectives. Alternative solutions can also be proposed to meet the performance objective. The application is assessed against those standards and if the standards are complied with the application cannot be refused. Public consultation is also removed as it is proposed the consultation will have been undertaken for the code in developing the standards. However consultation may occur if the proposal is relying on alternate solutions to meet the performance objective. It is proposed that Councils must have code assessable guides adopted 18 months after the legislation begins.

It is also proposed to have hybrid complying development and code assessable development. If a minor variation to complying development is required it can still remain as complying development with the variation assessed by Council and not accredited certifiers. For code assessable development where a variation to the acceptable solution is proposed an assessment can be undertaken against the performance criteria and remain in the code assessment track however community consultation may need to be undertaken. Also an aspect of a proposal may not comply with the performance criteria so this aspect of the development will be merit assessed, with the balance of the proposal remaining as code assessable. Construction certificates will be required for code assessable development.

The Government is proposal a target in 5 years time that complying development and code assessable development will be 80% of the assessment track and 20% will be merit.

The broader criteria for merit assessment is proposed to be:

- Whether the development is consistent with the strategy component of the Local Plan and the objectives of the zone;
- Any submissions from the community (if those submissions are sought);
- The likely impacts of the development, including impacts on the natural and built environments and social and economic impacts in the locality; and
- The public interest (in particular whether any public benefit outweighs any adverse impact of the development).

State and Regionally Significant development remain with determination roles for the Planning Assessment Commission and the Joint Regional Planning Panel (JRPP). The JRPP composition changes to two State appointed members and one locally appointed member. Designated development also remains.

Timeframes, stop the clock, 120 days lapsing

New timeframes are proposed for each track of development. However it should be noted timeframes means (other than for complying development) the deemed refusal period and the applicant has the opportunity to lodge an appeal in the Land and Environment Court, they are not timeframes that require determinations to be made they only give the applicant an alternate option for a decision. The proposed timeframes/deemed refusal periods are as follows:

Complying development 10 days
Complying with variation 25 days

Code 25 days or 50 days if consultation for

submissions required

Merit 50 days
Designated and State Significant 90 days

A new provision is to have applications lapse if the response to additional information has not been made within 120 days of the request.

One stop shop

The new legislation proposes to introduce a one stop shop (for the State Government) for integrated referrals and concurrences compared to the current process where multiple referrals are made with multiple responses from the referral and concurrence agencies.

Local plan

Local Plans are proposed to replace the Local Environmental Plan and will contain the strategic vision for the area, land use zones, development guides, assessment tracks and contributions.

The Local Plan will also be the vehicle to carry out State and Regional planning objectives.

Amber light

A new proposed provision called the amber light approach is included in the draft legislation. A consent authority cannot refuse a development application unless the applicant has been notified of the intention to refuse and has been notified of any changes the consent authority considers necessary before it will reconsider the application and the consent authority has considered submissions made by the applicant in response to the proposed refusal.

Changes to consultation

Part of the objective to streamline assessments includes changing notification and consultation. The most significant change comes with code assessable development where it is proposed to not have consultation for submissions for development that meets the acceptable solutions, notice will be given for information only. Where a development is proposing an alternate acceptable solution consultation for submissions will be at the discretion of the consent authority. The notice period for code assessable and merit development will be fourteen days.

The theory behind no consultation for code assessable development that meets the acceptable solutions is that the community would have already been consulted on formulating the acceptable solutions in the code so it is not necessary to go back to the community for a proposal that complies with the standards in the code.

Strategic compatibility certificates

Strategic compatibility certificates are proposed to be used by the Director General where a regional growth plan or a subregional delivery plan has been made and the existing planning control provisions prohibit a proposal that is consistent with the regional or subregional plan. Certificates will only be valid for two years.

Appeals

It is proposed to expand mandatory conciliation and arbitration beyond single dwellings and dual occupancies. It is likely that code assessable development that does not meet the performance criteria will us this appeal track.

It is also proposed to introduce a third very fast track for appeals on single dwellings and dual occupancies. The key focus is to reduce costs and simplify procedures.

Planning Bill

The development assessment section of the Planning Bill is contained in Part 4 and is titled **Development (other than infrastructure) assessment and consent.** This Part deals with the procedures for the various assessment tracks.

Part 5 of the Bill is titled **Infrastructure and environmental impact assessment** and deals with (as the current Part 5 of the EP&A Act does) assessment of environmental impacts of infrastructure provision by public authorities.

Officers' Comment:

The Planning Act will ultimately be accompanied by new Regulations. The Regulations prescribe the detail to carry out the functions of the Act. The draft Regulations have not been provided at this point in time. The Regulations provide the requirements for procedures and processes for the operation of the Act. The Regulations can have a significant impact on the resources needed to carry out the functions of the Act. The Government should be requested to exhibit the draft Regulations and undertake consultation prior to adoption of the Act and accompanying Regulations.

The most significant change to development assessment is the introduction of code assessable development and, whilst the concept is generally supported, further explanation and detail of how this assessment stream will work needs to be articulated. Actual examples of Codes should be exhibited and details of how various design and assessment elements are codified such as view loss/sharing. Other details need to be examined as well such as will the Codes be development type specific eg. multi dwelling housing or will they be element specific such as a code for view sharing and a separate code for solar access etc. or a combination of both? Will the Codes have to allow for an alternate solution option for every element? These items are important because it is a gauge for the complexity of the system given a key objective of the draft legislation is to streamline development assessment.

The hybrid code assessable and merit application needs to clarification. Will these applications need to be submitted concurrently or will they be able to be submitted sequentially?

Greater clarity and explanation is also required around the amber light proposal. The Planning Bill at section 4.16(4) says consent cannot be refused unless the amber light processes have been undertaken, however, at page 135 in the White Paper, it says that if the amber light processes is not used Council will have to justify its decision. The scope of the amber light process needs to be specified. An example of this is whether Council would need to be providing legal advice to applicants to have an application compliant.

The interaction between the deemed refusal appeal period and the lapsing of an application need to be explained and detailed. The deemed refusal appeal period is six months and the lapsing of the application for lack of response is 120 days. These two important time frames appear discordant.

In terms of future resourcing implications for Council's development assessment functions, the general theory of the White Paper points toward a greater emphasis of town planning expertise required at the front-end strategic planning stage, and reduction in the amount of merit based development assessment. Whilst not an immediate imperative, all NSW Councils will need to start planning for the future staff resourcing of the new planning system.

Recommended Submission

That the State Government:

- Consult further with local councils and other stakeholders on the feasibility
 of the proposed determination times of the new development assessment
 tracks, as well as the merits of retaining the one-size-fits all Codes SEPP,
 prior to finalizing the new planning legislation;
- Be requested to publicly exhibit the new Draft Regulations and undertake consultation prior to finalizing the new Planning Act;
- Be requested to provide further details and consult with local government and other key stakeholders on the practical implementation of the new Code Assessable system;
- Provide clarification between the apparent discord between the new deemed refusal period and the period for the lapsing of an application; and
- Be requested to re-examine the apparent contradiction of seeking faster development assessment determination times with the proposed "amber light" system, which allows applicants to extend a merit based development application process to address issues if the Council is seeking to refuse the application.

INFRASTRUCTURE (CHAPTER 7 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

- NSW will be the first Australian state or territory to introduce Growth Infrastructure
 Plans as an integral component of strategic planning at all levels. These Plans will be
 the key mechanism to integrate land use planning and infrastructure provision across
 subregions. This represents a fundamental reform to how government manages
 infrastructure planning and delivery and will support important land use planning
 decisions for growth;
- Growth Infrastructure Plans will include contestability assessments, to involve the private sector earlier in the planning process;
- Local and regional infrastructure contributions will be made more simple, certain, and more consistent. Contributions will more closely relate to the infrastructure needed; and
- Public Priority Infrastructure, for example major projects identified in a government strategy such as the *Long Term Transport Master Plan*, will be approved at the outset and the private sector will now be able to contribute earlier in the design and planning process in the knowledge that projects have been authorised to be carried out.

Key Aspects and Purported Benefits of the Proposed System (Page 163 of White Paper)

- Remove the Cap;
- Contributions to be limited to essential infrastructure attributable to development;
- 3 year limit on holding contribution revenue;
- Contributions can be paid nearer the point of sale;
- More stringent annual reporting on contributions;
- Benchmarking of infrastructure costs;
- Land for open space and drainage funded regionally;
- Better infrastructure delivery through growth infrastructure plans;
- Restricted use of Planning Agreements and consent conditions; and
- Fairer regional contributions through a broader base

Issues for Consideration

Layout and Structure of the Exposure Draft Planning Bill 2013

The layout and structure of infrastructure provisions in Part 7 of the Exposure Draft Planning Bill 2013 (Bill) are simpler and more logical that the current EP&A Act and generally easier to understand, being consolidated into one dedicated part of the Bill.

Local Infrastructure vs Regional Infrastructure

Local Infrastructure is defined as:

- Local roads
- Local drainage works
- Open space
- Community facilities

Local contributions must be in accordance with a "Local Infrastructure Plan", presumably similar to current "Section 94 Contributions Plans". Contributions, as now, will be imposed by conditions of development consent and payable to Council.

Regional infrastructure is defined as:

- Regional or state roads
- Land for drainage
- Transport infrastructure
- Regional open space
- Educational establishments

Regional contributions (which are additional to local contributions) are to be imposed in accordance with a "Regional Infrastructure Plan" which requires these matters to be incorporated into the "Local Plan" (new name for LEP) and Regional Contributions will also be imposed by conditions of development consent, but payable to a "Regional Contributions Fund". Payments out of this fund are to be determined by the "Subregional Planning Board".

Section 7.20 of the Bill advises that "growth infrastructure plans" for a "subregion" (not defined) will identify regional infrastructure for which regional contributions are required.

At present "land for drainage" and "regional open space" are included in Council's Section 94 Contributions Plans and they fund infrastructure such as the Western Drainage Scheme, Arkinstall Park and Jack Evans Boatharbour redevelopment. In the new arrangements, this will be taken out of Council's hands and be dealt with by a regional body. This arrangement appears to make little sense in areas like Tweed Shire.

It is understood these provisions in the Bill arise from *land for drainage* and *regional open space* issues in Sydney. For instance the South Creek catchment in Western Sydney includes a number of Council areas (Camden, Liverpool and Penrith) which contain a number of designated urban growth areas. Strategic planning and management of the South Creek waterway, stormwater quality, detention and riparian restoration to accommodate the considerable impacts of the proposed urbanisation are considered to be regional issues that require a multi-council or regional management and contributions funding. Similarly regional open space facilities would be shared across a number of Western Sydney councils.

The issue does not arise in most non-Sydney council areas. In particular, the Tweed does not share significant drainage catchments with any other Council and similarly Tweed's regional open space facilities have little to do with any other NSW councils, although there is a significant shared relationship with Gold Coast City. It would be totally inappropriate as an example for a regional body based in say Lismore to be making contribution funding and works decisions for stormwater drainage land at Cobaki or the next stage of Jack Evans Boat Harbour.

The solution of this issue for all councils except the Sydney area is to remove "land for drainage" and "regional open space" out of the "Regional Infrastructure" category and place them in the "Local Infrastructure" category.

Biodiversity Offset Contributions

In addition to local and regional infrastructure contributions, Division 7.4 of the Bill enables imposition of additional developer contributions for "conservation or enhancement of the natural environment of the state". What these enhancements are, where they will be and how much the contributions will be, are not detailed.

Proposed Three Year Limit to Expend Contributions

The Planning White Paper in regard to "Local Infrastructure Contributions" advises Councils may hold local infrastructure funds for a maximum 3 years unless otherwise approved by the Minister. This is to be legislated in Section 7.9(5) of Bill:

"7.9 (5) Money is to be applied, and land made available, under this section within 3 years for the purpose for which the contribution was imposed. The Minister may extend that period by 3 years in a particular case at the request of the council."

This provision is unrealistic in regard to the long lead times needed for major infrastructure projects to be funded by this mechanism.

The rate at which developer contributions are made to Council depends on developers' decisions on when to develop and in larger urban release areas this is complicated by many stages of construction and release of lots over many years. Councils have no control over these decisions and therefore must make educated guesses on the likely flow of funds. In this uncertain climate, Councils will not commit to the expense of commencing major infrastructure projects to be funded by developer contributions until there is a reasonable degree of certainty that sufficient funds will be available to complete such projects. In the case of a large urban release area there may be insufficient developer contributions to commence a large project until the release area is say 80% complete and this could be 10 or more years after a contribution is made for the first lot released.

The expenditure of developer contributions is further compromised by the long lead times needed to complete major infrastructure projects.

An example is the current Kirkwood Road, Interchange project which is currently being constructed from accumulated S94 developer contributions.

Kirkwood Road Example:

Project estimated cost \$17M, being \$11M from Tweed Shire S94 contributions and \$6M NSW Roads and Maritime Services (RMS). Timeline:

2008 - Joint TSC and RTA site inspections to identify preliminary options for 6 laning of adjacent Pacific Highway Freeway.

2009 - Consultants engaged to determine optimum configuration of adjacent Pacific Highway Freeway when future 6 laning occurs and a compatible concept design of Kirkwood Rd interchange.

2009 - Council commences environmental assessment and preparation of planning application for Kirkwood Rd project.

Aug 2010 RTA agrees to configuration of Kirkwood Rd Project.

September 2010 - Planning application submitted.

September 2010 - Detailed Design commenced.

May 2011 - Planning Approval Issued.

November 2011 - Contract let to SEE Civil for Construction of Kirkwood Road Project.

Late 2013 - Estimated Completion date of Project (subject to predicted settlement of preloaded soils).

This project has had a lead time of over 5 years from preliminary consideration of options until completion.

The effect of these two time considerations:

- Firstly there is a need to accumulate sufficient developer contributions to have the confidence to commit starting the project; and
- Secondly there is a long lead time for design, environmental assessment, planning approval, and lastly construction time for tendering and delivery of major projects.

which makes the Government's 3 year time limit to spend developer contributions unworkable.

The consequences if this 3 year limit is adopted by the NSW Government are likely to be:

- Abandonment of the developer contribution system by some Councils for the provision of major urban growth related infrastructure;
- Withdrawal by some Councils from forward planning and facilitation of major infrastructure required to support major development projects;
- A number of major development projects will be unable to proceed because necessary infrastructure will not be delivered;
- In these cases, the developers themselves, if they want the projects to proceed, will have to facilitate and fund the major infrastructure;
- In these cases, the developer who funds and builds the infrastructure will have no mechanism (unlike the current developer contributions system) to be reimbursed by other subsequent developers who may benefit from the infrastructure;
- Large development projects, particularly large urban release areas are likely to be curtailed unless there is sufficient existing unused/spare capacity in major infrastructure and arterial road networks:
- Infrastructure will be part built over stages driving the cost of the infrastructure up through start, stop and procurement process. This could also mean that infrastructure would start to deteriorate before it is ever commissioned: and
- The 3 year restriction is likely to compound the local government infrastructure backlog.

It is understood that unnecessary accumulation of developer contributions is undesirable, but the Government's solution of a fixed 3 year period to spend the funds fails to account for the need to accumulate sufficient developer contributions to be able to commit to a project and the long lead time for delivery of major projects.

A better solution is required that accounts for these time considerations if the Government wishes urban development in NSW to prosper.

Another alternative is for the State through Roads and Maritime Services (RMS) to take over from Councils, the planning, funding and management of the arterial roads necessary to service urban growth projects.

Note: Loan borrowings must be considered against Developer Contributions invested. For example in Tweed's case, Council has \$180M in loans and \$176M in Developer Contributions invested. The Contributions represent various infrastructure that has had monies collected. In some instances Council borrows in advance and then uses the monies collected to repay the loan. To have to expend the money in 3 years would likely see the capital of loans paid down, but if development were to slow or cease a Council could be left in the absurd situation of not having the funds to meet loan payments.

Institutional Arrangements for Planning and Management of Infrastructure

The White Paper and the Bill refer to "Growth Infrastructure Plans" for both infill and greenfield areas identified for housing and employment growth that will be informed by "Subregional Delivery Plans" that will include:

- An approved prioritised growth infrastructure delivery schedule with funding allocation for projects within the first five year period; and
- A regional infrastructure contributions schedule.

These plans are to be delivered by a "Subregional Planning Board" which will comprise:

- Up to four state representatives including the chair appointed by the Minister for Planning; and
- Representatives from each council in the subregion.

There is nothing in the White Paper to give any indication of the boundaries and councils to be included in these "subregions" outside of the Sydney Metropolitan area.

In Tweed's case, there is little urban growth anticipated in the rest of the Northern Rivers (if this was to be considered as a "subregion") compared to that projected in the Tweed. It does not make much sense for representatives in Lismore, Kyogle, Byron, Richmond Valley and Ballina to have the majority say of what happens to "regional infrastructure" and where regional contributions are spent, in regard to urban development which is mostly occurring in Tweed.

Transitional Arrangements

There is little information in either the White Paper or the Bill regarding transitional arrangements from the current Section 94 Contributions system to the new system. Potential issues include:

- The status of existing contributions plans, will they be deemed "local infrastructure plans" under a new act?;
- The status of existing S94 contributions plans that are for infrastructure that is not included in the local or regional infrastructure definitions in the Bill. For Tweed this is likely to include existing contribution plans for Council administration buildings, and cemeteries. In both these cases Council has borrowed considerable funds to provide these facilities in advance of collecting the contributions and the current flow of contributions is partly funding the loan repayments. It would be a considerable loss to this council if these contributions were automatically stopped as a consequence of the new Act;
- The status of Tweeds existing section 94 plans for "regional open space" and "land for drainage" if these are transferred from Council to the proposed "Subregional Planning Board" and
- The status of funds already collected, say in the Tweed Road Contributions Plan (TRCP) if they are not spent in 3 years.

Involvement of IPART

The Independent Pricing and Regulatory Tribunal (IPART) will review contributions plans proposed by councils. This will impose another level of bureaucratic, onerous and costly to comply with requirements on the preparation of, and amendment to contributions plans. It is likely to be yet another disincentive for councils to provide the infrastructure necessary for the development of growth areas. On a positive note, the role of IPART in benchmarking the costs of infrastructure components will be a useful tool, provided site specific variations can be taken into account where necessary.

A further issue may be the use of indices to allow for inflation costs of infrastructure and associated contributions. The use of the Sydney CPI is totally inappropriate for this purpose, particularly in regional border regions such as Tweed. The Sydney CPI includes matters such as cost of food and rentals in Sydney that are unrelated to infrastructure construction costs and land acquisition costs which for us are more related to South East Queensland.

Council Meeting Date: Thursday 20 June 2013

Planning Agreements

Little change is anticipated in this area which will impact on the Tweed.

Contested Provision of Infrastructure

This is identified in the White Paper as a source of major savings in the provision of infrastructure. In reality, there is not much change proposed. All major infrastructure is already open to competitive tendering and water and sewerage can be provided by others under the Water Industry Competition Act (WICA). Tweed has actively encouraged this in a number of significant planning proposals.

The Minister's Objectives

The Minister for Planning and Infrastructure, Brad Hazard in the Daily Telegraph 4 June 2013 stated "Analysis of lands rezoned for housing had revealed it was an "inability" to fund and build new roads, schools, parks and infrastructure that had stalled new development, he said. "It was a failure to deliver the infrastructure to support that development," Mr Hazzard said. "If you want growth, you need a clear plan for infrastructure to support growth."

This is a very true statement. However, it is considered that there is a danger that some of the infrastructure provisions in the new planning system will discourage the provision of infrastructure by Councils and have the opposite effect to that sought.

Recommended Submission

That existing Section 94 Plans be rolled over into the new planning system, intact, and associated conditions of consent continue to be validly imposed, despite these plan's possible inconsistency with the definitions of "local infrastructure" or "regional infrastructure" in the new planning system;

Council endorses the removal of the developer contributions "cap".

For localities outside the Sydney Metropolitan area, the items "land for drainage" and "regional open space" be removed from "Regional Infrastructure" category and included in the "Local Infrastructure" category;

The proposed three year limit to expend contributions be removed;

The NSW Government through Roads and Maritime Services take responsibility (from Councils) for planning, funding and managing urban arterial roads required to service urban growth release areas (i.e. classify these roads as "State Roads");

That Tweed Shire be considered as a complete "Subregion" for the purposes of the new planning system and this subregion exclude any other NSW council areas;

That IPART only be required to review new developer contributions plans and that IPART be excluded from reviewing amendments to existing plans or the rollover of Section 94 Plans into the new planning system;

That the infrastructure provisions of the new planning system be critically examined and amended to ensure they create a positive and enabling environment that encourages councils to strategically plan and facilitate the provision of essential infrastructure for new infill and greenfield growth areas; and

That Local and Regional infrastructure Plans, be permitted to use appropriate regional infrastructure construction and land cost indices to adjust contributions for inflation (i.e. not be restricted to the inappropriate Sydney CPI).

BUILDING REGULATION AND CERTIFICATION (CHAPTER 8 OF WHITE PAPER)

White Paper Proposal/Changes from Current Planning System/Legislation

- Accreditation of additional occupations involved in building design and construction such as designers, specialist engineers, fire protection system installers and inspect/ test technicians, energy efficiency designers and access consultants and other relevant professions;
- Mandatory certification of specified building aspects including the design, installation and commissioning of critical building systems and elements;
- Improved levels of documentation through all stages of the building life cycle, including the requirement for a building manual which will include key building information;
- Increased support for certifiers on complex building matters through peer review and enhanced decision support; and
- Strengthened controls on certifiers through stronger disciplinary guidelines, increased auditing and increased obligations to report non compliant building work and other controls.

Issues for Consideration

Building regulation and certification work together to ensure building and subdivision standards and planning requirements are met by development. They also provide for acceptable levels of safety throughout the life of a building.

Building regulation and certification are fundamental to meeting community and industry expectations for the NSW building sector. In 2011-12, the NSW building industry generated around \$22.6 billion in building approvals, comprising \$12.1 billion in residential building approvals and \$10.5 billion in non residential building approvals. The industry accounted for about five per cent of the NSW economy and Access Economics has forecast this will rise to 8.4 per cent in 2020.

To address shortcomings in the building regulation and certification system, steps will be taken to rebuild confidence in the quality and safety of buildings and provide better direction and support to the NSW building sector.

Better quality building design

Implementation of quality building design plans by appropriately qualified professionals satisfies minimum technical design and construction standards and meets planning requirements, expectations and outcomes.

Better approval of development

It is proposed that building certifiers address building requirements when issuing construction certificates or complying development certificates rather than at the planning approval stage. Standard construction matters, such as on-site sedimentation controls, hours of construction, hoardings and security fencing will be removed from development conditions of consent and centred on conditions within the Construction Certificate and/or Complying Development Certificate. This should allow planning approvals to be released more quickly and at lower cost. Consistent development consent conditions throughout the state will enable better compliance with conditions and faster determinations of development proposals.

Clear roles and responsibilities

It is proposed that the responsibilities of the building certifier, the consent authority, the builder and the council be clearly defined to reduce confusion, create better community understanding and define the limits of their relevant functions.

Officers' comment:

This is a positive step however, the White Paper also states; Councils and consent authorities have significant enforcement powers, whereas private accredited certifiers have limited powers. It therefore should be anticipated that Councils will have an increased role to play in enforcement and compliance and it is recommended that a monetary allowance be made to cater for the need to employ additional compliance staff.

Managing unauthorised building work:

Council currently invests considerable time, effort and resources managing and finalising unauthorised building work to ensure projects are completed meeting the required health and safety standards as detailed in the National Construction Code Series (Building Code of Australia). The community has an expectation that when projects are not completed and do not proceed in accordance with the approvals issued, that Council will take appropriate action and act in the public interest.

The White Paper states:

It is proposed that development will be able to proceed where unauthorised building work has occurred, however, only subject to certain conditions and requirements being satisfied.

Officers' comment:

It is assumed that the circumstances where unauthorised work will be able to proceed will be detailed within any future regulation under the Planning Act 2013.

Concern is expressed in relation to the lack of detail relating to the certain conditions and requirements where unauthorised work can proceed. Traditionally, when unauthorised work has occurred Council or the PCA would issue a Stop work and Show Cause Order under the Environmental Planning and Assessment Act. This would then allow Council the opportunity to consider all of the facts and request that an application under section 96 of the EPAA be submitted to ensure all matters required under section 79c of the EPAA were considered prior to an amended consent being issued.

This is further complicated by the fact that Construction Certificates can only be issued for proposed building work and not on existing building work. Currently, the only way to legally permit the retention of unauthorised building work is for Council to issue a Building Certificate under Section 149A of the EPAA. This Certificate can only be issued by Council and would only be issued after consideration of all Building Code of Australia matters eg. Structural adequacy, safety, egress, fire safety.

It is considered to be imperative that Council remains the only party able to issue Building Certificates when unauthorised building work occurs as this allows for an appropriate level of consumer and third party protection.

The community deserves better from the industry than to look next door at a building under construction, only to find that it in no way resembles what was approved, only weeks prior.

It is acknowledged however that relatively minor work could proceed under the guidance of a Building Certifier. This could include for example; minor internal changes to floor plans of class 1 dwellings, that could have been approved as Complying Development; relocating detached garages to a location that could have been approved as Complying Development.

Construction approvals

It is proposed that the Accredited Certifier and the Principal Certifying Authority no longer be separate entities and that they now be known as a Building Certifier.

Officers' comment:

This is considered to be a positive step as there will be a clear line of responsibility in relation to projects. However, it is also proposed that the applicant appoint the Building Certifier. Currently it is the owners' responsibility to appoint the Principal Certifying Authority. To ensure that a transparent system remains, it is recommended that the property owner retain the right to appoint the Building Certifier.

Construction approvals

It is proposed that plans have to be certified and submitted before work starts on critical aspects such as structural, mechanical, electrical and fire systems through the use of prescribed conditions.

Officers' comment:

It is considered essential that the above information not only be submitted before work commences, but be approved as part of the construction certificate before work commences. It would appear that a design and construct system is being proposed.

Compliance with the development approval

To increase confidence that what is approved for construction is not inconsistent with the development consent, building certifiers will be given the option to call on the expertise of additional occupations and relevant professionals to certify that the construction plans are not inconsistent with the development consent for small low scale developments. This will be mandatory for more complex building types and means that a building certifier is unable to issue a construction approval without the certification of an accredited/registered person.

Officers' comment:

This is an example of increased regulation, more expense, more time, additional consultant reports now being required to prevent the circumstance where a small number of unscrupulous Accredited Certifiers have issued Occupation Certificates on buildings that were inconsistent with the development consents.

Mandatory building inspections

There are currently six critical stage inspections that are mandatory for houses and only two or three depending on the type of development, for other development such as high rise residential buildings.

It is proposed that the critical stage inspections be improved by mandating inspections that relate to the risks and complexity of a building's design and construction.

Officers' comment:

This is considered to be a positive step that could be further enhanced if the government also placed a maximum time limit between the time that critical inspections had to occur eg. perhaps every four weeks for all class 2 to 9 buildings greater than 3 storeys in height. This could commence from the date of building commencement. This would ensure that Building certifiers that take on the responsibility of projects that are remote from their general geographical area of operation would have responsibilities to regularly inspect those sites and prevent their reliance on the defence of "I didn't know because I haven't been to the site for months".

Building manual

Proposed changes to the regulation, management and monitoring of ongoing building compliance will improve the quality and accessibility of key building information for Class 1b-9 buildings. The current fire safety schedule will be replaced with a simplified building manual along with the compliance schedule, improving building fire safety across the State. The manual will be prepared and issued at the end of the project with the occupation certificate by the building certifier.

Officers' comment:

This will assist building owners adequately maintain their buildings, however will add to the cost of obtaining a Construction Certificate.

Ongoing compliance of existing buildings

Amendments to a variety of routinely inspected, tested and certified measures and features will be carried out within the new system. Existing fire safety certificates will be separated into two documents. These two improved documents will validate the commissioning of fire safety measures and pledge to meet ongoing compliance responsibilities. This reinforces Council's primary role in compliance monitoring and enforcement. The White Paper also allows the Crown to not submit certification to Council's however, compliance responsibilities will be ongoing.

Better support systems and governance

The NSW Building Regulation Working Party identifies opportunities for agencies responsible for building regulation to provide a more integrated approach to building regulation. A review of the *Building Professionals Act 2005* is currently being undertaken in line with the review of the planning legislation, identifying key aspects of the act that need to be addressed. The Building Professionals Board will review its disciplinary guidelines to ensure consistency in its sanctions when considering appropriate penalties in disciplinary matters involving certifiers. The Board's auditing program will be significantly enhanced by the availability of building information in the manual which will ensure that certifying authorities are meeting their legislative obligations. A review of their accreditation scheme will be carried out in consultation with key stakeholders and regulatory bodies as the review of the Building Professionals Act progresses.

Other Concerns

Page 186 of the White Paper states under "Planning approvals" that:

"The development consent should be a concept approval for development. Ensuring building and subdivision work complies with the BCA and/or relevant standards should be addressed through the construction approval."

Officers' comment:

There needs to be some qualification of building and subdivision standards at the planning applications stage, rather than defer complex matters to the construction certificate stage, in order to reduce financial impacts for proponents at a later stage.

Page 187 of the White Paper states under "Construction approvals" that:

"It is proposed a subdivision certifier (an accredited certifier or council) will issue a works certificate, inspect the work as needed and issue the relevant subdivision certificate at the end of the work. There will no longer be a separate principal certifying authority."

Officers' Comment:

This is a major concern. Unlike (generally) for Building works, a Subdivision includes infrastructure which will ultimately be handed to Council as public infrastructure. Council should always be the authority issuing the Subdivision Certificate where public infrastructure is involved or where works are undertaken on public land.

Recommended Submission

That the State Government be requested to re-consider the proposal to allow the private certification of subdivision certificates where infrastructure associated with new developments is to ultimately held in public ownership.

OPTIONS:

- 1. That Council endorses the issues raised in this report to form the basis of a submission to the State Government on the White Paper, or
- 2. That Council identifies additional issues to those raised in this report to form the basis of a submission to the State Government on the White Paper.

The officers recommend Option 1.

CONCLUSION:

The emerging reforms are considered to be an important step in producing a more contemporary and best practice planning system for NSW. The State Government is to be commended for the extensive consultation and research of inter-state and international planning systems conducted in the lead up to the release of both the Green and White Papers.

The White Paper contains a number of positive reforms.

However, there are a number of concerns that have been identified through the officers' review of the exhibited material, as well as through consultation with Tweed Councillors and the Tweed community, which warrant a submission to the Minister for Planning and Infrastructure.

COUNCIL IMPLICATIONS:

a. Policy:

Major implications for Council's corporate and strategic planning processes and development assessment practices.

b. Budget/Long Term Financial Plan:

Major financial implications for the funding of future strategic planning processes, the ability of Council to gain income from future development assessment processes, and a major review of the current developer contribution systems. NSW Councils will also need to start planning for their future staff resourcing needs under the new planning system, including a greater emphasis on up-front, strategic planning, and enhanced building compliance and monitoring services.

c. Legal:

Significant legislative reform expected.

Council Meeting Date: Thursday 20 June 2013

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

The White Paper aims to raise the standards of community engagement, particularly in major strategic planning processes.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.1 Sustainable management of the population in accordance with strategic decisions of previous councils, the NSW and Commonwealth Governments and the Far North Coast Regional Strategy, including provision of amenities, infrastructure and services
- 1.5.1.1 Preferred population or environmental carrying capacity of the Tweed
- 1.5.1.1.1 Council planning documents are prepared in accordance with the State Plan and North Coast Regional Strategy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Summary of Issues Raised at White Paper Public Information Session Hosted by Tweed Council May 2013 (ECM 3080282)

29 [PR-CM] State Emergency Service - Memorandum of Understanding

SUBMITTED BY: Building and Environmental Health



SUMMARY OF REPORT:

A draft memorandum of understanding has been prepared between the State Emergency Service and Tweed Shire Council to formalise the roles and responsibilities of the two organisations as it relates to Section 17 of the NSW *State Emergency Service Act 1989* and the maintenance and service issues arising from these requirements.

RECOMMENDATION:

That:

- 1. The draft State Emergency Service/Tweed Shire Council Memorandum of Understanding April 2013 be adopted, executed and forwarded to the NSW State Emergency Service in response to the Strategic Disaster Readiness Package proposed arrangements.
- 2. The income from the sale of plant assets in accordance with the State Emergency Service/Tweed Shire Council Memorandum of Understanding April 2013 be allocated to part fund alterations/additions or relocation of the Tweed Heads State Emergency Service Unit facility dependant on the outcome of ongoing negotiations with NSW Crown Lands Division.

Council Meeting Date: Thursday 20 June 2013

REPORT:

As of 1 July 2009 the NSW State Emergency Service (SES) has been funded under a similar contributory funding system as the NSW Rural Fire Service and NSW Fire and Rescue and administered by Emergency Management NSW. At its ordinary meeting of 15 February 2011 Council considered the requirements of the Emergency Services Levy and its voluntary arrangements and resolved that:

- "1. Council advises the State Emergency Service that it intends to cease voluntary contributions from 1 July 2011 and seeks to enter into discussions to develop a memorandum of understanding with the State Emergency Service.
- 2. Council officers prepare a draft memorandum of understanding between Tweed Shire Council and the State Emergency Service and report to Council for adoption prior to signing."

Subsequently the SES advised they would develop an agreement for NSW councils to consider. In July 2012 Tweed Richmond Regional SES contacted Council's General Manager to discuss the Strategic Disaster Readiness Package which was the new funding arrangement, see **Attachment 1**.

The outcome of the discussions is the development of the draft Memorandum of Understanding (MOU), see **Attachment 2**.

With the development of the MOU the SES requested Council to consider its position of ownership of SES vehicles. Discussions to date have resulted in the MOU being drafted to include the disposal of Council owned SES vehicles. The disposal will likely result in approximately \$100 000 being received by Council. It is requested these funds be allocated to part fund alterations/additions or relocation of the Tweed Heads SES Unit facility dependant on the outcome of ongoing negotiations with NSW Crown Lands Division.

OPTIONS:

- 1. That Council endorses the recommended Partnership Agreement with the State Emergency Services; or
- 2. That Council rejects the Partnership Agreement and maintains current arrangements.

The Council officers recommend Option 1. The Agreement reflects the prior resolution of Council, with the addition of the intended disposal of existing plant assets.

CONCLUSION:

As a consequence of the implementation of the NSW Strategic Disaster Readiness Package NSW councils are requested to enter into Partnership Agreements with the NSW State Emergency Service. The Agreements sets out the agreed mutual support each organisation will give the other. The Agreement will formally relieve NSW councils of the costs associated with the day to day operations of NSW SES units in its area.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The funds for the sale of the plant assets be allocated to part fund alterations/additions or relocation of the Tweed Heads SES Unit facility dependant on the outcome of ongoing negotiations with NSW Crown Lands Division.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads
- 2.1.4.8 Review fleet management services to State Emergency Services
- 2.1.4.8.1 Establish MOU for SES operations

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Strategic Disaster Readiness Package (ECM 3060584)

Attachment 2. Draft Memorandum of Understanding (ECM 3060585)

Council Meeting Date: Thursday 20 June 2013

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30 [PR-CM] Tweed Development Control Plan - Section B15 - Seabreeze Estate, Pottsville

SUBMITTED BY: Planning Reforms

FILE REFERENCE: GT1/DCP/B15 Pt1



SUMMARY OF REPORT:

At its meetings of 14 February and 21 March 2013, Council provided resolutions regarding the draft Tweed Development Control Plan - Section B15 - Seabreeze Estate, Pottsville (draft Seabreeze DCP). Specifically, Council resolved regarding the use of land within 'Seabreeze - Stage 2' for a 'Potential School Site'. This report provides an update on the draft Seabreeze DCP, in light of a new DCP amendment request.

The request received seeks:

- The retention of a Potential School Site, as per Council's previous resolution,
- To shift the location of the 'Town Centre',
- To amend provisions relating to the layout of roads and pedestrian access,
- A waiver of fees and charges, and
- Other minor amendments.

Council's Planning Reform Unit (PRU) has reviewed the request and support several of the amendments sought.

A PRU review has identified some potential issues with the Potential Future School Site relating to land ownership, and compliance with Department of Education and Communities (DEC) advisory notes for new education facility sites. Notwithstanding these matters, the PRU recommend the inclusion and public exhibition of the Potential School Site.

The proposed shift in Town Centre location and minor amendments are supported by the PRU for public exhibition.

Requested amendments relating to road and pedestrian path layout, timing of further review of the need for a school site and the waiving of applicable fees and charges however are not supported at this stage and have not been implemented within the draft Seabreeze DCP attached to this report (Attachment 2).

Council Meeting Date: Thursday 20 June 2013

RECOMMENDATION:

That:

- 1. The report on Tweed Development Control Plan Section B15 Seabreeze Estate, Pottsville be received and noted.
- 2. Council requires the proponent pay Development Control Plan Amendment fees detailed within Council's fees and charges.
- 3. Upon receipt of these fees, publicly exhibit the amended Tweed Development Control Plan, Section B15 Seabreeze Estate, Pottsville, for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979 be endorsed.
- 4. Following public exhibition of Draft Tweed Development Control Plan, Section B15 Seabreeze Estate, Pottsville, a further report is submitted to Council.

REPORT:

At its meeting of 14 February 2013, Council considered a report regarding a proposed amendment to the Tweed Development Control Plan 2008, Section B15 Seabreeze Estate - Pottsville (draft Seabreeze DCP). The primary purpose of the draft Seabreeze DCP was to remove the designation of land for a 'Potential School Site' to enable the development of the land for urban purposes. Council resolved to reject the draft Seabreeze DCP.

At Council's subsequent meeting of 21 March 2013 however, Council resolved to, reconsider the draft Seabreeze DCP, subject to the retention of a 6ha school site. Council's resolution is detailed below:

- "1. The request of Darryl Anderson Consulting Pty Ltd in respect of preparing an amendment to the Tweed Development Control Plan 2008, Section B15 Seabreeze Estate Pottsville, which comprises the retention of a 6ha future school site and the inclusion of suitable planning provisions to enable and guide the development of the residual residentially zoned balance land, as required to satisfy the provision of the Tweed Local Environmental Plan 2000; cl 53E Specific provisions for Seabreeze Estate—Stage 2, be accepted; and
- 2. The Development Control Plan amendment be prepared in accordance with Option 3 of the Council report of 14 February 2013 in respect of this matter; and
- 3. The amended Development Control Plan includes a new provision detailing the review timeframe for the future school site, which is to accord with Resolution No.4 of the Council report of 14 February 2013 in respect of this matter."

This report provides an update on the draft Seabreeze DCP, in light of a new DCP amendment request submitted. The request includes the retention of a 'Potential School Site', seeks to shift the location of the 'Town Centre', amend provisions relating to the layout of roads and pedestrian access, requests a waiver of fees and charges, and other minor amendments.

The specific details of the request are discussed in detail throughout this report.

Requested Amendments - School Site

As required by Council's previous resolution, the DCP request received includes the retention of a 6.1 hectare (ha) tract of land for a 'Potential School Site'. Map 1 identifies the area of land to be retained within the DCP request.

The potential school site shown is generally in accordance with the existing Seabreeze DCP, though more finite detail is provided to the sites parameters. Whilst located in generally the same location, in order to achieve the prescribed minimum site size of 6ha, the potential school site is located across an existing open stormwater channel, owned by Tweed Shire Council and identified on Map 1. Accordingly, of the 6.1ha allocated, approximately 5.692ha is owned by the proponent, and approximately 0.48ha functions as a drainage reserve, owned by Tweed Shire Council.

The proponent has detailed within their request that in the event that the 6ha site is required for a school, the open drain could be relocated to the western boundary of the site, or appropriate pedestrian/vehicular bridges could be provided to achieve efficient use of land on both sides of the channel. Notwithstanding the ability to realign the reserve, or ensure access through, land ownership issues or land use conflict may become present should a school be developed as it is not the preference of Council officers to cease ownership of a drainage reserve within this general location.



Map 1 – Location of the proposed 'Potential School Site'

The NSW Department of Education and Communities (DEC) provides advisory notes for developers and consent authorities for master planning new education facility sites. These advisory notes are considered flexible broad guidelines which may vary with individual developments, however establish the minimum expectations of the developer and/or consent authority from the DEC. A desktop analysis of the proposed Potential School Site in light of the advisory notes has been undertaken to ensure the proposed site is at least broadly suitable for the intended use. A complete assessment of DECs advisory notes can be found within Attachment 1, however can be surmised as per Table 1 below.

Item	Result	
Site Criteria	Rosait	
Lot Size - Primary School	Compliance	
Lot Size – High School	Substantial compliance	
Lot Size – Alteration and addition to existing schools	Not applicable	
Shape of site	Substantial compliance	
Buildability	Compliance	
Topography	Substantial compliance	
Landforms, geology & soils	Compliance	
Ecology	Compliance	
Indigenous Heritage	Compliance	
European Heritage	Compliance	
Student Safety	Compliance	
Services and drainage	Compliance	
Location criteria		
Siting general	Substantial compliance	
Siting distance	Substantial compliance	
Existing school proximity	Compliance	
Existing school capacity	Compliance	
Traffic, transport & access	Compliance	
Bushfire	Non-compliance	
Hydrology flooding & water quality	Substantial compliance	
Socio-economic	Substantial compliance	
Urban Design	Substantial compliance	
Air Quality	Substantial compliance	
Land use	Compliance	
Visual aesthetics	Compliance	
Noise and vibration	Compliance	

Table 1 – Assessment of the Potential School Site Considering Established Criteria for New Education Facility Sites

As detailed in Table 1, whilst further detailed assessment will need to be pursued, particularly relating to bushfire hazards, the site is predominately compliant with the established criteria. In light of these findings, it is considered that the proposed Potential School Site possesses sufficient merit to warrant its identification for the public exhibition of the draft Seabreeze DCP, which is provided as Attachment 2 of this report.

Whilst Planning Reform Unit (PRU) officers have undertaken this desktop assessment, further analysis and discussion with DEC will need to be pursued by any proponent should a non-private school be proposed. In addition, Council officers will refer a copy of this report, along with the draft Seabreeze DCP to DEC for comment on the site's suitability during any public exhibition period.

A further amendment requested by the proponent relating to the Potential School Site includes as follows:

"It is proposed that Section B15 be reviewed in terms of education infrastructure strategies and controls contained within Tweed DCP Section B21 Pottsville locality based development code as part of the Planning Reform Unit's General Policy Maintenance Programme endorsed in its Works Programme for 2012-2015."

This request is in contradiction with Council's resolution of 21 March 2013, which detailed:

"3. The amended Development Control Plan includes a new provision detailing the review timeframe for the future school site, which is to accord with Resolution No.4 of the Council report of 14 February 2013 (which prescribed a review no earlier than 2018) in respect of this matter."

In light of the above, this requested amendment to the Seabreeze DCP has not been recommended or pursued by the PRU.

Within the draft Seabreeze DCP, in relation to sewer, a total of 200 Equivalent Tenement (ET) is identified as available to the land identified in Map 6.1. In light of the sewer constraints applicable, PRU officers have included the minimum allocation of 63.5ET to the proposed Potential School Site.

The 63.5ET requirement is derived from discussions with DEC officers, which indicate that current models for secondary schools include student populations in the order of 1,000 - 1,200. In addition to the student population, a further 70 staff would be anticipated within any secondary school. When utilising applicable sewer rate, Education - School, the total school population of 1,270 generates a need for 63.5ET.

Requested Amendments - Town Centre

The request seeks to relocate the earmarked (not yet constructed) 'Town Centre' from a 2,305m² site, to an approximately 4,432m² site. The current and proposed Town Centre locations are displayed on Map 2.



Map 2 - Locations of Existing and Proposed Town Centre

The proposed shift in Town Centre location approximately 300m eastward is not considered to be compromised by site conditions. In this regard, both the current and proposed locations are generally flat, not identified as being affected by significant hazards (flooding, bushfire etc) and are well located in relation to higher order roads within the Seabreeze Estate. Accordingly, the suitability of the site by way of environmental constraints is not of concern.

Despite the site suitability, the two sites possess different land use zonings, impacting upon the variety of land uses permissible. The proposed Town Centre site is located within the 2(a) Low Density Residential zone, under the Tweed Local Environmental Plan 2000 (Tweed LEP 2000), whilst the existing site is zoned 2(c) Urban Expansion.

The Seabreeze DCP establishes an objective and performance measure for non-residential development, as follows:

To facilitate provision of appropriate community facilities and other non-residential development to meet the neighbourhood service needs of this housing estate.

The range of uses within the neighbourhood centre to be restricted to convenience shops and services servicing the day-to-day needs of the surrounding areas, such as fruit shop, milk bar, general store, hairdressing salon, café, video outlet, childcare centre and the like.

Traditional land uses associated within a 'Town Centre' in addition to those listed above could also include commercial/office premises, markets, medical premises and shop-top housing.

Table 2 below details the permissibility of the envisaged land uses that could be pursued within the Town Centre within the current Tweed LEP 2000.

Land Use	Current Site - 2(c) Urban Expansion	Proposed Site - 2(a) Low Density Residential
Retail Premises (i.e. fruit shop, milk bar, hairdressing salon,	Permissible	Prohibited
video outlet)		
General Store/ Neighbourhood Shop	Permissible	Permissible
Food and Drink Premises	Permissible	Prohibited
Takeaway Food and Drink Premises	Permissible	Prohibited
Child care	Permissible	Permissible
Commercial/ Office Premises	Permissible	Prohibited
Markets	Permissible	Prohibited
Medical premises	Permissible	Prohibited
Shop-top housing	Permissible	Permissible at a maximum
		density of 1 unit per 450m ² of
		site area

Table 2 – Permissibility of Uses within the Existing and Proposed Town Centre Sites

As is detailed in Table 2, many of the non-residential land uses envisaged within the Seabreeze DCP are prohibited within the proposed Town Centre site. The limited non-residential land uses available within the low density zone raises concern as to the suitability of the site for a Town Centre, both initially in establishing a Town Centre, but also over time as land uses fluctuate to meet the local market. An assessment has also been undertaken in light of Council's draft Tweed Local Environmental Plan 2012 provisions which resulted in similar findings.

Notwithstanding the restrictions imposed by the zoning, as discussed previously, the proposed site is considered to be free of constraints and includes desirable site attributes (i.e. Opportunities for views overlooking an adjoining waterbody and vegetation beyond, buffered to surrounding properties by roads and overland flow paths confining potential noise and privacy impacts, adjoining residential development is of a mixture of densities and is centrally located within the Seabreeze Estate). Accordingly, the proposed site is considered highly suitable. In order to address the conflict between the proponents request and the limited range of uses provided within the Tweed LEP 2000 the draft Seabreeze DCP identifies both the current and proposed Town Centre sites and includes wording as follows:

The Town Centre is to be located on Lot 832 DP 1144994, nominated as Town Centre A. The secondary Town Centre option, nominated as Town Centre B, is also identified as a suitable town centre site, however is not zoned to permit an appropriate mix of non-residential uses. Council will consider the rezoning of this site to enable appropriate non-residential land uses that would support a viable and vibrant Town Centre. Should a rezoning be pursued and made, Town Centre B will be the desired location for the Town Centre and Town Centre A open to be developed for general residential purposes.

The abovementioned approach retains the primacy of the existing Town Centre site, which enables a wider spectrum of permissible uses, better supporting the establishment and continued operation of a Town Centre. The abovementioned approach also enables the flexibility necessary to give effect to any Planning Proposal pursued and made for the proposed site that would appropriately support a Town Centre.

Requested Amendments - Movement

The request seeks several minor amendments relating to movement, specifically the positioning of roads and pedestrian paths.

The previous draft Seabreeze DCP included a Structure Plan for 'Stage 2' of the Seabreeze Estate (Map 7A) which details the following commentary:

'Provide opportunities for pedestrian movement alongside existing wetlands, investigate opportunities for safe connection across existing overland flow path'.

The proponent has requested this provision be deleted.

The provision of a lineal pedestrian access along the existing wetlands and vegetation adjoining Cudgera Creek is considered to possess a number of advantages, including an increase in pedestrian permeability throughout the site, shorter travel times and distances, retaining a public interface to land of environmental quality, and creating a pedestrian journey of high amenity, further encouraging this sustainable form of movement.

In light of the above, it is not recommended to pursue this component of the proponents' request.

The previous draft Seabreeze DCP, clause B15.2.3 - Habitat, Bushfire Management and Buffers, detailed that mitigation measures should include, where relevant, the following:

'...Pursue a road layout that forms the edge to the natural and environmental protection areas, providing a public interface. Avoid the side or rear of properties directly adjoining vegetated areas or areas of environmental protection.'

The proponent has requested this provision be deleted.

Utilising a road to buffer private properties from areas of environmental protection (which in this instance are also identified as bushfire prone land) is regarded as a best practice outcome. This practice minimises land use conflict, assists in ongoing maintenance, provides a buffer to bushfire risk and minimises the 'privatisation' of environmental spaces. The early stages of Seabreeze Estate (i.e. Korora Parkway) have adopted this layout, however the latter stages predominately have not (i.e. Sandon Court and large sections of Lennox Circuit).

Ultimately the merits of future development applications will be assessed and determine the location of roads, however it is considered preferable to detail, through the Seabreeze DCP Council's preference for the layout to reflect best practice. Should that layout not be suitable for future subdivisions, then those constraints should be detailed and assessed within the future Development Application. Accordingly, it is not recommended to pursue this component of the proponents' request.

Requested Amendments - Miscellaneous

A number of miscellaneous changes (i.e. references to State Environmental Planning Policies, references to facilitating home business) have been requested. These amendments are supported to facilitate the public exhibition of the draft Seabreeze DCP.

Fees & Charges

Within the DCP amendment request submitted, the proponent has requested a waiver of further fees to review, prepare, exhibit and conclude the DCP amendment. Specifically, the proponent has detailed as follows:

At the Workshop with Councillors on 7 March 2013, the Deputy Mayor commented to the effect that Councillors may have misunderstood the need to amend the DCP in adopting Minute No. 71 which resulted in unintended consequences.

Clearly, it was open to Council to adopt the recommendation to 14 February 2013 Meeting, subject to the recommended Section B15 being amended to include a school site and review of timeframes for the future school site. It is therefore considered

unreasonable that Newland should have to pay any further fees to amend and finalise Section B15 to implement Council's Resolution of 21 March 2013 (Minute 125) and to incorporate the provisions of Clause 53E(5) of Tweed Local Environmental Plan 2000. In the circumstances, Council is therefore requested to waive any further fees.

Within Councils adopted Fees and Charges, the PRU has a clear fee structure established, including charges related to requested amendments of Council's Tweed DCP. The fees and charges reflect a user-pays system, so as to not adversely affect the wider community when pursuing developer-lead amendments.

As per Clause 21 of the Environmental Planning and Assessment Regulation 2000, the previous DCP amendment process concluded on 26 February 2013, being when Council gave public notice of its decision in a local newspaper (Tweed Link). Accordingly, the submitted request seeks to commence a new DCP amendment, requiring a new overall process of assessment, reporting, drafting and public consultation.

The submitted DCP request does not confine its request to adopting the previous draft Seabreeze DCP, with the exception of fulfilling Council's desire for a 6ha Potential Future School Site, rather proposes further amendments as detailed throughout this report. Further, if the Council had resolved as per the 21 March 2013 meeting whilst the previous process was still active, the resource cost of implementation would have been billed to the proponent as the resource was generated by their request.

In summary, pursuing a new DCP amendment is a significant resource burden upon the PRU. It is not considered equitable to burden the wider community with these resource costs; accordingly the PRU has developed an appropriate fee structure which has been in effect for a number of years. Despite the Council resolving to accept the concept of amending the Seabreeze DCP, this represents a new process that should be resourced by the proponent should they wish to pursue any amendment, as opposed to the wider community.

OPTIONS:

- 1. Resolve as per recommendation; or
- Resolve to publically exhibit the draft Seabreeze DCP, with amendments prescribed by the Council; or
- 3. Reject the proponent's request to amend the DCP therby retaining the existing Section B15 of the Tweed Development Control Plan.

The officers recommend Option 1.

CONCLUSION:

The submitted Development Control Plan (DCP) amendment request seeks to enable land referred to as 'Seabreeze Stage 2' to be developed for urban purposes. The current DCP, whilst identifying a Potential Future School Site, does not provide an appropriate planning framework for the remainder of the Seabreeze Stage 2 land, sterilising land that is suitable for urban development.

The requested amendment includes the retention of a 6ha Potential Future School Site in order to reflect the previous resolutions of Council. In addition, the Town Centre is proposed to shift to a new location 300 metres eastward and the remainder of the urban zoned land to be developed for residential use.

Council's Planning Reform Unit (PRU) has embodied the supported amendments into a draft Seabreeze DCP. The draft Seabreeze DCP now needs to be 'tested' for its level of acceptance within the broader community through a formal public exhibition period.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.2 Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development
- 1.5.2.2 Planning Controls updated regularly

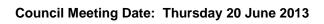
UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1: Assessment of NSW Department of Education and Communities - Advisory Notes for Developers and Consent Authority for Master Planning New

Education Facility Sites (ECM 3079310)

Attachment 2: Draft Tweed Development Control Plan - Section B15 - Seabreeze Estate,

Pottsville (ECM 3079311)



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[PR-CM] Development Application DA05/0004.03 for an Amendment to Development Consent DA05/0004 for Filling of Land at Part Lot 3 DP 828298 Cudgen Road, Cudgen; Lot 26C and 26D DP 10715 Quigan Street, Kingscliff

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA05/0004 Pt18



SUMMARY OF REPORT:

Council is in receipt of a S96(AA) Application to amend the previously issued Court Approval in relation to DA05/0004 that approved the filling of land at Turnock Street, Kingscliff (Gales Holdings Land).

The approved application incorporated filled areas to the north and south of Turnock Street (totalling 360,000m³), a Wallum Froglet Precinct north of Turnock Street (approximately 1ha of core habitat and an extra 1.4ha in ancillary drainage works) a haul road extending to the west and connecting with Tweed Coast Road, a conveyor over Tweed Coast Road, drainage works, and water quality treatment works.

The current S96AA modification specifically seeks to relocate the approved Wallum Froglet Precinct from the north of Turnock Street to west of Elrond Drive and Turnock Street roundabout within Lot 26D in DP 10715. This primary change will have flow on effects of increasing the amount of fill to approximately 580,000m³ (as the application seeks to fill the areas previously set aside for the Wallum Froglet Precinct and associated drainage areas), undertaking revised drainage works, undertaking revised water quality treatments works and generally necessitating many changes to the conditions of consent.

The applicant has stated that the justification for these changes is a direct result of the recent Supreme Court matter "Gales Holdings PTY Limited v Tweed Shire Council [2011] NSWSC 1128". This case resulted in Council undertaking drainage works to the Blue Jay Circuit Scheme that negates the need for Gales Holdings to undertake stormwater works draining water to the northern limit of their site. In addition during the Supreme Court proceedings Gales Holdings expert Mr Michael Mahoney testified that the Wallum Froglet Precinct north of Turnock Street may become unviable in the future as the site will no longer be "wetting up".

Accordingly Council staff have reviewed the current S96AA on its merits and has agreed with the applicant that the Wallum Froglet Precinct would be better situated west of Elrond Drive and Turnock Street roundabout within Lot 26D in DP 10715. In addition the increased fill and revised drainage works have also been considered on its merits and Council staff are of the view that the application can be supported subject to the revised conditions of consent as discussed within this report.

RECOMMENDATION:

That Development Application DA05/0004.03 for an amendment to Development Consent DA05/0004 for filling of land at Part Lot 3 DP 828298 Cudgen Road, Cudgen; Lot 26C and 26D DP 10715 Quigan Street, Kingscliff; Lots 11-14 DP 87175 and Lots 2-9 DP 781714 Turnock Street, Kingscliff be approved and Development Consent DA05/0004 be amended as detailed within this report so that the consent now reads as follows:

CONDITIONS DA05/0004

GENERAL

1. DELETED

- 1.1 The development shall be completed in accordance with the Amended Statement of Environmental Effects (November 2007) except where varied by the approved S96AA Applications (DA05/0004.01, DA05/0004.02 and DA05/0004.03) and the approved plans as follows:
 - (a) Approximate Haul Road as approved per DA05/0004.03 Project Number 1177 Plan No P030 Issue K prepared by Knobel Consulting Pty Ltd and dated 3/08/2012.
 - (b) Haul Route, Conveyor Route Section and Stockpile Plan as approved by the <u>original DA05/0004</u> Project Number 1177 Plan No P031 Issue E prepared by Knobel Consulting Pty Ltd and dated 2/4/08,
 - (c) Construction Filling Plan And Sediment Control as approved by DA05/0004.03 Project Number 1177 Plan No P032 Issue K prepared by Knobel Consulting Pty Ltd and dated 3/08/2012,
 - (d) Boxed In Conveyor System as approved by the <u>original DA05/0004</u> Project Number 1177 Plan No P042 Issue B prepared by Knobel Consulting Pty Ltd and dated 28/03/2008.
 - (e) Schematic Stormwater Drainage Layout for possible future development North & South of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P153 Issue H prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
 - (f) Schematic Stormwater Drainage Layout for possible future development South & West of Elrond Drive as approved by DA05/0004.03 Project Number 1177 Plan No P155 Issue D prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
 - (g) Details of Schematic Stormwater Drainage Layout for Possible Future Development South of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P156 Issue C prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
 - (h) Earthworks and Drainage Layout Plan South and West of Elrond Drive as approved by DA05/0004.03 Project Number 1177 Plan No P160 Issue C prepared by Knobel Consulting Pty Ltd and dated 06/08/2012,
 - (i) Earthworks and Drainage Layout Plan North and of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P162 Issue D prepared by Knobel Consulting Pty Ltd and dated 06/08/2012,

- (j) Minor Engineering Works to Enhance new Wallum Froglet Habitat Area as approved by DA05/0004.03 Project Number 1177 Plan No P166 Issue D prepared by Knobel Consulting Pty Ltd and dated 12/12/2012,
- (k) Dropboard Weir and Temporary Levee Detail as approved by DA05/0004.03 -Project Number 1177 Plan No P168 Issue A prepared by Knobel Consulting Pty Ltd and dated 12/12/2012,

except where varied by the conditions of this consent:

Please note: the minor engineering works referenced in plans P166 and P168 are approved by DA05/0004.03 and do not necessitate an application for a Construction Certificate to enable the works shown on those plans to be undertaken.

[GEN0005]

- 1.2 The Stage 1 Rehabilitation Works within the alternative Wallum Froglet Habitat Area are to be carried out in accordance with the Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated April 2013.
- 1.3 Within 60 days of commencing of work for the Stage 1 Rehabilitation Works, a restriction on user burdening that part of Lot 26D DP10715 that is retained for the benefit of the Wallum Froglet (the alternative Wallum Froglet Habitat Area) shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the fourth Restrictive Covenant annexed to these conditions and will affect the area of land referred to in the annexed fourth Restrictive Covenant.

1A. DELETED

1.4 Within 2 years of the date of commencement of DA05/0004, a restriction on user burdening lots 1, 2 and 3 DP 781714 for the land shown on the plan marked "Littoral Rainforest vegetation" as "covenant area" shall be registered in favour of Tweed Shire Council. The restriction shall prevent the removal of littoral rainforest vegetation from that land. The instrument shall be in or to the effect of the third Restrictive Covenant annexed to these conditions and will affect the area of land referred to in that Restrictive covenant.

[GENNS01]

1B. DELETED

1.5 Within 2 years of the date of commencement of DA05/0004 a restriction on user and public positive covenant burdening part of Lot 13 DP 871753 for the land shown on the Plan marked "Level Survey of Part of Land adjacent to Turnock Street, dated 7 April 2008 shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the first Restrictive Covenant annexed to these conditions and will affect the area of land referred to in that Restrictive covenant.

[GENNS01]

1C. DELETED

1.6 Within 2 years of the date of commencement of DA05/0004 a restriction on user burdening those parts of lot 11 and Lot 12 in DP871753 that are retained for the benefit of the Wallum Froglet (land to the south of Turnock Street) shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the second Restrictive Covenant annexed to these conditions and will affect the area of land referred to in the annexed second Restrictive Covenant.

[GENNS01

1CA.DELETED

1D. DELETED

- 1.7 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the area which is the subject of the first restrictive covenant. The management plan shall contain provisions with respect to:
 - a. habitat description: baseline survey of current condition and extent of habitat;
 - b. MRS survey: baseline survey of snail population;
 - c. review and assessment of threatening processes(including weeds, predators, storm water and wetting up);
 - d. initial habitat protection and restoration works (weeding and fencing);
 - e. monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), snail monitoring by day and night survey of fixed sample points (annual for five years), and
 - f. reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan, with the goal of ensuring that the local population of the Mitchell Rainforest Snail is not likely to be placed at risk of extinction, shall be approved by Council within 2 years of commencement of DA05/0004. Once approved the management plan shall be complied with at all times.

After 5 years of monitoring a revised plan shall be submitted to Council for approval which incorporates any necessary and feasible measures for continuing management of the land. Once approved the revised management plan shall be complied with at all times unless varied with the consent of Council.

[GEN0005]

1E. DELETED

- 1.8 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the Wallum Froglet Habitat area on Lots 11 and 12 in DP 871753 area which is the subject of the second restrictive covenants. The management plan shall contain provisions with respect to:
 - a. habitat description: baseline survey of current condition and extent of habitat;

- b. Wallum Froglet Survey: baseline survey of Froglet population;
- c. review and assessment of threatening processes (including weeds, predators, stormwater, physicochemical and hydrological conditions).
- d. initial habitat protection and restoration works (e.g., if considered appropriate by the expert preparing the management plan, weeding, drainage or fencing);
- e. monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), monitoring by day and night survey of fixed sample points (annual for five years) under suitable weather conditions and during breeding periods. Appropriate methodology, weather conditions and season for monitoring will be described in the management plan, and
- f. reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan, with the goal of maintaining or improving existing Wallum Froglet habitat, shall be approved by Council within 2 years of commencement of DA05/0004. Once approved the management plan shall be complied with at all times. After approval, the management plan may be varied with the consent of Council.

[GENNS01]

1F. DELETED

- 1.9 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the littoral rainforest area within Lots 1, 2 and 3 of DP 781714 which is the subject of the third restrictive covenant. The management plan shall contain provisions in respect of the area coloured green in B&P Surveys Plan 16814 B Rev C as follows:
 - habitat description: baseline survey of current condition and extent of habitat;
 - b. review and assessment of threatening processes(including weeds, and edge effects);
 - initial habitat protection and restoration works (removal of exotic trees and shrubs and weeding);
 - d. monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), and
 - e. reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan shall have provisions to ensure that the balance of the covenant area is not managed or used in a manner which would interfere with the ecological integrity of the littoral rainforest vegetation community in the area coloured green in B&P Surveys Plan 16814 B Rev C.

The management plan, with the goal of ensuring that the ecological integrity of the littoral rainforest vegetation community is maintained or improved over time and furthermore is not likely to be placed at risk of local extinction, shall be approved by Council within 2 years of the date of commencement of DA05/0004. Once approved the management plan shall be complied with at all times.

After 5 years of monitoring a revised plan shall be submitted to Council for approval which incorporates any necessary and feasible measures for continuing management of the land with. Once approved the revised management plan shall be complied with at all times unless varied with the consent of Council.

[GENNS01]

- 2. (a) Condition 2 of the general conditions of development consent D96/518 shall prior to commencement of filling be modified in accordance with the Environmental Planning & Assessment Act, 1979 to include the subject filling sites as additional land to which the sand can be delivered.
 - (b) The approved Environmental Management Plan in relation to D96/0518 is to be modified to the extent, if any, necessary to satisfy the conditions of this consent in relation to the quality of the fill material.

3. DELETED

3.1 All works shall comply with the approved Environmental Management Plan (HMC 2012.123EMP (HMC Environmental P/L, December 2012). A copy of the plan complete with Key Person and Contacts shall be provided to tweed Shire Council prior to commencement of works.

[GEN0005]

4. DELETED

4.1 All works shall comply with the approved Acid Sulfate Soil Management Plan & Groundwater Management Plan HMC 2012.123ASSMP (HMC Environmental P/L, December 2012).

[GEN0005]

5. DELETED

6. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

7. The filling and associated works are to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications except as otherwise provided in this consent.

[GEN0125]

8. 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 Council be 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.

[GEN0135]

9. DELETED

9.1 Prior to commencement of filling work, a Section 68 Certificate, Section 138 and a construction certificate and or engineering plans (as statutorily required) shall be submitted to Council for approval to enable commencement of the filling, drainage and general engineering works as proposed by this consent. This condition is not relevant to the minor engineering works proposed in the new Wallum Froglet Habitat Area which have been approved as part of DA05/0004.03.

[GEN0185]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE AND OR ENGINEERING PLANS AS STATUTORILY REQUIRED

10.1 Prior to Issue of a Construction Certificate for the filling works the applicant is to lodge a revised haulage route to minimise tree loss. Such plan is to be consistent with that route defined by Council's Dr. Mark Kingston, the applicants Dr Andrew Smith and the applicants Mr Greg Elks, on 31 March 2008 and such that the alignment is subject to trucks being able to turn on reasonable curves. Only the trees marked on site (with tape) are trees that are to be removed.

In addition the applicant is to lodge details for the rehabilitation of the temporary haul route. This should include details pertaining to the methods for removal, storage and reinstatement of top soil, disposal of temporary road base material, re-establishment of vegetation and minimising the impacts on the alternative Wallum Froglet Habitat Area as included in the approved "Wallum Froglet Habitat Management Plan, Kingscliff" prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated April 2013. This detail shall be approved by Council prior to the issue of a Construction Certificate for filling works.

[PCCNS01]

10.2 A community liaison officer and community liaison contact phone number shall be available on a 24 hour basis during construction works. Details of the contact person and telephone number shall be clearly displayed at the site entry. Details of the contact person and telephone number shall be locally advertised a minimum of fourteen days (14) prior to the commencement of filling works and local affected residents notified by means of an individual letter drop to each household.

A sign is to be erected at the entry of the site to clearly advise the community liaison officers details and contact number. These details are to be documented in the Construction Management Plan.

[PCCNS01]

10.3 A construction management plan is to be provided for the filling and earthworks. These details are to be submitted with the application for a Construction Certificate and or Engineering Plans as statutorily required for the filling and earthworks, identifying how the site and filling works are to be programmed and managed.

The construction management plan shall address, not be limited to, the following matters where relevant:

- Sequencing of filling/earthworks
- Contact details of site manager & community liaison officer
- Traffic and pedestrian management
- Dust Management
- Noise and vibration management
- Construction waste management
- Erosion and sediment control; and
- Flora and fauna management.

[PCCNS01]

10. DELETED

10.4 Section 94 Contributions

Heavy Haulage Component

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

Charges are fixed for a period of 12 months from the date of the original 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.

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 6 prior to the issue of a construction certificate. The contribution shall be based on the following formula:

 $Con_{TRCP - Heavy} = Prod. x Dist x $Unit x (1+Admin.)$

where:

\$Con TRCP - Heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site

over life of project in tonnes

Dist. average haulage distance of product on Shire roads

(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section

7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

Cont = Cont (sand)+Cont (Gravel)

= (580,000*1.44*5.4*0.4*1.05) + (10800*2.4*5.4*0.4*1.05)

= 1894234 + 58786 cents

= \$19,500

West Kingscliff - Drainage:

17.3844ha @ \$56,641 \$984,669.80**

S94 Plan No. 7

**Less the value of works in kind as defined below

In accordance with the Section 94 Contributions Plan No 7 (CP7) the applicant's construction of the works referred to in condition 35(a) to (g) and the grant of the easement referred to in condition 35(h) are "works in kind" that will reduce the amount payable in accordance with CP7. The value of the works for the purpose of calculating the value of "works in kind" will be calculated in accordance with CP7 - Schedule 1 - Contribution Rates, b) Drainage. The value of the easement for the purpose of calculating the value of "works in kind" shall be 75% of the value of land "C" in CP7 - Schedule 1 - Contribution Rates, b) Drainage.

The net (\$984,669.80 less the value of works in kind) CP7 contribution, is to be paid at the earlier of 12 months from the date of the s.68 approval for drainage works required by condition 35 or at the completion of construction of the drainage works referred to in this condition.

If the value of "works in kind" exceed the contribution amount, then this amount shall be a CP7 credit towards future development by the applicant in the Kingscliff Drainage Catchment."

[PCC0225]

11. DELETED

11.1 Prior to commencement of filling work 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 (minimum \$1,000).

This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Tweed Shire Council's General Manager or delegate, within seventy two (72) hours from the date of serving any notice. The bond is to be released upon completion of all work, to the satisfaction of Tweed Shire Council's General Manager or delegate.

[PCC0275]

12. DELETED

12.1 Prior to commencement of filling work (or other work which may generate the need for a long service levy payment) a 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) must be paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

13. DELETED

13.1 All imported fill material shall be from the approved sand extraction at Lot 2 DP 216705 in accordance with DA96/0518. If the fill imported to the southern side of Turnock Street has a shell grit content in excess of 1%, then an impermeable barrier shall be placed within the fill batter to the Wallum Froglet Precinct. Any additional fill for topsoil, road base, mulch, etc is to be free of contaminates with details of such fill submitted to Council for approval prior to commencement of work.

[PCC0465]

14. DELETED

14.1 The site is to be filled, graded and drained in general accordance with levels and dimensions shown on Filling Plan P162 Issue D prepared by Knobel Consulting Pty Ltd and dated 6/08/2012 except as amended by conditions of consent.

No haulage vehicles are to access the area identified for Wallum Froglet Habitat.

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 approval by Council.

[PCC0485]

15. DELETED

- 15.1 Prior to the issue of a Construction Certificate and or Engineering Plans for the filling work as statutorily required the following detail in accordance with Councils adopted 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
 - landscaping and revegetation works
 - sedimentation and erosion management plans

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]

16. DELETED

16.1 Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate for the filling work.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

17. DELETED

- 17.1 An application (or applications) under section 68 of the Local Government Act, 1993 is required prior to commencement of any filling works that involve any of the following:
 - connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

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

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

[PCC1145]

- 18. The Section 68 Application relating to erosion and sediment control must include a plan prepared in accordance with Section D7.07 of *Development Design Specification D7 Stormwater.*
 - a. The 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".
 - b. Specific requirements to be detailed within the Section 68 application include:
 - (i) The exit from the haul road and the access into the filling site is to be sealed for a length of 15m prior to connection with public roads and is to include wheel washing facilities located prior to entry and exit onto public roads. These details are to be shown on the application for a construction certificate.

[PCC1155]

19. DELETED

- 19.1 The Section 68 application shall detail the following provisions in relation to stormwater management & quality
 - (a) All stormwater quality control devices to be constructed generally in accordance with Plan 1177 P032 prepared by Knoble Consulting Pty Ltd Issue K dated 3/08/2012 except as modified by conditions of consent.

[PCCNS01]

- 20. DELETED
- 21. DELETED
- 22. DELETED

- 23. Where water is to be drawn from Councils reticulated system, the proponent shall:
 - Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges.

[PCC1205]

- 24. Notwithstanding the issue of this development consent, prior to the issue of a construction certificate and or engineering plans as statutorily required, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained for works proposed to take place on a public road including:
 - a. The construction of new driveway access (or modification of access);
 - b. DELETED;
 - c. Temporary access to filling sites;
 - d. The erection of the conveyor over Tweed Coast Road; and
 - e. Any other works located within Council's road reserve.

The application shall include engineering plans and specifications and 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(s)
- Detail for each of the proposed access points for transportation of the fill.
 The Tweed Coast Road access is to be constructed outside of peak traffic periods.
- Construction Access to the land north of Turnock Street will require a left turn lane for the left turn truck movements from Turnock Street. Right turn movements into the filling site to the north are not allowed.

The following specific details are required in relation to the for the boxed in conveyor system proposed across Tweed Coast Road for the transportation of fill from the west to the eastern side of the road:

- Minimum vertical clearance above Tweed Coast Road of 6m.
- Supports are located not closer than 5m from the nearest travel lane.
- Conveyor is to be suitably enclosed to ensure no escape of material onto the road reserve.

- A leasing arrangement is to be entered into with Council for use of the road reserve.
- The conveyor system to be dismantled and removed within 18 months of the commencement of filling works.

Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee.

[PCCNS01]

- 25. DELETED
- 26. DELETED
- 26.1 Prior to issue of Construction Certificate and or engineering plans for filling works as statutory required, the Applicant shall lodge structural design details, detailing the design of the acoustic hay fence to satisfaction of Council.

[PCCNS01]

27. DELETED

27.1 Prior to the issue of the construction certificate and or engineering plans for filling works as statutory required a construction noise management plan shall be produced for approval by Council that is generally in accordance with the Environmental Noise Impact Assessment prepared by CRG Acoustic al Consultants dated November 2012, the Noise Guideline for Local Government 2010 and the NSW DECC Interim Construction Noise Guidelines 2009.

[PCCNS01]

28. DELETED

- 28.1 Prior to the issue of the construction certificate and or engineering plans for the filling works as statutory required a Construction Noise Management Plan must be prepared as part of the CEMP. This is to be lodged with Council for approval and must include:
 - a) an education program for Construction personnel about noise minimisation.
 - b) identification of each Construction activity, including Ancillary Facilities, and their associated noise sources:
 - c) identification of all potentially affected Sensitive Receivers (a sensitive receiver is defined as a resident or occupier of a residential property, where the boundary is subject to noise levels recorded above 58 dB(A) L10 OR a commercial premises that is exposed to noise levels above that specified in Australian Standard AS/NZ 2107:2000 "Acoustics Recommended reverberation times and sound levels for building interiors" when assessed inside the place of business or 58 dB(A) L10 at an outdoor area associated with operation of the business requiring a level of amenity for normal operation of that business;
 - d) the Construction noise objective specified in the Conditions of Approval;
 - e) noise and vibration monitoring, reporting and response procedures;
 - f) a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;

- g) justification for any activities outside the Construction hours specified in the Conditions of Approval. This includes identifying areas where construction noise would not be audible at any Sensitive Receiver;
- h) procedures for notifying residents of Construction activities that are likely to affect their noise amenity; and
- i) contingency plans to be implemented in the event of non-compliance and/or noise complaints consultation procedures to be undertaken with residents.

[PCCNS01]

29. DELETED

29.1 A dilapidation report detailing the current structural condition of the adjoining and adjacent buildings, infrastructure and roads is to be prepared and endorsed by a suitably qualified engineer. The report is to be submitted and approved by Council prior to issue of a construction certificate and or engineering plans for the filling works as statutory required.

A second dilapidation report is to be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first report and recommend a course of action to carry out repairs if required. The report is to be submitted for approval by Council.

[PCCNS02]

30. DELETED

30.1 Within three weeks of fill being placed on the site in each fill stage, the area is to be topsoiled and mulched to the satisfaction to Tweed Shire Council's engineer. Mulch and topsoil detail are to be shown on the Construction Certificate application and or engineering plans as statutory required. Fertiliser shall not be used on the grassed area proximal to within 20m of the Wallum Froglet Habitat.

[PCCNS02]

31. DELETED

31.1 The parts of the site subject to filling are to be adequately fenced with a construction fence, for the works within each relevant stage. The construction fence details are to be shown on the Construction Certificate application.

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.

[PCCNS02]

32. DELETED

- 32.1 The Construction Certificate application and or engineering plans as statutory required shall detail the following provisions having regard to perimeter & trunk drainage:
 - a. Perimeter stormwater drainage shall be designed and constructed along all external boundaries to convey overland runoff from all external catchments to a lawful point of discharge for all storm events up to the ARI 100 year event without causing flooding of adjoining properties or road reserves. All fill batters, perimeter drainage services and associated formations must be contained wholly within the development site, and must not encroach into adjoining properties or road reserves.
 - b. Perimeter cross sections for the entire site are to be provided along the proposed filling perimeter every 20m. The cross sections are to provide existing and proposed finished levels, extending an adequate distance into adjoining land so as to establish external drainage paths.
 - c. DELETED
 - d. A stormwater drainage channel is to be designed and constructed to convey all runoff from Council's existing 750mm pipeline discharging from Turnock Street to the north east corner of the southern fill area to the Kingscliff drain generally along the alignment shown for the SWD documented on Drawing No. P037 issue H prepared by Knobel Consulting Pty Ltd and dated 08/11/07 and Drawing No. P038 issue G prepared by Knobel Consulting Pty Ltd and dated 29/10/07. The last part of the channel may follow a different path to the SWD, being around the fill to discharge to the Kingscliff drain.
 - e. AMENDED An overland flow path shall be designed and constructed to convey external catchment runoff for the Q100 event from Turnock Street and Lot 100 DP 1071633 through the southern fill area to the Kingscliff Drain in accordance with Drawing Number 1177 P162 Issue D prepared by Knobel Consulting Pty Ltd and included in Appendix B of the Engineering Report as submitted with the S96AA Reference Number DA05/004.03.
 - f. A stormwater drainage channel is to be designed and constructed to convey all runoff from Council's existing 450 mm SWD currently discharging off Pearl Street through Lot 6, DP21242, to the perimeter catch drain around the fill shown on Knobel Consulting Drawing No. P032, issue J, dated 26/10/07.
 - g. All drainage works required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

- 33. DELETED
- 34. DELETED
- 34.1 The Construction Certificate application and or engineering plans as statutory required shall detail the following provisions having regard to existing stormwater infrastructure:

- a) Provision shall be made to connect any other existing public stormwater pipes discharging onto the site, through the filled area to a lawful point of discharge, without adverse impact on flooding in the locality.
- b) The drainage works required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

35. DELETED

- 35.1 The Construction Certificate and or engineering plans as statutory required shall detail the following provisions having regard to the construction of Kingscliff Drain:
 - a) The Kingscliff Drain south of Turnock Street, adjacent to the filling and provisional water quality treatment area, is to be constructed concurrently with filling of the site south of Turnock Street. The drain shall be constructed from the south eastern extent of the provisional water quality treatment works shown on drawing P153 Issue H, dated 3/08/12 to the box culverts under Turnock Street.
 - Except as varied by this condition, the above drain is to be constructed in b) general accordance with the trapezoidal channel cross section, and "access maintenance hardstand", shown on "Main Drain 0-2000 (fig 7.3)" contained in "Appendix B: Supplementary TSC Cross Section Details" contained in "Kingscliff Catchment & Drainage Management Plan" prepared by WBM Oceanics, Revision 3 Dated 24/3/00. No "variable purpose" cross section construction is required beyond the northern limit of the "access maintenance hardstand" on the northern side of the drain. The fill batter shown on Plan P162 Issue D dated 6/08/122 will commence 3.5 m from the top of bank of the drain to allow for the "access maintenance hardstand. The 3.0m wide access maintenance hard stand area along the Kingscliff Drain is to be constructed on the north side of the drain from and connected to Turnock Street. A vehicle turn around area is to be constructed at the other end to permit vehicles using the maintenance access area to turn around. The design of the maintenance access must account for all transverse connections to the Kingscliff Drain, to remain trafficable without impeding runoff or causing flooding on upstream land.
 - c) In the section of drain from the box culverts under Turnock Street, east to the start of filling works the cross section on the north side shall be modified to accommodate entry of runoff from the north. The maintenance access may include a series of floodway crossings in this section to enable flow of runoff from the north to cross over the access.
 - d) On the south side of the drain, the constructed cross section is to terminate where the revetted bank section intersects natural surface level. No bank or "variable multipurpose" cross section construction is required beyond this point.
 - e) The edge treatment and revetment of the drain may be varied to create a more "natural" aesthetically pleasing appearance, providing the hydraulic efficiency and maintainability of the drain is not adversely affected.

- f) The nominal 1.0m width of the drain invert may be increased to provide a more "natural" aesthetically pleasing appearance.
- g) The invert of the drain is to be a maximum RL -0.5 AHD from the south-eastern extent of the fill to the invert of the culvert under Turnock Street. It may then taper up to the existing drain outlet invert at St Anthony's School (lot 2 DP 610174) boundary. Level detail is to be provided for the drain invert.
- h) Prior to the commencement of filling work a drainage easement is to be created benefiting Council over the main Kingscliff drain from St Anthony's school to the box culverts under Turnock Street where it traverses lots 11, 12 & 13 DP 871753. The width of the easement shall be from the southern edge of revetment on the south side of the drain to the northern side of the maintenance access on the north side of the drain. Some meandering of the drain about the centreline may be permitted to provide a more "natural" aesthetically pleasing appearance. The easement must allow the bridging of the drain for access and the works referred to in this condition may be removed or altered for the purpose of constructing access ways so long as they are reinstated to a similar standard.
- i) The drainage works (including the associated works in the drainage easement) required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.
- 36. The Construction Certificate application and or engineering plans as statutory required shall detail the following provisions having regard to the construction of the haul road;
 - a) The plans accompanying a Section 68 stormwater application must ensure there is adequate capacity transverse drainage under/across the haul road to ensure runoff is not impeded or flooding caused on upstream land.
 - b) Where the proposed haul road crosses the Kingscliff Drain, a culvert system with invert level -0.5m generally in accordance with Section 2 of Knobel Consulting Plan P030 (provided it complies with the criteria in (a) above) or other configuration approved by Council shall be provided under the road.
 - c) All culverts constructed over the Kingscliff Drain to facilitate construction of the haul road shall be removed at the completion of filling works.
 - d) The drainage works required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

37. DELETED

37.1 Traffic Management Plans are required prior to the issue of a construction certificate application and or engineering plans for each differing stage of the filling works. The traffic management plans shall be in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2. The plans are to be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority. Safe public access shall be provided at all times.

The Traffic Management Plans are to include all temporary signage and road layouts for each stage of the proposed works. The plans are to also provide for pedestrian and cycle movements.

[PCCNS02]

38. The application for a construction certificate and or engineering plans shall detail the conveyor belt over Tweed Coast Road, including the structural design details, the intended colours, a landscaping plan to ensure the stockpile site is screened from the road and to ensure dust is screened to mitigate dust encroaching onto Tweed Coast Road.

[PCCNS02]

39. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

- 40. 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.
- 41. Prior to work commencing, a "Notice of Commencement of Work shall be submitted to Council or principal certifying authority at least 2 days prior to work commencing.

[PCW0225]

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

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

[PCW0255]

43. Filling work in accordance with a development consent must not be commenced until a construction certificate for the civil work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by Council.

44. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$20 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

45. DELETED

45.1 Prior to commencement of work on the site relevant all erosion and sedimentation control measures are to be installed and operational. Prior to the commencement of filling works the wheel wash facility shall be installed to the satisfaction of Council.

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

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

[PCW0985]

DURING CONSTRUCTION

46. DELETED

- 46.1 The alternative Wallum Froglet Habitat Area is to be managed in accordance with the approved Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated 22 April 2013.
- 47. During construction, all works required by other conditions or approved management plans (including noise, dust, frog habitat, traffic, storm water, water quality, sediment and erosion control, and the environmental management plan) or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

48. DELETED

- 48.1 During the approved staged rehabilitation of the alternative Wallum Froglet Habitat Area, monitoring is to be conducted in accordance with the approved Wallum Froglet Habitat Management Plan dated 22 April 2013.
- 49. The Council and/or Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection.

[DUR0415]

50. DELETED

50.1 The proponent shall ensure a maximum 580,000m³ of extractive material is imported to the site along the approved haul route from the sources nominated in the development application.

[DUR0735]

Council Meeting Date: Thursday 20 June 2013

51. DELETED

51.1 During filling operations:

- All fill and cut batters shall be contained wholly within the subject land.
- All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 – Subdivision Manual and the Design Specification D6 Site Regrading to the satisfaction of the Principal Certifying Authority.
 - and upon completion,
- All topsoil and mulch is to be respread and the site to be grassed and landscaped including battered areas.

[DUR0755]

52. 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 Council upon completion.

[DUR0795]

53. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0815]

54. 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]

55. 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 release of the bond.

[DUR0995]

56. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site (in accordance with the noise management plan) and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

57. All practicable measures in accordance with the management plans must be taken to prevent and minimise harm to the neighbourhood, adjacent development and the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

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. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

60. 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, 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. Permanent erosion and sedimentation control measures
- d. Drainage channels and associated stormwater infrastructure
- e. Final Inspection for bond release

Council's role is limited to the above mandatory inspections and does <u>NOT</u> 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]

61. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

62. 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]

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

[DUR2405]

64. All fuels or chemicals shall be stored within a bunded area and not permitted to discharge or percolate to any watercourse.

[DURNS01]

- 65. DELETED
- 66. The site shall not be dewatered without prior approval from the relevant authority and notification to Council.

[DURNS01]

67. All surface water within the fill site shall be directed to the sedimentation ponds, monitored and treated (where necessary), before discharge from the site.

[DURNS01]

68. 'Run on water' to the fill site shall be diverted, where possible, clear of the site.

[DURNS01]

69. A sufficient number of 'on site builder's toilets' shall be provided to manage wastewater from on site employees.

[DURNS01]

70. Vegetation shall not be removed or damaged except as strictly necessary to undertake the proposed works.

[DURNS01]

71. Disturbance of 'monosulfide black ooze' shall be limited approximately to 40m of the main drain where the haul route crosses the drain.

[DURNS01]

72. DELETED

72.1 All material stripped and identified as PASS from the site or disturbed below existing ground level shall be placed within a bunded area and neutralised in accordance with the Acid Sulfate Soil Management Plan & Groundwater Management Plan HMC Environmental P/L, December 2012 before reuse or removal from the site.

[DURNS01]

73. All extracted fill materials shall be treated for acid sulfate potential prior to being transported across Chinderah Road.

[DURNS01]

74. Effective sediment and erosion controls shall be placed around all soil stockpiles and the perimeter of the proposed development site, and maintained for the duration of the proposed works to the satisfaction of the General Manager of his delegate.

[DURNS01]

- 75. Construction must only be carried out between the hours of 7.00 am to 6.00 pm (Monday to Friday), 8.00 am to 1.00 pm (Saturday) and at no time on Sunday and public holidays except:
 - for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
 - b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or

c) where the work is identified in the Construction Noise and Vibration Management Plan and approved as part of the CEMP.

Local residents must be informed of the timing and duration of work approved under item (c) at least 48 hours before that work commences.

[DURNS01]

76. All works detailed in the Construction Noise Management Plan and associated Noise Impact Assessment for Construction Works be implemented for the period of construction works.

IDURNS011

77. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. All plant is to be kept in good operating condition, with regular inspections of the plant to minimise potential to generate noise nuisance.

IDURNS011

78. Water trucks are to be available on the site at all times during filling operations.

Dust creating activities are to cease when high winds exist and causes nuisance to neighbouring properties.

[DURNS02]

POST CONSTRUCTION & MANAGEMENT

- 79. DELETED
- 79.1 The alternative Wallum Froglet Habitat Area is to be managed in accordance with the approved Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated 22 April 2013. Upon any application for subdivision such application is to include provision for transfer of the management.
- 80. DELETED
- 80.1 Post filling operations the temporary haul road is to be rehabilitated in accordance with Condition 10.1 of this consent.
- 81. DELETED
- 82. DELETED

GENERAL TERMS OF APPROVAL UNDER SECTION 200 OF THE FISHERIES MANAGEMENT ACT 1994

83. Filling is only to be undertaken subsequent to an appropriate authorisation from a relevant public authority (other than a local Council) consistent with s200 of the Fisheries Management Act 1994.

GENERAL TERMS OF APPROVAL PERMIT UNDER s 89, 90, & 91 WATER MANAGEMENT ACT 2000

- 84. DELETED
- 84.1 The applicant is to obtain necessary approvals, if any, in accordance with the Water Management Act 2000 prior to commencement of filling work. Should dewatering be required the Council is to be notified 48 hours prior to commencement of works

TERMS OF FIRST RESTRICTIVE COVENANT REFERRED TO IN ORDERS

The area to which the restrictive covenant relates is that part of Lot 13 DP 871753 bounded on the east by the eastern boundary of that Lot, on the north by the southern bank of the east/west drain, on the west by the eastern bank of the drain running from Quigan Street to the east/west drain and on the south by Quigan Street all as shown on the plan annexed marked A subject to final survey plan.

Restrictive covenant for conservation purposes in respect of the Mitchell's Rainforest Snail to be created under s. 88E of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below.

RESTRICTIVE COVENANT FOR CONSERVATION PURPOSES

1. In this instrument, unless the contrary intention appears –

"animals" includes sheep, goats, horses, deer and cattle.

"clearing" and "cleared" in relation to the land, means the ringbarking, cutting, stripping, cutting down, felling, poisoning, lopping, topping, burning, injuring, removal or destruction in any manner whatsoever of vegetation or any part of vegetation growing on the land.

"development" in relation to land, means -

- (a) the erection of a building or structure (other than a fence) on the land; or
- (b) the carrying out of a work in, on over or under the land;

"land" means the land described in the Schedule.

"Management Plan" means a plan for the management of the land (by whatever title it is called) approved under the *Environmental Planning and Assessment Act 1979* or any Act consolidating or replacing that Act, or agreed between the registered proprietor and the Tweed Shire Council, and any amendment or replacement of the plan.

"registered proprietor" means the registered proprietor for the time being of the land recorded in the Register under the *Real Property Act 1900*.

"substance" in relation to the land includes timber, turf, stone, clay, shells, earth, sand and gravel.

"vegetation" in relation to the land means plants indigenous to the State of New South Wales including trees, saplings and seedlings of trees, plants, shrubs, ferns, vines, herbs, grasses and other vegetable cover which are endemic to the land.

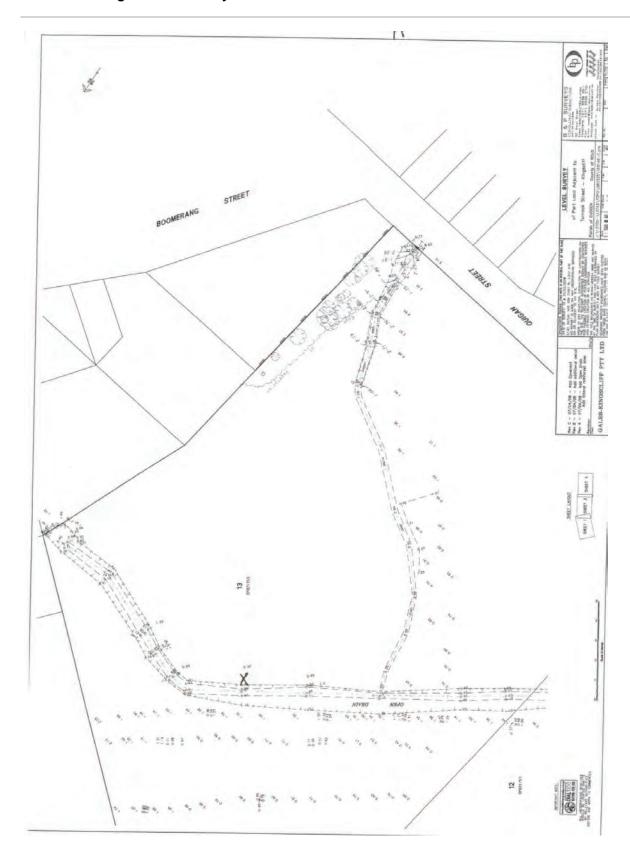
- 2. Without the prior written consent of the Tweed Shire Council
 - (a) no person shall reside on the land;
 - (b) no animal shall be depastured or driven on the land;
 - (c) no development shall be carried out on the land;
 - (d) the land shall not be cleared, slashed or cultivated;
 - (e) no substance, whether or not in or forming part of the land, shall be interfered with;
 - (f) no fire shall be lit on the land;
 - (g) no use shall be made of the land or activities on the land which would result in the clearing of vegetation on the land; and
 - (h) no use shall be made of the land or activities undertaken on the land which would interfere with or prevent the natural growth or regeneration of vegetation on the land.
- 3. This covenant does not prevent or restrict in accordance with law:
 - (a) the destruction or removal of vegetation declared to be a noxious weed under the *Noxious Weeds Act 1993* or an Act consolidating or replacing that Act; or
 - (b) the destruction or removal of vegetation which is a prohibited plant within the meaning of the *Drug Misuse and Trafficking Act 1985* or an Act consolidating or replacing that Act; or
 - (c) the incidental destruction or removal of vegetation lying adjacent to any noxious weeds or prohibited plants where such incidental destruction or removal occurs unavoidably during the process of destroying or removing those noxious weeds or prohibited plants; or
 - (d) the destruction or removal of vegetation within 1 metre of the external boundaries of the land for the purpose of erecting or maintaining a fence along those boundaries; or

- (e) the destruction or removal of vegetation within 0.5 metres of the land for the purpose of enabling a survey to be carried out along those boundaries by a surveyor registered under the *Surveyors Act 2001* or any Act consolidating or replacing that Act;
- (f) the destruction or removal of vegetation or substance in compliance with the *Rural Fires Act 1997* or any Act consolidating or replacing that Act; or
- (g) the destruction or removal of vegetation or substance within 3 metres of the top bank of any drain on or adjoining the land for the purpose of maintaining the drain (but excluding the southern bank of the east/west drain for its length from the eastern boundary of Lot 13 to the point marked "x" shown on the annexed Plan marked "A" being B & P Survey Plan 16814B Revision C);
- (h) the removal of refuse, garbage, rubbish or any other noisome, noxious, poisonous or unwholesome matter;
- (i) the taking of reasonable precautions to keep the land free of noxious weeds, rodents or vermin;
- (j) carrying out environmental protection works, being works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works and the like;
- (k) erecting, carrying out or using the land for environmental facilities, being a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, boardwalks, observation decks, bird hides, or the like, and associated display structures;
- (I) carrying out any other work permitted by the Management Plan.

4.

(a) The restriction on the use of the land shall be released and revoked to the extent to which it applies to any part of the land in relation to which a conservation agreement is entered into under Part 4 of Division 7 of the National Parks and Wildlife Act 1974.

- (b) The date of release and revocation of restriction on use (whether wholly or in part) shall be the date from which such conservation agreement has effect.
- (c) The restriction on use may otherwise be released with the consent of the Tweed Shire Council.
- 5. Any work on the land the subject of this covenant shall be carried out under the guidance of a Mitchell rainforest Snail ecologist in accordance with the recommendations of such ecologist and be consistent with any management plan.
- 5A Nothing in this covenant shall be construed as avoiding the need to obtain any consent under any applicable legislation.
- 6. The prior written consent of Council is taken to have been given under clause 2 if an approval consent or authorisation of any kind is given for the activity by a public authority having power to do so (or a court or other person or body on appeal or review) under the Environmental Planning and Assessment Act 1979 or any Act replacing it.



TERMS OF SECOND RESTRICTIVE COVENANT REFERRED TO IN ORDERS

The area to which the restrictive covenant relates is those parts of Lots 11 and 12 DP 871753 as shall be defined and detailed in final survey plan approximately as follows: In relation to Lot 11 the area to the south of Turnock St bounded on the north by Turnock St, on the west by the western boundary of the Lot; and

In relation to Lot 12 the area to the south of Turnock St bounded on the north by Turnock St, on the west by the western boundary of the Lot, on the south by the northern edge of the drainage easement created under Condition 35(b) in respect of the Kingscliff drain and on the east by the line of the western extent of the fill shown on Knobel Consulting Drawing PO38, Issue G dated 29/10/07; and

Restrictive covenant for conservation purposes in respect of the Wallum Froglet to be created under s. 88E of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below.

RESTRICTIVE COVENANT FOR CONSERVATION PURPOSES

- 1. In this instrument, unless the contrary intention appears
 - "animals" includes sheep, goats, horses, deer and cattle.
 - "clearing" and "cleared" in relation to the land, means the ringbarking, cutting, stripping, cutting down, felling, poisoning, lopping, topping, burning, injuring, removal or destruction in any manner whatsoever of vegetation or any part of vegetation growing on the land.
 - "development" in relation to land, means -
 - (a) the erection of a building or structure (other than a fence) on the land; or
 - (b) the carrying out of a work in, on over or under the land;
 - "land" means the land described in the Schedule.
 - "Management Plan" means a plan for the management of the land (by whatever title it is called) approved under the *Environmental Planning and Assessment Act 1979* or any Act consolidating or replacing that Act, or agreed between the registered proprietor and the Tweed Shire Council, and any amendment or replacement of the plan.
 - "registered proprietor" means the registered proprietor for the time being of the land recorded in the Register under the *Real Property Act 1900*.
 - "substance" in relation to the land includes timber, turf, stone, clay, shells, earth, sand and gravel.

"vegetation" in relation to the land means plants indigenous to the State of New South Wales including trees, saplings and seedlings of trees, plants, shrubs, ferns, vines, herbs, grasses and other vegetable cover which are endemic to the land.

- 2. Without the prior written consent of the Tweed Shire Council
 - (a) no person shall reside on the land;
 - (b) no animal shall be depastured or driven on the land;
 - (c) no development shall be carried out on the land;
 - (d) the land shall not be cleared, slashed or cultivated;
 - (e) no substance, whether or not in or forming part of the land, shall be interfered with;
 - (f) no fire shall be lit on the land;
 - (g) no use shall be made of the land or activities on the land which would result in the clearing of vegetation on the land; and
 - (h) no use shall be made of the land or activities undertaken on the land which would interfere with or prevent the natural growth or regeneration of vegetation on the land.
- 3. This covenant does not prevent or restrict in accordance with law:
 - (a) the destruction or removal of vegetation declared to be a noxious weed under the *Noxious Weeds Act 1993* or an Act consolidating or replacing that Act; or
 - (b) the destruction or removal of vegetation which is a prohibited plant within the meaning of the *Drug Misuse and Trafficking Act 1985* or an Act consolidating or replacing that Act; or
 - (c) the incidental destruction or removal of vegetation lying adjacent to any noxious weeds or prohibited plants where such incidental destruction or removal occurs unavoidably during the process of destroying or removing those noxious weeds or prohibited plants; or
 - (d) the destruction or removal of vegetation within 1 metre of the external boundaries of the land for the purpose of erecting or maintaining a fence along those boundaries; or
 - (e) the destruction or removal of vegetation within 0.5 metres of the land for the purpose of enabling a survey to be carried out along those boundaries by a surveyor registered under the *Surveyors Act 2001* or any Act consolidating or replacing that Act;

- (f) the destruction or removal of vegetation or substance in compliance with the *Rural Fires Act 1997* or any Act consolidating or replacing that Act; or
- (g) the destruction or removal of vegetation or substance within 3 metres of the top bank of any drain on or adjoining the land for the purpose of maintaining the drain;
- (h) the removal of refuse, garbage, rubbish or any other noisome, noxious, poisonous or unwholesome matter;
- (i) the taking of reasonable precautions to keep the land free of noxious weeds, rodents or vermin;
- (j) carrying out environmental protection works, being works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works and the like;
- (k) erecting, carrying out or using the land for environmental facilities, being a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, boardwalks, observation decks, bird hides, or the like, and associated display structures;
- (I) carrying out any other work permitted by the Management Plan.

4.

- (a) The restriction on the use of the land shall be released and revoked to the extent to which it applies to any part of the land in relation to which a conservation agreement is entered into under Part 4 of Division 7 of the National Parks and Wildlife Act 1974.
- (b) The date of release and revocation of restriction on use (whether wholly or in part) shall be the date from which such conservation agreement has effect.
- (c) The restriction on use may otherwise be released with the consent of the Tweed Shire Council.
- Any work on the land the subject of this covenant shall be carried out under the guidance of an ecologist with experience and expertise in the habitat of the wallum froglet.
- 7A Nothing in this covenant shall be construed as avoiding the need to obtain any consent under any applicable legislation

8. The prior written consent of Council is taken to have been given under clause 2 if an approval consent or authorisation of any kind is given for the activity by a public authority having power to do so (or a court or other person or body on appeal or review) under the Environmental Planning and Assessment Act 1979 or any Act replacing it.

TERMS OF THIRD RESTRICTIVE COVENANT REFERRED TO IN ORDERS

The area to which the restrictive covenant relates is that part of Lots 1, 2 and 3 DP 781714 shown as covenant area (approx. 4440 m2) on B & P Surveys drawing 16814 B Revision C Sheet 1 annexed hereto which specifies within the covenant area the littoral rainforest area (coloured green).

Restrictive covenant for conservation purposes in respect of Littoral Rainforest to be created under s. 88E of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below.

RESTRICTIVE COVENANT FOR CONSERVATION PURPOSES

- In this instrument, unless the contrary intention appears
 - "animals" includes sheep, goats, horses, deer and cattle.
 - "clearing" and "cleared" in relation to the land, means the ringbarking, cutting, stripping, cutting down, felling, poisoning, lopping, topping, burning, injuring, removal or destruction in any manner whatsoever of vegetation or any part of vegetation growing on the land.
 - "development" in relation to land, means -
 - (c) the erection of a building or structure (other than a fence) on the land; or
 - (d) the carrying out of a work in, on over or under the land;
 - "land" means the land described in the Schedule.
 - "Management Plan" means a plan for the management of the land (by whatever title it is called) approved under the *Environmental Planning and Assessment Act 1979* or any Act consolidating or replacing that Act, or agreed between the registered proprietor and the Tweed Shire Council, and any amendment or replacement of the plan.
 - "registered proprietor" means the registered proprietor for the time being of the land recorded in the Register under the *Real Property Act 1900*.
 - "substance" in relation to the land includes timber, turf, stone, clay, shells, earth, sand and gravel.
 - "vegetation" in relation to the land means plants indigenous to the State of New South Wales including trees, saplings and seedlings of trees, plants, shrubs, ferns, vines, herbs, grasses and other vegetable cover which are endemic to the land.
- 2. Without the prior written consent of the Tweed Shire Council –

- (a) in respect of the area coloured green on B & P Surveys Drawing 16814B Rev C the land shall not be cleared, slashed, grazed or cultivated;
- (b) in respect of the area coloured green on B & P Surveys Drawing 16814B Rev C no use shall be made of the land or activities on the land which would result in the clearing of vegetation on the land; and
- (c) no use shall be made of nor activities undertaken on the land the subject of this covenant which would interfere with the ecological integrity of the littoral rainforest vegetation community in the area coloured green on B&P Surveys Drawing 16814B Rev C.
- 3. This covenant does not prevent or restrict in accordance with Law:
 - (a) the destruction or removal of vegetation declared to be a noxious weed under the *Noxious Weeds Act 1993* or an Act consolidating or replacing that Act; or
 - (b) the destruction or removal of vegetation which is a prohibited plant within the meaning of the *Drug Misuse and Trafficking Act 1985* or an Act consolidating or replacing that Act; or
 - (c) the incidental destruction or removal of vegetation lying adjacent to any noxious weeds or prohibited plants where such incidental destruction or removal occurs unavoidably during the process of destroying or removing those noxious weeds or prohibited plants; or
 - (d) the destruction or removal of vegetation within 1 metre of the external boundaries of the land for the purpose of erecting or maintaining a fence along those boundaries; or
 - (e) the destruction or removal of vegetation within 0.5 metres of the land for the purpose of enabling a survey to be carried out along those boundaries by a surveyor registered under the *Surveyors Act 2001* or any Act consolidating or replacing that Act;
 - (f) the destruction or removal of vegetation or substance in compliance with the *Rural Fires Act 1997* or any Act consolidating or replacing that Act; or
 - (g) the destruction or removal of vegetation or substance within 3 metres of the top bank of any drain on or adjoining the land for the purpose of maintaining the drain;

- (h) the removal of refuse, garbage, rubbish or any other noisome, noxious, poisonous or unwholesome matter;
- (i) the taking of reasonable precautions to keep the land free of noxious weeds, rodents or vermin;
- (j) carrying out environmental protection works, being works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works and the like;
- (k) erecting, carrying out or using the land for environmental facilities, being a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, boardwalks, observation decks, bird hides, or the like, and associated display structures;
- (I) carrying out any other work permitted by the Management Plan.
- (m) landscaping and management (including mowing and weeding) outside the littoral rainforest area coloured green on B & P Survey drawing 16814B Revision C ("The littoral rainforest area") and which does not interfere with the ecological integrity of the littoral rainforest area.
- (n) the construction outside the littoral rainforest area of services for development the subject of consent or approval on any of the said lots and which does not interfere with the integrity of the littoral rainforest area.
- (o) Carrying out any work which would not interfere with the ecological integrity of the littoral rainforest vegetation community in the area coloured green on B&P Survey Drawing 16814B Rev C.

4.

- (a) The restriction on the use of the land shall be released and revoked to the extent to which it applies to any part of the land in relation to which a conservation agreement is entered into under Part 4 of Division 7 of the National Parks and Wildlife Act 1974.
- (b) The date of release and revocation of restriction on use (whether wholly or in part) shall be the date from which such conservation agreement has effect.

- (c) The restriction on use may otherwise be released with the consent of the Tweed Shire Council.
- 5. Any work on the land the subject of this covenant shall be carried out under the guidance of an ecologist with experience and expertise in littoral rainforest.
- 5A Nothing in this covenant shall be construed as avoiding the need to obtain any consent under any applicable legislation.
- 6. The prior written consent of Council is taken to have been given under clause 2 if an approval consent or authorisation of any kind is given for the activity by a public authority having power to do so (or a court or other person or body on appeal or review) under the Environmental Planning and Assessment Act 1979 or any Act replacing it.



TERMS OF FOURTH RESTRICTIVE COVENANT REFERRED TO IN ORDERS

The area to which the restrictive covenant relates is Lot 26D in DP 10715 shown indicatively as the Wallum Froglet Habitat Area (WFHA) being west of Elrond Drive as shown on Plan 1177 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty Ltd and dated 12/12/2012. For practical purposes the extent of the Covenant needs to embrace this area and extend to the fenceline in the East and either the fenceline or the top of bank of the drain in the south. The other boundaries are appropriate. The extent is to be detailed on a final survey plan.

Restrictive covenant for conservation purposes in respect of the Wallum Froglet to be created under s. 88E of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below.

RESTRICTIVE COVENANT FOR CONSERVATION PURPOSES

- 1. In this instrument, unless the contrary intention appears "animals" includes sheep, goats, horses, deer and cattle.
 - "clearing" and "cleared" in relation to the land, means the ringbarking, cutting, stripping, cutting down, felling, poisoning, lopping, topping, burning, injuring, removal or destruction in any manner whatsoever of vegetation or any part of vegetation growing on the land.
 - "development" in relation to land, means -
 - (a) the erection of a building or structure (other than a fence) on the land; or
 - (b) the carrying out of a work in, on over or under the land;
 - "Management Plan" means a plan for the management of the land (by whatever title it is called) approved under the Environmental Planning and Assessment Act 1979 or any Act consolidating or replacing that Act, or agreed between the registered proprietor and the Tweed Shire Council, and any amendment or replacement of the plan.
 - "registered proprietor" means the registered proprietor for the time being of the land recorded in the Register under the Real Property Act 1900.
 - "substance" in relation to the land includes timber, turf, stone, clay, shells, earth, sand and gravel.

- "vegetation" in relation to the land means plants indigenous to the State of New South Wales including trees, saplings and seedlings of trees, plants, shrubs, ferns, vines, herbs, grasses and other vegetable cover which are endemic to the land.
- 2. In respect of the Wallum Froglet Habitat Area shown on Plan 1177

 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty

 Ltd and dated 12/12/2012:
 - (i) Without the prior written consent of the Tweed Shire Council
 - (a) no person shall reside on the land;
 - (b) no animal shall be depastured or driven on the land;
 - (c) no development shall be carried out on the land;
 - (d) the land shall not be cleared, slashed or cultivated;
 - (e) no substance, whether or not in or forming part of the land, shall be interfered with:
 - (f) no fire shall be lit on the land;
 - (g) no use shall be made of the land or activities on the land which would result in the clearing of vegetation on the land; and
 - (h) no use shall be made of the land or activities undertaken on the land which would interfere with or prevent the natural growth or regeneration of vegetation on the land.
 - (ii) Any work shall be carried out under the guidance of an ecologist with experience and expertise in the habitat of the Wallum Froglet.
- 3. In respect of all areas shown indicatively as Wallum Froglet Habitat Area on the Plan 1177 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty Ltd and dated 12/12/2012 other than those referred to in clause 2 above, such land shall be managed to facilitate the conservation of the wallum froglet in the Wallum Froglet Habitat Area.
- 4. This covenant does not prevent or restrict in accordance with Law:
 - (a) the destruction or removal of vegetation declared to be a noxious weed under the Noxious Weeds Act 1993 or an Act consolidating or replacing that Act; or

- (b) the destruction or removal of vegetation which is a prohibited plant within the meaning of the Drug Misuse and Trafficking Act 1985 or an Act consolidating or replacing that Act; or
- (c) the incidental destruction or removal of vegetation lying adjacent to any noxious weeds or prohibited plants where such incidental destruction or removal occurs unavoidably during the process of destroying or removing those noxious weeds or prohibited plants; or
- (d) the destruction or removal of vegetation within 1 metre of the external boundaries of the land for the purpose of erecting or maintaining a fence along those boundaries; or
- (e) the destruction or removal of vegetation within 0.5 metres of the land for the purpose of enabling a survey to be carried out along those boundaries by a surveyor registered under the Surveyors Act 2001 or any Act consolidating or replacing that Act;
- (f) the destruction or removal of vegetation or substance in compliance with the Rural Fires Act 1997 or any Act consolidating or replacing that Act; or
- (g) the removal of refuse, garbage, rubbish or any other noisome, noxious, poisonous or unwholesome matter;
- (h) the taking of reasonable precautions to keep the land free of noxious weeds, rodents or vermin;
- (i) carrying out environmental protection works, being works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works and the like;
- (j) DELETED;
- (k) carrying out any other work permitted by the Management Plan.
- (I) carrying out any other work pursuant to development consent DA05/0004 and maintenance thereof.

5.

(a) The restriction on the use of the land shall be released and revoked to the extent to which it applies to any part of the land in relation to which a conservation agreement is entered into under Part 4 of Division 7 of the National Parks and Wildlife Act 1974.

- (b) The date of release and revocation of restriction on use (whether wholly or in part) shall be the date from which such conservation agreement has effect.
- (c) The restriction on use may otherwise be released with the consent of the Tweed Shire Council.
- 5A Nothing in this covenant shall be construed as avoiding the need to obtain any consent under any applicable legislation.
- 6. The prior written consent of Council is taken to have been given under clause 2 if an approval consent or authorisation of any kind is given for the activity by a public authority having power to do so (or a court or other person or body on appeal or review) under the Environmental Planning and Assessment Act 1979 or any Act replacing it.

Council Meeting Date: Thursday 20 June 2013

REPORT:

Applicant: Gales Holdings Pty Ltd
Owner: Gales Holdings Pty Ltd

Location: Part Lot 3 DP 828298 Cudgen Road and Tweed Coast Road, Cudgen; Lot

26C & 26D DP 10715; Quigan Street, Kingscliff; Lots 11-14 DP 871753 and

Lots 2-9 DP 781714 Turnock Street, Kingscliff

Zoning: 2(c) Urban Expansion, Uncoloured Land, 5(a) Drainage Reserve, 7(l)

Environmental Protection (Habitat), 1(b1) Agricultural Protection, and

Deferred Area

Cost: Not Applicable for S96

Background & Proposed S96AA Details:

The subject application and the subject site generally have extensive development histories. Relevantly the NSW Land & Environment Court approved DA05/0004 on 28 August 2008.

The approved application incorporated filled areas to the north and south of Turnock Street (totalling 360,000m³), a Wallum Froglet Precinct north of Turnock Street (approximately 1ha of core habitat and an extra 1.4ha in ancillary drainage works) a haul road extending to the west and connecting with Tweed Coast Road, drainage works, and water quality treatment works.

The Determination Notice and the Judgement form **attachments** to this report.

The Court approved the proposal subject to three detailed deferred commencement conditions which related to:

- A. A Wallum Froglet Management Plan and 12 months of frog monitoring;
- **B.** A Revised haulage route to minimise tree loss;
- C. The re-assessment, monitoring and design of the drainage system and water treatment train so that it meets the agreed water quality and hydro cycle features needed to maintain Wallum Froglet Habitat in the Wallum Froglet Precinct area

These conditions were originally to be satisfied within 2 years of the original consent (28 August 2010).

On 20 May 2010 Council approved DA05/0004.01 to extend the 2 year time frame to 5 years for Points B & C and 4 years for Point A (28 August 2013 and 28 August 2012).

On 2 August 2012 Council approved DA05/0004.02 to extend the 4 year time frame for Point A to five years. This amendment had the effect of extending all three deferred matters to be satisfied within 5 years of the original determination date (28 August 2013).

The current S96AA Modification seeks to remove the three deferred commencement conditions (and replace their intent within the body of the consent) and physically commence works before 28 August 2013 to ensure DA05/0004 remains valid into perpetuity.

Specifically the S96AA seeks to make the following amendments:

- 1. Increase the allowable importation of fill from 360,000m³ to approximately 580,000m³ to accommodate the following changes:
 - (a) Undertake new filling work within the area approved as the Wallum Froglet Precinct north of Turnock Street (including filling the associated stormwater treatment areas).

- (b) Undertake new filling work within the previously approved main trunk drainage channel.
- (c) Undertake additional filling work to the areas previously approved (3.5m AHD) for fill to ensure the site achieve a minimum level of 3.6m AHD (Council's climate change design flood level).

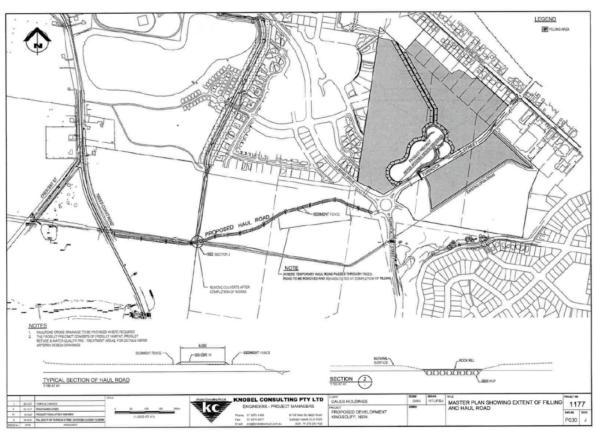
The applicant has stated that the justification for this amendment is directly related to Council undertaking the Blue Jay Circuit Scheme which negates the need for Gales to accommodate stormwater draining to the northern limit of their site and therefore the approved "main trunk drainage channel" that dissects the site will not be required.

As a result of the changed hydraulic regime north of Turnock Street the applicant concludes that there already is, and will be further, decline of the Wallum Froglet population north of Turnock Street and accordingly an alternative habitat area has been proposed.

The applicant states that future urban development will be benefitted by the amendment as a larger area of the site will be available for development and a major constraint to the design of the road layout and subdivision pattern will be removed resulting in better utilisation of urban land.

And finally the increase in height of the fill is a direct result of Council's climate change design flood level. The applicant has stated that the additional fill material will be sourced from the same location as currently approved fill.

The previous master plan showing the Wallum Froglet Precinct, extent of filling and haul road fill envelope was as follows:



The proposed fill envelope is now as follows:



2. Relocate the approved Wallum Froglet habitat area from the north of Turnock Street to west of the Elrond Drive Turnock Street roundabout within Lot 26D in DP 10715 and undertake works within the new habitat area to enhance the areas suitability for frogs.

The applicant has stated that due to the changing hydraulics in the area the original Wallum Froglet Precinct is unlikely to provide a sustainable Wallum Froglet Habitat Area.

The applicant advises that the proposed Wallum Froglet Precinct is considered suitable because:

- It comprises a core habitat area of approximately 1.3 ha (with an additional partly treed area of 0.8 ha) larger than the core habitat area for the approved Wallum Froglet Precinct north of Turnock Street (1 ha).
- The alternative Wallum Froglet Habitat Area is largely clear of trees.
- Ground levels are lower than the approved Wallum Froglet Precinct to the north of Turnock Street - generally less than 0.6m AHD (approximately 0.2 m lower than within the Wallum Froglet Precinct).
- Both sites are located on Quarternary Sands.

It is concluded that the alternative habitat area offers significant advantages over the Wallum Froglet Precinct because:

- 1. The approved Wallum Froglet Precinct will be isolated as it will be "completely surrounded by fill with urban development on three sides and a raised road (Turnock Street) on the fourth. Complicated hydrological engineering is required to maintain the Wallum Froglet Habitat within the Wallum Froglet Precinct, and given the close proximity of the urban development there will be ongoing management issues and associated risks." Wallum Froglet Management Plan December 2012
- 2. The alternative habitat area is located adjacent to the Kingscliff Drain and land that is zoned for environmental protection. By locating the habitat area as proposed there will be an ecological linkage and the perimeter of the environmental land is increased which provides for a greater resilience to this area.

To ensure the proposed Wallum Froglet Habitat Area is viable certain hydrological works are required. Accordingly this S96AA specifically seeks approval for drainage works as follows:

Stage 1 – Wetting up to kill pasture grasses. This will be achieved by minor engineering works that would consist of bunds to block drains, diversion drains, a temporary levee and weirs in existing drains.

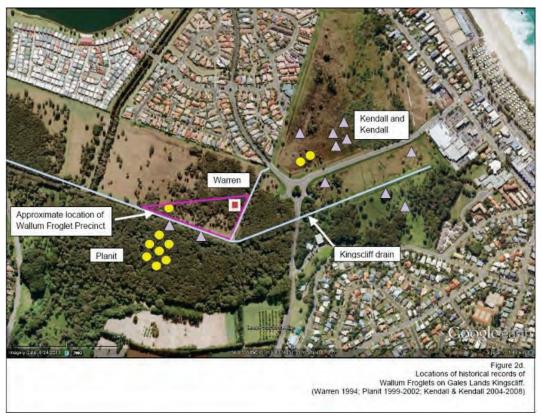
Stage 2 – Works to establish the long term hydraulic regime. Minor engineering works carried out as required to achieve ephemeral ponding of 6 weeks or more in summer and up to 6 months in winter. The required ponding will be achieved through adjustments to weirs, bunds and drains.

Stage 3 – Additional works to establish ephemeral ponds. If the desired outcomes are not achieved by adjusting the hydrology then minor

excavation (150 to 200mm) to create localised depressions will be considered.

It is proposed that these works will be authorised by this S96AA and no Construction Certificate will be required for such minor works. If works as detailed above are commenced prior to 28 August 2013 then DA05/0004 will be deemed to have been physically commenced.

The proposed Wallum Froglet Habitat Area is shown diagrammatically below:



3. Construct water quality treatment areas adjacent to the Elrond Drive Turnock Street roundabout, south of Turnock Street.

This change is necessary to accommodate the new hydraulic regime.

4. Construct larger culverts under Elrond Drive to convey stormwater to Kingscliff drain.

This change is necessary to accommodate the new hydraulic regime.

5. Construct stormwater culverts under Turnock Street.

This change is necessary to accommodate the new hydraulic regime.

6. Accommodate stormwater drains discharging onto Gales land.

This change is necessary to accommodate the new hydraulic regime.

7. Modify the development consent to remove the need for a Deferred Commencement Condition

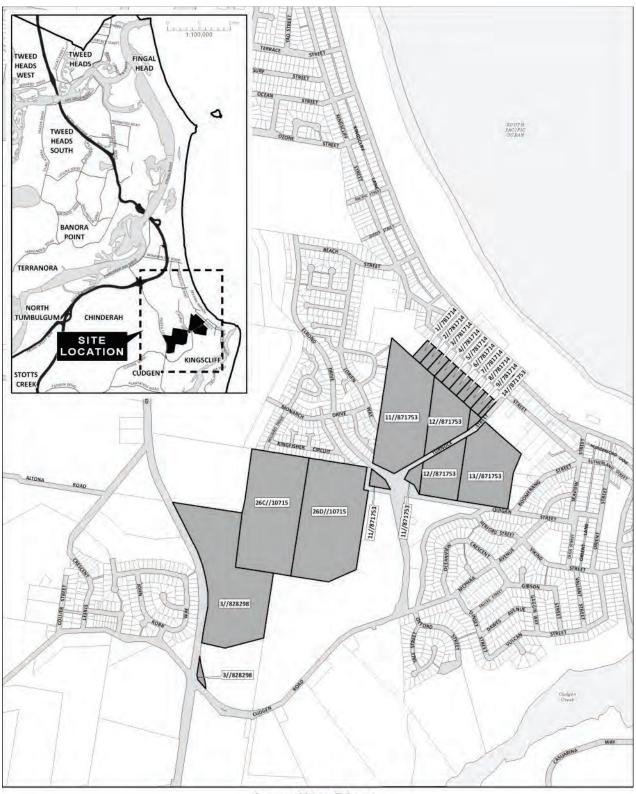
This change is necessary to ensure lawful physical commencement can occur prior to 28 August 2013.

8. Modify many conditions of the consent to reflect the new plans and changes as detailed above.

The many necessary changes are discussed in detail within this report.

The appropriateness of the proposed S96AA is assessed in the following report.

SITE DIAGRAM:



Locality Plan DA05/0004.03



AERIAL PHOTOGRAPH 2012:



Aerial Photo DA05/0004.03

Aerial Imagery May 2012

Aerial imagery was captured on 6th to 9th May 2012 © AAM Pty Ltd

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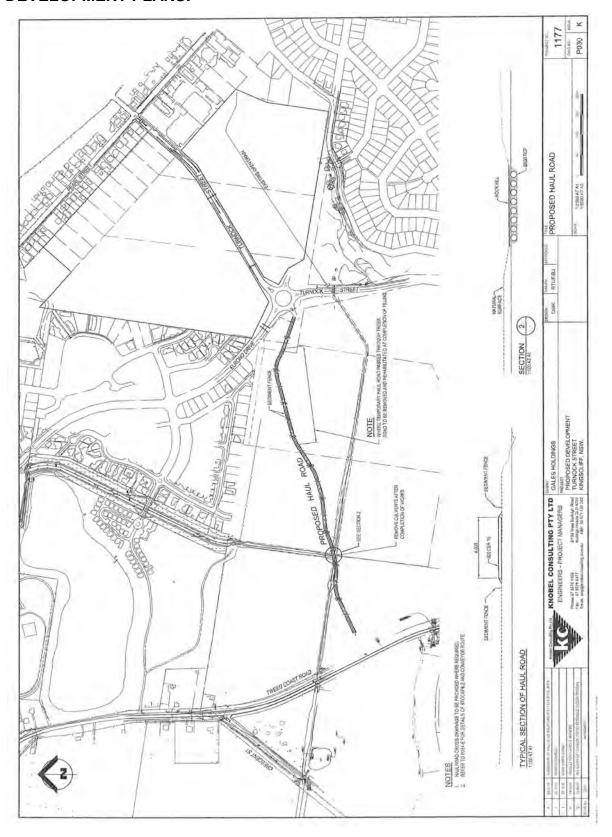
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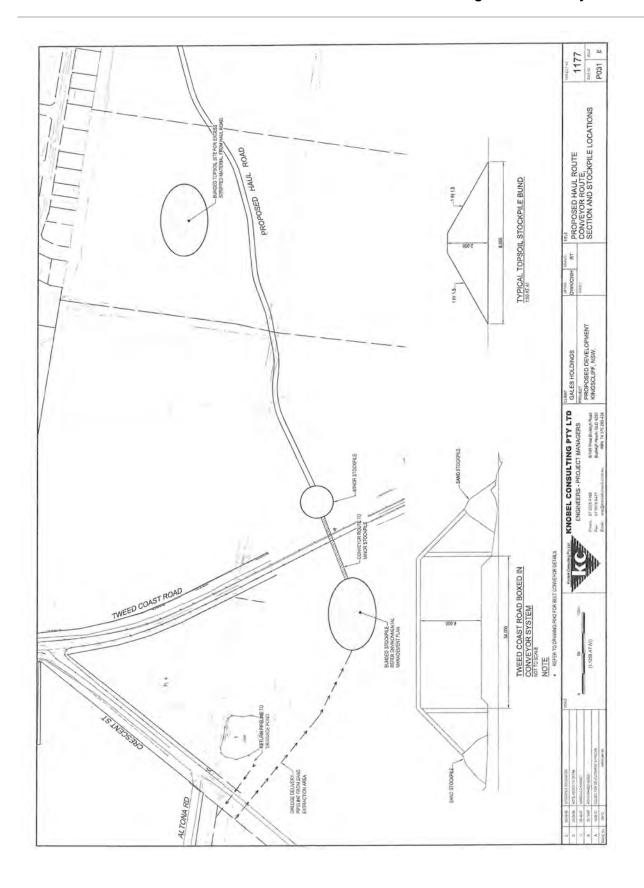
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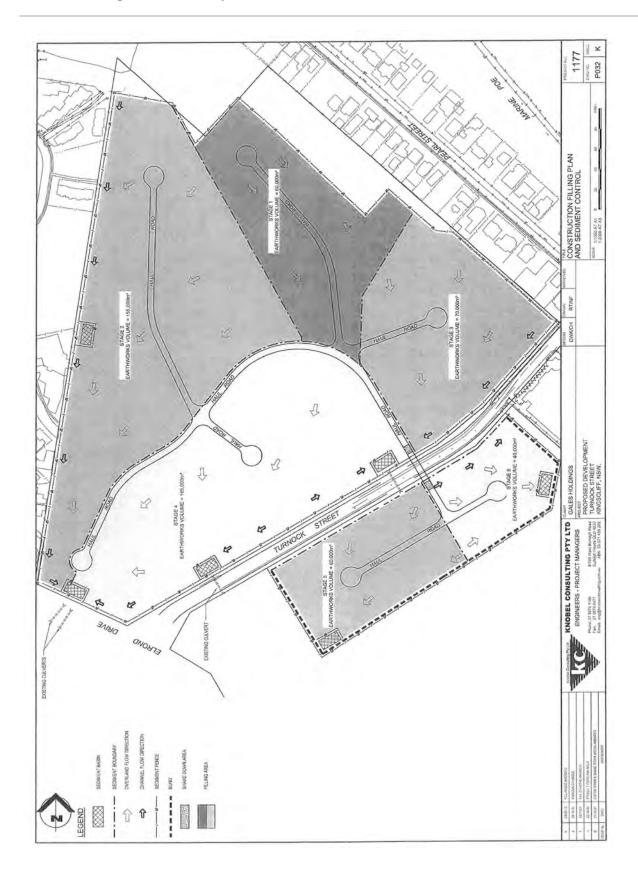
Civic and Cultural Centre
3 Tumbulgum Road
Murriblam bain KISW 2484
PO 80x 816
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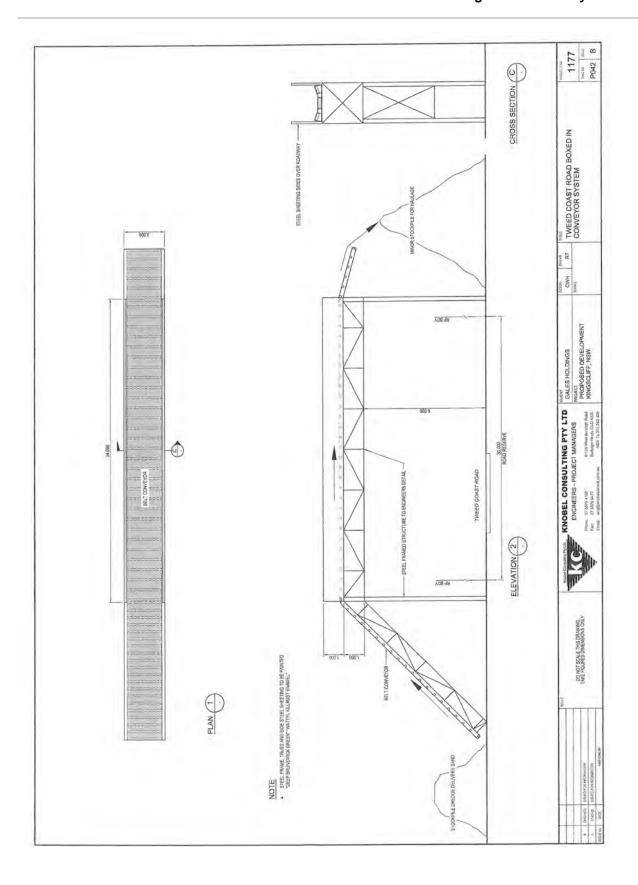


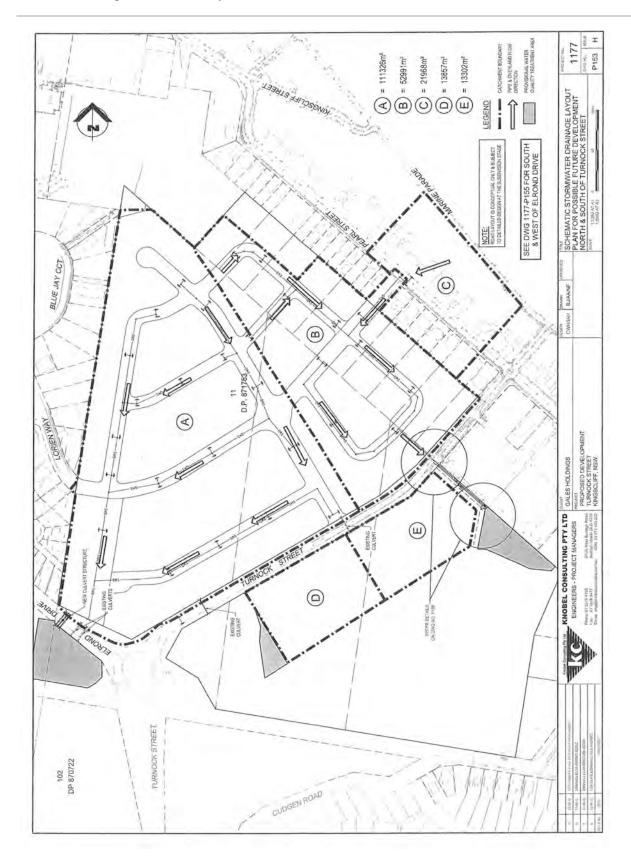
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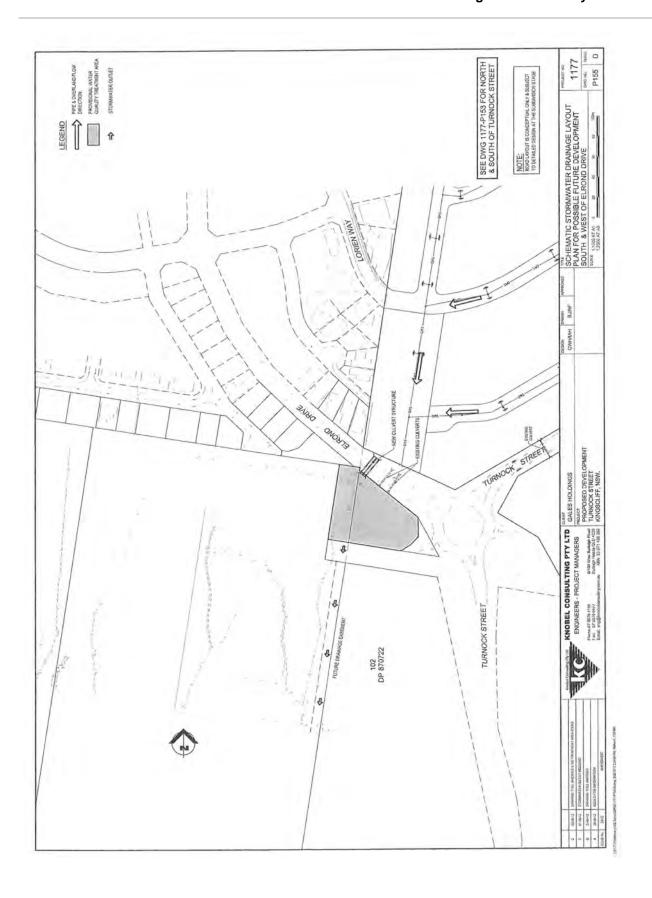


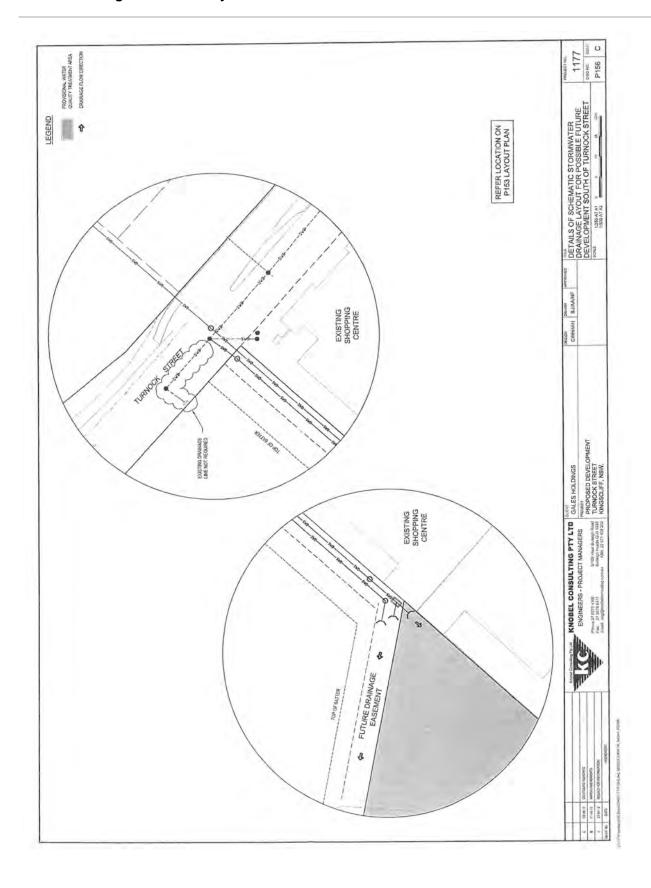


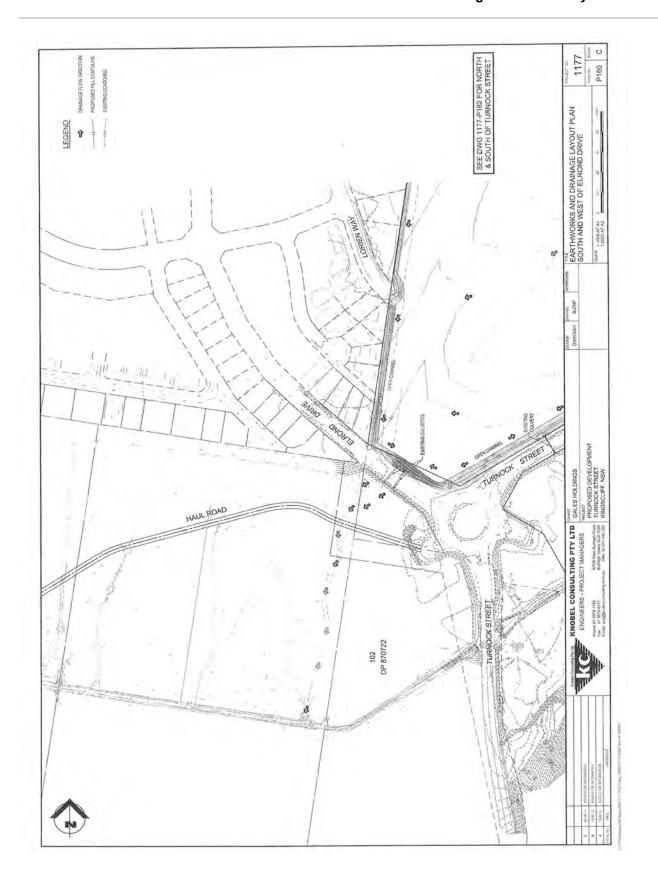


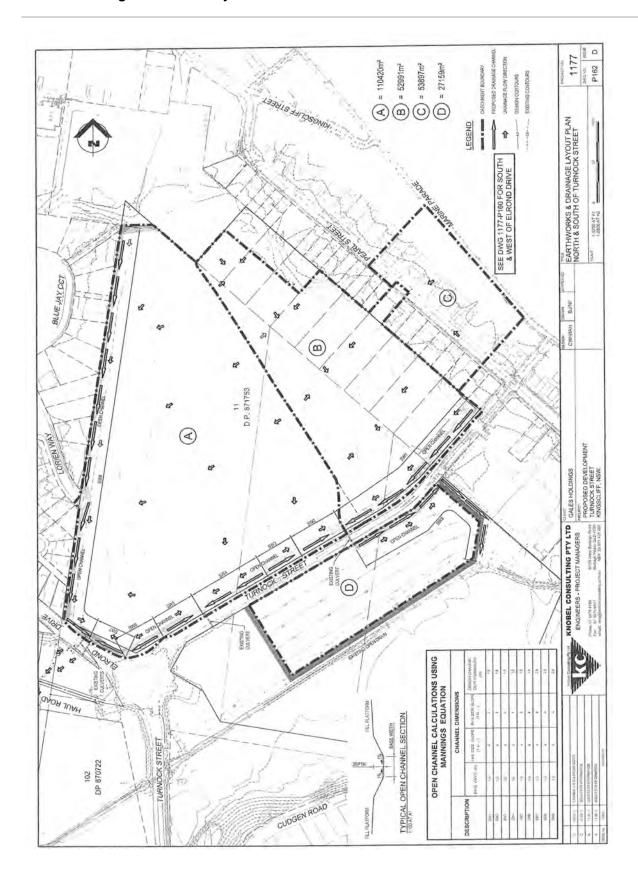


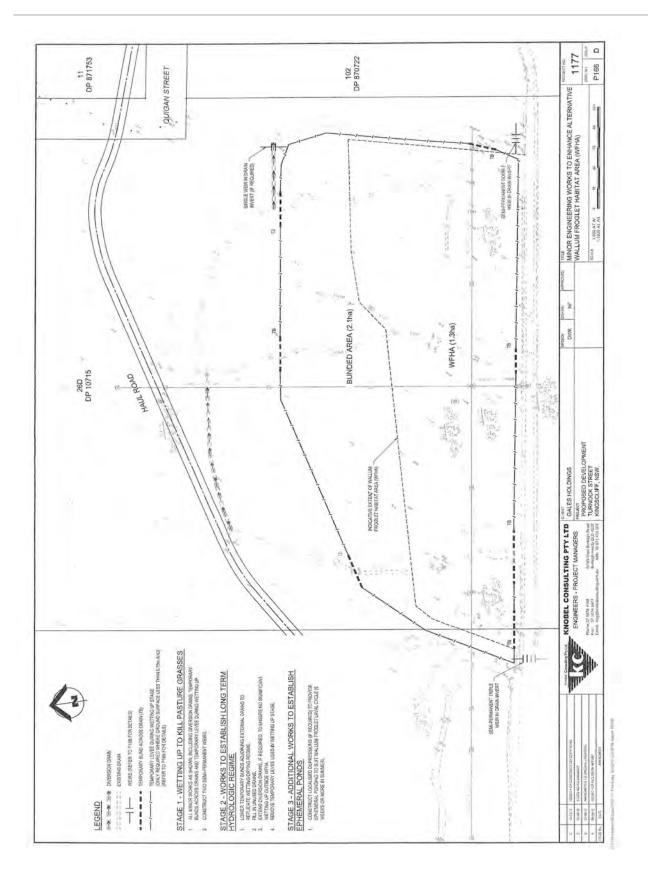


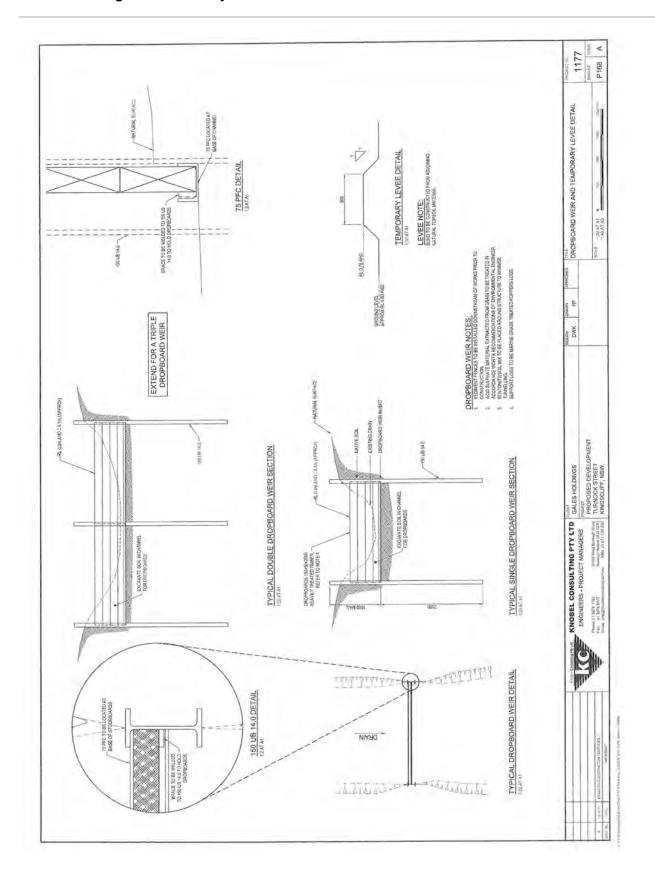












CONSIDERATIONS UNDER SECTION 79C AND 96AA OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

S96(AA) of the Act specifies that a Council can modify a Court Approved development consent only if it is satisfied that the proposed modified development is substantially the same as the approved development and that all relevant consultations and submissions have been undertaken and considered in the assessment of the application.

The Act specifies that in determining an application for modification the consent authority must take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the application.

Assessment of Substantially the Same Development and the Provisions of 79C of the Act

The applicant's proposal to relocate the Wallum Froglet Habitat Area, undertake additional filling and amend the drainage regime in the area has been considered by relevant Council staff.

The proposed location of the alternative Wallum Froglet Habitat Area is proposed within that part of Lot 26D in DP 10715 zoned 2(c) Urban Expansion under the Tweed Local Environmental Plan 2000 (Tweed LEP 2000), which is the same zone that the previous Wallum Froglet Precinct was located within. Therefore many of the statutory considerations remain unchanged.

The following merit assessments have been undertaken on the various aspects of the proposal:

Proposed Additional Filling Amendments

The applicant has provided an amended filling plan for the site, which removes the Wallum Froglet Precinct, the major drainage channel, and stormwater treatment area from the filled area north of Turnock Street.

Council's Blue Jay Circuit Scheme consists of a significant upgrade to the east-west drainage system connecting Gales land and adjoining catchments to the north to the Kingscliff Drain. Council's upgrade will achieve Q100 capacity, thereby allowing the range of design storms (minor and major) to flow to the west without having to traverse Gales' land. Construction is well advanced at the time of this assessment.

Due to this drainage upgrade, the major drainage channel through the fill is no longer necessary, and the fill plan has been amended accordingly. No objections are raised to this amendment.

The S96AA application proposes the relocation of the Wallum Froglet Precinct to a location south west of the Turnock Street-Elrond Drive roundabout. On the assumption that this relocation is supported by Council, the filling of the WFP area is not opposed, as it maximises the developable area and removes a significant constraint on the design and construction of the future subdivision of the site.

In the approved development, a stormwater treatment area was provided adjoining the Wallum Froglet Precinct. This area was required to treat urban runoff from the filled land and subsequent urban development to achieve the requirements of Development Design Specification D7, as well as additional ecologically based water quality objectives (WQOs) prior to discharge to the Wallum Froglet Precinct. Should the Wallum Froglet Precinct be relocated as proposed, it would also be feasible to relocate the stormwater treatment area. The applicant has nominated an area west of the Turnock Street-Elrond Drive roundabout to provide a treatment area that will apparently comply with D7. As direct discharge to the Wallum Froglet Precinct is no longer required, additional WQOs are also no longer relevant.

These amendments are supported in principle as it separates the "engineering" and the "ecological" aspects of the water management system, and simplifies design, construction and future maintenance.

Since the original Court approval, Council has updated the Tweed Valley Flood Study, and revised design flood levels in DCP Section A3 - Development of Flood Liable Land. A3 now specifies that "greenfield" subdivision is required to be filled to climate change affected design flood levels, to take into account future sea level rise and increased storm intensity. Accordingly, the design flood level increased from RL 3.3m AHD to RL 3.6m AHD at the subject site. The approved plans show land filled to a minimum of RL 3.5m AHD, so increases in fill to accommodate this upward revision of design flood level are necessary and are supported. The additional filling is not expected to have any significant impact on local flood behaviour in the locality, given the footprint of the fill does not change significantly, and that initial modelling done with the filling Development Application already assumed that the entire site would be filled, for simplicity.

Cumulatively, a significant increase in the volume of fill to be imported to the site results from these amendments, from the approved maximum 360,000m³ to 580,000m³, a 220,000m³ increase. The applicant has proposed no changes to the approved importation system, which consists of sand extraction west of Crescent Street Road, a conveyor over Tweed Coast Road to a stockpile site, and then truck haulage along an approved route to Turnock Street, utilising an existing stub on the Turnock Street roundabout, and then onto the site.

An addendum traffic report has been prepared by Cardno dated September 2012 to address the effects of the additional haulage movements.

The original haulage timetable was based on one excavator loading a truck and trailer combination with a 15m³ haulage capacity, arriving at the site every five minutes. This generates the following based on working a nine hour day, 6 days per week:

- 216 daily truck movements
- 24 peak hour truck movements
- 48,000 total truck movements
- 37 week haulage and filling program

The current S96AA proposes two haulage timetables to address the additional truck movements. Haulage timetable one proposes the same rationale as used in original timetable resulting in a longer timeframe to provide an additional 220,000m³ of fill to the site, resulting in a 60 week time table. The second timetable proposes an additional excavator and trucks to increase the haulage rate. This assumes a fully loaded truck and trailer can arrive to the site every 3.2 minutes. Therefore equating to 38 truck movements in one hour. This scenario could be challenging to achieve without adequate project management and programming the availability of trucks and trailers. This method of filling will generate the following based on a working a nine hour day, 6 days per week:

- 348 daily truck movements
- 38 peak hour truck movements
- 77,333 total truck movements
- 37 week program (same time frame as the original proposal)

The additional truck movements (maximum 132 extra trips above what is already approved) on Turnock Street are not expected to impact on capacity or safety, particularly if channelised turn treatments are provided. One issue is that in providing these turning lanes, the existing on-road shared user path on the northern side of Turnock Street will be impacted, and alternative arrangements and/or traffic control measures are needed to accommodate safe pedestrian and cyclist movements throughout construction.

In regards to noise, dust and general amenity issues associated with the additional fill the applicant has submitted an amended Environmental Management Plan. In addition there are recommended conditions of consent for construction noise management plans prior to issue of a construction certificate. The additional trips generated by the additional fill is not considered to raise any new significant issues but rather extend the construction period and or intensify operation to enable the additional fill to be imported. Given the extent of earthworks already approved by the Court the additional fill is considered in keeping with the intent of the original consent.

It is expected that proponent will be able to adequately project manage community complaints and queries associated with the filling works, therefore a condition has been recommended for the nomination of a community liaison officer by the proponent.

A construction management plan is also requested with the construction certificate application or engineering plans as statutorily required, to provide detail on construction management of the site plus sequencing/programming of the filling/earthworks.

Recommended new condition - community liaison officer

A COMMUNITY LIAISON OFFICER AND COMMUNITY LIAISON CONTACT PHONE NUMBER SHALL BE AVAILABLE ON A 24 HOUR BASIS DURING CONSTRUCTION WORKS. DETAILS OF THE CONTACT PERSON AND TELEPHONE NUMBER SHALL BE CLEARLY DISPLAYED AT THE SITE ENTRY. DETAILS OF THE CONTACT PERSON AND TELEPHONE NUMBER SHALL BE LOCALLY ADVERTISED A MINIMUM OF FOURTEEN DAYS (14) PRIOR TO THE COMMENCEMENT OF WORKS AND LOCAL AFFECTED RESIDENTS NOTIFIED BY MEANS OF AN INDIVIDUAL LETTER DROP TO EACH HOUSEHOLD.

A SIGN IS TO BE ERECTED AT THE ENTRY OF THE SITE TO CLEARLY ADVISE THE COMMUNITY LIAISON OFFICERS DETAILS AND CONTACT NUMBER. THESE DETAILS ARE TO BE DOCUMENTED IN THE CONSTRUCTION MANAGEMENT PLAN.

Recommended new condition – construction management plan

A construction management plan is to be provided for the filling and earthworks. These details are to be submitted with the application for a Construction Certificate and or Engineering Plans as statutorily required for the filling and earthworks, identifying how the site and filling works are to be programmed and managed.

The construction management plan shall address, not be limited to, the following matters where relevant:

- Sequencing of filling/earthworks
- Contact details of site manager & community liaison officer
- Traffic and pedestrian management
- Dust Management
- Noise and vibration management
- Construction waste management
- Erosion and sediment control; and
- Flora and fauna management.

These new conditions form part of the recommendation for this report.

Wallum Froglet Habitat Area

Prior to the applicant lodging the subject S96AA Application the applicant attended the Development Assessment Panel seeking guidance on the proposal.

A meeting of the Development Assessment Panel on 20 January 2012 determined that Council could consider a relocated Wallum Froglet Habitat Area provided that:

...any proposal to relocate the Wallum Froglet habitat area should meet the following conditions:

- 1. Identification of suitable non-bushland area(s) at least as large as the area to be relocated.
- 2. Agreement among experts on the technical feasibility of recreating Wallum Froglet habitat and re-establishing a Wallum Froglet population.
- 3. Any areas of new Wallum Froglet habitat should be established prior to the filling of the existing areas to the north and south of Turnock Street.
- 4. Preparation and commitment to the implementation of an agreed management plan and monitoring strategy for a period of 5 years.
- 5. Any new areas of Wallum Froglet habitat to be protected by restriction on title and environmental protection zoning.

To demonstrate compliance with the above the applicant submitted a Wallum Froglet Management Plan. During the course of the assessment the Wallum Froglet Management Plan has been amended on two occasions. The above matters have now been adequately addressed within the latest management plan and brief commentary is provided below in this regard:

Identification of suitable area

The Wallum Froglet Habitat Management Plan submitted with the modification nominates an alternative area in the south-eastern corner of the northern half of Lot 26D DP10715, approximately 350m to the southwest of the Wallum Froglet Precinct to be dedicated to the creation of Wallum Froglet Habitat. The land is currently zoned 2(c) Urban Expansion. An area of approximately 1.3ha of predominantly cleared grazing land and an additional 0.8ha of partly treed land has been identified as the focus of this plan.

This location is considered to provide a more secure and sustainable area for habitat restoration/recreation due to its location in the landscape, adjacent vegetation remnants and 7(I) Environmental Protection (Habitat) zoning of land to the south.

2. Technical feasibility of recreation of Wallum Froglet habitat

The approach to the creation of suitable habitat for the Wallum Froglet is largely experimental and requires substantial manipulation of the existing conditions at the site. Council recognises that the site will require clearly defined targets, close monitoring and an adaptive response in order to achieve the desired outcomes. The initial management plan did not demonstrate sufficient monitoring for Council to be satisfied that appropriate water quality and that an appropriate hydrological regime could be achieved consistently. The latest Management Plan has incorporated the monitoring as required by Council to satisfy this provision.

3. Establishment of new areas of habitat prior to filling

The target vegetation community nominated for the proposed Wallum Froglet Habitat Area is modelled on the vegetation community recorded within the approved Wallum Froglet Precinct and requires a shift from a pasture grass to a sedgeland community. This is to be achieved through the initial "wetting-up" stage to remove existing pasture grass and *Melaleuca* seedlings and favour sedge growth, followed by manipulation of the drainage regime to maintain a sedgeland community on the site. The target for habitat establishment is generally stated to be 80% sedge/fern cover. This is considered acceptable and is to be measured using a quadrat-based survey design.

The revised Management Plan ensures that all targets and performance measures/thresholds are included in the Management Action table (Table 5) and that targets are clear and consistent throughout the Plan.

4. Implementation of management for a 5-year period

The original plan did not make a commitment for a 5-year period of management. The original plan only committed to the carrying out of wetting-up, modification of hydrology and ground level modification until establishment of the target vegetation parameters are met. One year of Wallum Froglet and habitat monitoring is specified post-habitat establishment. It is suggested that hydrology and habitat targets will take up to two years to establish. If this is the case, the requirements of the plan could be carried out within three years.

The amended Wallum Froglet Habitat Management Plan indicates approximately a two year establishment period (this could be less) with a commitment to monitoring for a minimum of three years post-establishment, such that approximately a five year management period is achieved.

5. Long-term protection of land

The original Management Plan contained no reference to a proposed mechanism for long-term protection of the Wallum Froglet Habitat Area. The recommended conditions of consent incorporate the need for a protective covenant for the new Wallum Froglet Habitat Area.

For the reasons outlined above the proposed relocation of the Wallum Froglet Precinct is supported from an ecological perspective.

In regards to drainage with the new Wallum Froglet Habitat Area Council acknowledges the required onsite works, and provided they do not result in the diversion of water or cause ponding on adjoining land, no concerns are raised. Any works that impact on the main Kingscliff Drain where it bounds the site will need to ensure that there are no significant impacts on tailwater conditions for existing drainage systems and private land upstream. These will need to be addressed in detail with the construction certificate.

Due to the adaptive management approach to this habitat area, the appropriate measures to influence hydraulic behaviour in the locality will need to change from time to time and be closely monitored for impacts (both positive and negative). Appropriate conditions are recommended in this regard.

Stormwater Management

The revised fill design removes several key constraints to future subdivision design, particularly with regard to stormwater drainage. While subdivision works are not part of the S96AA Application, the applicant has provided a schematic subdivision design to demonstrate an alternative drainage system that is compatible with finished fill levels, the future road layout, and revised discharge points.

The most significant change to note in this concept design is that the main discharge point for the major catchment north of Turnock Street will now be new culverts under Elrond Drive, rather than upgraded Turnock Street culverts as per the approval.

Other catchments north of Turnock Street, including an external catchment, will be directed southward to a new line running along the eastern boundary adjacent to the existing supermarket site. The existing Turnock Street drainage system will be connected into this system.

These arrangements are all generally acceptable, subject to a future subdivision application where these measures will be formalised. The consultants' reports demonstrate that a future residential subdivision can be adequately serviced in accordance with the revised filling plan.

Proposed Changes to Conditions

As part of the S96AA the applicant has requested many amendments to the existing conditions of consent. The following is a list of all the recommended changes to accommodate the applicant's amended proposed amendments:

- 1. **Delete the Deferred Commencement Heading and all parts of Schedule A** as this consent will no longer be considered a deferred commencement consent. Schedule A had the 3 components which can be summarised as follows:
 - A. A Wallum Froglet Management Plan and 12 months of frog monitoring;
 - B. A Revised haulage route to minimise tree loss;
 - C. The re-assessment, monitoring and design of the drainage system and water treatment train so that it meets the agreed water quality and hydro cycle features needed to maintain Wallum Froglet Habitat in the Wallum Froglet Precinct area.

The deletion of deferred matter A and C are considered acceptable as all relevant matters have now been addressed in the revised Wallum Froglet Management Plan.

In regards to the haulage route this deferred commencement condition can be moved to normal part of the consent as a condition prior to issue of a construction certificate. Therefore no objection is raised to the deletion of the deferred commencement heading and schedule A.

2. Delete the reference to Schedule B and the associated NOTE in regards to Part B of the Consent

This is an administrative change derived from the changes as detailed in 1 above.

- 3. Delete Condition 1 which listed the approved plans and replace it with new Condition 1.1 to read as follows:
 - 1.1 The development shall be completed in accordance with the Amended Statement of Environmental Effects (November 2007) except where varied by the approved S96AA Applications (DA05/0004.01, DA05/0004.02 and DA05/0004.03) and the approved plans as follows:
 - (a) Approximate Haul Road as approved per DA05/0004.03 Project Number 1177 Plan No P030 Issue K prepared by Knobel Consulting Pty Ltd and dated 3/08/2012.
 - (b) Haul Route, Conveyor Route Section and Stockpile Plan as approved by the original DA05/0004 – Project Number 1177 Plan No P031 Issue E prepared by Knobel Consulting Pty Ltd and dated 2/4/08,

- (c) Construction Filling Plan And Sediment Control as approved by DA05/0004.03 Project Number 1177 Plan No P032 Issue K prepared by Knobel Consulting Pty Ltd and dated 3/08/2012,
- (d) Boxed In Conveyor System as approved by the <u>original DA05/0004</u> Project Number 1177 Plan No P042 Issue B prepared by Knobel Consulting Pty Ltd and dated 28/03/2008,
- (e) Schematic Stormwater Drainage Layout for possible future development North & South of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P153 Issue H prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
- (f) Schematic Stormwater Drainage Layout for possible future development South & West of Elrond Drive as approved by DA05/0004.03 Project Number 1177 Plan No P155 Issue D prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
- (g) Details of Schematic Stormwater Drainage Layout for Possible Future Development South of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P156 Issue C prepared by Knobel Consulting Pty Ltd and dated 03/08/2012,
- (h) Earthworks and Drainage Layout Plan South and West of Elrond Drive as approved by DA05/0004.03 - Project Number 1177 Plan No P160 Issue C prepared by Knobel Consulting Pty Ltd and dated 06/08/2012,
- (i) Earthworks and Drainage Layout Plan North and of Turnock Street as approved by DA05/0004.03 Project Number 1177 Plan No P162 Issue D prepared by Knobel Consulting Pty Ltd and dated 06/08/2012,
- (j) Minor Engineering Works to Enhance new Wallum Froglet Habitat Area as approved by DA05/0004.03 - Project Number 1177 Plan No P166 Issue D prepared by Knobel Consulting Pty Ltd and dated 12/12/2012,
- (k) Dropboard Weir and Temporary Levee Detail as approved by DA05/0004.03
 Project Number 1177 Plan No P168 Issue A prepared by Knobel Consulting Pty Ltd and dated 12/12/2012,

except where varied by the conditions of this consent:

Please note: the minor engineering works referenced in plans P166 and P168 are approved by DA05/0004.03 and do not necessitate an application for a Construction Certificate to enable the works shown on those plans to be undertaken.

[GEN0005]

4. Add new Condition 1.2 to read as follows:

1.2 The Stage 1 Rehabilitation Works within the alternative Wallum Froglet Habitat Area are to be carried out in accordance with the Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated April 2013.

5. Add new Condition 1.3 to read as follows:

1.3 Within 60 days of commencing of work for the Stage 1 Rehabilitation Works, a restriction on user burdening that part of Lot 26D DP10715 that is retained for the benefit of the Wallum Froglet (the alternative Wallum Froglet Habitat Area) shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the fourth Restrictive Covenant annexed to these conditions and will affect the area of land referred to in the annexed fourth Restrictive Covenant.

Council Meeting Date: Thursday 20 June 2013

- 6. Delete condition 1A and replace with an amended Condition now labelled 1.4 (to allow the registration to occur within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.4 Within 2 years of the date of commencement of DA05/0004, a restriction on user burdening lots 1, 2 and 3 DP 781714 for the land shown on the plan marked "Littoral Rainforest vegetation" as "covenant area" shall be registered in favour of Tweed Shire Council. The restriction shall prevent the removal of littoral rainforest vegetation from that land. The instrument shall be in or to the effect of the third Restrictive Covenant annexed to these conditions and will affect the area of land referred to in that Restrictive covenant.

[GENNS01]

- 7. Delete condition 1B and replace with an amended Condition now labelled 1.5 (to allow the registration to occur within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.5 Within 2 years of the date of commencement of DA05/0004 a restriction on user and public positive covenant burdening part of Lot 13 DP 871753 for the land shown on the Plan marked "Level Survey of Part of Land adjacent to Turnock Street, dated 7 April 2008 shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the first Restrictive Covenant annexed to these conditions and will affect the area of land referred to in that Restrictive covenant.

[GENNS01]

- 8. Delete condition 1C and replace with an amended Condition now labelled 1.6 (to allow the registration to occur within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.6 Within 2 years of the date of commencement of DA05/0004 a restriction on user burdening those parts of lot 11 and Lot 12 in DP871753 that are retained for the benefit of the Wallum Froglet (land to the south of Turnock Street) shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the second Restrictive Covenant annexed to these conditions and will affect the area of land referred to in the annexed second Restrictive Covenant.

[GENNS01]

- 9. Delete condition 1CA which related to a restrictive covenant for the original Wallum Froglet Precinct north of Turnock Street as new condition 1.3 covers the registration of the new Wallum Froglet Habitat Area.
- 10. Delete condition 1D and replace with an amended Condition now labelled 1.7 (to enable the plan to be received within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.7 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the area which is the subject of the first restrictive covenant. The management plan shall contain provisions with respect to:
 - habitat description: baseline survey of current condition and extent of habitat:
 - b. MRS survey: baseline survey of snail population;
 - c. review and assessment of threatening processes (including weeds, predators, storm water and wetting up);
 - d. initial habitat protection and restoration works (weeding and fencing);

- e. monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), snail monitoring by day and night survey of fixed sample points (annual for five years), and
- f. reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan, with the goal of ensuring that the local population of the Mitchell Rainforest Snail is not likely to be placed at risk of extinction, shall be approved by Council within 2 years of commencement of DA05/0004. Once approved the management plan shall be complied with at all times.

After 5 years of monitoring a revised plan shall be submitted to Council for approval which incorporates any necessary and feasible measures for continuing management of the land. Once approved the revised management plan shall be complied with at all times unless varied with the consent of Council.

[GENNS01]

- 11. Delete condition 1E and replace with an amended Condition now labelled 1.8 (to enable the plan to be received within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.8 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the Wallum Froglet Habitat area on Lots 11 and 12 in DP 871753 area which is the subject of the second restrictive covenants. The management plan shall contain provisions with respect to:
 - (a) habitat description: baseline survey of current condition and extent of habitat;
 - (b) Wallum Froglet Survey: baseline survey of Froglet population;
 - (c) review and assessment of threatening processes (including weeds, predators, stormwater, physicochemical and hydrological conditions).
 - (d) initial habitat protection and restoration works (e.g., if considered appropriate by the expert preparing the management plan, weeding, drainage or fencing).;
 - (e) monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), monitoring by day and night survey of fixed sample points (annual for five years) under suitable weather conditions and during breeding periods. Appropriate methodology, weather conditions and season for monitoring will be described in the management plan, and
 - (f) reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan, with the goal of maintaining or improving existing Wallum Froglet habitat, shall be approved by Council within 2 years of commencement of DA05/0004. Once approved the management plan shall be complied with at all times. After approval, the management plan may be varied with the consent of Council.

[GENNS01]

- 12. Delete condition 1F and replace with an amended Condition now labelled 1.9 (to enable the plan to be received within 2 years of the date of commencement of DA05/0004 rather than prior to commencing work) as detailed below:
 - 1.9 Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the littoral rainforest area within Lots 1, 2 and 3 of DP 781714 which is the subject of the third restrictive covenant. The management plan shall contain provisions in respect of the area coloured green in B&P Surveys Plan 16814 B Rev C as follows:
 - (a) habitat description: baseline survey of current condition and extent of habitat;
 - (b) review and assessment of threatening processes(including weeds, and edge effects):
 - (c) initial habitat protection and restoration works (removal of exotic trees and shrubs and weeding);
 - (d) monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), and
 - (e) reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan shall have provisions to ensure that the balance of the covenant area is not managed or used in a manner which would interfere with the ecological integrity of the littoral rainforest vegetation community in the area coloured green in B&P Surveys Plan 16814 B Rev C.

The management plan, with the goal of ensuring that the ecological integrity of the littoral rainforest vegetation community is maintained or improved over time and furthermore is not likely to be placed at risk of local extinction, shall be approved by Council within 2 years of the date of commencement of DA05/0004. Once approved the management plan shall be complied with at all times.

After 5 years of monitoring a revised plan shall be submitted to Council for approval which incorporates any necessary and feasible measures for continuing management of the land with. Once approved the revised management plan shall be complied with at all times unless varied with the consent of Council.

[GENNS01]

- 13. Delete Condition 3 and replace it with a revised condition 3.1 (to reference the new Environmental Management Plan) as detailed below:
 - 3.1 All works shall comply with the approved Environmental Management Plan (HMC 2012.123EMP (HMC Environmental P/L, December 2012). A copy of the plan complete with Key Person and Contacts shall be provided to tweed Shire Council prior to commencement of works.

[GEN0005]

- 14. Delete Condition 4 and replace it with a revised condition 4.1 (to reference the new Acid Sulfate Soil Management Plan & Groundwater Management Plan) as detailed below:
 - 4.1 All works shall comply with the approved Acid Sulfate Soil Management Plan & Groundwater Management Plan HMC 2012.123ASSMP (HMC Environmental P/L, December 2012).

[GEN0005]

- **15. Delete Condition 5** as the revised Environmental Management Plan adequately covers dust nuisance during construction.
- 16. Delete Condition 9 and replace it with a revised condition 9.1 (to reference Prior to commencement of <u>filling</u> works) as detailed below:
 - 9.1 Prior to commencement of filling work, a Section 68 Certificate, Section 138 and a construction certificate and or engineering plans (as statutorily required) shall be submitted to Council for approval to enable commencement of the filling, drainage and general engineering works as proposed by this consent. This condition is not relevant to the minor engineering works proposed in the new Wallum Froglet Habitat Area which have been approved as part of DA05/0004.03

[GEN0185

- 17. Insert a new condition 10.1 (to replace Deferred Commencement Condition B in regards to the haulage road being better defined) as detailed below:
 - 10.1 Prior to Issue of a Construction Certificate for the filling works the applicant is to lodge a revised haulage route to minimise tree loss. Such plan is to be consistent with that route defined by Council's Dr. Mark Kingston, the applicants Dr Andrew Smith and the applicants Mr Greg Elks, on 31 March 2008 and such that the alignment is subject to trucks being able to turn on reasonable curves. Only the trees marked on site (with tape) are trees that are to be removed.
 - In addition the applicant is to lodge details for the rehabilitation of the temporary haul route. This should include details pertaining to the methods for removal, storage and reinstatement of top soil, disposal of temporary road base material, re-establishment of vegetation and minimising the impacts on the alternative Wallum Froglet Habitat Area as included in the approved "Wallum Froglet Habitat Management Plan, Kingscliff" prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated April 2013. This detail shall be approved by Council prior to the issue of a Construction Certificate for filling works.

[PCCNS01]

18. Insert a new condition 10.2 (to accommodate a community liaison officer) as detailed below:

10.2 A COMMUNITY LIAISON OFFICER AND COMMUNITY LIAISON CONTACT PHONE NUMBER SHALL BE AVAILABLE ON A 24 HOUR BASIS DURING CONSTRUCTION WORKS. DETAILS OF THE CONTACT PERSON AND TELEPHONE NUMBER SHALL BE CLEARLY DISPLAYED AT THE SITE ENTRY. DETAILS OF THE CONTACT PERSON AND TELEPHONE NUMBER SHALL BE LOCALLY ADVERTISED A MINIMUM OF FOURTEEN DAYS (14) PRIOR TO THE COMMENCEMENT OF FILLING WORKS AND LOCAL AFFECTED RESIDENTS NOTIFIED BY MEANS OF AN INDIVIDUAL LETTER DROP TO EACH HOUSEHOLD.

A SIGN IS TO BE ERECTED AT THE ENTRY OF THE SITE TO CLEARLY ADVISE THE COMMUNITY LIAISON OFFICERS DETAILS AND CONTACT NUMBER. THESE DETAILS ARE TO BE DOCUMENTED IN THE CONSTRUCTION MANAGEMENT PLAN.

[PCCNS01]

19. Insert a new condition 10.3 (to accommodate a construction management plan) as detailed below:

10.3 A construction management plan is to be provided for the filling and earthworks. These details are to be submitted with the application for a Construction Certificate and or Engineering Plans as statutorily required for the filling and earthworks, identifying how the site and filling works are to be programmed and managed.

The construction management plan shall address, not be limited to, the following matters where relevant:

Sequencing of filling / earthworks

- Contact details of site manager & community liaison officer
- Traffic and pedestrian management
- Dust Management
- Noise and vibration management
- Construction waste management
- Erosion and sediment control: and
- Flora and fauna management.

[PCCNS01]

20. Delete Condition 10 and insert a new condition 10.4 (to accommodate revised heavy haulage rates and revised drainage rates for the increased fill) as detailed below:

10.4 Section 94 Contributions

Heavy Haulage Component

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

Charges are fixed for a period of 12 months from the date of the original 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.

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 6 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

 $Con_{TRCP - Heavy} = Prod. \ x \ Dist \ x \ Unit \ x \ (1+Admin.)$

where:

 $Con_{TRCP - Heavy}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site

over life of project in tonnes

Dist. average haulage distance of product on Shire roads

(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section

7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

Cont = Cont (sand)+Cont (Gravel)

= (580,000*1.44*5.4*0.4*1.05) + (10800*2.4*5.4*0.4*1.05)

= 1894234 + 58786 cents

= \$19,500

West Kingscliff - Drainage:

17.3844ha @ \$56,641 **\$984,669.80****

S94 Plan No. 7

**Less the value of works in kind as defined below

In accordance with the Section 94 Contributions Plan No 7 (CP7) the applicant's construction of the works referred to in condition 35(a) to (g) and the grant of the easement referred to in condition 35(h) are "works in kind" that will reduce the amount payable in accordance with CP7. The value of the works for the purpose of calculating the value of "works in kind" will be calculated in accordance with CP7 - Schedule 1 - Contribution Rates, b) Drainage. The value of the easement for the purpose of calculating the value of "works in kind" shall be 75% of the value of land "C" in CP7 - Schedule 1 - Contribution Rates, b) Drainage.

The net (\$984,669.80 less the value of works in kind) CP7 contribution, is to be paid at the earlier of 12 months from the date of the Section 68 approval for drainage works required by condition 35 or at the completion of construction of the drainage works referred to in this condition.

If the value of "works in kind" exceed the contribution amount, then this amount shall be a CP7 credit towards future development by the applicant in the Kingscliff Drainage Catchment."

[PCC0225]

21. Delete Condition 11 and insert a new condition 11.1 (to reference prior to commencement of filling work) as detailed below:

11.1 **Prior** to commencement of filling work 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 (minimum \$1,000).

This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Tweed Shire Council's General Manager or delegate, within seventy two (72) hours from the date of serving any notice. The bond is to be released upon completion of all work, to the satisfaction of Tweed Shire Council's General Manager or delegate.

[PCC0275]

22. Delete Condition 12 and insert a new condition 12.1 (to reference prior to commencement of filling work) as detailed below:

12.1 Prior to commencement of filling work (or other work which may generate the need for a long service levy payment) a 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) must be paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

23. Delete Condition 13 and insert a new condition 13.1 (to reference the Wallum Froglet area south or Turnock Street only as no fill is proposed near the new Wallum Froglet area) as detailed below:

13.1 All imported fill material shall be from the approved sand extraction at Lot 2 DP 216705 in accordance with DA96/0518. If the fill imported to the southern side of Turnock Street has a shell grit content in excess of 1%, then an impermeable barrier shall be placed within the fill batter to the Wallum Froglet Precinct. Any additional fill for topsoil, road base, mulch, etc is to be free of contaminates with details of such fill submitted to Council for approval prior to commencement of work.

[PCC0465]

24. Delete Condition 14 and insert a new condition 14.1 (to reference new plans) as detailed below:

14.1 The site is to be filled, graded and drained in general accordance with levels and dimensions shown on Filling Plan P162 Issue D prepared by Knobel Consulting Pty Ltd and dated 6/08/2012 except as amended by conditions of consent. No haulage vehicles are to access the area identified for Wallum Froglet Habitat. 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 approval by Council.

[PCC0485]

25. Delete Condition 15 and insert a new condition 15.1 (to reference "filling work") as detailed below:

- 15.1 Prior to the issue of a Construction Certificate and or Engineering Plans for the filling work as statutorily required the following detail in accordance with Councils adopted 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
 - landscaping and revegetation works
 - sedimentation and erosion management plans

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]

26. Delete Condition 16 and insert a new condition 16.1 (to reference "filling work") as detailed below:

16.1 Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority **PRIOR** to the issue of a construction certificate for the filling work. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

27. Delete Condition 17 and insert a new condition 17.1 (to reference "filling work") as detailed below:

- 17.2 An application (or applications) under section 68 of the Local Government Act, 1993 is required prior to commencement of any filling works that involve any of the following:
 - connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

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

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

[PCC1145]

28. Delete Condition 19 and insert a new condition 19.1 (to remove references to the water quality control devices no longer necesary) as detailed below:

- 19.1 The Section 68 application shall detail the following provisions in relation to stormwater management & quality
 - (a) All stormwater quality control devices to be constructed generally in accordance with Plan 1177 P032 prepared by Knoble Consulting Pty Ltd Issue K dated 3/08/2012 except as modified by conditions of consent.

[PCCNS01]

- **29. Delete Conditions 20, 21 and 22** as the water quality objectives for the Wallum Froglet Precinct and related stormwater treatment area are no longer needed.
- **30. Delete Condition 24 (b)** which related to requiring a Section 138 Application for culvert works in Turnock Street. This can be deleted as the culvert works in Turnock Street are not required by the modified proposal.

- 31. Delete Condition 25 which stated that "Prior to the commencement of work details of any ground and surface water monitoring locations in addition to those required for water quality shall be submitted to Council for approval in writing. Such approval shall not be unreasonably withheld." This condition can be deleted as it related to the water monitoring required for the original Wallum Froglet Precinct and is now irrelevant.
- 32. Delete Condition 26 and insert a new condition 26.1 (to reference "filling works") as detailed below:
 - 26.1 Prior to issue of Construction Certificate and or engineering plans for filling works as statutory required, the Applicant shall lodge structural design details, detailing the design of the acoustic hay fence to satisfaction of Council.

IPCCNS01

- 33. Delete Condition 27 and insert a new condition 27.1 (to reference "filling works" and reference the new Environmental Noise Impact Assessment) as detailed below:
 - 27.1 Prior to the issue of the construction certificate and or engineering plans for filling works as statutory required a construction noise management plan shall be produced for approval by Council that is generally in accordance with the Environmental Noise Impact Assessment prepared by CRG Acoustic al Consultants dated November 2012, the Noise Guideline for Local Government 2010 and the NSW DECC Interim Construction Noise Guidelines 2009.

[PCCNS01]

34. Delete Condition 28 and insert a new condition 28.1 (to reference "filling works") as detailed below:

- 28.1 Prior to the issue of the construction certificate and or engineering plans for the filling works as statutory required a Construction Noise Management Plan must be prepared as part of the CEMP. This is to be lodged with Council for approval and must include:
 - a) an education program for Construction personnel about noise minimisation.
 - b) identification of each Construction activity, including Ancillary Facilities, and their associated noise sources;
 - c) identification of all potentially affected Sensitive Receivers (a sensitive receiver is defined as a resident or occupier of a residential property, where the boundary is subject to noise levels recorded above 58 dB(A) L10 OR a commercial premises that is exposed to noise levels above that specified in Australian Standard AS/NZ 2107:2000 "Acoustics Recommended reverberation times and sound levels for building interiors" when assessed inside the place of business or 58 dB(A) L10 at an outdoor area associated with operation of the business requiring a level of amenity for normal operation of that business;
 - d) the Construction noise objective specified in the Conditions of Approval;
 - e) noise and vibration monitoring, reporting and response procedures;
 - a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;
 - g) justification for any activities outside the Construction hours specified in the Conditions of Approval. This includes identifying areas where construction noise would not be audible at any Sensitive Receiver;

- h) procedures for notifying residents of Construction activities that are likely to affect their noise amenity; and
- i) contingency plans to be implemented in the event of non-compliance and/or noise complaints consultation procedures to be undertaken with residents.

[PCCNS01]

35. Delete Condition 29 and insert a new condition 29.1 (to reference "filling works") as detailed below:

29.1 A dilapidation report detailing the current structural condition of the adjoining and adjacent buildings, infrastructure and roads is to be prepared and endorsed by a suitably qualified engineer. The report is to be submitted and approved by Council prior to issue of a construction certificate and or engineering plans for the filling works as statutory required.

A second dilapidation report is to be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first report and recommend a course of action to carry out repairs if required. The report is to be submitted for approval by Council.

IPCCNS021

36. Delete Condition 30 and insert a new condition 30.1 (to delete reference to the Arterra Management Plans which are no longer applicable) as detailed below:

30.1 Within three weeks of fill being placed on the site in each fill stage, the area is to be topsoiled and mulched to the satisfaction to Tweed Shire Council's engineer. Mulch and topsoil detail are to be shown on the Construction Certificate application and or engineering plans as statutory required. Fertiliser shall not be used on the grassed area proximal to within 20m of the Wallum Froglet Habitat.

[PCCNS02]

37. Delete Condition 31 and insert a new condition 31.1 (to reference only the parts of the site subject to filling) as detailed below:

31.1 The parts of the site subject to filling are to be adequately fenced with a construction fence, for the works within each relevant stage. The construction fence details are to be shown on the Construction Certificate application. 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.

[PCCNS02]

- **38. Delete Conditions 32 (c) and amend 32 (e)** as these sections reference the Wallum Froglet Management Plan which has now been submitted, and the Turnock Street culverts which are no longer necessary Condition 32 should now read as follows:
 - 32.1 The Construction Certificate application and or engineering plans as statutory required shall detail the following provisions having regard to perimeter & trunk drainage:

- (a) Perimeter stormwater drainage shall be designed and constructed along all external boundaries to convey overland runoff from all external catchments to a lawful point of discharge for all storm events up to the ARI 100 year event without causing flooding of adjoining properties or road reserves. All fill batters, perimeter drainage services and associated formations must be contained wholly within the development site, and must not encroach into adjoining properties or road reserves.
- (b) Perimeter cross sections for the entire site are to be provided along the proposed filling perimeter every 20m. The cross sections are to provide existing and proposed finished levels, extending an adequate distance into adjoining land so as to establish external drainage paths.

(c) DELETED

- (d) A stormwater drainage channel is to be designed and constructed to convey all runoff from Council's existing 750mm pipeline discharging from Turnock Street to the north east corner of the southern fill area to the Kingscliff drain generally along the alignment shown for the SWD documented on Drawing No. P037 issue H prepared by Knobel Consulting Pty Ltd and dated 08/11/07 and Drawing No. P038 issue G prepared by Knobel Consulting Pty Ltd and dated 29/10/07. The last part of the channel may follow a different path to the SWD, being around the fill to discharge to the Kingscliff drain.
- (e) AMENDED An overland flow path shall be designed and constructed to convey external catchment runoff for the Q100 event from Turnock Street and Lot 100 DP 1071633 through the southern fill area to the Kingscliff Drain in accordance with Drawing Number 1177 P162 Issue D prepared by Knobel Consulting Pty Ltd and included in Appendix B of the Engineering Report as submitted with the S96AA Reference Number DA05/004.03.
- (f) A stormwater drainage channel is to be designed and constructed to convey all runoff from Council's existing 450 mm SWD currently discharging off Pearl Street through Lot 6, DP21242, to the perimeter catch drain around the fill shown on Knobel Consulting Drawing No. P032, issue J, dated 26/10/07.
- (g) All drainage works required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

- **39. Delete Conditions 33 in its entirety** as this condition referenced culverts under Turnock Street which are no longer required.
- **40. Amend Conditions 34** to remove its reference to Condition 33 as Condition 33 has been deleted. Condition 34 should now read as follows:
 - 34.1 The Construction Certificate application and or engineering plans as statutory required shall detail the following provisions having regard to existing stormwater infrastructure:
 - a) Provision shall be made to connect any other existing public stormwater pipes discharging onto the site, through the filled area to a lawful point of discharge, without adverse impact on flooding in the locality.

b) The drainage works required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

- **41. Amend Conditions 35** to allow the minor engineering works to the new Wallum Froglet Habitat Are to proceed without a Construction Certificate:
 - 35.1 The Construction Certificate and or engineering plans as statutory required shall detail the following provisions having regard to the construction of Kingscliff Drain:
 - a) The Kingscliff Drain south of Turnock Street, adjacent to the filling and provisional water quality treatment area, is to be constructed concurrently with filling of the site south of Turnock Street. The drain shall be constructed from the south eastern extent of the provisional water quality treatment works shown on drawing P153 Issue H, dated 3/08/12 to the box culverts under Turnock Street.
 - Except as varied by this condition, the above drain is to be constructed in b) general accordance with the trapezoidal channel cross section, and "access maintenance hardstand", shown on "Main Drain 0-2000 (fig 7.3)" contained in "Appendix B: Supplementary TSC Cross Section Details" contained in "Kingscliff Catchment & Drainage Management Plan" prepared by WBM Oceanics, Revision 3 Dated 24/3/00. No "variable purpose" cross section construction is required beyond the northern limit of the "access maintenance hardstand" on the northern side of the drain. The fill batter shown on Plan P162 Issue D dated 6/08/122 will commence 3.5 m from the top of bank of the drain to allow for the "access maintenance hardstand. The 3.0m wide access maintenance hard stand area along the Kingscliff Drain is to be constructed on the north side of the drain from and connected to Turnock Street. A vehicle turn around area is to be constructed at the other end to permit vehicles using the maintenance access area to turn The design of the maintenance access must account for all transverse connections to the Kingscliff Drain, to remain trafficable without impeding runoff or causing flooding on upstream land.
 - c) In the section of drain from the box culverts under Turnock Street, east to the start of filling works the cross section on the north side shall be modified to accommodate entry of runoff from the north. The maintenance access may include a series of floodway crossings in this section to enable flow of runoff from the north to cross over the access.
 - d) On the south side of the drain, the constructed cross section is to terminate where the revetted bank section intersects natural surface level. No bank or "variable multipurpose" cross section construction is required beyond this point.
 - e) The edge treatment and revetment of the drain may be varied to create a more "natural" aesthetically pleasing appearance, providing the hydraulic efficiency and maintainability of the drain is not adversely affected.
 - f) The nominal 1.0m width of the drain invert may be increased to provide a more "natural" aesthetically pleasing appearance.

- g) The invert of the drain is to be a maximum RL -0.5 AHD from the south-eastern extent of the fill to the invert of the culvert under Turnock Street. It may then taper up to the existing drain outlet invert at St Anthony's School (lot 2 DP 610174) boundary. Level detail is to be provided for the drain invert.
- h) Prior to the commencement of filling work a drainage easement is to be created benefiting Council over the main Kingscliff drain from St Anthony's school to the box culverts under Turnock Street where it traverses lots 11, 12 & 13 DP 871753. The width of the easement shall be from the southern edge of revetment on the south side of the drain to the northern side of the maintenance access on the north side of the drain. Some meandering of the drain about the centreline may be permitted to provide a more "natural" aesthetically pleasing appearance. The easement must allow the bridging of the drain for access and the works referred to in this condition may be removed or altered for the purpose of constructing access ways so long as they are reinstated to a similar standard.
- i) The drainage works (including the associated works in the drainage easement) required by this condition must be constructed in accordance with detailed design plans submitted to and approved by Council as part of a Local Government Act 1993, s68 Stormwater Drainage works application/approval.

[PCCNS02]

- **42. Amend Condition 37** to reference filling works so that condition 37 now reads as follows:
 - 37.1 Traffic Management Plans are required prior to the issue of a construction certificate application and or engineering plans for each differing stage of the filling works. The traffic management plans shall be in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2. The plans are to be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority. Safe public access shall be provided at all times.
 - The Traffic Management Plans are to include all temporary signage and road layouts for each stage of the proposed works. The plans are to also provide for pedestrian and cycle movements.

[PCCNS02]

- **43. Amend Condition 45** to allow other works to commence prior to issue of a construction certificate for filling so that condition 45now reads as follows:
 - 45.1 Prior to commencement of work on the site relevant all erosion and sedimentation control measures are to be installed and operational. Prior to the commencement of filling works the wheel wash facility shall be installed to the satisfaction of Council.

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]

- **44. Amend Condition 46** to reference the revised Wallum Froglet Management Plan:
 - 46.1 The alternative Wallum Froglet Habitat Area is to be managed in accordance with the approved Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated 22 April 2013.

[DURNS01]

- **45. Amend Condition 48** to remove reference to the culvert construction and reference the new management plan:
 - 48.1 During the approved staged rehabilitation of the alternative Wallum Froglet Habitat Area, monitoring is to be conducted in accordance with the approved Wallum Froglet Habitat Management Plan dated 22 April 2013.

[DURNS01]

- **46. Amend Condition 50** to reference the amended fill quantity so that Condition 50 now reads as follows
 - 50.1 The proponent shall ensure a maximum 580,000m³ of extractive material is imported to the site along the approved haul route from the sources nominated in the development application.

[DUR0735]

- **47. Amend Condition 51** to reference new D6 instead of the old superseded DCP Part A14. Condition 51 should now read as follows:
 - 51.1 During filling operations,
 - All fill and cut batters shall be contained wholly within the subject land.
 - All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 – Subdivision Manual and the Design Specification D6 Site Regrading to the satisfaction of the Principal Certifying Authority.

and upon completion,

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

[DUR0755]

- **48. Delete Condition 65** as this condition was only relevant to the original Wallum Froglet Precinct and not the new area.
- **49. Amend Condition 72** to reference the revised Acid Sulfate Soils Management Plan and Groundwater Management Plan so that Condition 72 now reads as follows:
 - 72.1 All material stripped and identified as PASS from the site or disturbed below existing ground level shall be placed within a bunded area and neutralised in accordance with the Acid Sulfate Soil Management Plan & Groundwater Management Plan HMC Environmental P/L, December 2012 before reuse or removal from the site.

[DURNS01]

- **50. Amend Condition 79** to reference the revised Wallum Froglet Management Plan so that Condition 79 now reads as follows:
 - 79.1 The alternative Wallum Froglet Habitat Area is to be managed in accordance with the approved Threatened Species Management Plan for Wallum Froglet Habitat in Kingscliff prepared by Michael Mahoney, Anne Clements and Associates and Stephen N Webb and Associates dated 22 April 2013. Upon any application for subdivision such application is to include provision for transfer of the management.
- **51. Amend Condition 80** to reference the revised plans as required by Condition 10.1 for the rehabilitation of the haul road so that Condition 80 now reads as follows:
 - 80.1 Post filling operations the temporary haul road is to be rehabilitated in accordance with Condition 10.1 of this consent.
- **52. Delete Conditions 81 and 82** as these conditions are superseded by the new Wallum Froglet Management Plan.
- **53.** Amend GTA Condition 84 to reference "for filling works" so that Condition 84 reads as follows:
 - 84.1 The applicant is to obtain necessary approvals, if any, in accordance with the Water Management Act 2000 prior to commencement of filling work. Should dewatering be required the Council is to be notified 48 hours prior to commencement of works
- 54. Amend the "TERMS of FOURTH RESTRICTIVE COVENANT REFERRED TO IN ORDERS" at the end of the consent to reflect the new Wallum Froglet Habitat Area within Lot 26D DP 10715. This will have the effect of amending the wording to read as follows:

TERMS OF FOURTH RESTRICTIVE COVENANT REFERRED TO IN ORDERS

The area to which the restrictive covenant relates is Lot 26D in DP 10715 shown indicatively as the Wallum Froglet Habitat Area (WFHA) being west of Elrond Drive as shown on Plan 1177 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty Ltd and dated 12/12/2012. For practical purposes the extent of the Covenant needs to embrace this area and extend to the fenceline in the East and either the fenceline or the top of bank of the drain in the south. The other boundaries are appropriate. The extent is to be detailed on a final survey plan.

Restrictive covenant for conservation purposes in respect of the Wallum Froglet to be created under s. 88E of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below.

RESTRICTIVE COVENANT FOR CONSERVATION PURPOSES

6. In this instrument, unless the contrary intention appears –

"animals" includes sheep, goats, horses, deer and cattle.

"clearing" and "cleared" in relation to the land, means the ringbarking, cutting, stripping, cutting down, felling, poisoning, lopping, topping, burning, injuring, removal or destruction in any manner whatsoever of vegetation or any part of vegetation growing on the land.

"development" in relation to land, means -

- (c) the erection of a building or structure (other than a fence) on the land;
 or
- (d) the carrying out of a work in, on over or under the land;

"Management Plan" means a plan for the management of the land (by whatever title it is called) approved under the Environmental Planning and Assessment Act 1979 or any Act consolidating or replacing that Act, or agreed between the registered proprietor and the Tweed Shire Council, and any amendment or replacement of the plan.

"registered proprietor" means the registered proprietor for the time being of the land recorded in the Register under the Real Property Act 1900.

"substance" in relation to the land includes timber, turf, stone, clay, shells, earth, sand and gravel.

"vegetation" in relation to the land means plants indigenous to the State of New South Wales including trees, saplings and seedlings of trees, plants, shrubs, ferns, vines, herbs, grasses and other vegetable cover which are endemic to the land.

- 7. In respect of the Wallum Froglet Habitat Area shown on Plan 1177 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty Ltd and dated 12/12/2012;
 - (i) Without the prior written consent of the Tweed Shire Council
 - (i) no person shall reside on the land;
 - (j) no animal shall be depastured or driven on the land;
 - (k) no development shall be carried out on the land;
 - (I) the land shall not be cleared, slashed or cultivated;
 - (m) no substance, whether or not in or forming part of the land, shall be interfered with;
 - (n) no fire shall be lit on the land;

- (o) no use shall be made of the land or activities on the land which would result in the clearing of vegetation on the land; and
- (p) no use shall be made of the land or activities undertaken on the land which would interfere with or prevent the natural growth or regeneration of vegetation on the land.
- (ii) Any work shall be carried out under the guidance of an ecologist with experience and expertise in the habitat of the Wallum Froglet.
- 8. In respect of all areas shown indicatively as Wallum Froglet Habitat Area on the Plan 1177 Drawing Number P166 Issue D as prepared by Knobel Consulting Pty Ltd and dated 12/12/2012 other than those referred to in clause 2 above, such land shall be managed to facilitate the conservation of the wallum froglet in the Wallum Froglet Habitat Area.
- 9. This covenant does not prevent or restrict in accordance with Law:
 - (m) the destruction or removal of vegetation declared to be a noxious weed under the Noxious Weeds Act 1993 or an Act consolidating or replacing that Act; or
 - (n) the destruction or removal of vegetation which is a prohibited plant within the meaning of the Drug Misuse and Trafficking Act 1985 or an Act consolidating or replacing that Act; or
 - (o) the incidental destruction or removal of vegetation lying adjacent to any noxious weeds or prohibited plants where such incidental destruction or removal occurs unavoidably during the process of destroying or removing those noxious weeds or prohibited plants; or
 - (p) the destruction or removal of vegetation within 1 metre of the external boundaries of the land for the purpose of erecting or maintaining a fence along those boundaries; or
 - (q) the destruction or removal of vegetation within 0.5 metres of the land for the purpose of enabling a survey to be carried out along those boundaries by a surveyor registered under the Surveyors Act 2001 or any Act consolidating or replacing that Act;
 - (r) the destruction or removal of vegetation or substance in compliance with the Rural Fires Act 1997 or any Act consolidating or replacing that Act; or
 - (s) the removal of refuse, garbage, rubbish or any other noisome, noxious, poisonous or unwholesome matter;

- (t) the taking of reasonable precautions to keep the land free of noxious weeds, rodents or vermin;
- (u) carrying out environmental protection works, being works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works and the like;
- (v) DELETED;
- (w) carrying out any other work permitted by the Management Plan.
- (x) carrying out any other work pursuant to development consent DA05/0004 and maintenance thereof.

10.

- (d) The restriction on the use of the land shall be released and revoked to the extent to which it applies to any part of the land in relation to which a conservation agreement is entered into under Part 4 of Division 7 of the National Parks and Wildlife Act 1974.
- (e) The date of release and revocation of restriction on use (whether wholly or in part) shall be the date from which such conservation agreement has effect.
- (f) The restriction on use may otherwise be released with the consent of the Tweed Shire Council.
- 5A Nothing in this covenant shall be construed as avoiding the need to obtain any consent under any applicable legislation.
- 6. The prior written consent of Council is taken to have been given under clause 2 if an approval consent or authorisation of any kind is given for the activity by a public authority having power to do so (or a court or other person or body on appeal or review) under the Environmental Planning and Assessment Act 1979 or any Act replacing it.

The applicant has stated that the above changes are considered to result in substantially the same development as was detailed within the original Development Consent for the following reasons:

- 1) The overall envelope of the fill is substantially the same although there are some small changes on the edges to reflect the higher fill level required.
- 2) The area of alternative habitat available for the Wallum Froglet is approximately 2.1 ha which exceeds the 1 ha of core habitat available north of Turnock Street within the WFP.
- 3) The increase in fill levels will reflect the latest flood information adopted by Council.

- 4) The proposed source of fill and method of transport to the site is not changed.
- 5) The proposal does not generate the need for any significant upgrade to services or infrastructure.
- 6) The modified development would not result in any additional environmental impacts that were not addressed in the original application.

The above statements from the applicant are concurred with.

It should also be noted that the increased fill amount whilst substantial numerically does not result in a radically different fill amount to that approved by the Court. Conceptually it is considered substantially the same development and can be dealt with by way of S96AA.

The subject application does not raise any additional 79C maters that require specific re consideration, however, since approval of DA05/0004 Council has exhibited Draft LEP 2012. The Draft LEP proposes to adopt amended zonings on the subject site to R1 General Residential. It is noted that earthworks are currently not permitted in the R1 zone unless ancillary to a permissible use. However, the Court previously determined that fill without the associated land use is appropriate and reasonable and therefore this does not form grounds for refusal in this instance. Therefore, no additional matters arise as a result of this S96AA.

Notification & Consideration of Submissions

The Section 96 (AA) Application was notified to all originally nearby properties and to all those people who previously objected to DA05/0004 from 16 January 2013 to 31 January 2013.

During the notification period Council received one submission which stated as follows:

Comment:

That Kingscliff Ratepayers & Progress Associated advise Tweed Shire Council that our association generally supports the proposal listed in the dot points.

However, we note that:

• In the document there is no mention that if the relocated frog area is not proving successful then the area may need to be re configured.

Our association strongly supports our request that the area set aside for the frogs be configured sufficiently in the first place so as not to disturb the frogs at a later date.

And

That the new location be in place for at least 12 months prior to the frogs old location being disturbed in any way.

Our members also still have concerns as to noise, dust, and traffic disruption that will be created when the fill is being trucked to the Turnock Street site.

Assessment:

These comments are noted and have been considered in the assessment of this application.

In determining the appropriateness for the new Wallum Froglet Area Council required the following provisions to be met:

1. Identification of suitable non-bushland area(s) at least as large as the area to be relocated.

- 2. Agreement among experts on the technical feasibility of recreating Wallum Froglet habitat and re-establishing a Wallum Froglet population.
- 3. Any areas of new Wallum Froglet habitat should be established prior to the filling of the existing areas to the north and south of Turnock Street.
- 4. Preparation and commitment to the implementation of an agreed management plan and monitoring strategy for a period of 5 years.
- 5. Any new areas of Wallum Froglet habitat to be protected by restriction on title and environmental protection zoning.

All of these provisions have been met to Council's satisfaction and are now reinforced in the amended Wallum Froglet Management Plan and or conditions of consent as detailed within this report.

In regards to the noise, dust and traffic disruption associated with the additional fill the applicant has submitted an amended Environmental Management Plan. In addition there are recommended conditions of consent for construction noise management plans prior to issue of a construction certificate. The additional trips generated by the additional fill is not considered to raise any new significant issues but rather extend the construction period and or intensify operation to enable the additional fill to be imported. Given the extent of earthworks already approved by the Court the additional fill is considered in keeping with the intent of the original consent.

Having considered the submission in its entirety there is no issue raised that would warrant the refusal or any further amendment to the S96AA Application.

In addition the application was referred to Government Agencies who provided comment on the original application. In this regard feedback from the agencies was as follows:

- NSW Rural Fire Service no change to original comments.
- <u>Department of Primary Industries</u> No change to the GTA Conditions as imposed by the Court.
- NSW Office of Water Accepted minor change to GTA to reflect "filling works".
- <u>NSW Office of Environment & Heritage</u> Able to support the modification request subject to the following matters:
 - 1. Creation of Wallum Froglet habitat to be at least the same size as the current approval requires and should be protected by an appropriate restriction on land title and environment protection zoning within the Local Environmental Plan.
 - 2. Newly created Wallum Froglet habitat should be established and occupied by a breeding population of Wallum Froglet prior to filling of the existing habitat area that will be developed.
 - 3. Wallum Froglet should not be translocated to the newly created habitat, but should be allowed to migrate into and populate the new area. This is to ensure that the habitat is suitable for occupation. Once the created habitat is colonised, if there are Wallum Froglet present at the time of works commencing in existing habitat areas, salvage and translocation of these animals to the new habitat may be considered.

- 4. It is recommended that the monitoring described in the "Threatened Species Management Plan for Walum Froglet Habitat in Kingscliff" be undertaken for a period of 5 years post completion of the habitat.
- 5. Vegetation in the habitat area should be designed and managed to maintain suitable foliage projection cover in the vegetation strata to maintain habitat for all stages of the lifecycle of Wallum Froglet, ie maintain sedgeland areas with scattered trees to prevent successional dominance by melaleuca woodland over time.
- 6. Habitat monitoring should include assessing the presence and severity of threats to Wallum Froglet within the new habitat area, in order to facilitate adaptive management. For example, the presence, density and severity of *Gambusia holbrooki*, *Bufo marinus and Cuphea carthagenesis* should be assessed, in addition to other parameters identified for monitoring.

The applicant was provided with an opportunity to respond to these matters and provided the following comments:

Comments from the Office of Environment and Heritage	Gales Response	Gales Agreed Outcomes/Actions
1. Creation of Wallum Froglet Habitat to be at least the same size as the current approval requires and should be protected by an appropriate restriction on land title and environment protection zoning within the Local Environmental Plan	Agreed	No change is proposed.

2. Newly created Wallum Froglet Habitat should be established and occupied by a breeding population of Wallum Froglet prior to filling of the existing habitat area that will be developed.

This statement is at odds with the agreement reached between the Council and Gales at the meeting of the Development Assessment Panel held of 20 Jan 2012, which does not set a threshold for success that limits the filling of the site north of Turnock St.

Gales do not support the recommendation of OEH and propose no change to the document in relation to this matter.

Gales have agreed to an adaptive management approach that should lead to the establishment of a suitable habitat. Further Gales will agree to an additional period of monitorina post habitat construction and prior to filling commencing. This will delay commencement of fillina operations and allow further time for habitat establishment and for the WF to migrate to the WFHA.

When dealing with natural processes and climatic conditions no guarantees are able to be provided and it would be unacceptable for any developer to accept investment in a project where there is no determinable commencement date.

Gales would be happy to work with Council to overcome this concern of the OEH. We suspect that they are not familiar with much of the background that has lead to Gales seeking an alternative habitat site. The WFHA is being created to increase the chances of a viable WF population. The shortcomings of the WFP and its ability to sustain a population of WF's, and the acceptance of expert evidence by the Supreme Court that wallum froglets may become extinct in the WFP may not be understood by OEH.

Wallum Froglet should not be translocated to the newly created habitat, but should be allowed to migrate into and populate the new area. This is to ensure that the is habitat suitable occupation. Once the created habitat is colonised. if there are Wallum Froglets present at the time of works commencina in existina habitat areas salvage and translocation of these animals to the new habitat

This point raised by OEH is generally supported by Gales but is at odds with one of the recommendations of Council and previous NPWS recommendations against WF translocation.

Gales propose no change to the documentation but would consider pre-clearance collection translocation of WFs provided that there are no minimum numbers on how many would be moved. We suggest that once filling is to go ahead, if the frogs are actively calling and they can be collected by moving to calling individuals, then pre-clearance of the habitat will involve 6 hours of collecting by suitably trained ecologists and all WF collected would be translocated to the WFHA on the

	may be considered.		same evening and released.		
4.	It is recommended that the	We have addressed this matter in	•		
4.			Same as response to point 4 of the Council letter above.		
	monitoring described in the	point 4 of the response to Council's			
	Threatened Species	letter.			
	Management Plan for the				
	Wallum Froglet Habitat in				
	Kingscliff be undertaken for				
	a period of 5 years post				
	completion of the habitat.				
5.	Vegetation in the habitat	We agree with this comment and	No change is proposed.		
	area should be designed	believe that the document			
	and managed to maintain	adequately addresses			
	suitable foliage protection	management of the WFHA to			
	cover in the vegetation	prevent the dominance of			
	strata to maintain habitat for	Melaleuca.			
	all stages of the lifecycle of				
	the Wallum Froglet ie.				
	Maintain sedgeland areas.				
6.	Habitat monitoring should	It is agreed that habitat monitoring	Amend Phase 7 of Table 5 as		
	include assessing the	should include the occurrence of	follows:		
	presence and severity of	threatening processes. The			
	threats to Wallum Froglet	threats identified by OEH, with the	In the columns titled "actions" and		
	within the new habitat area,	exception of Cuphea	"monitoring" amend the last		
	in order to facilitate adaptive	carthagenesis, are included in the	paragraph by adding "Cuphea		
	management. For example	WFHMP in phase 7 monitoring.	carthagenesis".		
	the presence density and	· · · · · · · · · · · · · · · · · · ·			
	severity Gambusia				
	holbrooki, Bufo marinum and				
	Cuphea carthagenesis				
	should be assessed, in				
	addition to other parameters				
	identified for monitoring.				
	achined for mornioning.				

Council staff have reviewed the applicants comments and concur that the revised Wallum Froglet Habitat Management Plan is now sufficient to enable the S96AA to be approved.

Council staff believe that it is unreasonable to require proof of Froglet activity on the site as the species may not be calling on any nearby sites. The approach taken with this application is to ensure the habitat is available and continues to be made available (with suitable conditions) to enable Froglets to utilise this area if the species is in the locality.

The OEH submission is not considered to warrant refusal of the application in this instance.

OPTIONS:

- 1. Approve the application with the amendments as detailed within this report; or
- 2. Alter the recommended conditions of consent; or
- Refuse the S96AA with suitable reasons.

Council officers recommend Option 1.

CONCLUSION:

Council staff have reviewed the current S96AA on its merits and has agreed with the applicant that the Wallum Froglet Precinct would be better situated west of Elrond Drive and Turnock Street roundabout within Lot 26D in DP 10715. In addition the increased fill and revised drainage works have also been considered on its merits and Council staff are of the view that the application can be supported subject to the revised conditions of consent as discussed within this report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. DA05/0004.02 Latest Determination Notice (ECM 3081445)

Attachment 2. DA05/0004 Original Court Judgement (ECM 3081447)

Council Meeting Date: Thursday 20 June 2013	Council Meeti	ıa Date:	Thursday	20	June	2013
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[PR-CM] Development Application DA12/0553 for a Dual Occupancy Including Demolition of Existing Dwelling/Structures at Lot 395 DP 755701 No. 55 Tweed Coast Road, Hastings Point

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA12/0553 Pt1



SUMMARY OF REPORT:

The subject application seeks consent for the demolition of the existing dwelling/structures on site and the construction of a dual occupancy development comprising two x three bedroom units at the above address in Hastings Point. The proposed building is two storeys in height and provides for access off Tweed Coast Road.

The application includes a State Environmental Planning Policy No. 1 (SEPP No. 1) objection in relation to Clause 32B(4)(b) of the North Coast Regional Environmental Plan 1988 (NCREP) relating to overshadowing. In this regard, it is referred to Council for determination. Whilst Council has received a relaxation for Development Applications to be determined by full Council for variations to Clause 32B(4)(a) of the NCREP, this relaxation does not extend to Clause 32B(4)(b).

The proposed development is considered to demonstrate general compliance with the relevant planning instruments, apart from the proposed SEPP No. 1 objection. However it is considered that sufficient justification has been provided in this instance, and although there are a number of variations to Tweed Shire Council Development Control Plan (DCP) A1 Residential and Tourist Development Code and B23 Hastings Point, the proposed development is recommended for conditional approval.

RECOMMENDATION:

That Development Application DA12/0553 for a dual occupancy including demolition of exiting dwelling/structures at Lot 395 DP 755701 No. 55 Tweed Coast Road, Hastings Point be approved subject to the following conditions:

A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan 1988 relating to overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.

B. GENERAL

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

- Site Plan (Drawing No. DA1.3a)
- Ground Floor Plan (Drawing No. DA2.1a)
- First Floor Plan (Drawing No. DA2.2a)
- North and East Elevation (Drawing No. DA3.1a)
- South and West Elevation (Drawing No. D3.2)

prepared by Schafer Design and dated 1 February 2013, except where varied by the conditions of 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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

5. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

6. As the dwellings are located on a designated road, both residential units are to have an acoustic seal on the front door to reduce noise transmission.

[GENNS01]

- 7. The subject development site adjoins Lot 7062 DP 1113884 comprising part of Tweed Coast Regional Crown Reserve (R1012191). This development consent does not confer any right on the proponent to:
 - Encroach upon the Crown Reserve;
 - Remove any native vegetation from the Reserve;
 - Stockpile any materials or store any equipment, plant or machinery on the Reserve;
 - Use the Reserve for vehicular access;
 - Establish any asset protection zones on the Reserve; or
 - Discharge stormwater or deposit wastes onto the Reserve.

[GENNS02]

8. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.

[GENNS03]

- 9. At the commencement of building works and in perpetuity the entire property 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'.
- 10. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 11. New construction on the western elevation(s) shall comply with Sections 3 and 5 (BAL 12.5) 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'.
- 12. New construction on northern, southern and eastern elevations shall comply with Sections 3 and 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'.
- 13. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

[GENNS04]

- 14. All living room and bedroom windows orientated towards Tweed Coast Road are to be fitted with double glazing.
- 15. Side and rear fencing is to be installed in accordance with the provisions of Tweed Shire Council Development Control Plan (DCP) A1 (Part A) for the subject site.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. The developer shall provide two (2) parking spaces per dwelling and one (1) Visitor Parking Space on the subject site including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a Construction Certificate.

The visitor carpark must provide full access for the 85 percentile car in accordance with Part 1, Appendix B of Australian Standard AS2890.1-1993.

[PCC0065]

17. 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]

18. 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]

19. Any earthworks shall be graded at a minimum of 1% so that the site 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 runoff or 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]

20. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

- 21. 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) Provision of an vehicular access in accordance with Section 2 "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property Part 1" Design specification June 2004.
 - (b) The access shall provide the required 2m x 2m "sight triangle" envelope.

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

- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

22. Disposal of stormwater by means of infiltration devices must be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

23. Stormwater

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

[PCC1135]

- 24. 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 Section 68 of the Local Government Act.

a) Applications for these works must be submitted on Council's standard Section 68 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 Local Government Act will then NOT be required.

[PCC1145]

- 25. 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]

26. For developments containing less than four attached or detached dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

27. Prior to the issue of a Construction Certificate, applications An applications 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 the following works (as applicable, but not limited to);

a. Water

- Disconnection of existing water meter and the new meter shall be installed by Council at the Developer's expense.

b. Sewerage

- Disconnection of existing sewerage house connection and the reconnection to the new dwelling.
- c. Drainage works, including:
 - the connection of a private stormwater drain to a public stormwater drain,
 - the installation of stormwater quality control devices,
 - erosion and sediment control works.

[PCC1195]

28. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1305]

29. Stormwater management measures and devices shall be provided in general accordance with Cozens Regan Williams Prove Drawing P.15.42 Sk.2 Issue B, dated October 2012, except where varied by these conditions of consent. Engineering details of the stormwater management system shall be submitted with a Section 68 Stormwater Application for Council approval prior to the issue of a Construction Certificate.

[PCCNS01]

30. Privacy screening is to be provided to Bedroom 1 of Unit 1 to the southern site boundary. Details of this are to be submitted to Council for the written approval of the General Manager or his delegate prior to the issue of a Construction Certificate.

[PCCNS02]

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. 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]

33. 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]

- 34. Residential building work:
 - (a) Residential building work within the meaning of the <u>Home Building Act</u> <u>1989</u> 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,
 - * 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]

- 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. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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]

38. 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]

39. An application is to be made to Council to disconnect the existing dwelling from Council sewerage system prior to any demolition work commencing.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

41. 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]

42. 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]

43. 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]

44. 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 Work Health and Safety Regulation 2011.

[DUR0415]

45. 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, Work Health and Safety Regulation 2011.

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]

46. 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

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

IDUR08151

48. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

49. 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]

50. 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]

- 51. 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]

52. 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]

53. 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]

54. All works shall be carried out in accordance with the Demolition Plan prepared by Planit Consulting Pty Ltd and dated December 2012.

[DUR1065]

55. 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]

56. 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]

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

[DUR1905]

58. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

59. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

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

[DUR2195]

61. 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]

- 62. 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]

63. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495

64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

65. 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]

66. 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]

- 67. 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:-
 - 45°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]

68. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

IDUR26251

69. No works are to go beyond two metres below the natural ground surface and no works by which the water table is likely to be lowered beyond two metres below the natural ground surface without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

71. 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]

72. 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]

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

IPOC0435

74. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

75. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

76. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council, as applicable. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate.

[POC0865]

77. 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]

78. 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]

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

[POC1055]

80. 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.

Prior to occupation of the building or issue of any interim or final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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: 1 ET @ \$12150 per ET \$12150

Sewer Hastings Point: 1 ET @ \$5838 per ET \$5838

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.

81. Section 94 Contributions

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

Prior to occupation of the building or issue of any interim or final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:

1.3 Trips @ \$1295 per Trips \$1684

(\$1284 base rate + \$11 indexation)

S94 Plan No. 4

Sector8 4

(b) Open Space (Casual):

0.75 ET @ \$526 per ET \$395

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

(c)	Open Space (Structured):	
(-)	0.75 ET @ \$602 per ET	\$452
	(\$575 base rate + \$27 indexation)	·
	S94 Plan No. 5	
(d)	Shirewide Library Facilities:	
	0.75 ET @ \$816 per ET	\$612
	(\$792 base rate + \$24 indexation)	
	S94 Plan No. 11	
(e)	Bus Shelters:	
	0.75 ET @ \$62 per ET	\$47
	(\$60 base rate + \$2 indexation)	
	S94 Plan No. 12	
(f)	Eviron Cemetery:	
(f) (g)	0.75 ET @ \$121 per ET	\$91
	(\$101 base rate + \$20 indexation)	
	S94 Plan No. 13	
(g)	Community Facilities (Tweed Coast - North)	
	0.75 ET @ \$1352 per ET	\$1014
	(\$1305.6 base rate + \$46.4 indexation)	
	S94 Plan No. 15	
(h)	Extensions to Council Administration Offices	
	& Technical Support Facilities	
	0.75 ET @ \$1812.62 per ET	\$1359.47
	(\$1759.9 base rate + \$52.72 indexation)	
	S94 Plan No. 18	
(i)	Cycleways:	
	0.75 ET @ \$460 per ET	\$345
	(\$447 base rate + \$13 indexation)	
	S94 Plan No. 22	
(j)	Regional Open Space (Casual)	
	0.75 ET @ \$1064 per ET	\$798
	(\$1031 base rate + \$33 indexation)	
	S94 Plan No. 26	

(k) Regional Open Space (Structured):

0.75 ET @ \$3730 per ET

\$2798

(\$3619 base rate + \$111 indexation)

S94 Plan No. 26

[POCNS01]

USE

82. 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]

83. The L_{Aeq, 15 min} noise level emitted from the premises shall not exceed the background noise level (LAeq) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

84. 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]

85. 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]

86. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

Council Meeting Date: Thursday 20 June 2013

REPORT:

Applicant: Ms S Patterson and Ms L Johnson

Owner: Ms May E Johnson

Location: Lot 395 DP 755701 No. 55 Tweed Coast Road, Hastings Point

Zoning: 2(b) Medium Density Residential

Cost: \$500,000

Background:

Proposed Development

The proposal is for a dual occupancy residential building and includes demolition of existing dwelling/structures. The proposal is a two storey attached dual occupancy. Unit 1 consists of three bedrooms and double garage whilst Unit 2 consists of three bedrooms, single car garage and single car carport.

Car parking is proposed within a double garage for Unit 1 and a combination of single garage and carport for Unit 2. An additional space for visitors is provided at the front of the site.

The proposal was submitted as integrated development under the Water Management Act 2000, however a response has been received from NSW Office of Water outlining that the proposed development is exempt from a requirement for a controlled activity.

A number of variations to Councils Development Control Plans are proposed as part of this Development Application. In particular the proposal results in a total of 10 variations to Tweed Shire Council Development Control Plan B23 Hastings Point and two variations to Tweed Shire Council Development Control Plan A1 Residential and Tourist Development Code. These are assessed in detail elsewhere in this report, with the variations being supported in this instance.

The application was notified to surrounding properties however Council did not receive any submissions relating to the proposal.

The application involves a SEPP No. 1 Objection to Clause 32B(4)(b) of the NCREP. The SEPP No. 1 Objection is considered reasonable and is supported in this instance.

Whilst Council has received a relaxation for Development Applications to be determined by full Council meeting for variations to Clause 32B(4)(a) of the NCREP, this relaxation does not extend to Clause 32B(4)(b).

Site Details

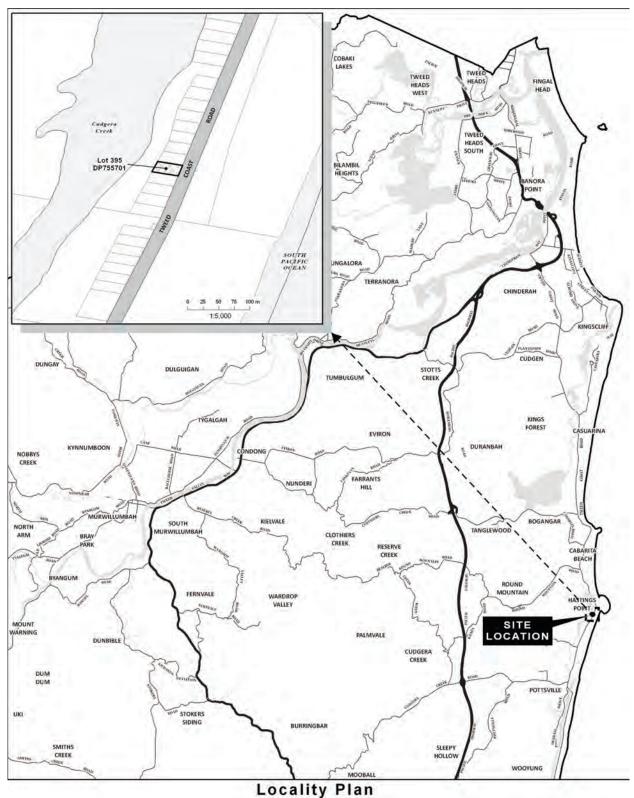
The subject property is legally described as Lot 395 DP 755701 and more commonly referred to as No. 55 Tweed Coast Road, Hasting Point. The property has an area of approximately 740m² which currently contains a two storey detached dwelling, detached single one storey garage and landscaping. The site is regular in shape with street frontage to Tweed Coast Road. Frontage width is 18.3m.

The subject property is zoned 2(b) Medium Density Residential under the provisions of Tweed Local Environmental Plan 2000 (TLEP 2000). Surrounding zones are a combination of 2(b) Medium Density Residential, 6(a) Open Space, 7(a) Environmental Protection (Wetlands and Littoral Rainforest) and 7(f) Environmental Protection (Coastal Lands).

History

0141/96B Building application for a dwelling. This dwelling is to be demolished as part of this application.

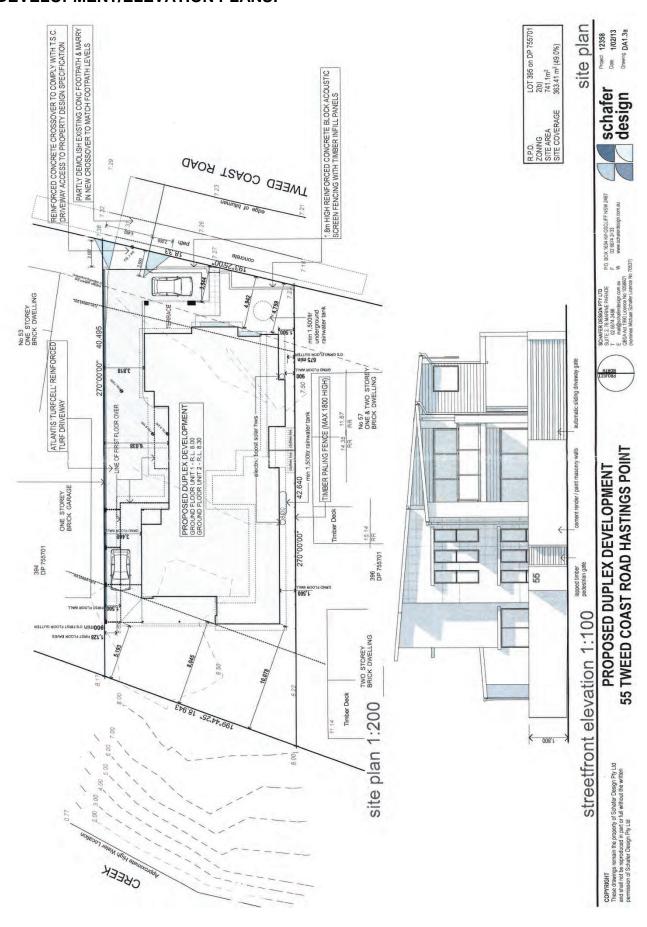
SITE DIAGRAM:

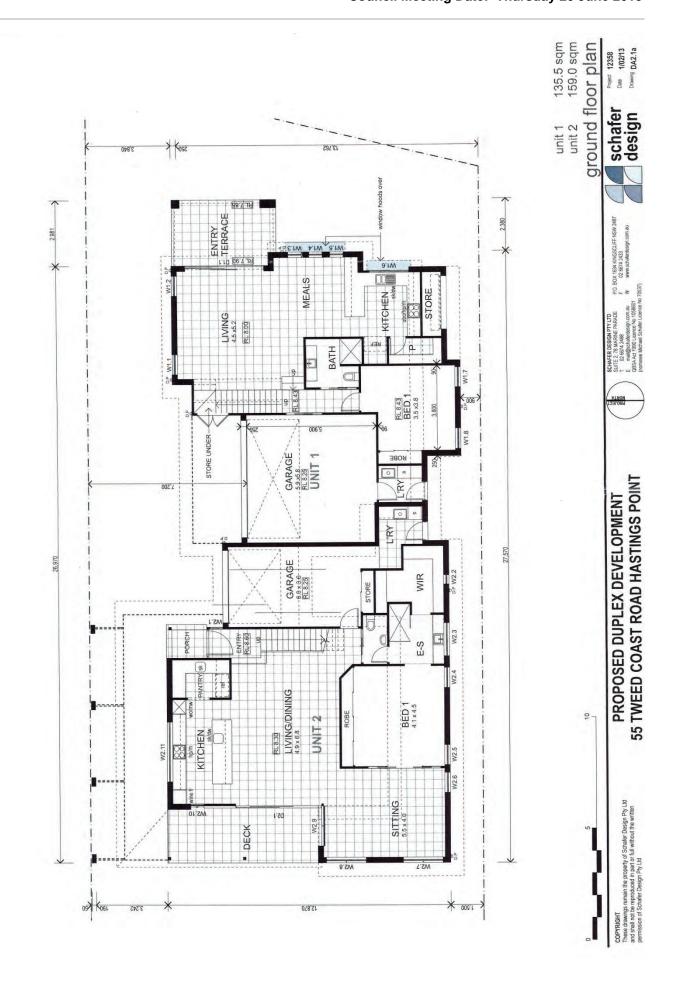


Lot 395 DP 755701 No. 55 Tweed Coast Road, Hastings Point

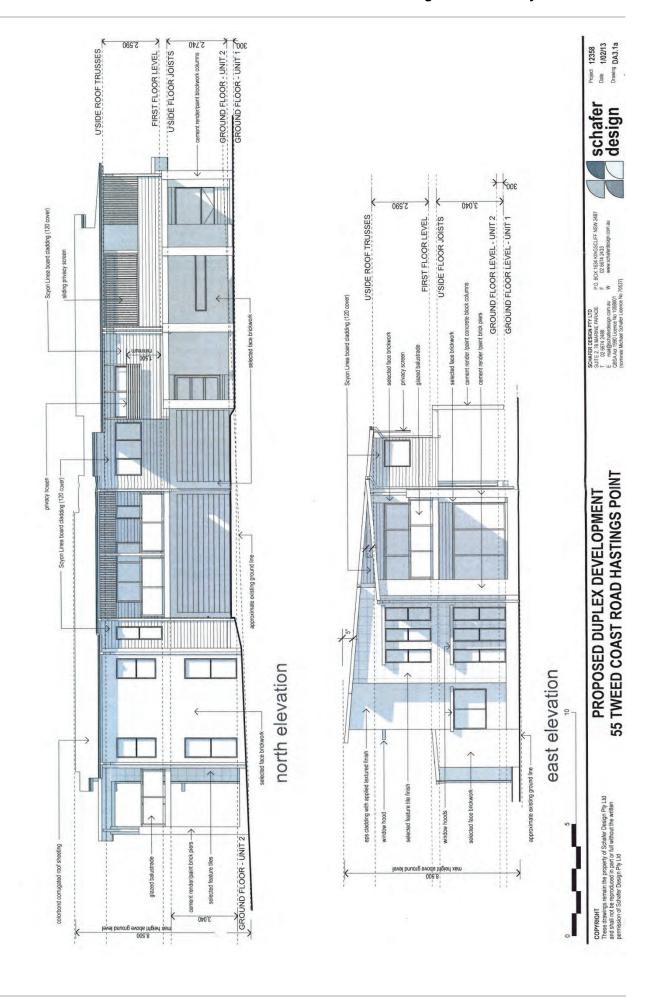
Eddamer: While every due is taken to ensure the accuracy of this data. To seed thise Consult makes no representations or ownerwhere expressed implies defect on upwarded progress and dischains and responsibility, completeness to catability the any particular purpose and dischains all responsibility, completeness to consequential disample; and costs believed in the survey of the

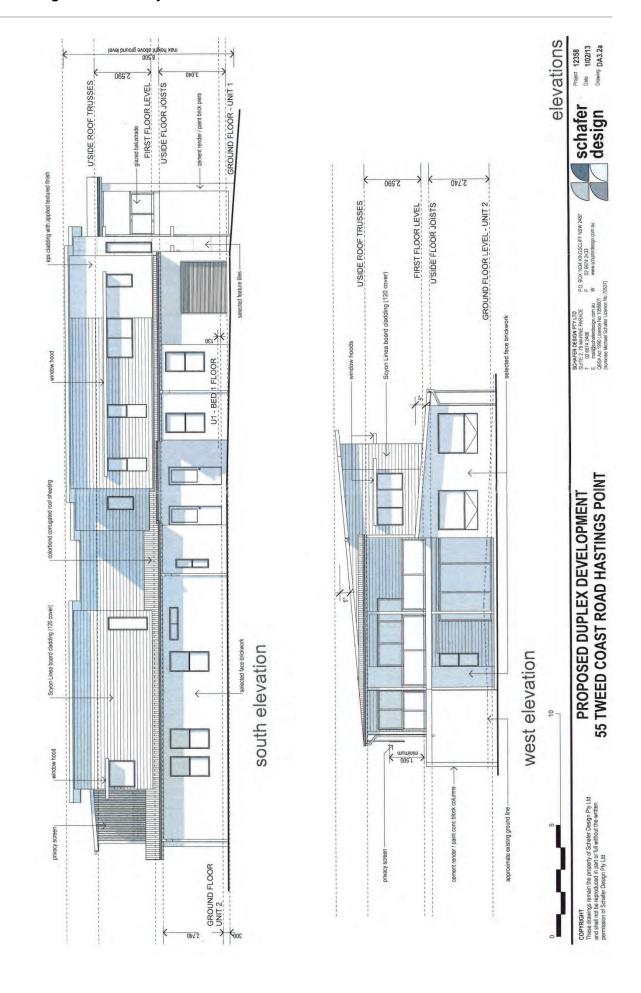
DEVELOPMENT/ELEVATION PLANS:







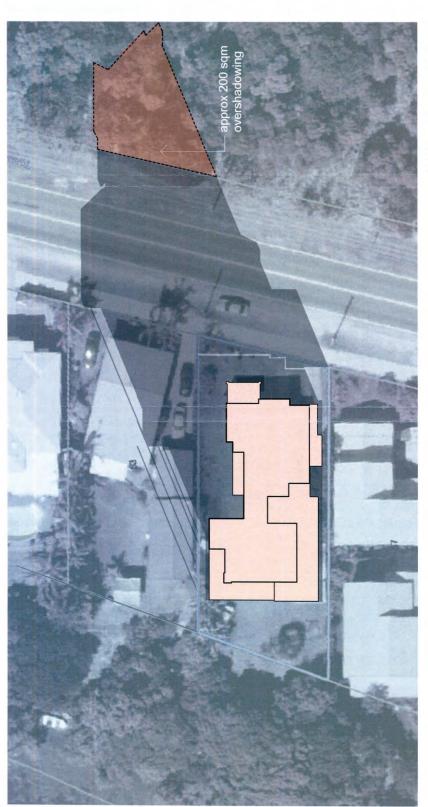




Project 12358 Date 31/10/12 Drawing DA1.7 shadow diagram summer

PROPOSED DUPLEX DEVELOPMENT 55 TWEED COAST ROAD HASTINGS POINT

7:00 pm shadow



Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979:

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

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

The development would generally accord with the aims of the plan, providing for a medium density residential use within an area zoned for this purpose.

Clause 5 - Ecologically Sustainable Development

The intent of this clause is to provide for development which is compatible with principles of ecological sustainable development (ESD) including the precautionary principle, inter-generational equity, ecological and environmental factors. The scale and nature of the proposal is not considered to conflict with principles of ESD.

Clause 8 - Consent Considerations

The subject site is located within the 2(b) Medium Density Residential zone. It is considered that the proposal meets the requirements of the primary objective of the zone, as detailed under Clause 11 below.

It is also considered that the proposal is consistent with the other aims and objectives of the LEP and other relevant plans as also detailed within the body of this report.

Given the nature and scale of the proposed development it is considered that the proposal would not have an unacceptable cumulative impact on the community, locality or on the Tweed as a whole as a result of its being carried out

Clause 11 - Zone Objectives

The site is zoned 2(b) – Medium Density Residential which under Clause 11 has the following primary objective:

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

Secondary objectives of the Zone are:

 to allow for non-residential development which supports the residential use of the locality.

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

The proposal is defined as 'Multi Dwelling Housing' under the Tweed Local Environmental Plan 2000 and is permissible with consent in the subject zone.

The proposal complies with the objectives and underlying intent of the 2(b) zone, providing medium density housing that achieves good urban design outcomes and which is in keeping with the established scale and height of the locality.

The development is therefore considered appropriate, meeting the objectives of the Zone.

Clause 15 - Essential Services

The primary objective of this Clause is to ensure that development does not occur without adequate measures to protect the environment and the community's health. The subject site is serviced with water, sewer, stormwater, power and telecommunications infrastructure. Accordingly, the proposal complies with the provisions of this clause.

Clause 16 - Height of Building

Clause 16 of the TLEP 2000 ensures development is undertaken in accordance with the building height plan. The subject land is identified as being in an area where development of up to three storeys is allowed.

The proposal consists of a two storey development and therefore the proposed development is in accordance with Clause 16.

Clause 17 - Social Impact Assessment

Clause 17 of the TLEP 2000 relates to social impact assessment, with the objective "to ensure proper consideration of development that may have a significant social or economic impact". Tweed Shire Council Development Control Plan (DCP) A13 requires a social impact assessment for the development of multi dwelling housing when more than 50 units are proposed. The requirements of DCP A13 therefore do not trigger the need for a social impact assessment and Clause 17 does not apply to the proposed development.

Clause 35 - Acid Sulfate Soils

The Acid Sulfate Soil (ASS) Planning Map on Council's GIS mapping system indicates that the proposed property is located on Class 4 Land.

The specified works for Class 4 land under this Clause are: Works beyond 2 metres below the natural ground surface and works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface.

This element of the application has been reviewed by Councils Environmental Health Section who have advised that given that the proposed works are not likely to go beyond the specified works criteria (i.e. greater than 2 metres depth) it is suitable to apply a condition that works don't go beyond these specifications without approval.

In this regard this Clause is considered to be satisfied.

Other Specific Clauses

Clause 22 - Designated Roads

The subject site has access and frontage to Tweed Coast Road which is a Council designated road. As such this clause applies to this site. This clause states that the consent authority may grant consent to development on land to which this clause applies only if the following is satisfied:

(a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and

The proposal is not considered to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road having regard to the nature and scale of the proposal on land zoned for this purpose.

(b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and

The subject site will maintain a single access point to the site, and the application will formalise this access point through the provision of a developed entranceway with a gate. Council's Development Engineering Section has provided a recommended condition of consent which requires a formal road access to be created to Council standards.

(c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and

The road is not identified for future road widening, with the proposal considered not to impede future road works. It is noted that there is approximately 7m between the current road edge and the site boundary as per Councils aerial imagery. The proposal is considered to be acceptable having regard to this objective.

(d) where the land is in Zone 1(a), 5(a), 7(a), 7(d), 7(f), or 7(l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and

Not applicable. The subject site is zoned 2(b) Medium Density Residential.

(e) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and

The proposed development is to be located on a designated road as such are to have an acoustic seal on the front door to reduce noise transmission. This would be enforced by an appropriate condition of consent. Furthermore, the application proposes a 1.8m high solid fence to provide privacy and noise attenuation.

(f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and

The proposal is not considered to detract from the scenic values of the locality, due to variation in colours and materials to the building design and front fence design and landscaping.

(g) where practicable, access to the land is provided by a road other than the designated road, and

The subject site cannot practically provide vehicular access except from the designated road.

- (h) in respect of any application for commercial or retail development near the Pacific Highway in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development:
 - (i) would not compromise the Highway's function as the North Coast's primary inter- and intra-regional road traffic route, and
 - (ii) would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and
 - (iii) would not compromise highway safety and efficiency, and
 - (iv) would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site.

Not applicable. The subject site is zoned 2 (b) Medium Density Residential.

Having regard to the above, the proposal is considered to comply with the objectives of clause 22 and sub clause 4.

Clause 34 - Flooding

The objectives of the Clause are as follows:

- To minimise future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land.
- To minimise the adverse effect of flooding on the community.

A small portion at the rear (west) of the site is flood prone, with a 1 in 100 year (Q100) flood level of RL 2.6m AHD and adopted minimum floor level of RL 3.1m AHD.

The proposal was assessed by Council's Planning and Infrastructure Unit (flooding engineers) and was considered acceptable. The sites current existing RL level of between 7m and 8m AHD are higher than the Q100 flood event. The proposed floor levels of the proposed development is RL 8m for Unit 1 and RL 8.3m for Unit 2. The proposed development is considered to be acceptable having regard to the provisions and objectives of this clause.

Clause 39 – Remediation of Contaminated land

The objective of this clause is 'to ensure that contaminated land is adequately remediated prior to development occurring'.

A Pre-Demolition Underslab Soil Contamination Investigation Report was prepared by the applicant and submitted as part of this application. The report and investigation has been assessed by Councils Environmental Health Unit who have advised that it is unlikely that there is land contamination in this instance. As such the proposal is considered to be acceptable having regard to this Clause.

Clause 39A – Bushfire Protection

The subject site is located within a bushfire prone land area, with the entire site being within the 30m and 100m vegetation buffer zone.

The objective of this clause is 'to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets'.

The proposed development was referred to the NSW Rural Fire Service (RFS) for comment. The NSW RFS responded with recommended conditions which are to be attached to any consent. This clause is considered to be satisfied.

Clause 54 – Tree Preservation Order

Clause 54 of the TLEP 2000 relates to tree preservation order and aims to protect vegetation for reasons of amenity or ecology. The subject site is identified as being covered by the 2004 Tree preservation order and the 2011 Tree preservation order within the koala habitat study area.

The site has been cleared of significant vegetation and currently contains common residential garden vegetation, some of which will require removal to facilitate the proposed development. The subject application was referred to Councils Natural Resource Management Unit who have advised that conditions should be attached to any consent with respect to native tree removal and landscaping.

Therefore the proposal is unlikely to impact on Koala habitat or amenity values of the site. As such the provisions of these TPO's are not contravened by this application.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

The subject land is designated coastal land and therefore this clause applies. The clause requires the consideration of the NSW Coastal Policy 1997 seeks to: protect, rehabilitate and improve the natural environment; protect and enhance aesthetic qualities and cultural heritage; and to provide for ecologically sustainable human development in the coastal zone.

Given the development comprises the construction of a two storey dual occupancy development, on residential zoned land in a previously approved subdivision, it is considered unlikely that the proposal will impact on the coastal values or cultural heritage. However, it is important to note that the proposal will create overshadowing of the waterfront open space (approximately 200m²) at 7:00pm. As noted elsewhere within this report a SEPP No. 1 objection is sought to the provisions of the Clause 32B of the NCREP. The SEPP No. 1 objection is supported in this specific situation.

The provisions state:

- (1) This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.
- (2) In determining an application for consent to carry out development on such land, the council must take into account:
 - (a) the NSW Coastal Policy 1997,
 - (b) the Coastline Management Manual, and
 - (c) the North Coast: Design Guidelines.
- (3) The council must not consent to the carrying out of development which would impede public access to the foreshore.
- (4) The council must not consent to the carrying out of development:

- (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
- (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

The proposal seeks a variation to the provision of Clause 32B (4) (b). The proposed development casts a shadow upon the foreshore reserve located across Tweed Coast Road before 7.00pm midwinter. Under the SEPP No. 1 assessment below this variation is supported.

Clause 43: Residential development

The provisions of Clause 43 of the REP relate to residential development on urban zoned land. The provisions state:

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

The proposed development is not considered to adversely affect environmental features of the site or generate any unreasonable burden onto the local road network. As a dual occupancy development, the proposed density is considered to be a reasonable response to the land use character of the area and the 2(b) Medium Density Residential zoning of the site. The proposed development will not result in the creation of any adverse physical impacts upon the locality.

SEPP No. 1 - Development Standards

SEPP No. 1 provides a mechanism in which a variation to a statutory development standard can be assessed and supported.

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.

The subject application contains a SEPP No. 1 objection in relation to:

NORTH COAST REGIONAL ENVIRONMENTAL PLAN - REG 32B

Development control-coastal lands

32B Development control-coastal lands

- (4) The council must not consent to the carrying out of development:
 - (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
 - (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

The proposed development overshadows a portion of the foreshore reserve to the east of the site. In this regard the proposal will result in a shadow extending into the adjacent foreshore reserve prior to 7:00pm midsummer (daylight savings time) approximately 200m² of shadow is cast at 7.00pm midsummer (daylight savings time).

A 5 part test was 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 applicant provided the following reasons as to why the standard was considered to unreasonable and unnecessary in their particular case:

"The objective of the standard contained within Clause 32(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.

It is contended that the proposal is consistent with the abovementioned objective and that the integrity of Clause 32(b) would not be impacted upon via the approval of the structure. In this regard, the following matters are considered relevant to assessing the merits of the proposed departure from the development standard:

- The extent of overshadowing at the prescribed time is considered to be minor in scale, relative to the overall size of the foreshore reserve:
- The shadow cast by the local natural features will envelope any shadow cast by the proposal. As a result no increase to the existing level of shadow will result;
- That area subject to overshadowing is not significant active recreation area or beach;
- The proposed overshadowing in no way precludes the future use or reclassification of the adjacent reserve;

- The overshadowing is minor at 7.00pm midsummer and is non existent at 3 pm midwinter. And;
- The proposal does not overshadow the beach.

In the light of the foregoing analysis it is concluded that compliance with the development standard is both unreasonable and unnecessary. 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.

It is also further noted that Table 3 of the NSW Coastal Policy 1997 provides for comments under the heading of 'Design and Locational Principles for Consideration in LEPs, DCPs and Development Control'. In this regard and with reference to the overshadowing standard within NCREP 1988, the policy states, Inter alia:

'The suggested standard in this principle may be difficult to apply in highly urbanised environments. An LEP or DCP which is tailored to local conditions and which has the overriding objective of minimising overshadowing may be required in these situations'

In this circumstance, the subject site is within the urbanised area of Hastings Point. The proposal represents a development form compliant with Councils controls and which is consistent with the envisaged built character of the locality. Given the locational characteristics of the area, and the nature and size of the reserve adjacent, strict compliance with the standard is considered both unjustifiable and unnecessary."

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. The applicant has chosen the first way to demonstrate this:

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

As noted by the applicant, the proposed development is consistent with the intent and objectives of the development standard. In this instance, it is considered that compliance with the development standard is unreasonable and unnecessary.

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".
- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The proposed development will not affect the proper management or conservation of natural resources as it is proposed within an existing residential environment. The proposed development is considered to be an orderly and economic use of the land. The proposal is consistent with the established development in the area.

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.

It is considered that the proposed overshadowing is relatively minor and will not raise any matters for state or regional planning. The overshadowing will not impede the overall objectives of the clause. It will not reduce the quality of the useable foreshore area for the benefit and enjoyment of the public.

With regard to the justification provided by the applicant above it is considered that the SEPP 1 objection in relation to 32B of the NCREP is acceptable in this instance.

SEPP No. 14 - Coastal Wetlands

The subject land is located within the 100m buffer to mapped SEPP14 Wetlands at Cudgera Creek to the west of the site. The proposal will have no direct impact on or relation to these wetlands.

Clause 4 (4) states the following:

This Policy does not apply to land to which State Environmental Planning Policy No 26—Littoral Rainforests applies.

The subject site is included within the 100m buffer to mapped SEPP 26 Littoral Rainforest. Accordingly, the provisions of SEPP 14 do not apply to the site.

SEPP No. 26 - Littoral Rainforests

The subject site is included within the 100m buffer to mapped SEPP 26 Littoral Rainforest. As stated by Clause 4(1) of the policy:

This Policy applies to:

- (a) land enclosed by the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)", and
- (b) land not so enclosed but within a distance of 100 metres from the outer edge of that heavy black line except residential land and land to which State Environmental Planning Policy No 14—Coastal Wetlands applies.

As defined by Clause 3 of the SEPP residential land means land which is within a zone designated "Residential", "Village" or "Township" on the day on which this Policy takes effect in any environmental planning instrument.

The site is residential land for the purposes of SEPP 26 and as such the provisions of this SEPP do not apply.

SEPP No 71 - Coastal Protection

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

Council is required to consider the matters under Clause 8 and the following comments are made for Council's consideration.

Clause 8 - Matters for consideration

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

The proposal is generally in accordance with the aims of this policy.

(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,

It is noted that Cudgera Creek is located to the west of the site; however the proposal will not impact on public access along the foreshore, as currently the site does not offer any public access to the foreshore.

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

It is not considered that this application offers any opportunities to provide new public access to the foreshore.

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

The proposal is considered suitable, having regard to its permissibility in this area.

(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.

The proposal will not result in any detrimental impact on the coastal foreshore, however, it is to be noted that the development will create overshadowing of waterfront open space (approx. 200m²) at 7:00pm. It is however noted a SEPP 1 objection is sought to the provisions of the Clause 32B of the NCREP, which is supported in this instance.

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

This proposal is not considered to have any negative impact on the scenic qualities of the NSW 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,

The proposal would not impact negatively any animals 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

The proposal will not have an adverse impact upon marine environments or habitats.

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

There are no wildlife corridors impacted by the proposed development.

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

The proposed development is not considered to have any significant impact of development on coastal processes and coastal hazards.

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

The proposal is not considered to cause any conflict between land-based and water-based activities.

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

The subject development is not considered to impact on any traditional Aboriginal cultural values.

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

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies. Appropriate conditions have been applied in regard to erosion and sediment control and stormwater management.

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

It is not considered that the proposal impacts upon the conservation or preservation of any of the above items.

(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,

Not applicable to the subject application.

- (p) only in cases in which a development application in relation to proposed development is determined:
 - (i) the cumulative impacts of the proposed development on the environment, and

This development is not considered to have a negative cumulative impact on the environment.

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

Appropriate measures have been adopted in terms of design to minimise energy usage including the orientation of the building to maximise solar access and allow natural light to filter into all dwellings. BASIX certificate has been prepared.

Conclusion

It is considered the proposed development does not compromise the intent or specific provisions of State Environmental Planning Policy No. 71 – Coastal Protection.

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

The Draft Tweed Local Environmental Plan 2012 is applicable to the subject site.

Part 1 Preliminary

1.2 Aims of Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents,
 - (b) to promote employment, residential, recreational, arts, social, cultural and tourism opportunities in Tweed,
 - (c) to encourage the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas, the built environment and cultural heritage,
 - (d) to promote development that is consistent with the principles of ecologically sustainable development,
 - (e) to conserve and enhance the biological diversity, scenic quality and ecological integrity of the Tweed.

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible in the subject zone.

1.4 Definitions

Under this Plan, the proposed development would be defined as 'dual occupancy' defined as 'meaning a dual occupancy (attached) or a dual occupancy (detached)'.

This is permitted with consent in the R3 zone.

Part 2 Permitted or prohibited development

2.1 Land use zones

The proposed development area is zoned as R3 Medium Density Residential zone under the provisions of this plan.

2.3 Zone objectives and Land Use Table

The Draft TLEP 2012 zones the development area as R3 – Medium Density Residential. The objectives of the R3 – Medium Density Residential zone are:

• To provide for the housing needs of the community within a medium density residential environment.

- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In this zone, the proposed development is permissible with consent. The proposed development is considered to be consistent with the objectives of the zone.

The subject application is considered to be generally in accordance with the provisions of the Draft LEP and would remain permissible were the draft to be adopted in its current form.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

A detailed assessment of Section A1 is appended to the file. Whilst a number of variations to Section A1 are required, particularly with respect to front deep soil zone and front fence, these are considered to represent an acceptable development of the site. The proposal is not considered to cause a significant impact on streetscape character and the variations are considered justified in this instance. The proposed variations are detailed further below.

Front deep soil zone

The proposed development is considered to result in a variation to the front deep soil zone controls due to the location of a car parking space within the area normally reserved as a front deep soil zone. In this regard it is noted that the proposal is to maintain permeable surfaces in this area and as such it is only the reduction of these areas as being suitable for planting which contravenes the objectives of this control. In this regard it is noted that adequate planting is to be proposed elsewhere on the site and will be formalised through the submission of a detailed landscaping plan as required by condition of consent. In this regard a variation to the front deep soil zone control is considered to be acceptable.

Front Fence

A solid front fence with a height of 1.8m has been proposed as part of this application. This represents a variation to the 1.5m height control as well as the 60% minimum openness ratio control set out in DCP A1. The following is advised with respect to this.

The proposal is located on Tweed Coast Road which is identified as a designated road. The proposal includes a 1.8m high front fence constructed of rendered concrete block, combined with a lapped timber pedestrian gate and automatic sliding driveway gate. The fence has been proposed to provide acoustic mitigation from the adjoining Tweed Coast Road.

To compensate for the fence height the fencing has been articulated and setback from the front boundary line and would include landscaping to the front and behind to soften the interface to the street (Refer to Figure 1 below). It is noted that the new Section A1 permits the construction of a solid front fence of up to 1.8m, when located on an arterial road, and as such the proposal would comply with this control.

The applicant has submitted that the proposed front fencing:

- Effectively defines the front boundary;
- Through integrated landscaping that contributes positively to the streetscape,
- Enhances the usability of the private open space within the front yard and
- Offers acoustic and visual privacy from Tweed Coast Road.

The proposal is considered to generally comply with the relevant objectives and the variation is supported in this instance.



Figure 1: Perspective of front fence

It is noted, that as of 21 May 2013 a new DCP A1 became effective with controls relating to dual occupancy development. Whilst this DCP does not contain a savings provision for Development Applications lodged pre-adoption date, it is considered reasonable and pragmatic to assess this application generally in accordance with the DCP controls in effect on the date of lodgement (27 November 2012).

In any case it is considered that the proposed development is generally in accordance with the provisions of the new DCP A1, although it is noted that a site analysis would be required to be submitted under the new DCP provisions. The following variations to the new DCP A1 have been identified and are addressed below:

3.1 Setbacks

Control C1.

This control outlines that a minimum rear setback of 8m would be required for the proposed development given the site area (740m²) and the height of the proposed building (+4.5m). This is a variation which is addressed under the assessment of DCP B23 below, with the extent of development within the 8m setback being assessed as minimal. In this regard the proposal is considered to be acceptable.

3.3 Site coverage

Control C1.

This control stipulates that the maximum site coverage for this allotment would be a total of 50%.

Site coverage is a control which was not addressed by the applicant in the submitted application as the information was not required at that time, however from extrapolation of the information provided by the applicant it is considered that the proposal would result in total site coverage of approximately 56% (taken from impermeable site area). This is considered to be an acceptable variation to this control due to its minor nature and the fact that the application was submitted to Council prior to the adoption of this control.

Conclusion

Overall the proposal is considered to be generally compliant with both versions of DCP A1, with the variations considered to be acceptable in this instance.

A2-Site Access and Parking Code

The proposed dual occupancy development has frontage to Tweed Coast Road. Tweed Coast Road offers an 8m wide bitumen sealed road pavement in fair condition with no kerb and guttering servicing either side of the street at this location. An upgrade of Tweed Coast Road is not required. Adequate site distance exists from the proposed access to the site. A public transport system currently services the Hastings Point area and is considered accessible to the proposed development.

Access

Access to the development is proposed via a new driveway crossover, located at the northern end of the site and will be subject to a Section 138 application, ensuring compliance with Councils Access to Property Guidelines.

The proposed access to the site has been reviewed by Council's Development Engineering Section who have indicated that the proposal is acceptable in this regard subject to appropriate conditions being applied to any consent. Tweed Coast Road is considered to have sufficient capacity to cater for the additional traffic generated by the proposed Dual Occupancy development.

Parking

Two parking spaces are provided for each unit in addition to one driveway parking space.

- Unit 1 will have a double garage, therefore satisfies requirement.
- Unit 2 will have a single garage plus a carport, therefore satisfies requirement.

The visitor parking space is proposed between Unit 1 and the front boundary.

Based on the above, it is noted that the proposal is compliant with the parking standard and is considered to be acceptable in this regard. A condition of consent would be applied to any approval requiring the above parking spaces be provided. The development is considered to be consistent with DCP section A2.

A3-Development of Flood Liable Land

A small portion at the rear (west) of the site is flood prone, with a 1 in 100 year (Q100) flood level of RL 2.6m AHD adopted minimum floor level of RL 3.1m AHD.

The proposal was assessed by Council flooding engineers (Planning and Infrastructure) and considered acceptable. The sites current existing RL level of between 7m and 8m AHD are higher than the Q100 flood event. The proposed floor levels of both units are RL 8m (Unit 1) and RL 8.3m (Unit 2). The proposed development will not adversely affect the current flood pattern and levels in the area. The development is considered to be consistent with DCP section A3.

A11-Public Notification of Development Proposals

The proposed development was notified for a period of 30 days from 10 December 2012 to 14 January 2013. Council did not receive any submissions during this time.

B23-Hastings Point

An assessment of the proposed development against Section B23 has been undertaken with the proposal considered to generally comply with Section B23 of the Tweed Development Control Plan. The site is situated within the South Hastings Point Precinct. However, the proposed development seeks a number of variations to the Plan. These variations are discussed in detail below.

Variations

The proposed development seeks the following variations to Tweed Shire Council's Development Control Plan:

- 1. Section B23 Part 4.4.3.5 Controls Residential Lots Control 2:
- Section B23 Part 6.3.2.3 –DC2 Site Configuration Landscaping Control I):
- 3. DC3 Setbacks Front Setbacks Building Lines Control a);
- 4. DC3 Setbacks Front Setbacks Building Lines Control d);
- 5. DC3 Setbacks Side Setbacks Control a);
- 6. DC3 Setbacks Rear Setbacks Control a);
- DC4 Car Parking & Access Control c);
- 8. DC4 Car Parking & Access Control f);
- 9. DC8 External Building Elements Fences and Walls: Front, Side and Rear Control c);
- 10. DC8 External Building Elements Fences and Walls: Front, Side and Rear Control d).

Section B23 – Part 4.4.3.5 – Controls – Residential Lots – Control 2

Under this section of the DCP control 2 states that:

'Setbacks are to be in accordance with Figure 4.29 Control Diagram - South Hastings Point'.

Figure 4.29 specifies a minimum 6m front setback which can be varied under DC3 Setbacks – Front Setbacks Building Lines – Control b) which states:

"This setback can be varied up to plus or minus 1 metre. On sites where the angle of the front and side boundaries vary by more than 10 degrees the setback can vary by +/- 2 metres."

The angle of the site boundaries are considered to exceed the 10 degree standard. As such a front setback of 4m is permitted under the provisions of this DCP. The Dual Occupancy proposes a varying front setback ranging from 3.544m to 4.942m on a lot where the angle of the front and side boundaries vary by more than 10 degrees (the boundary angle is 14 degrees). The applicant states that the 'proposed front setback has been established by the average of the adjoining setbacks +/- 2m in accord with control b of Section B23 of the TDCP 2008.'

The variation is considered to relate to a small non compliance of 0.456m, concerning the outermost projection of the Unit 1 front terrace/verandah (see below). A comparison has been undertaken against the setbacks of adjoining residences. No. 53 Tweed Coast Road (to the north) has a front setback of approximately 3.2m, with No. 57 Tweed Coast Road (to the south) having a varied front setback of 5.4m and 7.3m. The proposed development incorporates a front building setback of 3.54m to the outermost projection of the Unit 1 front terrace/verandah and 4.759m to front wall. The provided setbacks are considered to be acceptable having regard to neighbouring dwellings and the character of the locality and establish an average front setback consistent with the policy.

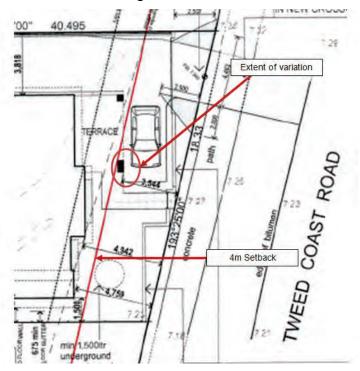


Figure 2: Extent of Front Setback Variation

The proposed variation to this control is considered to be acceptable and is therefore supported in this instance.

DC2 Site Configuration – Landscaping – Control I);

The proposal incorporates a visitor car parking space between the Unit 1 Terrace and the front fencing and landscaping. Control I) states:

'Pools, car parking, tennis courts and other uses that result in hard surfaces are not permitted within the prescribed front setback area'.

Section B23 refers back to the Section A1 objectives. The landscaping objectives within Section A1 are:

Objectives

- To enhance the appearance and amenity of development.
- To enhance the character of the locality and the streetscape.
- To retain existing important landscape features.
- To provide privacy between adjoining dwellings and private open space.
- To assist in the percolation of rainwater and reduction in stormwater runoff.
- To improve microclimatic conditions on sites and the solar performance of dwellings.
- To contribute to improving urban air quality.
- To provide fauna and flora habitat.
- To assist in the protection of urban bushland.

Each objective is addressed individually by the applicant below:

- To enhance the appearance and amenity of development.
 - 'The proposal incorporates high quality native landscaping. The proposed visitor space within the front setback does not compromise the appearance of amenity of the development.'
- To enhance the character of the locality and the streetscape.
 - 'The proposal incorporates high quality native landscaping. The proposed visitor space within the front setback is shielded from view via the proposed front fencing and landscaping located between the front fence and boundary. The proposal does not compromise the character of the locality.'
- To retain existing important landscape features.
 - 'Not Applicable. This objective does not have any relevance to the proposed variation. No existing important landscape features are located on the site.'
- To provide privacy between adjoining dwellings and private open space.
 - 'The proposed visitor space within the front setback does not impact upon the privacy of the adjoining dwellings and private open space.'
- To assist in the percolation of rainwater and reduction in stormwater runoff.
 - 'The proposed visitor space is finished in pervious paving. Rainwater percolation will be maintained.'
- To improve microclimatic conditions on sites and the solar performance of dwellings.
 - 'The proposed visitor space within the front setback does not impact upon the solar performance of the dwellings. '
- To contribute to improving urban air quality.
 - 'The proposed visitor space within the front setback does not impact upon urban air quality.'

- To provide fauna and flora habitat.
 - 'Any proposed landscaping is to be predominately native only plantings.'
- To assist in the protection of urban bushland.

'The proposed visitor space within the front setback does not impact upon urban bushland.'

The proposed variation is supported in this instance. It should also be noted that the car parking space is to be paved with a permeable 'Atlantis Turfcell' surface which will maintain permeability in this location, consistent with it being a grassed area. The proposal is considered to maintain compliance with the above objectives. The proposal and the variation are considered to meet the landscaping objectives Section A1 and Section B23.

DC3 Setbacks - Front Setbacks Building Lines - Control a);

Front setbacks objectives are referred back to Section A1. However, there are additional controls under this DCP. Control a. is varied as follows:

Control a. states:

'Buildings are to have setbacks in accordance with Part 4: Precinct Specific Strategies.'

Control 2 'Setbacks are to be in accordance with Figure 4.29 Control Diagram - South Hastings Point'. Figure 4.29 specifies a minimum 6m front setback. As noted previously, a setback of 4m is permitted under DCP B23, due to the angle of the front boundary exceeding 10 degrees. The Dual Occupancy proposes a varying front setback ranging from 3.544m to 4.942m. Therefore this variation is considered to relate to a non compliance of 0.456m, concerning the outermost projection of the Unit 1 front terrace/verandah. As noted previously, the provided setbacks are complementary to neighbouring dwellings and the character of the locality and establish an average front setback consistent with the policy. The proposal and the variation are considered to meet the front setback objectives of Section B23.

DC3 Setbacks – Front Setbacks Building Lines – Control d)

The proposal incorporates a visitor car parking space between the Unit 1 Terrace and the front fencing and landscaping. Control d) states:

'On grade parking must be located a minimum of 6 metres setback from the building front elevation or to the rear of the site'.

Section B23 refers back to the Section A1 objectives in this regard, which state:

Objectives

- To establish the desired spatial proportions of the street and define the street edge.
- To enable a transition between public and private space.
- To create a landscape setting for residential buildings.
- To ensure compatibility with other buildings in the street.
- To allow for landscaping.

The proposed visitor's space is not considered to impact upon the spatial proportions of the street; prevent front landscaping of the southern portion of the full front setback; or make the proposal incompatible with adjoining dwellings. The proposal is considered to be consistent with the setback objectives above and the variation is supported in this instance.

DC3 Setbacks - Side Setbacks - Control a);

Side setbacks objectives are referred back to Section A1. However, there are additional controls provided under this DCP. Control a. is varied as follows:

Control a. states:

'Buildings can have minimum of 1.5 metre setbacks for the first and second levels of the building'.

The proposal includes a small area of the ground (first) level of Unit 1 at 900mm from the southern site boundary. The length of the part of the building at 900mm is limited to 4.4m in length. The use of that part of the building is a bedroom. Section A1 side setbacks objectives state:

Objectives

- To provide an orientation for windows of ancillary rooms.
- To provide access to the rear of the lot.
- To provide a location for rainwater tanks.
- To facilitate visual and acoustic privacy between neighbouring lots.

The proposed variation is not considered to:

- Prevent windows from being orientated to the side boundary. In this regard it
 is considered appropriate that a condition be attached to any consent
 requiring that the proposal provide for screening to this elevation.
- Prevent access being provided to the rear of the lot as this is provided to the north of the site through the vehicular entrance. In any case, the 900mm setback would still provide access to the rear of the allotment in this location.
- An underground rainwater tank has been proposed and in this regard the area where the extended bedroom is located does not preclude the provision rainwater tanks.
- Result in a visual or acoustic privacy issues to the adjoining dwelling. In this
 regard it is noted that the variation is relatively minor, being for a length of
 4.4m along a 27m long building which relate to approximately 16% of the total
 building.



Figure 3: Extent of Side Setback Variation

The proposal is therefore considered to comply with the Section A1 Side Setback objectives and the proposed variation to B23 is supported.

DC3 Setbacks - Rear Setbacks - Control a);

Rear setbacks objectives are referred back to Section A1. However, there are additional controls for consideration provided under this DCP. Control a is varied as follows:

Control a. states:

'The minimum rear boundary setback is 8 metres or the deep soil zone whichever is the greater. The minimum building separation distances must be met.'

The proposal includes a varied setback ranging from 10.078m to 5.193m to the rear boundary. The minor part of the building within the rear setback is a ground floor deck and upper floor balcony, neither of which is enclosed. The proposal continues to provide a compliant rear deep soil zone of 8m by 8m. It is further noted that this setback has been varied on the surrounding properties, particularly to the south of the development site (Refer to Figures 4 & 5 below).

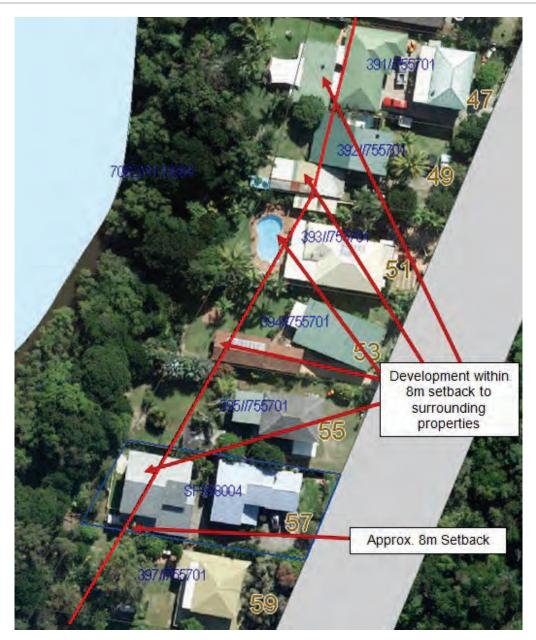


Figure 4: Development Within Rear Setbacks of Surrounding Properties

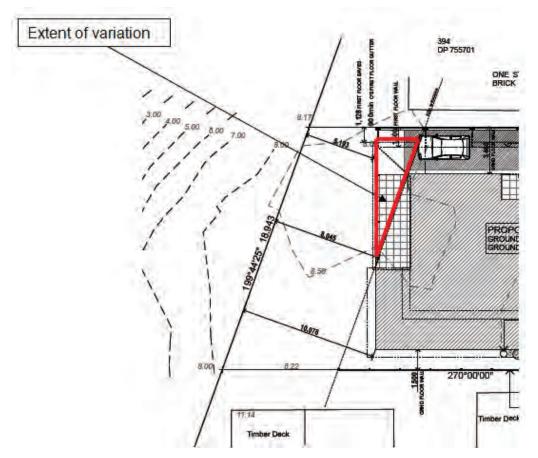


Figure 5: Extent of Rear Setback Variation

Section B23 refers back to Section A1 objectives, which state:

Objectives

- To provide an area for private outdoor recreation and relaxation.
- To allow space for vegetation and mature trees.
- To separate dwellings to achieve privacy.

The proposed minor variation is required due to the configuration of the allotment and is considered not to compromise the objectives outlined above. In particular the variation does not:

- Prevent the provision of a private outdoor recreation space, as it is considered that there is approximately 110m² of area maintained to the rear of the site for recreation purposes.
- Prevent the planting of appropriate landscaping, again due to the provision of a large area to the rear of the site.
- Result in a privacy issue, as the site does not adjoin another residential property to this boundary.

The proposal is considered to comply with the Section A1 Rear Setback objectives as outlined above and the proposed variation to DCP B23 is supported.

DC4 Car Parking & Access - Control c) &- DC4 Car Parking & Access - Control f);

Design Control 4- Carparking and Access objectives are referred back to DCP Section A1. However, there are additional controls for consideration under this DCP.

The A1 objectives are:

- To provide on site car access, parking and manoeuvring areas.
- To minimise the physical and visual dominance of vehicles on sites.
- To minimise footpath and street reserve crossings.

The proposed development results in a variation to controls c. and f. under this DCP.

Control c. states:

'Car parking cannot be located within the front setback'

Control f states:

'On grade car parking cannot occur within 12 metres of the street boundary'.

The proposal incorporates a visitor car parking space between Unit 1 and the front fencing and landscaping.

The proposed visitor parking space does not impact upon site access or manoeuvring area as garaged vehicles do not rely on this area to access the garages to turn around.

Furthermore, the proposal does not require any additional footpath crossing as a pedestrian pathway is located beyond this area nor result in the visual dominance of the streetscape from vehicle parking areas, due to the proposed front fencing and landscaping, which it is located behind.

The proposal is considered to comply with the Section A1 objectives for Carparking and Access and the proposed variation to DCP B23 is supported in this regard.

DC6 Height – Control c;

Section B23 Height objectives are:

- To design new development appropriate to the existing building scale in the street and the local area.
- To ensure new development maintains an appropriate residential character.

There are additional controls for consideration under this DCP for this development.

Control c. outlines that a carport is to have a maximum height of 2.7m for a flat roof structure. In this instance it is noted that the proposed carport would have a maximum height of 3.04m, resulting in a variation of approximately 0.34m.

The carport in question is an open structure, but is also an extension of the dwelling which has resulted in the additional height. It is noted that the proposal is compliant with the DCP A1 height requirement for carports. Whilst the applicant has not listed this variation in the submitted application, the carport height variation is not considered to compromise the provisions of these objectives and as such support of this variation is considered appropriate.

DC8 – External Building Elements – Fences and Walls: Front, Side and Rear – Control c) and

DC8 – External Building Elements – Fences and Walls: Front, Side and Rear – Control d);

External Building Elements - Fences and Walls: Front, Side and Rear objectives are referred back to Section A1. However, there are additional controls for consideration under this DCP. The A1 objectives state:

Objectives

- To define the boundaries between public and private land.
- To define the boundaries between neighbouring properties.
- To contribute to the streetscape appearance.
- To enhance the usability of private open space.
- To offer acoustic and visual privacy on busy roads.

Control c and d are varied as follows:

Control c. states:

'Above the solid wall the fence is to have a minimum openness ratio of 60%' and

Control d. states:

'Front and return fences may be up to 1.2 metres if located on the Tweed Coast Road'.

The proposal is located on Tweed Coast Road which is identified as a designated road. The proposal includes a 1.8m high front fence constructed of rendered concrete block, combined with a lapped timber pedestrian gate and automatic sliding driveway gate. The fence has been proposed to provide acoustic mitigation from the adjoining Tweed Coast Road.

To compensate for the fence height variation the fencing has been articulated and setback from the front boundary line and would include landscaping to the front and behind to soften the interface to the street (please see Figure 6: 3D imagery below).



Figure 6: 3D Imagery of Front fence

It is to be noted that the old Section A1 permits the construction of a solid front fence of up to 1.5m, when located on an arterial road. Furthermore the new DCP A1 allows this to be extended up to 1.8m in height on an arterial road.

In addition to this it is considered that the proposed front fence will not visually dominate the streetscape at this location. This can be seen from the streetfront elevation (Figure 7 below) which demonstrates that the dual occupancy development will maintain an interface with the public domain.

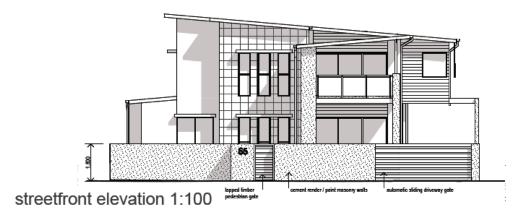


Figure 7: Streetfront Elevation

The applicant has submitted that the proposed front fencing:

'Effectively defines the front boundary;

Through integrated landscaping that contributes positively to the streetscape,

Enhances the usability of the private open space within the front yard and

Offers acoustic and visual privacy from Tweed Coast Road.'

The proposal is considered to generally comply with the relevant fencing objectives and the above variations are supported in this instance.

Conclusion

The proposed variations are not considered to result in a precedence being set for any of these variations elsewhere in the locality. Any future application received by Council which proposes to vary any of the controls of this DCP would be assessed on its merits.

The proposed Dual Occupancy represents a visually attractive and well designed development of the subject site. The proposal, including the proposed variations, is supported. Whilst the site configuration results in a number of constraints, it is considered that many of the proposed variations are either minor in nature or do not result in the detriment of the overall design of the proposal or the surrounding area, with the proposed development considered to result in a high quality development.

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

Clause 92(a) Government Coastal Policy

The subject site is nominated as Coastal Land and therefore this clause applies. The proposal is not inconsistent with the Coastal Policy as previously detailed within this report as it comprises a two storey attached, medium density residential development on an appropriately zoned site. The development will not restrict access to any foreshore areas and whilst the proposal will result in overshadowing of foreshore area this has been determined as acceptable in this instance having regard to the SEPP No. 1 objection submitted with this application.

Clause 92(b) Applications for demolition

The demolition of the existing structures on site has been included as part of this application. Councils Building Unit have provided recommended conditions of consent with respect to demolition on the site.

Clause 94 Buildings to be upgraded

The subject application was referred to Councils Building Unit who have raised no objections with respect to the proposed development.

(a) (v) Any coastal zone management plan (within the meaning of the <u>Coastal</u> Protection Act 1979),

Tweed Shire Coastline Management Plan 2005

The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure. Given the location of the development is approximately 300m from the coastal foreshore and is not located within the Coastal Erosion Hazard zone it is considered that the proposal is consistent with the objectives of the Management Plan.

Tweed Coast Estuaries Management Plan 2004

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is adjacent to the Cudgen Creek, therefore this Plan applies. Appropriate conditions of consent have been applied to ensure that the proposal meets the aims and objectives of the Plan.

<u>Coastal Zone Management Plan for Cobaki and Terranora Broadwater</u> (adopted by Council at the 15 February 2011 meeting)

The subject site is not located within an area that is affected by the Coastal Zone Management Plan for Cobaki and Terranora Broadwater.

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

Context and Setting

The proposed development is considered to be appropriate with the context and setting of the site as well as the general appearance of the area. The proposal is considered to be in keeping with the character of surrounding development.

<u>Waste</u>

The submitted Waste Management Plan for the proposed development was forwarded to Councils Waste Unit for comment. A response has been received advising that 'After reviewing the waste management plan for the abovementioned development application, the proposed waste and recycling practices are considered to be suitable.' The application is therefore considered to be acceptable in this regard.

Construction and Demolition

The construction of the proposed development will be subject to standard conditions being included on any consent issued. It is noted that Council's Building Unit have reviewed the application and had no objection to its development subject to conditions. The development phase of the proposal will present some interruption to the ambience of the surrounding area but this is only temporary in nature and amenity can be adequately protected via conditions.

(c) Suitability of the site for the development

Availability of Utilities and Services

The subject site is serviced by Council's water, sewer and drainage services which are available to the proposal within Tweed Coast Road. As such the proposal is considered to be acceptable in this regard.

Flora and Fauna

The subject application was referred to Councils Natural Resource Management Unit as the subject site is partially mapped as having a high ecological status and containing koala habitat on Councils mapping system. A response has been received outlining that 'it is noted that the application proposes only the removal of non-native trees/palms and ornamental plants. As discussed, please apply Council's general conditions with regard to native tree removal and landscaping.' Appropriate conditions are to be attached to any consent as per the above advice.

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

As outlined elsewhere in this report, no public submissions were received with respect to the proposed development. However, the application was also referred to the following agencies with responses received.

NSW Office of Water

The applicant was lodged with Council with an integrated referral to the NSW Office of Water (NOW) under Sections 89, 90 & 91 of the Water Management Act 2000. A response has been received from NOW outlining that the proposed development (being a dual occupancy) is exempt from a requirement for a controlled activity approval.

NSW Rural Fire Service

The proposed development was referred by Council officers to the NSW Rural Fire Service (RFS) for comment as the site is bushfire prone. The RFS responded with recommended conditions of consent which are to be included in any approval of the development application.

NSW Trade and Investment (Crown Lands)

The subject application was forwarded to Crown Lands for comment as the subject site adjoins Crown land comprising part of Tweed Coast Regional Crown Reserve to the west of the site. A response has been received from Crown Lands requesting that the proponent does not:

- Encroach upon the Crown Reserve;
- Remove any native vegetation from the Reserve;
- Stockpile any materials or store any equipment, plant or machinery on the Reserve;
- Use the Reserve for vehicular access;
- Establish any asset protection zones on the Reserve; or
- Discharge stormwater or deposit wastes onto the Reserve.

Whilst it is noted that the proponent has not proposed to undertake any of the above and would not have any rights to undertake same under this Development Application as it would involve encroaching onto an adjoining allotment, it is considered appropriate that a condition of consent be attached to any approval outlining the specific requirements of Crown Lands as detailed above in order to advise the proponent of this specifically.

(e) Public interest

Given the nature of the development, being for a dual occupancy development on an appropriately zoned site within an established and previously approved Council subdivision, it is considered that the proposal would be unlikely to impact on the public interest.

OPTIONS:

- 1. Approve the development application; or
- 2. Refuse the development application for specified reasons.

Council officers recommend Option 1.

CONCLUSION:

The subject application seeks consent for the demolition of the existing dwelling/structures on site and the construction of a dual occupancy development comprising two x three bedroom units. The proposed building is two storeys in height and provides for access off Tweed Coast Road.

It is considered that sufficient justification has been provided to support the SEPP No. 1 objections made in relation to minor overshadowing of the foreshore and the proposed variations to DCP A1 and B23.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Council Meeting Date: Thursday 20 June 2013

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

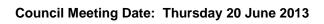
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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[PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah ROAD 5900 Wharf Street, Murwillumbah

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA12/0620 Pt1



SUMMARY OF REPORT:

Council has received a development application for the construction of an awning over an existing and previously approved outdoor dining area at the Murwillumbah Hotel, a prominent historic building within the Murwillumbah town centre. The frame would be constructed of galvanised steel with waterproof fabric stretched over the rafters. The sides would remain open.

The applicant has advised that the relatively thin frame, whilst thick walled for strength, has been chosen to reduce the visual impact and to have proportional compatibility with the lightweight roofing fabric. The applicant has advised that the outdoor dining area is being used less frequently in the summer due to lack of shade and that the shade that the roof will provide will encourage the space to be used. The applicant advises that there will be no impact to traffic with the setback providing a suitable clearance from passing traffic.

Council's Traffic Engineer has not raised any concerns with the proposal from a traffic safety perspective. However, from a design perspective, shade structures attached to existing awnings have the capability to intrude on the fabric of the host building as well as impact on streetscape character. It is understood that this matter has been brought to Council previously as other businesses in the Murwillumbah Shopping Centre Precinct have sought to construct similar weather protection structures in association with their footpath dining areas (such as at the Court House Hotel).

When considered in isolation, the proposed structure is considered to be relatively light weight and unobtrusive and, in the absence of Council adopted design guidelines for such structures, as well as the presence of similar structures within the vicinity of the subject site, it would be difficult to refuse the proposal on the basis of design. However should the application be approved there are concerns about the cumulative impact of similar development within the locality, particularly given the Murwillumbah Main Street Conservation Area (MMSCA) status as defined within the Draft Local Environmental Plan (LEP) 2012.

Council's Environmental Health Unit has advised that the proposed shade structure has the capability to restrict Closed Circuit Television (CCTV) coverage from the camera located on the opposite side of Wharf Street to the licensed premises, therefore causing a security and public safety risk. Further, the Environmental Health Unit has advised that the proposed awning may have the potential to create a heavily shaded area which may reduce pedestrian safety through reduced light levels along the pedestrian footpath adjacent to the outdoor dining area. The applicant has provided further information in relation to CCTV camera restriction and light levels, however, Council's Environmental Health Unit considers that this additional information does not alleviate their concerns with this regard. The proposed awning structure is therefore recommended for refusal on this basis.

In the absence of a more comprehensive policy framework and design guidelines for such development, it is considered necessary to report the application to Council for consideration of the broader community benefit of such structures against any potential detrimental impacts to the heritage value of the host building and streetscape character as well as to public amenity and safety.

RECOMMENDATION:

That Development Application DA12/0620 for construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; ROAD 5900 Wharf Street, Murwillumbah be refused for the following reasons:

- 1. The development would result in a security and public safety risk and would therefore be contrary to Clause 4, Clause 8 and Clause 11 of the Tweed Local Environmental Plan 2000.
- 2. The development would detract from the heritage significance of the host building and the character and amenity of the Murwillumbah Town Centre and would therefore be contrary to Clause 4, Clause 8, and Clause 11 of the Tweed Local Environmental Plan 2000.
- 3. The development would not protect or enhance the public domain and would therefore be contrary to the Murwillumbah Town Centre Development Control Plan B22.
- 4. The development would detract from the heritage significance of the Murwillumbah Main Street Conservation Area and would therefore be contrary to Clause 5.10 of the Tweed Draft Local Environmental Plan 2012.

REPORT:

Applicant: Penplay Pty Ltd
Owner: Tweed Shire Council

Location: Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf

Street, Murwillumbah

Zoning: 3(b) General Business

Cost: \$7,000

Background:

On 28 December 2012 Council received a development application for the construction of an awning over an existing and previously approved outdoor dining area located within the road reserve adjacent to the Murwillumbah Hotel. The Murwillumbah Hotel is a prominent building within the Murwillumbah town centre and contributes toward the historic character of the locality. The existing dining area comprises a timber floor raised above the street surface to the level of the footpath, with a solid steel balustrade around three sides extending from the kerb line.

The Murwillumbah Hotel currently comprises Murrays public house, 'Next to Murrays' refreshment room, a barber and 'Jujus' cafe which are both accessed independently from the hotel itself. The outdoor dining area is located adjacent to the refreshment room, 'Next to Murrays'.



Outdoor dining area located within the road reserve adjacent to the Murwillumbah Hotel and location of proposed awning structure.

The awning would be constructed of galvanised steel posts and rafters and would be setback from the white line marking on the road surface by 450mm. Waterproof fabric would then be stretched over the rafters however it is advised that the sides of the structure would remain open. The applicant has advised that the relatively thin frame, whilst thick for strength, has been chosen to reduce the visual impact and to have proportional compatibility with the lightweight roofing fabric. The intention of the proposal is to provide shade over the existing outdoor dining area to encourage customers to utilise the space.

The development application has been referred to Council's Traffic Engineer who has raised no significant concerns from a traffic safety perspective, providing that the structure is set back a minimum of 450mm.

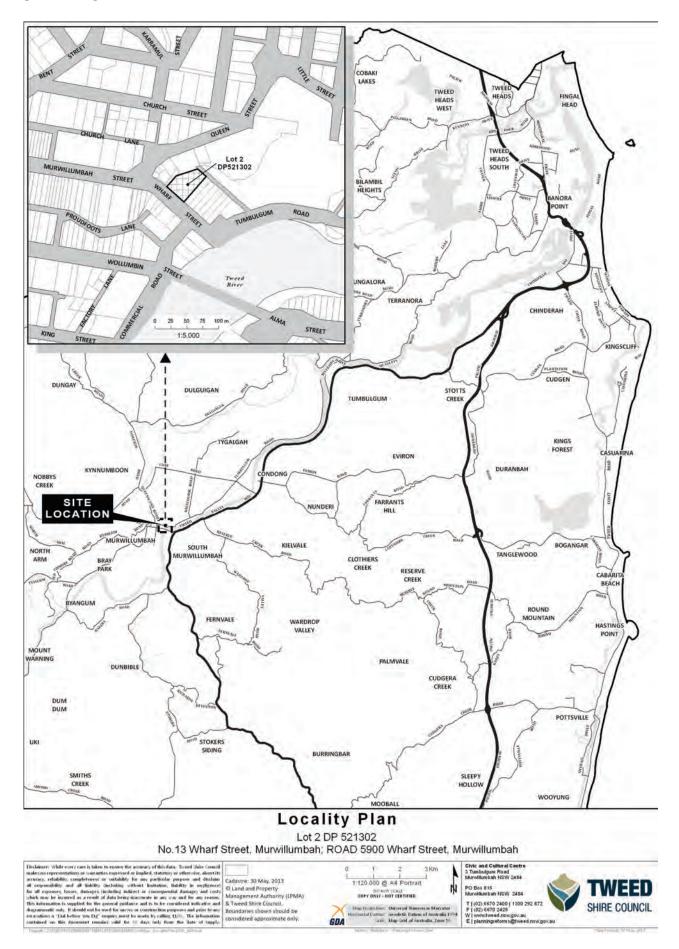
From a design perspective, shade structures attached to existing awnings have the capability to intrude on the fabric of the host building as well as impact on the amenity and appearance of streetscapes and the pedestrian environment. The proposed structure is considered to be relatively light weight and unobtrusive. At present, Council does not have any design guidelines or policy criteria in relation to such structures (such as awnings and additions to existing buildings). Therefore, Council Officers consider that the refusal of the proposal on the basis of design and visual impact would be difficult to substantiate.

However, there are concerns about the cumulative impact of such development within the locality, should the application be approved. Collectively such structures attached to existing awnings have the capacity to impact on the character of an area and erode the historic qualities of the building to which they are attached. This is particularly prevalent given the site is located within the Murwillumbah Main Street Conservation Area (MMSCA), within the Draft LEP 2012. As the Draft LEP 2012 is close to gazettal, greater weight can now be afforded to the protection of the historic character of buildings within the MMSCA, as well as to the protection of the character and appearance of the streetscape, which is dominated by buildings with distinctive parapets and cantilever style awnings and verandahs.

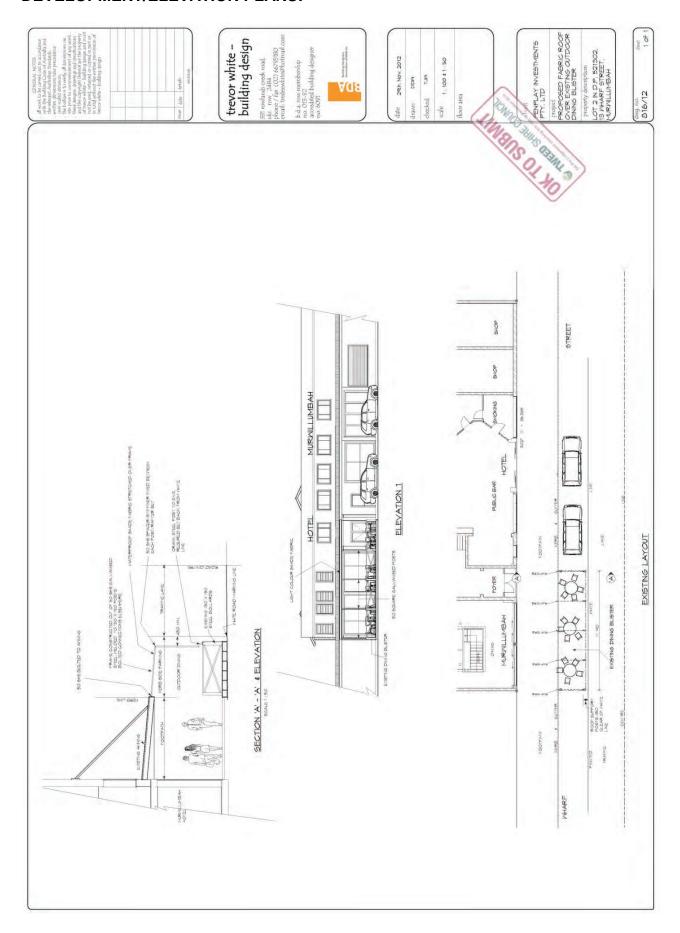
In addition, Council's Environmental Health Unit advises that the proposed shade structure potentially has the capability to restrict CCTV coverage from the camera located on the opposite side of Wharf Street to the licensed premises and would therefore pose a security and public safety risk. Further, the Environmental Health Unit advises that the proposed awning may have the potential to create a heavily shaded area which may reduce pedestrian safety through reduced light levels along the pedestrian footpath adjacent to the dining blister. Refusal of the development application is recommended on this basis.

In the absence of a more comprehensive policy framework for such development, it is considered necessary to report the application to Council for determination and to highlight the requirement and importance of establishing a heritage based DCP, particularly given the additional weight now afforded to the heritage and conservation value of the MMSCA.

SITE DIAGRAM:



DEVELOPMENT/ELEVATION PLANS:



Council Meeting Date: Thursday 20 June 2013

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

A principle aim of the Plan is to ensure:

The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced [and] to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

When considered in isolation, the proposed development is of a relatively minor nature and scale and is not likely to impact on the character of the Tweed as a whole. The requirement for weather protection within outdoor dining spaces is acknowledged and Council wishes to encourage the use of these spaces to create a vibrant streetscape and assist local businesses. However, it is considered that such structures should be of a high architectural quality, sensitive to both the building to which they are attached and that compliments the surrounding streetscape. Such structures should also provide adequate levels of lighting to footpaths and to ground floor spaces within buildings as well as maintain existing public safety and security levels, particularly outside of licensed premises.

Should the application be approved, it would set a precedent for such structures within the road reserve that collectively, may have a detrimental impact on the character and amenity of the Tweed as a whole.

Clause 5 - Ecologically Sustainable Development

The intent of this clause is to provide for development which is compatible with principles of ecological sustainable development (ESD) including the precautionary principle, inter-generational equity, ecological and environmental factors.

It is considered that the scale and nature of the proposed development would not conflict with principles of ESD.

Clause 8 - Consent Considerations

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

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

The subject site is located within the 3(b) General Business Zone and the proposal relates to the construction of an awning, in association with a previously approved outdoor dining area. For reasons detailed within this report, it is considered that the proposal would not be consistent with the primary objective of the zone, primarily on account of the restriction to CCTV surveillance and impact on light levels along the pedestrian footpath.

However, it is also considered that the awning may also impact on the architectural quality of the host building, which is a prominent heritage building within the Murwillumbah town centre. The approval of the awning structure may set a precedent for similar proposals within the Shire that collectively may impact substantially on streetscape character.

It is therefore considered that the proposal would not be consistent with this clause.

Clause 11 - Zone Objectives

The subject site is located within the 3(b) General Business Zone. The objectives of the zone are as follows:

Primary objectives:

- To provide business centres in which the community's shopping, business, welfare and social needs can be met.
- To provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding areas.

Secondary objectives:

- To provide for tourist oriented development.
- To encourage upper floor residential or tourist accommodation.

The proposed awning structure would be ancillary to the Murwillumbah Hotel and located over a previously approved outdoor dining area. The applicant considers that the structure is necessary to provide an area for outdoor dining in all weather conditions, thereby providing an attractive seating area for customers and creating a vibrant streetscape. Should this justification be accepted, it may be considered that any impact the structure may have from a visual or public safety point of view would be counteracted by the facilitation of a useable outdoor dining area.

The proposed awning structure would be attached to the existing awning located over the public footpath and would be constructed of steel supports and rafters with a shade fabric material. There is a concern that the design and use of materials would not be compatible with the scale and architecture of the host building and may impact on the heritage significance of both the Murwillumbah Hotel and the surrounding area.

It is important to note that there are a number of awnings located within the road reserve that have been approved by Council, such as at the Court House Hotel, at the Sugarbeat cafe and at the Noodle Bar located opposite to the subject site. It is noted that these structures do not enhance streetscape appeal and have the capacity to create a tunnelling effect along the section of the footpath in front of these buildings, particularly in the case of the Courthouse Hotel. There is a concern that the approval of this awning structure may lead to visual clutter and further erode streetscape character. There is also particular concern in the case of this application that the structure may restrict CCTV coverage and reduce light levels along the pedestrian footpath and is therefore considered to be a security and public safety risk.

It is considered that the proposed structure would not be compatible with the host building and would impact detrimentally on the character and amenity of the area. On this basis the proposed awning would not be consistent with the objectives of the zone.

Clause 15 - Essential Services

The primary objective is to ensure that development does not occur without adequate measures to protect the environment and the community's health.

The subject site has existing access to essential services and the proposed development does not raise any concerns with this regard.

Clause 16 - Height of Building

Clause 16 aims to ensure that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land. Clause 16 of the TLEP provides a three-storey height restriction over the subject site.

The proposed structure would be attached to an existing awning and would have a maximum height of 3.25m. The proposal would be consistent with this clause.

Clause 17 - Social Impact Assessment

Clause 17 of the TLEP requires a social impact assessment for development types likely to have a significant social impact in the locality.

Given the minor nature and scale of the proposal a Social Impact Assessment is not required. However, in the absence of a policy framework for such structures in the road reserve, the determination of this application will set the precedent for similar development proposals which may have broader implications for the community.

There is a good deal of community interest in local business activities and the requirement to make such spaces more attractive to customers, by creating 'all weather' seating areas, is acknowledged. It is recognised that outdoor dining has the potential to add vitality to the town centre and Council wishes to support local business and encourage the utilisation of these spaces. However, this should not be at the expense of public safety and security or to the architectural qualities of the host building or to streetscape amenity.

State Environmental Planning Policies

There are no State Environmental Planning Policies of specific relevance to the proposed development.

SEPP (North Coast Regional Environmental Plan) 1988

Clause 36C: Conservation Areas of State and Regional Significance

The MMSCA is not included within the list of State or Regionally significant conservation areas.

Clause 47: Principles for Commercial and Industrial Development

Clause 47 provides a number of objectives to consider in the determination of development applications of a commercial or industrial nature. The development application relates to the construction of an awning in association with a previously approved outdoor dining area for a public house and refreshment room. In general it is considered that the proposal would be consistent with this clause.

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

<u>Draft Tweed Local Environmental Plan 2012</u>

B3 - Commercial Core

The Draft LEP has been on public exhibition and is yet to be gazetted. In this Draft the site is located within the B3 - Commercial Core. One of the objectives of the zone is to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

In general, the proposal would be consistent with the objective of the zone. However, as detailed within this report, it is considered that the proposal may set a harmful precedent for such structures within the road reserve that may impact on the character and amenity, as well as public safety of the area.

Clause 5.10 - Heritage conservation [compulsory]

The subject site is located in the MMSCA within Draft LEP 2012. Clause 5.10 of this document seeks to conserve the heritage significance of conservation areas, including associated fabric, settings and views. It requests that the consent authority considers the effect of a proposed development on the heritage significance of a heritage conservation area. 5.10(5) states that the consent authority may request that a heritage management document is prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area concerned.

Whilst it is noted that there are similar structures attached to existing awnings within the locality, the impending future designation of the MMSCA is of key importance in the determination of this application. As detailed further within this report, these structures can detract from the heritage significance and architectural qualities of the buildings to which they are attached and impact on the amenity of the area. The Murwillumbah Hotel is listed amongst several buildings of individual and historic significance within the precinct. The Murwillumbah Hotel and other buildings such as the Police Station and Courthouse Group, the Westpac and National Banks, Regent Cinema and Imperial Hotel 'punctuate the architectural character of the MMSCA'.

Council's Urban Designer has advised that the proposed form of the awning (being attached to the existing awning) and materials (modern, galvanised steel finish and fabric roofing) would not be complimentary to the host building or the surrounding MMSCA. As detailed further within this report however, improvements to the form of the proposal, from an urban and conservation design point of view, may have repercussions on issues relating to public safety and security.

In the absence of a heritage DCP or comprehensive design guidelines it was considered unreasonable in this instance to request that the applicant lodge a costly heritage management document for the proposed structure, particularly given the existence of similar awnings within the MMSCA. The determination of the proposal therefore requires consideration of the requirement for 'all weather' protection within these spaces, the existing built environment and the desired future character and amenity of the locality.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

The existing outdoor dining area has already been approved and the loss of on street car parking has already been considered and accepted. Council's Traffic Engineer has advised that the proposed awning would not impact on site access or traffic.

A3-Development of Flood Liable Land

The subject site is located on flood prone land with a design flood level of 7.5m AHD. Having regard to the proposed development, for an open awning over an existing outdoor dining area, it is not considered that these works will adversely affect the flow of floodwater on the site and as such the proposal is in accord with this DCP.

A11-Public Notification of Development Proposals

The development application was notified for a period of 14 days in accordance with Council Policy. No submissions have been received.

DCP B22 - Murwillumbah Town Centre

The subject site is located within the parameters of the Murwillumbah Town Centre DCP. The purpose of the DCP is to contribute to the growth and character of the Murwillumbah Town Centre and protect and enhance the public domain. Specifically, this site is located within the Town Centre Core Precinct. It is intended that retail and commercial development be maintained and consolidated within this precinct in order to support a strong urban structure. The Murwillumbah Town Centre Vision is as follows:

'Build on Murwillumbah's lively hinterland village qualities to create a walkable, vibrant, mixed use centre with a successful main street and a balance between building scale and landscape character'.

In relation to awnings, Section 4.10 of the DCP states that 'awnings assist in providing a pleasant and comfortable pedestrian environment, weather protection and contribute to the creation of a pedestrian scaled environment'. The objectives of Section 4.10 are to provide weather protection in areas of high pedestrian traffic and to encourage the use of consistent and continuous awnings within the Town Centre Core. One of the controls requires that where deep awnings occur, that natural light should be brought to the shop front.

The proposed awning would be located over an outdoor dining area, not an area of high pedestrian traffic. Further, it is considered that the awning would reduce light levels to the pedestrian footpath as well as to the ground floor of the Hotel. The impact on light levels would be particularly prevalent in this case given the awning would be located on the southern side of a two storey building.

It is acknowledged that outdoor dining can bring financial benefits and increased enjoyment for the community, as well as contribute toward a vibrant streetscape. However, as detailed within this report, it is considered that the proposed awning will reduce public safety and security and also has the capacity to impact detrimentally on the appearance of the host building as well as to streetscape character. It is therefore considered that the proposal would not be consistent with the DCP that seeks to protect and enhance the public domain.

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

There are no matters prescribed by the Regulations of relevance to this proposal.

(a) (v) Any coastal zone management plan (within the meaning of the <u>Coastal</u> <u>Protection Act 1979</u>),

Not applicable to the proposed development as the subject site is not located within the coastal zone.

(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

It is considered that awning structures should achieve a high degree of compatibility with the host building and should be uncomplicated to reduce visual clutter in the streetscape. Awnings over the pedestrian footpath are a prominent feature within the Murwillumbah Town Centre and help to define pedestrian space and provide pedestrian amenity by providing weather protection.

In relation to awning structures over outdoor dining areas within the road reserve, there are a number of similar structures to that proposed within the Murwillumbah Town Centre, as shown in the following photographs:



Outdoor dining area and awning outside the Noodle Bar, Wharf Street



Outdoor dining area and awning structure within road reserve at the Sugarbeat Cafe, Commercial Road



Outdoor dining area and awning outside of the Court House Hotel, Murwillumbah Street

Whilst the presence of these awnings located over outdoor dining areas is a material consideration, it is considered that these structures have had a significant impact on the architectural qualities of both the buildings to which they are attached and to streetscape amenity. This is particularly the case when, at a later date, side wind breaks and screens are added which can create a dark, tunnelling effect, restrict driver visibility and cause public safety and security concerns through restricted CCTV camera surveillance. Whilst it may be possible to apply a condition to any development consent to ensure that no additional structures, such as wind breaks or other enclosures, are constructed without Council approval, such structures are often installed without prior consent which can lead to compliance investigation and enforcement action.

To improve streetscape amenity it is considered that outdoor dining areas should have the appearance and feel of an outdoor dining area and not become extensions of the internal environment. From an urban design perspective, it is considered that awning structures over outdoor dining areas should be independent from the main building and existing awning and thereby be read as a separate entity. This would also assist in maintaining the dominant line of the awning (and building) to the street edge. In this case, the proposed awing would be attached to the existing awning structure and would therefore contravene this objective.

The difficulty is that, from a design perspective, it would be more appropriate to lower the structure below the existing awning line. This would allow natural light to penetrate through and make the space feel less enclosed. However, lowering the proposed awning would further reduce CCTV camera surveillance to the outdoor dining area and along the footpath, which in turn would not be acceptable from a public safety perspective. It is therefore considered that, in this instance, temporary structures such as umbrellas would be more appropriate. The visual appearance of the outdoor area could also be significantly improved with the installation of planter boxes.

It relation to materials, it is considered that awning materials should be of a high quality that are consistent with the host building as well as surrounding development. Council's Urban Designer has advised that exposed galvanised steel is not a preferred building material within the context of the MMSCA and that exposed hardwood or painted timber would be preferable and more in keeping with the recent renovation of the Hotel (with hardwood door frame and windows) and the town centre more broadly.

A fabric canopy may appear lightweight and an impermanent addition to the building however it would function as a sunshade but not for rain protection. Further, being located on the southern side of a two storey building, the area is in shade for much of the day, which brings into question of the extent to which sun protection is required. Council's Urban Designer has recommended that, if the intent of the structure is to provide all weather protection, it would be preferable to have a roof material that would be more in keeping with traditional building materials, such as metal sheet roofing and that to allow some natural light / sunlight permeation, polycarbonate panels could also be utilised. It would however be difficult to condition the use of more appropriate materials such as timber and metal sheeting, as these sorts of materials may further reduce CCTV camera surveillance and light levels to the pedestrian footpath.

Access, Transport and Traffic

Council's Traffic Engineer has not raised any concerns with the proposal, which would be set back from the white line road marking by a minimum of 450mm.

Provided that windbreaks or other permanent structures (screens or shutters), as defied under Council's 'Footpath Trading Policy', are not installed it is considered that the proposal would not pose any traffic safety issues. However, structures, such as screens or windbreaks, can restrict CCTV coverage and restrict driver and pedestrian sight lines and are therefore considered to be a public safety risk. There is a concern that should the proposed awning be approved, there may be a desire to install additional screens and wind breaks to the structure which may then cause additional burden on Council in relation to compliance investigation and enforcement action.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The presence of awning structures over outdoor dining areas within the Murwillumbah Town Centre has been discussed within the report and is a material consideration, particularly in the absence of a more comprehensive policy framework for such structures. However, the impact that these structures have in relation to reduced light levels, reduced public safety and security concerns (through CCTV camera restriction) are also important factors in the consideration of this application.

The heritage value of the building and the surrounding area is also now afforded greater weight with the impending adoption of the MMSCA. The general streetscape of the MMSCA is dominated by buildings with masonry facades feauturing distinctive parapets with mouldings and projections, such as at the Murwillumbah Hotel, with cantilever style awnings and verandahs. The Community Based Heritage Study and Management Plan (2012) states 'in sheer numbers, the integrity of this period of development is impressive and has great potential to be consolidated and enriched'.

Future development should protect and improve the heritage conservation value of the area, not detract from the overall character of the precinct.

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

No submissions have been received as a result of the notification process.

(e) Public interest

It is acknowledged that the use of outdoor dining areas can bring financial benefit to business owners as well as increased community enjoyment, particularly where they provide protection from sun and rain. This report has also considered that awning structures, in association with outdoor dining areas, can significantly impact on matters relating to public safety and security and reduced light levels. In addition, these structures can impact on the architectural qualities of the host buildings as well as the heritage value of the surrounding heritage conservation area.

In the absence of a broader policy framework for such structures it is considered necessary to report the application to Council to assess the broader implications to the public interest.

OPTIONS:

- 1. Refuse the development application on the grounds of impact to CCTV coverage and light levels; or
- Refuse the development application on the grounds of impact to CCTV coverage, light levels and the impact of the proposed structure on the heritage value of the host building and the surrounding conservation area; or
- 3. Approve the development application.

Council officers recommend Option 1.

CONCLUSION:

The proposal seeks the construction of an awning structure to be located over a previously approved outdoor dining area. When considered in isolation, the proposed structure is considered to be relatively light weight and unobtrusive however there are concerns about the broader cumulative impact of similar development within the locality, should the application be approved, particularly given the MMSCA status as defined within the Draft Local Environmental Plan (LEP) 2012.

The impact of the proposed structure on matters relating to public safety (reduced light levels) and security (reduced CCTV camera surveillance) is not supported by Council Officers. The impact of the proposal with this regard is particularly prevalent given the subject site is a licensed premises. The applicant has provided further information in relation to CCTV camera restriction and light levels however Council Officers consider that this additional information does not alleviate their concerns with this regard. The proposed awning structure is therefore recommended for refusal on this basis.

In the absence of a more comprehensive policy framework and design guidelines for such development, it is considered necessary to report the application to Council for consideration of the broader community benefit of such structures against any potential detrimental impacts to the heritage value of the host building and streetscape character, as well as to public amenity and safety.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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[PR-CM] Development Application DA12/0605 for a Two Lot Subdivision at Lot 1 DP 775668 No. 217 McAllisters Road, Bilambil Heights

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA12/0605 Pt1



SUMMARY OF REPORT:

On 21 December 2012 Council received a Development Application for a two lot subdivision at 217 McAllisters Road, Bilambil Heights.

The proposed subdivision was submitted to Council on 16 May 2013 recommending a refusal.

Council resolved to grant in-principle support for the proposal, and that officers bring back a further report to Council with draft conditions of development consent. As such the conditions below have been prepared in accordance with an urban subdivision.

As the proposed development was recommended for refusal a number of issues were not resolved during the assessment. In particular land contamination.

Clause 7(1)(a) of the State Environmental Planning Policy (SEPP) No 55 - Remediation of Land states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The proposed development was referred to Council's Environmental Health Officers who provided the following comments dated 31/1/13:

"aerial photographs revealed evidence of cropping across the site. Agricultural/horticultural activities are listed in Schedule 1 of Council's Contaminated Land Policy due to the association of chemicals."

The Environmental Health Officer recommended that 'a Detailed Site Investigation that includes sampling of the site where required shall be prepared by a qualified environmental consultant in accordance with the NSW Office of Environment & Heritage's Contaminated Land Guidelines and submitted to Council's Environmental Health Officer for review'.

As the proposed development was being recommended for refusal this information was not requested. As such a requirement of deferred commencement conditions would be required if Council seeks approval of this application.

As assessing officers do not have the information relating to site contamination Council cannot be satisfied that the deferred commencement condition(s) are capable of being satisfied by the applicant. Although consent may be issued for this use, the results of the contaminated land investigation may prohibit the development consent from commencing.

It should be noted that as both lots are not currently connected to water and sewer Section 64 charges for both lots are applicable.

Council Meeting Date: Thursday 20 June 2013

RECOMMENDATION:

That Development Application DA12/0605 for a two lot subdivision at Lot 1 DP 775668 No. 217 McAllisters Road, Bilambil Heights be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

1. Prior to any works being undertaken at the site, a Detailed Site Investigation that includes sampling of the site and a Remediation Action Plan (where required) shall be prepared by a qualified environmental consultant with experience in the assessment of contaminated land in accordance with relevant NSW Office of Environment & Heritage's Contaminated Land Guidelines and submitted to Council's General Manager or delegate for assessment and approval.

SCHEDULE B

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

GENERAL

 The development shall be completed in accordance with the Statement of Environmental Effects and Plan No 1 of 1 prepared by Landsurv Pty Ltd and dated 13/12/12, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

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

[GEN0135]

4. Stormwater Management of the subdivision must be in accordance with Council's *Development Design Specification D7 - Stormwater Quality and* should incorporate water sensitive design principles where possible.

[GENNS01]

5. Prior to the release of the Construction Certificate and/or prior to commencement of any other subdivision works, the applicant is to undertake any remediation works recommended by the Remediation Action Plan required for the Deferred Commencement Condition. On completion of any required remediation works and prior to any further works being undertaken at the site, a Validation Report prepared by a suitably qualified environmental consultant with experience in the assessment of contaminated land shall be submitted to Council's General Manager or their Delegate for review and approval. Such Validation Report shall contain a statement advising that the land is suitable for the proposed use.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

The bond may be called up at any time and the funds used to rectify any noncompliance 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 Subdivision Certificate is issued.

[PCC0275]

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

[PCC0285]

8. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" 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. Prior to the issue of a Construction Certificate for Civil Works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
 - (a) copies of compliance certificates relied upon

- (b) four copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D13 particularly Section D13.09. The detailed plans shall include (but are not limited) to the following, unless approved otherwise by Council:
 - earthworks
 - roadworks/furnishings
- (c) Upgrade of McAllisters Road for the full frontage of the subject site to provide a 7.5m width bitumen sealed road with kerb and gutter on the development's side only, on an alignment endorsed by Council.
- (d) Construction of formed vehicular access to each lot to provide complying, sealed accesses in accordance with Council's DCP Section A2 "Site Access and Parking Code" and Council's "Driveway Access to Property Part 1" Design Specification June 2004.
 - stormwater drainage
 - water supply works
- (e) Extension and upgrade (as applicable) of Council's existing reticulation main to deliver appropriate, reticulated potable water and a peak hour rate flow of minimum 20m head to each allotment.
- (f) Disconnection of any existing water meter not at the property boundary and private water pipe along McAllisters Road to the property.
- (g) New house connections to service the proposed allotments.
 - sewerage works
- (h) Construction of a pressure sewer system from the existing gravity sewer near SPS2035, to service each allotment. All pressure mains shall be located in the road reserve with the Developer providing a Boundary Kit for connection for each lot to be serviced by the pressure sewer within each associated lot, in accordance with Council's standard specifications and drawings. The location of connection or the pressure main to sewerage shall be determined in consultation with Council during preparation of the engineering design plans so as to minimise the length of rising main so as to reduce any potential odour and septicity issues.
- (i) The associated pressure mains will become the responsibility of Council. The main must be sized so as to permit neighbouring properties to be connected in the future.
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations

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]

- 10. 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]

11. Each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter (when improved by a dwelling) to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

12. 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.

Where Council is requested to issue a Construction Certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the 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.

The Legal Point Of Discharge for stormwater discharge from both allotments is the kerb and gutter drainage network to be constructed as part of this development application in McAllisters Road.

[PCC1195]

PRIOR TO COMMENCEMENT OF WORK

13. 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]

- 14. 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]

- 15. 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) to certify the compliance of the completed works. The SWAC must be 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 commencement of works, 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.

<u>Note</u>: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.

[PCW0815]

16. 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]

17. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area (where required) to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

[PCW0985]

DURING CONSTRUCTION

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

[DUR00051

19. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

- 20. All 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 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.

 $L_{Aeq,\ 15\ min}$ 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]

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

IDUR0815

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

[DUR0985]

23. 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.

IDUR0995

- 24. 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]

25. 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]

- 26. 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]

- 27. 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]

28. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

29. 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) Final Practical Inspection on maintenance
- (h) 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 Practical Inspection on maintenance
- (i) Off maintenance

Council's role is limited to the above mandatory inspections and does <u>NOT</u> 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".

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

30. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

31. 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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

33. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

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

Water DSP3: 2.4 ET @ \$12150 per ET \$29160

Sewer Banora: 2 ET @ \$5838 per ET \$11676

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.

[POC0675/PSC0165]

34. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 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:

6.5 Trips @ \$2860 per Trips

\$18590

(\$2836 base rate + \$24 indexation)

S94 Plan No. 4

Sector4 4

(b) Open Space (Casual):

1 ET @ \$526 per ET

\$526

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

(c) Open Space (Structured):

1 ET @ \$602 per ET

\$602

(\$575 base rate + \$27 indexation)

S94 Plan No. 5

(d)	Shirewide Library Facilities:	
	1 ET @ \$816 per ET	\$816
	(\$792 base rate + \$24 indexation)	
	S94 Plan No. 11	
(e)	Bus Shelters:	
	1 ET @ \$62 per ET	\$62
	(\$60 base rate + \$2 indexation)	
	S94 Plan No. 12	
(f)	Eviron Cemetery:	
	1 ET @ \$121 per ET	\$121
	(\$101 base rate + \$20 indexation)	
	S94 Plan No. 13	
(g)	Community Facilities (Tweed Coast - North)	
	1 ET @ \$1352 per ET	\$1352
	(\$1305.6 base rate + \$46.4 indexation)	
	S94 Plan No. 15	
(h)	Extensions to Council Administration Offices	
	& Technical Support Facilities	
	1 ET @ \$1812.62 per ET	\$1812.62
	(\$1759.9 base rate + \$52.72 indexation)	
	S94 Plan No. 18	
(i)	Cycleways:	
	1 ET @ \$460 per ET	\$460
	(\$447 base rate + \$13 indexation)	
	S94 Plan No. 22	

(j) Regional Open Space (Casual)

1 ET @ \$1064 per ET

\$1064

(\$1031 base rate + \$33 indexation)

S94 Plan No. 26

(k) Regional Open Space (Structured):

1 ET @ \$3730 per ET

\$3730

(\$3619 base rate + \$111 indexation)

S94 Plan No. 26

[POC0395/PSC0175]

35. 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 Plan of Subdivision is registered. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

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

[PSC0725]

37. 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 <u>DEVELOPER</u> to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

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

[PSC0825]

39. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSC0830]

- 40. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) 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) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
 - (c) Positive Covenant over the subject land for the installation and maintenance of single property pump stations.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or 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 (as applicable).

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

[PSC0835]

41. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

[PSC0845]

42. 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]

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

The following information must accompany an application:

(a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.

(b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

- 44. 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 Water Reticulation
 - (c) Compliance Certificate Sewerage Reticulation
 - (d) Compliance Certificate Drainage

Note:

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

[PSC0915]

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

[PSC0925]

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

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

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

[PSC1065]

47. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (including household connections) shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP - Section A5 - Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.

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

[PSC1115]

48. A pressure sewer system shall be available to service those lots that cannot be serviced by conventional gravity sewers.

Only those lots which are demonstrated to the satisfaction of the Director Community and Natural Resources not to be serviceable by conventional gravity sewers may be served by a pressure sewer system.

Prior to the issue of the Subdivision Certificate, for each lot serviced by the pressure sewer system, a capital contribution of \$14,800 shall be paid by the Developer to Council for the installation of individual pressure sewer pump stations at a suitable location within each lot at the time of construction of the dwelling on that lot.

[PSC1135]

49. A Positive Covenant in relation to each lot to be sewered by a pressure sewer system shall be created pursuant to Section 88B of the Conveyancing Act to provide Tweed Shire Council with rights to construct, install and maintain the pressure sewerage infrastructure in accordance with the following terms:

TERMS OF PUBLIC POSITIVE COVENANT

- 1. Pressure sewerage reticulation infrastructure is to be constructed within the land referred to herein and such infrastructure will comprise a pump station, valve pit, control panel and associated pipelines excluding gravity house connections and plumbing.
- 2. Such infrastructure is to be supplied by Tweed Shire Council at commencement of construction of a dwelling on the land referred to herein.
- 3. All costs in relation to the installation of the pressure sewer reticulation infrastructure within the land referred to herein will be borne by Tweed Shire Council.
- 4. The control panel for the pumping station is to be wired into the household switchboard by a registered electrician and all electricity to operate the control panel and pump station shall be supplied from the household switchboard. All costs in relation to the running of the pressure sewerage reticulation are to be borne by the registered proprietor.
- 5. The pressure sewer infrastructure will at all times remain the property of Tweed Shire Council to be inspected, serviced, repaired and maintained in good working order only by Tweed Shire Council.

- 6. Tweed Shire Council shall have the right to enter upon the land referred to herein with or without equipment, at all reasonable times to inspect, construct, repair, service and maintain in good working order all pressure sewerage reticulation infrastructure in or upon the said land pursuant to "Power of Entry" provisions under sections 191 and 191A of the NSW Local Government Act, 1993. This right to enter is restricted to the land in which the pressure sewerage infrastructure is placed for the time being and includes any points of egress or ingress to or from the said land.
- 7. The registered proprietor of the land referred to herein shall not construct any type of development, including external buildings, swimming pools or permanent structures which may interfere with the sewerage reticulation infrastructure, or impede access to any part of the sewerage reticulation infrastructure for the purposes of repair, maintenance and service.
- 8. If at any time it becomes necessary to relocate any part of the sewerage reticulation infrastructure for the purposes of construction of external buildings, swimming pools or building extensions and/or modifications Tweed Shire Council will not object to the relocation of the existing sewer pump station or associated pipeline providing that the registered proprietor makes the necessary application to Tweed Shire Council as the consent authority to modify the existing sewerage reticulation infrastructure and upon the registered proprietor obtaining development consent to do so. The registered proprietor will bear all costs in relation to the application and the re-location which is to be carried out by Tweed Shire Council.
- 9. The registered proprietor shall be responsible for notifying Tweed Shire Council when maintenance, repair, relocation or service is necessary on the sewerage reticulation infrastructure.
- 10. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.
- 11. The registered proprietor shall indemnify Tweed Shire Council and any adjoining landowners against any damage and injury to their land, property or person arising from the failure of any component of the sewerage reticulation infrastructure due to the negligent use or misuse of the sewerage reticulation system by the registered proprietor or any person who is a servant, workman, tenant, invitee, employee or agent of the registered proprietor.
- 12. Tweed Shire Council shall indemnify the registered proprietor against all damage and injury to property and person (including any damage to the land referred to herein and any land adjacent to the land referred to herein) arising from the failure of any component of the sewerage reticulation infrastructure and its construction, inspection, repair, service and maintenance and or in entering upon and occupying the subject property for such purposes.
- 13. Any reference to Tweed Shire Council, excepting as consent authority, means its employees, agents, contractors, servants.

[PSC1145]

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

[PSC1165]

51. Electricity

(a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment; and

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

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

[PSC1185]

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

- 1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Landsurv Pty Ltd numbered 37979 as submitted in Appendix A of Planit Consulting "Bushfire Safety Authority" report dated December, 2012.
- 2. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 12, to a distance of 10 metres, 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'.
- 3. Any new water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

REPORT:

Below is an extract of the report which was submitted to the Council meeting of 16 May 2013.

Applicant: Landsurv Pty Ltd Owner: Mrs Alina E Lech

Location: Lot 1 DP 775668 No. 217 McAllisters Road, Bilambil Heights

Zoning: 2(c) Urban Expansion

Cost: Nil

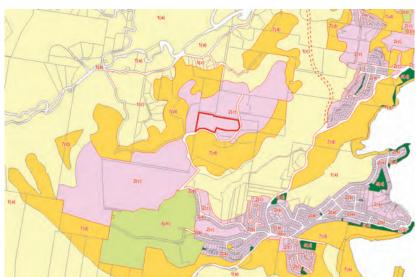
Background:

The Subject Site

The subject site is located on the northern and western side of Howards Road currently comprises a total area of 8.017 hectares. It comprises one parcel of 2(c) Urban Expansion zoned land.



Lot 1 DP775668



Subject site within Bilambil Heights Urban Release Area

The Proposed Development

The application seeks consent to subdivide the 2(c) zoned land (which comprises one allotment) to create two allotments.

The existing allotment comprises:

• Lot 1 DP 775668 with a total site area of approximately 8.017ha.

The proposed layout is as follows:

- Proposed Lot 11 with a total area of approximately 4.009 ha with frontage to McAllister's Road. This allotment would be vacant but would have the benefit of a dwelling entitlement; and
- Proposed Lot 12 with a total area of 4.009 ha with no frontage to McAllister's Road. It is proposed to utilise the existing, unformed access for proposed Lot 12.

History

Upon review of the submitted detail Council responded to the applicant with the following information request:

- "1. The application is requested to be amended to show compliance with Section A5.4.13 Infrastructure CRITERIA of Council's DCP A5 Subdivision Manual, which states that the following infrastructure is required;
 - All lots created in urban areas for private occupation must be fully and individually serviced with sealed road (equipped with kerb and gutter both sides of the road) frontage, water supply, sewerage, underground electricity and telecommunications.
 - A drainage system that provides Q100 immunity from local stormwater flooding and must have surface levels above the Q100 flood levels of regional river/creek flooding.
 - Utilities and services are to be designed to minimise long term maintenance and ownership costs.
 - Urban subdivision infrastructure must be provided in accordance with Table A5-10.

The submission and assessment of this requested documentation may result in additional Request for Information letters being required.

The above services are required to be provided by the developer in accordance with Council's DCP A5."

As a result of the information request the applicant sought legal advice in regards to the need to provide the infrastructure. The following is correspondence received from McCartney Young Lawyers on 28 March 2013:

"Summary of Advice

The provisions of the "Tweed Shire Development Control Plan 2008" (DCP) identified in Council's letter are irrelevant to this DA. The DA should be determined without regard to those provisions of the DCP.

Development permissible in accordance with the provisions of the LEP

The DA proposes a two lot subdivision of the Land. The DA form notes that the area of the Land is approximately 8 ha: the consent will permit the creation of two lots of approximately 4 ha each.

The Land is zoned 2(c) under clause 11 of the LEP. Subdivision is permitted within the 2(c) zone.

Subdivision is controlled by Part 4 of the LEP. Clause 19 (which is in Part 4) provides that subdivision of land requires consent in accordance with the provisions of Part 4 of the LEP. There are no provisions in Part 4 that particularly control the subdivision of land in the 2(c) zone (other than provisions pertaining to strata subdivision which are not relevant here).

The SEE states:

"The subdivision of the land will not diminish the ability to satisfy the Primary and Secondary objectives of the Zone and continue to provide suitable sized holdings for the grazing of livestock or other agricultural pursuits until the Master plan and future development takes place."

In summary, the proposed subdivision is development within the 2(c) zone that is permissible with consent.

Development not constrained by the operation of the DCP Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 requires Council to "take into consideration" such provisions of the DCP "as are of relevance to the development the subject of the development application".

The DCP applies to all land in the Tweed Shire. The Land is not a "specific site" in the DCP and thus does not have specific development standards applicable to it.

Section A5 of the DCP is titled "Subdivision Manual". There are a number of components to the Manual which I do not review here as such a review is unnecessary.

Chapter A5.4 is titled "Urban Subdivision Design Guidelines & Development Standards".

Clause 5.4.13 is titled "Infrastructure" and this is the clause referred to in Council's letter of 12 February 2013.

If the DCP is not relevant to the DA, then it should not be taken into account. To take into account an irrelevant consideration is an error of law (Parramatta City Council v Hale (1982) 47 LGRA 319; Centro Properties Limited v Hurstville City Council & Anor [2004] NSWLEC 401).

Chapter A5.4 does not apply to this development. It is irrelevant. I note the following matters.

The Chapter, on its own terms, does not apply

Chapter A5.4 commences with the following words (page A5-13 of the Chapter A5):

"This chapter provides guidelines for urban master planning and subdivision design which elaborate on the principles and policies of Council's Strategic plan and provide the overall framework for neighbourhood and subdivision design in Tweed Shire."

I appreciate that the future potential development of the Land includes urban subdivision of a "neighbourhood" design. However this is not the development that is the subject of the DA. A simple subdivision of Land is proposed, from one lot (of 8 hectares) into two separate lots (approximate 4 hectares). There is no component of the DA that relates to "urban master planning and subdivision design" These provisions of the DCP are simply irrelevant to the DA.

"Urban Areas"

The first bullet point of clause A5.4.13 contains the phrase: "All lots created in urban areas...". Thus the rest of that bullet point (concerning services to the lots) should be read to only apply to lots created in urban areas.

The term "urban areas" is not defined in clause A5.4.13 nor is it defined within Chapter A5.4. I am unable to locate a definition of "urban areas" provided in the DCP. In these circumstances, a Court would be obliged to give the words "urban areas" their normal meaning.

The lots that are proposed in the DA are not in an urban area. To define "urban area" as meaning any area in which residential development can be undertaken (which would include land in the 2(c) zone) would be unreasonable. The 2(c) zone is land that is not currently "urban" but rather earmarked for future urban expansion. It has the character of "rural residential" land. Accordingly, the first bullet point in A5.4.13 does not apply to the proposed subdivision.

"Urban Subdivision"

The final bullet point of clause A5.4.13 contains the words:

"Urban subdivision infrastructure must be provided in accordance with Table A5-10."

(This is also the final dot point in Council's letter.)

As with urban areas, the term "urban subdivision" is not defined in clause A5.4.13 nor is it defined within Chapter A5.4. I am unable to locate a definition of "urban areas" provided in the DCP. In circumstances where the phrase "urban subdivision" is not defined, a Court would be obliged to give these words their usual meaning.

The DA does not seek consent for an "urban subdivision". This is because, as noted above, you are seeking a simple subdivision of land that is more appropriately described as rural residential land.

Furthermore, Chapter A5.4 is titled "Urban Subdivision Design Guidelines & Development Standards" and accordingly clause AS.4.13 should be construed as applying only to "urban subdivision". An urban subdivision is a subdivision which has the characteristics that are the focus of much of this chapter of the DCP: that is, a subdivision to undertake residential development of a particular density and lot size that is characteristic of a residential area (see Table AS-9.1 to Table AS-9.4). Your proposed subdivision of an 8 hectare lot into two 4 hectare lots does not exhibit any of the characteristics one would reasonably expect of an "urban subdivision", particular the type anticipated in this DCP.

The DA does not seek consent for an "urban subdivision". The provisions of Chapter A5.4 do not apply.

Conclusion

A consideration of the LEP and the DCP leads to the following conclusions:

1. The subdivision proposed by the DA is development permitted within the 2(c) zone of which the Land is a part.

2. Chapter A5.4 of the DCP, and in particular clause A5.4.13 "Infrastructure", do not apply to the proposed subdivision. These provisions of the DCP are clearly intended to apply to development that is of an "urban" nature which requires "urban master planning". The Land is not "urban" and the subdivision proposed is a simple development that cannot be characterised as urban residential development of the density and lot size anticipated by these provisions. My clients will not provide the information requested in Council's letter of 12 February 2013. Furthermore my clients request that Council proceed to determine the DA without delay."

Summary

Having regard to relevant statutory controls in particular Section 79C Clause 1(a)(iii):

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(iii) any development control plan

The proposed development is located in the 2(c) Urban Expansion zone which is intended for future urban development. As such, an assessment against the provisions of the urban subdivision objectives of Council's Development Control Plan Section A5 was deemed appropriate. Council does not agree with the representations made above which will be addressed in greater detail throughout this report. The proposed development was assessed against the Tweed LEP 2000 and other relevant statutory controls and it was determined that the proposed two lot subdivision is not considered suitable. The proposed development is recommended for refusal.

Strategic Plans

Clause 4 of the Tweed Local Environmental Plan 2000 states the following:

- (c) to give effect to and provide reference to the following strategies and policies adopted by the Council:
 - Tweed Shire 2000+ Strategy

An assessment has been undertaken in regards to Council's Strategic plans. There are three (3) strategic plans which will be addressed with the Tweed Shire 2000+ Strategy and the Tweed 4/24 Strategic Plan being superseded plans and the most recent plan in force being the Community Strategic Plan 2011/2021. Although the earlier plans have been superseded they are still important in outlining the overall strategic plan for the Bilambil Heights area and the direction Council has been working towards strategically for the area. Each of the plans have been assessed below.

Tweed Shire 2000+ Strategy

The Strategic Plan for Tweed 2000+ which has now been superseded was adopted on 17 December 1996. The Plan provides the broad directions for future planning in the Tweed. Within the policies and actions section, references specifically to Bilambil Heights are made as follows:

114. Long Term Urban Release - The Bilambil Heights Release Area has major infrastructure impediments and requires a comprehensive multi-ownership planning approach. No development approvals for the release of land for residential development will be granted until such time as the Tugun Bypass and Cobaki Parkway are commenced to provide appropriate access to the regional road network. Council resolution 17 May 2000.

120. Bilambil Heights - The detailed planning for Bilambil Heights is to include the following principles:

- Commitment by the landowners for funding of Scenic Drive Diversion (to the Piggabeen Road intersection).
- Water and sewerage provisions so that there is no unnecessary duplication of mains and pump stations.
- Completion of investigation into clearway provisions for Kennedy Drive.
- Defined areas of potential dual occupancy and medium density development.
- Collector road access to all properties.
- Consideration of current 1(c) zoned land for urban density development if land is hazard free, if it can be economically serviced with water and sewer, and if there are no unacceptable impacts on water quality and scenic values.
- Houses not permitted on prominent ridgelines.
- Commitment to the funding of Kirkwood Road and Lakes Drive Bridge.

From the information above it can be seen that there are a number of strategic directions for the Bilambil Heights area. It identifies a number of issues which need to be addressed prior to the release of the urban land including *major infrastructure impediments and requires a comprehensive multi-ownership planning approach*. If this subdivision was to be approved it would create a situation where there are increased numbers of owners and therefore this would make it increasingly difficult to strategically plan the area. The cumulative impact of approving this application could be that a number of other land owners in the locality undertake similar subdivisions thereby increasing the number of owners substantially. The approval of this subdivision would create an undesirable precedent for the area. It is therefore considered that the proposed development should be refused.

Tweed 4/24 Strategic Plan

The Tweed 4/24 Strategic Plan which has now been superseded was adopted in September 2004. A key element of the strategy is as follows:

Urban Development. Implement current plans for urban expansion including Cobaki and Bilambil Heights. Complete assessments of Terranora 'Area E' and Kings Forest. Retain green belts or buffers between settlements.

Furthermore, Part 7 - Managing Urban Development outlines the following:

Continued urban expansion over the next two decades is inevitable. Substantial areas of land at Cobaki Lakes, Bilambil Heights, Kings Forest and elsewhere have been zoned for development for many years. Population growth has slowed somewhat in recent years, but remains strong.

Further urban development depends on improved infrastructure, including roads, water and sewerage, drainage and flood control, parks and a wide range of community facilities (education, health, police etc). Whilst some of this infrastructure is Council's responsibility, State and Federal governments, the private sector and community organisations all have important roles to play. Adequate funding and effective coordination are essential.

Challenges and Opportunities - Council's investigations indicate few physical infrastructure impediments to planned release areas except for road access to Cobaki Lakes and Bilambil Heights. Other necessary road and traffic management improvements include on-ramps to the Tweed Heads Bypass at Kirkwood Road and upgrading of Minjungbal Drive.

Strategic Directions - Council will liaise with developers to seek the timely release of zoned urban land to meet market needs. Master Plans for Kings Forest, Bilambil Heights (subject to adequate road access) and 'Area E' at Terranora (subject to rezoning) will be completed as quickly as possible.

Four-Year Priorities Urban Planning - Review the likely capacity and timing of proposed urban release areas (Cobaki Lakes, Kings Forest, Terranora 'Area E' and Bilambil Heights) taking into account:

- Housing demand and affordability
- Infrastructure, road access and environmental issues
- Redevelopment potential in existing areas
- Needs for land for non-residential uses
- Possible alternative locations for development.

Complete essential improvements to major road links including access to Cobaki Lakes and Bilambil Heights, and upgrading of Minjungbal Drive at South Tweed Heads.

It can be seen from the information above that Bilambil Heights is still regarded as an area for future urban development. A number of infrastructure improvements need to be completed before this can happen. It puts the onus on not only Council but landowners in the area. If the urban release is to go forward then Council needs to take a coordinated approach to the development. If this subdivision was to go forward then there would be an increase in land owners which could make it increasingly difficult to plan the area.

It is considered that urban land release cannot be undertaken until such time that adequate infrastructure has been provided for the area. This is reliant on a number of areas in the Tweed Heads West and Cobaki area. Council at a meeting held on 22 April 2008 decided on a number of recommendations in regards to the Distributor Road network planning for Tweed Heads West, Cobaki and the Bilambil Heights areas. An extract from the report is as follows:

Bilambil Heights Urban Land Release Area

This area is identified as future urban release land in the Tweed Development Program 1996 (TSC) and the Far North Coast Regional Strategy (Department of Planning) 2006. It is expected that approximately 9,000 people will be accommodated in this area in approximately 4,000 dwellings.

A major constraint to development of this area is current road network capacity. In the absence of the Scenic Drive Diversion and Cobaki Parkway any development in this area would rely on traffic capacity on Kennedy Drive which is restricted as discussed in Part 3.

The Cobaki Parkway is currently being constructed but there is no definitive date for which this will be complete as a number of infrastructure services still need to be provided. The Scenic Drive Diversion will not be undertaken until the Cobaki Parkway is complete and operational. The Kennedy Drive traffic capacity which is currently at 150.5 trips still has enough capacity to cater for development however it is considered that there would be a negative cumulative impact if this subdivision was to be approved. It would set a precedent for the area of possibly a number of other owners doing the same type of subdivision. These trips would be significantly impacted upon if similar subdivisions were to go ahead. It is therefore considered appropriate to refuse the application based on the cumulative impact.

Community Strategic Plan 2011/2021

The Strategic Plan 2011/2021 is the current plan and was adopted by Council on 14 December 2010. The Tweed Community Strategic Plan 2011/2021 is the community's 10-year vision for the Tweed, to protect the qualities that make the Tweed a great place to live and to create communities which are strong and well connected. This plan creates a framework to implement Council's four-year Delivery Program and annual Operational Plan, which will align the community's aspirations with the necessary strategy development, planning and resourcing required to achieve the long-term vision and deliver the outcomes.

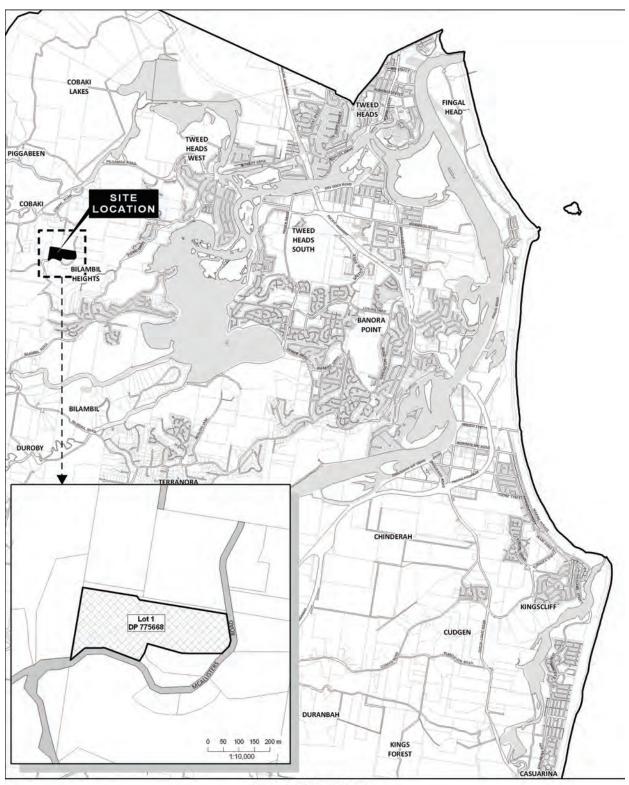
The Community Strategic Plan outlines a number of other plans and polices which are to be used in conjunction with the Plan. These include the Tweed Urban and Employment Land Release Strategy 2009 which was implemented on 17 March 2009. This document is intended to examine growth options that would guide Tweed Shire towards 2031. Section 11 and 13 of this Plan relates to the directions for urban land development and implementation. Council could take a range of planning approaches or a combination of planning approaches to deal with growth and change over the next 25 years. A number of these are outlined as follows:

- 11.1 Rely on Existing Zoned Areas This option would see Council not rezone any more land for residential development over the life of the Strategy (till 2031) relying on existing zoned land to meet the demands of the market. Given the amount of land that Council has already zoned and the predicted growth rates, it is an option that would have some advantages. These would include allowing Council to concentrate on servicing the existing established areas and current zoned lands with infrastructure and social services; allow Council to focus on urban design issues; and allow Council to review existing planning controls (particularly DCP's) to better address local issues.
- **13.1.3 Land Release** The potential urban release lands nominated in this Strategy are considered in a short, medium and long term land release program based on a 0-10 year, 10-20 year and 20+ year time frame. This Strategy recognises the large existing supply of zoned land located predominantly at Kings Forest, Cobaki Lakes, Bilambil Heights, Area E and West Kingscliff and the role that these lands will play in supplying the residential needs of the Tweed over the next 10 years in particular.

Bilambil Heights is still considered to be a major land release area identified within the strategic plan for Tweed Shire. For effective urban planning to be undertaken it is considered that the fragmentation of urban expansion zoned land should be limited. If this subdivision is approved it will set a precedent for other land owners to undertake similar types of developments reducing Council's ability to move forward with its urban release of the area.

Based on the above strategic plans outlined for the Bilambil Heights area it is considered that the proposed development would have a negative cumulative impact on the surrounding locality. It is therefore recommended that the proposed subdivision be refused.

SITE DIAGRAM:



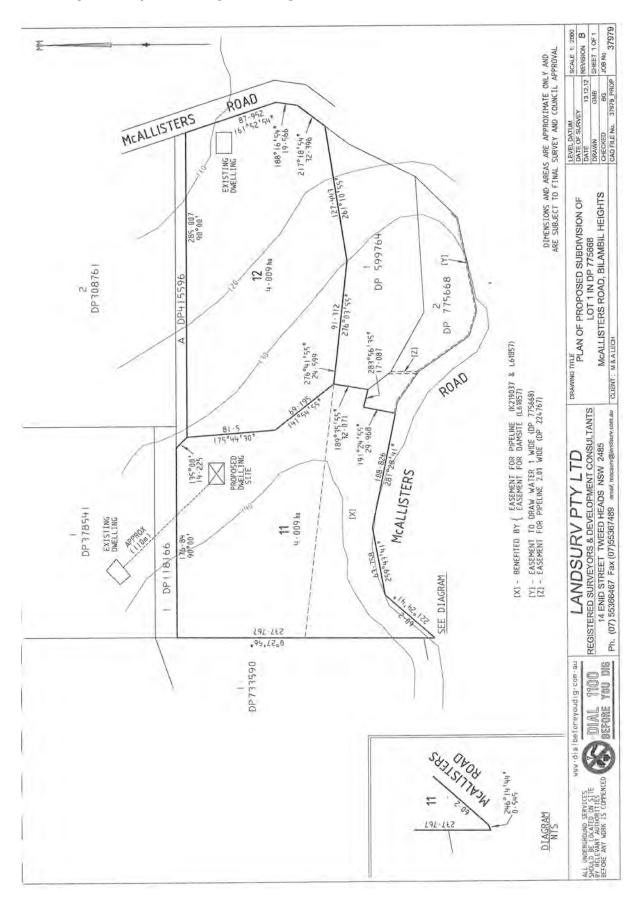
Locality Plan Lot 1 DP 775668

No. 217 McAllisters Road, Bilambil Heights

Exclaimer: White every one is taken to ensure the accuracy of this data, Tireed Shire Council makes no representations or varianties expressed of implies, statisticy or otherwise, about its contact makes no representations or varianties expressed of implies, statisticy or otherwise, about its contact makes no representations or varianties expressed of implies, statisticy or otherwise, about its contact makes no representations or varianties expressed of implies, statisticy or otherwise, about its contact makes in any variant for encounties of the consideration of the contact of the contact makes in any vary and for any reason. To reced Shire Council.

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DEVELOPMENT/ELEVATION PLANS:



Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979:

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

Clause 4 - Aims of the Plan

The aims of this plan are:

(a) to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan which was adopted, after extensive community consultation, by the Council on 17 December 1996, the vision of which is:

"The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced", and

- (b) to provide a legal basis for the making of a development control plan that contains more detailed local planning policies and other provisions that provide guidance for future development and land management, such as provisions recommending the following:
 - that some or all development should be restricted to certain land within a zone,
 - (ii) that specific development requirements should apply to certain land in a zone or to a certain type of development,
 - (iii) that certain types or forms of development or activities should be encouraged by the provision of appropriate incentives, and
- (c) to give effect to and provide reference to the following strategies and policies adopted by the Council:
 - Tweed Shire 2000+ Strategy
 - Pottsville Village Strategy, and
- (d) to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

The proposed development is not considered to be consistent with the aims of the TLEP 2000. The proposed development is not considered to be consistent with the vision of the shire "to manage growth so that the unique natural and developed character of the Tweed Shire is retained." The proposed development is for a two lot subdivision which does not comply with the primary objective of the zone as seen below, and the consent considerations contained within the TLEP 2000.

Tweed Shire 2000+ Strategy has been superseded through by both Tweed 4/24 and the adoption of the Community Strategic Plan 2011/2021. All three documents include references to Bilambil Heights' urban release and have been assessed above.

The proposed development is non-compliant with the TLEP 2000 in terms of creating negative cumulative impacts being that it creates a precedent for other similar types of development to go ahead in the area. It is considered not to be in keeping with the aim of the plan in particular, that all development should be restricted to certain land within a zone and that specific development requirements should apply to certain land in a zone or to a certain type of development.

Clause 5 - Ecologically Sustainable Development

Clause 5 aims to promote development that is consistent with the four principles of ecologically sustainable development, being the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms.

As there are no physical changes to the subject site it is considered that intergenerational equity and conservation of biological diversity and ecological integrity will not be impacted.

Clause 8 - Consent Considerations

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

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

The land is within the 2(c) zone and the proposed subdivision is not consistent with the primary objective of the zone which is as follows:

"to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake."

It is considered that the proposed subdivision does not ensure optimum utilisation of the land. A secondary objective of the zone is to:

"enable planning flexibility to achieve the other objectives of the zone by means of detailed guidelines in a development control plan."

As the proposed development does not comply with Council's Development Control Plan Section A5 - Subdivision Manual as detailed later in this report it is considered that it also does not meet the secondary objective of the zone.

The proposed development if approved may result in unacceptable cumulative impacts. The creation of a freehold lot may encourage, or allow for further subdivision development in the surrounding locality. The subject site is within the 2(c) Urban Expansion zoned land and has been identified for future urban development. Allowing this subdivision could create a negative cumulative effect being the first subdivision in the urban expansion area of Bilambil Heights which is underutilised and not serviced by the essential services outlined in Council's Development Control Plans (DCPs). It could lead to a number of other residents within the locality applying for similar subdivisions and hence reducing the likeliness of the area to be strategically planned for its future urban purposes. It is therefore recommended that the application be refused.

Clause 11 - Zone Objectives

The subject land is zoned 2(c) Urban Expansion. The objectives of the 2(c) zone include:

Primary objective

 Identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake.

Secondary objectives

- To allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- To ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- Enable planning flexibility to achieve the other objectives of the zone by means of detailed guidelines in a development control plan.

The proposed subdivision is to create an allotment for the purpose of creating an additional lot for residential purposes. The proposal has not ensured its optimum utilisation as the zone is for future urban development. It is considered that the intent of the proposed subdivision does not satisfy the objectives of the Tweed LEP as both proposed lots will not be serviced in accordance with council's Development Control Plan. Additionally, the subdivision may lead to establishing land use which conflicts with the future urban expansion and strategic planning for the Bilambil area.

The proposal is therefore not consistent with the relevant zone objectives and recommended for refusal.

Clause 15 - Essential Services

Council's Strategic and Asset Engineer has provided the following:

Sewer

No sewerage is available to this area at present and it is unlikely to be available until the whole area zoned 2(c) is in a position to develop as urban. At present, there are a number of other infrastructure issues preventing urban development in this area.

Water

The Statement of Environmental Effects states that "The allotments are presently serviced by ... Tweed Water." However it doesn't currently have a water meter and the water meter that used to serve this property was split off to service an adjoining property in March 2007. Water charges associated with this property ceased in 2007. In addition, the meter serving the adjoining lot was removed in June 2007.

The meter itself was located at the water main and not at the property boundary, indicating that there must be a private water pipe along McAllisters Road to the property. Such private water mains are no longer permitted to be installed as the Works Unit (Asset owner of roads) doesn't want a proliferation of private mains in road reserves.

As there is no current water service and no water main at the frontage of either of the proposed blocks, it is considered that water is not currently available at the lots.

The applicant was given the opportunity to provide additional information in regards to servicing the allotments although has provided a letter from a solicitor outlining that they will not supply any additional information.

Electricity services are currently provided to the area via Essential Energy infrastructure.

Telecommunication services are currently provided to the area via Telstra infrastructure.

As the proposed development cannot provide the essential services as required by Council it is considered appropriate to refuse the application.

Clause 16 - Height of Building

Not applicable. There are no new dwellings proposed.

Clause 17 - Social Impact Assessment

An assessment under DCP A13 – Socio-Economic Impact Assessment has revealed that a Social Impact Assessment is not necessary for this type of development and accordingly Clause 17 is deemed satisfied.

Clause 22 - Development near designated roads

McAllisters Road is classified as a Council Designated Road. As per the Objectives of Clause 22 of Council's LEP, in isolation, it is considered that the proposed development is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road. However, the cumulative effect if all (or a significant number) of allotment owners in the vicinity of this development did the same, there would be a significant impact.

Clause 35 - Acid Sulfate Soils

Clause 35 of the TLEP 2000 requires Acid Sulfate Soils (ASS) management in relation to development where such is likely to be impacted upon. Part of the subject site exhibits Class 5 ASS however, due to the nature of the development being no excavation it is considered that ASS will not be impacted.

Clause 39A - Bushfire Protection

The subject site has a portion which is identified as being bushfire prone land. The proposed development was referred to the NSW Rural Fire Service who responded on 6 February 2013 with 4 conditions of consent to be included in the recommendations. The proposed development is being recommended for refusal however if required the NSW Rural Fire Service conditions can be inserted into any approval.

State Environmental Planning Policies (SEPPs)

SEPP (North Coast Regional Environmental Plan) 1988

SEPP No 71 – Coastal Protection

SEPP 71 applies to land within the 'coastal zone' which is defined as having the same meaning as in the *Coastal Protection Act 1979*. The subject land is located within the coastal zone and the provisions of SEPP 71 therefore apply to the proposed development. Clause 7(b) of SEPP 71 requires the matters for consideration in clause 8 to be taken into account by a consent authority when it determines a development application to carry out development on land to which the policy applies. A Master Plan is not required for the site as the subdivision is not located within a sensitive coastal location and is under 25 allotments.

It is considered the proposed development does not offend or compromise the intent or specific provisions of State Environmental Planning Policy No.71 – Coastal Protection.

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

The Draft Tweed Local Environmental Plan 2012 relates to the subject site and zones the land R1 - General Residential. Within the R1 - General Residential zone the minimum subdivision size is 450m². The proposal complies with this minimum allotment size.

Clause 1.2 - Aims of Plan provides the following:

- (2) The particular aims of this Plan are as follows:
 - (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents.

The greater strategic plan for the area is for future urban development as per Council's Strategic policies outlined above. It is considered that the proposed development is not consistent with the aims of the Draft LEP 2012 and is recommended for refusal.

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

Tweed Development Control Plan

A5-Subdivision Manual

The subject application was referred to Councils Development Engineering Section who provided comment on the application against the provisions of DCP A5. Further information was requested in relation to a number of DCP A5 issues including the provision of sewer and water reticulation to the site.

Council's Strategic and Asset Engineer has provided the following:

"This application is for the division of one lot into two 4.09 ha lots in an area that is essentially rural but is zoned in LEP2000 as 2(c) Urban Expansion.

No sewerage is available to this area at present and it is unlikely to be available until the whole area zoned 2(c) is in a position to develop as urban. At present, there are a number of other infrastructure issues preventing urban development in this area as well as an apparent lack of a coordinated approach from land holders.

The nearest water main to the site is in McAllisters Road approximately 120m west of the western boundary of the site. It is a 100mm reticulation main that supplies various rural properties and a group of tanks that supply an area on Cobaki Road.

The Statement of Environmental Effects states that "The allotments are presently serviced by ... Tweed Water." However it doesn't currently have a water meter and the water meter that used to serve this property was split off to service an adjoining property in March 2007. Water charges associated with this property ceased in 2007. In addition, the meter serving the adjoining lot was removed in June 2007.

The meter itself was located at the water main and not at the property boundary, indicating that there must be a private water pipe along McAllisters Road to the property. Such private water mains are no longer permitted to be installed as the Works Unit (Asset owner of roads) doesn't want a proliferation of private mains in road reserves.

As there is no current water service and no water main at the frontage of either of the proposed blocks, it is considered that water is not currently available at the lots.

The water main in question also cannot provide a fire flow in accordance with Council's standard D11 due to the length of the main and its diameter which results in a high head loss at the fire flow rate, even though its current static head is adequate.

It is recommended that the applicant provide a submission either justifying why the lots created should not be serviced as required by DCP Section A5 or how it is proposed to service the lots in accordance with DCP Section A5."

The existing water service can be used to supply the existing allotment, but as a subdivision, it is required that the development provide water reticulation to service both allotments. It is noted by Council's Engineer that at a minimum this would entail construction of approximately 120m of reticulation main from the nearest connection point subject to required Council Standards.

The current site is not provided with sewerage reticulation and previous approval had allowed for an on-site sewage management system to service the site. Under Section A5 of this DCP the subdivision would require connection to sewage which is not envisaged in the near future.

Following further correspondence with the applicant and a meeting with members of Councils Development Engineering Section, it was considered that it is unlikely that the applicant would be willing to provide information in relation to the number of issues raised in the Request for Further Information letter in relation to the provision of separate water and sewer facilities for each site. It is therefore

considered appropriate to assess the application based on the information on the file.

The proposed development is considered to be in contravention of DCP A5, in particular Section A5.4.13 Infrastructure, and as such should be refused.

It is noted that Council's Water and Wastewater Strategic and Assets Engineer did make the comment that "If the subdivision is allowed, it is likely, subject to satisfactory soil and slope conditions, that both sites could be serviced by on site sewerage management systems and there would be adequate room for sufficient rainwater tanks to be provided for water supply, meaning that provision of reticulate water supply and sewerage could be obviated for this particular application, but this would have to be justified by submission of appropriate reports for Council's consideration. Otherwise, strict enforcement of the requirements of DCP Section A5 would require conditioning of Water Supply and Sewerage connections and Section 64 Water and Sewer contributions for each lot created.

Such justification has not been provided by the Applicant, but this would only be applicable if Council decided to assess the application as a rural subdivision. A table has been included outlining the differences in requirements between urban and rural subdivisions.

Key Item/Description	Urban	Rural
Road Upgrade	Yes	No.
	Will be required to provide	
	kerb and gutter for the	
	developments frontage to	
	McAllisters Road	
Access Upgrade	Yes	Yes
	The existing unformed	The existing unformed
	accesses would need to be	accesses would need to be
	upgraded to provide a sealed	upgraded to provide a sealed
	access in accordance with	access in accordance with
	Council standards.	Council standards.
	Tree clearing within the road	Tree clearing within the road
	reserve may be required to	reserve may be required to
	achieve adequate sight distances to the south.	achieve adequate sight distances to the south.
Water Retic supply	Yes	No
(and fire fighting	The proposed lots are	The proposed lots could rely
requirements)	required to be connected to	on water tanks or bore water.
roqui omomo)	Council's reticulation network.	on water tarme or bere water.
Sewer Retic	Yes	No
	The proposed lots are	The proposal could rely on
	required to be connected to	On-Site Sewage Treatment,
	Council's reticulation network.	provided acceptable,
		supporting documentation was
		submitted.
Electricity	Yes	Yes
	Must be underground	Can remain above-ground
Telecommunications	Yes	Yes
	Must be underground	Can remain above-ground

Drainage Upgrade	Yes	May be required as
Brainago opgrado	Must provide major & minor	Council's DCP Section A5
	drainage. As per above kerb	states that the road drainage
	and gutter is required along	must be sufficient to eliminate
	frontage.	any adverse upstream or
		downstream impacts on other
		land and property.
		The existing concrete and
		earth V drains fronting the
		subject allotments along
		McAllisters Road may be
		sufficient. This could be
		conditioned accordingly and
		assessed at CC stage.

Based on the information provided and the Council's strategic planning direction it is considered that the application is required to comply with the urban standards of this section of the Development Control Plan. The application is therefore recommended for refusal.

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

Clause 92(a) Government Coastal Policy

The proposed development is consistent with the objectives and strategic actions of the NSW Coastal Policy 1997.

Clause 92(b) Applications for demolition

No demolition is proposed with the application.

(a) (v) Any coastal zone management plan (within the meaning of the <u>Coastal</u> <u>Protection Act 1979</u>),

The site is not located within a coastal zone management area.

Tweed Shire Coastline Management Plan 2005

The site is not affected by the Tweed Shire Coastline Management Plan 2005. No further assessment is required.

Tweed Coast Estuaries Management Plan 2004

The site is not affected by the Tweed Coast Estuaries Management Plan 2004. No further assessment is required.

<u>Coastal Zone Management Plan for Cobaki and Terranora Broadwater</u> (adopted by Council at the 15 February 2011 meeting)

The site is not affected by the Coastal Zone Management Plan for Cobaki and Terranora Broadwater. No further assessment is required.

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

Context and Setting

The proposed subdivision whilst considered minor in nature by itself. However looking at the precedent it could start it would cause a negative cumulative impact upon the locality. As outlined previously, the subdivision is located within the Bilambil Heights Urban Release Area. If this application was to be approved it would create a precedent for a number of other similar applications to come in creating a large number of smaller allotments with numerous landowners making it difficult to strategically plan the area. A number of infrastructure issues need to be rectified before this happens.

Access, Transport and Traffic

There will be only one additional allotment if this application was to be approved and would be considered minor in nature. Although, as stated above, the cumulative effect if all (or a significant number) of allotment owners in the vicinity of this development did the same, there would be a significant impact. It is therefore recommended that the proposal be refused.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The proposed development is located within the Bilambil Heights Urban Release Area. The surrounding sites are currently of a similar size as the subject site and utilised for rural residential purposes. The sites are located within the 2(c) Urban Expansion zone and are earmarked for future urban development. The fragmentation of land zoned urban expansion in the area should be limited until such time that the urban release is going to be undertaken. The cumulative effect if all (or a significant number) of allotment owners in the vicinity of this development did the same, would be significant.

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

Public Submissions

The proposed development was not required to be notified or advertised in accordance with the Act and Regulations. As such there were no submissions received.

Rural Fire Service

The proposed development was referred to the NSW Rural Fire Service who responded on 6 February 2013 with 4 conditions of consent to be included in the recommendations. The proposed development is being recommended for refusal however if required the NSW Rural Fire Service conditions can be inserted into any approval.

(e) Public interest

The proposed two lot subdivision is of a relatively minor scale and nature however should the application be approved, it would set a harmful precedent for the continued urban release of the area. As such it is considered that the proposal is not in the public interest.

OPTIONS:

- 1. Refuse the application as per the previous recommendation; or
- 2. Approve the application as per the draft deferred commencement consent and conditions; or
- 3. Approve with other specified conditions.

Option 2 is recommended.

CONCLUSION:

The application is now supported provided it is assessed and determined as a urban subdivision with appropriate conditions for an urban subdivision.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Council Meeting Date: Thursday 20 June 2013

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[PR-CM] Development Application DA13/0065 for Dwelling Additions Including Creation of Second Storey and Detached Double Garage with Carport with SEPP No.1 Objection at Lot 3 DP 712922; No. 13 Dalton Street, Terranora

SUBMITTED BY: Building and Environmental Health

FILE NUMBER: DA13/0065 Pt1



SUMMARY OF REPORT:

Council has previously considered this report at its meeting of 16 May 2013, at which time the matter was deferred to seek amended plans to require the carport being relocated with respect to the setback conditions. It is understood that a number of Councillors have since visited the subject site, and spoken with the applicant. The applicant has not submitted any additional information to address these concerns. Therefore, the application has been resubmitted to Council for further consideration, with the officers' original recommendation for approval of the application, subject to certain conditions.

Original Report:

An application has been lodged to carry out alterations and additions to an existing single storey dwelling house on the subject allotment comprising a first floor addition, roofed verandahs and a detached double garage with carport.

The land is zoned 1(c) Rural Living, encompasses an area of 5000m², and contains an existing single storey dwelling house.

The allotment has vehicular access from Dalton Street, however also fronts Terranora Road which, under the provisions of Tweed Local Environmental Plan 2000, is a designated road.

The required setback of any residential or ancillary structure to a designated road, specified in part 5, clause 24 of the Tweed Local Environment Plan 2000 (TLEP2000), is 30m.

The existing dwelling house has a building alignment to Terranora Road of about 15m however, the proposed additions will extend to within 11.60m of this property boundary and the proposed garage/carport will observe a setback to Terranora Road of 11.00m. The applicant has included an objection statement to the planning controls as permitted under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect of the above proposed encroachments within the 30m building alignment. As the extent of the building line variation exceeds 10% the objection as permitted under SEPP No. 1 is referred to Council for determination in accordance with previous directions of the NSW Department of Planning and Infrastructure.

The SEPP1 objection is considered to be worthy of support by Council. It is therefore recommended that Council supports the application, subject to conditions.

Council Meeting Date: Thursday 20 June 2013

RECOMMENDATION:

That:

- A. State Environmental Planning Policy No. 1 objection to Clause 24 of Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA13/0065 for construction of a first floor addition and roofed verandahs to an existing dwelling house and detached double garage with carport at Lot 3 DP 712922 No. 13 Dalton Crescent, Terranora be approved subject to the following conditions:

GENERAL

 The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 4625- cover sheet & sheets 4-10 & 17 prepared by Stuart Osman Building Designs and dated 26/03/13, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

5. The footings to the dwelling additions and floor slab to the garage/carport are to be designed by a practising Structural Engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

- 6. 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 Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 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 Local Government Act will then NOT be required.

[PCC1145]

7. Prior to the issue of a construction certificate for the dwelling house additions the Principal Certifying Authority shall be provided with written confirmation from a practising Structural Engineer that the existing dwelling house is structurally adequate to support the proposed first floor additions.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

8. 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]

- 9. 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]

10. 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]

- 11. Residential building work:
 - (a) Residential building work within the meaning of the <u>Home Building Act</u> <u>1989</u> 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]

- 12. 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]

13. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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]

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

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

16. 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]

17. 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]

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

[DUR0375]

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

[DUR0395]

20. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

21. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

23. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

- 24. All work associated with this approval is to be carried out so as not to impact on 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]

25. No portion of the structure may be erected over the existing easements along the eastern property boundary.

[DUR1945]

26. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

- 27. 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]

28. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

- 29. 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:-
 - * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

30. 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]

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

[POC0435]

32. 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]

33. Prior to the issue of an occupation certificate the existing dwelling shall be provided with smoke detectors in accordance with the provisions of part 3.7.2 of the Building Code of Australia and which comply with the provisions of Australian Standard AS 3786.

[POCNS01]

USE

34. The garage is not to be used for any habitable, commercial or industrial purpose without prior approval of Council.

[USE0455]

Council Meeting Date: Thursday 20 June 2013

REPORT:

Applicant: Mrs JA Drew and Mr M Drew

Owner: Mr Mervyn W Drew & Mrs Jeanette A Drew

Location: Lot 3 DP 712922; No. 13 Dalton Street, Terranora

Zoning: 1(c) Rural Living

Cost: \$199,828

Background:

An application has been lodged to construct a first floor addition and roofed verandahs to the existing dwelling house, and a new detached double garage and carport on the subject allotment with the proposed development standing wholly within the required 30m setback.

The subject land is zoned 1(c) Rural Living, is 5000m² in area and the allotment has a moderate slope from Dalton Street to Terranora Road. The proposed roofed deck as part of the dwelling additions is to be setback 11.60m from Terranora Road and the detached garage and carport will have a rear setback to Terranora Road of 11m.

Vehicular access exists from Dalton Street and the proposed development will not impact upon the streetscape of Terranora Road as there will be no vehicle access to Terranora Road.

The detached garage will be obscured from the Terranora streetscape by existing mature landscaping and the neighbouring dwelling house.

The first floor additions to the existing dwelling house comprise two bedrooms with en-suites, living area and covered verandahs to the northern, eastern and southern sides of the additions.

The garage/carport will be 10m x 9m with colorbond walls and have a low pitched metal roof. It will be located in the north eastern corner of the allotment utilising the existing vehicular entrance to the site.

Adjoining property owners were notified of the proposal due to the SEPP No. 1 variation and one objection was received in relation to impacts of coastal views due to the design of the dwelling house roof.

In response to this objection the Applicant submitted an amended roof design which reduced the impact of the roof on the views from the objector's residence and maintains a substantial coastal view including the ocean-horizon interface.

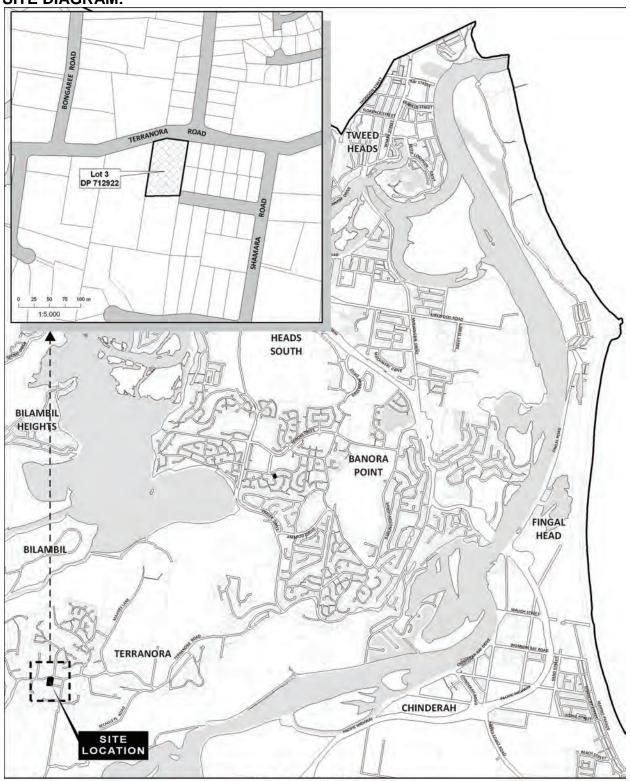
The objector's residence is located about 120m from the subject dwelling house and this spatial separation accompanied by the modified roof design is considered to satisfactorily reduce the dominance of the roof to the objector.

The first floor addition will still have some impact on the coastal views currently enjoyed by the objector however as stated above due to the spatial separation of the objector's dwelling from the subject dwelling house the objector will still have a panoramic view available which is considered to be acceptable and satisfies view sharing principles.

As Terranora Road is classified as a designated road under the Tweed Local Environmental Plan (TLEP2000) Part 5, Clause 24 prescribes a 30m building setback. The applicant has provided a SEPP No. 1 objection statement detailing the reasons for a request to vary the 30m setback requirement to Terranora Road.

Due to the above amended roof redesign, the large size of the allotment and the zoning of the property (large lot residential) it is considered that the proposed development is comparable to existing approved development in the area and the additions and alterations and detached garage and carport will not adversely affect the amenity of the local environment, the streetscape or public domain of Terranora Road and Dalton Street.

SITE DIAGRAM:



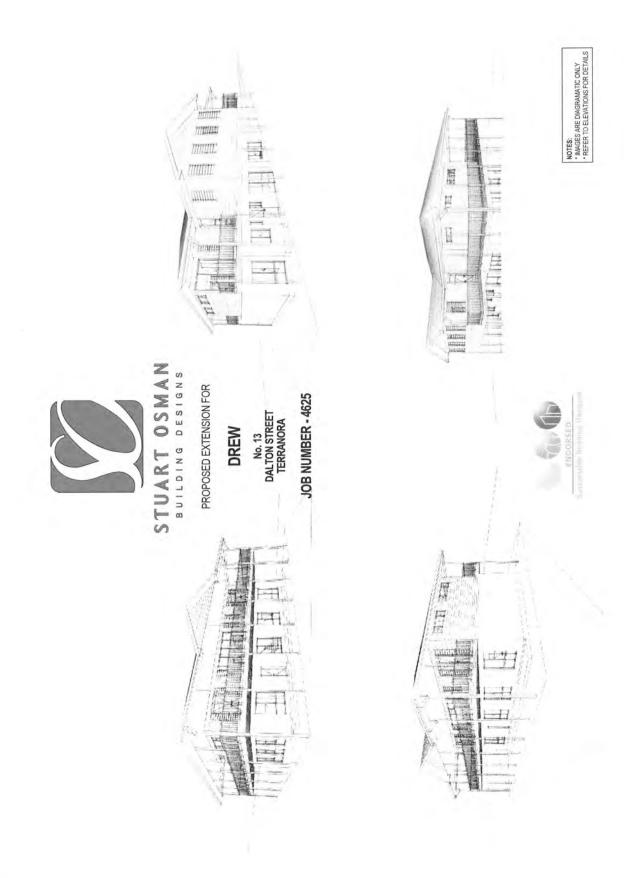
Locality Plan

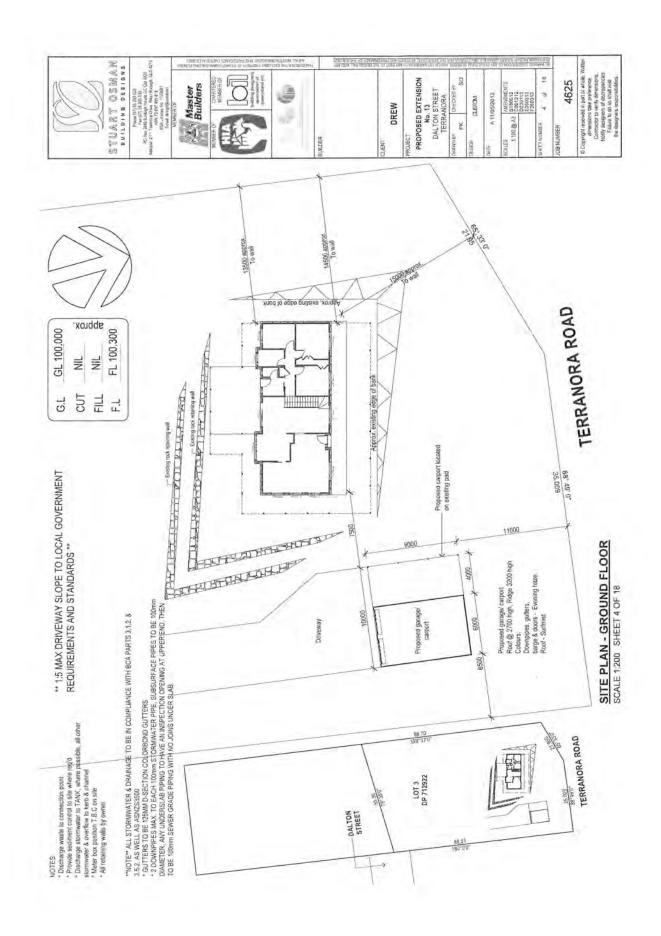
Lot 3 DP 712922 No. 13 Dalton Street, Terranora

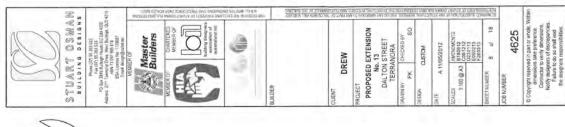
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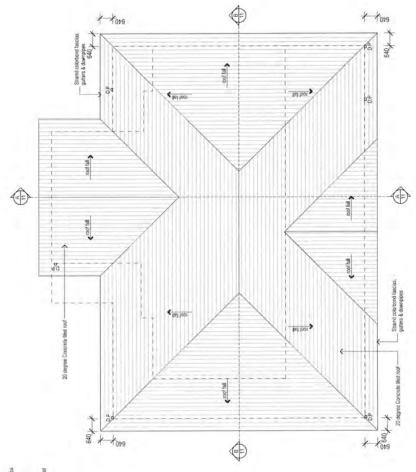
DEVELOPMENT/ELEVATION PLANS:











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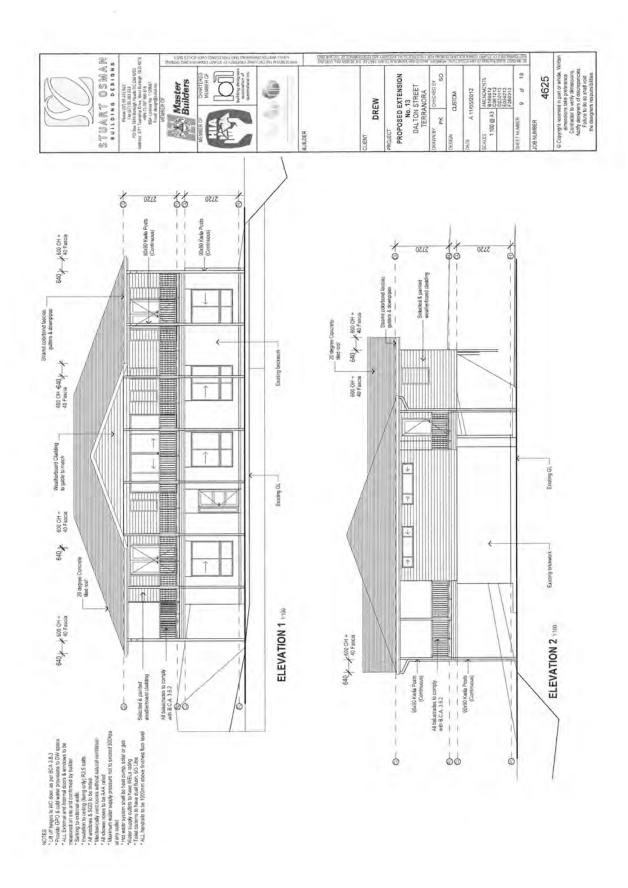
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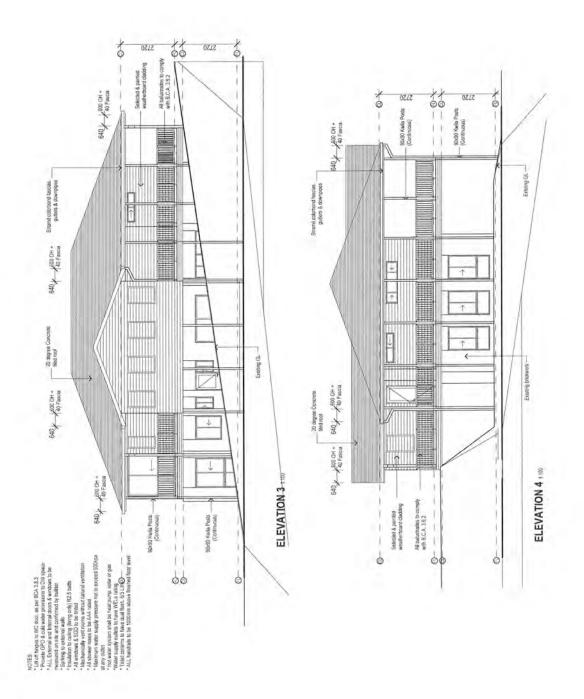
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Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979:

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

The proposal is consistent with the aims of the plan.

Clause 5 - Ecologically Sustainable Development

The proposed development is in keeping with ecologically sustainable development principles and is in line with community expectations for the site having regard to the zoning provisions, development control plan provisions and the limitations of the site.

Clause 8 - Consent Considerations

The development will be consistent with the primary objective of the zone, all relevant aims and objectives of the plan and will be unlikely to have any adverse cumulative impact on the community or locality.

Clause 11 - Zone Objectives

The proposal will be consistent with the objectives of the zone.

Clause 15 - Essential Services

All necessary services are available and adequate.

Clause 16 - Height of Building

The height of the dwelling house addition will satisfy the controls of DCP A1.

Clause 17 - Social Impact Assessment

The proposed first floor additions and garage are considered to be unlikely to result in any adverse social impact due the large area of the allotment, spatial separation between dwellings on adjoining properties and existing mature vegetation.

Clause 35 - Acid Sulphate Soils

The allotment is subject to class 5 Acid Sulphate Soils however the building works are unlikely to have any adverse environmental impact in relation to this matter.

Other Specific Clauses

Not applicable.

State Environmental Planning Policies

SEPP No. 1 - Development Standards

A SEPP No. 1 objection has been received from the applicant in relation to the 30m setback to Terranora Road, (a designated road) which is required by clause 24 of the TLEP2000. A copy of this objection has been reproduced below:

"Clause 24 - Setbacks to Designated Roads

Clause 24 of the LEP requires 'other/ development to have a setback of 30m to a designated road, This Development Standard is unnecessary and unreasonable in this instance, and an Objection under State Environmental Planning Policy No. 1 is submitted to this Development Standard for the following reasons:

- The site and surrounding sites are of a residential nature. Enforcing a 30m setback to Terranora Road is unreasonable as it would render it inappropriate for additions to an existing dwelling.
- The site contains an existing dwelling and it would be unreasonable to restrict the upgrading of the dwelling and the garage/carport due to the 30m setback requirement. The subject application does not intensify the development of the site (remaining at 1 detached dwelling), and the development standard is therefore unreasonable.
- There are many dwellings erected along Terranora Rd in close proximity to the subject site. These dwellings are within 30m of Terranora Rd, It would be unreasonable to restrict the subject development, when there are numerous precedents for development closer than 30m to the Designated Road.
- Approximately 20m to the north and east the zoning changes to a Village zoning (on the opposite side of Terranora Rd). Houses are permitted to be constructed to within 6.0m of Terranora Rd within the Village zoning.
- The application is to extend the existing dwelling and to erect a garage/carport. Adequate setback will be retained. As such the setback requirement is unreasonable in this instance.
- The dwelling additions and garage/carport wouldn't be highly visible or visually obtrusive when viewed from Terranora Road due to the presence of treed vegetation adjacent to the Terranora Rd boundary of the site.

For the above reasons, Council is requested to support the objection under SEPP 1 to allow the development with 30m of the Designated Road.

Clause 22 - Designated Roads

Clause 22 applies to the proposed development as the site has frontage to a designated road (Terranora Road)' The consent authority must consider the listed matters in Clause 22 (4), as follows:

- (a) The development (because of its nature, appearance cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and
 - **Comment:** The site is located within an area with a residential character, with access from Dalton Street. The site contains an existing dwelling, and the proposed development would not increase traffic flows from the site. The development would not cause a traffic hazard or reduce the capacity or efficiency of the road.
- (b) The location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and
 - **Comment:** the development would be serviced by an existing driveway from Dalton Street. The driveway crossover has been designed so that access to/from the property is convenient and meets

- safety requirements. No delays would occur to through traffic, as the road is a cul de sac.
- (c) The development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and
 - **Comment:** The development is not located where it would prejudice any future road improvements or realignments
- (d) Where the land is in Zone 1(a), 5(a), 7(a), 7(d), 7(f), or 7(l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and

Comment: Not applicable.

- (e) The development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and
 - **Comment:** the development involves dwelling additions and a garage/carport. Numerous residential dwellings exist along Terranora Road. The Terranora Road environment is not unsuited to residential development'
- (f) The development would not detract from the scenic values of the locality, particularly from the point of view of road users, and where practicable, access to the land is provided by a road other than the designated Road.
 - **Comment:** The development will not detract from the scenic values of the locality'
- (g) Where practicable, access to the land is provided by a road other than the designated road.

Comment: Access is provided via Dalton Street, and not from Terranora Road".

SEPP No 71 - Coastal Protection

The subject site falls within the coastal protection zone as identified under SEPP 71 however referral to the Department of Natural Resources is not necessary given the relatively minor nature of the proposal and its distance from sensitive coastal locations. Potential impacts of the development on public access to the foreshore, views, overshadowing of the foreshore, wildlife corridors, the suitability of the site for the development and any measures to reduce other adverse environmental impacts have been considered and having regard to these items, the property distance from any waterway or foreshore; and the existence of developments of similar design and scale on nearby and adjoining properties, Council is of the opinion that the proposed development is consistent with the matters for consideration under SEPP 71.

SEPP (Building Sustainability Index: BASIX) 2004

Basix Certificate A 156086 has been submitted in support of the application.

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

The draft Tweed LEP 2010 is nearing adoption and the provisions of this draft plan raise no implications for the proposal. The proposal is still permissible with consent.

The proposed Tweed LEP 2010 does not identify designated road and once this instrument is adopted applications such as the subject application will be considered without the need for a SEPP No. 1 variation or referral to Council for determination.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The proposed first floor addition will satisfy the provisions of DCP A1, whereas the garage and carport do not have to satisfy this instrument due to the zoning of the allotment.

A11-Public Notification of Development Proposals

The proposal was notified due to the encroachment into the 30m building alignment to Terranora Road.

One objection was received concerning obstruction of views due to the gable roof shape of the first floor addition.

In response to this objection the applicant modified the roof design to a hipped roof in order to reduce the bulk of the roof and thereby reduce the overall impact.

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

Clause 92(a) Government Coastal Policy

The proposed alterations and additions to the dwelling and garage/carport will have no adverse impact on the aims & objectives of the policy.

Clause 92(b) Applications for demolition

Removal of the roof to the dwelling house will occur however this will be controlled by the necessity to comply with relevant building standards.

Clause 93 Fire Safety Considerations

The existing dwelling, as well as the first floor addition, will be required to install smoke detectors which comply with the provisions of the Building Code of Australia and Australian Standard AS 3786.

Clause 94 Buildings to be upgraded

The existing dwelling house will require certification from a practising Structural Engineer that it is structurally capable of supporting the first floor addition.

Certain structural elements may require upgrading depending on the Engineers recommendation.

(a) (v) Any coastal zone management plan (within the meaning of the <u>Coastal</u> <u>Protection Act 1979</u>),

Not applicable.

Tweed Shire Coastline Management Plan 2005

Not applicable.

Tweed Coast Estuaries Management Plan 2004

Not applicable.

<u>Coastal Zone Management Plan for Cobaki and Terranora Broadwater</u> (adopted by Council at the 15 February 2011 meeting)

Not applicable.

(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 dwelling house additions will be consistent with the prevailing residential nature of the locality.

Access, Transport and Traffic

Vehicular access to the site exists from Dalton Street and the proposed alterations and additions will not require any new access to the allotment.

Flora and Fauna

Minor land clearing will be required for the construction of the garage/carport however this is unlikely to result in any significant adverse impact on fauna and flora.

(c) Suitability of the site for the development

Surrounding Land uses/Development

The proposal will be consistent with surrounding land uses.

Flora and Fauna

No fauna or flora will affected by this proposal.

Topography

Allotment is gently sloping.

Site Orientation

Site is oriented to north.

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

In response to the neighbour notification process one written objection to this proposal was received.

The objection related to the impact of coastal views by the roof of the first floor addition to the dwelling house.

In response to this objection the Applicant modified the roof design to reduce the impact on the views from the objector's dwelling house.

The objector's residence is located about 120m from the subject dwelling house and this spatial separation accompanied by the modified roof design is considered to satisfactorily reduce the dominance of the roof to the objector. And protect coastal views.

(e) Public interest

The proposed first floor dwelling house addition and freestanding garage/carport is considered to be unlikely to be against the public interest.

OPTIONS:

- 1. Approve the application with conditions; or
- 2. Refuse the application.

Council's Officers recommend option 1.

CONCLUSION:

The proposed first floor addition to the dwelling house and freestanding garage/carport are considered to be an acceptable development for this allotment.

Notwithstanding that the additions and garage/carport will encroach into the 30m building alignment to Terranora Road it is recommended that the SEPP No. 1 objection to this setback be supported by Council as the requirement for such a setback is considered to be unnecessary and unreasonable in this location.

The existing dwelling house already stands within the 30m setback and the construction of a first floor addition to this dwelling house will have no adverse impact on Terranora Road and minimal impact on adjoining properties or the locality generally.

Similarly the construction of a garage/carport is consistent with the local area and will have no adverse impact on the streetscape.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Refusal of the application may result in an appeal by the applicant in the Land and Environment Court.

d. Communication/Engagement:

Not Applicable.

Council Meeting Date: Thursday 20 June 2013

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.1	Ensure actions taken and decisions reached are based on the principles of sustainability
1.1.1	Establish sustainability as a basis of shire planning and Council's own business operations
1.1.1.3	Assessment of new developments (Development Assessment Services)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

[PR-CM] Development Application DA12/0498 for the Demolition of Existing Dwelling and Construction of a Three-Storey Dwelling at Lot 1 DP 214686 No. 4 Marine Parade, Kingscliff

SUBMITTED BY: Building and Environmental Health

FILE NUMBER: DA12/0498 Pt1



SUMMARY OF REPORT:

Council has previously considered this report at its meeting of 16 May 2013, at which time the matter was deferred at the request of the applicant, so they could address the planning concerns raised by Council's Building and Environmental Unit to the proposed development. The applicant has made a written request seeking a further deferral of this matter to enable matters to be addressed. The application has been re-submitted to Council with the officers' original recommendation for refusal of the application.

Original Report:

An application has been received to demolish an existing two storey dwelling house at No. 4 Marine Parade, Kingscliff and construct a new three storey dwelling house with a total floor area of $325m^2$. The property has a site area of $417m^2$, is located on the west side of Marine Parade, is zoned 2(b) Medium Density Residential and is currently subject to a two storey height limit.

The application was notified to adjoining property owners and three submissions were received to the proposal. The objectors' main concerns were the loss of privacy and amenity, non-compliance with two storey height limit, the lift and spa/swimming pool on the roof will be visually offensive, and the potential destabilisation of the hillside. After consultation with key parties the proposal was modified by the applicant and re-notified with one submission being received reiterating previous concerns.

The amended design removed the lift shaft from the roof deck, lowered the spa and indented the balustrading away from the edge plane of the building. A further late amendment to the design was received on 29 April 2013 which attempts to address the noise nuisance concerns by the inclusion of an 'acoustic green screen' on the back edge of the roof top deck. Those latest plans are now the subject of this report.

The proposal is a three storey building in a two storey height limited area that incorporates a large roof top entertainment area that is likely to have an adverse impact on the amenity of the occupants of the elevated dwelling to the rear. The building exceeds the maximum building height prescribed by the current Development Control Plan and the draft Tweed Local Environmental Plan 2012. The roof top deck which has 118 square metres of usable outdoor living area may result in an undesirable precedent for development on the lower part of a hillside where higher level dwellings can be affected.

On the balance of the assessment of the relevant planning matters, it is considered that the proposed development is not suitable for approval and should be refused.

RECOMMENDATION:

That Development Application DA12/0498 for the demolition of existing dwelling and construction of a three-storey dwelling at Lot 1 DP 214686; No. 4 Marine Parade, Kingscliff be refused for the following reasons:

- 1. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated that compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 Development Standards:
 - The impact of the additional storey incorporating a roof top deck has not been adequately justified.
- 2. Pursuant to Section 79C(1)(b) the development proposal has not demonstrated acceptable impacts on the built environment:
 - The development is considered to have negative impact on the amenity of the adjoining property to the southwest.
- 3. Pursuant to Section 79C(1)(a)(iii) the development has not demonstrated compliance with Tweed Shire Council Development Control Plan 2008 Section A1 in particular:
 - The development proposal exceeds the nine (9) metre height limit.

REPORT:

Applicant: Mrs K Carter and Mr R Carter

Owner: Ms Kristine A Carter

Location: Lot 1 DP 214686; No. 4 Marine Parade, Kingscliff

Zoning: 2(b) Medium Density Residential

Cost: \$1,225,000

Background:

The property is zoned 2(b) Medium Density Residential under Tweed Local Environmental Plan 2000 and is located on the western side of Marine Parade Kingscliff, is 417 m² and currently subject to a two storey height limit.

An application has been received to demolish an existing two storey dwelling house at 4 Marine Parade, Kingscliff and construct a new three storey dwelling house with a total floor area of 325 m². The application was notified to adjoining property owners and three submissions were received to the proposal. The objectors' main concerns with the proposal were the loss of privacy and amenity, not consistent with two storey height limit, the lift and spa/swimming pool on the roof will be visually offensive and the potential destabilisation of the hillside. A letter dated 3 December 2012 summarising the concerns and objections of the neighbours and council's assessing officer, was sent to the applicants, care of their planning consultant. In addition, an email was sent by the assessing officer to the applicants dated 7 December 2012 which read:

"Hi Brock & Mr Mrs Carter,

I have read the SEE (Statement of Environmental Effects) submitted and reviewed the plans and visited all the surrounding properties.

My impression is that the proposal is pushing the limits by designing the roof top deck on a three storey building that is in a two storey zone and does not comply with the height limits, rear setbacks, front setbacks and FSR.

The use of the roof top deck will have an adverse impact on the rear property occupants and it is hard to justify this impact when it is largely the result of the other variations above.

It is my feeling that the roof top deck should be removed from the design.

The SEE needs to provide further argument in relation to the 2b zone objectives, provide some justification for the increase in wall plate height, and the front fence does not comply with the DCP regarding openness and driveway sight lines do not comply.

It is requested that you include a response to the above in your response to Council's letter dated 3/12/12."

After consultation with key parties the proposal was modified from the original submission and re-notified with one submission from the owner of 34 Hungerford Lane being received reiterating previous objections.

The amended design removed the lift shaft from the roof deck, lowered the spa and indented the balustrading away from the edge plane of the building. A further late amendment to the design was received on 29 April 2013 which attempts to address the noise nuisance concerns by the inclusion of an 'acoustic green screen' on the back edge of the roof top deck. Those latest plans are now the subject of this report.

The applicant has provided photo montage images which show that the proposed building is well designed in context with the streetscape and fits well with the scale of the two adjoining three storey dwellings. There will be no significant loss of views from any surrounding properties as a consequence of the proposed development.

The inclusion of the roof top deck on the proposed three storey building is the primary concern in this development. It raises the level of outdoor living area to a level and position that will impact on the residents of at least one property above. Noise and potential evening illumination will impact of on their amenity. Acoustic advice by CRG Acoustic Consultants has been provided and is noted as conservative but suggests that to be fully effective an acoustic screen would need to be 4.5m high and return half way along the sides of the building and as an alternative recommends conditions to control the hours of use and to prevent music being played on the deck.

A geotechnical report has been submitted which concludes that the development could proceed without destabilising the surrounding properties.

The applicant has been given clear indication of the concerns with this development primarily being the roof top deck and has proceeded to seek Council's determination of the proposal without further amendment.

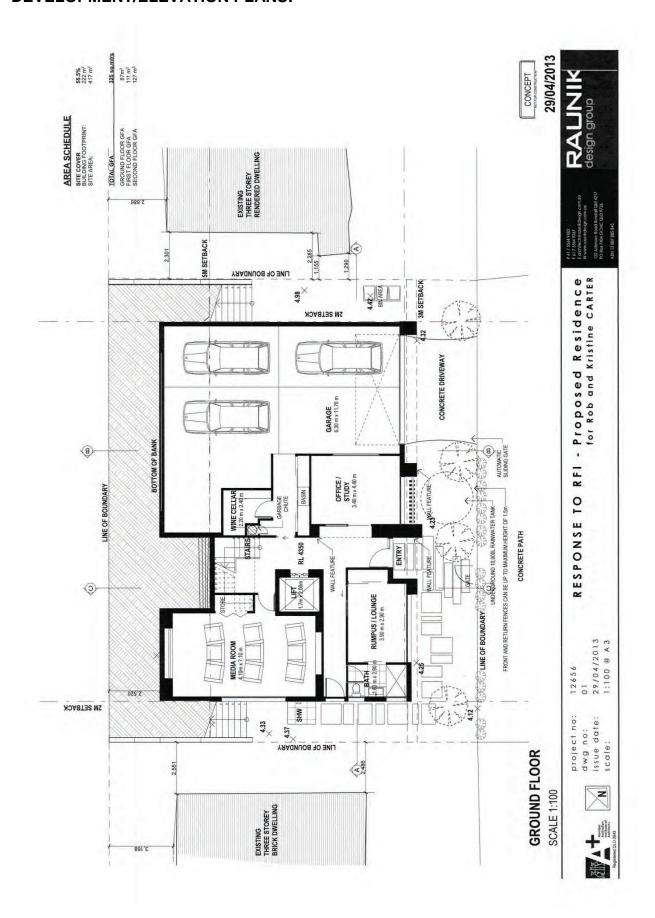
SITE DIAGRAM:

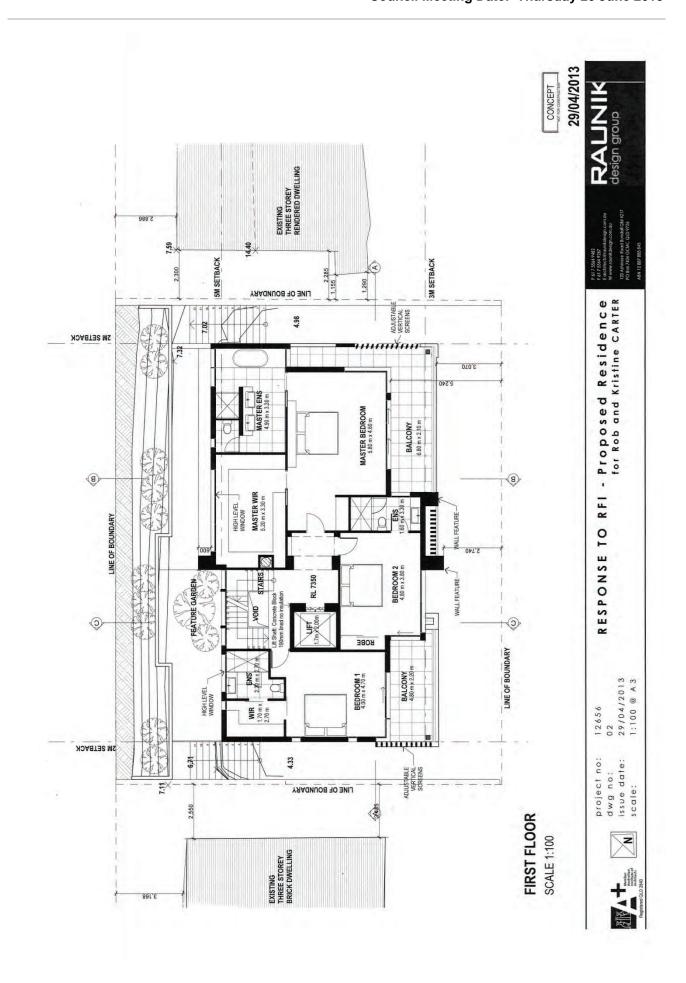


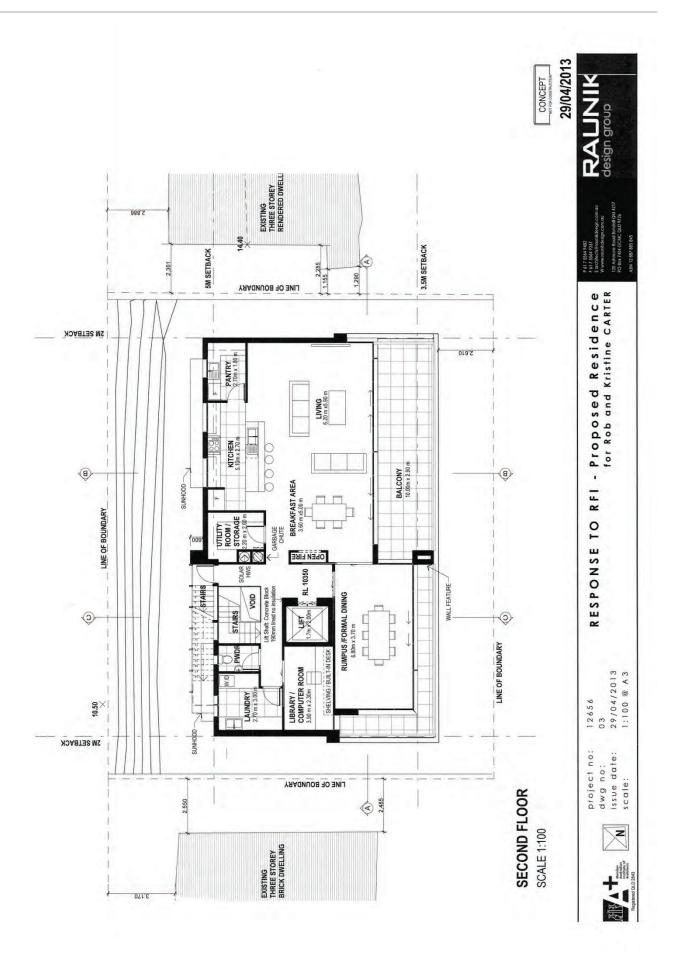
Locality Plan 1 DP 214686 No. 4 Marine Parade, Kingscliff

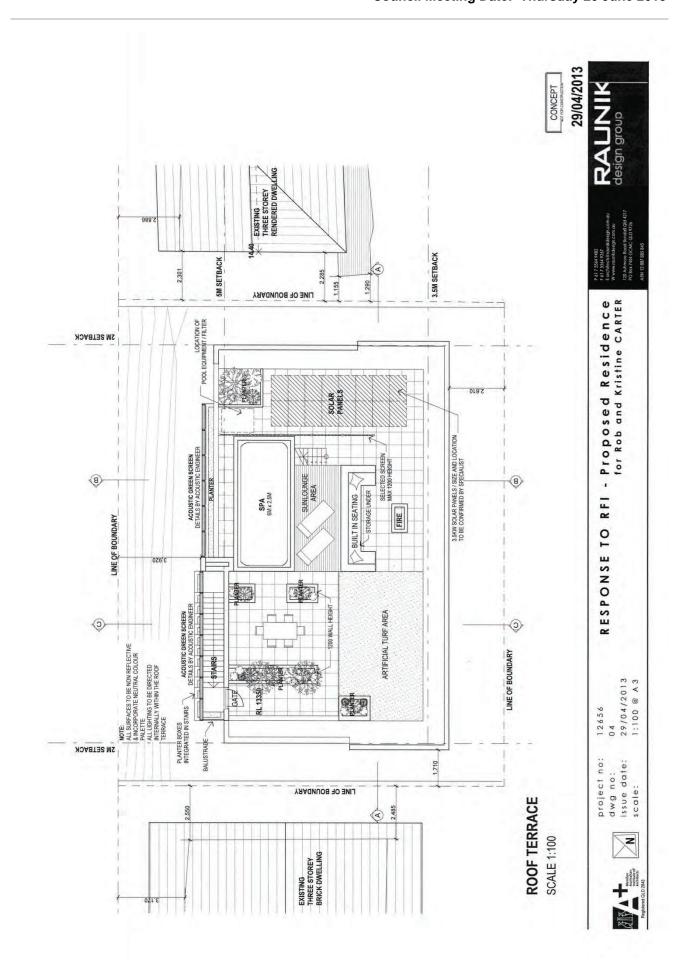
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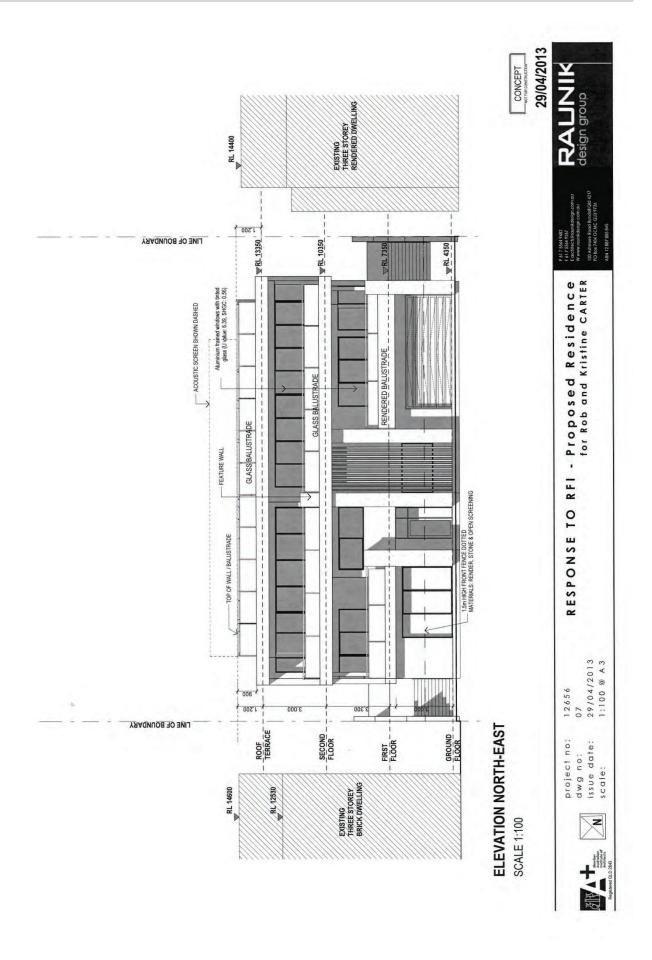
DEVELOPMENT/ELEVATION PLANS:

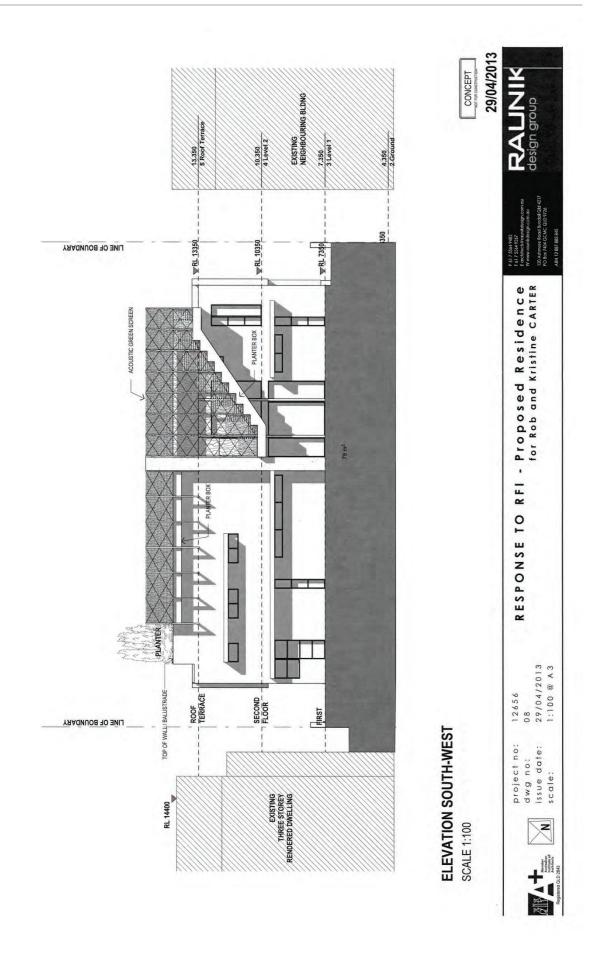


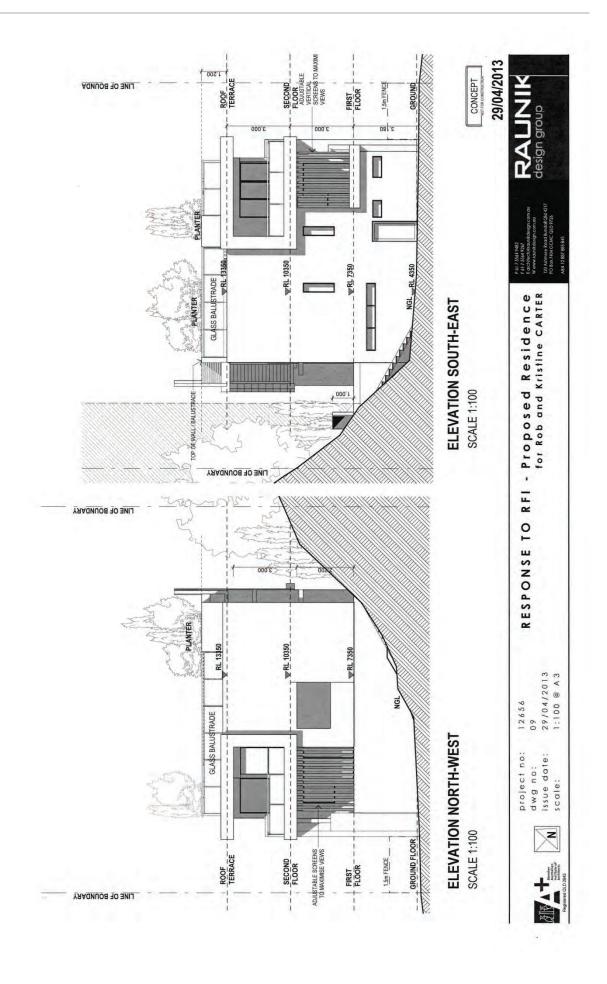
















The following photo is provided of the site taken by Council's assessing officer.



Northern view from rear affected dwelling at 34 Hungerford Lane across subject site.



Street montage view of proposed dwelling



Example provided by applicant of a 'green screen'

ASSESSMENT:

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

As a part of the assessment process numerous site visits by Council's assessing officer have been undertaken to all of the surrounding properties and involving many hours. Impacts have been discussed by phone with the objectors and concerns raised have been discussed in meetings with the applicant planning consultant.

The assessment also utilised the expertise of Council Senior Urban Design Planner who gave assistance in gauging the impact of the development in the context of streetscape and design merit of the building relative to the adjoining buildings and constraints of the site.

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

Clause 5 - Ecologically Sustainable Development

For the scale of this development compliance with the submitted BASIX certificate achieves the objective of this clause.

Clause 8 - Consent Considerations

Zone Objectives

The subject site is zoned 2(b) Medium Density Residential. The primary objective of the zone is to encourage development for the purpose of medium density housing that achieves good urban design outcomes. The secondary objectives relate to allowance for non residential and tourist development and to discourage the under-utilization of the land for residential purposes, particularly close to the Tweed Heads sub region area.

The proposed development is not consistent with the primary objective of the zone but it has been argued by the applicant that there are a number of constraints to the site that justify the single dwelling being proposed. The allotment is small, with an area of 417 m², and is only 17m in depth from front to rear making the potential for medium density difficult. Also, the applicant points out that this could be categorised as small lot housing being on a lot less than 450m^2 which is an alternative form of medium density.

Cumulative Impacts

The proposed building at three storeys is consistent with other buildings in the area and is unlikely to be dominant amongst the Kingscliff hill.

There is an argument for cumulative impact on the locality in that the building does not comply with the two storey height limits of current Local Environmental Plan (LEP). This is somewhat countered by the existing three storey development along Marine Parade. In addition, the draft Tweed LEP 2012 seeks to remove the reference to number of storey and instead limit the height in this area to 9 metres. The proposed development will have a total height of 10.2m (RL 14550) measured to the top of the roof top deck balustrade.

Clause 11 - Zone Objectives

As discussed above.

Clause 15 - Essential Services

All essential services are available within the area.

Clause 16 - Height of Building

In this case a State Environmental Planning Policy No. 1 objection to the number of permissible storeys has been included in the application.

The proposed dwelling exceeds the two storeys permissible and exceeds the total height of 9m contained in the current DCP part A1 by 1.2m. It should be noted however that the proposed 'acoustic green screen' complies with the height provisions of the LEP and DCP because the site rises steeply at the rear and therefore measuring from existing ground level at that point shows compliance.

The proposed building at three storeys is consistent with other buildings in the area and is unlikely to be dominant amongst the Kingscliff hill.

The roof top deck associated with the extra storey will result in an adverse impact on the amenity of residence of at least one rear adjoining property.

Clause 17 - Social Impact Assessment

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

Clause 35 - Acid Sulfate Soils

The site is classified as having the potential for Class 5 soils under the Acid Sulphate Soils mapping. The works proposed are not likely to impact on the affected soils zone.

Clause 39A – Bushfire protection

The site is mapped as bushfire prone however the vegetation resulting in the mapping no longer exists and therefore no further consideration is required.

Other Specific Clauses

None apparent.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

This clause controls development which could impede public access to a foreshore or overshadow the foreshore before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time).

It is recognised throughout all coastal areas that existing urban areas will have some impact in regards to the shadow of the foreshore.

In this case a State Environmental Planning Policy No. 1 objection has been included in the application and the facts and argument presented are acceptable.

The extent of the shadow is minor and is in fact intercepted by the shadow cast by the hillside and vegetation behind. The applicant describes the shadow as 'invisible' because of the hillside at the rear and there is no significant adverse impact resulting on the foreshore parkland to the east of Marine Parade.

Clause 43: Residential development

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

Clause 81: Development adjacent to the ocean or a waterway

Extract

- (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.

The proposed development does not impact on the available foreshore open space, accessibility or amenity of the waterway.

SEPP No. 1 - Development Standards

An objection to development standard contained in the Council's LEP regarding number of storeys and the standard contained in Clause 32B of the North Coast Regional Environmental Plan have been lodged with the development application and have been addressed under separate headings.

SEPP No 55 - Remediation of land

There is no evidence or past land use activity that would suggest that the land is contaminated.

SEPP No 71 – Coastal Protection

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

SEPP (Building Sustainability Index: BASIX) 2004

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

NSW Coastal Policy, 1997

The proposed dwelling is not inconsistent with the Coastal Policy

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

Council staff are working on a Draft Tweed Local Environmental Plan 2012 which proposes similar controls to the site as currently exist with the exception of one significant variation. The Draft Plan proposes to remove the two storey height limit and instead apply a maximum building height of 9m.

The proposed building has a height of 9m to the floor level of the roof top deck and has balustrading a further 1.2m higher again. The proposed development would not comply with the height controls of the draft plan unless the roof top deck use was removed and therefore not require the balustrading and spa pool.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

Variation to A1 have been sought for the height of the building, wall plate height, rear deep soil zone, front building line, rear setback and the floor space ratio requirement.

Council's recently adopted amendment to DCP part A1 version 1.5 has effectively removed or minimised some of the non-compliant aspects of this development. Wall plate height and floor space ratio have been removed. Deep soil zone requirements a relaxed and setbacks are also reduced and the consequence is that there are fewer variations to the DCP applicable to the development.

A2-Site Access and Parking Code

Complies generally.

If approved, a condition requiring separate approval for front fencing incorporating driveway sight clearances has been included.

A11-Public Notification of Development Proposals

The application was notified in accordance with policy. Please refer to a further section in the report to view a summary of the submissions and the officer's response to those submissions.

B9-Tweed Coast Strategy

The proposal does not contradict any parts of the Tweed Coast Strategy.

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

Clause 92(a) Government Coastal Policy

The proposed dwelling is not inconsistent with the Coastal Policy.

Clause 92(b) Applications for demolition

Australian Standard 2601 is referred to in the demolition work plan and will be reinforced by conditions should the application be approved.

Clause 93 Fire Safety Considerations

Not applicable.

Clause 94 Buildings to be upgraded

Not applicable.

(a) (v) Any coastal zone management plan (within the meaning of the <u>Coastal</u> <u>Protection Act 1979</u>),

The proposed building is outside the 2100 erosion escarpment line and no specific development controls need to be applied.

Tweed Shire Coastline Management Plan 2005

This plan does not apply to the subject site.

Tweed Coast Estuaries Management Plan 2004

The proposed development will not adversely impact on the Cudgen Creek water quality as the proposal will discharge roofwater only into the existing street stormwater system.

Coastal zone Management Plan for Cobaki and Terranora Broadwater

This plan does not apply to the subject site.

(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

An infill development is proposed, within an established residential subdivision which has been specifically created for residential development. The proposed development is of a design generally in keeping with the architectural style and residential character of the area taking into account the redevelopment occurring overall in the area, with the exception that the roof top deck which has 118 square metres of usable recreation area may result in an undesirable precedent for development on the lower part of a hillside where higher level dwellings can be affected.

Access, Transport and Traffic

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

Flora and Fauna

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

Site design and Internal design

The roof top deck will have adverse impact on the amenity of the residents of the property to the rear No. 34 Hungerford Lane.

The inclusion of the roof top deck on the proposed three storey building is the primary concern in this development. It raises the level of outdoor living area to a level and position that will impact on the residents of at least one property above. Noise and potential evening illumination will impact of on their amenity. The design now incorporates a 2.5m high 'acoustic green screen' on the back edge of the deck which is likely to reduce a little of the noise impact and provide for some greater visual privacy particularly in relation to the position of the spa/pool. It is to be noted that the total height of the building measured from natural ground level at the point of the 'acoustic green screen' does comply with the 9m maximum height requirements of the DCP.

Acoustic advice by CRG Acoustic Consultants has been provided and is noted as conservative but suggests that to be fully effective an acoustic screen would need to be 4.5m high and return half way along the sides of the building. That would be unsightly and contribute further to the non compliant height of the building.

It is difficult to evaluate the frequency of use of the proposed roof top deck which needs to be taken into account when considering what is reasonable. The design of this deck at 118 square metres of usable floor area and a spa/pool would suggest frequent use.

Other than the concern about the roof top deck the building is considered to be of reasonable design taking into account the relationship with the adjacent buildings on either side. The external finishing is mixed and provides good architectural merit. The design provides four off street car parking spaces and includes privacy screening to the second floor balconies to minimise impact on adjoining residences either side.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The proposal is consistent with the surrounding land use and the site is suitable for the proposed development. The property is located within an existing residential area and utilities including reticulated water, public sewer and power are provided to the site. A mixture of old and new dwellings with varying architectural styles exist within the area, the design of the dwelling is considered to be in keeping with the existing residential character of the area.

Flora and Fauna

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

Topography

The site rises steeply at the rear of the allotment and the geotechnical reports submitted state that the development could proceed without destabilisation of the adjoining properties.

Site Orientation

The living areas of the dwelling have been mainly orientated to the north and northeast to optimise ocean views and breezes and solar access to the north.

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

The application was notified to surrounding properties when first received and again after the first amendment. During the initial notification, three (3) written submissions were received. After notification of the amended plans a single submission of objection was received. The main issues raised have been summarised below:

Issue	Objection Comment	Assessment
Loss of privacy to the residents of 34 Hungerford Lane	The proposed roof top deck will impact on privacy as it is clearly visible and raised to the yard level of the of the rear property.	The deck will be visible by the residence of the property at the rear but will be partially screened by some of the existing vegetation. In addition the applicant has made a late inclusion of a 2.5m high 'acoustic green screen' which will further improve visual privacy concerns.
Loss of amenity to the residents of 34 Hungerford Lane	The proposed roof deck is elevated to within 6m height and 15m distance from the lower balcony of 34 Hungerford Lane and will therefore transfer noise and light spill.	There is likely to be considerable noise transfer from the use of the substantial roof deck. Its elevation due to the third storey contributes to the impact. The inclusion of the spa/swimming pool and barbeque intensify the potential use of the area and this will impact on the rear properties. The frequency of use of the upper deck is an unknown and makes it difficult to quantify the impact to occasional of regular. The small nature of the site makes it good sense to utilize the roof area as additional outdoor recreation space but given the increase in height and number of storeys it is not reasonable to justify.
Height and setbacks are non-compliant	Height and rear setbacks do not Comply with LEP or DCP A1 and impact on streetscape and amenity.	Impacts of height in relation to amenity have been discussed above. The reduced setback to Marine parade is not considered to have any significant impact on the streetscape given the openness of the area and articulation used in the design of the building.
Possible instability of the adjacent property and structures	Hillside is steep and has existing instability	A geotechnical report has been provided which states that the development could proceed without destabilisation of adjoining properties and structures.

Issue		Objection	Assessment
		Comment	
Additional		Due to the sun	Consideration of what someone might do in the future
shade		and wind it is	is not grounds to influence the determination of the
structures	are	likely that	application presented. However if the development
likely on	the	additional roof	was to be approved it would include conditions to
roof deck.		shade structures	preclude any roof structures other than basic not
		will be erected	permanent shade umbrellas.
		creating four	
		storeys.	

(e) Public interest

The development will not have an adverse impact or compromise public interest.

OPTIONS:

- 1. Council refuses the development application; or
- 2. Council supports in principle the development application and that a report be brought forward to the next Council meeting providing recommended conditions of consent.

Council officers recommend Option 1.

CONCLUSION:

The proposed development exceeds the number of storeys permitted by the current LEP and the use of the roof as a deck necessitates the provision of a balustrade which then creates non-compliance in the height of the building of 1.2m. It is these two variations that will result in the adverse impact on the amenity of the residents behind and although there is uncertainty in the likely frequency of use of the deck it is considered that these variations are not justified and the proposal should be refused.

COUNCIL IMPLICATIONS:

a. Policv:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

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

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

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.1	Ensure actions taken and decisions reached are based on the principles of sustainability
1.1.1	Establish sustainability as a basis of shire planning and Council's own business operations
1.1.1.3	Assessment of new developments (Development Assessment unit)
1.1.1.3.1	Assessment in accordance with the sustainability objectives of the Environmental Planning and Assessment Act 1979 and other relevant legislation

UNDER SEPARATE COVER/FURTHER INFORMATION:

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

37 [CNR-CM] Integrated Sustainable Floodplain Farming Northern Rivers Catchment Management Authority - 2012/2013

SUBMITTED BY: Natural Resource Management

Vali



SUMMARY OF REPORT:

Council resolved at the October 2012 Council meeting to accept a Northern Rivers Catchment Management Authority grant of \$55,000 to undertake floodplain management works on the Tweed floodplain. 'This project will facilitate through on-ground works and extension outcomes, the active management of acid sulfate soils, flood-gated drains and floodplains as well as overall land management practices to implement soil health (reduce soil acidification and improve soil carbon)'.

The purpose of this report is to seek Council's approval to fund works on private properties, as listed within the report, in accordance with the provisions of the Grant.

RECOMMENDATION:

That Council approves the proposed on ground works on the private properties listed in the table contained within the report for the Integrated Sustainable Floodplain Farming Project.

REPORT:

Council resolved at the October 2012 Council meeting to accept a Northern Rivers Catchment Management Authority grant of \$55,000 to undertake floodplain management works on the Tweed floodplain. 'This project will facilitate through on-ground works and extension outcomes, the active management of acid sulfate soils, flood-gated drains and floodplains as well as overall land management practices to implement soil health (reduce soil acidification and improve soil carbon)'.

The project outcomes are:

- Condition of native vegetation improved
- Farmers assisted to increase their uptake of sustainable farm and land management practices (soil health/soil carbon and Acid Sulfate Soil Best Management Practices) that deliver improved ecosystem services
- Knowledge, skills and engagement of land managers and farmers in managing our natural resources and environment

The proposed works involve the provision of services by professional bushland regenerators to undertake primary and maintenance weed control, tree planting and assist landholders to more effectively manage floodplain waterways including drainage channels. Concurrently on one of the three farms listed below the project will facilitate the implementation of a trial demonstrating soil carbon/ health and crop health benefits using recycled and composted resources.

Name	Area	Details	Cost Estimate (\$ excl. GST)
Ms Julie Schiller	Tygalgah - Sugarcane Farm	140m cane drain rehabilitation: banks reforming (Landholder contribution), installation of erosion control mats, planting of ground covers species, two years maintenance.	\$4329.60
Mr Bernard Schiller	Clothier Creek (Beef Cattle Farm)	500m drain rehabilitation: Fencing & banks reforming (Landholder contribution), planting of trees and ground covers species (2440 plants), two years maintenance.	\$9803.64
Mr Paul Bolster	Chinderah (Tea Tree Farm)	Supply 100t of grinded green waste and 50t of feedlot manure. Materials are to be used by the landholder to manufacture compost to be applied at various rates to tea tree crop. Undertake compost/ soil sampling and analysis.	\$3353.07
1		TOTAL	\$17,486.30

OPTIONS:

- 1. Council approves proposed on ground works on the private properties listed in the table contained within the report.
- 2. Council does not approve proposed on ground works on the private properties listed in the table contained within the report.

CONCLUSION:

This project will further contribute to research and on ground works taking place in the fields of Acid Sulfate Soils, Soil Carbon and Sustainable agriculture in the region.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$55,000 from NRCMA plus \$22,000 Council contribution though the Tweed River Estuary Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.5 Improve the environmental capacity of the Tweed agriculture lands
- 4.5.1 Promote and encourage sustainable and innovative agricultural practices

UNDER SEPARATE COVER/FURTHER INFORMATION:



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38 [CNR-CM] River Health Grants

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

This report provides Council with details of proposed investments in river and riparian management through implementation of the River Health Grants Program.

The goal of this project is to improve the quality of Tweed Waterways by subsidising works on private properties, for example by revegetation, weed control and provision of off stream water for cattle. The source of funding for this program is the Water Unit mandatory dividend for water and sewerage.

RECOMMENDATION:

That Council approves the proposed River Health Grants included within this report.

REPORT:

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways, improve the water quality of raw water extracted for treatment at Bray Park. At the March 2013 meeting, Council approved to amend the Water Supply Catchment Stream Bank Protection Version 1.2 to include subsidisation of riparian rehabilitation works in all natural waterways of the Shire, and renamed the River Health Grants policy. The amended policy was on exhibition for 28 days up to 28 May 2013.

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners and has made an immediate improvement in the riparian conditions of treated areas. In each case of funding, an agreement with land holders will be signed that details Council's contribution to the project and the commitments and responsibilities of the land holder.

There are seven proposed River Health Grant projects included in this report. The projects are relatively minor and all of them build upon previous work undertaken at each site and include a significant in-kind contribution from the landowners. There are two riparian fencing projects to restrict stock access to waterways which will be regenerated to native vegetation. Bush regeneration is also proposed to be undertaken at the Mt Warning Rainforest Park along Korumbyn Creek and at two sites along Bilambil Creek. The other project is to replace cattle yards that Council determined require removing on Road Reserve within metres of Duroby Creek. The landowners will contribute around \$20,000 in cash and in-kind assistance to pull down old yards, cleaning site and erecting new yards and keeping cattle off the creek banks.

Property Owner	I LOCALITY TRODIAGE ODJECTIVE OF WORKS		Council contribution	
Bourchier	Mt Warning	400	Control environmental weeds and restore native riparian vegetation to reduce bank erosion.	\$1,500
Lazer	Bilambil	50	Control coral tree infestation and provide plants for revegetation.	\$1,760
Godfrey	Bilambil	100	Follow up weed control maintenance of revegetation site	\$1,320
Gilliland	Bilambil	1,500	Replace cattle yards and restrict stock access to Duroby Creek	\$11,000
Graham	Stokers Siding	100	Fence creek to restrict stock access and prepare bank for riparian planting works	\$1,500
Gibson	Urliup	850	Fence creek lines to restrict cattle access and regenerate riparian habitat.	\$7,000
Lofts	Doon Doon	730	Control noxious weeds, Camphor and privet, and regenerate native riparian vegetation.	\$6,000

CONCLUSION:

The projects nominated for approval in this round of river health grant agreements includes significant in-kind contributions from the property owners. The projects will achieve the aims of the River Health Grants Scheme, and are in accord with the River Health Grants Policy.

COUNCIL IMPLICATIONS:

a. Policy:

River Health Grants 1.0.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.5 Revegetate riparian zones
- 4.1.2.5.1 River health grants on private land

UNDER SEPARATE COVER/FURTHER INFORMATION:

Council Meeting Date: Thursday 20 June 2013		
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39 [CNR-CM] Great Eastern Ranges - Border Ranges Small Grant

SUBMITTED BY: Natural Resource Management

3

Caring for the Environment

SUMMARY OF REPORT:

Council has been awarded a \$25,100 grant from the Great Eastern Ranges Initiative for the Upper Rous River Vegetation Connectivity Enhancement Project. In accordance with the grant, a further \$17,825 will be contributed to the project from Council's Biodiversity Grant Program. Participating landholders will contribute the equivalent of \$11,900 in labour costs during the project.

RECOMMENDATION:

That Council:

- 1. Accepts the Great Eastern Ranges Initiative Grant, Contract Number 0439, Upper Rous River Vegetation Connectivity Enhancement in the amount of \$25,100.
- 2. Votes the expenditure.

REPORT:

Council has been awarded a \$25,100 grant from the Great Eastern Ranges Initiative for the project Upper Rous River Vegetation Connectivity Enhancement. In accordance with the grant, a further \$17,825 will be contributed to the project from Council's Biodiversity Grant Program. Participating landholders will contribute the equivalent of \$11,900 in labour costs during the project.

The project involves ecological restoration of approximately 30 hectares or land straddling four kilometres of the Upper Rous River within a key Border Ranges Connectivity Priority Area. It will mitigate threats to biodiversity and enhance vegetation connectivity and water quality in an area of high biodiversity supporting a significant number of threatened species. Regeneration will be augmented by in-fill planting to accelerate canopy development, inhibit re-emergence of weeds and boost the regenerative capacity of riparian vegetation. The project area is identified in the *Tweed Vegetation Management Strategy (2004)* as having High to Very High Ecological Status and Sensitivity and is within a Regional Wildlife Corridor and a designated Climate Change Corridor.

Specific actions will include:

- Ecological restoration of 30 hectares of riparian land
- In-fill planting of 200 suitable species of native plants
- Increased connectivity of riparian vegetation
- Landholder training and education
- Monitoring and reporting of the work, including reporting of any rare and threatened flora and fauna

Project outcomes will be entered into the Border Ranges Alliance Atlas of Living Australia website.

The project is to be completed by 10 October 2013.

Dear Applicants,

Your applications to the GER Border Ranges Small Grants have been assessed and final projects selected.

The successful applicants are:

- · Tweed Shire Council
- Brunswick Valley Landcare
- · Wilsons Creek Huonbrook Landcare
- Envite (part funded)

Thank you for submitting an application. All projects submitted were excellent. I will include a brief outline of the successful projects in the next Border Ranges email update. If you haven't been successful we will keep your projects in mind for any future opportunities.

Warm Regards Georgia

Georgia Beyer Border Ranges Alliance Facilitator Great Eastern Ranges

(02) 6626 0304 georgiab@nct.org.au



www.borderrangesalliance.org.au www.greateasternranges.org.au

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A total of \$17, 825 will be contributed to the project from Council's Biodiversity Grant Program.

c. Legal:

Not Applicable.

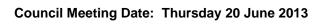
d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire

UNDER SEPARATE COVER/FURTHER INFORMATION:



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40 [CNR-CM] Proposed Closure of Creek Street Round Mountain Western Access

SUBMITTED BY: Natural Resource Management



SUMMARY OF REPORT:

Creek Street, which runs in an east-westerly direction off Round Mountain Road, is a rough track with no surface material that extends to the western side of Cudgera Creek. It does not connect to the portion of Creek Street that originates on Tweed Coast Road. The road also forms the northern boundary of Tweed Shire Council's Hastings Point Wastewater Treatment Plant adjacent to Round Mountain Road (Lot 3 DP 601993) and bisects Cudgen Nature Reserve (Lot 513 DP 729269 and Lot 520 DP 729387) and provides access to it.

There has been a history of incursions by 4WD vehicles which cause damage to significant vegetation at this site.

The land adjacent to the track has been identified as comprising endangered ecological communities and habitat for threatened species or populations, including koalas. The damage caused by recreational vehicles and the potential incursion of environmental weeds will have a negative impact on vegetation communities and habitat at this site.

Entry to the Creek Street road reserve should be restricted to Council staff for access to an existing sewer line; National Parks and Wildlife Service officers and Rural Fire Service offices and volunteers in the event of bushfires, to ensure protection of this significant habitat.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, in order to restrict incursions by 4WD vehicles, limit dumping of rubbish and the spread of environmental weeds and to protect significant habitat, it is recommended that Council approve the installation of a locked gate at the intersection of Creek Street and Round Mountain Road.

RECOMMENDATION:

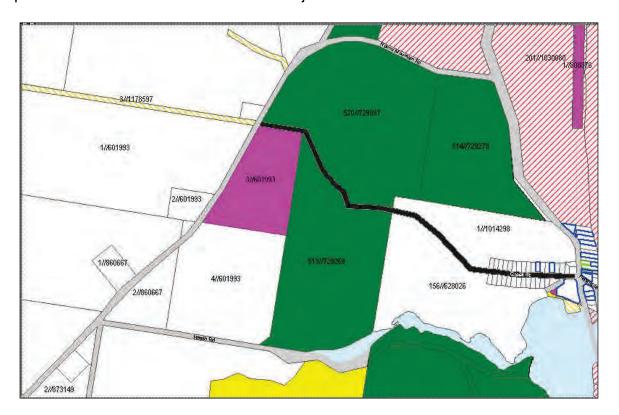
That Council:

- 1. Regulates the traffic on Creek Street, Round Mountain by means of a gated structure at the intersection of Creek Street and Road Mountain Road, as per Section 122 of the Roads Act 1993.
- 2. Advertises the regulation of traffic on Creek Street, Round Mountain in the Tweed Link.

REPORT:

Creek Street, which runs in an east-westerly direction off Round Mountain Road, is a rough track with no surface material that extends to the western side of Cudgera Creek. It does not connect to the portion of Creek Street that originates on Tweed Coast Road. The road also forms the northern boundary of Tweed Shire Council's Round Mountain Wastewater Treatment Plant adjacent to Round Mountain Road (Lot 3 DP 601993) and bisects Cudgen Nature Reserve (Lot 513 DP 729269 and Lot 520 DP 729387) and provides access to it.

The plan below shows the location of the subject road:



There has been a history of incursions by 4WD vehicles which cause damage to significant vegetation at this site. There is also a history of rubbish dumping and unauthorised parties in the vicinity of the site. Recent reports from NSW National Parks and Wildlife Service officers (NPWS, OEH) indicate that the track has been opened up again by 4WD enthusiasts who have caused considerable damage as the site was waterlogged during access events. NPWS officers have requested assistance from Council in managing this access point. Similar incursions were previously reported for Heath Road, Round Mountain on 20 April 2010, located one kilometre south of Creek Street on the southern side of the a Wastewater Treatment Plant which was subsequently gated.

The photograph below shows fresh tyre marks leading into the Nature Reserve:



The land adjacent to the track has been identified as comprising endangered ecological communities and habitat for threatened species or populations, including koalas. The damage caused by recreational vehicles and the potential incursion of environmental weeds will have a negative impact on vegetation communities and habitat at this site.

It is proposed that the costs of any remediation at the site will be funded by the Office of Environment and Heritage (OEH) through its NPWS officers and the installation of gating at this site will be funded by the Tweed Shire Council's Bushfire Hazard Reduction budget.

The following vegetation communities were identified adjacent to Creek Street:

- Broad-leaved Paperbark Closed Forest to Woodland potential Endangered Ecological Community – 'Swamp sclerophyll forest on coastal floodplains of the NSW North Coast'.
- Coastal Swamp Mahogany Open Forest to Woodland potential Endangered Ecological Community – 'Swamp sclerophyll forest on coastal floodplains of the NSW North Coast' and potential Core Koala Habitat.

In addition, a range of threatened fauna species have been recorded in the NPWS Wildlife Atlas within one kilometre of Creek Street, these include the *Vulnerable* (TSC Act) species: Koala, Southern Myotis (a bat), Glossy Black-cockatoo, Common Planigale, Osprey, Little Bentwing-bat, Wallum Froglet, Black Bittern, Sanderling and Spotted-tailed Quoll (*Endangered* under the Commonwealth EPBC Act) and the *Endangered* (TSC Act) Bush Stone-curlew and Black-necked Stork.

Entry to the Creek Street road reserve should be restricted to Council staff for access to an existing sewer line; National Parks and Wildlife Service officers and Rural Fire Service offices and volunteers in the event of bushfires, to ensure protection of this significant habitat.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, in order to restrict incursions by 4WD vehicles, limit dumping of rubbish and the spread of environmental weeds and to protect significant habitat, it is recommended that Council approve the installation of a locked gate at the intersection of Creek Street and Round Mountain Road.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

All costs relating to installation of the gate will be derived through Council's Bushfire Hazard Reduction budget and for site remediation through NPWS or OEH funding.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.2 Encourage and promote rehabilitation and management of native vegetation

and wildlife habitat in Tweed Shire

- 4.2.2.2 Management of council owned bushland
- 4.2.2.2.2 Management of bush fire risk

UNDER SEPARATE COVER/FURTHER INFORMATION:

41 [CNR-CM] Tender Evaluation Report - EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services

SUBMITTED BY: Natural Resource Management

Valid



SUMMARY OF REPORT:

Expressions of Interest (EOI) were called for from companies and individuals interested in providing Natural Vegetation Regeneration/Restoration services on Council managed lands. The work to be performed under the subsequent Expression of Interest (EOI) includes the provision of all labour, plant and materials and the performance of all operations of whatever kind necessary for the complete of such works. While the total amount available for Natural Resource Management (NRM) regeneration/restoration works is likely to exceed \$200,000 per annum, no offer of work is implied by this EOI. The top 10 assessed service providers will be added to the NRM Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list for 2013. All quoted hourly rates will remain current for a period of two years from the date of submission being 9 January 2013.

RECOMMENDATION:

That:

- The service providers assessed as being in the top 10 submitted Expressions of Interest be accepted for EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services - Panel of Providers list.
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

Tender Background

The work to be performed under the subsequent Expression of Interest (EOI) includes the provision of all labour, plant and materials and the performance of all operations of whatever kind necessary for the complete and proper Service of Natural Vegetation Regeneration/Restoration on Council managed lands. While the total amount available for regeneration/restoration works is likely to exceed \$200,000 per annum, no offer of work is implied by this EOI. The top 10 assessed service providers will be added to the Natural Resource Management Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list 2013. All quoted hourly rates will remain current for a period of two years from the date of submission being 9 January 2013.

Tender Evaluation Panel

Council's Tender Evaluation Panel was made up of Council's Waterways Program Leader, Biodiversity Project Officer and Bushland Officer.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services on 4 December 2012 in Tweed Link. The tender was also advertised on Council's website and existing Panel members and targeted candidates for restoration work were provided with full documentation directly on 28 November 2012.

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 9 January 2013 in the Tender Box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah. 19 tender submissions were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN
Austspray	89 122 731 775
Basically Bush Restoration	37 742 558 257
Bowerbird	80 554 251 292
Bushland Restoration Services	44 105 030 573
Eddie Roberts	79 540 298 832
EnviTE Inc	51 288 461 579
Forest Restorations	33 035 164 843
Gecko Regen	28 124 611 463
Madhima Gulgan Community Association Inc.	73 873 870 365
Scrubland Restorations	97 609 116 551
Virida Sylvis	26 425 615 090
Activeco Pty Ltd	65 151 965 847
Angus Murray	63 540 526 327
Ecosure	63 106 067 976
Enhance Environmental	25 647 854 370
Maia Bushland Restorations	66 010 350 684
Managing for Productivity	51 645 921 724
NatureCall	81 127 154 787
Treeline Forest Management	70 147 071 396

Evaluation Summary

The EOI evaluation was conducted as per the Tender Evaluation Plan dated 30 November 2012. EOIs were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Spreadsheet

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Tender Price)	Schedule 2	30
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Works (Experience)	Schedule 4	20
Project Management (Key Personnel)	Schedule 5	20
WHS and Risk Management	Schedule 7	10
Environmental Management	Schedule 7	10
Quality Management	Schedule 7	10
Company Insurances	Schedule 9	Yes/No Item
	Total	100

It is recommended that Expressions of Interest from:

- Austspray
- Basically Bush Restoration
- Bowerbird
- Bushland Restoration Services
- Eddie Roberts
- EnviTE Inc.
- Forest Restorations
- Gecko Regen
- Madhima Gulgan Community Association Inc.
- Scrubland Restorations
- Virida Sylvis

be accepted and these companies/individuals be added to the Natural Resource Management Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list 2013 which will remain current for two years from the date of submission being 9 January 2013.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

Funding for the provision of services to be supplied from Council's Biodiversity, Waterways and Sustainable Agriculture Program budgets and from external funding sources.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Caring for the Environment
Conserve native flora and fauna and their habitats
Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire
Prepare, review and implement vegetation and biodiversity management plans Implementation of priority actions in Vegetation Management Plans and Bushfire Risk Management Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Combined Assessment - Panel of Providers - Bushland Restoration 2013-15 (ECM 3080825)

42 [CNR-CM] Cultural Development Officer

SUBMITTED BY: Community and Cultural Services



SUMMARY OF REPORT:

At its meeting of 16 May 2013 Council resolved as follows:

"that a report be submitted to council detailing firstly, the manner in which the budgeted salary for the position of Cultural Development Officer has been allocated since the position was vacated and secondly, the future of this position."

Council's Cultural Development Officer position has been substantively vacant since July 2010. Since that time the budget for the position has been reallocated to resourcing an education officer at the Art Gallery, a number of cultural development allied projects and activities, and to assist in balancing over expenditure in other areas of Council. At this stage it is proposed to retain the position however over the next 12 months it is proposed to engage a temporary cultural Communications Officer to prepare for and implement communications and marketing initiatives for the Margaret Olley Art Centre and Tweed Regional Museum - Murwillumbah.

RECOMMENDATION:

That Council notes the allocation of the funding for the Cultural Development Officer position.

REPORT:

The Cultural Development Officer (CDO) position was vacated on 14 July 2010. In March 2011 the position hours were reduced to fund a part time Education Officer at the Art Gallery. In the 2010/2011 financial year the remaining budget for the CDO position was reallocated to the Jack Evans Boat Harbour Goorimahbah (\$50,000) and to balance other miscellaneous over expenditures within the Division (\$44,671). In the 2011/2012 financial year the budget for the CDO position was reallocated to Museum Salaries (\$15,000) and other miscellaneous over expenditures (\$42,658). In this financial year, 2012/13, the budget for the CDO position has been partly reallocated to cover the Community Options Program ABC contribution to the General fund due to the loss of the COMPACKS program (\$17,993). The remaining budget is currently being utilised for:

- the implementation of the Collection Management System (Vernon) for the Art Gallery (1 day per week for 11 weeks);
- review/updating of the Cultural Policy, the Placemaking and Pubic Art Policy and associated processes, with assistance being provided by Arts Northern Rivers as required.

In the 2013/2014 financial year, the budget allocation for the CDO position will be used to engage a Communications Officer - Cultural to be shared between the Art Gallery and the Museum and assist with communication requirements for the delivery of two large infrastructure projects that will significantly reposition the Tweed's cultural reputation - the construction and opening of the Margaret Olley Art Centre and the Murwillumbah Museum extension and related cultural projects. The role will deliver communication initiatives including marketing and promotional activities for the two facilities, new websites and social media activities, events, promotions and exhibition assistance to support Council's significant investment in these expanded/new facilities.

During 2013/2014, the CDO role will be reviewed to ensure Council's capacity for implementing the revised/updated cultural policies and plans in 2014/2015. cultural policies and plans in 2014/2015.

OPTIONS:

- 1. That Council receives and notes the report.
- 2. That Council defers the report and requests further information.

CONCLUSION:

In the absence of a substantive officer in the Cultural Development role, the budgeted salary has been expended performing tasks and meeting responsibilities that would have been met, at least in part, by such an officer and to ensure Council has met various responsibilities in responding to role related enquiries.

COUNCIL IMPLICATIONS:

a. Policv:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A budget of \$64,940 is allocated for the 2013/2014 financial year; expenditure on the review/updating of the policies will be accomplished in the remaining allocation for 2012/2013 (\$44,000).

c. Legal:

Not Applicable.

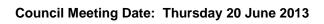
d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Supporting Community Life
Foster strong, cohesive, cooperative, healthy and safe communities
Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
Provide accessible cultural development programs
Deliver a range of cultural programs relevant to local lifestyles, building on former City of the Arts programs

UNDER SEPARATE COVER/FURTHER INFORMATION:



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43 [CNR-CM] New Murwillumbah Community Centre - Lions Club of Murwillumbah

SUBMITTED BY: Community and Cultural Services

Valid



SUMMARY OF REPORT:

The Lions Club of Murwillumbah has advised Council that the youth space within the new Murwillumbah Community Centre does not, in their view, conform to the aims of the bequest for which they are the Trustee.

This report outlines the implications of the withdrawal of this bequest.

RECOMMENDATION:

That Council officers investigate other options to fund the \$300,000 shortfall in funding for the Murwillumbah Community Centre.

REPORT:

Council awarded the Murwillumbah Community Centre construction tender EC2011-123 to Multi Span Australia Pty Ltd on 18 October 2011. At the time, project funding included Federal Government grants, Lions Club of Murwillumbah (Lions Club) donation, sale of other Council assets and Section 94 contributions.

Since that time, the Murwillumbah Community Centre, including a youth centre has been completed and officially opened on 24 November 2012.

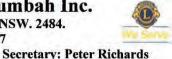
Advice received from the Lions Club notes that in their view the completed youth centre falls short of the intent of the bequest made by the late Edward John Navin. Council's Community Services Coordinator, Youth Development Officer and a St Josephs Youth Service representative attended a meeting of the Lions Club on 26 March 2013 to discuss the programs and activities on offer from the Murwillumbah Youth Centre. At the meeting, Lions Club members explained the intent of the bequest was to construct a Police Citizens Youth Centre (PCYC) style of service in Murwillumbah to provide structured activities and a place for young people to drop-in. It has never been Council's intention to provide and resource such a facility. The current youth centre in the Murwillumbah Community Centre provides a range of support services for young people, including some activities. It is anticipated that over time the number and frequency of activities will increase but not to the extent which will satisfy the Lions Club.

The following letter from the Lions Club was received on 10 May 2013, noting the Lions Club Board has unanimously agreed not to release the \$300,000 bequest for Murwillumbah Community Centre. The letter further notes however that the Lions Club is open to further discussions with Council should a proposal be put forward that meets the terms of the late Mr Navin's will.



Lions Club of Murwillumbah Inc.

PO Box 612, Murwillumbah. NSW. 2484. ABN 93 847 391 657



President: Margaret Organ Ph: 6677 7290

Ph: 6672-1471 Email pri26277@bigpond.net.au

10/05/2013

David Oxenham

Director Community and Natural resources

Dear David.

Further to our phone conversation, I would like to inform you that the Board of the Murwillumbah Lions Club, has unanimously decided to adhere to the letter from our Solicitors Egan Simpson, dated the 6th December, 2012.

However, we the Lions Club are still open to further discussions with Council, should you come up with another proposal which comes close to the wording of the "Last Will and Testament" of Edward John Navin.

Kind regards,

Peter Richards (Secretary)

TWEED SHIRE COUNCIL
FILE No: Section of the process of the process

Council staff will again meet with Lions Club members to present the draft *Youth Strategy* and *Action Plan (2013-2017)* "the Strategy" and discuss opportunities for supporting young people in Murwillumbah through the Strategy. It is understood that members of the Lions Club are particularly interested in PCYC style activities to engage young people and minimise anti-social behaviour in and around Murwillumbah.

The Strategy contains a number of actions that the Lions Club could partner with Council to deliver including:

CTDATECIC	OUTCOME 2. VOLING DEODLE ADE INVOLVED IN LOCAL EVENTS AND		
STRATEGIC OUTCOME 3 - YOUNG PEOPLE ARE INVOLVED IN LOCAL EVENTS AND			
A RANGE OF CREATIVE, SPORTING AND SOCIAL ACTIVITIES			
Action 2	Establish a group of young people who volunteer to design and manage		
	events and programs in public places such as Knox Park etc		
Action 3	Coordinate a Youth Projects grant to seed-fund young people's initiatives		
Action 4	Partner with community service groups to deliver programs and activities for		
	young people in Council halls, parks and youth centres		
STRATEGIC	STRATEGIC OUTCOME 5 - YOUNG PEOPLE FEEL SAFE AND PROTECTED FROM		
DRUGS, ALCOHOL AND VIOLENCE			
Action 7	Support 'CoolHeads' after-hours binge drinking program in areas where		
	young people are engaging in anti-social activities at night, including Knox		
	Park, etc		
STRATEGIC	STRATEGIC OUTCOME 6 - YOUNG PEOPLE CAN GET AROUND, HAVE ACCESS TO		
SERVICES AND HAVE AFFORDABLE PLACES TO LI VE			
Action 2	Engage with private bus companies about extending their services to		
	weekends and evenings in areas where there currently is no service.		

OPTIONS:

- 1. That Council officers investigate alternative funding sources for the Murwillumbah Community Centre.
- 2. That Council defers the report and requests further information.

CONCLUSION:

Council staff will explore opportunities for the Lions Club to partner with Council and community service groups to develop preventive and diversionary programmes for youth, including community events and activities, and improved transport services in the Murwillumbah locality. Council should note the bequest of the late Mr Navin will not be released to fund the construction of the Murwillumbah Community Centre.

COUNCIL IMPLICATIONS:

a. Policy:

Youth Version 1.0.

b. Budget/Long Term Financial Plan:

A further report will be presented to Council detailing funding arrangements following the sale of Council's Nullum Street property.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

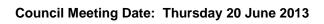
LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.5 Provide vibrant and accessible town, community and business centres
- 2.5.2 Facilitate the development of a network of neighbourhood centres and

community places to meet the needs of local residents

2.5.2.2 Plan for and provide new community buildings in line with population growth

UNDER SEPARATE COVER/FURTHER INFORMATION:



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[CNR-CM] Submission to NSW Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People

SUBMITTED BY: Community and Cultural Services

Valid



SUMMARY OF REPORT:

The purpose of this report is to inform Council that officers have made a submission to the "NSW Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People."

RECOMMENDATION:

That Council receives and notes the "Submission to Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People".

REPORT:

This inquiry is a current Legislative Council inquiry conducted by the Social Issues Committee. The inquiry was established on 15 November 2012 to inquire into and report on strategies to reduce alcohol abuse among young people in NSW. The terms of reference were advised by the Hon. Minister Humphries MP, Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales on 31 October 2012. The submission closing date was Friday 1 March 2013.

Council's submission:

- Identifies the particular substance abuse issues that are prevalent in the Shire.
- Describes relevant features of the local scene, the local tourism-based economy, law
 enforcement difficulties with existing regulations, the resources that are required to be
 devoted to resolving issues and protecting people, the role of the Liquor Accords, and
 the problem of secondary supply of alcohol as it affects young people.
- Outlines projects aimed at addressing particular issues such as the Cool Heads program, efforts to increase the number of youth events, the RRISK program, promotion of courtesy bus services at venues, the former Night Link and Taxi Link services, dual taxi ranks, and cooperation with the police on both sides of the Queensland and NSW border.

The issues identified in the submission are supported by the draft *Youth Strategy and Action Plan (2013-2017)*.

OPTIONS:

- 1. That Council receives and notes the report.
- 2. That Council defers the report and requests further information.

CONCLUSION:

Strategic Outcome 5 of the draft *Youth Strategy and Action Plan (2013-2017)* is that "Young people feel safe and protected from drugs, alcohol and violence". Young people are often the victims of alcohol abuse by others and through secondary supply, are exposed to the adverse influences of alcohol. Council and community have addressed these issues by adopting preventive and diversionary programmes for youth, engaging them in community events, providing facilities and seeking to improve transport services. Ultimately, however, innovative social policies and legislation are required to effect a correction in our use of alcohol generally.

COUNCIL IMPLICATIONS:

a. Policy:

Youth Version 1.0.

b. Budget/Long Term Financial Plan:

The "Submission to Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People" has no financial implications for Council.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

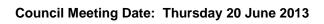
- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
- 2.1.1.3 Improve service to young people

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Council's Submission to NSW Legislative Council Inquiry into

Strategies to Reduce Alcohol Abuse Among Young People

(ECM 2984413)



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45 [CNR-CM] Acceptance of Commonwealth Government Grant Funding for Margaret Olley Art Centre

SUBMITTED BY: Director

Valid



SUMMARY OF REPORT:

A grant from the Commonwealth Government through the Department of Regional Australia, Local Government, Arts and Sport totalling \$1,000,000 has been approved. The grant funding was approved through the Department's Community Infrastructure Grant scheme for the Margaret Olley Art Centre.

RECOMMENDATION:

That:

- 1. Council accepts the grant funding totalling \$1,000,000 from the Commonwealth Government's Community Infrastructure grant round and votes the expenditure as part of Council's budget allocation for the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery.
- 2. All documentation, if required, be executed under the Common Seal of Council.

Council Meeting Date: Thursday 20 June 2013

REPORT:

Council successfully applied to the Commonwealth Government through the Community Infrastructure Grant scheme for funding of \$1,000,000 to be allocated to the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery. This funding was sought following the gift of \$1,000,000 from the Margaret Olley Trust in November 2011. This funding will be allocated towards consultancy fees, construction costs and exhibition fit-out expenses.

Further financial assistance for this capital project has also been committed by the Tweed River Art Gallery Foundation Ltd, the Friends of the Tweed River Art Gallery Inc. and Council.

A copy of the letter is reproduced below:



The Hon Anthony Albanese MP

Minister for Infrastructure and Transport Minister for Regional Development and Local Government Leader of the House

0 6 MAY 2013

Reference: B13/187

Mr David Oxenham Director, Community and Natural Resources Tweed Shire Council PO Box 816 MURWILLUMBAH NSW 2484



Dear Mr Oxenham

COMMUNITY INFRASTRUCTURE GRANTS PROGRAM – CIG088 MARGARET OLLEY ART CENTRE (MOAC)

I am pleased to advise you that I have approved funding of up to \$1,000,000 (GST exclusive) under the Community Infrastructure Grants Program to the Tweed Shire Council for the Margaret Olley Art Centre project. This approval delivers on the Governments funding commitment.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement that sets out the terms and conditions under which the funding is provided, and the settling of other details, including confirmation of final project costs.

You must enter a Funding Agreement within four weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn. You will shortly be contacted by an officer from my Department to discuss the Funding Agreement.

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under Australian law and falls within the terms of Australian Taxation Office ruling GSTR 2012/2. You may wish to seek guidance from the Australian Taxation Office or your tax adviser on the impact of Community Infrastructure Grants Program funding on your organisation's taxation liabilities.

I have written to the Hon Justine Elliot MP, Member for Richmond advising her about the Margaret Olley Art Centre project and have asked that she liaise with you about details of any public announcement of this funding. I ask that the funding approval be kept confidential until an announcement is agreed with the Hon Justine Elliot MP.

PARLIAMENT HOUSE CANBERRA ACT 2600

Telephone: 02 6277 7680 Facsimile: 02 6273 4126

Should you wish to conduct a project launch at the conclusion of the project or at another suitable time, please contact my Department on 1800 005 494 to arrange a suitable date. It would be appreciated if you could provide three possible dates and at least six weeks notice to my Department. This will allow time to make the appropriate arrangements for me or my representative to attend.

I wish you every success with the Margaret Olley Art Centre project.

Yours sincerely

ANTHONY ALBANESE

OPTIONS:

Option 1: Council accepts the grant funding of \$1,000,000 from the Commonwealth Government through the Department of Regional Australia, Local Government, Arts and Sport.

Option 2: Council does not accept the grant funding.

CONCLUSION:

It is recommended that Council accepts the grant offer of \$1,000,000 from the Commonwealth Government and votes the expenditure as part of Council's budget allocation for the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The budget for the Project included the amount of \$1,000,000 from the Commonwealth Government.

c. Legal:

Council must accept conditions of grant, including submitting of regular reports in order to receive grant progress payments.

d. Communication/Engagement:

Inform - We will keep you informed.

Council Meeting Date: Thursday 20 June 2013

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational,

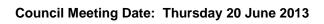
cultural and community facilities

2.3.6.1.6 Develop purpose-built extension to Tweed River Art Gallery as the Margaret

Olley Art Centre

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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46 [CNR-CM] Water Demand Management - Residential Water Saving Program for 2013-2014

SUBMITTED BY: Water

Valid



SUMMARY OF REPORT:

The residential water saving program is a key component of the Demand Management Strategy Implementation Plan which was adopted by Council in May 2011.

The program is being run in stages over a three year period and commenced on 1 July 2011 with the introduction of a residential rebate for water saving shower heads, aerators and spouts/mixers.

A number of other activities were added to the program in 2012-2013 based on the performance of the original rebate, audit results and a community survey which was conducted in May 2012.

The key elements of the residential water saving program in 2012-2013 were:

- expanded rebate for showers, aerators, spouts/mixers and flow controllers/regulators
- new residential rebate for dual flush toilets
- "Meet your Meter" competition and website resources to encourage residential households to monitor their own water use and make water savings
- ongoing links with Council's "Target 180" residential campaign
- improved water consumption bills
- better information on Council's website
- continued promotion of rebates and campaigns to further build community awareness and reward/encourage positive behaviour change

The cost and effectiveness of both rebates and other supporting activities carried out in 2012-2013 were monitored and assessed on an ongoing basis. This information has been used to design the residential water saving program proposed for 2013-2014.

Lessons learnt from the success of the residential toilet rebate in 2012-2013 have played a significant role in shaping the proposed residential program for 2013-2014. Council's financial and human resource constraints have also been important considerations, along with changing attitudes towards the rainwater tank as a water saving alternative and the cost effectiveness of other options.

For 2013-2014, the following key activities are proposed:

- continue rebate for showers, aerators, spouts/mixers and flow controllers/regulators
- introduce a web-based register for residential rainwater tanks
- continue ongoing links with Council's "Target 180" residential campaign
- improve water consumption bills even further to provide for quarterly billing, pro-rata charging and better general information
- explore the cost and feasibility of a future rebate for residential rainwater tanks
- continue to promote rebates and campaigns to further build community awareness and reward/encourage positive behaviour change
- continue to monitor and evaluate the cost and effectiveness of the program

RECOMMENDATION:

That Council endorses the key actions proposed within this report to be implemented in year three of the residential water saving program in 2013/2014.

REPORT:

Background

The first year of the residential water saving program commenced on 1 July 2011 with the introduction of Council's residential rebate for water saving shower heads, aerators and spouts/mixers.

In June 2012, Council endorsed the following activities for the second year of the residential water saving program in 2012/2013. These activities were based on the performance of the residential shower/tap ware rebate in its first year, audit results and community feedback provided through a survey conducted in May 2012.

- Continue the existing residential rebate with some tightening of conditions to ensure that the products being installed deliver the expected water savings.
- Introduce a new residential rebate for dual flush toilets.
- Introduce a 'Meet your Meter... and Win' for residential water users to encourage householders to monitor their water use and make water savings.
- Introduce a web-based register for residential rainwater tanks.
- Develop clear links with Council's "Target 180" campaign.
- Prepare new water consumption bill format, quarterly billing and pro-rata charging for residential water consumption.
- Increase promotion and access to information using simple messages and untapped opportunities such as media, Council's website and involving other stakeholder groups.
- Investigate alternative rebate payment options and assistance for cash-poor and disadvantaged customers.
- Develop partnerships and other options to deliver a cost-effective water use assessment and installation service to residential homes.
- Research the feasibility of a rebate for residential rainwater tanks in year three of the Residential Water Saving Program.
- Continue to build community awareness and research additional ways to reward and promote positive behaviour change.
- Monitor and evaluate the impact and effectiveness of all rebates and supporting activities to assist with the design of the Residential Water Saving Program in year three.

These elements were successfully implemented in 2012-2013 as planned, with the exception of:

- developing and launching a web-based register for residential rainwater tanks
- delivering a cost-effective water use assessment and installation service to residential homes
- exploring the cost and feasibility of a future rebate for residential rainwater tanks

To address these outstanding elements, it is proposed that the web-based register for residential rainwater tanks be developed and launched as part of the residential water saving program in 2013-2014. Further consideration of a household assessment and installation service and a rebate on residential rainwater tanks is being postponed until 2014-2015. This delay is necessary due to current financial and human resource constraints as well as a need to monitor recent trends in water efficiency before investigating these types of projects.

Establishing a household assessment and installation (retrofit) service will be very costly and labour intensive so sufficient budget and staff are necessary to resource such a scheme. Careful planning and development of business partnerships, with clear responsibilities and rules would be required.

Changing attitudes towards residential rainwater tanks as a water saving measure need to be fully taken into account before considering a Council rebate. The NSW and Federal Governments have stopped their tank rebate programs and in South East Queensland, the rules have recently been relaxed and rainwater tanks are no longer mandatory for new dwellings. BASIX requirements still apply in NSW however there is anecdotal evidence around the state that some households are disconnecting their tank pumps and reverting to town water for internal household use i.e. toilet flushing.

Tank installations have always been less cost effective than other water saving initiatives such as toilet and shower replacements due to the much higher setup costs involved. Disconnection, probably due to rising electricity costs, would make tank installations less reliable as water saving solutions and tank rebates even less cost effective. Careful consideration of these issues is required before Council considers offering a rebate on residential rainwater tanks. Another option such as a repeat round of residential toilet rebates may provide a better cost benefit result.

Residential Shower/Tap Ware Rebate

The original rebate for water saving shower heads, aerators and spouts/mixers has been running since 1 July 2011. In 2012-2013 the rebate was expanded to include flow controllers/regulators, the maximum rebate amount was increased to \$100 and installation of eligible products by a licensed plumber was made mandatory.

Currently, the rebate is 50% of the combined cost of eligible products and associated installation costs up to a maximum of \$100. Any combination of products is eligible for the rebate but there is a limit of one rebate per household and two of any individual product. Showerheads must be at least 3-star WELS rated (7.5 - 9L/min) and aerators, spouts, mixers and flow controllers/regulators must be at least 4-star WELS rated (6.0 - 7.5L/min).

Participation and Estimated Water Savings

As at 21 May 2013, 588 households had taken up the residential rebate. A total of 302 shower heads, 229 spouts/mixers, 617 aerators and 9 flow controllers/regulators had been installed. The total rebate contribution by Council is \$34,121.93 (over the two years) with the average rebate being \$58.23.

Based on the performance of similar rebate programs, water savings of about 15kL/annum can be expected per household. This applies whether one or two shower heads are replaced. As at 21 May 2013, 242 households had installed either one or two shower heads so the estimated water saving is 3.63ML/annum.

For households where only the aerators, spouts/mixers or flow controllers have been replaced or installed, the water saving is assumed to be about 5kL/annum. As at 21 May 2013, 346 households had installed these products so the resulting water saving is about 1.73ML/annum.

The total estimated water saving from the shower/tap ware rebate is therefore 5.36ML/annum. Assuming a conservative ten year replacement life for shower heads and other products covered by this rebate, Council's expenditure to achieve this water saving has been about \$1,706.10/annum. The annualised cost of the shower/tap ware rebate is therefore about \$0.32/kL making it very cost effective when compared with the current cost of water which is \$2.05/kL.

The Demand Management Strategy Implementation Plan adopted by Council in May 2011 allocated an annual budget of \$160,000 to fund the residential water saving program, including rebates. The take-up of the shower/tap ware rebate has fallen well short of the projected 2500 households but this allowed for a significant expansion of the overall residential program in its second year.

Audit Results

A random selection of 25 participating households (7.5% of total participants at the time) was audited in April and May 2012. The main purpose of the audit was to check that products claimed as part of the rebate were still installed. The other aim of the audit was to check that installed products were achieving water savings as predicted. The main findings of the audit were:

- all of the products claimed under the rebate were still installed and in good working order
- although all shower heads installed under the rebate were 3-star WELS rated as per the condition of the rebate, some were found to be using a lot more than the 9L/min expected making the average flow rate of shower heads audited about 11.5L/min
- some shower heads were using as much as 18L/min and did not appear to be restricted
- almost all of the high-flow shower heads had been installed by someone other than a licensed plumber - it was possible that the restrictor may have been removed in some cases
- the average flow rate from spouts/mixers and aerators installed under the rebate was about 7.5L/min, consistent with a 3 or 4-star WELS rating as expected
- most participants were satisfied with the performance of the products they had installed

Based on these audit findings, the conditions of the rebate were updated to make installation by a licensed plumber mandatory. Further, to improve the performance of aerators and tap ware, the required WELS rating was upgraded to 4 stars.

A follow up audit of applications received during 2012-2013 is due to be carried out in July 2013.

Residential Dual Flush Toilet Rebate

The residential rebate for dual flush toilets ran from 15 October 2012 to 7 December 2012. Council offered the rebate on new 4-star WELS rated dual flush toilet suites purchased and installed in existing residential homes. The rebate was up to \$200 per toilet suite (cistern and pan), including installation, with a limit of two (2) toilet suites per customer account.

The rebate was only for the replacement of toilets in existing premises. It did not cover toilets installed in new dwellings or major renovations that are subject to the NSW Government's BASIX requirements.

The rebate was retrospective from 1 July 2012 so toilet suites purchased from 1 July 2012 were eligible. The rebate offer was due to close on 30 June 2013 but the unexpectedly high uptake rate meant that it had to be closed after less than two months on 7 December 2012.

All toilet replacement work and associated plumbing were required to be carried out by a licensed plumber. This was to comply with the NSW Plumbing Code and to ensure that toilets and cisterns were installed correctly and would perform as expected. The application form included a declaration which the plumber was required to sign and the applicant was required to return to Council once the toilet was installed. Applicants were advised that the Council may request that the rebate be refunded if the plumber's declaration was not returned.

To be eligible for the rebate, the new toilet suite was required to replace a single flush toilet or an outdated dual flush toilet with a full flush of nine litres or more and half flush of 4.5 litres or more. To ensure compatibility and performance, the whole toilet suite (pan and cistern) had to be replaced.

Toilet suites could be purchased from any plumbing retailer or through the licensed plumber engaged to carry out the work. All retailers of toilets located within the shire were consulted about the rebate and invited to partner with Council. Six of the 11 local retailers opted to offer the rebate in-store to customers on Council's behalf. All of the retailers were provided with application forms and fliers which they could provide to their customers.

If the toilet was purchased from one of the retailers offering the rebate at the point of sale, the applicant filled out the application form and presented the completed, signed form to the retailer. The retailer verified their eligibility by sighting a copy of their latest water consumption bill and personal identification. Once the retailer confirmed that the customer was the authorised owner of the property and that the property was connected to Council's water supply system, the retailer deducted up to \$200 per toilet suite from the purchase price of the toilet suite/s and associated fittings. The retailer then recovered this amount from Council.

The applicant was still required to forward the plumber's declaration to Council once the installation work had been completed.

If the cost of the toilet purchased in-store was less than the full \$200 rebate, the applicant could claim the difference to cover part of the installation costs. A separate section on the application form was provided for customers who chose this option.

Alternatively, toilets could be purchased from any other retailer (in Tweed Shire or not) or the plumber. These application forms were submitted directly to Council and applicants were sent a cheque to the value of their rebate.

Participation and Estimated Water Savings

The residential toilet rebate proved to be more successful than anticipated. Prior to establishing the rebate, the number of single flush and outdated dual flush toilets remaining in the shire was not known. A range of estimates from 15% to 35% of all residential households existed for various other locations around Australia. The overwhelming response to Council's rebate offer suggests that the number of households with old, inefficient toilets was and still is significant.

Overall 1624 households took up the residential toilet rebate. A total of 2553 toilet suites were installed, with 695 households installing one toilet and 929 households installing the maximum of two.

The total rebate contribution by Council was \$508,196.65 and the average rebate was \$313.12.

Based on the evaluation of similar offers, water savings of about 30kL/annum can be expected per household, whether one or two toilets were replaced. Tweed's estimated total water saving is therefore 48.72ML/annum.

Assuming a conservative ten year replacement life for toilets covered by this rebate, Council's expenditure to achieve this water saving has been about \$50,819.67/annum. The annualised cost of the toilet rebate is therefore about \$1.04/kL making it very cost effective when compared with the current cost of water which is \$2.05/kL.

Expenditure

The Demand Management Strategy Implementation Plan adopted by Council in May 2011 allocated an annual budget of \$160,000 to fund the residential water saving program, including rebates. Some budget was carried over from 2011-2012 but the exceptional take-up of the residential toilet rebate means that the original budget has been expended.

A review of the Demand Management implementation schedule, in particular the costing and timing of remaining program elements, has allowed the toilet rebate to be funded from the Demand Management budget. However, the residential water saving program will be constrained financially in its final year in 2013-2014.

Audit Results

Applicants were advised that Council would carry out random audits of participating households to check that toilet suites had been installed correctly and were performing satisfactorily. Each audit also verified the application form details, the quality of the installation work, that both the toilet pan and cistern had been replaced and that new suites were 4-star WELS rated (3L half flush, 4.5L full flush).

A selection of 31 participating households was audited between 9 April 2013 and 3 May 2013. This represented a cross section of applicants that had obtained in-store rebates from the major retailers, those who had applied for the rebate directly through Council and those for which the plumber's declaration had not been returned.

The main findings of the audit were:

- all of the toilet suites claimed under the rebate had been installed and were 4-star WELS rated
- the toilets were in good working order and the flush mechanism was working properly
- installation work was generally of an good standard
- one property will need to be audited again because the way in which a cistern was installed and comments by the owner suggested that the toilets may be moved in future
- most participants were satisfied with the performance of the new toilets
- some participants were having difficulty with the flush buttons on some brands and models
- all participants felt positive about the rebate process

Based on these audit findings and given the mandatory requirement for a plumber's declaration for each toilet, Council can be confident that the majority of toilets claimed under the rebate, if not all, have been installed and are working correctly.

It is proposed to carry out a follow up audit in six months.

Outstanding Plumbers Declarations

On 3 May 2013, a letter was sent to 248 applicants who had received a toilet rebate but had not returned a plumber's declaration for the installation. Applicants were asked to provide the relevant plumbers declarations by 31 May 2013. As at 21 May 2013, 125 plumbers' declarations are still to be received. Affected applicants have been advised that if they do not return the plumber's declaration by the due date, as per the conditions of the rebate, Council will be requesting repayment of any rebate amount that they have received.

Further Assessment of Water Savings

The total reduction in potable water use resulting from both rebate offers is currently estimated to be 54.08ML/annum. This is based on the outcomes of similar programs implemented by other water utilities in Australia over the past few years. In the interim, results obtained by other councils and water utilities implementing similar programs are considered to be a reasonable estimate of the water savings that can be expected.

Community Survey

A survey seeking input from members of the community and other stakeholders was run during May 2012 to provide input to the residential water saving program. A full report of the survey was previously presented to Council in June 2012 and is available on request.

The key findings of the survey have influenced subsequent residential water saving initiatives and campaigns. A brief summary of the actions that have been taken in response to the relevant survey findings is provided here for Council's information.

While 61% of those surveyed had heard about Council's residential water saving rebate, the others had not. Regular articles and advertisements in the Tweed Link have been employed to raise awareness of rebate offers. Partnerships with plumbing retailers and mail outs to plumbers in the shire have been used to reach more customers.

Many people already had water efficient fittings and fixtures in their homes. Innovative offers and education programs are the only way to achieve further water savings in this group.

About 14% of those surveyed said they had not applied for the rebate because they were too busy and had not got around to it. Application processes have been made as simple as possible. Informed plumbers and retailers are better equipped to assist customers. More information about water saving options and the potential financial benefits is being posted in Council's website.

Some 10% of those surveyed were renting. Mail outs to real estate agents in the shire have informed them and landlords about both rebates. Applications are received regularly from a number of agents for works arising from their property inspections.

About 16% of people were not interested in a rebate due to the overall cost involved and the initial outlay. A partnership with retailers enabled participants to claim the toilet rebate at point of sale, avoiding the need for customers to pay for toilets up front in most cases.

52% of those surveyed said they prefer to get a discount directly through the store for a number of reasons. This option was provided through the partnership with toilet retailers.

However 27% of people said they prefer to apply for a rebate through Council because they consider it is safer, more trustworthy and shows that Council is leading the way. This option is always available whether or not a partnership with plumbers and/or retailers exists.

Approximately 31% of those surveyed were concerned about the complexity of application forms and red tape/paperwork when claiming a rebate. The language used on application forms, fliers and letters has been kept as straight forward as possible. Council has a duty of care to ensure that water efficient fittings and fixtures are installed correctly, perform satisfactorily, meet the rebate conditions and comply with the NSW Plumbing Code. To this end, applicants are required to provide adequate information on application forms to confirm these details.

Those surveyed indicated their preferences for other rebates that Council might offer. Rebates for dual flush toilets (56%), rainwater tanks (74%), washing machines (66%), dishwashers (46%), swimming pool covers (35%) and water efficient garden products (62%) were all well supported. Council responded by offering the toilet rebate in 2012-2013. A mail out of outdoor tap nozzles/restrictors is being considered for Council's water efficient garden program due to be launched in 2013.

When asked about a reasonable rebate level, a majority of those surveyed felt that a Council contribution of 50% of the cost was reasonable. The shower/tap ware rebate offer is 50% up to a maximum of \$100 for parts and labour. The toilet rebate was up to \$200 per toilet suite which also represents about 50% of the total cost, given that the average cost of installing one toilet was about \$200.

20% of those surveyed felt that information about water efficiency and education programs were very important. Council has responded by improving water consumption bills and making them easier to understand. Better information about the household's water use is being provided. The "Meet Your Meter" competition and campaign run in 2012-2013 encouraged householders to monitor their water use and make water savings. The information provided on Council's website is continually being supplemented. A general water saving brochure is being developed.

About a quarter of those surveyed said they would be interested in participating in a street or community program relating to sustainable water use. They suggested that a handyman could be made available to check for leaking taps and conduct free home water audits in specific areas. Council could then show households how their water use compares with other similar households and send phone/email notifications to families reaching their targets. Due to resource constraints, Council has delayed the implementation of a retrofit service which might fit this model. Council is moving in this direction with the consideration of smart metering and an on-line customer interface that could provide real time water consumption data to customers.

There was significant support for additional incentive programs. For example, those doing the right thing and saving water should be rewarded. The "Meet Your Meter" competition run in 2012-2013 encouraged residents to monitor their water consumption for a week and show that it was below Council's target of 180L/person/day.

OPTIONS:

Council's endorsement of activities proposed in the third year of the residential water saving program (2013-2014) is being sought.

CONCLUSION:

Proposed Residential Water Saving Program for 2013-2014

The activities proposed in the third year of the residential water saving program (2013-2014) are outlined below. These activities are based on the performance of both rebates, audit results, financial and staff constraints, industry/government trends and community feedback.

Continue the existing residential rebate for showers, tap ware and flow controllers/regulators

The existing residential rebate for shower heads, aerators, spouts/mixers and flow controllers is still attracting participants even though the uptake rate in 2012-2013 was 50% of the uptake rate in 2011-2012. The proposal is to continue the rebate in 2013-2014 with no changes.

Introduce a web-based register for residential rainwater tanks

This activity was first proposed in 2012-2013 but has not yet been implemented.

Council revised its policy on residential rainwater tanks and adopted an amended Policy entitled *Rainwater Tanks in Urban Areas* in September 2011. However, rainwater tanks under 10,000 litres generally do not require Council approval so there are no records of these installations. Council has no way of collecting information about the types, volumes and uses of tanks being installed on existing homes and businesses.

To assist with the gathering of relevant data and to check the extent to which Council's Policy is being followed, a voluntary on-line register of rainwater tanks is proposed. Participants would enter their name, property details and key information about their tank system directly into the register. To encourage participation, everyone who registers their tank would go into a six-monthly draw to win a prize to the value of \$500.

Continue ongoing links with Council's "Target 180" residential campaign

The aim of the Target 180 campaign is to reduce residential water consumption in the shire. It sets clear, voluntary targets for daily water use expressed in litres per person per day. The campaign is running over a number of years up to the end of 2020 with the intention of slowly reducing residential water use as the years go by. The starting target is 180L/person/day by the end of 2013, followed by a lower target of 170L/person/day by the end of 2016 and finally a target of 160L/person/day by December 2020.

The campaign hopes to raise customers' awareness of the importance of being water wise. The key message is that if everyone does their bit, together we can make a big change in the amount of water we waste unnecessarily.

Information about the "Target 180" campaign will continue to be provided on all water consumption bills and the distinctive logo will continue to be included on all relevant publications and advertising.

Improve water consumption bills even further to provide for quarterly billing, pro-rata charging and better general information

New-look water consumption bills were introduced in June 2012 for all water customers. The bills had been extensively modified to provide all water users with clear, more detailed information about their water use.

The next step in providing customers with better information about their water use will occur by mid 2014 when Council plans to introduce quarterly water meter reading and consumption billing. The progression to three-monthly water consumption bills will provide more frequent feedback to customers about their water use and means that problems such as leaks may be identified and rectified more quickly.

Along with quarterly meter reading, pro-rata charging for water consumption will be introduced. This means that water use will be charged at the unit rate (\$/kL) that applies in the year when the use actually occurred. This means a more equitable charging regime for everyone.

These changes will assist in bringing Council's water consumption billing regime in line with NSW Office of Water Guidelines. Importantly, water customers will have the information necessary to better respond to Council's water saving initiatives.

Explore the cost and feasibility of a future rebate for residential rainwater tanks

Currently there is no funding assistance for the installation of rainwater tanks and the community survey clearly indicated that a Council rebate for tanks would be well received and supported.

The feasibility, costs and benefits of a residential tank rebate need to be carefully considered in light of emerging trends in this space. A review of these issues will be carried out in the next 12 months before Council considers offering a rebate on residential rainwater tanks.

Continue to promote rebates and campaigns to further build community awareness and reward/encourage positive behaviour change

Staff will continue to promote water conservation/efficiency and rebates by attending community events such as the Tweed River Festival, Seniors Expo, Local Government Information Day and Environment Day.

Articles and advertisements are regularly published in the Tweed Link and media releases are used to announce new programs, important milestones and achievements. Mail outs to plumbers, plumbing retailers and real estate agents based in the shire will continue to be used to keep them informed and able to assist in reaching water customers.

The Water Unit is now producing a six monthly newsletter called "Water Matters" that is being mailed out to all water users with their water consumption bills. The newsletter is being used as an opportunity to showcase Council's water saving initiatives and achievements.

Information provided on Council's website is continually being updated and expanded to support specific programs and address customers' questions.

Additional promotional opportunities will continue to be investigated with a view to targeting new and harder-to-reach audiences. Simpler advertisements with pictures of products and a few key messages are being used.

Council is a member of the Savewater Alliance. Links to the savewater.com website, which offers a vast amount of information about water efficiency and water efficient products, have made this type of information far more accessible to Tweed Shire residents.

It is envisaged that the upcoming Council-wide update/re-design of the website will provide further opportunity to reorganise the demand management, water efficiency and related education content. This will make this information even more readily accessible by the public.

In an effort to further promote the remaining residential rebate, other opportunities for working with product manufacturers, retailer groups, chambers of commerce, industry associations and other stakeholders will be explored. They may be able to assist in spreading awareness about what Council is offering and offer information and education to about water conservation to their customers.

As part of a WASIP (Waste and Sustainability Improvement Payment) funded project, 10 street banner poles are to be erected in five pairs at strategic locations in the shire. The banners were constructed in 2012-2013 and will be erected in 2013-2014. They will be available for Council use only, to promote environmental projects and key events. These banners and conventional street banners are another way that the water saving messages are being conveyed to the community.

New ways of rewarding residential water customers for taking water saving actions will be considered and developed if appropriate and cost-effective. Some local water utilities have achieved a positive response to the distribution of low-cost water saving products and/or branded products used to raise awareness of the issues at hand. One example is the mail-out of outdoor tap nozzles/restrictors with a cardboard backing suitable for a message and logo to all residential water users in the shire. This kind of promotion might link-in well with the "Target 180" and water efficient garden campaigns. The feasibility and cost of this kind of promotion is being assessed further.

Continue to monitor and evaluate the cost and effectiveness of the program

A follow up audit of shower//tap ware rebate applications received during 2012-2013 is due to be carried out in July 2013. Toilet suites installed during the toilet rebate will be audited again in November 2013.

Participation rates and community feedback will continue to be monitored on an ongoing basis and taken into account when making decisions about future programs/campaigns/directions.

Further community engagement may be considered once the overall three year demand management program has been rolled out. This might provide useful input to future water efficiency activities. Water consumption by all water users, including participating households will continue to be monitored and reported quarterly to Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The Residential Water Saving Program including rebates/discounts, associated activities and prizes are funded from the three-year Demand Management budget adopted by Council along with the Demand Management Strategy Implementation Plan on 17 May 2011.

c. Legal:

Not Applicable.

d. Communication/Engagement:

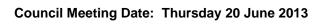
Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.1 Deliver Demand Management Strategy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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47 [CNR-CM] Sale of No. 1 Nullum Street Murwillumbah - Engagement of Agent

SUBMITTED BY: Design



SUMMARY OF REPORT:

At its meeting held on 18 April 2013 Council resolved to seek expressions of interest for the advertising and sale of No. 1 Nullum Street, Murwillumbah.

All submissions have been received and assessed, and it is recommended that Council engage the recommended agency as per the assessment report, a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. Council engages the recommended agency as per the assessment report attached as a confidential attachment to this report.
- 2 ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) 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.

Council Meeting Date: Thursday 20 June 2013

REPORT:

At its meeting held on 18 April 2013 Council resolved to seek expressions of interest for the advertising and sale of No. 1 Nullum Street, Murwillumbah.

All submissions have been received and assessed, and it is recommended that Council engage the recommended agency as per the Assessment Report, a confidential attachment to this report.

OPTIONS:

- 1. To pursue the sale of No. 1 Nullum Street, Murwillumbah by public tender and engage the agency recommended.
- 2. To not pursue the sale of No. 1 Nullum Street, Murwillumbah.

CONCLUSION:

All local agents provided relatively similar expressions of interest, however, the recommendation made in the assessment report determines a best value for money outcome.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land Version 1.1.

b. Budget/Long Term Financial Plan:

Council has previously resolved to commit the funds generated from the sale of this property to the construction of the Murwillumbah Community Centre.

c. Legal:

Not Applicable.

d. Communication/Engagement:

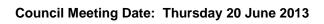
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential) Attachment 1. Valuation by Valuers Australia dated 28 March 2013 (ECM 3002524)
- (Confidential) Attachment 2. Agency Submission from Bruce Steel Real Estate (ECM 3073947)
- (Confidential) Attachment 3. Agency Submission from Ray White Real Estate (ECM 3076332)
- (Confidential) Attachment 4. Agency Submission from P Smith & Son (ECM 3077084)
- (Confidential) Attachment 5. Agency Submission from Murwillumbah Real Estate (ECM 3073663)
- (Confidential) Attachment 6. Agency Submission from Elders Real Estate (ECM 3074648)
- (Confidential) Attachment 7. Assessment of Agent Submissions Report (ECM 3080141)



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48 [CNR-CM] Federal Government Grant Funding - Building Better Regional Cities

SUBMITTED BY: Director

d



Supporting Community Life

SUMMARY OF REPORT:

At its meeting held on 26 June 2012, Council resolved to accept a grant from the Federal Government and proceed with a Building Better Regional Cities infrastructure project delivering affordable housing at Fraser Drive, Tweed Heads South.

The project was initiated however Council's housing provider, Horizon Housing Company, was unable to reach agreement with the developer.

An alternate site and developer have been negotiated and the Federal Government has announced the transfer of the funding from the previous project to the new project.

The new project is to occur within the Hundred Hills Estate in Murwillumbah and will enhance the original project by resulting in an extra 10 affordable dwellings.

A copy of the project proposal is attached to this report for the information of Council.

RECOMMENDATION:

That Council:

- 1. Approves the change of site for the Building Better Regional Cities project from Homesteads at Fraser Drive to Hundred Hills Estate in Murwillumbah.
- 2. Executes all necessary documentation under the Common Seal of Council.

Council Meeting Date: Thursday 20 June 2013

REPORT:

At its meeting held on 26 June 2012, Council resolved to accept a grant from the Federal Government and proceed with a Building Better Regional Cities infrastructure project delivering affordable housing at Fraser Drive, Tweed Heads South.

The project was initiated however Council's housing provider, Horizon Housing Company, was unable to reach agreement with the developer.

An alternate site and developer have been negotiated and the Federal Government has announced the transfer of the funding from the previous project to the new project which will proceed jointly with Horizon Housing, who is the body managing the project with Council.

The new project is to occur within the Hundred Hills estate in Murwillumbah and will enhance the original project by resulting in an extra 10 affordable dwellings.

A copy of the project proposal is attached to this report for the information of Council.

OPTIONS:

- 1. To not accept the transfer of the Federal Government Grant from the Fraser Drive project to the Hundred Hills project.
- 2, To accept the transfer of the Federal Government Grant from the Fraser Drive project to the Hundred Hills project.

CONCLUSION:

As the funding is to be attributed to affordable housing in the Tweed it is recommended that Council proceed to execute all necessary documentation to enable the Hundred Hills project to proceed as it fulfils the objectives of the funding.

COUNCIL IMPLICATIONS:

a. Policv:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There are negligible budget implications for Council to proceed with this proposal.

c. Legal:

Not Applicable.

d. Communication/Engagement:

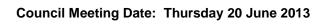
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.2 Improve opportunities for housing choice
- 2.2.2 Support the supply of affordable housing, to reduce housing stress and homelessness
- 2.2.2.2 Support the supply of affordable housing
- 2.2.2.2.1 Advocate for a greater proportion of social housing to meet the needs of low moderate income households and improved design in existing housing

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Horizon Housing Project Proposal (ECM 3020210)



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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

49 [EO-CM] Lot 57 DP 263729 - Creation of Easement for Sewer at Pottsville

SUBMITTED BY: Design

FILE REFERENCE: DA12/120

Valid



SUMMARY OF REPORT:

A development for the construction of a granny flat at Pottsville was conditioned to create an easement for an existing sewer line identified during the development.

Condition 50 requires the creation of an easement prior to the issue of an occupation certificate and the landowner has provided the necessary documentation for the creation of the easement for signature by Council under Common Seal.

It is recommended that Council approve the creation of the easement and to execute the transfer documentation under the Common Seal of Council.

RECOMMENDATION:

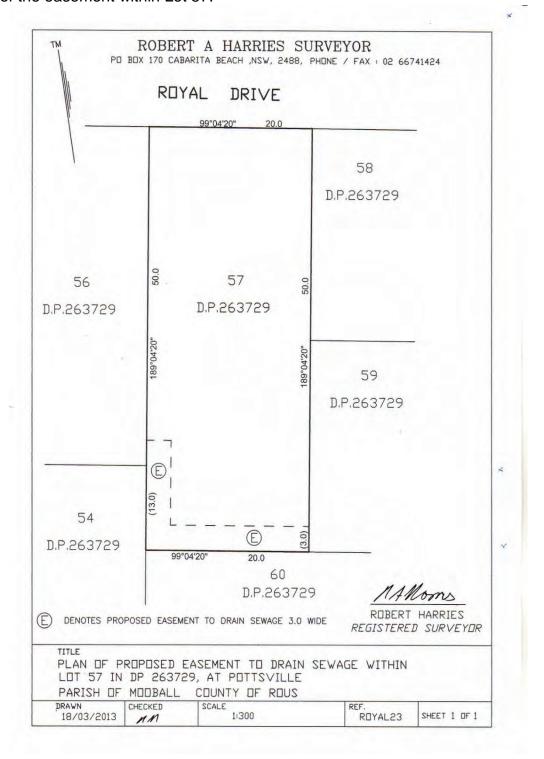
That:

- 1. Council approves the creation of an Easement to Drain Sewage 3 wide within Lot 57 DP 263729 at Pottsville pursuant to consent condition 50 of DA12/120; and
- 2. All documentation be executed under the Common Seal of Council.

REPORT:

A development for the construction of a granny flat at Pottsville was conditioned to create an easement for an existing sewer line identified during the development.

Condition 50 requires the creation of an easement prior to the issue of an occupation certificate and the landowner has provided the necessary documentation for the creation of the easement for signature by Council under Common Seal. The plan below shows the location of the easement within Lot 57:



It is recommended that Council approve the creation of the easement and to execute the transfer documentation under the Common Seal of Council.

OPTIONS:

There is no option but to approve the creation of an easement which complies with a condition of consent.

CONCLUSION:

That Council approves the creation of the easement as it complies with the condition of consent and must be executed by Council to enable registration.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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50 [EO-CM] Release and Creation of Easement - Seaside City Development, Kingscliff

SUBMITTED BY: Design

FILE REFERENCE: DA12/0393

Valid



SUMMARY OF REPORT:

Stages 3-6 of the "Seaside City" subdivision and development, are underway and the plan of subdivision is currently being finalised, but not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewage infrastructure through two (2) lots at either end of the development.

The Easement to Drain Sewage is in place, created in DP1162588, which now needs to be amended to reflect the new position of the sewer infrastructure. A Section 88B Instrument has been drawn up which effectively releases that part of the easement no longer required through proposed Lots 48 and 99 and creates the easement in the new location within those lots, currently known as Lots 336 and 412 in DP1162588 respectively.

To enable the release of the unnecessary section of the current easement, shown as "D" in the new plan of subdivision, Council is required to sign the section 88B instrument under Common Seal, as the benefitting authority.

RECOMMENDATION:

That:

- 1. Council provides consent to the partial release of the Easement to Drain Sewage through Lots 336 and 412 in DP1162588 marked "D" in the proposed plan of subdivision shown in the body of the report; and
- 2. All necessary documentation be executed under the Common Seal of Council.

Council Meeting Date: Thursday 20 June 2013

REPORT:

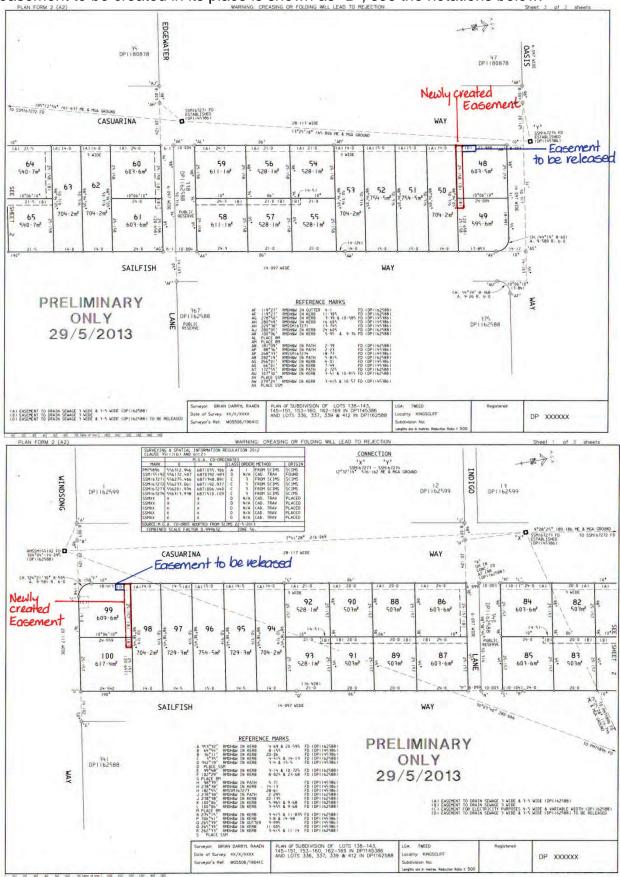
Stages 3-6 of the "Seaside City" subdivision and development are underway and the plan of subdivision is currently being finalised, but not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewer infrastructure through two (2) lots at either end of the development.

The Easement to Drain Sewage is in place, created in DP1162588, which now needs to be amended to reflect the new position of the sewer infrastructure. A section 88B instrument has been drawn up to effect the release of that part of the easement no longer required through proposed Lots 48 and 99 and to create an the easement in a new location within those lots, currently known as Lots 336 and 412 in DP1162588 respectively.

The current easement extends between Lots 336 and Lot 412, as shown below, with Lot 336 at the northernmost extent and Lot 412 at the southernmost extent of the easement:



The sections of the easement proposed to be released are shown as "D" in the new plan of subdivision within Lots 48 (previously Lot 336) and Lot 99 (previously Lot 412) and the easement to be created in its place is shown as "B", see the notations below:



This relocation of sewer infrastructure has the potential to alter the impact on the development potential of the affected lots, so it is necessary for the easements to correctly reflect the location of the infrastructure. On this basis, the amendment of the easement location is supported.

OPTIONS:

- Council approves the release of that part of the Easement to Drain Sewage 3 and 3.5
 Wide created within Lots 336 and 412 in DP1162588 and the creation of a new
 Easement to Drain Sewage 3 Wide to reflect the actual location of the sewer
 infrastructure.
- 2. Council does not approve the release of that part of the Easement to Drain Sewage 3 and 3.5 Wide created within Lots 336 and 412 in DP1162588 and the creation of a new Easement to Drain Sewage 3 Wide to show the actual location of the sewer infrastructure.

CONCLUSION:

As the infrastructure has been physically relocated as shown in the new plan of subdivision and identified as "B" it is unnecessary to retain that section of the Easement to Drain Sewage 3 and 3.5 Wide created in DP 1162588 shown as "D" in the new plan of subdivision.

To enable the release of the unnecessary section of the current easement, as created in DP1162588, Council is required to sign the section 88B instrument under Common Seal as the benefitting authority.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

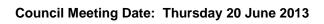
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Civic Leadership
Delivering the objectives of this plan
Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
Provision of property and legal services for internal clients
Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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51 [EO-CM] Licence of Road Reserve - Terranora Road, Terranora - NBN Rollout

SUBMITTED BY: Design

Vali



Council has received an application from Visionstream, acting for NBN Co Limited (NBN Co.), seeking to licence an area of road reserve at Terranora.

NBN intend to install a freestanding monopole approximately 40 metres in height with associated equipment units at the base of the monopole within the Terranora area which will form part of the national NBN network.

NBN is a high speed broadband network that is intended to utilise a combination of optical fibre, fixed wireless and satellite technology to offer advanced broadband services to Australia. This proposed tower will provide high speed wireless broadband to the areas outside of NBN Co.'s optic fibre footprint.

Visionstream is a telecommunications company who have been sub-contracted by Ericsson who is the main contractor engaged to install the wireless network component of the NBN. Visionstream has approached Council in relation to establishing a licence which would allow them to undertake the development of a communications tower on Council's road reserve at the Walls Quarry access off Terranora Road. Any licence arrangements will require the proposed development to have all the necessary approvals granted prior to construction.

Visionstream has identified the subject land as providing the necessary elevation for the proposed infrastructure and are seeking an area of approximately 80 m² and a five year licence with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

It is recommended that Council approve entering into the licence subject to negotiating the final terms and the relevant planning approval being issued for the infrastructure.

Council Meeting Date: Thursday 20 June 2013

RECOMMENDATION:

That:

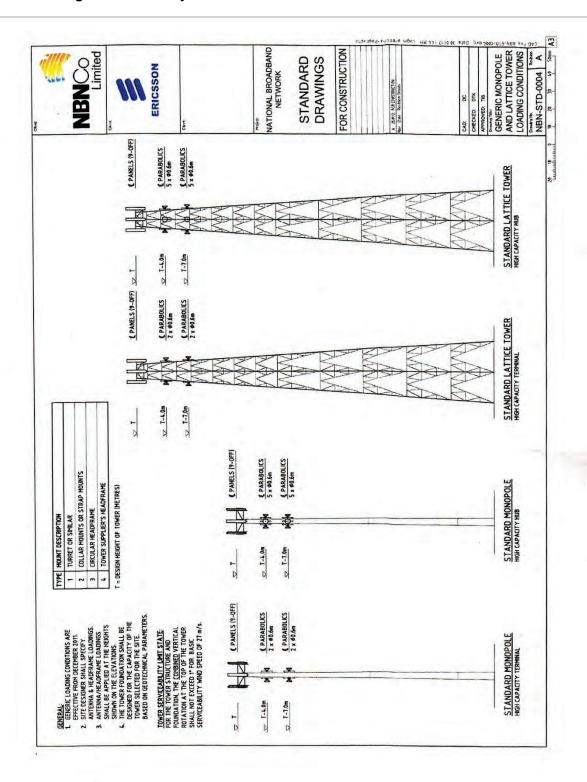
- 1. Council approves entering into a licence with NBN Co Limited for an area of approximately 80 m² of road reserve at Terranora adjacent to Walls Quarry for a term of 5 years with 3 options for five years commencing with a rental of \$10,000 per annum compounding annually by 2.5 % subject to the relevant planning approvals being issued for the proposed infrastructure and subject to the terms and conditions of the licence being finalised; and
- 2. All necessary documentation be executed under the Common Seal of Council.

REPORT:

Council has received an application from Total Visionstream, acting for NBN Co Limited (NBN Co.), seeking to licence an area of road reserve at Terranora.

NBN intends to install a freestanding monopole approximately 40 m in height with associated equipment units at the base of the monopole.

Illustrative plans of the types of tower infrastructure are shown below. In this instance the proposal is for the standard monopole.



The plan below shows the location of the proposed infrastructure adjacent to the access to the Walls Quarry at Terranora.



The telecommunications infrastructure will not impact on the road reserve or the access to the quarry.

NBN is seeking an area of approximately 80 m² and a five year licence with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

The *Roads Act* is silent regarding the granting of licences over road reserves by roads authorities and Council has granted many licences for various purposes. A licence will not trigger requirements for the proposed licensee to be an adjacent landowner, nor be constrained by time limits as per section 57 of the Act, which limits the term of a lease, together with any option to renew to not exceed 5 years.

In this regard, the granting of a licence provides a mechanism to grant long term right of occupation to NBN.

It is recommended that Council approve entering into the licence subject to negotiating the final terms of the licence agreement and NBN obtaining the relevant planning approvals for the infrastructure

OPTIONS:

- To approve a licence to the NBN for the rental agreed upon to assist in the establishment of the high speed broadband network in the Tweed local government area, or
- To not approve a licence to the NBN for the rental agreed upon to assist in the establishment of the high speed broadband network in the Tweed local government area

CONCLUSION:

As the proposed infrastructure is part of a national broadband network which, when constructed, will benefit the Tweed, it is recommended that Council approve the licence to NBN to facilitate the proposal.

Council Meeting Date: Thursday 20 June 2013

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Rental income will be derived from a Council asset that would otherwise be unused.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.1	Council's organisation will be resourced to provide the essential services and
	support functions to deliver the objectives of this Plan
1.3.1.16	Provision of property and legal services for internal clients
1.3.1.16.3	Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

52 [EO-CM] Licence to Telstra - Kingscliff Reservoir, Faulks Street, Kingscliff

SUBMITTED BY: Design



SUMMARY OF REPORT:

Telstra leased a site at the Kingscliff Reservoir, which expired in 2009, whereupon Council advised them that Council was phasing out installations on water infrastructure due to the impact on water operations and would not offer another lease.

There are other existing lease arrangements with other telecommunication carriers, which will expire in March 2020.

Telstra were offered a licence to occupy to expire at the same time and this was accepted. The terms of a licence agreement have been negotiated and it is necessary to resolve to approve entering into the licence with Telstra and to execute all documentation under the Common Seal of Council.

RECOMMENDATION:

That:

- 1. Council approves entering into a licence with Telstra for the occupation of land at the Kingscliff Reservoir, Faulks Street, Kingscliff being lease area described as Lot 1 DP 856787 to expire on 31 March 2020; and
- 2. All documentation be executed under the Common Seal of Council.

REPORT:

Telstra leased a site at the Kingscliff Reservoir, which expired in 2009, whereupon Council advised them that Council was phasing out installations on water infrastructure due to the impact on water operations and would not offer another lease.

There are other existing lease arrangements with other telecommunication carriers, which will expire in March 2020. Telstra was offered a licence to occupy to expire at the same time and this was accepted.

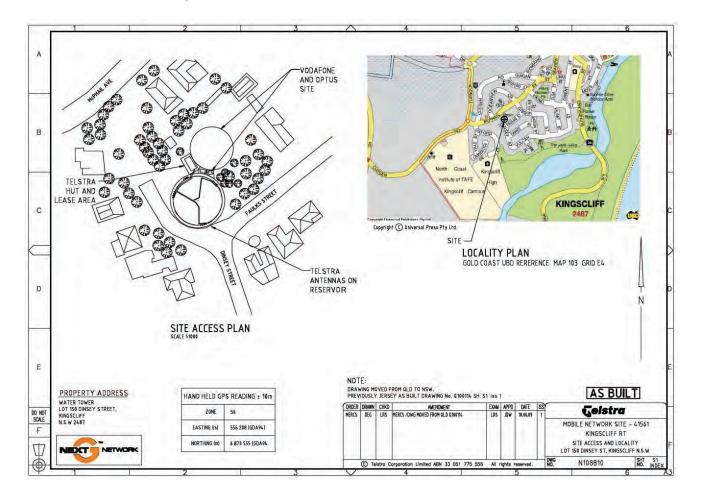
An agreement was reached for a licence with a term of 7 years and 6 months to commence on 1 September 2012, from the expiry of the Telstra lease at the site, to enable a seamless right of tenure for their existing infrastructure on the site.

Commencing rental has been agreed at \$21,000 + GST, with annual 3% increases.

The land is classified as operational, so there are no statutory restraints in granting the licence.

The terms of a licence agreement has been negotiated and it is necessary to resolve to approve entering into the licence with Telstra and to execute all documentation under the Common Seal of Council.

The plan below shows the location of the Telstra infrastructure at the Kingscliff reservoir site, within a hut on a lease parcel and on the reservoir:



OPTIONS:

- 1. To approve entering into a licence with Telstra for a period of 7 years and 6 months at the Kingscliff Reservoir; or
- 2. To not approve entering into a licence with Telstra for a period of 7 years and 6 months at the Kingscliff Reservoir site.

CONCLUSION:

As Telstra will not be expanding the infrastructure on site, and whilst there remains other telecommunication carriers on site, it is recommended that Council enter into a licence with Telstra until all other leases expire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Income to be derived from the reservoir site.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Council Meeting Date:	Thursday 20 June 2013
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53 [EO-CM] Acquisition of Land for Road Purposes - Tweed Coast Road, Pottsville

SUBMITTED BY: Design

Valid



SUMMARY OF REPORT:

A roundabout was recently constructed by Council at the intersection of Tweed Coast Road and Boronia Avenue at Pottsville to assist with the safe ingress and egress of the Pottsville North Caravan Park. Since the construction it was noted that part of the road formation encroaches into Lot 7016 in DP 1055269, being Crown Reserve 140011, and Lot 1 in DP589881 (both parcels form the Pottsville North Caravan Park).

To allow Council to rectify the encroachment it is necessary to complete an acquisition of the Crown Land being an area of 343.8m² from Lot 7016 DP1055269 and an area of Council owned land 121.7m², from Lot 1 in DP 589881. A plan of acquisition has been registered as DP1178291 and shows the subject parcels to be acquired as Lots 1 and 2.

The concurrence of the Department of Lands and the Tweed Coast Reserve Trust has been obtained for the acquisition of Lot 1 DP1178291 with compensation payable as per the valuation report provided by Valuers Australia. Lot 2 in DP1178291 is Council owned operational land.

The acquisition is to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

RECOMMENDATION:

That:-

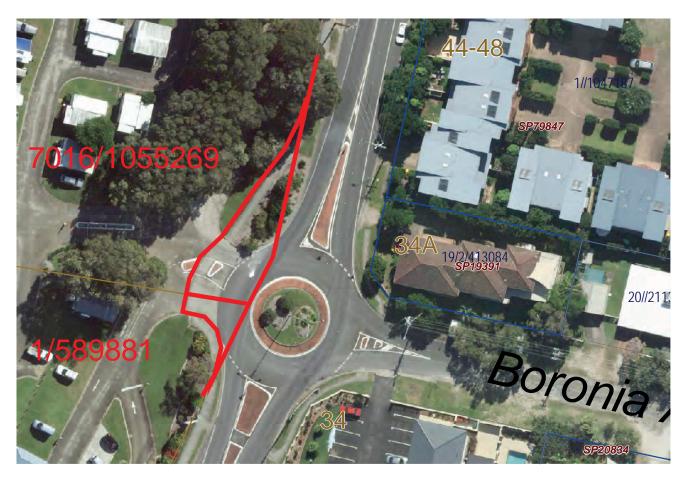
- 1. Council approves the acquisition of:
 - (i) Lot 1 DP 1178291 being Crown Land, and
 - (ii) Lot 2 DP 1178291 being Tweed Shire Council Land, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor; and
- 2. Lots 1 and 2 in DP 1178291 are dedicated as road following the gazettal of the acquisition; and
- 3. All necessary documentation be executed under the Common Seal of Council.

- 4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) 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.

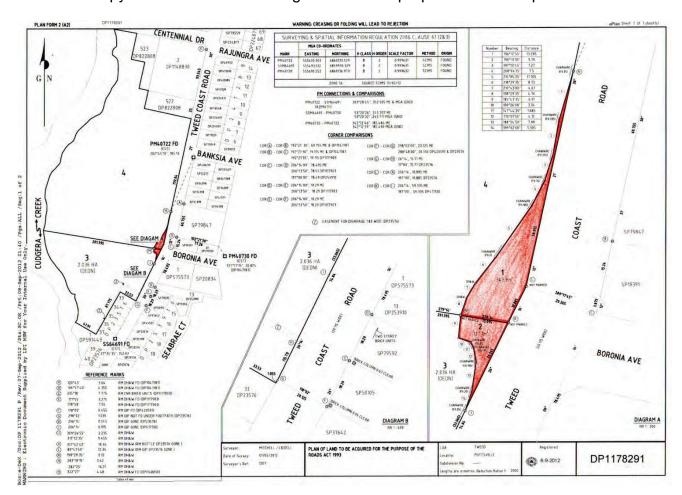
REPORT:

A roundabout was recently constructed by Council at the intersection of Tweed Coast Road and Boronia Avenue at Pottsville to assist with the safe ingress and egress of the Pottsville North Caravan Park. Since the construction it was noted that part of the road formation encroaches into Lot 7016 in DP 1055269, being Crown Reserve 140011, and Lot 1 in DP589881 (both parcels form the Pottsville North Caravan Park).

Below is an aerial photo showing the encroachment of the road onto Lot 7016 and Lot 1.



To allow Council to rectify the encroachment it is necessary to complete an acquisition of the Crown Land being an area of 343.8m² from Lot 7016 DP1055269 and an area of Council owned land 121.7m², from Lot 1 in DP 589881. A plan of acquisition has been registered as DP1178291 and shows the subject parcels to be acquired as Lots 1 and 2.



Below is a copy of DP 1178291 showing Lots 1 and 2 proposed to be acquired.

The concurrence of the Department of Lands and the Tweed Coast Reserve Trust has been obtained for the acquisition of Lot 1 DP1178291 with compensation payable as per the valuation report provided by Valuers Australia. Lot 2 in DP1178291 is Council owned operational land.

OPTIONS:

- Council approves the acquisition of Lots 1 and 2 in DP 1178291 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
- Council does not approve the acquisition of Lots 1 and 2 in DP 1178291 under the
 provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the
 purposes of the Roads Act, 1993 nor the making of the necessary application to the
 Minister and/or Governor;

CONCLUSION:

The acquisition of Lots 1 and 2 in DP 1178291 is recommended to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

Upon acquisition and Gazettal of Lots 1 and 2 in DP 1178291, the parcels are to be dedicated as public road under Section 10 of the Roads Act, 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Tweed Coast Holiday Parks

c. Legal:

Not Applicable.

d. Communication/Engagement:

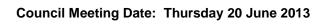
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1 Valuation Report (ECM 3076668).



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54 [EO-CM] Dulguigan Road, Kynnumboon - Land Acquisition for Road Purposes and Compensation

SUBMITTED BY: Design

Vali



SUMMARY OF REPORT:

A section of Dulguigan Road, at the intersection of Tomewin Road, Kynnumboon is to be upgraded and widened to improve motorist safety. A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 and 2 in DP 1183188 for dedication as road and closure of surplus parts of the existing road to create Lot 3 for compensation purposes.

The owner of Lot 1 in DP727408 has consented to the acquisition and is to receive compensation by way of transfer of closed road and the monetary difference at the current rating value for the difference in area of the land to be acquired compared to the amount of land to be provided as compensation.

Further the owner of Lot 1 in DP727408 has agreed to accept the extension of the current drainage pipe at the intersection of Tomewin Road and Dulguigan Road and the construction of an access behind the proposed guard rail onto existing levies adjacent to the creek to complete the compensation for the acquisition.

The acquisition is to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

RECOMMENDATION:

That:

- 1. Council approves the acquisition of Lots 1 and 2 in DP 1183188 with the land owners agreement for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor; and
- Council approves the acquisition of Lot 3 in DP 1183188 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor; and

- 3. Council approves the total compensation for the acquisition as noted in the body of the report; and
- 4. Lots 1 and 2 in DP 1183188 be dedicated as road following gazettal of the acquisition; and
- 5. All necessary documentation be executed under the Common Seal of Council.

REPORT:

A section of Dulguigan Road, at the intersection of Tomewin Road, Kynnumboon is to be upgraded and widened to improve motorist safety. A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 and 2 in DP 1183188 for dedication as road and closure of surplus parts of the existing road to create Lot 3 for compensation purposes.

The owner of Lot 1 in DP727408 (now Lot 4 in DP 1183188) has consented to the acquisition and is to receive compensation by way of transfer of closed road and the monetary difference at the current rating value for the difference in area of the land to be acquired compared to the amount of land to be provided as compensation.

Further the owner of Lot 1 in DP727408 (now Lot 4 in DP 1183188) has agreed to accept the extension of the current drainage pipe at the intersection of Tomewin Road and Dulguigan Road and the construction of an access behind the proposed guard rail onto existing levies adjacent to the creek to complete the compensation for the acquisition.

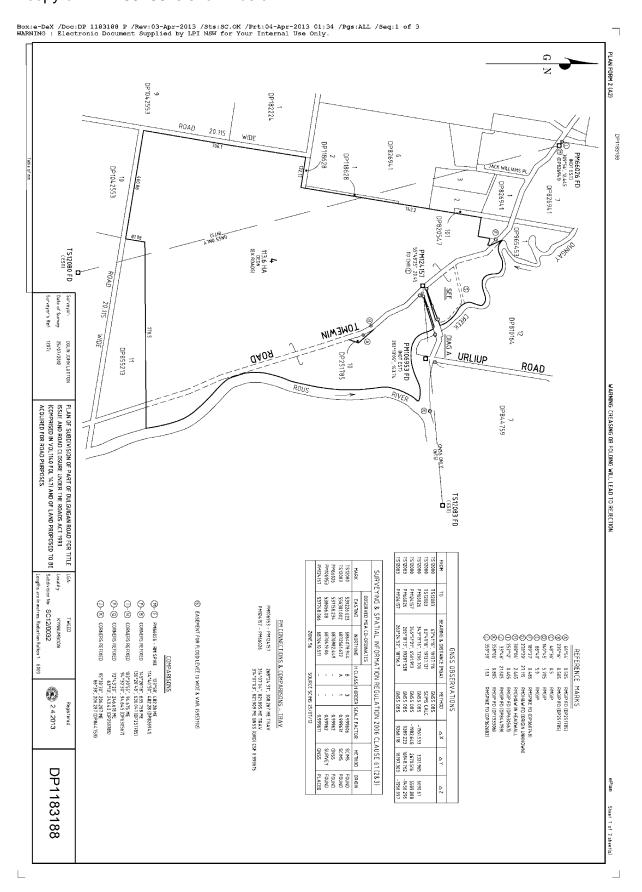
In summary

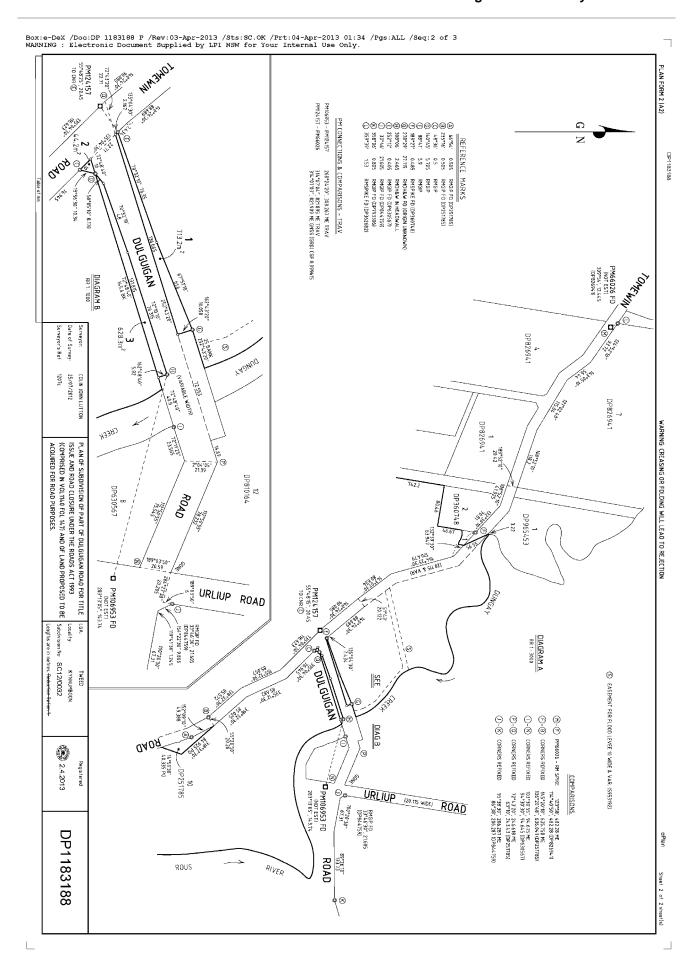
Lots 1 and 2 in DP 1183188 are to be acquired from the owner of Lot 4 DP 1183188 (previously Lot 1 DP727408)

Lot 3 in DP 1183188 is road proposed to be closed and acquired for the purposes of compensation to the owner of Lot 4 DP1183188 (previously Lot 1 DP727408)

The owner has agreed to the acquisition of Lots 1 and 2 in exchange for the transfer of Lot 3, closed road, and works in kind.

A copy of DP1183188 is shown below:





Box:e-DeX /Doc:DP 1183188 P /Rev:03-Apr-2013 /Sts:SC.OK /Prt:04-Apr-2013 01:34 /Pgs:ALL /Seq:3 of 3 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

ePlan

Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

LOTS 1 & 2 (LAND IN 1/727408) ARE PROPOSED TO BE ACQUIRED AS PUBLIC ROAD.

LOT 3 IS PUBLIC ROAD PROPOSED TO BE CLOSED (PREVIOUSLY LAND IN VOL 148-FOL 52 VIDE R3975-1603).

Q 22/3/2013

DP1183188

2.4.2013

Registered:

Title System: TORRENS

Purpose: ROADS ACT 1993

PLAN OF SUBDIVISION OF PART OF DULGUIGAN ROAD FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (COMPRISED IN VOL 448 FOL-52) AND OF LAND PROPOSED TO BE ACQUIRED FOR ROAD PURPOSES.

LGA:

TWEED

Locality:

KYNNUMBOON

Parish:

KYNNUMBOON

County:

ROUS

Surveying and Spatial Information Regulation, 2006

t, Colin John Lutton

of Tweed Shire Council

a surveyor registered under the Surveying and Spatial Information Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation, 2006 and was completed on:....27/08/2012 25/7/2012

The survey:

Relates to Lots 1, 2, & 3 only.....

Datum Line: TS12080 - TS12083 MGA

Type: Rural

Subdivision Certificate

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I. Stephen Hould Man in approving this plan certify

that all necessary approvals in regard to the allocation of the land

Date: 27 November 20/2
File Number: GF 05/H2/2
Office: Grafte:

(Authorised Officer)

shown herein have been given

Signature: Jank

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed

ROAD CLOSURE..... set out herein (insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: TWEED SHIRE COUNCIL
Date of Endorsement: 31:12:12

Accreditation no:

Subdivision Certificate no: SCI2 0032

* Delete whichever is inapplicable

Plans used	in the preparation of su	rvey/compilation
DP251785	DP360748	DP609657
DP630567	DP727408	DP739080
DP793306	DP810164	DP826941
DP844759	DP943719	DP965453
R4437-1603	R593-1759	R3975-1603

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE:1207c

OPTIONS:

- 1. Council approves the acquisition of Lots 1 -3 in DP 1183188 for the purposes of road and compensation to the affected land owner
- 2. Council does not approve the acquisition of Lots 1-3 for the purposes of road and compensation to the affected land owner.

CONCLUSION:

The acquisition is to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Voted through the Infrastructure Program 2011/2012 – Road Rehabilitation.

c. Legal:

Not Applicable.

d. Communication/Engagement:

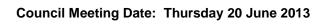
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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55 [EO-CM] Depot Road, Kings Forest - Lot 1 DP 397082

SUBMITTED BY: Design



SUMMARY OF REPORT:

At its meeting held on 24 January 2012 Council resolved to, inter alia, enter into a lease over Lot 1 DP 397082 over an area of 33 m^2 . In proceeding with the lease, it has been noted that the area approved under the resolution of 24 January 2012 should reflect the area of premises sought by the lessee in their initial correspondence, being an area of $80 \, \text{m}^2$.

All plans showing the area to be leased reflects the larger area.

It is recommended that Council approve the amendment of the resolution of 24 January 2012 to change the leased area from 33 m² to 80 m².

RECOMMENDATION:

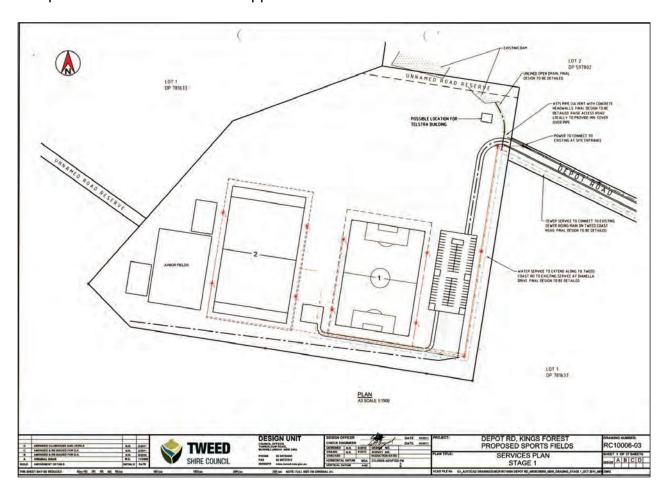
That Council approves the amendment of resolution for Item 26 in the meeting held on 24 January 2012, Minute number 44, to amend the area of lease from 33 m^2 to $80 m^2$.

REPORT:

At its meeting held on 24 January 2012 Council resolved to, inter alia, enter into a lease over Lot 1 DP 397082 over an area of 33 m^2 . In proceeding with the lease, it has been noted that the area approved under the resolution of 24 January 2012 should reflect the area of premises sought by the lessee in their initial correspondence, being an area of $80 \, m^2$.

The area was shown in a plan in the report, however, the resolution reflected only part of the infrastructure to be erected on site.

The plan below shows the area approved to be leased in the north east corner of the site:



It is recommended that Council approve the amendment of the resolution of 24 January 2012 to change the leased area from 33 m^2 to 80 m^2 .

OPTIONS:

- 1. To approve the amendment of the area to be leased from 33 m² to 80 m²; or
- 2. To not approve the amendment of the area to be leased from 33 m² to 80 m².

CONCLUSION:

As Council has approved the granting of the lease, the area as shown in the plan attached to the report, which more closely reflects the true area of 80 m², is required to be disclosed in the lease document

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Revenue equivalent to lease payment on an annual basis.

c. Legal:

Not Applicable.

d. Communication/Engagement:

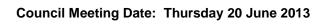
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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56 [EO-CM] Easement for Underground Powerlines - 50 Pioneer Parade, Banora Point

SUBMITTED BY: Design

Vali



SUMMARY OF REPORT:

At its meeting held on 2 March 2013, Council received a report relating to the disposal of Council land. It was resolved to inter alia, enter into negotiations with Essential Energy regarding a vacant parcel at Pioneer Parade, Banora Point.

Essential Energy requested Council to consider the creation of either a 3 metre wide or a 10 metre wide easement for proposed underground powerlines to form part of a new underground 11kV distribution feeder from Banora Point Zone substation to improve the supply and reliability of supply to customers in Banora Point.

Council resolved to offer the whole of the parcel for sale to Essential Energy as they indicated that their preference would be the 10 metre wide easement. Essential Energy have advised that they do not purchase whole properties, but easements only and advised that they would accept a 3 metre wide easement and made an offer of compensation.

As it is necessary to relocate a concrete path within the parcel to the northern boundary of the parcel to maintain access to the pedestrian overpass bridge, it has been agreed that the proposed easement would lie beneath the path to reduce the impact on the development potential of the parcel.

The compensation agreed upon will cover the costs of relocating the path and it is recommended that Council accept the compensation offered.

Council intends to register a Right of Public Access over the same easement corridor to limit the impact of the both easements. This action will occur in a separate plan prepared by Council.

It is now necessary for Council to also resolve to create both the Easement for Underground Powerlines and the Right of Public Access and to execute all necessary documentation necessary for the creation of each easement under Common Seal.

Council Meeting Date: Thursday 20 June 2013

RECOMMENDATION:

That Council:

- 1. Approves the creation of an Easement for Underground Powerlines 3 wide within Lot 33 DP 218264 for the quantum of compensation set out in this report;
- 2. Approves the creation of a Right of Access over the proposed corridor for the Easement for Underground Powerlines 3 wide within Lot 33 DP 218264;
- 3. Executes all documentation under the Common Seal of Council.

REPORT:

At its meeting held on 2 March 2013, Council received a report relating to the disposal of Council land. It was resolved to inter alia, enter into negotiations with Essential Energy regarding a vacant parcel at Pioneer Parade, Banora Point.

Essential Energy requested Council to consider the creation of either a 3 metre wide or a 10 metre wide easement for proposed underground powerlines to form part of a new underground 11kV distribution feeder from Banora Point Zone substation to improve the supply and reliability of supply to customers in Banora Point.

Council resolved to offer the whole of the parcel for sale to Essential Energy as they indicated that their preference would be the 10 metre wide easement. Essential Energy have advised that they do not purchase whole properties, but easements only and advised that they would accept a 3 metre wide easement and made an offer of compensation.

As it is necessary to relocate a concrete path within the parcel to the northern boundary of the parcel to maintain access to the pedestrian overpass bridge, it has been agreed that the proposed easement would lie beneath the path to reduce the impact on the development potential of the parcel.

The plan below indicates the location of the proposed easement and relocated path along the northern boundary:



The compensation agreed upon, the sum of \$5,000 will contribute to the costs of relocating the parcel and it is recommended that Council accept the compensation offered and to execute all necessary documentation necessary for the creation of the easement under Common Seal.

Council intends to register a Right of Public Access over the same easement corridor to limit the impact of the both easements.

OPTIONS:

- 1. To approve the creation of the Essential Energy easement for underground powerlines 3 metres wide within Lot 33 DP 218264, nor the creation of a Right of Public Access for the relocated path within the parcel within the easement corridor: or
- 2. To not approve the creation of the Essential Energy easement for underground powerlines 3 metres wide within Lot 33 DP 218264, nor the creation of a Right of Public Access for the relocated path within the parcel within the easement corridor: or
- 3. To maintain the status quo and not relocate the path and retain ownership of the parcel.

CONCLUSION:

As there was only one objection to the disposal of the parcel, it is recommended that Council maximise its return on the parcel and accept the Essential Energy compensation for the easement creation to contribute to the costs of relocating the path. This will then create a parcel that can be placed on the market for sale by public tender.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Compensation to be paid for the creation of an easement within Council Land, to be attributed to the proposed works within the parcel.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

57 [EO-CM] Tweed Shire Roadside Vegetation Management Plan

SUBMITTED BY: Works



Caring for the Environment

SUMMARY OF REPORT:

The Tweed Shire is located in one of Australia's most diverse biological regions. As the rural road network penetrates most of the physical environments within the Shire, a wide range of Endangered Ecological Communities, native vegetation types and flora species of conservation significance occur along roadsides.

A project to prepare and implement a Roadside Vegetation Management Plan (RVMP) was initiated in 2012.

The purpose of the RVMP is to provide road maintenance staff with best practice management guidelines for areas of remnant native vegetation and individual species located on roadsides.

The preparation of Council's RVMP and Roadside Vegetation Management Guidelines has now been completed. The next stage of the project is to integrate the RVMP guidelines into routine road maintenance activities.

RECOMMENDATION:

That progress towards the implementation of best practice guidelines for managing remnant native vegetation on roadsides, specifically completion of the documents, Tweed Shire Roadside Vegetation Management Plan and Roadside Vegetation Management Guidelines for Tweed Shire Council - 2013, be received and noted by Council.

Council Meeting Date: Thursday 20 June 2013

REPORT:

The Tweed LGA is located in the Border Ranges biodiversity hotspot, one of Australia's most diverse biological regions. The subtropical rainforest, wet sclerophyll forest, mountain headlands, rocky outcrops and transition zones between forests found in the region support an extensive variety of bird and macropod species and a rich variety of primitive plant species.

LGA-wide mapping (Kingston *et al.* 2004) demonstrates the diversity of vegetation types in the Tweed Shire. Some of the native vegetation has particular conservation significance, including communities listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) as Endangered Ecological Communities (EECs). The Tweed LGA environments provide known and potential habitat for flora and fauna species listed as threatened (endangered or vulnerable) on schedules of the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As the rural road network penetrates most of the physical environments within the Shire, a wide range of EECs, native vegetation types and flora species of conservation significance occur along roadsides.

Under the Roads Act 1993, Tweed Shire Council is responsible for maintaining the local road network, including roadsides, and accordingly a project was initiated to prepare and implement a Roadside Vegetation Management Plan (RVMP) to be incorporated into the existing Works Unit rural road management strategy.

The RVMP is guided by the NSW Roadside Environment Committee documents *Managing Roadsides* and the *Roadside Handbook* (NSW REC 1996).

The RVMP aims to provide best practice management guidelines for areas of remnant native vegetation and individual species within road reserves. The Plan focuses on identification and protection of:

- Native vegetation of high conservation significance, including Endangered Ecological Communities (EECs), other mature native vegetation in good condition and fauna habitat;
- Threatened flora species; and
- Features of cultural significance.

Preparation of the Tweed Roadside Vegetation Management Plan included the following objectives and tasks:

- To survey, assess and map the conservation values of native vegetation along Council maintained rural roadsides in the Tweed Local Government Area (LGA);
- The creation of a GIS database to store all key survey information and facilitate production of maps to identify management zones;
- Development of specific management responses for works and activities by management zone;
- Preparation of a set of guidelines for use by in-field staff that incorporates the specific management responses for works activities and management zone maps;
- Determination of priorities for habitat restoration and revegetation of road reserves;
 and
- Identification of priorities for noxious weed control.

Bushland Restoration Services in association with Landmark Ecological Services were contracted in April 2012 to prepare the RVMP and Roadside Management Guidelines for use by field staff.

The next stage of the project is to implement the RVMP into routine road maintenance activities. This will involve the installation of the roadside markers indicating the RVMP management zones and individual threatened species and EECs, and training of field staff in use of the RVMP and applicable roadside activities for each of the management zones.

Opportunities for grant funding of the project will be actively pursued.

OPTIONS:

Nil.

CONCLUSION:

The RVMP and Guidelines have been prepared in accordance with the NSW Roadside Environment Committee documents *Managing Roadsides* and the *Roadside Handbook* (NSW REC 1996). They provide best practice management guidelines for areas of remnant native vegetation and individual species within road reserves.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Preparation of the RVMP has been funded from 2011-2012 Budget. Implementation of the Plan will be funded within existing budget for road maintenance.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.3 Roadside Vegetation Management Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Tweed Shire Roadside Vegetation Management Plan

(ECM 3069601)

Attachment 2 Roadside Vegetation Management Guidelines for Tweed Shire

Council - 2013 (ECM 3069623)

58 [EO-CM] Construction of Community/Sportsfield Building at the Piggabeen Sports Complex

SUBMITTED BY: Recreation Services

Valid



SUMMARY OF REPORT:

In 2010, the Tweed Heads Seagulls Rugby League Football Club Ltd (the club) was successful in its application through the Community Building Partnership Program for funding of \$85,111 toward construction of a community/sport field pavilion at the Piggabeen Sports Complex.

The building was part funded through the 2010 round of the program and the club was of the understanding that the funding for the completion of the building would be forthcoming in subsequent rounds. On the basis of this understanding and the requirement to utilise the funds within agreed time frames, the club commenced construction of the building.

Advice from the club is that the funding program changed in the intervening period and the changes rendered their project ineligible for further funding. Consequently, the building has remained only partially constructed and the club has been pursuing options for funding to facilitate the completion of the building.

The estimated cost to complete the building is \$248,000. The club has confirmed funding of \$75,000 from the National Rugby League (NRL) and an additional \$25,000 from the State Government. In addition to this, the Tooheys New Crew program has committed to support the project through project management, the use of their corporate sponsors to supply materials and promoting the project to encourage the donation of discounted goods and services.

The club has approached Council for a contribution of \$50,000 toward the project. This figure represents the shortfall between their confirmed funds and the amount the Tooheys New Crew program is willing to underwrite.

RECOMMENDATION:

That Council commits \$50,000 from the budget item 'grant applications opportunities fund' in the 2013/2014 Budget, to the completion of construction of the sports building at the Piggabeen Sports Complex.

REPORT:

In 2010, the Tweed Heads Seagulls Rugby League Football Club Ltd (the club) was successful in its application through the Community Building Partnership Program for funding of \$85,111 toward construction of a community/sport field pavilion at the Piggabeen Sports Complex.

The building was part funded through this round of the program and the club was of the understanding that the funding for the completion of the building would be forthcoming in subsequent rounds. On the basis of this understanding and the requirement to utilise the funds within agreed time frames, the club commenced construction of the building.

Advice from the club is that the funding program changed in the intervening period which rendered their project ineligible for further funding. Consequently, the building has remained only partially constructed and the club has been pursuing options for funding to facilitate the completion of the building.

The estimated cost to finish the building is \$248,000. The club has confirmed funding of \$75,000 from the National Rugby League (NRL) and an additional \$25,000 from the State Government. In addition to this, the Tooheys New Crew program has committed to support the project through project management, the use of their corporate sponsors to supply materials and promoting the project to encourage the donation of discounted goods and services. This would be undertaken through a recorded event to be broadcast on The Footy Show, broadcast on NBN.

The club has approached Council for a contribution of \$50,000 toward the project. This figure represents the shortfall between their confirmed funds and the amount the Tooheys New Crew program is willing to underwrite.

Comment:

The proposal presents an opportunity to council from a number of perspectives.

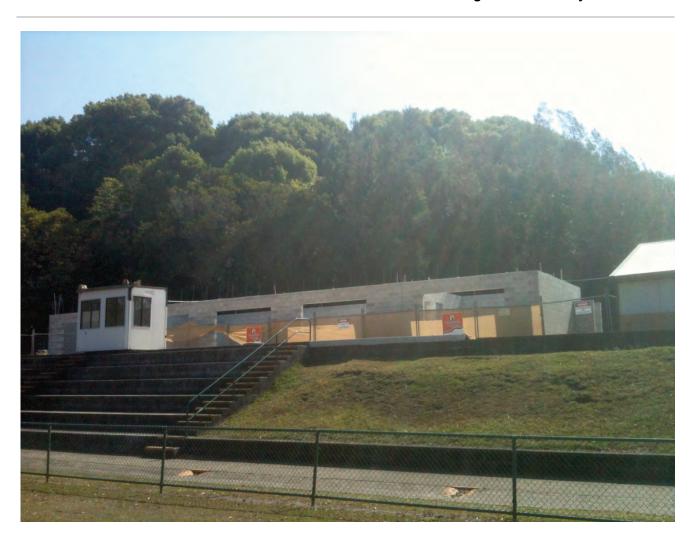
The current status of the unfinished building renders an area within the complex unusable and potentially unsafe (photos shown at the end of this report). If the building is not completed in the near future, the structure will continue to deteriorate and will cost more for Council to either rectify or remove.

The building is located on Council land and therefore becomes a Council asset. Council will attain a community asset for a reasonably minor contribution.

The nature of the Tooheys New Crew projects is that they receive contributions from a range of organisations across the community in addition to the commitments the State Government and National Rugby League. Under these circumstances, it may be considered incongruous for Council, as a major benefactor, not to provide a contribution to the project.

Funding Option:

The 2013/2014 budget has an allocation of \$50,000 in a fund titled 'grant applications opportunities fund'. This fund was initiated to support funding applications which require a contribution. Considering the benefits to be accrued from this project and the confirmation of other funding sources, it is considered that this is an appropriate allocation of these funds.





OPTIONS:

- 1. Allocate \$50,000 from the 2013/2014 budget item 'grant applications opportunities fund' to this project to facilitate the completion of the building.
- Decline the request for a contribution.

CONCLUSION:

The proposal to complete the building at Piggabeen represents an opportunity for Council from a number of perspectives. From a purely pragmatic perspective, the existing partially constructed building will start to deteriorate rapidly if left in its current state. If this happens, the cost to Council will be significantly greater than the amount requested, potentially without the community benefits of new building.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$50,000 is provided in the 2013/2014 budget item 'grant applications opportunities fund'.

c. Legal:

Not Applicable.

d. Communication/Engagement:

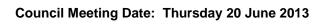
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational,
 - cultural and community facilities
- 2.3.6.2 Provide conveniently placed and well equipped community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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59 [EO-CM] EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council

SUBMITTED BY: Contracts

FILE REFERENCE: EC2013-028

Valid



SUMMARY OF REPORT:

This report outlines the tender for EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council for the period 1 July 2013 until 30 June 2015. Tenders were called for the supply of a wide range of plant categories to be hired by Council to service its operational requirements over the period of the hire agreement. Rankings were established by comparing hourly rates tendered for each plant category and are listed in CONFIDENTIAL ATTACHMENT 1. It is recommended that Council accepts the ranking schedule for EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. In relation to EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council, Council accepts the ranking schedule for the period 1 July 2013 until 30 June 2015 as listed in a Confidential Attachment to this report.
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because they contain:-
 - (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.

Council tender EC2013-028 closing 10 April 2013 has been called for the Registration of Interest for the Hire of Plant and Equipment to Council.

Tenders were called for the following categories of plant and equipment:

- Backhoe
- Crushing Plant
- Dozers
- Excavator mini
- Excavator tracked,
- Excavator "long-Reach"
- Excavator with Rock-breaker hammer
- Excavator wheeled
- Loader skid-steer & attachments
- Loader tracked

- Loader /Front end wheeled
- Low-Loader
- Pavement Milling Profiler & attachments
- Roller footpath
- Roller Multi-tyre
- Roller 3 Point
- Roller padfoot vibrating and non vibrating
- Roller smooth drum, vibrating & non – vibrating
- Screening Plant
- Water Cart Including Council Extraction Permit

Miscellaneous Plant and Equipment:

- Cherry-picker / Travel-Tower
- Concrete Pump equipment
- Cranes
- 1 Tonne Utes
- Vacuum Excavation Equipment and/or Service Locations
- Heavy Duty Post Driver

- High Pressure Drain Cleaner, including Root-cutter and CCTV
- Under-road Borer
- Tilt Tray Truck suitable for container transport
- Crane Truck
- Wheeled Tractor with or without attachments, including flail -mower, slasher & spray units etc.

On-site Plant and Equipment:

- Dewatering
- Directional Arrow
- Lighting Tower
- Portable Traffic Light
- Portable Toilet, including servicing
- Road Barriers, including New Jersey Kerbs and Water Filled Safety Barriers
- Temporary Site Sheds, including generator and associated equipment
- Tree Mulching machinery & gang
- Trenching & Šhoring
- Variable Message Board.

Rates submitted will remain fixed and be reviewed at six monthly intervals over the term of the agreement. Contract rate variations will be made in accordance with a formula which addresses variations in fuel, labour and other costs (registration, insurance etc) fluctuations.

Tenders Received

A total of 74 contractors submitted to Tender EC2013-028. There was a decrease in tender submission numbers from the previous 2011/2013 contract period however there was still strong interest from local and regional contractors.

Tender Evaluation

The Tender Evaluation was conducted by Council's Engineering and Operations Division's Contract Unit staff with input from Council's Works Coordinator who has extensive knowledge of road construction plant performance and capabilities. A copy of the Tender Evaluation Report is included in **ATTACHMENT 1** 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, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers hourly hire rate. 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.

In accordance with the hourly rates submitted for each plant item category it is recommended that Council accepts the ranking schedule for EC2013-028 Registration of Interest for the Hire of Plant and equipment to Council for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the ranking schedule as listed in the confidential attachment.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No budget implications. Provision made in Maintenance and Constructional Operational budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering. Incorporate "value for money" criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council - Evaluation (ECM3080821).

(Confidential) Attachment 2. EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council - Excel Spreadsheet (ECM3078917).

60 [EO-CM] EC2013-029 Registration of Interest for Contract Truck Haulage

SUBMITTED BY: Contracts

Civic Leadership

SUMMARY OF REPORT:

This report outlines the tender for EC2013-029 Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015. Two (2) ranking schedules were established for each truck category and are listed in **CONFIDENTIAL ATTACHMENTS 1 and 2**. It is recommended that Council accepts the ranking schedules for Contract Haulage for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. In relation to EC2013-029 Registration of Interest for Contract Truck Haulage, Council accepts the ranking schedules for the period 1 July 2013 until 30 June 2015 as listed in the Confidential Attachment to this report.
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2)of the Local Government Act 1993, because they contain:-
 - (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:

Council tender EC2013-029 closing 10 April 2013 has been called for the Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015.

Tenderers were required to submit hourly rates for the following haulage categories:-

A Rate - Truck Hourly Rate (11.5 – 15 Tonne capacity)

A Rate - Truck with 500 mm Dia. Rock Hourly Rate

A Rate - Truck and Dog Trailer Hourly Rate

A Rate - Semi Tipper

Rates submitted will remain fixed and will be reviewed at six monthly intervals over the term of the agreement. Contract rate variations will be made in accordance with a formula which addresses variations in fuel, labour and other costs (registration, insurance etc) fluctuations.

All submissions were listed in the nominated haulage categories with rates submitted compared to establish two (2) ranking schedules. One ranking taking into consideration the Hourly A Rate submitted, and the other ranking taking into consideration the calculated cost per tonne per hour hire rate for each truck in each category.

Hire decisions will be made over the term of the arrangement in accordance with one of the two rankings depending on the job requirements.

Tenders Received

A total of twenty nine (29) contractors submitted 49 submissions to tender EC2013-029. Rates received were generally very competitive with no significant increase to rates submitted for the 2011/2013 tender period.

Tender Evaluation

The Tender Evaluation was conducted by Council's Engineering and Operations Division's Contract Unit staff with input from Council's Works Coordinator. A copy of the Tender Evaluation Report is included in **ATTACHMENTS 1** and 2 which are **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain 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 their tendered rates. 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.

In accordance with the hourly rates submitted for each truck category it is recommended that Council accepts the ranking schedules, included with this report as a Confidential attachment, for EC2013-029 Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the ranking schedules as listed with the confidential attachment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No Budget implications. Provision made in Maintenance and Construction Operational Budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

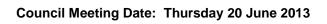
LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering. Incorporate "value for money" criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-029 Registration of Interest for Contract Truck Haulage (ECM 3080828)

Attachment 2. EC2013-029 Registration of Interest for Contract Truck Haulage Hourly Rate Ranking (ECM 3074684)



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[EO-CM] EC2013-030 Registration of Interest for the Hire of Small Plant

SUBMITTED BY: Contracts



SUMMARY OF REPORT:

Tender for the Registration of Interest for the Hire of Small Plant was called to source a panel of providers from which small plant items will be hired for use in operational areas. Items to be hired are construction tools, for example powered hand tools, plate compactors, generators, concrete finishers etc that are used in construction work and not carried by Council as part of its plant inventory.

These items are generally hired for daily or short term periods and are collected and returned from the place of hire by Council operational staff.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

RECOMMENDATION:

That in relation to EC2013-030 Registration of Interest for the Hire of Small Plant Council accepts all suppliers as listed for the period 1 July 2013 until 30 June 2015 with hire decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

REPORT:

Tender Background

Tender EC2013-030 Registration of Interest for the Hire of Small Plant was called to source a panel of providers from which small plant items will be hired for use in operational areas. Items to be hired are construction tools, for example powered hand tools, plate compactors, generators, concrete finishers etc that are used in construction work and not carried by Council as part of its plant inventory.

These items are generally hired for daily or short term periods and are collected and returned from the place of hire by Council operational staff.

The hire period will be for the period 1 July 2013 until 30 June 2015.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for Tender EC2013-030 Registration of Interest for the Hire of Small Plant on 19 March 2013 in the Sydney Morning Herald. The tender was also advertised in the Tweed Link.

Tender Addendums

There were no (Notice to Tenderers) issued before close of tender.

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Seven (7) submissions were recorded at the Tender Box opening and their details are as follows:

Tenderer
Kingscliff Hire and Landscape Supplies
Kennards Hire
Coates Hire
Hakka Hire
Allcott Hire
Murwillumbah Hire
Dynamic Excavations

Tender Evaluation

The tender evaluation was conducted by Council's Engineering and Operations Division Contract Unit staff with input from Council's Works Coordinator who has extensive knowledge of road construction plant performance and capabilities.

Hire decisions will be made by the Works Coordinator following consideration of where the hire items are to be used in relation to the hire Company's place of business, reference to catalogue rates and additional charges that might apply. For example hire items required for works in the Murwillumbah region could be obtained from Murwillumbah Hire or Hakka Hire and similarly for works in the Tweed Heads area could be obtained from Coates Hire or Kingscliff Hire thus minimising any operational delays and delivery charges if the item was required to be delivered to site. As with hire decisions made for the hire of larger plant items Council's Works Coordinator is considered in the best position to direct staff to the most beneficial cost and operational hire company location for each particular small plant hire requirement.

It is recommended that Council accepts the tender submissions as submitted for EC2013-030 Registration of Interest for the Hire of Small Plant to Council for the period 1 July 2013 until 30 June 2015 with hire decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts all suppliers as submitted.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

Provision made in Operational Maintenance and Construction budget areas for Small Plant Hire costs.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.2	Council will seek the best value in delivering services
1.3.2.5	Procurement of works, goods and services by quotation and tendering. Incorporate "value for money" criteria into Tender Evaluation Plans
1.3.2.5.1	Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

62 [EO-CM] EQ2013-033 Supply and Delivery of Selected Materials

SUBMITTED BY: Contracts



SUMMARY OF REPORT:

This report outlines the tender for EQ2013-033 Supply and Delivery of Selected Materials.

The supply period will be for a twelve (12) month term from 1 July 2013 until 30 June 2014. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT 1.**

RECOMMENDATION:

That:

1. Council awards contract EQ2013-033 Supply and Delivery of Selected Materials for the Period 1 July 2013 until 20 June 2014 to the following suppliers:

ITEM	SUPPLIER
Concrete Pipes	Rocla Pty Ltd
Concrete Surrounds	Rocla Pty Ltd
Concrete Kerb Inlets	Rocla Pty Ltd
Concrete Headwalls	Rocla Pty Ltd
Herbicides	Williams Group Australia
Premix Cement	Williams Group Australia
Bagged Cement	Williams Group Australia
Reinforcing Mesh	Williams Group Australia
Ag Pipe	Williams Group Australia
900mm Dia. PVC SW Pipe	Williams Group Australia
Geotextile Materials	Geofabrics Australasia Pty Ltd
Electrode 12P	Williams Group Australia
Form Ply 2.4 x 1.2	Tellam Civil Products
Woven Silt Film	Geofabrics Australasia Pty Ltd
Footpath Materials	Blackwoods
Star Pickets 1.67m Bitumen Coated	Williams Group Australia

- 2. ATTACHMENT 1 is 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:

Quotations closing 17 April 2013 were called for the Supply and Delivery of Selected Materials into Council's Murwillumbah Depot Store for the period 1 July 2013 until 30 June 2014.

The supply contracts are called on an annual basis for selected large dollar turnover items purchased for issue through the Store.

Items offered to tender are as follows:

Concrete Pipes	Concrete Surrounds
Concrete Kerb Inlets	Concrete Headwalls
Herbicides	Premix Cement
Bagged Cement	Reinforcing Mesh
Ag Pipe	90mm Dia. PVC Stormwater Pipe
Geotextiles Material	Electrode 12P
Form Ply 2.4 x 1.2	Woven Silt Film
Footpath Materials	Star Pickets 1.67m Bitumen Coated

Tenders Received

Following the close of tenders a total of ten (10) submissions had been received.

Submissions received are as follows:

Blackwoods
Geofabrics
Global Synthetics Pty Ltd
Iplex Pipelines
Jestomic
RCPA
Rocla Pty Ltd
Tellam Civil Products
Williams Group Australia
Wychitella Holdings

Tender Evaluation:

A copy of the Tender Evaluation Report is included in **ATTACHMENT 1** 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, 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 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. Recommendations appear below for the Tender.

Based on the conforming prices received and previous supply history considerations, it is recommended that the following suppliers be awarded supply contracts for the Period 1 July 2013 until 30 June 2014:

ITEM	SUPPLIER
Concrete Pipes	Rocla Pty Ltd
Concrete Surrounds	Rocla Pty Ltd
Concrete Kerb Inlets	Rocla Pty Ltd
Concrete Headwalls	Rocla Pty Ltd
Herbicides	Williams Group Australia
Premix Cement	Williams Group Australia
Bagged Cement	Williams Group Australia
Reinforcing Mesh	Williams Group Australia
Ag Pipe	Williams Group Australia
900mm Dia. PVC SW Pipe	Williams Group Australia
Geotextile Materials	Geofabrics Australasia Pty Ltd
Electrode 12P	Williams Group Australia
Form Ply 2.4 x 1.2	Tellam Civil Products
Woven Silt Film	Geofabrics Australasia Pty Ltd
Footpath Materials	Blackwoods
Star Pickets 1.67m Bitumen Coated	Williams Group Australia

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the recommendation set out in the table within the Recommendation for EQ2013-033 Supply and Delivery of Selected Materials for the period 1 July 2013 until 30 June 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No direct budget implications. Day to day purchases for operational needs to carry out budgeted maintenance functions.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Civic Leadership
Delivering the objectives of this plan
Council will seek the best value in delivering services
Procurement of works, goods and services by quotation and tendering. Incorporate "value for money" criteria into Tender Evaluation Plans
Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1 - EQ2013-033 Supply and Delivery of Selected Materials (ECM 3078538).

Council	Meeting	Date:	Thursday	20	June	2013

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[EO-CM] EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body

SUBMITTED BY: Works

Valid



SUMMARY OF REPORT:

Tender EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

This report outlines the tenders received.

RECOMMENDATION:

That:

- 1. Council awards the contract EC2013-045 Specification No1 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis to Murwillumbah Truck Centre for the amount of \$212,610 (Exclusive of GST).
- 2. Council awards the contract EC2013-045 Specification No2 Build and Supply of One (1) 10 Cubic Metre Tipping Body to Vince McNamara Engineering for the amount of \$38,400 (Exclusive of GST).
- 3. The General Manager is given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.
- 4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

Tender Background

Tender EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The combined unit will be utilised in a Truck and Dog application for the transport of heavy materials.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body on 23 February 2013 in the following media groups:

Sydney Morning Herald Brisbane Courier Mail Gold Coast Bulletin Tweed Link Councils Web Site

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Four (4) Tenders were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN	Tendered Amount (Incl GST)	
Newcastle Iveco	17 157 829 626		
Murwillumbah Truck Centre	72 001 859 454	Confidential Information	
Westrac CAT	63 009 342 572	Comidential information	
Vince McNamara Engineering	58 103 518 878		

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering.

Criterion
Compliance with technical specification
Whole of life costs, Capital, Maintenance, Resale
Technical features evaluation and comparison i.e. Operational
evaluation
Evaluation of equipment by qualified evaluation panel -
Maintenance, Structural, Operator

A Tender Evaluation Plan was developed based on the premise that competitive tenders were to be received and scored against specific selection criteria in order to select the best value tender.

Refer to confidential ATTACHMENT 1 for the detailed Tender Evaluation Report.

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Plant and Materials Coordinator, Maintenance Technician and two experienced Council Equipment Operators.

The following assessment criteria was used in the Tender and Equipment evaluation process:

- 1. NPV Capital Outlay, Whole of Life costing, Residual
- 2. Operational evaluation Chassis Safety, design strength and build quality of chassis for application intended, suitability for application intended, emissions and environmental considerations, fuel economy factors, operational ability, innovation, product support, equipment warranty and training
- **3. Maintenance evaluation** Ease and speed of regular preventative maintenance, maintenance intervals, service and parts accessibility on machine, technician's safety when servicing, strength and quality of high wearing parts, parts availability from supplier, breakables and innovation in engineering
- **4. Operator evaluation** Ergonomics in cab and controls, safety, suitability for application intended, seating comfort back and lumbar support, access/egress, visual search and daily maintenance checks

A copy of the Tender Evaluation Report is included in ATTACHMENT 1 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, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the 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. Recommendations appear below for the Tender.

CONCLUSION:

After product analysis, product evaluation and criteria weighting, it is recommended that:

- Murwillumbah Truck Centre is nominated for EC2013-045 Specification No1 for the supply of One (1) 24,000Kg GVM 6X4 Truck Chassis - Freightliner Coronado 114 Unit to Tweed Shire Council.
- <u>Vince McNamara Engineering</u> is nominated for EC2013-045 Specification No2 for the build and supply of One (1) 10 Cubic Metre Tipping Body to Tweed Shire Council

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

2012/2013 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body - Tender Evaluation Plan (ECM 3077288).

[EO-CM] EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial Truck Chassis and Build and Supply of One Water Tank

SUBMITTED BY: Works

FILE REFERENCE: EC2013-068



SUMMARY OF REPORT:

Tender EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre. Murwillumbah NSW 2484.

This report outlines the tenders received.

RECOMMENDATION:

That:

- 1. Council awards the contract EC2013-068 Specification No1 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis to VCV Brisbane for the amount of \$170,000 (exclusive of GST).
- 2. Council awards the contract EC2013-068 Specification No2 Build and Supply of One (1) 13,000 Litre Water Tank to Vince McNamara Engineering for the amount of \$88,045 (exclusive of GST).
- 3. The General Manager is given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.
- 4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because it contains:-
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

Tender Background

Tender EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The new water cart unit will be utilised for haulage and application of water to road works during road construction projects.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank on 16 March 2013 in the following media groups:

Sydney Morning Herald Brisbane Courier Mail Gold Coast Bulletin Tweed Link Councils Web Site

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Fifteen (15) Tenders were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN	Tendered Amount (Incl GST)
Newcastle Iveco	17 157 829 626	
K&J Trucks	71 003 113 675	
Southside Truck Centre (2)	86 001 496 626	
Brown & Hurley (2)	66 010 732 966	
VCV Brisbane	27 000 761 259	
Murwillumbah Truck Centre (2)	72 001 859 454	Confidential Information
Gold Coast Isuzu	47 010 210 723	Confidential information
Vince McNamara Engineering	58 103 518 878	
Capital Body Works	63 106 920 469	
Barry Burrows Engineering	15 065 104 323	
Marlin Truck Bodies	19 001 275 136	
Peak Engineering	14 660 608 035	

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering.

Criterion

Compliance with technical specification

Whole of life costs, Capital, Maintenance, Resale

Technical features evaluation and comparison i.e. Operational evaluation

Evaluation of equipment by qualified evaluation panel - Maintenance, Structural, Operator

A Tender Evaluation Plan was developed based on the premise that competitive tenders were to be received and scored against specific selection criteria in order to select the best value tender.

Refer to confidential ATTACHMENT 1 for the detailed Tender Evaluation Report.

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Plant and Materials Coordinator, Maintenance Technician, two experienced Council Equipment Operators and a suitably qualified and experienced Independent Evaluator.

The following assessment criteria was used in the Tender and Equipment evaluation process:

- 1. NPV Capital Outlay, Whole of Life costing, Residual
- 2. Operational evaluation Chassis Safety, design strength and build quality of chassis for application intended, suitability for application intended, emissions and environmental considerations, fuel economy factors, operational ability, innovation, product support, equipment warranty and training
- **3. Maintenance evaluation** Ease and speed of regular preventative maintenance, maintenance intervals, service and parts accessibility on machine, technician's safety when servicing, strength and quality of high wearing parts, parts availability from supplier, breakables and innovation in engineering
- 4. Operator evaluation Ergonomics in cab and controls, safety, suitability for application intended, seating comfort back and lumbar support, access/egress, visual search and daily maintenance checks

A copy of the Tender Evaluation Report is included in ATTACHMENT 1 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, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the 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. Recommendations appear below for the Tender.

Non-Compliant Responses:

Four (4) Responses were deemed non-compliant against Council's technical requirements of tender.

Non-Compliant Responses
Murwillumbah Truck Centre (2)
Southside Truck Centre (1)
Barry Burrows Engineering (1)

CONCLUSION:

After product analysis, product evaluation and criteria weighting, it is recommended that:

- VCV Brisbane is nominated for EC2013-068 Specification No 1 for the supply of One (1) 24,000Kg GVM 6X4 Truck Chassis - Volvo FM370 Unit to Tweed Shire Council.
- Vince McNamara Engineering is nominated for EC2013-068 Specification No 2 for the build and supply of One (1) 13,000 Litre Water Tank Unit to Tweed Shire Council

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

2012/2013 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1.

EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank - Tender Evaluation Plan (ECM 3079938).

Council Meeting Date: Thursday 20	0 June 2013	
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65 [EO-CM] Greenfield Policy DCP-A5 Subdivision Manual Review

SUBMITTED BY: Planning and Infrastructure

FILE REFERENCE: GTI/DCP/A5





SUMMARY OF REPORT:

At the meeting of 25 October 2012, Council supported a Notice of Motion that a report be brought forward:

- "...in regard to enhancing Council's policies for major Greenfield developments to improve outcomes for:
- 1. Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,
- 2. Community health planning, including meeting the needs of seniors and children,
- 3. Planning for green spaces, community gardens, edible landscapes and wild places,
- 4. Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and
- 5. Opportunities to promote and facilitate a more localised economy through appropriate planning."

This report is provided in response, and outlines a review process for the Tweed Development Control Plan Section A5 - Subdivision Manual (DCP-A5) to address the above sustainability criteria for greenfield development. DCP-A5 already provides the policy basis for many of these objectives, but should be reviewed to update the approach to site analysis, best practice urban design principles and infrastructure specifications. It will also provide the opportunity to update DCP-A5 for legislative changes and operational/housekeeping improvements raised by Council staff and developers.

This review will be undertaken in-house, and a working group has been formed to undertake the project.

A proposed work program is provided in this report, providing opportunities for Councillor workshops and industry consultation sessions as the project progresses.

RECOMMENDATION:

That in response to the Notice of Motion, Item 47 of the 25 October 2012 Council Meeting, Council notes the review of Tweed Development Control Plan Section A5 - Subdivision Manual as outlined in the subject report.

REPORT:

At the Council Meeting of 25 October 2012, the following resolution was made in response to a Notice of Motion:

"TITLE: CNL Ordinary Agenda

NOTICE OF MOTION:

Cr K Milne Cr G Bagnall

RESOLVED that Council brings forward a report in regard to enhancing Council's policies for major Greenfield developments to improve outcomes for:

- Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,
- 2. Community health planning, including meeting the needs of seniors and children,
- 3. Planning for green spaces, community gardens, edible landscapes and wild places,
- 4. Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and
- 5. Opportunities to promote and facilitate a more localised economy through appropriate planning.

The Motion was Carried

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne"

This followed earlier consideration of a Notice of Motion at the 17 April 2012 meeting where the following was resolved:

"TITLE: CNL Ordinary Agenda

Cr D Holdom Cr P Youngblutt

RESOLVED that:

- 1. The report to a Notice of Motion Sustainability Development Control Plan be received and noted.
- 2. Council supports a review of Development Control Plan (DCP) A5 Subdivision Manual, be undertaken, as soon as resources permit and to build upon existing sustainability and urban design principles.

The Motion was Carried

FOR VOTE - Unanimous"

The Executive Management Team has endorsed the review of Tweed Development Control Plan Section A5 - Subdivision Manual (DCP-A5) as the appropriate policy vehicle to review and update sustainability criteria for greenfield development. Sustainability is a broad term and encompasses environmental, social and economic values. The options that have been considered for the DCP-A5 review in determining the recommended course of action are provided as follows:

1. Structure

The existing DCP-A5 document was designed as a "one stop shop" for subdivision development. It consists of sections relating to masterplanning, constraints analysis, development controls, approvals process, certification process and references development design and construction specifications.

Issue

That much of this information is outside of the scope of a DCP, which should include development controls and other detailed provisions to achieve the purposes of environmental planning instruments, such as the LEP. Other information should be contained in Council policies and procedures.

OPTION	COMMENTS	TIME	RESOURCE
		IMPLICATIONS	IMPLICATIONS
the current	the review. However Planning Reforms advises this may allow aspects of the DCP to	Low	Low
ii) Deconstruct the DCP and remove non-development control advice, policy and procedural information, and transfer this other information to new and existing documents for	officers to be familiar with and refer to a range of documents, adding complexity to the development process. Makes DCP more succinct and more relevant to what	Medium	Medium

iii)	Adopt a suite of	Still overcomes	Medium	Medium
	updated	existing deficiencies in		
	documents as per	the DCP content, but		
	(ii) but collate	still provides a "single		
	them into a	document" for		
	"Subdivision	developers and		
	Manual", to retain	assessing officers to		
	the "one stop	reference.		
	shop" objective			
	RECOMMENDED			

2. Scope

I<u>ssue</u>

With the pending review of the NSW planning system (Department of Planning and Infrastructure White Paper), it is likely that there will be significant changes to the way Council assesses and approves subdivisions in the future. State and Regional Infrastructure Plans and Planning Panels have been flagged, which will likely limit the ability of documents like DCP-A5 to determine subdivision controls.

This raises questions as to the necessary extent of the review of DCP-A5 at this time.

OPTION	COMMENTS	TIME IMPLICATIONS	RESOURCE IMPLICATIONS
i) Update relevant statutory controls and references to ensure best practice and good governance in subdivision development, without critical review.	update process, but such a narrow scope limits the opportunity to address some of the key concerns of stakeholders. Requires minimal resources and	Low	Low
ii) Critical review of the A5 document to ensure sustainable urban and infrastructure planning for subdivisions generally based on the existing framework. RECOMMENDED	address the concerns of an internal working group of stakeholders, Councillor workshops and industry consultation. Relies on in-house expertise,	Medium	Medium

iii)	Complete rewrite	Would produce the	High	High
	based on a	most comprehensive		
	consultation	review of the		
	process with all	document, but will		
	stakeholders	necessarily involve		
	(internal and	very long timelines,		
	external)	which may be		
	considering a	overtaken by the White		
	broad spectrum	Paper and other		
	of development	changes to Local		
	issues, and	Government control		
	completion of	over such development		
	further studies by	matters. May justify the		
	Council, such as	use of consultants,		
	the Local Growth	which is not currently		
	Management	budgeted.		
	Strategy.			

3. Content

Based on the options assessment above, the adopted approach is to restructure the Subdivision Manual, to compile the relevant documents according to their purpose as a DCP, policy or procedure, and then to update each section based on statutory requirements and key issues identified by the stakeholder groups.

A project working group has been established for the DCP-A5 review project.

From the initial meetings with this group, the following key issues have already been identified:

a) Site Specific Considerations

Council's planners consider that more emphasis needs to be provided to ensure that site analysis drives good design outcomes for new subdivisions and accounts for site specific constraints and opportunities, rather than compliance with engineering specifications or economic imperatives of the developer. Engineering should fit the urban design, not the other way around - this can only be achieved if all constraints are well understood.

DCP-A5 currently contains some guidance in this regard but this needs updating. The existing section on masterplanning of subdivisions has largely been superseded for major urban release areas by the Coastal Protection and Major Projects SEPP, site specific development codes (Cobaki, Kings Forest) etc. and so provides the opportunity for a detailed review.

It is proposed to seek the expertise of the Planning Reforms Section to provide a new section of DCP-A5 to address site analysis and improved urban design. There is further scope to provide additional information in this regard in the Development Design Specifications, such as D13 - Engineering Plans to mandate submission of this information with a subdivision DA, and/or create a new D-Series specification dealing with urban design aspects of subdivisions.

b) Sustainability

As detailed at the start of this report, Council has resolved to introduce further policies for ecologically sustainable development (ESD). Addressing site constraints via proper analysis at the initial stages of a subdivision proposal, as outlined above, is intrinsic to ESD outcomes. A review of ESD approaches from other planning authorities, such as Sustainability Rating Tools, should be included in the review. Various options can then be presented back to Council for further consideration.

c) Exempt and Complying SEPP

Subdivision design should maximise the application of the SEPP, without compromising urban design values. The DCP needs to be updated to accommodate this legislation, which has been introduced since the Subdivision Manual was conceived.

d) Development Thresholds

In reviewing the document, it is important to consider the likely development patterns in the remaining urban release (greenfield) and likely redevelopment and infill (brownfield) sites - that is, the target audience for the Subdivision Manual.

As the majority of new greenfield urban residential subdivision will take place in the Cobaki and Kings Forest Estates, which are subject to Part 3A approved Concept Plans and Development Codes, focus may necessarily need to shift to smaller subdivision on the fringe of existing urban areas and infill development of residue land. Development controls may need to address these different contexts.

e) Housing Code

The implementation of the Residential and Tourist Development Code (DCP-A1) must be considered in the DCP-A5 review. Aspects such as lot configuration and orientation, driveway location, easements, and slope need to be part of developer's considerations when proposing subdivision designs and the future urban framework, not just maximisation of yield and minimisation of cost. In many cases these extra costs are passed on to the home builders.

f) Processing

The process review should aim to minimise assessment and processing time where practical, as this is a clear objective of changes to the NSW planning system. Emphasis should be given to pre-lodgement consultation, consideration given to the use of consent conditions to defer non-essential considerations, and bonding of non-essential items for subdivision certificates.

g) Other Council Resolutions

In addition to ESD, Council has requested further policy development in relation to:

- Community health planning, including meeting the needs of seniors and children;
- Planning for green spaces, community gardens, edible landscapes and wild places;
- Reduced carbon emissions, energy efficiency, and potential for greater on site waste management;

- Opportunities to promote and facilitate a more localised economy through appropriate planning;
- Landscape visual character of subdivisions, with reference to the Tweed Scenic Landscape Evaluation.

Clarification of these issues and some definitions will be necessary through Councillor workshops.

4. Consultation

A working group of key staff across the organisation will inform the review and contribute to the draft document(s). This will form the internal consultation process.

Early in the process, a Councillor Workshop will be held to ensure that the expectations of the review are compatible with the elected body. Further workshops can be held to address key issues and preferred options (such as ESD).

External consultation will allow input from the development industry, environmental groups and the wider community. The process used for the update of DCP-A1, being the release of discussion papers, and appraisal of good and bad examples of subdivision development could be used.

5. Program

The following key tasks for the review have been identified with estimated timeframes for completion. Various stakeholders across the organisation will be required to participate in this multi-disciplinary review, and Managers / Coordinators will be requested to allocate staff resources accordingly.

TASK	TIMEFRAME
Review of contents.	June 2013
Identification of what should be in, and what should be out, restructuring the DCP.	July 2013
Councillor Workshop - Introduction	August 2013
Allocation of tasks to work groups	August - December 2013
 Review of site analysis and design aspects - P&I and Planning Reforms 	
 Review of DA checklists for subdivisions - P&I and Development Assessment 	
 Review of DCP-A5 against DCP-A1 and Exempt and Complying Code - P&I and Development Assessment 	
 Review of certification and compliance system - P&I and Development Engineers 	
 Review of technical advice - asset owners in EOD and CNR and Development Engineers 	
Drafting of Exhibition Documents and Discussion Papers	January - February 2014
Councillor Workshop on drafts	February 2014
Stakeholders and community consultation	March 2014
Finalisation of drafts and adoption	May 2014

OPTIONS:

As detailed above, various options have been considered regarding the scope and content of the proposed review, and the final structure of the document. The review process outlined in this report is considered to provide the best opportunity to update the document to incorporate current best practice within a realistic timeframe utilising in-house resources and minimising costs. Given the likelihood of significant changes in the strategic planning approach to greenfield development foreshadowed by the White Paper, a more comprehensive review has been deferred.

CONCLUSION:

This report responds to Council's resolution regarding greenfield policy implications by outlining a review of Tweed Development Control Plan Section A5 - Subdivision Manual as the most appropriate policy vehicle to incorporate sustainability criteria. An update to this document is also necessary to respond to changes in the planning system and related legislation, and to update urban design and infrastructure provision requirements of developers to incorporate current best practice.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Development Control Plan Section A5 Subdivision Manual.

b. Budget/Long Term Financial Plan:

The review of DCP-A5 is proposed to be undertaken in-house, so cost implications are minimal.

c. Legal:

Amendments to DCP-A5 will be undertaken in accordance with applicable regulations in relation to public exhibition and reporting to Council prior to adoption.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

LINKAGETO	INTEGRATED PLANNING AND REPORTING FRAMEWORK:
1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.1	Council's organisation will be resourced to provide the essential services and
	support functions to deliver the objectives of this Plan
1.3.1.24	Engineering design and construction specifications to be kept up to date with
	industry best practice
1.3.1.24.2	Update Subdivision Manual
2	Supporting Community Life
2.6	Improve Urban Design
2.6.1	Design new urban areas to be sustainable, complement existing
	environmental values and the Tweed's scenic beauty
2.6.1.2	Review and update Subdivision Manual and design specifications to ensure current best practice urban design and infrastructure standards are adopted

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

66 [EO-CM] Annual Indexation of Infrastructure Contribution Rates

SUBMITTED BY: Planning and Infrastructure



SUMMARY OF REPORT:

This report is for the information of Councillors and summarises the effects of indexation on S94 Plan developer contribution rates for the new financial year. The majority of contribution rates increase by varying amounts, depending on adopted Plan and Program dates.

The indexed contribution rates will come into effect on 1 July 2013.

RECOMMENDATION:

That Council notes the indexation of S94 contribution rates as detailed in this report and in accordance with:

- the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000,
- the ABS Implicit Price Deflator (IPD) index as adopted in each S94 Plan,
- the Tweed Shire Council Land Cost index for March 2013 as published in the 2013/2014 Revenue Policy and Statement and adopted in each S94 Plan and
- the clause entitled "Adjustment of Contribution Rates" as adopted in each \$94 Plan.

REPORT:

Background:

Council reviewed all of its contribution plans between July and December 2009 in accordance with a Direction from the NSW Minister for Planning. This was a major undertaking, and to streamline the process the opportunity was taken to standardise Council's disparate S94 plans in line with the then current Department of Planning 'template for a S94 Plan'. The template included a section with reference to indexation of the plan's works program. The Environmental Planning and Assessment (EP&A) Act had always allowed for such indexation however the review process revealed that Council had never previously utilised this mechanism to update developer contribution rates, in most cases because the S94 plan did not allow for it, or in one case, because a process had not been implemented to apply the update. Therefore a benefit of the Direction was that this oversight was rectified during the review process.

All of the plans which were reviewed were exhibited for comment and adopted by Council in accordance with the usual requirements of the EP&A Act. The majority of the amended plans were adopted by Council in December 2009.

Annual indexation in accordance with the clause entitled "Adjustment of Contribution Rates" adopted in each S94 Plan and referred to in this report was applied to contribution rates where appropriate in July 2011 and July 2012, and this process is now being repeated for July 2013.

What is a S94 Plan for?

S94 of the Environmental Planning and Assessment Act enables Council to collect money from developers for the provision of additional infrastructure required as a result of that development. It is an attempt to implement a 'user pays' approach and the intention is to ensure that sufficient arterial road capacity, additional open space, community facilities and other community infrastructure continues to be provided by Council, without placing the burden to pay for that infrastructure onto existing residents and ratepayers.

To collect contributions from developers, Council must have a S94 Plan in place which has been adopted in accordance with the EP&A Act and Regulations. The plan must spell out the infrastructure required, how much it will cost, and clearly demonstrate a direct link (nexus) between the required work and the demand generated by the new population as a result of development.

Council currently has 23 active contribution plans, approximately half of these apply to the whole shire, the rest are area-specific plans. The majority of plans levy contributions on residential and tourist development, while others, like the Road Contribution Plan (No 4) and Council Admin Facilities Plan (No 18), also levy contributions for commercial development.

It should be noted that two plans were not updated to utilise the Department of Planning's 'Template for a S94 Plan' during the plan review and therefore do not include the clauses to enable indexation:

- S94 Plan No 27 Tweed Heads Master Plan this plan was being updated separately
 in conjunction with the Department of Planning and was excluded from the general
 2009 review, however the Department's review has concluded and this plan is now
 scheduled for amendment which will include the application of the new template to
 enable future indexation.
- S94 Plan No 28 Seaside City this plan is an unusual case as it collects money on behalf of a developer in accordance with a ruling from the Land and Environment Court and was excluded from the 2009 review.

Indices:

The Department of Planning's 'template for a S94 Plan' includes clauses for indexation of the works program broken down in terms of land and non-land components, including a localised 'Land Cost Index'. It is open to Council to use any viable index, provided that it is 'readily accessible'.

Regulation 32 of the Environmental Planning and Assessment Regulation 2000 states as follows:

- (3) A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan:
 - (a) minor typographical corrections,
 - (b) changes to the rates of section 94 monetary contributions set out in the plan to reflect quarterly or annual variations to:
 - (i) readily accessible index figures adopted by the plan (such as a Consumer Price Index), or
 - (ii) index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan.
 - (c) the omission of details concerning works that have been completed.

Consequently the following indices were selected:

Non land component - IPD (Implicit Price Deflator):

This index is published by the Australian Bureau of Statistics and refers to the value of work done (implicit price deflator). It is referred to as Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001

This index is applied to components of a S94 Plan works program for non-land items such as open space embellishment and the construction of buildings, roads and carparks.

The currently available IPD figures are for December 2012, released by the ABS in April 2013.

Land component - TSC Land Cost Index:

Tweed Shire Council's Land Cost Index is a simple index calculated with reference to the movement in annual median property sale values and is published annually under the heading Land Cost Indexation in Council's Revenue Policy.

In 2009, escalating property values in Tweed Shire were of serious concern and price movements were noted well in excess of any non-land related index. It was felt that it was essential that an index that could closely reflect the actual cost to Council of the acquisition of land would be the most appropriate index to use, therefore the TSC Land Index was calculated and is now published annually.

At the time of preparation of this report, the currently available Land Cost Index figures are for March 2013, to be published in Council's Draft Revenue Policy 2013/2014.

Effect of indexation on contribution rates:

Plan		Component	Current \$	per unit	Rate at 1 July 2013	Increase per unit	increase per lot
1	Banora Point Open Space	Structured Open Space	\$1,061	person	\$1,083	\$22	\$53
		Casual Open Space with dedication	\$225	person	\$231	\$6	\$14
		Casual Open Space no dedication	\$691	person	\$710	\$19	\$46
2	Banora Point West Drainage Scheme*	Drainage	\$13,518	НА	\$13,884	\$366	\$36.60
4	Tweed Road Contribution Plan	Tweed Heads	\$822	Trip	\$844	\$22	\$143
		Tweed Heads South	\$1,329	Trip	\$1,365	\$36	\$234
		Cobaki	\$1,389	Trip	\$1,426	\$37	\$241
		Bilambil Heights	\$2,860	Trip	\$2,937	\$77	\$501
		Terranora	\$2,005	Trip	\$2,059	\$54	\$351
		Kingscliff	\$1,146	Trip	\$1,176	\$30	\$195
		Duranbah/Cabarita	\$1,155	Trip	\$1,186	\$31	\$202
		LAC4: Casuarina	\$1,324	Trip	\$1,360	\$36	\$234
		Pottsville	\$1,295	Trip	\$1,330	\$35	\$228
		LAC3: Koala Beach/Seabreeze	\$1,363	Trip	\$1,400	\$37	\$241
		Murwillumbah	\$1,328	Trip	\$1,364	\$36	\$234
		Rural - Inner East	\$1,822	Trip	\$1,871	\$49	\$319
		Burringbar	\$1,263	Trip	\$1,296	\$33	\$215
		Rural - Inner North	\$2,953	Trip	\$3,032	\$79	\$514
		Rural - Inner West	\$2,258	Trip	\$2,318	\$60	\$390
		Rural - Other	\$2,555	Trip	\$2,624	\$69	\$449
5	Local Open Space	Structured Open Space	\$251	person	\$259.12	\$8.12	\$19.49
		Casual Open Space	\$219	person	\$226.39	\$7.39	\$17.74
7	West Kingscliff	Structured Open Space	\$1,211	person	\$1,239	\$28	\$67.20
		Drainage	\$56,641	НА	\$56,641	Nil	Nil
10	Cobaki Lakes	Community facilities	\$489	person	\$494	\$5	\$13

Plan		Component	Current \$	per unit	Rate at 1 July 2013	Increase per unit	increase per lot
11	Libraries		\$340	person	\$349	\$9	\$2
12	Bus Shelters	bus shelters	\$25.77	person	\$ 26.46	\$0.69	\$1.6
13	Eviron Cemetery	Cemetery	\$50.61	person	\$5 1.28	\$0.67	\$ 1.6
15	Community Facilities	Community facilities	\$ 563.42	person	\$578.66	\$15.24	\$36.5
18	Council Admin/Tech Support	Admin	\$ 755.26	person	\$775.13	\$19.87	\$47.6
19	Casuarina Beach/Kings Forest	Community Facilities	\$918	person	\$943	\$25	\$6
		Structured Open Space	\$519	person	\$524	\$5	\$1
21	Terranora Village	Structured Open Space	\$507.20	person	\$520.92	\$13.72	\$32.9
		Community facilities	\$172.63	person	\$177.30	\$4.67	\$11.2
22	Cycleways	Cycleway	\$191.73	person	\$196.95	\$5.17	\$12.4
23	Offsite Parking	Tweed Heads	25,344	space	25,789	\$445	١
		Murwillumbah	\$15,941	space	\$16,373	\$432	N
		Kingscliff	27,716	space	28,466	\$750	N
		Bogangar/Cab. Bch	\$27,716	space	\$28,466	\$750	N
		Pottsville	21,223	space	21,301	\$78	N
		Fingal Head	\$2,904	space	\$2,983	\$79	N
25	SALT Open Space & Associated Carparking	Structured Open Space	\$956	person	\$966	\$10.00	\$24.0
26	Regional Open Space	Structured Open Space	\$1554.19	person	\$1595.85	\$41.66	\$99.9
		Casual Open Space	\$443.17	person	\$454.66	\$11.49	\$27.5
27	Tweed Heads Master Plan	Open space and streetscaping	\$616	person	\$616	Nil	1
28	Seaside City	For existing subdivisions, excludes open space	\$12,199	person	\$12,199	Nil	1
		For new subdivisions, includes open space	\$18,548	person	\$18,548	Nil	1

Effect of negative movements in indices:

The template for a S94 Plan, and therefore each updated Tweed Shire Council S94 plan, contains the following statements in the clause entitled 'Adjustment of Contribution Rates':

Note: In the event that the Current IPD is less than the previous IPD, the Current IPD shall be taken as not less than the previous IPD.

Note: In the event that the Current LV Index is less than the previous LV Index, the Current LV Index shall be taken as not less than the previous LV Index.

OPTIONS:

1. Note the indexation of contribution rates as recommended.

CONCLUSION:

Given that Council is authorised to regularly index contribution rates under the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000, and by the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan, indexation has been applied to contribution rates as detailed in this report. Contribution plans have been updated to specify the contribution and Council's financial systems have been updated accordingly. The updated contribution rates become effective on 1 July 2013. This report is tabled for the information of Councillors.

COUNCIL IMPLICATIONS:

a. Policy:

Council's adpoted S94 Plans.

NSW Environmental Planning and Assessment Act and Regulations.

b. Budget/Long Term Financial Plan:

Because the Environmental Planning and Assessment Regulations and Council's adopted S94 contributions plans allow for indexation of contribution rates, Council is able to annually adjust contribution rates in accordance with specific adopted indices, thereby enabling Council to require that developers fairly contribute towards the current actual cost of providing the facilities required as a result of that development, as identified in the contribution plans.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development.
- 3.4.2.1 Provision or infrastructure
- 3.4.2.1.1 Review section 94 plans to ensure adequate provision of infrastructure

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

67 [EO-CM] Exhibition of Draft Section 94 Plan No 5 - Local Open Space Version 7

SUBMITTED BY: Planning and Infrastructure



SUMMARY OF REPORT:

Amendments to Section 94 Plan No. 5 – Local Open Space (CP5) are recommended for public exhibition. Version 7:

- Removes CP 27 Tweed Heads Master Plan from the exclusion list, i.e. this plan will now apply to the CP 27 area.
- Updates the works program/contribution.
- Changes the term 'dwelling house' to 'detached dwelling house' to align with terminology in Council's other S94 Plans.

Revised contribution rates are as follows:

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL STRUCTURED OPEN SPACE						
Additional Resident Population for the purposes of structured open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading Indexed May 2013	Persons	Levy	INDEXED RATE 1 JULY 2009	INDEXED RATE Version 7 May 2013
Population ex development areas	33,609					
Aged care beds	-2,055					
Net population increase 0		\$7,560,000 \$8,176,140*				
Levy per						
Person			1	\$240	\$251	\$259.12
Dwelling house/lot			2.4	\$575	\$602	\$622
1 bedroom unit			1.3	\$312	\$327	\$337
2 bedroom unit			1.7	\$408	\$427	\$440
3 bedroom unit			2.1	\$504	\$528	\$544
4_ bedroom unit			2.4	\$575	\$602	\$622

^{*} Including 5% admin levy

Does not apply to tourist accommodation or aged persons

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL CASUAL OPEN SPACE						
Additional Resident & Tourist Population for the purposes of casual open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading Indexed May 2013	Persons	Levy	INDEXED RATE 1 JULY 2009	INDEXED RATE Version 7 May 2013
Population ex development areas	33,609					
Tourist Beds	+500					
Net population increase 34,109		\$7,140,000 \$7,721,910*				
Levy per						
• Person			1	\$209	\$219	\$226.39
Dwelling house/lot			2.4	\$502	526	\$543
1 bedroom unit			1.3	\$272	\$285	\$294
2 bedroom unit			1.7	\$356	\$373	\$385
3 bedroom unit			2.1	\$440	\$460	\$475
4_ bedroom unit			2.4	\$502	\$526	\$543

^{*} Including 5% admin levy

The rate for tourist development that provides accommodation is to be applied per bedroom as above.

RECOMMENDATION:

That

- 1. Council adopts Draft S94 Plan No. 5 Local Open Space Version 7 as a basis for exhibition and community discussion/consultation.
- 2. Draft S94 Plan No. 5 Local Open Space Version 7 is exhibited as required by the Environmental Planning and Assessment Regulations.

REPORT:

Background

Section 94 Plan No 5. – Local Open Space Version 6 was approved by Council on 9 October 2008. The update applied the Department of Planning's template for a Section 94 (S94) plan and provided for indexation of contribution rates. Contribution rates were indexed in accordance with the plan on 1 July 2009 (Version 6.0.1) and the admin levy rate was changed from 10% to 5% in accordance with a Direction from the Minister Planning in November 2009 (Version 6.1.1).

Performance criteria and standards for open space used in this plan are derived from Tweed Shire Council's Open Space Infrastructure Policy. This policy is overdue for review, and therefore Council's Recreation Services Unit has begun the process to develop an overarching strategy for the management of Public Open Space, which is expected to be completed in 2015.

What is a S94 Plan for?

S94 of the Environmental Planning and Assessment Act enables Council to collect money from developers for the provision of additional infrastructure required as a result of that development. It is an attempt to implement a 'user pays' approach and the intention is to ensure that sufficient arterial road capacity, additional open space, community facilities and other community infrastructure continues to be provided by Council, without placing the burden to pay for that infrastructure onto existing residents and ratepayers.

To collect contributions from developers, Council must have a S94 Plan in place which has been adopted in accordance with the EP&A Act and Regulations. The plan must spell out the infrastructure required, how much it will cost, and clearly demonstrate a direct link (nexus) between the required work and the demand generated by the new population as a result of development.

Certain amendments can be made to a S94 plan and contribution rates without requiring exhibition such as:

- 1. Correction of typographical errors
- 2. Regular indexation of rates in accordance with a method adopted in the plan
- 3. Removal of completed items from the works program

Other types of amendments must be exhibited for public comment for 28 days and any submissions received must be addressed and reported back to Council before the amended plan can be adopted.

Council currently has 23 active contribution plans, approximately half of these apply to the whole shire, the rest are area-specific plans. The majority of plans levy contributions on residential and tourist development, while others, like the Road Contribution Plan (No 4) and Council Admin Facilities Plan (No 18), also levy contributions for commercial development.

Amendment to S94 Plan No 5 - Local Open Space

Exclusion of CP 27 area - Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping (CP 27) collects contributions for local open space, therefore this area is to be excluded from this plan.

Update to Works Program - original costs at 2009 rates have been reorganised in the works program to better reflect the works that will be completed, while retaining the overall budget at the same total amount. The program has then been indexed in accordance with the latest ABS IPD to bring the rates to 2013 rates.

Amend definition - the term 'dwelling house' has been changed to 'detached dwelling house' to align with terminology in Council's other S94 Plans for the sake of consistency.

OPTIONS:

- 1. Resolve to exhibit the draft plan for public comment.
- 2. Resolve to exhibit the draft plan for public comment and schedule a workshop for Councillors outlining the purpose and function of S94 contributions.
- 3. Defer exhibition of the draft plan pending a workshop for Councillors outlining the purpose and function of S94 contributions.

CONCLUSION:

The changes proposed are considered minor, and Council is therefore requested to resolve to exhibit the plan as recommended.

COUNCIL IMPLICATIONS:

a. Policy:

S94 Plan No 5 - Local Open Space.

NSW Environmental Planning and Assessment Act and Regulations.

b. Budget/Long Term Financial Plan:

Because the Environmental Planning and Assessment Regulations and S94 Plan No. 5 - Local Open space contribution plans allow for indexation of contribution rates, Council is able to annually adjust contribution rates in accordance with specific adopted indices, thereby enabling Council to require that developers fairly contribute towards the current actual cost of providing the additional local open space required as a result of that development.

c. Legal:

Council is required to exhibit certain amendments to a S94 Plan in accordance with the NSW Environmental Planning and Assessment Act and Regulations.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Strengthening the Economy
 Provide land and infrastructure to underpin economic development and employment
 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development
 Provision of infrastructure
 Review section 94 plans to ensure adequate provision of infrastructure

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft S94 Plan No 5 - Local Open Space (Version 7) (ECM 3075331).

Council Meeting Date: Thursday 20 June 2013	

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[EO-CM] Amendment to Section 94 Plan No. 4 - Tweed Road Contribution Plan

SUBMITTED BY: Planning and Infrastructure



SUMMARY OF REPORT:

At its meeting of 18 April 2013, Council resolved to exhibit Draft Section 94 Plan No. 4 – Tweed Road Contribution Plan (TRCP) Version 6.1.1. This amendment is a relatively minor amendment to the Plan to correct an anomaly in the Sector Map so as to include all urban and industrial zoned land adjoining the Murwillumbah Sector (Sector 9) within Sector 9.

It is considered appropriate to move the urban areas of South Murwillumbah, Kielvale and the adjacent industrial areas from the rural sector these areas are currently located in (Sector 10) to the adjacent urban sector of Murwillumbah (Sector 9), because the land uses and traffic generation for these areas are more closely aligned. The amendment also takes into account lands identified in the Tweed Urban and Employment Lands Release Strategy 2009.

The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and website exhibition page. No submissions were received during the exhibition period which has now concluded, and while the exhibited plan proposed no changes to the calculation of contribution rates, it should be noted that annual indexation will be applied to all relevant contribution rates from 1 July 2013 (detailed in a separate report), the effects of which have been added to the table below for the information of Councillors:

	Version 6.1.1 effective 3		s to be indexed 2013	
Sector	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin
10 - Rural - Inner East	\$1,822	\$11,843	\$1,871	\$12,162
9 - Murwillumbah	\$1,328	\$8,632	\$1,364	\$8,866
Reduction in Contribution	\$494	\$3,211	\$507	\$3,295

Draft S94 Plan No. 4 - Tweed Road Contributions Plan Version 6.1.1 as exhibited is hereby recommended for adoption by Council.

RECOMMENDATION:

That:

- 1. Council approves Draft S94 Plan No. 4 Tweed Road Contribution Plan Version 6.1.1 as exhibited to repeal and replace version 6.0.1 in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;
- 2. Given this version will come into effect after annual indexation to 1 July 2013 has been applied to rates in this plan, Council endorses the application of indexation to rates in this plan as detailed in the report to Council on this agenda entitled "[EO-CM] Annual Indexation of Infrastructure Contribution Rates" and that this plan be published as Version 6.1.2;
- 3. Council gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 6.1.2 of the Plan (CP4) comes into effect on the date of the notice.

REPORT:

1. Background

S94 Plan No.4 – Tweed Road Contribution Plan (TRCP) has been in existence since December 1990 for the purpose of enabling Council to levy Section 94 developer contributions for the provision of additional road capacity to service increased traffic loading as a result of urban growth and/or development demands. It also permits Council to recoup past expenditures on the road network made in anticipation of development throughout the entire Tweed Shire.

The TRCP provides an administrative framework under which the Tweed Road Development Strategy, the Lower Tweed and Pacific Highway Traffic Masterplan and other specific strategies may be implemented and coordinated.

The plan was last amended in July 2012 by the application of an indexed increase to contribution rates of 0.84% in accordance with the latest ABS Implicit Price Deflator for Engineering Construction available at the time of indexation. Indexation of contribution rates occurs annually.

2. Amendment

This report seeks Council's approval to exhibit Draft Section 94 Plan No. 4 – Tweed Road Contribution Plan (TRCP) Version 6.1.1. This amendment is a relatively minor amendment to the Plan to correct an anomaly in the Sector Mapping for Murwillumbah.

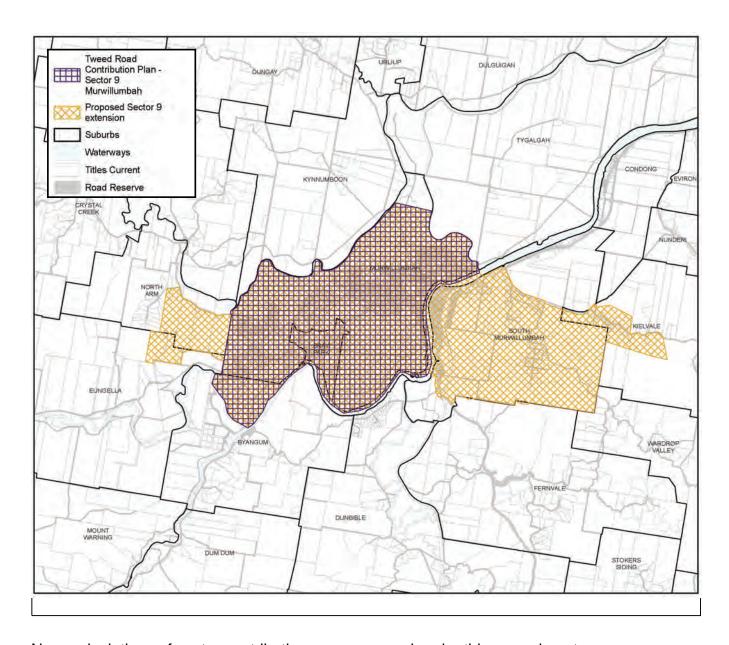
Zoned residential, commercial and industrial land in South Murwillumbah, including the Industry Central Estate, is currently located in Rural Inner East Sector (Sector 10). Being a rural sector with longer lengths of distributor road requiring upgrades and few potential contributors, it attracts relatively high contribution rates.

It is considered that the land uses and traffic generation for the zoned areas of South Murwillumbah and Kielvale are more closely aligned to the Murwillumbah Sector and it is therefore proposed to redraw the sector boundaries. The Rural Inner East Sector would generally include only rural land uses and trip generating development.

In considering the amended boundaries, the Tweed Urban and Employment Lands Release Strategy 2009 has been consulted. Extensive future industrial land in South Murwillumbah / Wardrop Valley and residential land in West Murwillumbah would also be included in Sector 9 under the draft boundaries.

The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and website exhibition page. No submissions were received during the exhibition period which has now concluded, and while the exhibited plan proposed no changes to the calculation of contribution rates, it should be noted that annual indexation will be applied to all relevant contribution rates from 1 July 2013 (detailed in a separate report), the effects of which have been added to the table below for the information of Councillors:

Sector	Version 6.1.1 as exhibited effective 3 July 2013		Version 6.1.2 as to be indexed 1 July 2013	
	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin
10 - Rural - Inner East	\$1,822	\$11,843	\$1,871	\$12,162
9 - Murwillumbah	\$1,328	\$8,632	\$1,364	\$8,866
Reduction in Contribution	\$494	\$3,211	\$507	\$3,295



No recalculations of sector contributions are proposed under this amendment.

3. Part 116D of the Environmental Planning and Assessment Act

Part 116D of the (as yet unproclaimed amendments to the) Environmental Planning and Assessment Act requires that Council take account of 5 key considerations for development contributions:

(a) Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?

The timing of infrastructure works is largely influenced by development patterns which are out of the control of Council. Implementation of roads projects under the TRCP are determined by a 5 year rolling works program.

(b) What will be the impact of the proposed development contribution on the affordability of the proposed development?

The proposed amendment would result in a reduction in development contributions for the land subject to the expanded Sector 9 boundary. This will have benefits for the affordability of development in residential, commercial and industrial zoned land, and lands identified for future urban release in this area.

(c) Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?

The plan is a consumption based model which ensures developments are only charged a rate based on the traffic capacity they consume on the distributor road network. No changes to contribution calculations or apportionment are proposed under this "housekeeping" amendment.

(d) Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?

No changes to works program estimates, trip generation or contribution apportionment are proposed under the draft. These aspects were updated in TRCP Version 6.0 (February 2012).

(e) Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?

The demand for road infrastructure projects is based on traffic modelling in the Tweed Road Development Strategy, which takes into account likely development patterns over the life of the plan. The TRCP then allocates trip based contribution rates based on the traffic capacity (demand) that they consume. No remodelling is proposed under the draft.

4. Exhibition and Submissions

Council at its meeting held 18 April 2013 resolved to exhibit Draft S94 Plan No. 4 - Tweed Road Contribution Plan Version 6.1.1. The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and

website exhibition page. No submissions were received, therefore the Draft Plan is hereby recommended for adoption by Council.

POLICY IMPLICATIONS:

This amendment updates the Tweed Roads Contribution Policy to take into account current conditions.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The proposed amendments will result in a reduction in contribution rates in the subject areas, most notably in the South Murwillumbah industrial estate. The higher rates currently charged appear to be a long standing anomaly and require correction. Correcting this anomaly may have the added benefit in making development in this area more affordable and attractive. This business stimulus may offset the loss of income due to the lower trip rates, with little impact on the ability to implement works program items.

c. Legal:

Version 6.1.1 corrects an anomaly in the Sector Map so as to include all urban and industrial zoned land adjoining the Murwillumbah Sector (Sector 9) within Sector 9. This reduces the risk of legal challenges to consent conditions applying contributions under this plan.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. S94 Plan No. 4 - Tweed Road Contribution Plan Version 6.1.2 (ECM 3074910).

69 [EO-CM] Floodplain Management Association Conference 2013 Tweed Heads

SUBMITTED BY: Director

Valid



SUMMARY OF REPORT:

The Floodplain Management Association (FMA) conference was hosted by Tweed Shire Council at Twin Towns Clubs and Resorts, Tweed Heads from 28-31 May 2013. This event was the First National Conference of the FMA, and attracted speakers and delegates from each Australian State and Territory, as well as international guests.

Council staff were heavily involved in the conference organisation, particularly Planning and Infrastructure Engineer, Danny Rose, who chaired the Program Organising Committee. Danny was also appointed to the FMA Executive as Technical Director, at the conference.

The conference exposed delegates to the floodplain management issues at the Tweed, its many natural assets during field trips, and high quality tourism services via social events and catering that showcased local produce and gifts.

The conference was highly successful, and Council's support was greatly appreciated by the FMA and the organisers.

RECOMMENDATION:

That:

- The success of the First National Floodplain Management Association Conference 2013, which was initiated and financially supported by Council, be noted;
- 2. Council commends all staff involved in hosting and organising the conference.

REPORT:

Council is an active member of the Floodplain Management Association (FMA) which provides an effective network for sharing floodplain management expertise with fellow practitioners, consultants and agencies.

Each year, an annual conference is hosted by one of the member Councils and future conference venues are selected 2 years ahead at each conference. In January 2011, Council resolved to bid to host the 2013 Floodplain Management Association Conference, which was billed as the first National FMA Conference. This bid was successful, and planning commenced with the appointment of East Coast Conferences (ECC) to provide conference management services. Tweed was considered a suitable venue given its high quality conference facilities and accommodation, proximity to Coolangatta airport, and cross border ties, consistent with the National theme. Tweed had previously hosted the FMA conference in Tweed Heads in 1979 and in Murwillumbah in 1986.

Council's Planning and Infrastructure Engineer, Danny Rose, was appointed as chair of the Program Advisory Committee, which had representation from each Australian State and Territory, and included Council's Communications Officer Barbara Allen. The theme for the conference was "National Floodplain Management - shared experiences, national solutions", and a wide ranging program of keynote speakers, paper and poster presenters and trade displays was assembled. Sponsors included the Office of Environment and Heritage, the NSW State Emergency Service, and several consulting firms including Worley Parsons and BMT WBM.

The conference was held at Twin Towns Clubs and Resorts, Tweed Heads from 28-31 May 2013, and attracted over 330 delegates from each Australian State and Territory, as well as from the United Kingdom, the Netherlands and the United States, which provided a delegation representing the Association of State Floodplain Managers (ASFPM). This made it the largest conference ever for the FMA, and therefore the largest floodplain management event of its kind in Australia.

Mayor Barry Longland had the honour of opening the first National FMA Conference, with Councillor Katie Milne also attending as a delegate, alongside staff from Engineering and Operations and Planning and Regulation Divisions.

The Annual General Meeting (AGM) of the FMA was held at the conference, where due to the success of the Tweed Conference, a further National Conference was awarded to Brisbane City Council in 2015.

Also at the AGM, Danny Rose was appointed as Technical Director of the FMA, on a two year term. This is an honorary position, whereby Mr. Rose will work with the FMA executive to provide technical support to FMA members on important floodplain management policy issues such as flood insurance, mitigation funding, developing a national framework for floodplain management in Australia, and education programs for floodplain managers. Former Tweed Shire Council Flooding and Stormwater Engineer, Ian Dinham (now Director Engineering Moree Plains Shire Council) was also reappointed as Chair of the FMA.

Common themes across the conference program included:

- Imbalance in the amounts governments are spending on flood prevention / mitigation prior to flood events, compared with the amounts being paid annually on fixing flood damages and recovery efforts;
- Floodplain management funding in Australia is significantly lower than in the UK, USA and Netherlands:
- Flood insurance remains a significant issues for communities, the insurance bodies, and Councils:
- Integration of land use planning and floodplain management is fundamental to sustainable development.

On top of the technical program, delegates were provided with comprehensive field trips across the Tweed Valley, as well as social networking events at Twin Towns and at Salt Bar. These events highlighted local entertainment and local produce in its menus. Speakers also received gifts of local produce with the assistance of Destination Tweed.

At the closing ceremony, the Mayor had the honour of passing on the FMA banner to the Mayor of Deniliquin, who will host the next NSW Conference in 2014.

OPTIONS:

Not Applicable.

CONCLUSION:

The First FMA National Conference was a resounding success, with many delegates considering it the best event that they had attended. The FMA Executive are high in their praise for the support of Council and the efforts of its staff in providing such a high standard and informative event. Such events provide Council with positive exposure as a tourist destination, and continued involvement with the FMA will provide increased opportunities for our many flood issues to be heard at a state, and increasingly, a national level.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The FMA Conference was underwritten by Council and the FMA. With attendance at the conference exceeding forecasts, a modest profit is expected once the conference finances are acquitted. 50% of this profit will be provided back to Council.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Supporting Community Life

2.3 Provide well serviced neighbourhoods

2.3.5 Ensure adequate stormwater drainage, flood management and evacuation

systems are in place to protect people and property from flooding

2.3.5.7 Floodplain management services

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

70 [EO-CM] Disposal of Council Land - Engagement of Agent

SUBMITTED BY: Design



SUMMARY OF REPORT:

At its meeting held on 21 March 2013 Council resolved, inter alia, to seek expressions of interest from local agents for the marketing for the disposal of Council land.

This report provides an assessment of the submissions received and a recommendation for the engagement of an agent to market the sale of several parcels by public tender.

It is recommended that Council engage a marketing agent as per the recommendation made in the confidential Submission Assessment Report (Attachment No. 16), attached to this report.

RECOMMENDATION:

That:

- 1. Council engage the agent recommended in the Submission Assessment Report and proceed with the tender process for the disposal of Council land:
 - Lot 1 DP 565594 Bakers Road, Byangum;
 - Lot 400 DP 776483 Darlington Drive, Banora Point;
 - Lot 916 DP 31277 Piggabeen Road, Piggabeen; and
 - Lot 1 DP 1179345 Piggabeen Road, Piggabeen
- 2. The ATTACHMENTS are CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

At its meeting held on 21 March 2013 Council resolved, inter alia, to seek expressions of interest from local agents for the marketing for the disposal of Council land.

This report provides an assessment of the submissions received and a recommendation for the engagement of an agent to market the sale of several parcels of Council land by public tender.

It is recommended that Council engage a marketing agent as per the recommendation made in the Submission Assessment Report (Attachment No. 16), attached to this report as a confidential attachment.

OPTIONS:

- 1. To approve the recommendation made in the Submission Assessment Report; or
- 2. To not approve the recommendation made in the Submission Assessment Report and engage another agent from the submissions made; or
- 3. To not approve or accept any of the submissions made and seek further expressions of interest.

CONCLUSION:

Having undertaken a selection process of local agents, as per the recommendation from 21 March 2013, and other submissions from agents responding to the notice of intention published earlier, it is recommended that Council engage the agent as recommended, to enable the process of disposal to proceed.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land Version 1.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Ordinary Attachment 1: Council Resolution 21 March 2013 (ECM 2999245).

(Confidential Attachments):

Attachment 1: Council Report 21 March 2013 (ECM 2965178);

Attachment 2: Valuation by Valuers Australia: Bakers Road, Byangum

(ECM 2901008);

Attachment 3: Valuation by Valuers Australia: Darlington Drive, Banora Point

(ECM 2901205);

Attachment 4: Valuation by Valuers Australia: Piggabeen Road, Piggabeen

(ECM 2902854);

Attachment 5: P Smith & Son Submission (all properties) (ECM 3070788);

Attachment 6: Kingscliff Sales & Rentals Submission (ECM 3060056);

Attachment 7: The Professionals Submission - Bakers Road, Byangum

(ECM 3052567);

Attachment 8: The Professionals Submission - Darlington Drive, Banora Point

(ECM 3052568):

Attachment 9: The Professionals Submission - Piggabeen Road, Piggabeen

(ECM 3052566):

Attachment 10: Ray White Submission - Bakers Road, Byangum (ECM 3058350);

Attachment 11: Ray White Submission - Darlington Drive, Banora Point

(ECM 3058347);

Attachment 12: ECM 3058349: Ray White Submission - Piggabeen Road, Piggabeen

(ECM 3058349);

Attachment 13: OneAgency Submission - Bakers Road, Byangum (ECM 3065674);

Attachment 14: OneAgency Submission - Darlington Drive, Banora Point

(ECM 3073555):

Attachment 15: OneAgency Submission - Piggabeen Road, Piggabeen (ECM 3065697);

Attachment 16: Submission Assessment Report (ECM 3079887).

Council Meeting Date: Thursday 20 June 2013					

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71 [EO-CM] Twin Towns Radio Yacht Club Request for Owners Consent for Proposed Pontoon at Lake Kimberley

SUBMITTED BY: Director

Valid



SUMMARY OF REPORT:

Twin Towns Radio Yacht Club Inc. has requested owners consent to submit a development application to construct a pontoon at Lake Kimberley.

The Radio Yacht Club use small radio controlled sailing boats on Lake Kimberley and need a flat access to launch and retrieve their vessels. The proposed pontoon will provide this access point and will be a far safer and convenient structure than the present temporary arrangements shown in their letter. Some members of the Yacht Club are elderly and the improved access pontoon would be far safer and convenient for club members.

If owners consent is granted the impacts of the proposed activity can be determined through a development assessment process and if acceptable the pontoon could go ahead.

RECOMMENDATION:

That Council grants owners consent for a development application to construct a pontoon for the Twin Towns Radio Yacht Club Inc at Lake Kimberley.

REPORT:

Twin Towns Radio Yacht Club Inc. has requested owners consent to submit a development application to construct a pontoon at Lake Kimberley. The preferred location is shown as "A" in the applicant's letter which is reproduced at the end of this report.

The Radio Yacht Club uses small radio controlled sailing boats on Lake Kimberley and need a flat access to launch and retrieve their vessels. The proposed pontoon will provide this access point and will be a far safer and convenient structure than the present temporary arrangements shown in their letter. Some members of the Yacht Club are elderly and the improved access pontoon would be far safer and convenient for club members.

If the pontoon receives development approval and the club wishes to proceed with construction it would be necessary to have a lease arrangement with the club. The terms of the lease would cover matters such as maintenance, operational requirements and termination. The lease would ensure that all costs for operation and maintenance of the facility are to be met by the lessee and not be a cost to Council.

The lake itself is operational land but the foreshore is community land which currently does not have a Plan of Management. It may also be necessary to complete a plan of management process to enable the pontoon to be constructed.

The Club has included letters of support from Banora Point & District Residents Association, Disability & Aged Information Service Incorporated, Lake and Park Volunteers Coordinator and a number of residents who live adjacent to and in the vicinity of the lake.

In the past Council has also received objections to the model yacht activities from residents who live adjacent to the lake complaining of the activity, the number of cars parked in the street near their residences and environmental impacts on the lake.

If it proceeds, the development application will deal with impacts on the environment and the amenity of adjoining residents, parking impacts, hours and time of operation etc. It would also deal with matters such as secondary contact water quality issues as this activity is taking place in part of the stormwater system.



TWIN TOWNS RADIO YACHT CLUB Inc.

The Commodore Twin Towns Radio Yacht Club 77 Winders Place BANORA POINT NSW 2486

BOATTNG

The General Manager Tweed Shire Council P.O. Box 816 MURWILLUMBAH **NSW 2484**

Dear Sir,



RE: OWNERS CONSENT FOR PROPOSED PONTOON AT LAKE KIMBERLY

I wish to advise that the Twin Towns Radio Yacht Club is seeking the appropriate approvals to construct a pontoon on the shores of Lake Kimberly at Banora Point which would be available for use by our members as well as other clubs and members of the community for recreation purposes.

The first step in lodging a development application for the proposed pontoon requires consent from the owners. Given that the lake and its adjacent surrounds is under the control of Council, we respectively seek Council's consent in order to progress the application.

The proposed location of the pontoon is on the western side of Lake Kimberly and two possible locations are indicated on the attached map of the lake.

The preferred location is marked 'A' on the map and although it is sited in front of several residences, it is clear of existing stormwater outfalls and has a depth better suited to our club's activities and other users of the lake such as kayakers.

Site 'B' is an alternative location should site 'A' not be acceptable to Council but has the disadvantage of being close to existing weed growth in the lake, is close to existing stormwater outfalls and is very shallow for launching small craft such as kayaks and radio controlled yachts.

The proposal is for a concrete floating pontoon having a width of 4 metres and a length of 5 metres, together with an aluminum framed ramp (having handrails on either side) from the existing concrete footpath adjacent to the lake. The pontoon and ramp would be anchored to the shore in accordance with engineering specifications.

The design specifications are to enable the facility to be utilised by persons having mobility difficulties and to be essentially maintenance free to lessen the possibility of any foreseeable on-going or future costs to the community.

At the present time, the club uses a temporary portable launching platform for members to launch / retrieve their craft and this platform is set in place and removed after each days sailing. This portable ramp is often "borrowed" by other members of the community to launch their kayaks.

The Twin Towns Radio Yacht Club is a community based not for profit sporting club and its members have sailed radio controlled model yachts on Lake Kimberly on a weekly basis since 2007 in accordance with a previously issued Council permit.

Although several of our members have slight mobility difficulties, we have noted that some potential members have excluded themselves due to the fact we do not have access to a suitable launching facility.

The current access and temporary launching platform is not conducive to people who may be wheelchair bound or unsteady on their feet. This is supported by a recent enquiry about our club's activities from the Disability and Aged Information Services Inc. (DAISI) where the lack of a pontoon excludes most of their constituency.

Our club has a healthy record of ensuring a negative environmental impact upon the lake as the model boats are silent (powered by the wind only), members clean up any litter found floating on the lake or found within close proximity to our activities. Several members live in close proximity and take great pride in the appearance of the lake environs.

We believe the proposed pontoon and associated ramp would have no environmental impact upon the lake and would also provide an additional much needed facility in the area for other members of the community to use. A similar facility has been provided by the Gold Coast City Council at Lake Laguna at Palm Beach which has significant public use and provides a safe area for public recreation.

Please find attached a map indicating the preferred location of the proposed pontoon, together with other documentation and correspondence supporting the proposal.

We look forward to receiving Council's "owners consent" in order to progress a Development Application for the proposal and any further assistance in helping our club reach its' objective would be appreciated.

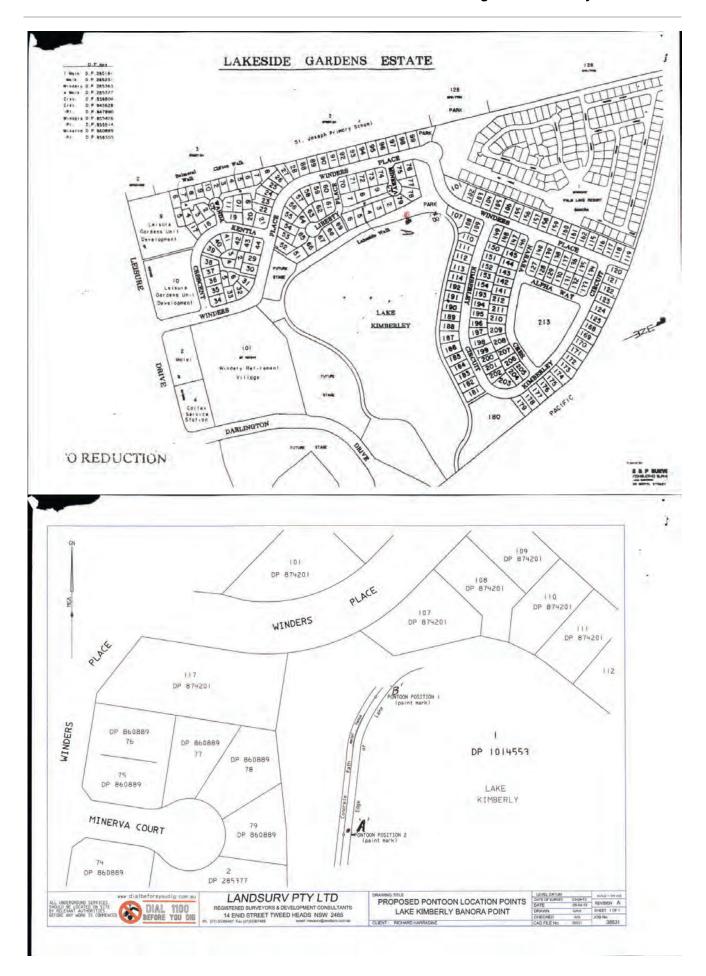
Submitted by Alan Young Secretary TTRYC 02 6674 1823

Yours sincerely,

Richard Harradine TTRYC Commodore

Ottomodie-

Page2 of 2





Allan Young Twin Towns Radio Yacht Club 02 6674 1823

Date: 5 April 2013 Sales: Nathan Trevena

FLAT DECK PONTOON

5.0 metres x 4.0 metres - with 200mm Freeboard.

- Concrete deck is 125mm thick with F82 reinforced steel and concrete structural beams as per engineer's specifications with broom finish concrete surface
- Fully moulded exclusive rubber fender fitted to all 4 sides of the pontoon patented extrusion: GREY
- Floatation unit is SL Polystyrene encased with HDPE polyethylene liner fully welded and impervious to marine organisms and chemical/saltwater ingress
- No.3 x Mooring cleats fitted to the pontoon deck

GANGWAY

7.0 metres x 2.0 metres

- Aluminium gangway with cambered truss engineered to design live load and dead load as per Australian Standard AS3962.
- Deck finished in Mini-Mesh Panels
- Gangway comes supplied with back bracket (hinge bracket)
- **Dual Handrails**

OTHER WORKS

- No. x 3 Supply and Install Abutment Blocks Gangway and Cables
- No. x 1 Supply and Install Cables and Turn Buckles.
- No. x 1 Supply, Fabricate and Install Handrail to rear of pontoon
- No. x 1 Supply and Install Removable Galvanised Bollard to concrete at start of Gangway
- Price includes transport to site, crane to unload and installation.

CONDITIONS

- Engineering certification and drawing fees are included in the price
- Approvals by client
- Max Loading of 15 People on the Pontoon at any one time.
- If the condition of the water body where the pontoon is located or the piles are to be installed requires further works (dredging, clearing seabed, moving obstacles, stabilising soil, rock drilling etc) then these works are the responsibility of the owner. This applies to initial installation, as well as subsequent maintenance to ensure sufficient water depth for the pontoon to float. Pacific Pontoon & Pier can arrange these works on your behalf.
- Prices quoted are valid for 60 days
- A deposit of 10% of the quoted price is required to secure order for works
- The balance of monies are payable on practical completion/day of hand over, as per Terms of Purchase Contract.

Total Supply and Installation price

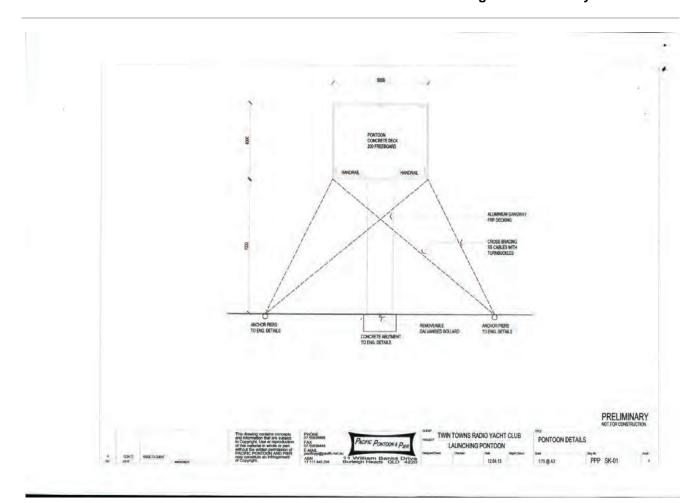
\$22,677.61 plus GST

ACCEPTANCE OF QUOTE -	AC	CEP	TAN	CE	OF	QUO	OTE -
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Signed by the Property Owner

If you like to proceed with the quote please sign and return to our office by fax or contact our office

Page 1.













Australian Financial Services Licence Number 240549 ABN 15 003 886 687

www.insuranceadviser.net

23/08/2012

To Whom it May Concern

CONFIRMATION OF INSURANCE CERTIFICATE

This is to certify that the undermentioned Insurance Policy has been issued and current until 4:00pm on 30/06/2013.

Insured's Name:

Aust Radio Yachting Assoc Inc & Affiliated Clubs

Interested Parties:

Refer Additional Policy Information Page

Insurers:

Altiora Insurance Solutions Pty Ltd

Policy Number:

HB 000600C-08-1548

Class of Risk:

Public & Products Liability

Brief Details of Cover:

Australia Wide

Public Liability

Limit of Indemnity \$20,000,000

This is to certify that the above policy is current to the expiry date shown above unless cancelled in the meantime, subject to Terms and Conditions of the policy

Disclaimer

The information provided is a summary only and does not amend, extend, alter or set out the full terms of the policy referred to nor do we confirm or warrant the Insurance cover is in force at the date of this advice. You must always refer to the policy for full details and to the extent of any inconsistency the policy prevails. The policy is also subject to the operation of the Insurance Contracts Act 1984 (cth), including in particular, the insurer's rights under section 28 in relation to pre contractual non disclosure or misrepresentation. We will not provide any updates in relation to the policy to any third party unless we specifically agree to do so in writing with that third party.

Yours Faithfully,

Graeme Allan

Authorised Representative No: 262108

428-19011197-19013640-39 PO Box 1735, BROADBEACH QLD 4218

BANORA POINT & DISTRICT RESIDENTS ASSOCIATION Inc.



President: John Sweeney 5524 5282 Secretary: Pat Tate 5524 2957 Treasurer: Charles Colgan 5523 4015
Vice President: Cliff Clothier 5524 7396 Vice President: Rod Bates 5524 2761
Correspondence: The Secretary, P.O. Box 936, Banora Point, NSW 2486

Website: www.banora.webs.com

Tuesday, 9 April 2013

The General Manager, Tweed Shire Council, P.O. Box 816, MURWILLUMBAH, NSW 2484

Dear Troy,

At our monthly meeting on the 8th April Richard Harradine, the Commodore of the Twin Towns Radio Yacht Club (TTRYC) addressed the members re their proposal to erect a concrete floating pontoon on Lake Kimberly in Banora Point. After presenting the details of their proposal and answering questions from the members, Richard asked if our Association would write a letter of support for this project.

Our members voted to support this project by way of a letter as we believe this facility would be an asset not only to the TTRYC, but to the whole community and a project worthy of our support.

As well as providing a much easier and safer access for members of the TTRYC, this new access to the lake would enable persons with a disability to participate in this healthy outdoor activity. It would also encourage other recreational activities on the lake such as kayakers.

Lake Kimberley is a great asset to Banora Point and a large number of the population enjoy walking around the lake and with the addition of a floating pontoon, will enable many more residents to take advantage of this asset.

As the owners of Lake Kimberly, the granting of this consent by the Tweed Shire Council to the TTRYC, is the first step towards preparing a Development Application, and we wish them every success with this project.

Yours sincerely.

PATTATE

Secretary



The General Manager Tweed Shire Council Murwillumbah 2484

01 April, 2013,

Dear Sir,

RE: support for the installation of a pontoon for Kimberley Lake

DAISI (the Disability & Aged Information Service Incorporated) is a not-for-profit community organisation formed in 1992. It grew out of a community groundswell seeking accessible information regarding local services and resources available to support the aged, and those of ages with a disability on the NSW Far North Coast.

Originally based in Lismore, the agency recently re-located to larger premises in Ballina with a 2nd office in Tweed Heads. And it is for the benefit of our Tweed Heads constituents that we write this letter.

We would like to add our support to the application by the Twin Towns Radio Yacht Club for the installation of a pontoon at Kimberly Lake. Radio controlled sailing is a growing sport in Australia. Unfortunately, for people with a disability in Tweed they are unable to participate safely in this social activity because of the lack of accessibility and the risk posed by the steps.

We would ask you, and your staff, to take these issues into account when assessing Twin Towns Radio Yacht Club's Development Application for the pontoon.

Regards,

Dona L. Graham BUS(Crim), LLB CHIEF EXECUTIVE OFFICER

Suite 7/31-35 Cherry Street Ballina, NSW 2478 = ABN: 78 054 760 155 Telephone: 02 6686 7887 = Freecall: 1800 800 340 = Fax: 02 6686 9392 Email: info@daisi.asn.au = Website: www.daisi.asn.au =



FILENOTE

Telephone:

RE: PROPOSES PONTOON LANCE KIMBERLIZY

DEMZ SIRS

AS 20012 DIN ATOR OF THE LAKE KIMBERLEY AND HECBESWICK PARK CLIEAN UP VOLUNTIETRS, IT WOULD BIE APPRIZERTIES IF THE TWEES HEADS SHIRE COUNCIL WOULD CONSIDER A PROPOSAL OF A PONTOON AT THE MORTHERY END OF LANCE KINBERLEY FOR THE USE OF THE TWEED HENDS SOUTH MODEL YACHT CLUB.

THE MISMISIERS OF THE MODEL YACHT CLUB REGULARY HELP OUT WITH THE REMOVAL OF DEBRIS AND INVASIVE WELL BUILD UP AFTIER THE SOUTHERLY CHANGE ON THE LAKE COMEC THROUGH. THE REMOVAL OF THE LAKE & FBRS

MMLES IT EASIER FOR THE LAUNCHONG OF THE MOSEL YACHTI SO THE KIELELS MRE LESS LIKIELY TO BE TANGLIES UP AND DAMAGED BY TITE WEED & DIEBIZIS.

PT.O



Jate:	Prepared by:
Client:	Telephone:
Re:	
	IT WOULD BIE A GREAT HELP
	IF T. H. S. COUNCIL WOULD THERE, SORE
	CONSIDER AN APPLICATION FOR A
	PONTOON TO THE NORTHERN LAKE IEN
	TO BE USIES BY THE
	MOSFL YACHT CLUB.
	IT GOES WITHOUT SAYNG THAT
	THE MODEL YACHT CLUB WOULD
	ABIDE WITH AND WOIZE TOWARDS ANY
	EUVNCIL RECULATIONS TITAT ATLE
	REQUIRES FOR THE APPROVAL OF
	THE PONTOON.
	WE LOOK FOIRWARD TO YOUR EMPLY
	REPLY AND CONSIDERATION.
	Yours Fortherly
Lo	XEL YACHY CLUB PRESIXENT :- RICHARD
LA	KIE & PAZK VOLVATERA COORD, NATOR :- M LEATHUE
	1 1703
	(IF REOVINGES)

From Denis Graham 4/17 Darlington Drive Banora Point 2486

To Tweed Shire Council Murwillumbah

Attn General Manager

I live beside Kimberley Lake at Banora Point and own a surf ski and have been using the lake to paddle in.

Because there are rocks below the concrete steps, I find it very unstable getting the ski in and out of the water. My ski is made of fibreglass and I am concerned about damaging it. The Radio Sailing Club is trying to organise a pontoon in the lake which would assist me and anyone else who wishes to use these facilities. I therefore support their efforts for the installation of the pontoon.

Many thanks

Denis Graham 55 241750

29 March 2013

The General Manager Tweed Shire Council Po Box 816 Murwillumbah NSW 2484

12/04/12

Stan Leskovec 51 Winders Place Banora Point NSW 2486

Dear Sir/Madam,

I am 78 years of age and enjoy walking around Kimberley Lake everyday with the aid of a walking stick. On Mondays I especially like to go for a walk and watch the small sailing yachts.

From a spectators point of view it would be much safer for the boats to be launch from a pontoon. I would therefore like to support their application for a pontoon on Kimberley Lake.

It gives me and others great pleasure to see the lake being utilized in such a way and hope the club will continue to use the Lake in a safer environment for all.

Yours faithfully

Stan Leskovec

The General Manager Tweed Shire Council Po Box 816 Murwillumbah NSW 2484

Mark Gibson PO Box 707 Banora Point NSW 2486

10/04/2013

Dear Sir/Madam.

My son and I enjoy paddling our Kayak on Kimberly Lake when we have the opportunity. At present we find it very difficult to get our Kayak in the water.

We understand there is an application under consideration for a pontoon to be erected on Kimberly Lake. We would like to take this opportunity to support such an application. This will not only make access for us but, also for other groups and the general public easier.

Thank you for your consideration.

Yours faithfully Mark Gibson 02/04/2013

Tweed Shire Council

Murwillumbah

Attention: The General Manager

Dear Sir,

I would like to confirm my support for a pontoon to be installed at Lake Kimberley, Banora Point.

I live beside the lake and I kayak occasionally in Lake Kimberley, and would do so more frequently if access to the water was made safer and easier.

Yours faithfully

Robyn Johansen

6 lakeside Walk

Banora Point.

07 55241308

From Neville Lynch 74 Kimberley Ct Banora Point 2486

To Tweed Shire Council Murwillumbah

Att; to the General Manager

Being a resident of Banora Point and living near Kimberley Lake I would like to be able to use my kayak on the lake from time to time but I have found it very difficult to launch the kayak , I support the Radio Sailing club in there endeavour to have a pontoon installed on the lake for the benefit of the community.

Kind Regards

Neville Lynch Ph 55 233639

OPTIONS:

- 1. Grant owners consent for a development application to construct the pontoon.
- 2. Do not grant owners consent for a development application to construct the pontoon.

CONCLUSION:

It is concluded that owners consent should be granted so that the impacts can be determined through a development assessment process and if acceptable the pontoon could go ahead.

COUNCIL IMPLICATIONS:

a. Policv:

Use of public land to construct structures for use by organised clubs or groups.

b. Budget/Long Term Financial Plan:

Nil, provided a future lease requires the leasee to meet all costs.

c. Legal:

If the pontoon proceeds a formal lease arrangement will be required.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

72 [TCS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2013/2014 Operational Plan and Resourcing Strategy

SUBMITTED BY: Corporate Governance

Valid



SUMMARY OF REPORT:

Council placed the Draft Delivery Program 2013/2017 combined with the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 on public exhibition, following the April Council Meeting, for a period of 35 days, with submissions ending on 28 May 2013.

The Delivery Program 2013/2017 lists projects and services that Council will undertake over the next four years to implement community goals identified in the Community Strategic Plan 2013/2023. The Delivery Program 2013/2017 is informed by the Resourcing Strategy 2013/2023 which details Council's Long-term Financial Plan and Asset Management Planning in addition to Council's four year Workforce Management Plan.

The Operational Plan 2013/2014 is combined in the same document with the Delivery Program 2013/2017 and provides a more detailed account of planned works over the period. The Operational Plan 2013/2014 incorporates the 2013/2014 Budget, Revenue Policy and Fees and Charges.

In accordance with Council's Community Engagement Strategy, Council sought community input into the Draft Plans by convening three community round table sessions, inviting community groups and business representatives to attend these sessions. Council additionally sought general community feedback by advertising in the Tweed Link and in Media Releases.

This report contains a summary of community submissions received by Council during the public exhibition period together with input received from the community round table sessions.

Council must consider all public submission received concerning the Delivery Program 2013/2017, the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 before adopting the plans for the next four years.

RECOMMENDATION:

That Council adopts the following plans, as exhibited and amended: Delivery Program 2013/2017, Operational Plan 2013/2014, Revenue Policy and Statement 2013/2014, Part A, Budget 2013/2014, Part B, Fees and Charges 2013/2014 Part C and Resourcing Strategy 2013/2023.

REPORT:

Council placed the Draft Delivery Program 2013/2017 combined with the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 on public exhibition, following the April Council Meeting, for a period of 35 days, with submissions ending on 28 May 2013.

In accordance with Council's Community Engagement Strategy, Council sought community input into the Draft Plans by convening three community round table sessions, inviting community groups and business representatives to attend these sessions. Council additionally sought general community feedback by advertising in the Tweed Link and through Media Releases.

Members of the following organisations participated in the round table sessions:

- Banora Point & District Residents Association
- Caldera Institute for Sustainable Community Development
- Chinderah and District Residents Association
- Cudgen Progress Association
- Destination Tweed
- East Banora Residents Association
- Kingscliff Ratepayers and Progress Association
- Friends of Terranora
- Hastings Point Residents Group
- Murwillumbah District Chamber of Commerce
- Murwillumbah Ratepayers and Residents Association
- Oxley Cove Community Group
- Pottsville Community Association Inc
- Tyalgum District Community Association and
- Tweed Valley Landcare.

Written submissions were kindly received from:

- Banora Point & District Residents Association Inc.
- Friends of Terranora
- Murwillumbah Ratepayers and Residents Association Inc.
- Oxley Cover Ratepayers Group
- Pottsville Beach Real Estate
- Pottsville Community Association Inc.
- M Boyd on behalf of Tweed Life Education Group
- S Henderson

Draft Delivery Program 2013/2017 combining the Operational Plan 2013/2014

Eight submissions were received from community members, groups and business representatives within the Shire as part of feedback on the Delivery Program 2013/2017 combined with the Operational Plan 2013/2014.

The following amendments have been made to the Delivery Program 2013/2017 as a result of community submissions received and decisions by Council:

- An internal title change for the Communications and Marketing section to Communication and Customer Services. The title change has been reflected in the Delivery Program 2013/2014.
- Change to a key performance indicator on page 24 of the Delivery Program.
 Original wording was 'Community Satisfaction Survey biennial project'.
 Reworded to 'A Biennial Community Satisfaction Survey Project'; measure percentage; target 100% in 2013/2014.
- Additional key performance indicator to page 32 of the Delivery Program 2013/2014.
 - P1.5.2.9 Review of Tweed Urban and Employment Lands Release Strategy 2009; measure percentage; target 100% in 2015/2016.
- Changes to Community Services key performance indicators on page 38 of the Delivery Program 2013/2014.
 - o P2.1.1.8 Social Justice Charter; measure percentage; target 100% in 2014/2015.
 - P2.1.1.10 People with Diverse Sexualities Policy; measure percentage; target 100% in 2015/2016.
 - o P2.1.1.14 Children (0-11) Policy; measure percentage; target 100% in 2014/2015.
- Corrections to the presented theme income and expenditure on page 35 and 68 of the Delivery Program. The 2013/2014 income and expenditure amounts have been corrected.

Below is a summary of submissions received:

Banora Point & District Residents Association

Road funding and the likelihood of funding from both Federal and State Governments?

Officer Comment: Council receives dedicated road funding from the Federal Government in the form of Financial Assistance Grants and Roads to Recovery Grants. Council also receives dedicated road funding from the State Government for Regional Roads maintenance and improvement, and for Regional and Local Roads traffic facilities and natural disaster restoration. No other funding program is known that would facilitate additional funding applications.

Kirkwood Road interchange full completion?

Officer Comment: For many years Council pursued a full interchange with the Pacific Motorway at Kirkwood Road with the Roads and Traffic Authority (now Roads and Maritime Services, RMS). However this was not endorsed by RMS as this new interchange would be located too close to the Kennedy Drive interchange, raising concerns about weaving traffic and safety issues on the highway. The adopted highway masterplan consists of the construction of local service roads across Terranora Creek between Kirkwood Road and Kennedy Drive, to provide highway access from Kirkwood Road to the Kennedy Drive interchange. Stages of the Kirkwood Road project beyond the current eastern works are not currently funded by Council or RMS, and timing will be dependent on development patterns and traffic growth in the catchment to the west (along Fraser Drive etc.). Discussions with RMS on this matter will continue.

Climate change budget?

Officer Comment: This proposed program will entail the implementation of on ground energy reduction programs on Council managed assets to reduce energy consumption and therefore Councils Carbon Footprint.

Friends of Terranora

General comments:

- Congratulated Council on the level of service provided by the Contact Centre.
- Commented on the need for Local Government acknowledgement in the Commonwealth Constitution to ensure certainty of Federal Government grant funding to Local Government.
- Strongly opposed to a proposed County Council model, commenting on loss of identity, disproportionally paying for poor maintained infrastructure particularly in Bryon and Kyogle Shires.

Issues:

Pest Management to consider fox control?

Officer Comment: Council's Pest Management program is commencing fox control on the coast.

Increase frequency of roadside mowing in wetter months?

Officer Comment: Slashing, along with all road maintenance activities is based on balancing interventions, availability of resources and funding levels.

Mount Warning National Park walking track?

The NSW National Parks and Wildlife Service is responsible for the Mount Warning National Park walking track and has recently announced that \$200,000 is available to upgrade the track.

Loss of business generally?

Officer Comment: Council as part of its Business Incentive Policy has resolved to defer payments of developer contributions for up to six years, contributions now paid at occupation certificate stage, single parking contribution rate in Fingal and deferral of paid parking. Council will also be providing funding for beautification works for the entrance into Murwillumbah.

Street tree section 94 contribution plan?

Officer Comment: A contribution plan for street trees terminated in 2010 following State Government changes. Remaining funds in this now terminated plan are to be allocated to each budget year until funding is exhausted.

Road works scheduled for Terranora Road?

Officer Comment: \$150,000 is budgeted for road works between Federation Drive and Bongaree Road in 2013/2014. Current works are scheduled from The Parapet east 700 metres.

Additional tourist information centre to showcase NSW Tourism?

Tweed Shire Council maintains two information tourist information centres at Murwillumbah and Tweed Heads. An additional centre to showcase NSW Tourism, although welcomed would need to be at the direction of NSW Tourism as this is their role.

Changes to the Rural Living Zone?

Officer Comment: The Rural Living Zone is largely a lifestyle zoning which occurs at all levels of zoning where there is no access to reticulated services. Decision concerning the zoning of the land is not directed by a fluctuating housing market.

Scenic Landscape Strategy?

Officer Comment: Council has provided \$60,000 in the Budget towards the Scenic Landscape Strategy Development Control Plan.

Murwillumbah Ratepayers and Residents Association

General comments:

 The Association is looking forward to a Master Plan for Knox Park and commended Council on new drainage works in the area of the new hockey fields.

Issues:

 The need for a footpath / cycleway connecting Murwillumbah to the Regional Art Gallery?

Officer Comment: Various options are currently being considered for a footpath link to the Art Gallery, however significant funding in the vicinity of \$250,000 would be required. Another option, being the conversion of the disused rail corridor as a potential rail trail pilot project is also being explored. A project of this size cannot be catered for in footpath program for 2013/2014, however will be considered in future programs, particularly if the project is eligible for grant funding. The nominated footpath projects provide missing links in the vicinity of schools, playgrounds and other high demand areas.

Oxley Cove Ratepayers Group

• Council investment should be based in the general Pacific Highway corridor.

Officer Comment: Council's investment in assets and infrastructure is dispensed across the entire Tweed Shire area. Ultimately investments are greater within the more populated areas of the Tweed. This is true of the coastal strip which houses the Pacific Highway and Tweed Coast Road which run through Tweed Heads, Chinderah, Kingscliff, Bogangar / Cabarita Beach and Pottsville. Often Council will invest large capital amounts in civil works in the more rural parts of the Tweed and this is in response to old and ageing infrastructure. These expenditure decisions are based on the Long Term Financial Plan and the Asset Management Plan which were exhibited as part of the Resourcing Strategy. It would be improper for Council as a government body to promote one capital expenditure over another simply because it would benefit one particular sector of the community at the expense of the remainder of the community.

Oxley Cove repair to Tweed River bank wall?

Officer Comment: Council has undertaken significant expenditure in recent years out of the Tweed River Management Program budget to undertake revetment works at Oxley Cove. Council has limited allocation of funding for rock revetment works along the Tweed River so Council must prioritise the works which includes Oxley Cove.

Pottsville Beach Real Estate

A rear service road for Coronation Avenue to be part of the Pottsville Village Strategy?

Officer Comment: This action is currently in the Tweed Development Control Plan Section B21 Pottsville Locality Based Development Code as adopted on 20 April 2010.

Pottsville Community Association Inc.

The Delivery Program and Budget.

Officer Comment: The Delivery Program details activities that Council will undertake over the next four years. Activities are grouped under a service provided by Council. Each service is presented with a budget summary with a detailed version found in the Budget 2013/2014. A section in the Delivery Program called Integrated Planning and Reporting Framework attempts to explain the linkages between planning documents and provides examples of the linkages. Information in the examples are indicative only and are not intended to reflect the actual budget values.

Strategy objective 2.3 'provide well-services neighbourhoods'?

Officer Comment: The Community Strategic Plan 2013/203 contains a community goal 2.3 with the objective to provide well services neighbourhoods. This objective is implemented in the Delivery Program 2013/2017 via Council's water supply service budget which includes expenditure on dams and weirs, reservoirs, water pumping stations, water mains, water treatment, water consumer services and water fund management.

Budget W005 Water Treatment costs tripling in expenditure over the four years?

Officer Comment: The Bray Park water treatment plant opened in April 2010. Membranes used in the treatment process have a life of approximately seven years contribute to the costs of water treatment. Council has budgeted the replacement of the membranes in years 2016/2017.

Domestic Waste service displays a zero budget?

Officer Comment: Legislation prescribes the charges that Council can place on domestic waste management services. The annual charge is limited to recovering the cost of providing the service therefore income received must equal expenditure and results in a zero budget value for the service.

Expenditure on Recreation Service Management increase over four years?

Officer Comment: Recreation service management has an annual budget of \$1.13 million with annual increases linked to consumer price index.

 Why is the budget expressed in (\$000) and the Infrastructure Program expressed in whole dollars?

Officer Comment: Council acknowledged the differences and will in the future present the Infrastructure Plan in thousands of dollars to be consistent with the budget. Where there is a difference between the two documents the budget will take precedence.

Tweed Floodplain Management Committee?

Officer Comment: The Delivery Program is organised around the four strategic themes. The Floodplain Management Committee falls within and listed under the Supporting Community Life Theme.

• The key performance indicator P1.3.1.1 Community Satisfaction Survey - biennial project' should reflect increased satisfaction rather than value?

Officer Comment: The indicator has been reworded to 'Biennial Community Satisfaction Survey Project'; measure percentage; target 100%.

• The key performance indicator 'Percentage of pensioner to total rateable properties' the target of 30%?

Officer Comment: The target of 30% reflects the current percentage of pensioner rateable properties to total rateable properties.

• The inclusion of a five yearly review to the Urban and Employment Lands Strategy 2009?

Officer Comment: A new project has been added to the Development Planning and Assessment service in the Civic Leadership Theme. Itemised as P1.5.2.9 Review of the Tweed Urban and Employment Land Release Strategy 2009; measure percentage, target 100% in the 2015/2016 year.

An Environmental Strategy?

Officer Comment: Council will be preparing a Tweed Shire Council Sustainability Strategy item P4.1.2.1; measure percentage; target is 100% in 2013/2014.

Why are positive and negative accounting numbers?

Officer Comment: Income is represented by a negative number and expenditure as a positive number - this is consistent with accounting standards.. Consideration will be given in future, for possible measures to improve clarity.

• Why under the Caring for the Environment heading does income greatly exceed expenditure when protection of the environment is a key objective?

Officer Comment: Expenditure does not exceed income, values were incorrectly represented in the Draft Report and this has now been amended.

 The Environmental Sustainability and Sustainable Agriculture services have no allocated funding?

Officer Comment: The absence of a monetary cost on a strategy does not necessarily indicate that it is not resourced. Some strategies are resourced by staff labour. Often a salaried officer will spread their time over a number of programs, other than the one to which their salary is costed.

 Regulatory service is an important function of Council with legislation only as strong as its enforcement the suggestion is that further enforcement key performance indicators be considered?

Officer Comment: Council will consider the addition of further enforcement key performance indicators in the 2014/2015 financial year.

 No additional funds have been allocated to the Regulatory Service despite enforcement being identified as a key role for the community?

Officer Comment: The cost of \$903,000 for Regulatory Services is the net cost of the service, and may appear low because the expenses are offset by substantial income (\$764,000) for parking infringements and animal fines and fees. For funding to be increased to Regulatory Services, a corresponding reduction needs to be made to other strategies.

• Funding for Coastal Management why is the key performance indicator increased by 50% over the four years while the budget is decreased?

Officer Comment: The budget includes more than an allocation for physical management of the coastal zone. This allocation also relates to coastal zone management planning which is underway at the moment. The Coastal Zone Management planning process will be completed in the next 2 years.

Comments on the Resourcing Strategy

The Workforce Management Plan

The case for 'contracting out' being value for money?

Officer Comment: In determining the feasibility of contracting out any given service, consideration is given to the whole of life cycle of the cost of the decision, including factors such as impact on local employment, and cost to the environment.

• Statements in section 3.2.8 A of the Resourcing Strategy where the 'complex and uncertain operating environment' is considered with regard to projected population growth that is considered to be incorrect?

Officer Comment: While there is some discrepancy in the projected population growth, a population increase of 29% to 36% is probable by 2031.

• Zero growth in staff numbers identified in the 10 year Financial Plan relies on contracting out work and is therefore felt to be questionable in terms of sustainability?

Officer Comment: Council notes the concerns raised and will consider the issue at the next review of the 10 year Financial Plan.

Asset Management Plan

Asset statistics differ between the Asset Management Plan and Delivery Program?

Officer Comment: Asset statistics in the Delivery Program reflects current asset statistics.

 The Hastings Point sewerage treatment facility is carefully managed and adequate for the population it currently serves. Council during the next four years has no plans to upgrade sewerage facilities in the southern coastal areas of the shire.

Officer Comment: The monies allocated during this delivery program are to upgrade sludge lagoon and effluent flow balancing component capacity to match the main process capacity of 18,000 Equivalent persons (EP). Historic difficulties with the dune ex-filtatration system have been overcome and the capacity and performance of this component is now in excess of the plant.

This 18,000 EP capacity is adequate for existing zoned land within the catchment area for this plant.

It is more than likely that land to the south and west of Pottsville identified to be potentially rezoned for urban uses will be serviced by new treatment facilities which could be privately owned and operated.

Comments on the Draft Budget

- Executive summary in the Draft Budget is presented in thousand dollars and has been changed to reflect this fact.
- Works items in the Infrastructure Program should be referenced to the street and or villages the works will be undertaken?

Officer Comment: Most street names are unique in the shire, therefore the addition of locality names is usually not necessary to identify the location of the street. However, the suggestion will be considered in future budget preparations.

Mr Boyd submission on behalf of Tweed Life Education Group

• Mr Boyd provided a submission on behalf of the Tweed Life Education Group requesting Council to consider increasing the funding provided by \$30,000.

Officers Comment: Council will consider increasing funding for Tweed Life Education Group by 50% in the September quarterly budget review.

S Henderson

Of the roads named requiring attention?

Officer Comment: Brisbane Street, Byangum Road, Wommin Bay Road, Sullivan Road and Dry Dock Road are all listed for rehabilitation in 2013/14.

Round Table Community Sessions

Council held as part of the Community Engagement Strategy three separate community 'round table' discussion sessions with community and business representatives during May. The purpose of the round table sessions was to gather community input into Council's annual review of the Delivery Program 2013/2017 combined with the Operational Plan 2013/2014. Three sessions were held on 10, 17 and 27 May 2013.

Below is a summary of issues raised:

General fund income

 Reduction of \$4 million to general income is attributed to an 'affordable housing grant'.

Community services

- The Banora Point Community Centre additional expense is for the employment of a Seniors Information Officer.
- A child and family development expense is for continuation of the Life Education Van being relocated within the Shire.
- Faulks Park toilet upgrade over two years.
- Residents Kit Community Handle is a new council initiative.
- Festivals and events funding assistance will commence with round one funding reported in July.
- Council will continue to fun disability access initiatives. Council has an Aged and Disability Officer who works with the community to identify and resolve equal access issues. Council's Pedestrian Access Mobility Plan ('PAMP') further aims to ensure disability access in pedestrian areas.

Community infrastructure

- \$100,000 is budgeted for the upgrade of Wilson Park Banora Point. Council will
 work with the community and residents association groups to determine how the
 funding is expended.
- Budd Park upgrade landscaping will soon commence.
- A Draft Master Plan for Knox Park Murwillumbah is being prepared with community consultation to follow the release of the Draft Plan. \$1 million is available for the project with Council contributing \$500,000.

Infrastructure

- Oyster Point Road to Wilson Park is scheduled for kerb and guttering.
- Sutherland Street has scheduled drainage works.
- Murphy's Road has scheduled kerb and gutter.
- Boronia Avenue will receive 50 metres of kerb and gutter.
- Chinderah Road is to receive drainage and road reconstruction works together with improvement to Terrance Street.
- Cudgen Creek Bridge will be wholly replaced in 2014/2015.
- Uki footpath extension has \$10,000 in the first year and \$41,900 in 2 years.
- Ewing Street, Kyogle Road and Mooball Street pedestrian and cycleway funding is appreciated.
- Drainage works in the area of new hockey fields in Murwillumbah is commended.

Business and tourism initiatives

- Wharf Street and Bay Street Tweed Heads. The recently gazetted Tweed City Local Environmental Plan 2012 provides incentives for private land owners to invest in the area.
- Other initiatives to help business owners, Council's Business Incentive Policy introduced deferred payments of developer contributions for up to five years, contributions now paid at occupation certificate stage, single parking contribution rate in Fingal, the beautification of Murwillumbah entrance and deferral of paid parking.
- Lack of parking at the Murwillumbah Tourist Centre for long vehicles. Parking is available at the railway station and Council will investigate a pedestrian crossing.

Planning initiatives

 A Master Plan for Murwillumbah as the current Development Control Plan review is for the central business district only. The 'art deco' theme of Murwillumbah must be retained and formalised in planning instruments.

Environmental initiatives

- Climate change initiatives are indirectly funded for example flood mitigation and will be a component of Councils proposed Sustainable Strategy.
- Bushland management initiatives provide assistance to private land owners and other programs for public land. Management of the land incorporates wildlife and habitat.
- Energy efficient street traffic lighting Council will continue its policy of replacing old lights with energy efficient lights. Council has installed solar panels on Halls and new buildings for example the extension to the Art Gallery. A more effective energy efficient air-conditioning 'chiller' system is planned in the Art Gallery extensions.
- Funding for pest management should include fox's as this animal is a significant pest risk to native animals.
- Cross-Tenure Invasive Animal Control to Protect Native Fauna Council received \$100,000 grant from the NSW Environmental Trust to carry out three distinct programs. Each program supports the Tweed community in control works of nonindigenous vertebrate species that pose a significant threat to native fauna species. These are: Cane Toad exclusion from a breeding site adjacent to a conservation reserve; expansion of the existing Indian Myna control program; and collaborative, cross-tenure, feral Dog, Fox and feral Cat control to protect native fauna.

General issues

Flood modelling levels at Oxley Cove have affecting insurance levies.

Officer Comment: Council has conducted flood studies for the Tweed Valley using the best available data, calibrated against known flood events, for a range of flood events up to the Probable Maximum Flood (PMF), in accordance with State Government requirements. This flood information is freely available, including to the insurance industry. Pricing of insurance premiums is determined by the insurers, not Council. Council provides site specific flood information on request to assist residents with flood insurance enquiries. The Floodplain Management Association, of which Tweed Shire Council is an active member, is currently working with the Insurance Council of Australia to try and resolve a number of issues around affordability of flood insurance and consistency of property assessments

Tide recorder at the mouth of the Tweed River.

Officer Comment: A tide recorder at the Tweed River mouth has not been necessary to date, as there are more relevant gauges for flood prediction and emergency response purposes at Barneys Point and at Dry Dock Road. Further gauging if required could be considered in future funding rounds for gauges, in consultation with the Bureau of Meteorology and the State Emergency Service.

 Location of the bait and tackle shop in Pottsville and use of footpath for gas bottle exchange.

Officer Comment: Council has approved a development application for the use of the premises. Council officers will write to the proprietor requesting that the goods be removed from the footpath.

Illegal camping in the Pottsville. Wooyung Reserve.

Officer Comment: Rangers conduct patrols when they are in the area of Pottsville and Wooyung. If they see someone camping, they advise them that there is no camping other than in a recognised camping ground. If there is no one with the vehicle or tent, they place a notice on the vehicle/tent and check that they have moved on the next day. The offence is to disobey a notice in a public place. If there is no sign, this cannot be enforced.

Derelict cars on private property in and around Oxley Cove and Banora Point

Officer Comment: Council can deal with abandoned vehicles on public places through the Impounding Act. If vehicles are on private properties there is a possibility for Council's Environment Health Unit to have them removed.

Overall impression of the Delivery Program presentation and format

Most organisations commented the format of the Delivery Program is much easier to understand and navigate when compared to Council's previous Program.

Draft Budget 2013/2014 Part B

It is proposed to include an introduction within the 2013/2014 Budget papers that provide an overall snapshot of Council's budget.

Council resolved at its meeting of 18 April 2013 to allocate \$100,000 to a Climate Change fund in the 2013/2014 budget and each subsequent budget to implement actions relating to Council's Sustainability Officer and that any savings recouped such as energy efficiencies are reinvested into the fund.

It is proposed to make this amendment in the September 2013 quarterly budget review.

Budget Summary

The 2013/2014 Budget expenditure amounts are as follows:

Total	\$194,219
Water Fund	\$35,261
Sewer Fund	\$40,466
General Fund	\$118,492
	(\$000)

All of the above funds are budgeted for a balanced result.

The following table presents a summary of the major changes affecting the 2013/2014 budget.

Item	Indexation	Approximate Effect on Budget
Employee costs	3.5%	\$1.8 million
Materials and Contracts	3.0%	\$2.5 million
Electricity costs - (excluding street lighting)	10.0%	\$580,000
Insurance	5.0%	\$72,000
General rates (Approx. for minimum rates)	3.4%	\$2.9 million

Major Projects

Refer to the Delivery Program 2013/2017, Theme Supporting Community Life and the Tweed Shire Council Infrastructure Program 2013/2017 page 53.

Infrastructure Program

At its meeting on 16 May 2013, Council resolved to actively support converting the Casino to Murwillumbah rail line to a rail trail. Whilst there needs to be a feasibility study carried out for the whole project regarding its cost and economic and recreational benefits to the community, there is an opportunity in the short term to construct a pilot project to demonstrate its benefits and generate enthusiasm for completion of the entire project. In this regard construction of a rail trail from the Murwillumbah Railway Station to the Tweed River Regional Art Gallery would be an ideal initial pilot project as there is a real need to provide an attractive and safe pedestrian and cycleway access to the art gallery, and it would establish Murwillumbah as the key starting node for the larger rail trail project. To facilitate this project an item of \$200,000 will be inserted into the projected Cycleways and Pedestrian Facilities Program for 2014/2015. It is proposed to carry out survey, investigation and design during 2013/2014 and also seek grants to supplement Council's own funding.

Fees and Charges 2013/2014 Part C.

Additions and amendments to the Fees and Charges 2013/2014 Part C include:

1. Richmond Tweed Regional Library Fees

In 2010 the management of Richmond Tweed Regional Library obtained legal advice recommending that member Councils of Byron, Lismore, Ballina and Tweed include library fees in their respective advertised Fees and Charges. The Richmond Tweed Regional Library does not collate their fees for the next financial year until approximately May in each year. Council therefore did not have an opportunity to include the library fees in the exhibited Fees and Charges documents and as they are not a fee directly charged by Council they are now included in the 2013/2014 Fees and Charges, for the information of residents, with no necessity to be advertised.

2. GST Private Rulings

The Federal Government amended *A New Tax System* (Goods and Services Tax) Amendment Regulation 2012(NSW) which removed the previous Division 81 Treasurer's Determination for treatment of GST. Accordingly, many New South Wales Local Government councils have contracted Genesis Accounting Pty Limited Chartered Accountants and similar firms to seek GST private rulings from the Australian Taxation Office. These private rulings are being distributed to councils as they become available. Not all private rulings were available before the public exhibition period of the Fees and Charges 2013/2014 Part C, and further private rulings are expected over the next six months.

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Cemetery Fees	Family research per hour (min 1hr)	No	22/05/2013	\$86.00	\$82.00	GST Private Ruling
Cemetery Fees	Application to carry major refurbishmer work in a Cemetery	nt	22/05/2013	\$535.00	New	GST Private Ruling
Cemetery Fees	Application to carry minor refurbishmer work in a Cemetery	nt	22/05/2013	\$181.00	New	GST Private Ruling
Hazard reduction - overgrown blocks of Land	<p>(a) Administration charge for hazard reduction works carried out under Local Government Act (1993) PLUS</p>	No	22/05/2013	\$172.70	\$164.50	GST Private Ruling
Hazard reduction - overgrown blocks of Land	(b) Hazard reduction works contractors from excess of administrations of the excess of administration with the excess of administration of the excess of administration of the excess of administration of the excess of the exces	ee in	22/05/2013	POA	POA	GST Private Ruling
Health and Administration	Private Burial Approval Fee	No	22/05/2013	\$258.00	\$245.00	GST Private Ruling
Health and Administration	Private Burial within Private Cemetery Inspection Fee	No	22/05/2013	\$134.00	\$127.00	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Hoardings (per lineal metre per week)	No	22/05/2013	\$4.70	\$4.30	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Application	No	22/05/2013	\$102.50	\$97.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$9.20	\$8.80	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$27.80	\$26.50	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$37.10	\$35.30	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$17.40	\$16.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$52.10	\$49.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$69.50	\$66.20	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$41.70	\$39.70	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$123.90	\$118.00	GST Private Ruling

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$162.10	\$154.40	GST Private Ruling
Pontoons and Jetties on Council Reserves - licence fee	Annual Licence Fee	No	22/05/2013	\$210.00	\$210.00	GST Private Ruling
Richmond Tweed Regional Library	Visitor's Membership Fee	No	22/05/2013	\$36.00	\$36.00	GST Private Ruling
Richmond Tweed Regional Library	Reservations on Richmond Tweed Regional Library Ite	ems	22/05/2013	\$2.00	\$2.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Inter-Library Loans (Items not held by Richmond-Tweed)		10/05/2013	\$4.00	\$4.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Kit Bags (If a Kit is returned without its bag)	Yes	10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Overdue Items (Da Fee per overdue ite capped at \$3.50)		22/05/2013	\$0.10	\$0.10	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Processing Fee for Items (not including Periodicals)		22/05/2013	\$10.00	\$7.70	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Copies from photodologic black and white and colour A4		10/05/2013	\$0.20	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Copies from photod black and white and colour A3		10/05/2013	\$0.40	\$0.40	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Photo Quality Prints	Yes	10/05/2013	\$3.40	\$3.40	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Genealogy Bibliography	Yes	10/05/2013	\$5.65	\$5.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per Lo Government Area (copy)	cal	10/05/2013	\$34.00	\$34.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per Lo Government Area (disk)	ocal (on	10/05/2013	\$22.00	\$22.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per se up to 25 organisation	ction ons	10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Butts and Certificat the First Publicans	es of	10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
	Licences 1930-196 (hard copy)	0				Council 9 May 2013
Richmond Tweed Regional Library	Butts and Certificat the First Publicans Licences 1930-196 disk)		10/05/2013	\$22.00	\$22.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Certificate Depasturing Licent 1837-1860 (hard co	ces	10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Registers Land Grants - Leas and Purchases 182 1856 (hard copy)	ses	10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Registers Land Grants - Leas and Purchases 179 1865 (hard copy)	ses 92-	10/05/2013	\$51.00	\$51.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Family History Research Gazetteer (hard copy)	Yes	10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the No Star Vol. 1 1876-18 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the No Star Vol. 2 1885-18 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the No Star Vol. 3 1889-18 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the No Star Vol. 4 1893-18 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the No Star Vol. 5 1897-18 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star 1900-1902 (on disc)	Yes	10/05/2013	\$11.30	\$11.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	A Northern Star Inc for the Family Histo 1920-1924 (hard co	orian	10/05/2013	\$22.65	\$22.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to The Clarence and Rich Examiner (hard co	ру)	10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Place Names of the Tweed, Brunswick Upper Richmond R (booklet)	and	10/05/2013	\$5.65	\$5.65	Fees provided by Lismore City Council 9 May 2013

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Richmond Tweed Regional Library	Sequels, Series and Sequences (hard copy)	Yes	10/05/2013	\$22.65	\$22.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fast Facts Referen and Info Service - Information faxed between branch lib for patrons		10/05/2013	N/A	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fast Facts Referen and Info Service - Information faxed to patron's own mach	0	10/05/2013	N/A	\$0.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	USB Memory Sticks	Yes	10/05/2013	\$9.20	\$9.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Scanning (library lo history photos by s per photo)		10/05/2013	\$2.30	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC Use (per half hour) - Non- Members	Yes	10/05/2013	\$2.20	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC Use (per half hour) - Reciprocal Visitors	Yes	10/05/2013	\$2.20	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Headphones (per set)	Yes	10/05/2013	\$2.00	\$2.05	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - send personal faxes to anywhere (first pag		10/05/2013	\$4.00	\$4.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - send personal faxes to anywhere (each pathereafter)		10/05/2013	\$1.00	\$1.10	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - rece personal faxes (up pages)		10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - rece personal faxes (eac page over 6 pages	ch	10/05/2013	N/A	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Phone Charges (local call)	Yes	10/05/2013	\$0.30	\$0.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Research Work (pe hour - pro rata for le periods)		10/05/2013	\$95.00	\$95.00	Fees provided by Lismore City Council 9 May 2013

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Richmond Tweed Regional Library		Promotional Sales - Library Bags (short and long handles)		\$3.00	\$3.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Historical collection charge by service provider)	ı (plus	10/05/2013	\$10.30	\$10.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Talking Book Replacements - So Library, Chivers Au BBC Audio (CDs)		10/05/2013	\$16.45	\$16.45	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Talking Book Replacements - Sounding, Isis, Mag Story Sound (CDs)		10/05/2013	\$18.70	\$18.70	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Clipper Audio, Recorder Book (CDs)	Yes	10/05/2013	\$11.30	\$11.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Non public library inter-library loans	Yes	10/05/2013	\$17.00	New	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC use (15 minutes) - Reciprocal Visitor	Yes	10/05/2013	\$1.10	New	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC use (15 minutes) - Non- Members	Yes	10/05/2013	\$1.10	New	Fees provided by Lismore City Council 9 May 2013

Council initiated advice to the community

- Tweed Link issue 806, 23 April 2013 all residents of the Shire were asked to comment and provide input on services and infrastructure priorities.
- Media Release Tuesday 19 April 2013 notification to all residents that the Draft Budget for 2013/2014 is open for public comment.

Input sought on services and infrastructure priorities

Council is seeking public comment on the Draft Integrated Planning and Reporting documents comprising the 2013/2017 Delivery Program, 2013/2014 Operational Plan, Resourcing Strategy, Revenue Policy (including Fees and Charges) and Budget.

The integrated planning documents provide a guide for Council operations and assist the organisation meet community demands for services and infrastructure by maximising what it can achieve with its available

The 2013/2017 Delivery Program, which incorporates the 2013/2014 Operational Plan, is structured on the Community Strategic Plan strategic themes: Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

The 2013/2014 budget is \$194.2 million, comprising \$118.5 million in the General Fund, \$35.2 million in the Water fund and \$40.5 million for the Sewer

This budget represents the first year since the conclusion of Council's 7 Year Infrastructure and Services Plan and incorporates an approved total permissible increase to ordinary rates of 3.4 per cent.

Some of the projects included in the draft documents include:

- \$7.75 million towards Arkinstall Park Master Plan.
- \$9.08 million towards road construction capital works.
- \$1.6 million for drainage construction.
- \$4.7 million for the Clarrie Hall Dam Spillway
- . \$12.9 million in sewer infrastructure

The Ordinary Residential Rate is proposed to increase by 3.4 per cent over the 2012/2013 rate, the Sewerage Charge by 6.31 per cent, the Water Access Charge by 7.81 per cent, the Domestic Waste Service Charge by 11.48 per cent, the Domestic Waste Management Charge by 4.14 per cent, the Waste Minimisation and Recycling Charge by 0.08 per cent and the Landfill Management Charge by 30.57 per cent. This brings the proposed increase in the total rates and residential charges for those on the minimum rate (nearly 50 per cent of ratepayers) to 5.59 per cent more in 2013/2014 than

"The documents will be on public exhibition from 23 April 2013 to 28 May 2013 with access via printed copies and Council's website www.tweed.nsw. gov.au," Mr Chorlton said.

"As an additional engagement method it is also planned to convene a forum to enable input from the community groups Council regularly consults with

"This discussion is envisaged to occur towards the latter part of the public exhibition period, to enable the group's adequate time to review the documentation prior to providing input," he said.

Media Release





Comment on 2013/2017 Delivery Program and 2013/2014 Operational Plan

Council maximises what can be achieved with available resources

After adopting the 2013/2023 Community Strategic Plan in March, Council last night resolved to place on exhibition the Draft Integrated Planning and Reporting documents comprising the 2013/2017 Delivery Program, 2013/2014 Operational Plan , Resourcing Strategy, Revenue Policy (including Fees and Charges) and Budget.

The integrated planning documents provide a guide for Council operations and assist the organisation meet community demands for services and infrastructure by maximising what it can achieve with its available resources.

The 2013/2017 Delivery Program, which incorporates the 2013/2014 Operational Plan, is structured on the Community Strategic Plan strategic themes: Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

"The format of the 2013/2017 Delivery Program has changed from previous versions to promote easier navigation of the plan. Strategic themes are colour coded and each service of Council is linked to a strategic theme and costed back to the budget," Council's Acting Director Technology and Corporate Services, Michael Chorlton, said.

"Where appropriate, Council services are further linked to the 10 year Asset Management Plan and four year Workforce Management Plan. The total cost of all principal activities planned under a strategic theme is presented. A four year program of infrastructure works is detailed separately and costed back to a supporting four year budget program," he said.

The 2013/2014 budget is \$194.2 million, comprising \$118.5M in the General Fund, \$35.2M in the Water fund and \$40.5 million for the Sewer fund. This budget represents the first year since the conclusion of Council's 7 Year Infrastructure and Services Plan and incorporates an approved total permissible increase to ordinary rates of 3.4 per cent.

Some of the projects included in the draft documents include:

- \$7,75 million towards Arkinstall Park Master Plan.
- \$9.08 million towards road construction capital works.
- \$1.6 million for drainage construction.
- \$4.7 million for the Clarrie Hall Dam Spillway. \$12.9 million in Sewer infrastructure.



OPTIONS:

- 1. Considers the content of the public submissions and make amendments.
- 2. Adopts the Draft documents as exhibited, with minor changes as highlighted in the report.

CONCLUSION:

Council is required to adopt the Delivery Program 2013/2017, the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 associated documents by 30 June 2013. All draft documents will be updated and uploaded to Council's Web Site following any resolutions from 20 June 2013 Council meeting that impact the documents.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Sections 403, 404 and 405 Local Government Act 1993 applies.

b. Budget/Long Term Financial Plan:

As outlined within the Report and the Draft 2013/2014 Budget and Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.4 Update Delivery Program

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Submissions (ECM 3082246) from:

- Banora Point & District Residents Association Inc.
- Friends of Terranora
- Murwillumbah Ratepayers and Residents Association Inc.
- Oxley Cove Ratepayers Group
- Pottsville Beach Real Estate
- Pottsville Community Association Inc
- M Boyd
- S Henderson
- Attachment 2. Delivery Program 2013/2017 (ECM 3083880)
- Attachment 3. Revenue Policy and Statement 2013/2014 Part A (ECM 3082232)
- Attachment 4. Budget 2013/2014, Part B (ECM 3082231)
- Attachment 5. Fees and Charges 2013/2014 Revenue Policy, Part C (ECM 3082230)
- Attachment 6. Resourcing Strategy supporting the Community Strategic Plan 2013/2023 (ECM 3082217).

73 [TCS-CM] Amended 2013/14 Fees and Charges

SUBMITTED BY: Financial Services



SUMMARY OF REPORT:

This report contains 2013/2014 Fees and Charges amendments that require exhibition/re-exhibition due to omissions and amendments to the original 2013/2014 Operational Plan and Budget documents.

RECOMMENDATION:

That the Fees and Charges 2013/2014 as proposed in this report be placed on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

REPORT:

The Draft Fees and Charges document placed on exhibition as part of the 2013/2014 Operational Plan and Budget requires a number of amendments, that will result in the need to exhibition/re-exhibition, due to the following:

Title of fee	Explanation		
Outdoor Dining Fees	Omitted from original Fees and Charges		
	document due to a database error.		
Section 149 Fax Transmission Fee	Amended to be consistent with other fax		
	transmission fees applied by Council.		
Conveyancing Drainage Diagram Fax	Amended to be consistent with other fax		
Transmission Fee	transmission fees applied by Council.		
Animal impounding Daily Maintenance	Adjusted for 'rounding' to provide more		
Charge	efficient monetary transactions.		

It is recommended that the following fees and charges be exhibited for 28 days:

Activity/Function	Title of Fee/Charge	Fee or Charge Levied 2012/2013	Fee or Charge Levied 2013/2014 \$	Est. Yield \$	Pricing Category	GST included
Outdoor Dining	base fee per m2 per					
- Fees for Use	year					
of Footpath						
	Application for approval	252.00	265.00	75960	Α	N
	to use part of footpath					
	for the purpose of					
	conducting a restaurant					
	Tweed Heads - CBD	117.00	123.00		Α	Υ
	Street Upgrade Area					
	Tweed Heads - No	75.00	79.00		Α	Υ
	Street Upgrade					
	Kingscliff - CBD Street	117.00	123.00		Α	Υ
	Upgrade Area					
	Kingscliff - No Street	75.00	79.00		Α	Υ
	Upgrade Area					
	Murwillumbah - CBD	117.00	123.00		Α	Υ
	Upgrade Area					
	Murwillumbah - No	75.00	79.00		Α	Υ
	Street Upgrade Area					
	Bogangar/Cabarita -	117.00	123.00		Α	Υ
	CBD Street Upgrade					
	Area					
	Bogangar/Cabarita - No	75.00	79.00		Α	Υ
	Street Upgrade Area					
	Other Villages - Street	117.00	123.00		Α	Υ
	Upgrade Area					
	Other Villages - No	75.00	79.00		Α	Υ
	Street Upgrade					

Section 149 and Coastal Protection Act Certificates	Fax Transmission Fee	24.00	25.00	A	Y
Conveyancing Drainage Diagram	Fax Transmission Fee	N/A	25.00	A	Y
Impounding Fees - dogs, cats	Daily maintenance charge for each animal detained	17.80	19.00	A	N

OPTIONS:

- Council place the amended and omitted fees and charges on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.
- 2. Council not place the amended and omitted fees and charges on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

CONCLUSION:

It is unfortunate that the Outdoor Dining Fees were inadvertently omitted from the Fees and Charges document exhibited with the 2013/2014 Operational Plan and Budget. These omissions coupled with some minor amendments need to be exhibited/re-exhibited for public comment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The above amended fees and charges cannot be adopted and charges by Council until the conclusion of the new exhibition period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.1 Implement Revenue Policy

Council Meeting Date: Thursday 20 June 2013

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

74 [TCS-CM] Review of Council Policies

SUBMITTED BY: Corporate Governance



SUMMARY OF REPORT:

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked. Any policy adopted since 15 September 2012 is not required to be reviewed.

A detailed review of 89 Council Policies has been undertaken by Council Officers which has resulted in the development of the policy matrix disclosed in the report.

The effect of the review is:

No change (with exception of new standard format)	52
Transfer to separate Strategy section	2
Policies reviewed in current Council term - 15 September	13
2012	
Policies to be deleted, reason described in matrix	10
Policies with proposed minor amendments	7
Policies either on Council Agenda or public exhibition	4
Policies yet to be reviewed	1

It is proposed that 10 policies be deleted and 7 policies with proposed amendments, as per the attachments, which reflect minor formatting changes or change in Council circumstances, be adopted without the necessity of being advertised.

RECOMMENDATION:

That Council:

- 1. Approve no changes (with exception of placing the Policy in the new standard format) to the 52 policies as outlined in the policy matrix in the report.
- 2. Transfers the Asset Management Strategy and Community Engagement Strategy from Council Policies to a Strategy section on the Internet.
- 3. Deletes Anzac Day, Version 1.1; Charity Sponsorship, Version 1.1; Corporate Vision, Version 1.0; Mission and Value Statements, Version 1.0; Donations (Financial Assistance), Version 1.1; Fleet Procurement for Passenger Vehicles,

Version 1.1; Flood Liable Land, Version 1.1; Flora and Fauna, Version 1.1; Refund Transaction, Version 1.0; and Sporting Events on Highway and Major Roads, Version 1.1 as Council Policies for reasons outlined in the policy matrix in the report.

4. Adopts minor amendments to the following policies:

Collection Policy – Tweed River Regional Museum, Version 1.2
Community Options Client Contribution, Version 1.1
Correspondence - Response to, Version 1.4
Donations and Subsidies (Rates and Charges), Version 1.3
Drinking Water Quality, Version 1.1
Driveway Access to Property - Design Specification, Version 1.3
Investment, Version 1.7

5. In accordance with Section 161(2) of the Local Government Act 1993 is of the opinion that the amendments are not substantial and that it adopts the amended local policies without public exhibition.

REPORT:

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked. Any policy adopted since 15 September 2012 is not required to be reviewed.

A detailed review of 89 Council Policies has been undertaken by Council Officers which has resulted in the development of the following policy matrix:

Policy	Version	Adopted Date	Comment
Aboriginal Statement	1.3	13/11/2007	No change
Access to Information	1.5	15/03/2011	No change
ANZAC Day	1.1	13/11/2007	Delete. Protocol* to be created.
Asbestos Management	1.0	15/06/2010	No change
Asset Management	1.4	21/06/2011	No change
Asset Management Strategy	1.0	21/06/2011	Transfer to separate Strategy section.
Audit Committee Charter	1.5	20/09/2011	To be reviewed in June 2013 by the Audit Committee.
Beach Vehicles	1.2	16/12/2008	No change
Bitumen Sealing - Contribution	1.2	21/07/2009	No change
Builders Solid Waste in Multi Storey Construction Collection	1.1	13/11/2007	No change
Building Extensions in Flood Prone Areas	1.1	13/11/2007	No change
Building Work Adjacent to Canal Revetment Walls	1.1	13/11/2007	No change
Business Continuity Management	1.0	20/04/2010	No change
Business Ethics	1.2	13/11/2007	No change - minor formatting changes.
Cemeteries and Burial	1.1	13/11/2007	No change
Charity Fundraising	1.1	13/11/2007	No change
Charity Sponsorship	1.1	13/11/2007	Delete. Incorporated into Festivals and Events Policy.
Code of Conduct - March 2013 (Model)	1.9	21/03/2013	Reviewed in current Council term.
Code of Conduct Administration - March 2013 (Procedure)	1.0	21/03/2013	Reviewed in current Council term.
Code of Meeting Practice	2.3	14/02/2013	Reviewed in current Council term.
Collection Policy - Tweed River Regional Museum	1.1	13/11/2007	Proposed minor amendments to Policy section. Appendices (forms) removed.

Community Engagement Strategy	1.1	21/08/2012	Transferred to separate Strategy section.
Community Options Client Contribution	1.0	19/07/2011	Proposed minor amendments.
Companion Animals Management Plan	1.0	16/03/2010	No change. Subject to review at a later date.
Compliments and Complaints Handling	1.4	14/02/2013	Reviewed in current Council term.
Contaminated Land	1.1	13/11/2007	No change
Corporate Sponsorship	1.0	19/07/2011	No change
Corporate Vision, Mission and Value Statements	1.0	03/06/2008	Delete. Incorporated in Integrated Planning and Reporting documents.
Correspondence - Response to	1.3	28/05/2009	Proposed minor amendments.
Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors	1.7	13/12/2012	Reviewed in current Council term.
Cultural Policy	1.1	13/11/2007	No change
Customer Service Charter	1.2	26/06/2012	No change. Subject to review at a later date.
Dealing with Difficult People	1.0	12/02/2008	Proposed amended policy been on Public Exhibition and subject of a separate report to June Council meeting.
Discharge of Liquid Trade Waste to the Sewerage System	1.0	16/05/2013	Reviewed in current Council term.
Disposal of Assets	1.1	22/04/2008	Proposed amended policy been on Public Exhibition and subject of a separate report to June Council meeting.
Disposal of Land	1.1	13/11/2007	No change
Donations (Financial Assistance)	1.1	13/11/2007	Delete. Incorporated into Festivals and Events Policy.
Donations and Subsidies	1.2	22/04/2008	Proposed minor amendments and Policy renamed.
Drinking Water Quality	1.0	14/12/2010	Proposed minor amendments.
Driveway Access to Property - Construction Specification	1.1	13/11/2007	No change

Driveway Access to Property - Design Specification	1.2	11/03/2008	Proposed minor amendments.
Drought Water Restrictions	2.0	24/01/2013	Reviewed in current Council term.
Easements	1.1	13/11/2007	No change
Enforcement - Unlawful Activity	1.2	13/11/2007	No change
Enterprise Risk Management	1.0	29/04/2010	No change
Facility Hire and Use	1.0	16/08/2011	No change. Subject to review at a later date.
Festivals and Events	1.0	18/10/2011	No change
Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups	1.0	17/04/2012	No change
Fleet Procurement for Passenger Vehicles	1.1	13/11/2007	Delete. Protocol* to be created.
Flood Liable Land	1.1	13/11/2007	Delete. Incorporated into Unregisterable Moveable Dwellings and Annexes on Flood Liable Land.
Flood Risk Management	1.0	18/12/2007	No change - will be superseded by the Tweed Valley Flood Risk Management Study at a later date
Flora and Fauna	1.1	13/11/2007	Delete. The policy details are incorporated in other strategies and the practice of the provision of free trees is outdated.
Footpath Trading Policy	1.1	13/11/2007	No change
Fraud Prevention	1.1	13/11/2007	No change - minor formatting changes only.
Garbage and Other Solid Wastes - Code for Storage and Disposal	1.1	13/11/2007	No change
Incinerators	1.1	13/11/2007	No change
Internal Reporting (Public Interest Disclosures)	1.0	15/11/2011	No change
Investment	1.6	17/07/2012	Proposed minor amendments.
Jetties and Pontoons (Private)	1.0	21/07/2009	No change
Local Government Filming	1.0	16/06/2009	No change
Media	1.2	21/07/2009	No change
Naming of Buildings and	1.0	18/05/2010	No change

Facilities on Council Sportsfields			
Naming of Council Public Parks	1.0	12/08/2008	No change. Subject to review at a later date.
Naming of Streets and Roads	1.2	21/03/2013	Reviewed in current Council term.
Online and Social Media	1.0	26/06/2012	No change
Open Space Infrastructure Policy	1.0	21/08/2002	No change. Open Space Strategy currently being developed.
Oxley Cove Canal Estate Flood Debris Removal	1.1	25/09/2012	Reviewed in current Council term.
Placemaking and Public Art Policy	1.2	13/11/2007	No change
Privacy Management Plan	1.2	16/08/2011	Changes made to accord with new Model Policy - subject to a Council report to the July meeting.
Procurement Policy	1.4	20/03/2012	No change
Rainwater Tanks in Urban Areas	2.1	20/09/2011	No change
Refund Transaction	1.0	15/06/2010	Delete. Incorporated into Fees and Charges.
River Banks	1.2	21/07/2009	No change
Road Closures and Private Purchase	1.2	13/12/2012	Reviewed in current Council term.
Roadside Tributes	1.1	13/11/2007	No change
Secondary Employment	1.3	14/02/2013	Reviewed in current Council term.
Sewers - Work in Proximity	1.2	15/11/2012	Reviewed in current Council term.
Sporting Events on Highway and Major Roads	1.1	13/11/2007	Delete. Consent by Local Traffic Committee.
Sportsfields and Reserves	1.2	21/07/2009	No change
Strategic Asset and Service Management Program	1.1	13/11/2007	No change
Tweed Link	1.0	16/06/2009	No change
Unregistered Moveable Dwellings - Entry Porches	1.1	13/11/2007	No change
Unregistered Moveable Dwellings and Annexes on Flood Liable Land	1.1	13/11/2007	No change
Vending of Food on Public Reserves	1.1	13/11/2007	No change
Volunteers	2.0	18/04/2013	Reviewed in current Council term.
Waiving of Disposal Fees - Waste Management	1.0	15/06/2010	No change

Water Charging - Defective Services	1.2	30/10/2008	No change. Revised Policy being prepared and will be the subject of a Council report to the July meeting.
Water Supply Catchment Stream Bank Protection	1.2	13/11/2007	Proposed amended Policy (renamed to River Health Grants) been on public exhibition and subject to a report to a future Council meeting.
Youth	1.0	12/08/2008	No change.

^{*} Protocol is an internal working document that does not directly impact upon the public.

A summary of the matrix is:

No change (with exception of new standard format)	52
Transfer to separate Strategy section	2
Policies reviewed in current Council term - 15 September	13
2012	
Policies to be deleted, reason described in matrix	10
Policies with proposed minor amendments	7
Policies either on Council Agenda or public exhibition	4
Policies yet to be reviewed	1

OPTIONS:

- 1. That Council adopts the recommendation.
- 2. That Council does not agree to deleting the identified policies.
- 3. That Council does not agree to the proposed minor amendments.

CONCLUSION:

That Council adopts the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 1.2.1.5 Council Policies are compliant with legislation and guidelines
- 1.2.1.5.1 Council policies reviewed, reported to Council and placed on public exhibition as required

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Collection Policy Tweed River Regional Museum, Version 1.2 (ECM 3081972)
- Attachment 2. Community Options Client Contribution, Version 1.1 (ECM 3081970)
- Attachment 3. Correspondence Response to, Version 1.4 (ECM 3081969)
- Attachment 4. Donations and Subsidies (Rates and Charges), Version 1.3 (ECM 3081958)
- Attachment 5. Drinking Water Quality, Version 1.1 (ECM 3081952)
- Attachment 6. Driveway Access to Property Design Specification, Version 1.3 (ECM 3081948)
- Attachment 7. Investment, Version 1.7 (ECM 3081946)

75 [TCS-CM] Response to Notice of Motion - Asset Management

SUBMITTED BY: Acting Director



SUMMARY OF REPORT:

At Council's meeting of 18 April 2013 it was resolved that "Council brings forward a report into the adequacy of Council's Asset Management framework (Policy, Strategy and Plans) in dealing with the changing economic (reduced population growth) and environmental risks (extreme weather events) that may eventuate in the next ten years."

This report outlines the purpose of the asset management framework and how relates to the concerns expressed in the Notice of Motion.

RECOMMENDATION:

That Council receives and notes the report on the Notice of Motion of 18 April 2013 regarding asset management.

REPORT:

The purpose of the Asset Management framework is to define the policy, strategy and plans necessary to ensure that Council's assets are capable of providing services, of a desired quality, in a sustainable manner, for present and future communities. Asset management functions include:

- Acquisition, renewal and disposal
- Maintenance and operation
- Maximising service delivery potential
- Managing whole of life costs

A fundamental aspect of asset management is planning for the renewal of assets at the appropriate time. This requires an understanding of the current condition of assets, the likely pattern of the consumption or deterioration of the asset class, and a prediction of the future costs of the eventual replacement or renewal of assets.

The most significant challenge facing local government in terms of asset management is planning for, and the ability to fund the future costs of asset renewal and replacement. The difference between the estimated annual cost of maintaining assets at their current level of service, and the amount of funding actually provided in the budget, is referred to in the Resourcing Strategy as the "asset management shortfall". While asset prediction modelling and assumptions will no doubt develop and improve over time, the 2011/12 estimated asset management shortfall is in the order of \$10 million.

Reduced population growth

Asset renewals and replacements, for General Fund assets, are mostly funded by general purpose revenue, the greater part of which is rates. The Draft Long Term Financial Plan includes the assumption that the rating base will increase by around 3.2% per annum, inclusive of growth of 250 lots per annum.

Sensitivity analysis indicates that if the growth in rates income was to be 1% less than predicted, the net effect on General Fund revenue would be in the order of \$500,000. As many programs, other than asset management, are funded from rates revenue, the effect of a reduction in revenue growth such as this would have a minor effect on asset management funding.

It should also be noted that rates are levied on land parcels, not population; therefore population growth lower than forecast would only affect the growth of lots estimated within the Long Term Financial Plan.

Extreme weather events

Weather events such as storms and floods can cause damage to most above ground assets through wind damage, inundation and erosion. The nature of these events makes it difficult to predict and plan for. However, as the asset management process matures, and as condition assessments continue, it may come to light that adjustments need to be made to modify construction and/or maintenance standards and consumption patterns in the asset management plans. As asset management plans are periodically reviewed and updated, this will occur as a matter of course.

With regards to the financial impact of extreme weather events, government grants are usually available to assist councils meet the cost of emergency and restoration works. The current arrangements are that generally the State will reimburse councils for all of the cost of emergency works for essential services, and most of the cost of restoring assets to their previous condition; the federal government may then reimburse the State government.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council receives and notes the report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

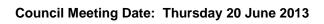
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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76 [TCS-CM] Workers Compensation Insurance - Twelve (12) Month Contract Extension to AC2008-040

SUBMITTED BY: Human Resources

Vali



SUMMARY OF REPORT:

Under the New South Wales Workers Compensation Act 1987 all employers are required to take out an appropriate level of Workers Compensation Insurance to cover their workforce. Council's current Workers Compensation Insurance Contract was awarded to StateCover Mutual Insurance from 1 July 2008 and is due to conclude 30 on June 2013. This contract was based on an initial two (2) year contract with the option for a further three by one year extensions subject to satisfactory annual performance reviews.

As a result of inconsistencies in workers compensation renewal processes and practices in NSW local government, as outlined in this report, there is now insufficient time remaining under the current contract to enable a tender process to be undertaken and a new contract to be awarded prior to 30 June 2013 when the current contract concludes. To take a conservative approach in addressing this issue and to provide appropriate Workers Compensation Insurance, it is proposed to extend StateCover's current contract for a twelve (12) month period to enable sufficient time for the tender process to be undertaken and a new competitive contract to be awarded.

RECOMMENDATION:

That Council endorses a twelve (12) month contract extension, until 30 June 2014, for AC2008-040 to StateCover Mutual Pty Ltd for the provision of Workers Compensation Insurance to Council as an interim arrangement whilst new tenders are being called.

REPORT:

Under the New South Wales Workers Compensation Act 1987 all employers are required to take out an appropriate level of Workers Compensation Insurance to cover their workforce. Council's current Workers Compensation Insurance Contract was awarded to StateCover Mutual Insurance from 1 July 2008 and is due to conclude 30 on June 2013. This contract was based on an initial two (2) year contract with the option for a further three by one year extensions subject to satisfactory annual performance reviews.

Custom and practice within Local Government has always been and continues to be that formal tenders are not undertaken in association with contracting Workers Compensation Insurance through StateCover Mutual.

A review of the Local Government Act however provides no legitimate provisions for exempting Workers Compensation Insurers or more specifically StateCover from standard procurement requirements. Given the inconsistency between custom and practice and legislative requirements, advice has been sort in relation to this matter from a number of sources including the Division of Local Government, Local Government NSW, HWL Ebsworth Lawyers and a number of councils.

In summary the legal advice provides:

- 1. Section 55A of the LG Act would still require Council to undertake the tendering process for Workers Compensation.
- 2. The provision of this insurance would not be exempt from the requirements to tender under section 55(3) of the LG Act.

As a consequence of this advice Council is in the process of preparing formal tender documentation for release to the market. Notwithstanding this advice, insufficient time remains under the current contract to enable the tender process to be undertaken and a new contract to be awarded prior to 30 June 2013 when the current contract concludes. To take a conservative approach to addressing this issue and to provide appropriate Workers Compensation Insurance, it is proposed to extend StateCover's current contract for a twelve (12) month period to enable sufficient time for the tender process to be undertaken and a new competitive contract to be awarded.

Further legal advice provides:

3. The extension of the current contract with StateCover would be appropriate as an 'interim' measure in order to undertake the tender process in a proper and timely manner in accordance with the requirements of the LG Act.

OPTIONS:

- 1. To extend the current Workers Compensation Insurance contract with StateCover for twelve (12) months.
- To extend the current Workers Compensation Insurance contract with StateCover for a lesser period than twelve (12) months. (This option would incur an additional financial impost).

- 3. Continue the existing Workers Compensation Insurance contract with StateCover without going to tender.
- 4. It is not an option for Council to have no Workers Compensation Insurance cover.

CONCLUSION:

It is unfortunate that the current Workers Compensation Insurance contract will conclude prior to the opportunity to call new tenders. Whilst multiple avenues of advice have been sort in relation to an exemption from procurement requirements, with conflicting results, it is considered appropriate to call new tenders for these services.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

Adequate provision is made in the 2013/2014 Budget for Workers Compensation insurance.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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77 [TCS-CM] Local Government NSW - Request for Assistance with Legal Costs - Mid-Western Regional Council

SUBMITTED BY: Corporate Governance

Valid



SUMMARY OF REPORT:

A formal request has been received from Local Government New South Wales for Council to give consideration to a voluntary contribution towards assisting Mid-Western Regional Council with legal costs that it has incurred.

The request concerns a matter before the Land and Environment Court "challenging Council's categorisation of land for rating purposes when Council have determined land which is used for mining purposes to be appropriately categorised, notwithstanding that the land is not located within the boundaries of a mining lease."

Copies of the correspondence received from Local Government New South Wales have been included in the report.

RECOMMENDATION:

That Council contributes \$2,000 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.

REPORT:



Our ref: R90/0377-03 - out 21405

18 April 2013

Mr Troy Green General Manager Tweed Shire Council PO Box 816 MURWILLUMBAH NSW 2484 CAL SOMM GAS
MINING - GENERAL
LECAL JORACES
LECAL LOSIS
THINKUSHINK COLLEGE
FILE NO LAND - END COLET
DOC. NO.
RECD. 23 APR 2013

Dear Mr Green

Approval of Legal Assistance Mid-Western Regional Council

At its meeting of 4 April 2013, the Board of Local Government New South Wales approved an application for legal assistance by Mid-Western Regional Council.

Mid-Western Regional Council currently have a matter before the Land and Environment Court challenging Council's categorisation of land for ratings purposes when Council have determined land which is used for mining purposes to be appropriately categorised, notwithstanding that the land is not located within the boundaries of a mining lease.

The relevant land is owned by a mining company and may be used for such purposes as a passive buffer for the attenuation of noise, for the disposal of excess mine water, for environmental offset and other purposes relating to the mining of coal.

Council argue that if they are able to defend their categorisation in Court that it will have major benefits for all councils.

Although the matter does not strictly fall within the Legal Assistance Policy and Guidelines, in that it is not a matter before the New South Wales Court of Appeal or the High Court of Australia, the Board concluded that the matter was of importance to all councils in that mining, including coal seam gas mining, was a major issue for local government and the application should therefore be supported.

A letter seeking your support by way of voluntary contribution will be forwarded to you in the near future.

Please do not hesitate to contact me on (02) 9242 4125 if you have any questions on this matter.

Yours sincerely

Frank Loveridge Legal Officer

LOCAL GOVERNMENT NEW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
TO2 9242 4000 FO2 9242 4111
LGNEW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

MISING- GENERAL

ASSIGNED TO: GLOTA. T

HARD COPY | IMAGE |

TWEED SHIRE COUNCIL
FILE No: USAL SERVICE
DOC. No:
RECD: 28 MAY 2013



Our ref: R90/0240-02-out 21478

14 May 2013

Mr Troy Green General Manager Tweed Shire Council PO Box 816 MURWILLUMBAH NSW 2484

Dear Mr Green,

Advice re: Contribution to Legal Assistance

The Association recently wrote to your Council outlining the successful application for legal assistance by Mid-Western Regional Council.

As set out in that letter, Mid-Western Regional Council currently has a matter before the Land and Environment Court challenging Council's categorisation of land as mining for ratings purposes.

The Association's Board considered that this matter is of importance to all local government especially taking into consideration the recent Coal Seam Gas issues that have occurred throughout the State.

Your financial contribution is now sought in this matter. Please find attached an invoice with your contribution amount of \$5529.69.

You are reminded that there is no obligation for a council to provide assistance.

Please do not hesitate to contact me on (02) 9242 4125 if you have any questions on this matter.

Yours sincerely

Ff

Frank Loveridge Legal Officer

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882



ABN: 49 853 913 882 GPO Box 7003 SYDNEY NSW 2000 Level 8 28 Margaret Street SYDNEY NSW 2000 Tel: (02) 9242 4000 Fax (02) 9242 4111 www.lgnsw.org.au lgnsw@lgnsw.org.au

Tax Invoice

Invoice Number

66513

Date

22/05/13

Invoice to:

Tweed Shire Council PO Box 816 MURWILLUMBAH NSW 2484

Customer Code

Customer Reference

ZZTWEE

Item	Item	Invoice				
Code	Description	Quantity	Per	Price	GST	Amount
LEGA	Legal Assistance Mid Western Regional Cl	1		5529.69	0.00	5,529.69

Your share of Council Contributions for Mid Western Regional Councils Legal Costs for Matter before Land and Environment Court - Categorisation of Land as Mining for Ratings Purpose

Attn: The General Manager

Total Includes GST of

Total

Terms: 30 Days Invoice Date

0.00 5,529.69

Payment to: Local Government NSW BSB: 062005 Account No. 00090198

OPTIONS:

- 1. That Council contributes \$2,000 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.
- 2. That Council contributes \$5,529.69 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.
- 3. That Council determines a contribution to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.

CONCLUSION:

As this rating categorisation appeal could affect the categorisation of rateable land by Council in the future, it is proposed to provide financial assistance in this case.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Expenditure can be applied to Legal Expenses within Job No. A0042.

c. Legal:

Not Applicable.

d. Communication/Engagement:

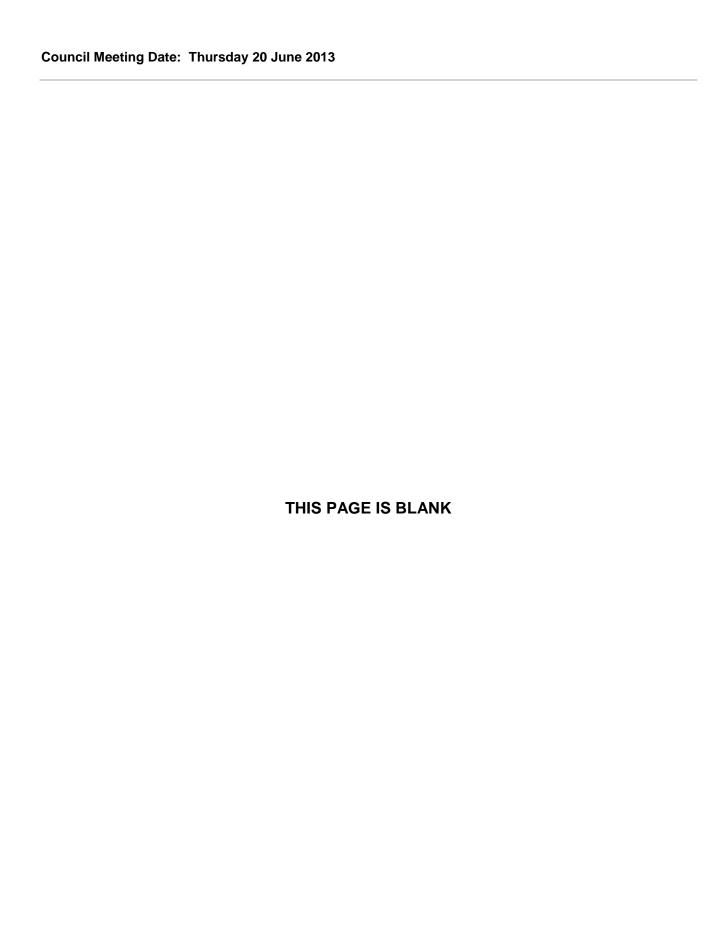
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



78 [TCS-CM] Legal Services Register as at 31 March 2013

SUBMITTED BY: Corporate Governance

TWEED

Civic Leadership

SUMMARY OF REPORT:

The Legal Services Report as at 31 March 2013 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 to 31 March 2013 is \$69,047.

The legal instructions that principally relate to the March quarter expenditure are:

Advice on earthworks undertaken without an approved \$36,699
 Construction Certificate.

• To defend applicants appeal against refusal of DA10/0800 and \$27,735 DA10/0801, 73 Sandy Lane, Cobaki Lakes.

RECOMMENDATION:

That Council receives and notes the Legal Services Register as at 31 March 2013.

REPORT:

Expenditure incurred on legal instructions for the period 1 July 2012 to 31 March 2013 follows:

Category 1 Planning, Environmental and Local Government Law	Category 2 Commercial/Property Law	District/Local Court
\$209,501	\$0	\$19,660

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	Year to Date	Current Period 1 January to 31 March 2013
HWL Ebsworth Lawyers	\$38,438	Nil
Lindsay Taylor Lawyers	\$46,209	\$27,735
Maddocks Lawyers	\$107,533	\$39,159
Marsdens Law Group	\$7,294	Nil
Sparke Helmore Lawyers	\$10,027	\$327
Stacks – The Law Firm	Nil	Nil
Wilshire Webb Staunton Beattie	Nil	Nil

Legal Service Provider Category 2 Commercial/Property Law	Year to Date	Current Period 1 January to 31 March 2013
HWL Ebsworth Lawyers	Nil	Nil
Lindsay Taylor Lawyers	Nil	Nil
Maddocks Lawyers	Nil	Nil
Marsdens Law Group	Nil	Nil
Stacks – The Law Firm	Nil	Nil
Wilshire Webb Staunton Beattie	Nil	Nil

Legal Service Provider District/Local Court	Year to Date	Current Period 1 January 31 March 2013	to
Stacks – The Law Firm	\$19,660	\$1,82	26

LEGAL SERVICES REGISTER as at 31 March 2013

Service Provider	Cat.	Description of Matter	General Instructions	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 Creek Road Crystal Creek. File DA08/0966.	Defend the matter in the Land and Environment Court.	09/10 \$48,763 10/11 \$24,185 11/12 \$24,381 12/13 \$1,382 \$98,711	In Progress – Land and 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.
Lindsay Taylor	1	Voluntary planning agreement - Altitude Aspire (Area E). File DA07/0701.	Provide appropriate advice.	12/13 \$17,422	In Progress - updated draft received from Solicitors for Altitude Aspire and a final draft prepared by Council's service provider forwarded on 27 September 2012 which is being reviewed.
Lindsay Taylor	1	Class 1 Appeal - applicants appeal against refusal - DA10/0860 & DA10/0801, 73 Sandy Lane, Cobaki Lakes	Defend the matter in the Land and Environment Court	12/13 \$27,735	In Progress - Land and Environment call over held on 12 March, Section 34 Conference held on 16 April, further conciliation to be heard on 26 April, then decide whether to conduct further conciliation conference or proceed directly to hearing.

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Marsdens	1	Class 4 Appeal – 7 Year Special Rate Variation. File Budget/Management Plan.	Defend the matter in the Land and Environment Court	07/08 \$24,446 08/09 \$280,956 09/10 \$79,879 10/11 \$58,658 11/12 \$49,181 \$493,120	In Progress – Land and 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. Costs of LEC and Court of Appeal have been assessed. Application for Special Leave to Appeal refused by High Court on 12 August 2011 with costs. Recovery of costs currently being pursued.
Marsdens	1	Administrative Decisions Tribunal hearing - Leda Developments.	Assist Council in dealing with Tribunal hearing.	12/13 \$5,534	In Progress - informal hearing conducted, referred affidavit and documents lodged with the Tribunal for a decision "on papers".
Marsdens	1	Proposed Class 4 Proceedings. Unauthorised building work, 4 Wharf Street, Tweed Heads.	Council action in the Land and Environment Court.	12/13 \$954	In Progress - appropriate action commenced.
Stacks	1	Appeal to Supreme Court of Appeal – M W Allen (Lizzio Subdivision – Condong). File GS4/95/73.	Represent Council in the Supreme Court and engage counsel where appropriate.	08/09 \$29,609 09/10 \$26,100 10/11 \$3,296 11/12 \$9,166 \$68,171	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. Judgement handed down on 10 February 2012. Case to be reviewed by an independent legal provider.

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Stacks	District / Local Court	Provide advice on proposed action on activities at Hacienda and Homestead Caravan Parks, Chinderah Bay Road.	Provide appropriate advice.	11/12 \$1,320 12/13 \$5,100 \$6,420	In Progress - Detailed advice provided. Letters sent to owners of caravan parks. Council is considering its position in regard to further action.
HWL Ebsworth	1	Class 1 Appeal - appeal by objector - dissatisfied with the determination of a consent authority - Kingscliff Police Station.	Defend the matter in the Land and Environment Court.	11/12 \$17,171 12/13 \$25,015 \$42,186	Judgement declared on 28 July 2012 that the development consent is invalid. Council ordered to pay agreed costs of \$15,000.
HWL Ebsworth	1	Provide advice on dwelling entitlements pertaining to undersize lots concerning operation of Clause 57 of Tweed LEP 2000.	Provide appropriate advice.	12/13 \$12,041	Completed - advice provided.
Lindsay Taylor	1	Class 1 Appeal - refusal of Optus Tower, 37 Boxhill Road, Limpinwood.	Defend the matter in the Land and Environment Court.	11/12 \$63,694 12/13 \$1,052 \$64,746	Completed - Hearing part heard 22-23 March 2012. Adjourned to 8 May 2012. Judgement handed down 16 July 2012. Court dismissed the appeal by Optus.
Maddocks	1	General advice and information.	Provide general advice and information.	12/13 \$4,149	Completed - Advice provided to Council.
Maddocks	1	Provide advice on earthworks undertaken without an approved construction certificate. File K99/1124.	Detailed advices sent with compliance options.	12/13 \$103,383	Completed - Detailed advices provided outlining various compliance options.
Marsdens	1	Class 1 Appeal - appeal against refusal of DA10/0516, 57 Jabiru Drive, Cobaki Lakes. File DA10/0516.	Defend the matter in the Land and Environment Court.	12/13 \$806	Completed - notice of discontinuance executed on 3 August 2012.
Sparke Helmore	1	Class 4 Action - Institute Court Order to remove building works and unauthorised use, 576 Cudgen Road, Cudgen.	Commence action in the Land and Environment Court.	11/12 \$142,400 12/13 \$10,027 \$152,427	Completed - Court order case heard on 30 November and 1 December 2011. Judgement handed down on 9 December 2011 in favour of council. Respondent to pay council costs. Action reported to council to enforce judgement. Orders heard on 20 April

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
					2012. Council to file and serve any evidence. Notice of Motion listed for hearing 24 May 2012. Judgement handed down 24 May 2012 in favour of Council, including costs. Reimbursement of assessed costs of \$100,000 paid.
Stacks	District / Local Court	Appeal against dangerous dog declaration in Local Court.	Defend the matter in Local Court.	12/13 \$909	Completed - appeal dismissed. Cost of \$330 awarded in Council favour.
Stacks	District / Local Court	Appeal to District Court seeking costs order for parking infringement notice.	District Court.	12/13 \$8,697	Completed - appeal was partly successful. Applicant was entitled to dispersements incurred during the course of the appeal which amounted to \$412.10. Council had to pay the costs of its own Barrister.
Stacks	District / Local Court	Appeal to District Court against issue of dog infringement notice.	Defend the matter in District Court	12/13 \$1,250	Completed - appeal dismissed. Fine of \$600 ordered.
Stacks	District / Local Court	Statement of Claim - DA04/1028- 207 Farrants Hill Road - building encroachment. File DA04/1028.	Defend the matter in the District Court of NSW.	07/08 \$7,594 08/09 \$34,534 09/10 \$2,242 10/11 \$14,936 11/12 \$2,567 12/13 \$28 \$61,901	Completed – Case has been struck out in the District Court. Costs awarded to defendants, matter of costs now to be pursued internally by council. Deed of Agreement entered into for recovery of costs. Costs of \$50,847 reimbursed to Council.
Stacks	District / Local Court	Appeal in Local Court against infringement notice not to comply with notice to register animal.	Defend the matter in Local Court.	12/13 \$3,677	Completed - matter heard on 19 December 2012. Appeal dismissed. Fine and prosecutions legal costs awarded in Council's favour.

OPTIONS:

Not Applicable.

CONCLUSION:

Legal expenses for the quarter related primarily to actions instigated in previous periods.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Tender AC2009/073 Provision of Legal Services.

b. Budget/Long Term Financial Plan:

As reported with legal expenses allowed for in appropriate areas of Council's budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Council Meeting Date: Thursday 20 June 2013					
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79 [TCS-CM] Dealing with Difficult People Policy Version 1.1

SUBMITTED BY: Corporate Governance

Vali



SUMMARY OF REPORT:

The basis for the revision of the Dealing with Difficult People Policy Version 1.0 resulted from a change to the Community Access Section of the Code of Meeting Practice Version 2.3 that has the following wording:

People who have been deemed a Difficult Person in accordance with one of the categories as defined in Council's Dealing with Difficult People Policy may be excluded from being eligible to address Council during Community Access.

This wording was incorporated into the Dealing with Difficult People Policy Version 1.0 and exhibited as Version 1.1, in accordance with Council's resolution of Thursday 21 March that:

the Dealing with Difficult People Policy Version 1.1 is placed on public exhibition for 28 days and submission be invited for a period of 42 days;

The draft policy was placed on public exhibition on Wednesday 27 March, with submissions closing on Friday 17 May 2013.

Two submissions were received during the submission period and are detailed in the report.

RECOMMENDATION:

That in accordance with Section 161 of the Local Government Act 1993, the Dealing with Difficult People Policy Version 1.1, be adopted without amendment.

REPORT:

SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that:

the Dealing with Difficult People Policy Version 1.1 is placed on public exhibition for 28 days and submission be invited for a period of 42 days;

The Policy had primarily been drafted, based on information released by the NSW Ombudsman in Dealing with Difficult People guidelines.

The draft policy was placed on public exhibition on Wednesday 27 March, with submissions closing on Friday 17 May 2013.

Two submissions were received during the submission period and are detailed as follows:

Submission 1

- It would be fairer to wait until such a person appears at community access and clearly behaves in an unreasonable way to warn them that they will be unable to present again in future, perhaps after "three strikes and you are out"
- To leave the decision to one individual's judgement ie the General Manager leaves too much room for a biased decision.
- See potential for certain concerned residents being unfairly excluded from community access on a bogus claim that they were a "difficult person".

Comment

The decision to declare a person "a Difficult Person" is a comprehensive process and does not occur over a bogus claim. There is usually a recommendation from officers in the Corporate Government Unit who then investigate the case, which requires support from the Divisional Director and then approval by the General Manager.

The policy requires the person to be given an opportunity to make representations about Council's proposed course of action, which must be then considered before the person is actually declared "a difficult person".

Submission 2

 Suggest that the Policy be amended to include that the identification of "a difficult person" be approved not only by the General Manager, but corroborated by 2 other senior staff also ie the Directors of relevant Departments being affected by the individual's behaviour, including written evidence to support the need for identifying this individual as such and then be approved by Councillors. Restriction of access should also include Councillors.

Comment

Council's determination process to declare a person "a difficult person" is already in accord with the suggested process, which also requires the General Manager to advise the Councillors as soon as possible of the relevant circumstances relating to the declaration and the action taken.

With regard to restriction of access to a Councillor, it is suggested that an individual councillor should determine how they will interact with the person.

OPTIONS:

- 1. Adopt the Dealing with Difficult People Policy Version 1.1, without amendment
- 2. Do not change the Dealing with Difficult People Policy Version 1.0.

CONCLUSION:

Council adopt the Dealing with Difficult People Policy Version 1.1, as exhibited without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

Will become Dealing with Difficult People Policy Version 1.1, following adoption.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

In accordance with NSW Ombudsman Guidelines.

d. Communication/Engagement:

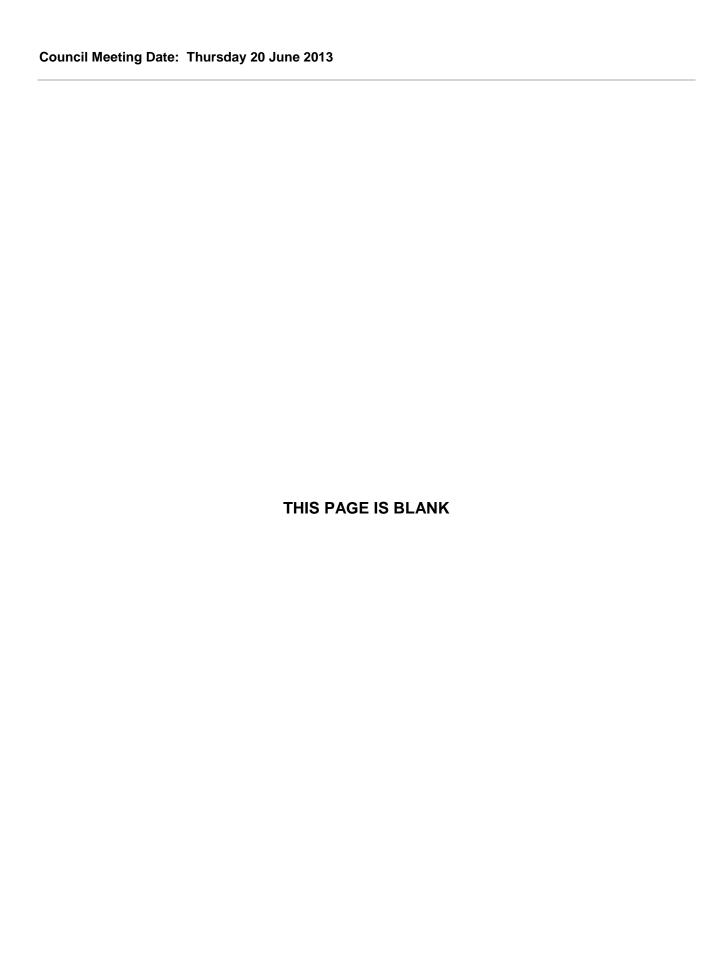
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Dealing with Difficult People Policy Version 1.1 (ECM 64424685).



[TCS-CM] Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0

SUBMITTED BY: Corporate Governance



SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the Disposal of Surplus Goods, Materials and Portable Assets Policy, Version 1.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seek public submissions for 42 days.

The draft policy was placed on public exhibition on Wednesday 27 March 2013, with submissions closing on Friday 17 May 2013.

No submissions were received during the submission period and it is recommended that the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, be adopted without amendment.

Council is required to review local policies within 12 months of an election in accordance with Section 165(4) of the Local Government Act 1993. The basis for the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 resulted from a review of Council's Disposal of Assets Policy Version 1.1.

The Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, provides a balanced solution to Council's legal requirements, officers responsibilities, the management of potential risks of corruption and ensures that disposal processes are documented.

RECOMMENDATION:

That

- In accordance with Section 161 of the Local Government Act 1993, the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 be adopted without amendment
- 2. The Disposal of Assets Policy Version 1.1 be deleted as it has been replaced by the disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.

REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the Disposal of Surplus Goods, Materials and Portable Assets Policy, Version 1.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seek public submissions for 42 days.

The draft policy was placed on public exhibition on Wednesday 27 March 2013, with submissions closing on Friday 17 May 2013.

No submissions were received during the submission period and it is recommended that the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, be adopted without amendment.

Council is required to review local policies within 12 months of an election in accordance with Section 165(4) of the Local Government Act 1993. The basis for the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 resulted from a review of Council's Disposal of Assets Policy Version 1.1.

The Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, provides a balanced solution to Council's legal requirements, officers responsibilities, the management of potential risks of corruption and ensures that disposal processes are documented.

OPTIONS:

- 1. Adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.
- 2. Not adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.
- 3. Retain the Disposal of Assets Policy Version 1.1.

CONCLUSION:

Council adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0(replacing the Disposal of Assets Policy) without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

Will become a Corporate Policy when adopted.

b. Budget/Long Term Financial Plan:

Income from sales will be allowed in the annual budget

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

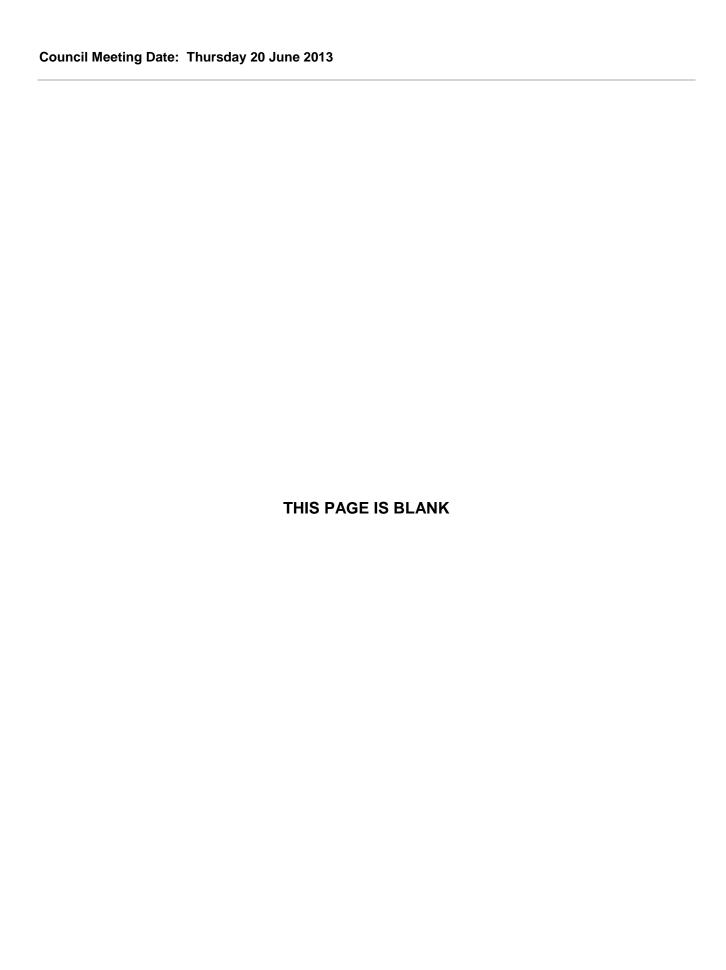
- 1 Civic Leadership
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Disposal of Surplus Goods, Materials and Portable Assets

Policy Version1.0 (replacing the Disposal of Assets Policy

Version 1.1 (ECM 2968669).



81 [TCS-CM] Draft Subpoenas Policy Version 1.0

SUBMITTED BY: Corporate Governance

Vali



SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the draft Subpoenas Policy on public exhibition for a period of 28 days and seeks submissions for a period of 42 days;

The basis for developing the Subpoenas Policy is to accord to best practice and advise legal firms and persons whom serve subpoenas on Council, how they will be managed within Council. This process is principally in regard to verifying the validity of the subpoena, payment of conduct money; claiming loss or expense in relation to complying with a subpoena; seeking an extension of time to produce the documents to the issuing court and requesting the issuing court to withhold release of the documents until Council's claim has been paid or a cost order issued.

The draft policy was placed on public exhibition from Wednesday 27 March to Friday 17 May 2013, with no submissions being received.

RECOMMENDATION:

That in accordance with Section 161 of the Local Government Act 1993 the Draft Subpoenas Policy Version 1.0 be adopted without amendment.

REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the draft Subpoenas Policy on public exhibition for a period of 28 days and seeks submissions for a period of 42 days;

The basis for developing the Subpoenas Policy is to accord to best practice and advise legal firms and persons whom serve subpoenas on Council, how they will be managed within Council. This process is principally in regard to verifying the validity of the subpoena, payment of conduct money; claiming loss or expense in relation to complying with a subpoena; seeking an extension of time to produce the documents to the issuing court and requesting the issuing court to withhold release of the documents until Council's claim has been paid or a cost order issued.

The draft policy was placed on public exhibition from Wednesday 27 March to Friday 17 May 2013, with no submissions being received.

OPTIONS:

- 1. Adopt the Draft Subpoena Policy Version 1.0;
- 2. Not adopt the Draft Subpoenas Policy Version 1.0.

CONCLUSION:

Council adopts the Draft Subpoenas Policy Version 1.0 without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

The Subpoenas Policy Version 1.0 will become a Corporate Policy of Council when adopted and fees and charges associated with this proposed policy are on public exhibition.

b. Budget/Long Term Financial Plan:

Income generated will be allowed in the annual budget

c. Legal:

In accordance with Practitioners Guide to Civil Litigation.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process.
- 1.2.1.6 Access to information

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1 Draft Subpoenas Policy Version1.0 (ECM 64412852).



[TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 May 2013

SUBMITTED BY: Financial Services

Valid



SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had \$157,421,096 invested as at 31 May 2013 and the accrued net return on these funds was \$610,340 or 4.65% annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 May 2013 totalling \$157,421,096 be received and noted.

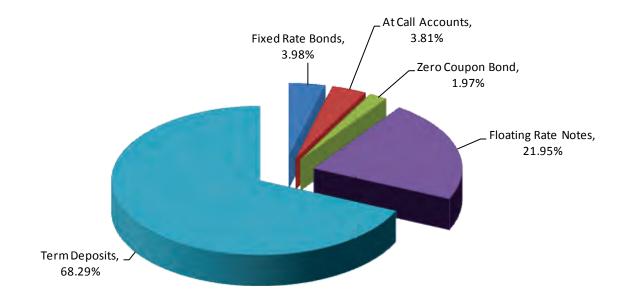
REPORT:

1. Restricted Funds as at 1 July 2012

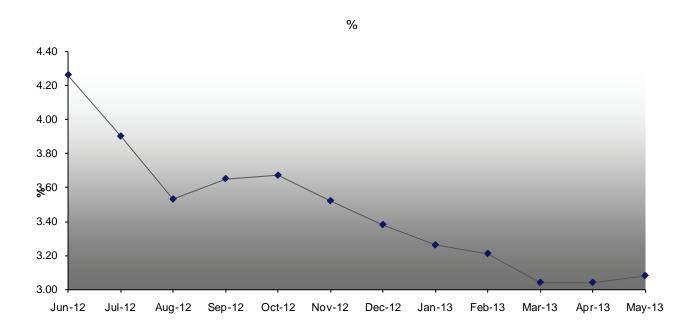
	(\$'000)				
Description	General Fund	Water Fund	Sewer Fund	Total	
Externally Restricted	2,441	15,262	51,519	69,222	
Crown Caravan Parks	14,980			14,980	
Developer Contributions	24,720	6,805		31,525	
Domestic Waste Management	9,221			9,221	
Grants	4,781			4,781	
Internally Restricted	21,294			21,294	
Employee Leave Entitlements	4,414			4,414	
Grants	6,013			6,013	
Unexpended Loans	9,753			9,753	
Total	97,617	22,067	51,519	171,203	

Note: Restricted Funds Summary updated September 2012, corresponding with the Annual Financial Statements as at 30 June 2012

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Direct Securities

			% Return on		Investment
Counterparty	Face Value	Market Value	Face Value	Maturity Date	Туре
AMP (ANZ)					
(03/16)	1,700,000.00	1,722,050.70	4.13	14/03/2016	FRN
AMP (RBS)					
(06/14)	2,000,000.00	2,008,444.00	4.19	06/06/2014	FRN
AMP (RIM)	2,001,460.00	2,002,204.00	3.86	29/05/2017	FRN
ANZ/Suncorp					
(05/14)	2,000,000.00	2,011,640.00	3.91	26/05/2014	FRN
Bendigo	4 000 000 00	4 040 500 00	4.05	00/44/0045	EDM
(FIIG) (11/15) Bendigo	1,000,000.00	1,010,580.00	4.35	02/11/2015	FRN
(RBS)					
(05/17)	2,000,000.00	2,010,340.00		17/05/2017	FRN
BÒQ (ANZ)	1,000,000.00	1,000,230.00	4.30	30/05/2016	FRN
BOQ (RBS)	1,000,000.00	1,000,230.00	4.30	30/05/2016	FRN
CBA (08/16)	1,000,000.00	1,022,590.00	4.07	02/08/2016	FRN
CBA (08/16)	2,000,000.00	2,045,180.00	4.07	02/08/2016	FRN
CBA Retail					
Bond (12/15)	492,500.00	500,500.00	4.09	24/12/2015	FRN
CBA Retail					
Bond (12/15)	498,250.00	500,500.00	4.09	24/12/2015	FRN
CBA Retail					
Bond (12/15)	1,000,000.00	1,001,000.00	4.09	24/12/2015	FRN
CBA/Merrill					
Lynch Zero					F: 15 (
Coupon Bond	4 000 000 00	2 400 000 00	7.28	22/01/2019	Fixed Rate
(01/18) Heritage	4,000,000.00	3,100,000.00	1.20	22/01/2018	Bond
(RBS)					Fixed Rate
(06/17)	1,325,000.00	1,417,750.00	7.25	20/06/2017	Bond

			a. . .		
Counterparty	Face Value	Market Value	% Return on Face Value	Maturity Date	Investment Type
ING (RBS)	1 doc value	market value	Tuoc Value	matarity Date	Fixed Rate
(09/15)	2,000,000.00	2,095,000.00	5.50	03/09/2015	Bond
ING (RBS)	_,000,000.00	_,000,000.00	0.00	00/00/2010	Fixed Rate
(09/15)	2,000,000.00	2,095,000.00	4.22	03/09/2015	Bond
Macquarie	_,,	_,,		00,00,00	
(RIMSEC)					
(03/14)	1,000,000.00	1,016,347.00	4.97	13/03/2014	FRN
NAB (06/16)	2,000,000.00	2,058,460.00	4.21	21/06/2016	FRN
NAB (11/15)	1,000,000.00	1,021,210.00	4.10	05/11/2015	FRN
NAB Direct	, ,	, ,			
(12/14)	1,000,000.00	1,023,510.00	4.33	19/12/2014	FRN
Rabo (07/16)	1,000,000.00	1,014,500.00	4.07	27/07/2016	FRN
Rabo (07/16)	1,000,000.00	1,014,500.00	4.07	27/07/2016	FRN
Suncorp					
(FIIG) (04/15)	2,000,000.00	2,039,960.00	4.49	23/04/2015	FRN
Suncorp					
(Westpac)					
(04/15)	1,000,000.00	1,019,980.00	4.49	23/04/2015	FRN
Suncorp					
(Westpac)					
(04/15)	2,000,000.00	2,039,960.00	4.49	23/04/2015	FRN
Suncorp					
(Westpac)					
(04/16)	2,000,000.00	2,021,140.00	4.09	11/04/2016	FRN
Suncorp					
Covered					
(RIMSEC)					Fixed Rate
(12/16)	2,000,000.00	2,070,580.00	4.75	06/12/2016	Bond
Westpac					
(RBS) (02/17)	1,000,000.00	1,037,710.00	4.42	20/02/2017	FRN
		43,921,095.70	4.51	20/02/2017	TIXIN
Totals	44,017,210.00	43,921,093.70 ABS = Asset Backed	4.01		
LEGEND		Security			
		Bond = Fixed Rate Bond			
		CDO = Collaterised Debt Ob	ligation		
FRN = Floating Rate Note					
AAAD AAAD		BB = Bendigo Bank		ME = Members Equity	Bank
AMP = AMP Bank		Heritage = Heritage Bank		RaboDirect = Rabo Ba	ank
ANZ = ANZ		пенкауе = пенкауе ранк			n
Bank		ING = ING Bank		Rural = Rural Bank	
BOQ = Bank of Qu		Investec = Investec Bank		Suncorp = Suncorp Metway Bank	
CBA = Commonwe	ealth Bank	Macquarie = Macquarie Ban		Westpac = Westpac B	ank
NAB = National Australia Bank					

5. Term Deposits

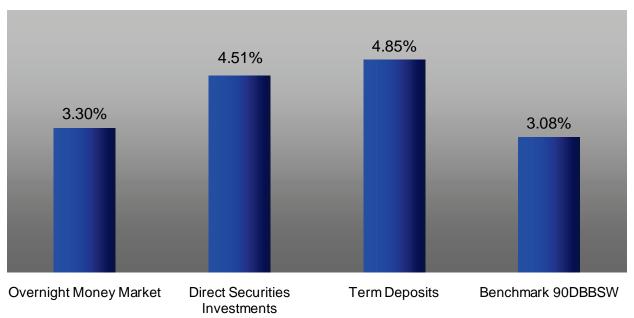
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
11-Mar-13	11-Jun-13	ING (RIMSEC) (Sept 2013)	2,000,000.00	92	4.60
11-Mar-13	11-Jun-13	Investec (RIMSEC) (Jun 2014)	1,000,000.00	92	5.00
19-Mar-13	11-Jun-13	MEB (RIMEC) (Mar 2013)	4,000,000.00	84	4.35
11-Mar-13	11-Jun-13	Westpac (Jun 2013)	2,500,000.00	92	4.35
26-Mar-13	25-Jun-13	Westpac (Jun 2013)	2,000,000.00	91	4.35
03-Jun-13	03-Jul-13	NAB (Sept 2013)	3,000,000.00	30	4.40
04-Apr-13	04-Jul-13	BOQ (Apr 2014)	2,000,000.00	90	4.57
		Westpac (Apr 2016) quarterly			
08-Apr-13	08-Jul-13	interest	2,000,000.00	91	4.56
05-Feb-13	09-Jul-13	Rural (Curve) (Feb 2013)	2,000,000.00	154	4.25
08-Jan-13	10-Jul-13	MEB (Júl 2013)	4,000,000.00	183	4.70
11-Apr-13	11-Jul-13	Westpac (Jan 2016)	8,000,000.00	91	4.34
15-Jan-13	16-Jul-13	Suncorp (Jul 2013)	3,000,000.00	182	4.56
22-Jan-13	23-Jul-13	BOQ (July 2013)	2,000,000.00	182	4.50
15-Jan-13	23-Jul-13	NAB (July 2013)	4,000,000.00	189	4.56
		Suncorp (RBS) (July 2013)	, ,		
21-Jul-12	23-Jul-13	annual interest	1,000,000.00	366	7.30
26-Jul-12	26-Jul-13	RaboDirect (Curve Jul 2015)	1,000,000.00	365	5.20
26-Jul-12	26-Jul-13	RaboDirect (Curve Jul 2016)	1,000,000.00	365	5.40
05-Feb-13	30-Jul-13	Suncorp (Feb 2013)	3,000,000.00	175	4.40
29-Jan-13	30-Jul-13	Suncorp (Jan 2013)	5,000,000.00	182	4.42
05-Feb-13	06-Aug-13	BOQ (Aug 2013)	2,000,000.00	182	4.45
29-Jan-13	06-Aug-13	ING (RIMSEC) (Aug 2013)	2,000,000.00	189	4.47
07-Aug-12	06-Aug-13	Investec (RIMSEC) (Aug 2013)	1,000,000.00	364	5.42
13-May-13	12-Aug-13	BOQ (Nov 2013)	2,000,000.00	91	4.31
13-May-13	12-Aug-13	NAB (Feb 2015)	2,000,000.00	91	4.21
10 May 10	12 / tag 10	NAB (RBS) (Aug 2015) quarterly	2,000,000.00	01	7.21
13-May-13	12-Aug-13	interest	2,000,000.00	91	6.00
10 May 10	12 / (10)	BOQ (RBS) (Aug 2013) annual	2,000,000.00	01	0.00
12-Aug-10	13-Aug-13	interest	2,000,000.00	1097	7.05
16-May-13	16-Aug-13	Westpac (Nov 2014)	2,000,000.00	92	4.14
19-Feb-13	19-Aug-13	MEB (Aug 2013)	2,000,000.00	181	4.40
20-May-13	19-Aug-13	Westpac (Feb 2016)	2,000,000.00	91	3.98
21-May-13	21-Aug-13	ING (FIIG) (Feb 2014)	1,000,000.00	92	4.17
21-May-13	21-Aug-13	ING (RIMSEC) (Feb 2015)	1,000,000.00	92	4.19
23-May-13	23-Aug-13	BOQ (Feb 2016)	1,000,000.00	92	4.41
27-May-13	27-Aug-13	NAB (RBS) (Aug 2015)	2,000,000.00	92	4.01
31-May-13	30-Aug-13	IMB (Dec 2013)	2,000,000.00	92	4.07
01-Sep-10	02-Sep-13	NAB (Sept 2013) annual interest	4,000,000.00	1098	6.52
04-Jun-13	03-Sep-13	ING (RIMSEC) (Sept 2013)	1,000,000.00	91	4.34
	Jop	AMP (CURVE) (Sept 2013)	.,300,000.00		
30-Aug-12	03-Sep-13	annual interest	500,000.00	365	6.00
04-Jun-13	10-Sep-13	Westpac (Jun 2013)	2,000,000.00	98	4.19
		AMP (CURVE) (Sept 2013)	_,000,000.00	- 55	
30-Aug-12	10-Sep-13	annual interest	500,000.00	365	6.00
12-Mar-13	10-Sep-13	ING (RIMSEC) (Sep 2013)	2,000,000.00	182	4.45
26-Mar-13	24-Sep-13	NAB (Mar 2013) annual interest	1,000,000.00	182	4.43
23-Apr-13	01-Oct-13	Rural Bank (Oct 2013)	1,000,000.00	161	4.40
23-Apr-13	08-Oct-13	ING (RIMSEC) (Oct 2013)	2,000,000.00	168	4.40
11-Oct-12	11-Oct-13	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85
19-Mar-13	15-Oct-13	ING (Curve) (March 2013)	2,000,000.00	210	4.42
22-Jan-13	22-Oct-13	NAB (Oct 2013)	2,000,000.00	273	4.45
22 0011 10	ZZ 00t-13	RaboDirect (Curve) annual	2,000,000.00	210	7.40
12-Nov-12	11-Nov-13	interest	1,000,000.00	366	6.40
20-Nov-12	19-Nov-13	NAB (Nov 2012)	2,000,000.00	364	4.72
01-Mar-13	26-Nov-13	Rural (Curve) (Nov 2013)	2,000,000.00	270	4.30
07-Feb-13	07-Feb-14	RaboDirect (Curve) (Feb 2015)	1,000,000.00	366	6.00
07 1 00 10	J. 1 30 1-T	1 1.000011001 (00110) (1 00 2010)	1,000,000.00		0.00

Lodged or Rolled	DUE	DUE Counterparty PRINCIPAL		TERM	% Yield
		annual interest	annual interest		
20-Feb-13	18-Feb-14	Heritage Bank (Feb 2014)	2,000,000.00	363	4.40
22-Mar-11	25-Mar-14	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.75
		RaboDirect (RIMSEC) (Mar			
22-Mar-11 22-Mar-16		2016) annual interest	1,000,000.00	1827	7.15
			107,500,000.00		4.85
LEGEND		ING = ING Bank	RaboDirect = Rabo Bank		
AMP = AMP				Rural = Rural	
Bank		Investec = Investec Bank	Bank		
ANZ = ANZ				Suncorp = Suncorp Metway	
Bank		Macquarie = Macquarie Bank		Bank	
BOQ = Bank of Queensland		NAB = National Australia Bank		Westpac = Westpac Bank	
CBA = Commonw	ealth Bank	ME = Members Equity Bank			
Heritage = Heritag	ge Bank	NPBS = Newcastle Permanent Building Sc	ciety		

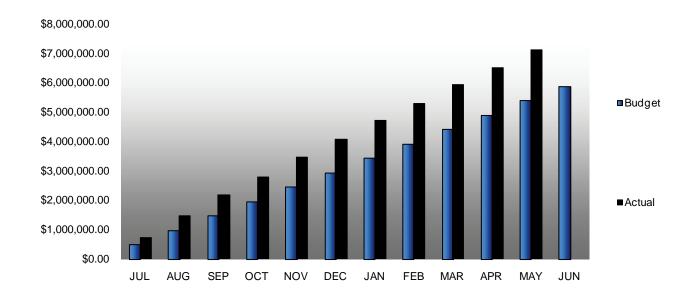
6. Performance by Category

Category	Face Value	Market Value	Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	\$6,000,000.00	\$6,000,000.00	3.30%	0.22%
Direct Securities Investments Term	\$44,017,210.00 \$107,500,000.0	\$43,921,095.70 \$107,500,000.0	4.51%	1.43%
Deposits	0	0	4.85%	1.77%
Benchmark 90DBBSW	\$157,517,210.00	\$157,421,095.70	3.08%	Benchmark 90 Day UBS Bank Bill Index

Performance by Category Compared with Benchmark



7. Total Portfolio Income v Budget



8. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits						
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	
AAA Category	100%	1.27%	A-1+	100%	16.82%	
AA Category	100%	22.22%	A-1	100%	19.04%	
A Category or below	60%	13.14%	A-2	60%	17.79%	
BBB Category or below	20%	1.90%	A-3	0%	0.00%	
Unrated	10%	5.92%	Unrated	10%	1.90%	

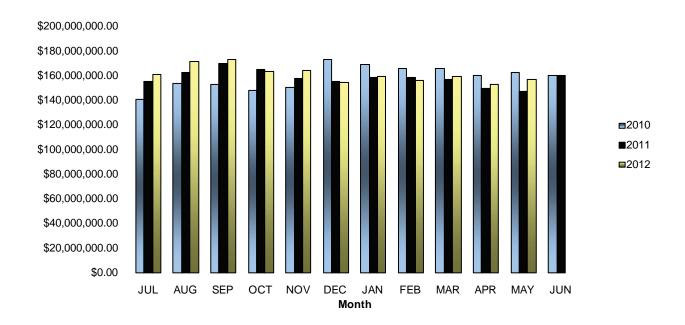
9. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	55.55%	Minimum 40% of portfolio
Between 365 days and 2 years	9.52%	Maximum 60%
Between 2 years and 5 years	34.93%	Maximum 35%
Total	100.00%	

10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses is sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons Generally liquid	Credit exposure to company issuing paper
			Can be government or corporate issuer	

11. Monthly Comparison of Total Funds Invested



12. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	4,040,037	-
02	Banora Point Western Drainage	551,669	-
03	Banora Point West/ Tweed Heads South Community Facilities	40,110	-
04	Tweed Road Contribution Plan	7,608,884	586,051
05	Local Area Open Space	880,881	1,474
06	Street Tree Planting in Residential Areas	136,412	
07	West Kingscliff Opens Space & Drainage	416,509	
10	Cobaki Lakes Open Space & Community Facilities	(1,030)	
11	Shire Wide Library Facilities	1,469,296	1,067
12	Bus Shelters	59,626	-
13	Eviron Cemetery	(31,351)	166
14	Mebbin Springs Subdivision - Rural Road Upgrading	83,035	-
15	Community Facilities	433,666	2,704
16	Emergency Facilities - Surf Lifesaving	338,890	148
18	Council Administration & Technical Support	995,634	2,417
19	Kings Beach/Casuarina/Kings Forest	173,019	-
20	Seabreeze Estate - Open Space	693	-
21	Terranora Village Estate - Open Space & Community Facilities	28,429	-
22	Shirewide Cycleways	282,110	141

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
23	Shirewide Carparking	2,047,966	-
25	Salt Development - Open Space & Car Parking	1,005,864	-
26	Shirewide/Regional Open Space	1,492,887	6,267
27	Tweed Heads Masterplan Local Open Space & Streetscaping	95,702	-
28	Seaside City	41,411	-
90	Footpaths & Cycleway	-	-
91	DCP14	99,371	-
92	Public Reserve Contributions	124,631	-
95	Bilambil Heights	485,929	-
Total		22,900,279	600,435

13. Economic Commentary

Australian Economy and Cash Rate

At the Reserve Bank of Australia (RBA) meeting on 4 June 2013 the cash rate remained on hold at 2.75%. Internationally, the RBA conceded that global growth was running below trend however a pickup in 2014 was possible. Inflation levels remain low, while monetary policy remains extremely accommodative. In reference to Australia's biggest economic relationship with the global economy, the RBA mentioned that commodity prices have fallen from peak levels, however current prices still remain well above historical averages.

United States

Economic news out of the US continued to show signs it was on the path to recovery, causing a host of Fed speakers to raise the point that tapering the pace of the current Quantative Easing program could become justifiable. A strong non-farm payrolls release at the beginning of May and subsequent low unemployment rate (lowest in four years) at 7.5% buoyed sentiment around the US economy. Growth indicators still remained slightly subdued however continued signs of recovery are being seen in the housing and manufacturing sectors.

Japan

The Bank of Japan (BoJ) kept monetary policy unchanged at its meeting on 22 May, on the basis that the big stimulus package unveiled in April would spur growth and lift prices. It hopes huge purchases of longer-dated Japanese government bonds will keep interest rates low and stable enough to prompt consumers to spend and businesses to invest. Japan's economy has started picking up. Output increased at its fastest pace in a year in the first quarter, boosted by a rise in net exports and private consumption. However, sharp price fluctuations in government bond markets have led to fears that the BoJ is losing its ability to set benchmarks for the price of borrowing.

China

Markets remained cautious around the progress of the Chinese economy, with growth starting to languish and demand for key commodities remaining lacklustre. This was highlighted with the Chinese HSBC PMI reading which printed below 50 (signalling a contraction) for the first time in seven months. Chinese industrial production fell below market expectations as PMI services indices barely remained in positive territory. On the positive side, domestic consumption continues to remain a buoyant factor in maintain growth levels, with retail sales data consolidating throughout the month.

Eurozone

Eurozone GDP contracted for the sixth consecutive quarter in 2013, as the pace of the economic recovery remains sub-par. The latest Italian, German and UK manufacturing PMI prints provided some of the few economic highlights, with overall manufacturing across the Eurozone remains sluggish. The UK recorded a surprising GDP growth figure however inflation failed to deliver on expectations. As is the case with most European countries, consistently positive economic data remains difficult to achieve. The EUR largely held its ground against the USD throughout the month, performing well given the resurgent strength of the USD.

New Zealand

The unemployment rate fell to 6.2%, responding to a pick-up in local conditions, well ahead of market expectations. Building consents and Business Confidence remained stronger throughout May however retail sales weakened modestly. The RBNZ left rates unchanged at 2.50% ahead of the upcoming June meeting. The RBNZ commented on how its plans to continually monitor an overheating housing sector and currency, noting intervention may be required.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 72.10% of the portfolio held in term deposits. Term deposit and bond margins above the 90 day bank bill rate remain relatively high and continue to provide above benchmark returns while minimizing capital risk. An all time low cash rate is translating to falling investment yields, making it difficult to obtain substantial and sustainable investment income.

All investment categories including cash at call out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.7% pa above the 30 day UBS bank bill index for the last 12 month period.

Source: RBA Commentary and Oakvale Treasury Report

14. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS 9,360,580.00

FLOATING RATE NOTES 34,560,515.70

ASSET BACKED SECURITIES 0.00 FUND MANAGERS 0.00 TERM DEPOSITS 41,000,000.00

WATER FUND CALL ACCOUNT 6,000,000.00 **90,921,095.70**

TERM DEPOSITS 25,500,000.00

SEWERAGE

FUND FUND MANAGERS 0.00 **25,500,000.00**

TERM DEPOSITS 41,000,000.00

FUND MANAGERS 0.00 **41,000,000.00**

It should be noted that the General Fund investments of \$90 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.

Responsible Accounting Officer

Manager Financial Services

All

Tweed Shire Council

OPTIONS:

17.

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

<u>Local Government (General) Regulations 2005 - Section 212 - Reports on council investments</u>

- "(1) The responsible accounting officer of a council:
 - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.35 Council funds are invested in accordance with legislation requirements and Council Policy
- 1.3.1.35.1 Council funds are invested to provide maximum returns whilst having due regard to risk

UNDER SEPARATE COVER/FURTHER INFORMATION:

Council Meeting Date: Thursday 20 June 2013				
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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013

SUBMITTED BY: Community and Cultural Services



SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council

Time:

9.00am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative) from 9.00am to 11.30am and from 1.28pm to 1.45pm, Mayor Barry Longland (Tweed Shire Council representative).

Ex-officio:

Anne McLean (Tweed Shire Council)

Guest Observers (in order of arrival):

Tim Robins (Everick) from 10.00am.

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-operative Society Limited representative), David Oxenham (Tweed Shire Council)

Chair: Aunty Joyce Summers

RESOLVED that the Chair was declared vacant and nominations were called. Aunty Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Aunty Joyce Summers opened the meeting with a welcome to all present and paid respects to Elders past and present.

Minutes of Previous Meeting:

Nil.

Agenda Items:

A1 River Heights Tourist Park (Tim Robins - Everick)

Proposal is to take the top of the cliff off to develop the site. Kirkwood Road batter is within the perimeter of the property as is the Tuckeroo Tree and artefacts.

Everick has advised the developer that the community is not happy with that. Everick confirmed the area is consistent with significant site characteristics.

Everick has recommended property owner meet with the community to discuss concerns.

Des Williams advised development, clearing and scraping of the top of the hill is not supported.

Developer has asked if test excavations can be done. Everick asked opinion of community in relation to test excavations.

Everick advised the purpose of testing is to ascertain if there is any physical heritage (artefacts) in the area proposed for development. There needs to be anthropological evidence for the site to be registered as an Aboriginal place. Council may determine that the site is significant regardless and not allow development.

Jackie McDonald advised there is another high ridgeline on the site identified in the walk over. Everick noted there has been no investigation undertaken at this time awaiting permit to clear vegetation to see if artefacts can be identified in that area.

Testing will involve pits. Des advised the soil is clay and will be holding artefacts. Pits must be placed where there is the highest likelihood of finding an artefact. Everick will use scientific placement of pits to try to tell story of site and changing geology.

Leweena Williams asked how will non-physical elements be viewed eg. known trail and Tuckeroo Tree? Everick advised that a Court of Law tends to put most emphasis on physical however cultural heritage assessment needs to identify non-physical elements/importance of site regardless.

Jackie McDonald and Des noted existing area (identified Tuckeroo Tree) is not able to be developed at all. It must be preserved. Des noted community will go to Court to protect the tree and surrounding area because of its alignment to other sites across the Shire. Tree is the highest point and has key observation points.

Everick recommending excavation is done with an excavator. Des stated need to engage a very experienced excavator operator.

Action: That Everick prepare draft excavation strategy for community to consider.

Action: AAC requested developer fence tree and surrounding area to prevent access and ensure protection of the site.

Moved: Des Williams Seconded: Leweena Williams

RESOLVED that the Aboriginal stakeholders (AAC members) meet on site with the owner of the site (Robert Sullivan) to discuss cultural heritage concerns and steps required to proceed with the development.

Jackie asked who is responsible for registering site. Everick noted Council is responsible. Des advised NPWS officer has been to site and it is recognised by the National Parks field officer as a site and will be recorded as such. Everick will need to investigate NPWS status on behalf of developer.

A2. Midden site at Champagne Drive (part of Fraser Drive residential subdivision), Tweed Heads South

Will be residential development around midden. Trying to prepare a protection strategy to keep midden safe as it is fragile. Jackie has suggested it should be kept for an educational purpose.

Could there be a viewing and interpretive cross-section of the midden, including story and signage? Des suggested to take section will destroy midden. Everick believes this midden is too small to put that into effect; however they are proposing to use suggestion with midden at Cobaki. Jackie said at least we should photograph midden and install signage so people are aware of site in the future.

Leweena Williams left meeting at 11.30am.

Signage, landscaping and fencing is developer's responsibility. Council would be responsible for maintenance.

Everick noted the other issue is providing access to the site. Developer has an access proposal. Jackie prefers access from Fraser Drive; Council did not indicate a preference. Developer is now proposing access via Fraser Drive.

Developer seeking to lodge a Management Plan with Department of Planning (as per Cultural Heritage Management Plan tabled). Jackie asked Everick to clarify reference to Aboriginal Coordinator (page 10). Jackie asked if this item could be removed. Everick noted the report would be amended to refer to specified cultural monitors.

Action: Everick will amend draft Cultural Heritage Management Plan to add individual stakeholders and remove reference to Aboriginal Coordinator.

Jackie referred to page 16 of document.

Action: Aboriginal Advisory Committee advised the midden is to be photographed following geotech process with appropriate signage installed and access from Fraser Drive.

Action: Everick will amend draft Cultural Heritage Management Plan to note that in the event of bad weather cultural monitors to be reimbursed for a minimum of four hours work.

Wooyung Planning Proposal Everick advised proposal is about to be lodged.

Everick will report the community opinion is divided. TBLALC has given conditional support for the project. Revised development proposal is low impact compared to alternate proposal. However not known what is sub-surface on the site.

Jackie asked if TBLALC supported alternate proposal because it was lower impact. Des confirmed that the existing approved development is not acceptable in any form. TBLALC has given in-principle support but reserves the right to withdraw.

Jackie still does not support any development on site. Aunty Joyce does not support any development on the site.

Outstanding Matters Report

O35 The Palms Caravan Park, Dry Dock Road, Tweed Heads South On hold until houses are removed to assess land under houses.

C155 Altitude Aspire (Area E) [Closed Item] Final report sent electronically to Council.

O38 Kings Forest

Plans forwarded 17 January 2013. Item closed.

O34 Wardrop Valley Road, Murwillumbah

Requests of Aboriginal Advisory Committee for test pits have not met with objection from developer; requesting a determination for project. Seek updates from Council periodically.

O20 Mooball Residential Rezoning

Noted - Refer to Planning for further updates.

O21 & O23 Cobaki Lakes

Everick commissioned a peer review of Cultural Heritage Management Plan to confirm findings. Data and dating of artefacts is still being confirmed. Everick could not prove the midden was damaged from earthwork. Negotiations for employment opportunities and keeping place for artefacts continue

O14 Tweed City Shopping Centre

Everick revisited site in October. Area of interest is sand and similar sand source to the Cobaki site. Developer has advised no longer considering an understorey car park. Everick has made recommendations to the developer but final report not submitted at this time. On hold.

Leweena Williams returned to the meeting at 1.28pm.

A2. Midden site at Champagne Drive (part of Fraser Dve residential subdivision), Tweed Heads South

The AAC made the following recommendation:

Moved: Jackie McDonald

Seconded: Des Williams

RESOLVED that Everick is requested to undertake radiocarbon dating of the Fraser Drive Midden site.

A3. Cobaki Lakes

The AAC made the following recommendation:

Moved: Jackie McDonald Seconded: Des Williams

RESOLVED that Everick request the Cobaki Lakes development Excavation Report be released to the AAC.

General Business:

GB2.All Access Playground Working Group

Anne McLean informed the AAC of a working group meeting to discuss plans for an All Access Playground proposed at Coral Street, Tweed Heads. Anne noted the working group at this stage does not have an Aboriginal representative and asked the Committee extend an invitation for interested persons or services to send representative(s). Further information can be obtained through Karen Collins, Council's Aged and Disability Development Officer.

GB3.Junction Park Signage

Documents pertaining to proposed signage for Tumbulgum tabled. Committee discussed Aboriginal significance of name.

Action: Anne McLean to investigate paperwork originally lodged with Geographical Names Board to support name of Tumbulgum.

Action: Anne McLean to liaise with Ian Fox, Converge regarding historical records in the Bundjalung Mapping Project that may be relevant to the name Tumbulgum.

Action: Des Williams to liaise with Aboriginal knowledge holders regarding meaning of the name Tumbulgum.

GB4.Welcome to Country Information

Anne McLean circulated the information sheet prepared by the Communications and Marketing Section for consideration by the AAC. The document will be discussed in detail at a future meeting.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 1 February 2013.

The meeting closed at 1.45pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 25 September 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

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[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013

SUBMITTED BY: Community and Cultural Services



SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 be received and noted; and
- 2. The Executive Management Team's recommendations be adopted as follows:
 - A4. River Heights Tourist Park (DA12/0364)

That Council notes that the Development Application 12/0364 as submitted is not supported by the Aboriginal Advisory Committee until a thorough Cultural Heritage Assessment has been undertaken on the site.

A2 Fingal Quarry

That Council notes that the Aboriginal Advisory Committee supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Museum and Cultural Centre, Tweed Heads South

Time:

9.45am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative); Desrae Rotumah (Tweed Aboriginal Co-Operative Society Limited representative).

Ex-officio:

Anne McLean (Tweed Shire Council) (arrived at 10.40am), Gabby Arthur (Tweed Shire Council) (Minutes).

Guest Observers (in order of arrival):

Rob Appo (Converge) (arrived at 10.00am), Robyn Eisermann (Tweed Shire Council) (arrived at 10.00am), Colleen Forbes (Tweed Shire Council) (arrived at 10.30am), Kay Bolton (Fingal Head Coastcare) (arrived at 11.00am), Bill Tatchell (Destination Tweed) (arrived at 11.30am).

Apologies:

Barry Longland (Mayor of Tweed Shire), David Oxenham (Tweed Shire Council).

Chair: Aunty Joyce Summers

Moved: Des Williams

Seconded: Leweena Williams

RESOLVED that the Chair was declared vacant and nominations were called. Aunty Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Aunty Joyce Summers opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting: Moved: Jackie McDonald

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held 7 December 2012 be accepted as a true and accurate record of the proceedings of that meeting with the exception that:

O4 Pacific Highway Banora Point - the agreed wording for Wilsons Park signage - all references to "Dreamtime" to be changed to "Dreaming" as per the decision made at the meeting. The dreamtime covers the whole of creation and the dreaming is a specific part of the dreamtime.

Business Arising:

Business Arising was suspended for Agenda Items.

Agenda Items:

A1 Aboriginal Cultural Heritage Management Plan - Rob Appo (Converge) and Robyn Eisermann (Tweed Shire Council)

(a) Ocean Drive, Chinderah Heritage Assessment

Rob Appo advised that the Ocean Drive, Chinderah Heritage Assessment has just been completed. A copy of the report has been provided to TBLALC, Jackie McDonald and Marvette Logan who were registered stakeholders. There are no issues so the Report is now being finalised. The property has just been sold so Converge is unsure whether the development will go ahead.

(b) Station Street, Burringbar, Cultural Heritage Assessment

TBLALC attended the site walkover and a couple of issues were identified. A level of ground clearance had been undertaken before the walkover. This has been recorded in the report. In the list of recommendations, the archaeologist will record the ground surface integrity as low because of the extent of the ground clearance. A camp site was identified on the ridgeline which is on a neighbouring property and is outside of the development area. An artefact was located in the development area. Some axe heads were also found there but they had been brought to the site and were outside of the development area. An AHIP (Aboriginal Heritage Impact Permit) will be required to register the small sandstone artefact which resembled an egg. National Parks and Wildlife Service (NPWS) will notify the land owner once the permit has issued. A midden was also located on the ridge which is an unusual area for one to be located and could have been transported to the site. A flora and fauna report has been prepared that reflects extensive ground clearance. The report is still in draft form and an electronic copy will be sent to TBLALC

(c) Aboriginal Cultural Heritage Management Plan

Rob Appo reported that the Burringbar map is nearing completion and noted the area above had previously been mapped as a having potential site for a camp site. The mapping should be completed by 28 February and will go up to Brisbane for overlaying electronically over the maps.

Craig Barrett of Converge's Sunshine Coast office has completed the draft history report using the information from his attendance at the August AAC meeting. Rob tabled the overview prepared by Craig and handed copies out to members. The draft report will be ready in two weeks and Converge will email a copy of the report to committee members prior to the March meeting for the Committee's review and discussion.

The Committee reviewed the overview document and asked that the following comments be passed onto Craig:

- 1. "Fingal All Blacks" should read "Tweed All Blacks" and previous to that "Tweed Natives".
- 2. The history includes South Sea Islander people and Aboriginal people and should reflect when the South Sea Islander people came into the picture and their links.
- 3. Armed Forces.

Robyn Eisermann reminded the Committee that the report is not a comprehensive chronological history - it is a thematic history and it will reference other chronological history. The thematic history was drafted based on previous discussions with lan Fox where he

outlined 52 possible themes. If a full chronological history was done, it would use the whole project budget.

It was agreed that the Committee members could distribute the draft document to other community members for comment and feedback. The Committee is to provide all comments and feedback to Craig Barrett at the AAC meeting on 1 March 2013.

A4. River Heights Tourist Park (DA12/0364) - Colleen Forbes (Tweed Shire Council) Colleen Forbes advised that she is the Development Assessment Officer for the River Heights Tourist Park and she is seeking some feedback from the AAC regarding whether this project is supported. Colleen noted details of the assessment have been forwarded to TBLALC for comment.

It was noted that the original Development Application included some letters of support however they were dated from the cultural heritage assessment for the previous application which was for undergrowth removal which has not proceeded. This Application is substantially different and includes a cut of 27m on the site in some areas. The revised application does not propose to undertake ground survey work prior to excavation. The Applicant's preference is to not undertake any ground survey as their view it that is too hard to clear and can only be done with heavy machinery. Council is concerned about approving the application because of cultural sensitivity of the site and unknown impacts without a full cultural heritage survey proceeding. The discoveries of the artefacts have made this a significant site which must be taken into consideration during the assessment.

It was noted the AAC requested a further consultation with the developer at the January 2013 meeting. Further investigation needs to be done prior to approval.

Colleen's report will be prepared next week and will be recommending refusal due to cultural heritage, flora and fauna, SEPP14 impact, noise from road and airport and other landforming issues. This report will go to JRPP who will be determining the project. Colleen will recommend the Application is withdrawn and that the proponent completes the undergrowth removal and site survey then resubmit.

The development could end up in Court as an appeal.

Moved: Jackie McDonald Seconded: Leweena Williams RECOMMENDATION:

That the Development Application 12/0364 as submitted is not supported by the AAC until a thorough Cultural Heritage Assessment has been undertaken on the site.

Carried

- A2 Fingal Quarry Kay Bolton (Fingal Head Coastcare)
- (a) Fingal Quarry

Kay distributed a draft plan for the Fingal Quarry rejuvenation and advised that it has come to Fingal Head Coastcare's attention that Fingal Quarry is looking a bit uncared for; the road is being widened by people driving on the edges and people are using the area for dumping.

There is a proposal to rejuvenate the area by laying telegraph poles along the side of the road and then planting a lot of native plants behind same for small birds. The rejuvenation would make it a narrow road with a planting on both sides and perhaps some overhanging trees. There would be parking at the end close to the beach with a walkway along the ridge.

This would reduce traffic but it would still be open for emergencies. Kay tabled some photographs of the damage.

Discussion as to why Council doesn't give a number of free tipping vouchers annually to residents as this would help to stop people from dumping illegally. Householders could be issued with a small number of free vouchers each year when they pay their rates etc. Leweena noted it is important to send a clear message to people to be respectful of the place.

The AAC advised Kay they support the proposed plan.

Moved: Des Williams

Seconded: Leweena Williams

RECOMMENDATION:

That the AAC supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

Carried

(b) Welcome Sign at Fingal Head

Kay asked that the AAC confirm the spelling of Booninybah/Pooninybah on the welcome sign at the lighthouse walk at Fingal Head. The AAC confirmed this is correct.

(c) Interpretive Signage at Fingal Head

Fingal Head Coastcare is working on an interpretive signage project at Fingal Head in conjunction with Council and is proposing welcome signs at the Surf Club, lighthouse car park near the nursery, possibly the quarry and one on the riverfront. Coastcare has requested Aboriginal artwork for the signs. Council has advised it has some generic Aboriginal artwork but Coastcare would prefer something original done by a Fingal Head artist.

Sascha Piotrkowski of Council is working on the project. An EOI would be required to tie in with Council protocols including Public Art Policy etc. The AAC would need to provide feedback to Anne McLean so that Council can prepare an EOI.

Action: Anne McLean liaise with Sascha Piotrkowski regarding proposed interpretive signage project at Fingal Head.

A3 Destination Tweed - Bill Tatchell (Destination Tweed)

Bill introduced himself to the AAC and provided an overview of Destination Tweed. Tourism in this area is about how we engage and interpret the natural environment. Bill wishes to paint a picture of the natural environment which will assist in gaining support from Government and Tourism Australia to access grant funding. Currently tourist engagement with the natural environment is limited to drives and walks. Bill noted the Tweed is not a mass tourist destination and never will be however the natural environment is an asset for the future.

He wishes to develop a relationship with the Aboriginal community. "Wild journeys" is a program that has been developed to make tourists aware of existing culture and heritage. Destination Tweed can join this program but need to do so with its eyes wide open. Often money is put on the table, operators take the money, try to set up and then fail because mass tourism is required. Tweed has an opportunity to join the 'Wild Journeys' program as there is currently funding available for existing tourist operators.

Bill noted that is terms of global tourism Australia is losing the market share. On the world scale, Australia received .6% of the global tourist trade. Forty three percent of people who come to Australia attend national parks. Many of those visitors wish to immerse themselves in a cultural experience. Bill is looking at how this could be developed and marketed to achieve economic sustainability. He is seeking help and assistance from the AAC and the Aboriginal community to develop a culturally sensitive tourism market.

Aunty Joyce asked what outcomes there would be for the local aboriginal community. Leweena noted the local community must be a partner not just a bystander if such a scheme was developed.

Bill noted the outcomes for the Aboriginal community are job opportunities, ownership of the product and experiences. This could include Indigenous guides to facilitate interpretation of specific areas and if there isn't the need then signage for static interpretation. Indigenous guides could relate the uniqueness of the area, including art, hunting and gathering - an experience rather than observation. It could include a day tour to visit sites that aren't generally open to the public - a bus trip and interpretation of the site. Minjungbal Museum is an ideal facility for groups and also tour guide training. Bill would welcome the opportunity to talk with school kids, and the community about opportunities.

Jackie McDonald asked if it is likely an Aboriginal Tourism Officer could be employed to foster cultural tourism. Bill noted that a dedicated Indigenous Tourism Officer is not likely to be employed. It is likely tourism grant funding would be provided to existing operators that have proven commercial viability and that the Indigenous cultural experience would be added on to existing tours. Therefore, direct employment of local Aboriginal people as guides or the like would come through existing operators.

Bill suggested the AAC could develop a list of sites - something that could become an Indigenous itinerary for tourists to visit.

Action: Nil.

Junction Park Signage

Anne McLean asked the Committee if any discussions have been held with community members about the meaning of the name Tumbulgum. No discussions have been held yet.

General Business:

Nil.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 1 March 2013. The meeting closed at 12.15pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A4. River Heights Tourist Park (DA12/0364) - Colleen Forbes (Tweed Shire Council) Nil.

A2 Fingal Quarry - Kay Bolton (Fingal Head Coastcare)

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A4. River Heights Tourist Park (DA12/0364)

That Council notes that the Development Application 12/0364 as submitted is not supported by the Aboriginal Advisory Committee until a thorough Cultural Heritage Assessment has been undertaken on the site.

A2 Fingal Quarry

That Council notes that the Aboriginal Advisory Committee supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 25 September 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

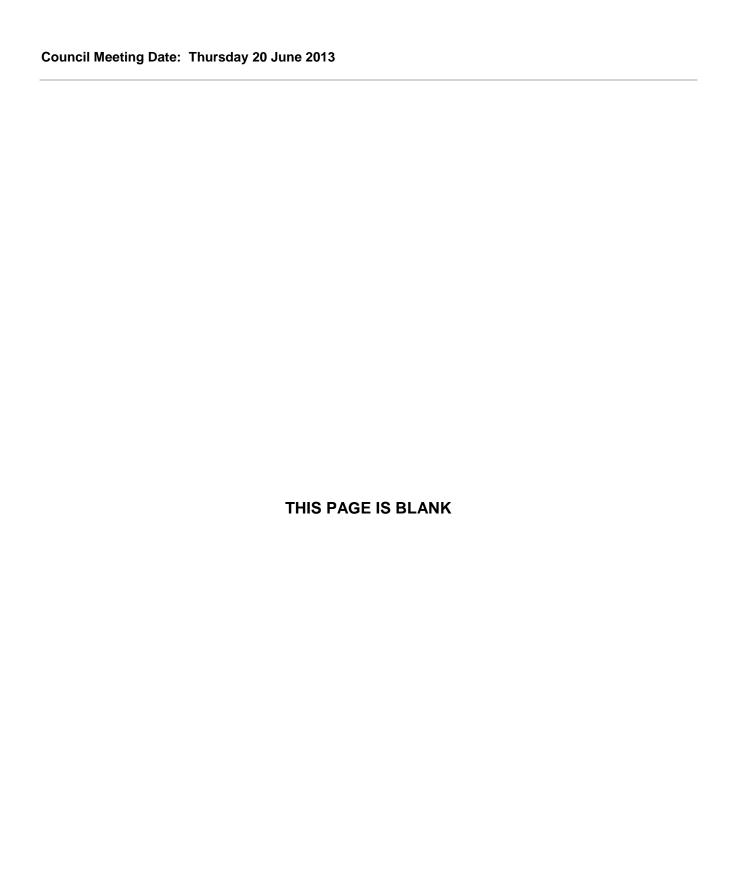
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



[SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013

SUBMITTED BY: Community and Cultural Services



SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 be received and noted; and
- 2. The Executive Management Team's recommendations be adopted as follows:

Request for Assistance from Murwillumbah Cricket Club
That Access Funds of \$3,850 be provided to Murwillumbah Cricket Club to
improve access by constructing a designated accessible parking bay and paths
of travel from the designated accessible parking bay to the club house and
existing accessible toilet facility.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Cultural Centre

Time: 10.00am

Present:

Trevor Harris, Bev Kelso, Karen Collins, Ron Douglas, Suzanne Hudson, Una Cowdroy, Milena Morrow, Phil Youngblutt, Alanah Hunter, Robert Noakes

Apologies:

Michael Armstrong, Chris Vannucci, Lee Clark,

Minutes of Previous Meeting: Moved: Phil Youngblutt Seconded: Bev Kelso

RESOLVED: that the Minutes of the Equal Access Committee meeting held Thursday 20 February, 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Outstanding Matters Report:

1. Education for Tweed City Staff on guide dogs and assistance animals
Three members of the Equal Access Advisory Committee met with Tweed City Centre
Manager and Operations Assistant to discuss access issues and staff education. Most
access matters were resolved and negotiations are continuing on opportunities to be
involved in staff and retailer education. Committee members involved in ongoing education
at the Tweed City Centre will report when needed to the Equal Access Advisory Committee.

This Item is now closed.

2. Pedestrian Access along Tumbulgum Road between Murwillumbah Library and Coolamon Cultural Centre

Tweed Shire Council Director of Engineering and Operations addressed the Committee on this matter and provided an update on the Traffic Committee recommendations for addressing safety and accessibility along this footpath. Traffic speed will be reduced to 40kmph and signs indicating cyclists dismount between Murwillumbah Library and Coolamon Cultural Centre. Preliminary investigation will occur through 2013 on stabilising the river bank so the footpath can be widened. These works will be undertaken in the next two to three years.

This item is now closed.

- 3. Main doors to Murwillumbah Hospital difficult to access This matter will be held over to next meeting.
- 4. Airlines two wheelchair policy accepted by AHRC as possible discrimination case Response to this matter postponed.

5. Affordable entry to Murwillumbah, Kingscliff and South Tweed Aquatic Centres for people with permanent or temporary disabilities

The Motion to Council on responding to this issue passed at Council meeting in March. A workshop of EAAC members to address this matter has commenced. Update to be provided at next meeting.

6. Pathways/beach access at Casuarina

Trevor Harris investigated the two kilometres of walkway and reported that much work needs to be done to upgrade the full length to accessible standard. Council's Works Section will address some maintenance issues. There are insufficient funds to upgrade the whole walkway at this time. A letter will be sent to community member who raised this issue explaining the situation.

This item is now closed.

7. Access issues on Creek Street, Hastings Point

The developer responsible for proposed development at the end of Creek Street will be responsible for upgrade of Creek Street in the longer term. In the short term Council will renovate the grass nature strip to improve safe walking path and some maintenance on the worst potholes will be undertaken.

This item is now closed.

- 8. Road crossing on Chinderah Bay Drive from Homestead Holiday Park to bus stop Guide Dogs will be contacted to arrange a meeting with Council staff and a person with vision impairment to discuss appropriate way finding indication for roadway to assist safer crossing of Chinderah Bay Drive to the bus stop.
- 9. Designated Accessible Parking Bays at Tweed Mall Centro
 Tweed Centro will upgrade the surface of the Designated Accessible Parking Bays to
 address the water pooling issue. Council and the Centre Management are looking at
 placement of DAPBs to address future parking needs.

This item is now closed.

- 10. Kerb ramp removed at Sunnyside Mall in Murwillumbah Council is discussing on position of DAPBs and curb ramps with Sunnyside Mall. Trevor Harris will report back to Committee at next meeting.
- 11. Enquiry from Home Modifications regarding kerb ramp in Banora Point Kerb ramp requested completed. Further information is required about the safety of motorised scooters travelling from private property onto roadway via kerb ramp where there is no footpath.

This item is now closed.

Agenda Items

Access and Inclusion Policy and Action Plan

Draft Access and Inclusion Action Plan provided to Committee members prior to the meeting for feedback and comment. Feedback was positive with members happy for the plan to be

progressed to final stage. The Draft Access and Inclusion Policy will be circulated to members for comment.

2. All Access Playground

Update on All Access Playground project provided by Karen Collins.

3. Tweed Link monthly Access All Areas column

Theme for April/May/June is the All Access Playground project.

Access funds

Held over

General Business

Regional Access Committees Forums for 2013

The Northern Rivers Councils Officers responsible for Access and Disability met on 15 April to plan the next regional access forum. The next forum will be held on 3 June at Lennox Head Community Centre (date to be confirmed by end of April). All members of Tweed Shire Equal Access Advisory Committee invited to attend. Transport will be available if required. Further information will be circulated to members.

2. International Day of People with Disability 2013

The EAAC recommendation that \$10,000 from Access funds be made available for events supporting International Day of People with Disability 2013 to be held by Council and managed through the Aged and Disability Development Officer and organising committee as in 2012 will go to Council meeting on 18 April. Update on progress and plans for 2013 will be provided at the next meeting.

3. Workshop on Access and Inclusion for Councillors as per Motion to Council approved in August 2012

Workshop will be held on 2 May provided by Joe Manton from the Institute of Access Training Australia. A second workshop will also be held for Council staff.

4. Request for assistance from Murwillumbah Cricket Club

A request for funding of \$3,850.00 to improve parking and pathway access at Murwillumbah Cricket Club including path to and entry into existing accessible toilet facilities was recommended by the committee. The Cricket Club has been improving access into the club with private sponsorship and will be hosting sports activities for children with disabilities in 2013.

RECOMMENDATION:

Moved: Milena Morrow

Seconded: Suzanne Hudson

That Access Funds of \$3,850.00 be provided to Murwillumbah Cricket Club to improve access by constructing a designated accessible parking bay and paths of travel from designated accessible parking bay to club house and existing accessible toilet facility.

Develop strategy for access funding

Sub-committee will develop a strategy for responding to requests for assistance to address access issues.

Action: Sub-committee workshop held from 12noon to 1pm on 17 April 2013.

6. Goal Ball event

Suzi Hudson informed the committee that a Goal Ball event sponsored by Guide Dogs Australia was held in Tweed. Suzi Hudson will contact Guide Dogs for further information about future regional events and possibilities to assist with advertising.

7. Footpath access in emergencies

Ron Douglas raised the issue of ensuring that Council was aware of restricted access to footpaths following emergencies such as fire. A letter will be sent to local commands in emergency services advising them of access considerations and protocols when blocking footpaths following emergency events.

Action: Karen Collins to write letter on behalf of Committee.

The meeting closed at 12.00noon.

Next Meeting: 21 June 2013

EXECUTIVE MANAGEMENT TEAM COMMENTS:

Request for Assistance from Murwillumbah Cricket Club Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

Request for Assistance from Murwillumbah Cricket Club

That Access Funds of \$3,850 be provided to Murwillumbah Cricket Club to improve access by constructing a designated accessible parking bay and paths of travel from the designated accessible parking bay to the club house and existing accessible toilet facility.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve

services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

86 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013

SUBMITTED BY: Planning and Infrastructure



SUMMARY OF REPORT:

The Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 be received and noted.

REPORT:

The Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 are reproduced as follows for the information of Councillors.

Venue:

Mount Warning Room, Murwillumbah Civic Centre

Time:

9.00am

Present:

Cr Katie Milne, Patrick Knight, Danny Rose, Steve Twohill, Toong Chin (OEH), Wayne Pettit, Chris Chrisostomos (SES), Robert Quirk, Felicia Cecil, Max Boyd (left meeting 11.35am), Paul Taylor.

Apologies:

Brian Sheahan (SES), Lindsay McGavin (TSC), Iain Lonsdale (TSC), Samuel Dawson.

Minutes of Previous Meeting:

Moved: F Cecil

Seconded: P Taylor

RESOLVED that the Minutes of the Floodplain Management Committee meeting held 8 March 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item 3 - January 2013 Flood Discussion of Issues

The Committee discussed various issues relating to the magnitude of this flood, and the inaccuracy of some of Bureau of Meteorology's predictions. Community awareness and resilience were key, and must be addressed in community education programs.

Item 4 - Murwillumbah Levee Slip

The Committee noted Council's adoption of an amended recommendation that no further action be taken regarding regulation of waterskiing upstream of Murwillumbah Bridge. The Committee noted that this issue should be referred to the State Government Roads and Maritime Services, through the Tweed River Committee.

Agenda Items:

1. Stotts Creek Dredging Studies

Attachment: Environmental Assessment and Dredging Options Report - Stotts Channel, Worley Parsons, 19 November 2009. Copy circulated prior to meeting and attached to minutes.

Chronology of the Stott's Creek Dredging Report:

October 2009: Report presented to the Tweed River Committee

Report provides advice on options for dredging and approvals processes, but does not attempt to validate the need or beneifts of the works. It does not include any flood modelling or hydraulic assessment. Report forwarded to the Duranbah Swamp Drainage Union.

December 2009: Item deferred to February 2010 committee meeting

Drainage Union still considering report.

February 2010: Council wrote to the Duranbah Swamp Drainage Union summarising the costs and approvals processes as detailed in the report. The letter advises that Council could act as proponent for the works to make approvals more achievable, however the costs to prepare applications and undertake the project would rest with the drainage union.

February 2010: Item held over to April 2010 committee meeting

April 2010: No further actions minuted from the Tweed River Committee.

December 2012: Letter from Duranbah Swamp Drainage Union advising that due to high cost of the project, they would not be proceeding.

Discussion Points:

- The Drainage Union has invested heavily in vegetation control (e.g. overhangs) in the channel, with noticeable improvements in local drainage and channel flow.
- There are likely to be many changes in sediment deposits in the channel following the January flood.
- It is unclear whether the subject works would fall under the State Floodplain Programs or are drainage works under Estuary Programs. This would have implications for eligibility for grant funding.
- Such works need to be part of a broader management plan to have any weight with decision makers.
- Given sea level rise predictions and the steady consolidation (sinking) of the floodplain under agriculture, the only practical way to maintain drainage into the future are pumped systems.
- Should the land no longer be viable for agriculture, and it reverts to wetland, there was concern that many of the previous acid problems would reoccur and fish kills would once again be prevalent once management measures such as liming are ceased.

Moved: M Boyd Seconded: P Taylor

RESOLVED that

- The Committee notes the Stotts Channel Environmental Assessment and Dredging Options Report;
- 2. Sugar cane industry representatives be formally consulted regarding rural drainage and flood mitigation recommendations of the Tweed Valley Floodplain Risk Management Study;

3. A report be provided to the next Committee meeting regarding earthworks compliance issues in Dulguigan.

2. Murwillumbah Levee and Riverbank Inspection

Steve Twohill provided a powerpoint presentation, prepared by Infrastructure Engineer, Leon McLean. Copy attached to minutes.

Moved: M Boyd Seconded: R Quirk

RESOLVED that Council apply for funding from the State Government to formulate a floodplain program to provide preventative bank erosion works and to conduct bank slip analysis along the Murwillumbah and South Murwillumbah levees.

3. Floodplain Filling Policies

Danny Rose provided a powerpoint presentation. Copy attached to minutes.

Discussion Points:

- Some committee members were concerned about design flood levels in relation to climate change, and that filling was a short sighted policy.
- Some committee members requested evidence that Tweed's filling policies were best practice floodplain management.

Moved: K Milne Seconded: R Quirk

RESOLVED that a report be provided to the next Committee meeting outlining the filling policies of other Councils.

4. Community Education Program

A draft community education program distributed to the committee for discussion.

The SES is already very active in this regard. Unfortunately Council officers were unable to discuss this draft program with SES officers prior to the meeting.

There are a number of issues to consider:

- The best time to conduct sessions is immediately after an event.
- Elderly people without computers need alternate means of communication and getting relevant information.
- Identifying vulnerable people and compiling a register.
- The capacity of local radio stations to provide real time flood information (e.g. 88 FM).
- Community education and funding opportunities require completion of the Floodplain Risk Management Plan.

 Intelligence capacity should be increased by the installation of more rain and river gauges.

This item was deferred to next meeting to allow Council officers to meet with SES personnel.

4. Flooding Information on Council Website

Brian Sheahan (SES) tabled the following matter for the Committee's consideration:

- "That TSC informs on its website, in areas where flood modelling has been carried out, the following information to residents within that area:
- a) ground level of the property on which residence is built;
- b) floor level of the residence;
- c) flood model heights for 1%, 10% and 20% flood events."

Most of this information is already held by Council. There may be technical issues to address in providing this on the existing webpage. Examples of good Council websites are Richmond River and Lismore Shire.

Moved: W Pettit Seconded: D Rose

RESOLVED that a report be provided to the next Committee meeting regarding the ability for Council to provide residents with property specific flood information.

General Business:

6. Floodplain Management Association

Danny Rose will be appointed as Technical Director of the Floodplain Management Association at the Conference in May. This will provide Council with a very good opportunity to pursue its floodplain issues.

7. Chinderah and Districts Residents Association Submission

Felicia Cecil requested that the CDRA be invited to discuss their submission for the Tweed Valley Floodplain Risk Management Study and Plan with the Committee.

Moved: R Quirk Seconded: F Cecil

RESOLVED that representatives of the Chinderah Districts Residents Association be invited to attend the next Committee meeting to discuss their submission.

8. Tsunami

The SES advised that they have recently undertaken a tsunami planning exercise. There was some concern that Council had no planning or policies regarding this natural disaster.

The Committee is advised that the floodplain management process does not extend to the management of tsunami, and is therefore outside the scope of this committee.

The SES is however the designated combat agency for tsunami.

Next Meeting:

The next meeting of the Floodplain Management Committee will be held 5 July 2013.

The meeting closed at 1:30pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.5 Ensure adequate stormwater drainage, flood management and evacuation systems are in place to protect people and property from flooding

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Council Meeting Date:	Thursday 20 June 2013
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87 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013

SUBMITTED BY: Planning and Infrastructure



SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 be received and noted; and
- 2. The Executive Management Team's recommendations be adopted as follows:

Executive Management Team Recommendations:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

- 1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
- 2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

- A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
- 2. The designation of one-way for Ivory Place is not supported.
- A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

3. Council notes the Local Traffic Committee's advice in relation to Item B9 [LTC] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools with regard to the original Notice of Motion of 15 November 2012 and subsequent report of 13 December 2012:

"COMMITTEE ADVICE:

That the feedback from the Committee regarding the proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools be noted and considered by Council as follows:

1. RMS Data

The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. DEC Policies

The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

3. Independent School Policies

The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed."

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Michael Kenny, Mr Danny Rose, Mr Robert Smith, Mr Col Brooks, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Cr Barry Longland, Cr Michael Armstrong, Mr Geoff Provest MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 4 April 2013 be adopted as a true and accurate record of proceedings of that meeting.

RESOLVED that the Minutes of the B-Double Route Meeting held 4 April 2013 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] SCHEDULE OF OUTSTANDING RESOLUTIONS

From Meeting held 7 March 2013

[LTC-SOR] Pottsville Road (B2)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 56883966; Traffic - Committee; Traffic - Speed Zones; Pottsville Road

SUMMARY OF REPORT:

This item was on the Schedule of Outstanding Resolutions from meeting held 7 February 2013 (Item 2) and is brought forward for further discussion.

"Council is requesting a review of the 100km/h speed limit on Pottsville Road due to the high incidence of speed related type crashes.

In the five year period July 2006 to June 2011 there were 31 recorded crashes with 27 of those crashes "off path on curve".

The 85th percentile speeds and Average Daily Traffic are as follows:

	Date	85 th Percentile Speeds	Date	ADT
POTTSVILLE ROAD - MOOBALL END	5/02/2008 3/07/2002	80 85	5/02/2008	847
POTTSVILLE ROAD - NORTH of TREATMENT PLANT	7/04/2011	85	7/04/2011	850
POTTSVILLE ROAD - NORTH of TWEED VALLEY WAY	7/04/2011 24/03/2010 5/02/2008	82 85 80	7/04/2011 24/03/2010 5/02/2008 25/05/2005 28/08/2002	852 930 847 1077 841
POTTSVILLE ROAD - OFF CUDGERA CREEK ROAD	15/02/2012 31/03/2010	76 77	15/02/2012 31/03/2010 25/05/2005 5/09/2002	1093 1335 3390 2596

From Meeting held 7 February 2013:

COMMITTEE ADVICE:

That the speed limit on Pottsville Road be referred to Roads & Maritime Services (RMS) for review in consideration of the speed related crash history on this road and be placed on the Schedule of Outstanding Resolutions.

Current Status:

That the Schedule of Outstanding Resolutions Item Pottsville Road, from Local Traffic Committee meeting held 16 May 2013 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 18 October 2012 (Item B2)."

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From Meeting held 7 February 2013

[LTC - SOR] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 62398160; Traffic - Committee; Traffic - School Zones; Traffic - Safety;

Pedestrian - Safety; Equal Access Advisory Committee

SUMMARY OF REPORT:

The Chairman requested that this item was moved to the B section of the Minutes (B9).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 2999860; Traffic - Committee; Traffic - Lights; Traffic - Roundabouts;

Kennedy Drive; Ducat Street

SUMMARY OF REPORT:

Request received in relation to traffic congestion on the Kennedy Drive roundabout:

- "1. It would appear that at the Kennedy Drive & Ducat St. intersection more time has been allocated to the right turn green arrow (to Ducat St.)off Kennedy Drive outbound from Tweed Heads. This causes a subsequent reduction in time that Kennedy Drive traffic inbound to Tweed Heads can proceed through that intersection. This traffic then banks up into the roundabout causing further congestion on the roundabout.
- 2. A "KEEP CLEAR" section should be marked on the roundabout adjacent the Highway southbound off ramp. Traffic banks up & the traffic exiting the Pacific Highway cannot enter the roundabout to proceed west along Kennedy Drive.

Delays at peak hour are becoming significant on Kennedy Drive. My thoughts are a reduction in time for westbound traffic to turn right from Kennedy Dr. into Ducat St. & signage marked on the roundabout may alleviate this issue."

RECOMMENDATION TO COUNCIL:

That

- Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
- 2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil PRESENT. DID NOT VOTE - Mr Thomas George

A2 [LTC] Boomerang Street, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 65835974; Traffic - Committee; Traffic - School Zones; Signs - Traffic; St Anthony's Primary School, Kingscliff; Boomerang Street

SUMMARY OF REPORT:

Request received in relation to the access road to St Anthony's Primary School in Boomerang Street, Kingscliff. Sign posting for the school zone and speed limits does not exist.

There is access to the school off Boomerang Street and no School Zone speed limit is in place. As there is direct access to the school to Boomerang Street a School Zone speed limit should be installed.

RECOMMENDATION TO COUNCIL:

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil PRESENT. DID NOT VOTE - Mr Thomas George

A3 [LTC] Pioneer Parade, Banora Point

This item was moved to Section B (B10) at the request of the Chairperson - please refer to Item B10 for decision on this matter

A4 [LTC] Broadway, Burringbar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 66366271; Traffic - Committee; Traffic - Signs; Traffic - Linemarking; Broadway, Burringbar

SUMMARY OF REPORT:

At the request of the Chairperson this item was moved from Section A (A3).

Request received for signage to delineate the T intersection of The Broadway, Burringbar and the Old Pacific Highway.

"As per our phone conversation please be advised that my mother and sister very nearly had a major accident on this intersection one recent evening after visiting us in the Burringbar valley.

I note that the intersection has only a "T" road sign on the approach and no other signage indicating you are approaching a major highway. Because of the incline on the approach to the intersection, road line marking is not visible, so there is no reference point or indicator of your proximity to the Old Pacific highway.

It is very understandable when you look at the intersection that someone not familiar with the intersection would overshoot the intersection and end up, as my sister did, in the middle of the highway right in front of oncoming traffic.

I note your response that no give way sign is required at a "t" intersection, but I note that a giveway sign is placed on the next T intersection toward Murwillumbah which is more open and in my view less dangerous.

It is my view that a road island or at least a give way or stop sign needs to be installed if for no other reason to provide a reference point at which drivers know they should stop before ending out too far into the path of on coming traffic on the Old Pacific Highway."

RECOMMENDATION TO COUNCIL:

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Thomas George PRESENT. DID NOT VOTE - Mr Rod Bates

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM65443838; Traffic - Committee; Traffic - School Zones; Pedestrian -

Safety; School - Lindisfarne Primary

SUMMARY OF REPORT:

Request received from Lindisfarne School after engaging Bitzios Consulting to prepare a Traffic Operations Review dated 15 June 2012 (version 002).

A number of issues were recommended with the majority having been completed in consultation with council officers and through the Local Traffic Committee.

The school children's crossing, footpath and pram ramp works have been completed. The only outstanding issue is the reduction of the school's bus zone and replacement with 15 minute timed parking.

RECOMMENDATION TO COUNCIL:

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil PRESENT. DID NOT VOTE - Mr Thomas George

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3020245; 3054059; Traffic - Committee; Traffic - Parking Zones; Ivory Crescent; Ivory Place

SUMMARY OF REPORT:

The Chairperson requested that this item be moved from Section B to Section A.

Request received in relation to parked vehicles in and around Ivory Place and Ivory Crescent, Tweed Heads. It is reported that:

"The parking of vehicles in and around Ivory Place has become intolerable and completely out of hand to the point residents find it difficult to access their own properties with safety, as the annexed photographs indicate. What you see depicted in the photographs is a daily and regular occurrence. These photographs only depict the intersection of Ivory Place and Ivory Crescent, similar situation occur in many of the surrounding streets. Attempting to access Powell Street from Ivory Crescent cars parked too close to the intersection make it impossible to see vehicular traffic travelling in either direction making it extremely dangerous. We understand Council Rangers regularly patrol the area and issue infringement notices, however this has not solved the ongoing problem.

The majority of the vehicles seen parked in the surrounding streets are there throughout the day and most are employees of the Tweed Hospital. You regularly see the vehicles parked between 8.00 am to 8.30 am and remain there throughout the day until finishing time around 5.00 pm. The opportunity of visitors, trades people and delivery vehicles trying to access parking is impossible.

We understand the hospital does provide some parking for staff, but apparently not sufficient to the decrement of residents of this area and vehicular traffic.

We believe action should be taken by Council before serious or fatal collisions occur. Action that could be taken is making the surrounding streets either two or three hour parking limits, subsequently having the hospital provide more parking for their staff. There is ample room to provide multi story parking at the hospital. Perhaps Ivory Place could be made one way traffic with parking permitted only on the southern side. I am sure the Council with their many expertise can come up with solutions to the problems."

In urban areas, where traffic volumes are low and residences may be located close to the beginning of a one-way street there is a risk that cars may enter the one-way street in the wrong direction, potentially causing conflict. One-way streets are therefore generally undesirable and not recommended in this instance.

The Chairman requested that this item be moved to the A Section of the meeting.

RECOMMENDATION TO COUNCIL:

That:

- 1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
- 2. The designation of one-way for Ivory Place is not supported.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil PRESENT DID NOT VOTE - Mr Thomas George A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3049922; TRA13/0008; Traffic - Committee; Traffic - Signs; Traffic -

Safety; Wardrop Valley Road; Lundberg Drive

SUMMARY OF REPORT:

The Chairperson requested that this item be moved from Section B to Section A.

Request received for a 'Stop' sign at Lundberg Drive where Wardrop Valley Road meets Lundberg Drive. Currently there is a 'Give Way' sign and it is reported that cars slow but do not stop when turning right onto Lundberg Drive.

Australia Post motorcyclists advise that their vision is obscured by a large mound of dirt in the vacant lot near the corner as well as from a dip in the road and being near a bend. Recently the motorcyclist had to stop suddenly to avoid a collision, which has happened at this location on previous occasions.

Council officers will inspect the site prior to the Committee meeting and provide sight distance measurements and crash data for assessment.

The Chairman requested that this item be moved to the A Section of the Minutes.

RECOMMENDATION TO COUNCIL:

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Thomas George AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil PRESENT DID NOT VOTE - Mr Rod Bates

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Upper Burringbar Road, Burringbar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3053499; Burringbar Road; Upper Burringbar Road; Traffic - Committee;

Traffic - Safety; Traffic - Speed Zones; Traffic - Pedestrian Safety

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles on Burringbar Road particularly between the two rail crossings.

"..... writing to inform you of our community problem we are having with speeding cars between the two rail crossings, there have been numerous accidents on this particular stretch of road as the youth are using these corners as a race track, the road has been widened which allows more speed, there are numerous driveways on this stretch. There are children riding there bikes to school everday, and there seems to be a ten fold increase in P PLATE drivers, last week i rang the police on a speeding car that nearly hit me while i was just across the bridge between guard rail and the road, he was travelling so fast, swerved to miss me with inches to spare and kept speeding without slowing down even when he came so close to hitting me, on friday early evening a car ran off the road into the ditch and hit a tree, from going too fast and losing control. The past couple of years there have been many near fatalities, one horror smash in the same place as friday nights accident, where a local man has severe brain trauma and will never recover. We are requesting as we have done in the past to make this area between the two rail crossings a 60 zone, as we neighbors believe the 80 zone is not suitable and not sensible"

A similar item was discussed at the Local Traffic Committee meeting held 21 October 2010 where the following resolution was made:

"That:

- 1 The NSW Police consider dedicating resources to speed enforcement along Upper Burringbar Road.
- 2. Pedestrian and cyclist warning signage be placed along Upper Burringbar Road at locations deemed appropriate by Council officers."

COMMITTEE ADVICE:

That:

- 1. Consideration be given to a review of the speed limit on Upper Burringbar Road, Burringbar and supporting information be forwarded to the Roads & Maritime Services.
- 2. This item be listed on the Schedule of Outstanding Resolutions.

B2 [LTC] Tweed Valley Way, South Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3051665; Traffic - Committee; Traffic - Safety; Traffic - Speed Zones;

Tweed Valley Way, South Murwillumbah

SUMMARY OF REPORT:

The Roads and Maritime Services (RMS) has advised of completion of a speed zone review of Tweed Valley Way, South Murwillumbah as follows:

- "1. The existing 60km/h speed limit is reduced to 50km/h on Tweed Valley Way, Murwillumbah from 200m south of Mistral Road to Alma Street.
- 2. Council is requested to undertake a delineation review of Tweed Valley way, including a ball bank survey."

COMMITTEE ADVICE:

That the Committee notes the Roads and Maritime Services speed zone review of Tweed Valley Way, South Murwillumbah that "The existing 60km/h speed limit is reduced to 50km/h on Tweed Valley Way, Murwillumbah from 200m south of Mistral Road to Alma Street."

B3 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

This item was moved to Section A (A6) at the request of the Chairperson - please refer to Item A6 for decision on this matter.

B4 [LTC] Tweed Valley Banana Festival 31 August 2013

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 66472451; 3053238; Traffic- Committee; Traffic - Control; Roads - Closures - Temp; Roads - Closures - Murwillumbah; Roads - Closures - General; Tweed Valley Banana Festival; Nullum Street; Wollumbin Street; Commercial Road; Wharf Street; Murwillumbah Street; Queensland Road

SUMMARY OF REPORT:

Request received for temporary closure of Nullum Street, Wollumbin Street, Commercial Road, Wharf Street, Main Street and Queensland Road to Murwillumbah Showgrounds for the Tweed Valley Banana Festival street parade on 31 August 2013.

COMMITTEE ADVICE:

That the temporary closure of roads associated with the Tweed Valley Banana Festival street parade on 31 August 2013 from 11.30am to 1.30pm and the temporary use of the Knox Park carpark in Wollumbin Street be supported subject to Police approval and compliance with the Traffic Control Plan.

B5 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

This item was moved to Section A (A7) at the request of the Chairperson - please refer to Item A7 for decision on this matter

B6 [LTC] Boomerang Street - One Way

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3053668; 3054007; Traffic - Committee; Boomerang Street; Kingscliff Street; Traffic - Parking Zones

SUMMARY OF REPORT:

Due to the congestion and parking constraints during school times it is suggested that Boomerang Street become one-way from Seaview Street to Quigan Street. It has also been suggested that parking constraints be applied along one side of Boomerang Street during school zone times.

"Also it has been suggested by a number of residents that Boomerang street becomes one way or at the very minimum parking on only one side of that road.. Boomerang street is quite congested with parking and also access into and out of st. Anthony's and given the number of unit blocks in the street, particularly near the five way.

The five way is busier due to the marine parade one way and if boomerang street was one way away from the five way this would lessen some of the traffic entering the five way particularly at the busy school drop off and pick up times. The one way would work in the future given the proposed extension of Quiggan street over gales land."

When congestion is associated with schools this leads to a lower speed environment which is desirable. Compliance with one-way designation of residential streets can be an issue in that cars may enter the one-way street in the wrong direction, potentially causing conflict. The congestion is exacerbated in the afternoon during school pick up times. Higher density dwellings abut the road with limited on-site parking for visitors. The road carries in excess of 1,000 vehicles per day and any one-way designation may lead to perceived amenity issues on surrounding streets.

COMMITTEE ADVICE:

That:

1. The designation of one-way traffic on Boomerang Street is not supported.

2. Additional parking restraints on Boomerang Street is not supported.

B7 [LTC] Beach Street, Kingscliff Street and Marine Parade, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM3053675; Traffic - Committee; Traffic - Parking Zones; Traffic - Pedestrian Crossings; Beach Street; Marine Parade; Kingscliff Street

SUMMARY OF REPORT:

Request received for the provision of pedestrian crossings at the intersections of Beach and Kingscliff Streets and Beach and Marine Parade.

It is reported that:

"The only way residents living inland between Beach Street and Turnock Street can access recreational beach and park areas of Kingscliff, is to cross over Kingscliff Street (or further south along Pearl Street) and then Marine Parade.

We walk or ride bikes up to the beach two to three times per week. There is a continuous stream of residents walking or riding to the beach every day. The main reason why people come to Kingscliff to live is because of the beach.

We have three or four grandchildren (6 to 10 years old) who we babysit during ALL school holiday periods, and they also visit on weekends and public holidays, and we walk to the beach and swings continuously.

We have to cross the road at the very busy and dangerous intersections of Beach and Kingscliff Street, and then at Beach Street and Marine Parade.

The current situation with crossing at the intersections to get to the beach involves:

- arrive at intersection of Beach and Kingscliff St and turn left and go up about 100 metres
- cross the road at a 'gap' in the concrete island (not marked as a crossing)
- play Russian roulette with the cars which are pouring off the roundabout.... and no-one stops for you
- there is no continuous footpath on either side of Beach Street so you have to cross the road a couple of times
- After crossing at Kingscliff Street, you continue on up Beach Street and cross the road (no safe area or crossing and very dangerous especially with the grandchildren) to get onto the footpath which starts up on the other side of the road
- arrive at Marine Parade and play Russian roulette with the cars once more and cross wherever (no crossing) to get to the park and beach recreational areas
- This whole process is extremely dangerous and nerve racking"

The possibilities for improvement have been received as follows:

- "Extension of the footpath on both sides of Beach Street up to Marine Parade which would enable residents to walk or ride their bikes right up to Marine Parade on the same side of the road.
- 2. A crossing (on top of a speed bump as Council has provided further South on Pearl St) and clear signage across Kingscliff St (south Note: this is the opposite side of the intersection to the current 'gap' in the concrete. Note also that residents will not want to 'walk a mile' to get to a crossing so it needs to be just south of the Beach and Kingscliff Street intersection.
- 3. Continuation of the footpath up Beach St so that you don't have to cross Beach St further up to stay on the current footpath.
- 4. A crossing (on a speed bump) to get over Marine Parade (to the south) of the intersection.

In conclusion it is recommended that Council provide safe road crossings at the intersections of:

- 1. Beach and Kingscliff Streets, and
- 2. Beach and Marine Parade,

Thank you for the opportunity of putting our view forward and calling for roadworks submissions. We look forward to hearing what Tweed Shire Council can do for residents in this instance."

A site inspection has been conducted with the customer and information was provided in relation to marked crossing warrants and a review of existing speed volumes indicated that a marked pedestrian crossing on Kingscliff Street near the intersection of Beach Street would not meet the warrants. Similarly a marked pedestrian crossing on Marine Parade near the intersection of Beach Street would not meet the warrants. There are pedestrian island crossings available at both locations.

The request for footpath extension be included in the future Pedestrian Access Mobility Plans.

COMMITTEE ADVICE:

That no further action is required regarding the provision of pedestrian crossings on Kingscliff Street and Marine Parade at Beach Street as warrants would not be met.

B8 [LTC] Marine Parade, Kingscliff - Car Park

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 66036305; 66067399; Traffic - Committee; Local Area Traffic Management; Parking - Zones; Loading Zones; Car Parks - Kingscliff

SUMMARY OF REPORT:

Request received for consideration of changing the traffic flow direction for the Marine Parade car park to a south to north direction.

"Further to our onsite meetings the Kingscliff Chamber of Commerce confirms our request for Council's Traffic Committee to consider changing the traffic flow direction to a south to north direction for the Marine Parade carpark. In addition we confirm we would like Council's Traffic Committee to investigate making the parallel parks along this section of Marine Parade longer (albeit meaning the loss of a small number of carparks) in order for to make parking easier for people.

We would also request the placement of Commercial Loading Zones, decided in consultation with you, as shown on the attached diagram to operate on Mondays – Fridays between 9:00am and 4:00pm."

The Loading Zone adjacent to the Azure building was approved by the Committee at its 7 March 2013 meeting. As part of the upgrade works the existing zone adjacent to the Community Centre is to be relocated to the north of the entrance to the caravan park. The parking space lengths along the one-way section of Marine Parade are to be increased to improve access.

COMMITTEE ADVICE:

That the:

- 1. Timed parking and loading zone placements in Marine Parade are to be reviewed once the parking upgrade works are completed.
- 2. Proposed change to the traffic flow direction through the car park adjacent to the caravan park is not supported.
- B9 [LTC] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

ORIGIN:

Planning & Infrastructure

FILE No: ECM 62398160; Traffic - Committee; Traffic- School Zones; Traffic - Safety; Pedestrian - Safety; Equal Access Advisory Committee

At the Local Traffic Committee meeting held 16 May 2013 this item was brought forward from the Schedule of Outstanding Resolutions.

At the 15 November 2012 meeting, Council considered a Notice of Motion and resolved as follows:

"Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools:

RESOLVED that Council officers prepare a report with respect to the state of repair of existing roads, footpaths and pedestrian crossing which service local schools, upon the criteria of safety and equality of access within designated school zones. The report to be presented to Council prior to the commencement of the 2013 NSW School Year."

In consideration of this resolution, Council officers completed a desk top investigation that identified within Tweed Shire:

- 42 Schools (primary and secondary)
- 21.3km road within associated school zones
- 11.5km footpath within associated school zones
- 10 school crossings and 12 pedestrian crossings within school zones
- 306 school zone signs

To complete an audit of these facilities, to include asset ratings (physical condition), safety assessment (review existing infrastructure and conditions), operational assessment (observation of school operations during morning and afternoon peaks), and equal access assessment (requiring a consultant), funding of approximately \$74,000 would be required.

It was also noted that completion prior to the 2013 school year was not feasible, with a more realistic timeframe to complete the above and report to Council being April 2013.

The findings of the desktop investigation were considered by Council at the 13 December 2012 meeting. This report recognised that such an audit could realistically only deal with issues within Council's own control, and the costs of this audit are a significant impost on the community. In order to take an all of government / inter-agency approach to the audit, the advice of Local Traffic Committee was recommended in order to provide a more effective and equitable approach. Council adopted the recommendation and resolved as follows:

"34 [EO-CM] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

Cr M Armstrong Cr P Youngblutt

RESOLVED that:

- 1. Council defer the audit proposed in the Council Resolution of 15 November 2012 and seek the Local Traffic Committee's (RMS, Police, local members of the NSW Parliament and Council representatives) advice on how to best address safety and equal access issues in the vicinity of schools.
- 2. Further action on the audit be deferred until Council has authorised necessary expenditure pending receipt of advice referred to above.

The Motion was Carried

FOR VOTE - Unanimous"

ADVICE FOR COUNCIL

In response, the Committee considered the following issues were of primary concern for road and pedestrian safety within school zones:

- Lack of designated and controlled pick up / drop off points within school property
- Lack of separation of car, bus, cyclist and pedestrian traffic
- Increasing volumes of car traffic at peak times in favour of other modes

These factors lead to poor compliance with parking controls, conflicts between modes and poor practices such as dropping children on the opposite side of the street. However these issues are largely beyond Council's ability to solve in existing urban areas without heavy involvement and investment by the schools and the Department of Education and Communities (DEC).

At this stage the Committee is unable to make any specific traffic / road safety recommendations for particular schools. The Committee deals with such specific issues as they arise in response to correspondence from the schools, parents and adjacent residents.

Where issues relating to the state of repair of road and footpath infrastructure are raised, LTC refers these requests to the Works Unit for action via the Customer Request management system. The Works Unit then addresses the assessment and rectification of this infrastructure in accordance with asset management plans.

On consideration of these issues the Committee recommended that the existing resources and databases of the RMS and DEC be utilised to provide an initial audit of known safety and access issues around schools and that this information be reported back to LTC for further discussion. The Committee considered that understanding of this base information will better inform further communication with individual schools and their representatives.

Other options considered by the Committee included surveys and other means of consultation directed to school Principals, P & Cs and public transport providers (buses, taxis, special needs vehicles etc).

It was acknowledged that Council may not be the lead agency for many issues relating to safety and access around schools and an important step is to request the policies of DEC relating to traffic around schools and related facilities for further analysis.

Overall the Committee was mindful that the scope of issues relating to the Council resolution needs to be well defined to ensure the process is manageable and useful.

COMMITTEE ADVICE:

That:

- 1. Council writes to Roads & Maritime Services (RMS) and Department of Education (DEC) requesting access to existing databases and audit reports relating to safety and equal access in school zones for Tweed Shire.
- 2. Council liaise with DEC Regional Director to obtain relevant policies and procedures relating to traffic management, equal access and provision of facilities for state schools.
- 3. Council liaise with the relevant bodies for the independent schools within the shire seeking similar policy and procedure information.
- 4. Local Traffic Committee (LTC) seeks feedback from the Equal Access Advisory Committee with regard to known access issues relating to schools.
- 5. This item be listed on the Schedule of Outstanding Resolutions so that the findings of the above can be reported back to the Committee for further consideration.

From Meeting held 16 May 2013:

Various discussions took place relating to traffic issues arising from major traffic generating developments.

It was suggested that Council writes to state members raising concerns about the uncoordinated approach towards traffic management and related safety issues around all government institutions including schools, hospitals and police stations, seeking interdepartmental cooperation.

Council officers reported to the Committee regarding the 4 action items above.

1. RMS Data

The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. DEC Policies

The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

Thomas George and Col Brooks left at 11.50am

3. Independent School Policies

The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed.

COMMITTEE ADVICE:

That the feedback from the Committee regarding the proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools be noted and considered by Council as follows:

1. RMS Data

The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. DEC Policies

The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

3. Independent School Policies

The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed.

B10 [LTC] Pioneer Parade, Banora Point

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 66181623; Traffic - Committee; Traffic - School Zones; Pioneer Parade

SUMMARY OF REPORT:

The Chairman requested that this item be moved from Section A to Section B.

Request received for the installation of a "No Right Turn" signage on Pioneer Parade, Banora Point, to limit access to the School's off road car park and pick up area to a left in only movement.

It is reported that the existing arrangement leads to conflict and impacts on south/west bound through traffic on Pioneer Parade.

"We have had several parents complain about the practice of turning into oncoming traffic at drop-off zone which is causing frustration and confusion amongst drivers."

COMMITTEE ADVICE:

That 'No Right Turn' signage on Pioneer Parade is not supported.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 13 June 2013 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 12.50pm.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

- 1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
- 2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.
- A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

- A3 Not Applicable moved to B Section of Minutes
- A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

- 1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
- 2. The designation of one-way for Ivory Place is not supported.
- A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

Executive Management Team Comments:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

Nil.

Executive Management Team Recommendations:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

- 1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
- 2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

Executive Management Team Comments:

A2 [LTC] Boomerang Street, Kingscliff

Nil.

Executive Management Team Recommendations:

A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

A3 Not Applicable - moved to B Section of Mintues

Executive Management Team Comments:

A4 [LTC] Broadway, Burringbar

Nil.

Executive Management Team Recommendations:

A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

Executive Management Team Comments:

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

Nil.

Executive Management Team Recommendations:

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

Executive Management Team Comments:

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

Nil.

Executive Management Team Recommendations:

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

- 1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
- 2. The designation of one-way for Ivory Place is not supported.

Executive Management Team Comments:

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah
Nil.

Executive Management Team Recommendations:

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.4 An integrated transport system that services local and regional needs
- 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

[SUB-TRRMAC] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013

SUBMITTED BY: Community and Cultural Services



SUMMARY OF REPORT:

The Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 be received and noted.

REPORT:

The Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Cultural Centre

Time:

2:35pm

Present:

Cr Michael Armstrong; David Oxenham (Director Community & Natural Resources); Naida Tattersall (Manager Community & Cultural Services); Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Fay O'Keeffe (Community); Janet Swift (Community); Peter Budd (Community); Joan Smith (Tweed Heads Historical Society); Denise Garrick (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Mary Lee Connery (Uki & South Arm Historical Society); Max Boyd (Murwillumbah Historical Society); Beverley Lee (Murwillumbah Historical Society).

Apologies:

Nil

Minutes of Previous Meeting:

Moved: Denise Garrick Seconded: Joan Smith

RESOLVED that the Minutes of the Tweed River Regional Museum Advisory Committee meeting held Thursday 21 March 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item 3 from Meeting held 21 March 2013

3. Discussion of TRRM Strategic Plan

Regarding the suggestion by Committee member, Peter Budd, to rename the Museum (email circulated prior to meeting), Naida Tattersall, Manager Community & Cultural Services, addressed the Committee:

Council's Communications and Marketing Unit have advised that the Museum will be given its own branding, one of only 2 sub-brands allowed by Council. The other is the Art Gallery.

Discussion at this meeting:

Peter Budd addressed the meeting regarding this item, and expressed his desire to have the words 'heritage' and 'discovery centre' in the name of the museum.

The following motion was proposed:

Moved: Peter Budd Seconded: Fay O'Keeffe

RESOLVED that discussion be held on the Tweed River Regional Museum's name with a view to the possibility of changing it at some time in the future.

Denise Garrick spoke against the motion:

The name of the Museum was decided by consensus in 2004 when the Historical Societies gifted their collections to Tweed Shire Council.

The word 'museum' is nationally and internationally recognised, illustrated by the celebration of International Museums Day.

A change to Heritage Discovery Centre would disconnect the Museum from this association.

Helena Duckworth spoke for the motion:

The word 'museum' implies stuffed objects to some. Can the words 'heritage and 'discovery' be incorporated into the name without losing the word 'museum'.

Gary Fidler advised that Tweed Shire Council is spending large amounts of money on cultural facilities throughout the Shire, and consideration should be given to simplifying facility names and making them consistent in order to assist with branding and promotion.

The Chairperson, Max Boyd,	called for a	a vote on	the motion.
Carried			

Agenda Items:

1. Museum Director's Report and Historical Society Reports

Museum Director's Report Museum building and development

TRRM Murwillumbah

Work on site is progressing steadily and is on schedule. Remaining demolition, excavation and site preparation was completed in April. Pouring of the slab for new the new addition took place on during the first week of May.

Collections Store

Work continues with fit out, unpacking and consolidation of collections at the store. Air conditioning and humidity control are now installed in the 'pod' and unpacking of paper, textile and other fragile works to be stored in this area has commenced.

TRRM Tweed Heads (Kennedy Drive and Flagstaff)

Further maintenance work on Boyd's Shed is underway (replacement of rotten boards on the external walls of the building).

Collections

Assessment and Relocation project, Murwillumbah

A number of crates and shipping containers were required to temporarily accommodate large items from Murwillumbah during the collection relocation process. The items in the crates are now being carefully research to establish their status and significance before any are consolidated into the store. This process will be ongoing throughout 2013. Members of the Museum Research group are providing valuable assistance.

Assessment and Relocation project, Tweed Heads

Work on moving items in storage at Tweed Heads into the new store commenced in February and continues to progress well. It is anticipated that all works in storage at Tweed Heads will be relocated by the middle of the year.

De-accessioning program

A five-page report dealing with items proposed for de-accession was included in meeting papers and sent to Committee members two weeks prior to the meeting.

Acquisitions

The following Proposed Acquisitions were tabled at the meeting.

Object Description

Bicentennial material including commemorative postcards and envelope; bound book of hand coloured lino prints created by Year 10 Art Students from Murwillumbah High School; Bicentennary scrapbook; Tweed Shire Bicentennary Committee documents, NSW Department of Education Bicentennial Education Resource folder and Australia Day 1985 and 1986 documents.

Donor

Bill Quantrill

A bound booklet that contains 8 handwritten pages (a copy print - non original) prepared by pupils and teacher of Mount Burrell Public School to commemorate Education Centenary 1948

Barry King

Key on silver "747" key ring and in a green box with label on the base of the box "key to cockpit of "City of Gold Coast Tweed" presented to Max Boyd in Seattle 21 January 1981; gold pen in brown box with label on the base of the box "This pen signed the contract Boeing/Qantas in Seattle, Wash. 21 January 1981. Max & Marguerite guests of Boeing to return on 1st Special Plane "City of Gold Coast Tweed". Brown photo album with front cover sheet entitled 'Delivery of First Boeing 747SP to Qantas "City of Gold Coast/Tweed" Everett, Washington USA January 21 1981' and includes 14 large (21cm x 28cm) colour print photos. Qantas foolscap manila folder with photos, press releases, event schedule and news clippings.

Max Boyd

Model of Qantas airplane "City of Gold Coast - Tweed" Barry Grant on metal stand and news clippings and brochure.

Papers and Certificates belonging to Mavis Marjorie McIntyre of Cudgen NSW relating to her training and career as a nurse. Including Nurses Certificate, The Coast Hospital Sydney, completion of four years of training 4 May 1928. Certificate of Registration as a general nurse in NSW 19 Sept 1928. Certificate of Registrsation as a midwifery nurse registered in NSW 14 December 1933.

Lindy McCollum

Souvenir plate and a separate souvenir dish displaying scenes of Murwillumbah and Mt Warning; salt and pepper shakers with scenes of Razorback; toothpick holder with a scene of Boyd's Bay Tweed Heads NSW.

Tony Clark

Collections Management System (CMS)

Demonstrations of Vernon CMS were undertaken at Tweed Heads on 9 and 11 April. These were hampered by IT problems related primarily to network speed. MD is working closely with Council IT staff to diagnose and resolve these problems before completing installation of Vernon at Tweed Heads. However, this does not preclude continuing work on consolidation of data and information into the CMS. MD is in discussion with Tweed Heads volunteers about progressing this work.

Staff update

The new position of Collection and Program Support Officer will be advertised during May.

Naida Tattersall's contract appointment to the position Manager, Community and Cultural Services has been extended until January 2014.

Volunteer policy, procedures and recruitment

Council's new policies, procedures and associated documentation have been provided to all volunteers currently working at Tweed Heads, Uki, Murwillumbah and the Museum store. The procedures require completion of new registration forms by all volunteers.

Following a number of talks given by the Museum Director over the past couple of months a number of new volunteers have commenced work with the Museum.

Museum staff are also working toward the launch of a major volunteer recruitment drive in the second half of 2013.

Volunteers required for front of house and other tasks in the lead up to and following reopening of the Tweed River Regional Museum Murwillumbah will be recruited via Council's new procedures and inducted, trained and coordinated by Museum staff.

Following adoption of the new Volunteer Policy in April, a dedicated page will be added to Council's website directing potential volunteers to a range of volunteering opportunities with Council, including the Museum.

Recommendation: That the Museum Director's report be received and noted by the Committee and the proposed acquisitions and de-accessions be accepted.

Moved: Judy Kean Seconded: Fay O'Keeffe

RESOLVED that the Museum Director's report be received and noted by the Committee and the proposed acquisitions and de-accessions be accepted.

Historical Societies Reports

Reports were circulated to Committee members prior to the meeting.

Museum Director, Judy Kean, advised that elements of the reports containing feedback on the Strategic Plan have been incorporated into the latest draft of the Plan.

Agenda Item 1 was suspended for discussion of Agenda Item 2

Chairperson, Max Boyd, enquired if the aim of the meeting was to finalise the Vision, Mission, and Legacy in the Strategic Plan.

Museum Director, Judy Kean, advised that this was the aim of the meeting, and also to decide on the goals for 2013-2017.

Moved: Gary Fidler Seconded: Janet Swift

RESOLVED that Museum Director, Judy Kean, create a final version of the Vision, Mission, Legacy and Goals 2013-2017 using the feedback received from the Historical Societies, and bring this back to the next meeting for approval.

Resumption of discussion of Agenda Item 1

Historical Society Reports

Mary Lee Connery enquired about the TRRM Tweed Heads problem with buses in the carpark.

Joan Smith advised that the buses were damaging the carpark surface as well as blocking visibility to the Museum.

Max Boyd advised that he felt sure that Director Community & Natural Resources, David Oxenham, would resolve the problem as soon as possible.

Councillor Michael Armstrong advised that he would take this on as a personal issue and see that it was resolved.

Denise Garrick requested that Museum Director, Judy Kean, update the Committee on the problems associated with accessing Vernon CMS at TRRM Tweed Heads.

Judy Kean advised that network speed was an issue at Tweed Heads and that Council's I.T section have investigated the problems and are identifying solutions, including possible replacement of infrastructure.

Mary Lee Connery advised that TRRM Murwillumbah volunteer, Kevin Dickson, will be present at Channel 7 when analogue television is terminated, as he is the only surviving member of the team that turned on analogue television.

Moved: Denise Garrick Seconded: Beverley Lee

RESOLVED that the reports from Historical Societies be noted by the Committee.

2. Discussion of TRRM Strategic Plan

This was discussed during Agenda Item 1 (see above)

General Business:

3. Research projects

Max Boyd requested that the Museum Director prepare and present a report on research being undertaken by Historical Societies, volunteers and Museum staff for each Museum Advisory Committee meeting to ensure broad awareness of the range of research underway.

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4. RAHS annual meetings

Max Boyd, along with others, attended the Royal Australian Historical Society meeting recently, in Lismore.

Max offered to host the 2015 meeting in the Tweed Shire, at the newly renovated Murwillumbah branch of TRRM. Max advised that this suggestion was met with some opposition at the meeting, and sought feedback from this Committee.

Discussion followed.

5. Flagstaff Hill site

Joan Smith advised that the Committee of the Tweed Heads Historical Society have been having discussions on alternative sites for a new museum at Tweed Heads and is prepared to consider options other than Flagstaff Hill.

6. Volunteers' Week

Museum Director, Judy Kean, thanked all Committee members for their co-operation with the media for the Volunteers' Week celebrations.

She sincerely thanked all volunteers for their contribution to the Museum project, and stated that the gift hampers were a small token of the great appreciation felt by the Museum towards its volunteers.

7. President, Uki & South Arm Historical Society

Judy Kean advised Committee members that Helena Duckworth, President Uki & South Arm Historical Society was made a life member at the recent Society AGM. Committee members congratulated Helena.

8. Friends of the Museum

Gary Fidler advised that the Friends of the Museum are holding their Annual General Meeting on Friday 7 June at 9:30am, followed by a tour of the Museum Storage Facility.

Next Meeting:

The next meeting of the Tweed River Regional Museum Advisory Committee will be held 18 July 2013.

The meeting closed at 3:25pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

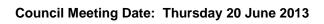
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.



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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE ACTING GENERAL MANAGER IN COMMITTEE REPORTS FROM THE ACTING GENERAL MANAGER IN COMMITTEE

1 [GM-CM] Crown Land at Pottsville

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

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Strengthening the Economy

2 [GM-CM] Application for Deferred Payments Under Business Investment Policy

REASON FOR CONFIDENTIALITY:

Report deals with the business undertakings of a local company

Local Government Act

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.

Valid



REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

3 [CNR-CM] Revised Water Consumption and Recovery of Associated Water Charges for Mantra Resort at Salt

REASON FOR CONFIDENTIALITY:

Report contains information about water consumption and associated charges that are specific to the business concerned.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

Valid



4 [CNR-CM] Eviron Road Quarry and Landfill

REASON FOR CONFIDENTIALITY:

The report deals with confidential commercial negotiations where it is in the public interest is to maintain such confidentiality between the parties.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

Valid





Supporting Community Life



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